

GAO

Report to the Chairman, Subcommittee
on Administrative Oversight and the
Courts, Committee on the Judiciary,
U.S. Senate

November 1998

COMBATING TERRORISM

FBI's Use of Federal Funds for Counterterrorism- Related Activities (FYs 1995-98)



General Government Division

B-276818

November 20, 1998

The Honorable Charles E. Grassley
Chairman, Subcommittee on Administrative
Oversight and the Courts
Committee on the Judiciary
United States Senate

Dear Mr. Chairman:

Since fiscal year 1995, in the wake of the bombings of a federal building in Oklahoma City, the World Trade Center in New York City, and a U.S. military facility in Saudi Arabia, Congress has provided increased federal funding to help federal law enforcement officials fight terrorism.¹ From fiscal years 1995 to 1998, the Federal Bureau of Investigation's (FBI) resources to carry out its roles as the lead agency for combating domestic terrorism and a key support agency for combating international terrorism have substantially increased. As agreed with your office, we focused on determining the amount of funds that the FBI allocated and obligated for fiscal years 1995 through 1998 (as of July 31, 1998), and plans for fiscal year 1999 for domestic and international counterterrorism activities. We also determined what methodology the FBI used to identify its overall counterterrorism funding, including funds for classified activities. This report, however, does not discuss the specifics of the FBI's classified counterterrorism activities.

Results in Brief

The specific amount of funds allocated² and obligations incurred³ by the FBI for counterterrorism is difficult to determine with precision because (1) the FBI's appropriation language had not specifically identified a separate or total amount available to the FBI for counterterrorism and, for

¹As stated in our report Combating Terrorism: Federal Agencies' Efforts to Implement National Policy and Strategy (GAO/NSIAD-97-254, Sept. 26, 1997), federal agencies define "terrorism" differently and use different terms to describe their programs and activities for combating terrorism. The FBI defines terrorism as an unlawful act or threat of force or violence, committed by a group of two or more individuals against persons or property to intimidate or coerce a government, the civilian population, or any segment thereof, in furtherance of political or social objectives. The FBI uses "counterterrorism" to refer to its full range of activities directed against terrorism, including preventive and crisis management efforts.

²As used in this report, "funds allocated" for fiscal years 1995 through 1998 refer to the amount of funds determined by FBI officials to have been associated with various counterterrorism programs and resources distributed among the FBI components.

³Obligations incurred refer to the amounts of orders placed, contracts awarded, services received, and similar transactions during a given period that will require payments during the same or a future period.

most years, only established a minimum that must be spent on counterterrorism-related activities, foreign intelligence, and national security; (2) some of the funds provided to the FBI were allocated to functions, such as training and forensic services, that support multiple FBI missions, including counterterrorism; and (3) the FBI had not been specifically required to identify or account separately for total funds used for counterterrorism-related activities. However, the FBI has generally tracked the obligation of funds allocated for counterterrorism based on statutory direction or congressional guidance.

Moreover, in response to an Office of Management and Budget (OMB) data request, which was implementing a statutory requirement,⁴ the FBI began, in fiscal year 1998, to estimate the amount of overall funds budgeted and used to carry out its counterterrorism mission. Also, the Department of Justice (DOJ) and the FBI took steps to link the allocation of budget resources to annual and strategic plans, including linkages to specific counterterrorism-related performance measures established for fiscal years 1998 and 1999. In addition, DOJ and the FBI are planning to develop a methodology to implement established federal managerial cost accounting standards that, among other things, require federal agencies on a regular basis to report the full cost of their activities.

Although the specific amount of funds allocated and obligated to counterterrorism activities is difficult to determine with precision, our review of financial accounting and budget data provided by the FBI, including data derived by using a process similar to the one used to report budget data to OMB, as well as related data obtained from DOJ, OMB, and congressional source documents, permitted an estimate to be made. That estimate showed that from fiscal years 1995 to 1998, the FBI more than doubled its allocation of resources for combating terrorism, increasing from about \$256 million in fiscal year 1995 to about \$581 million in fiscal year 1998. In total, from fiscal years 1995 to 1998 (as of July 31, 1998), the FBI had allocated an estimated \$1.66 billion of its available funds⁵ to carry

⁴Section 1051 of the National Defense Authorization Act for Fiscal Year 1998, P.L. 105-85, 111 Stat. 1629, 1889, required OMB to establish a reporting system for executive agencies on the budgeting and expenditure of funds to combat terrorism. The act also required OMB to collect annual governmentwide budget and expenditure data on counterterrorism. For more information on this issue, see our report [Combating Terrorism: Spending on Governmentwide Programs Requires Better Management and Coordination](#) (GAO/NSIAD-98-39, Dec. 1, 1997).

⁵During this period, the FBI received about \$11 billion in direct appropriations and other funding to carry out its investigative mission and activities. This figure includes funding reimbursements made available from the Attorney General's Counterterrorism Fund, which is explained later. For fiscal year 1999, the FBI received an appropriation of about \$3 billion to carry out its investigative mission and activities. The Omnibus Consolidated and Emergency Supplemental Appropriations Act, 1999, P.L. 105-277 (October 21, 1998).

out its counterterrorism mission. The FBI expects to allocate about \$609 million for its counterterrorism mission in fiscal year 1999, which includes no-year funds carried forward from prior fiscal years.

As of July 31, 1998, our review of the FBI's financial data showed that it had incurred obligations of about \$1.52 billion of the approximate \$1.66 billion in funds allocated for counterterrorism mission-related activities, since fiscal year 1995. Over one-half of the funds were obligated for counterterrorism-related law enforcement and investigative activities. The remaining funds were used in support of other counterterrorism activities, including efforts to prepare for and respond to terrorist acts and to protect the national infrastructure.

The FBI and DOJ have efforts under way to better identify resources used by the FBI for counterterrorism-related activities. These include efforts to (1) specifically track certain counterterrorism funds; (2) calculate the overall amount of funds associated with counterterrorism-related activities, including shared costs; and (3) link the allocation of budget resources to annual and strategic plans, including specific counterterrorism-related performance measures. In addition, the FBI and DOJ are planning to develop a methodology for reporting full cost of program activities in compliance with established managerial cost accounting standards.

Background

The government's policy on combating terrorism has four major purposes. These are to

- reduce the vulnerabilities of the United States to terrorism;
- prevent and deter terrorist acts before they occur;
- respond to terrorist acts that do occur, including apprehension and punishment of terrorists and management of the consequence of terrorist acts;⁶ and
- develop effective capabilities to address the threat posed by nuclear, chemical, or biological materials or weapons.

In June 1995, Presidential Decision Directive (PDD) 39 designated DOJ, working through the FBI, as the lead agency responsible for responding to

⁶The federal government has responsibility for supporting state and local governments in managing the consequences of domestic incidents and similarly assisting foreign governments in international incidents.

domestic terrorist incidents.⁷ In 1996, Congress passed the Anti-Terrorism and Effective Death Penalty Act (P.L. 104-132), which, among other things, authorized additional funding for the FBI to conduct counterterrorism activities. In May 1998, PDD 62 and 63 expanded upon the policy enunciated in PDD 39, including the FBI's role and responsibilities. PDD 62, among other things, articulated national policy to enhance the nation's capability to prevent and more effectively respond to terrorist events involving weapons of mass destruction, whereas PDD 63 focuses on policy aimed at enhancing the nation's capability to protect the continuity and viability of critical infrastructures.⁸ Together, the two new Presidential Directives divided combating terrorism into 10 areas: apprehension and prosecution, disruptions abroad, international cooperation, preventing weapons acquisition, crisis management, transportation security, critical infrastructure, government continuity, countering foreign threats domestically, and protection of Americans abroad.

As a principal investigative agency of the federal government for terrorism matters, the FBI is to detect and investigate acts of terrorism against U.S. persons and property, both in the United States and abroad. The FBI's investigative authority is broad. Its counterterrorism investigations have included bombings or attempted bombings, hostage-takings, homicides or attempted homicides of U.S. citizens overseas, sabotage, and extortion by threatening to use weapons of mass destruction. These investigations may begin as terrorism-related investigations, but may or may not end up being categorized as counterterrorism cases or incidents.

FBI counterterrorism programs and activities may also include, among other things, preventive and crisis management efforts; training and preparedness exercises; forensic and other support functions, such as hazardous material response, research and development projects; and leadership of joint terrorism task forces and participation in interagency working groups. Appendix II provides an overview of the FBI's unclassified counterterrorism activities and programs.

FBI funding is provided annually in the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations

⁷The State Department has lead responsibility for combating international terrorism against Americans or U.S. interests overseas. Depending on the nature of the threat or incident, numerous other agencies, including the FBI, may be called upon to provide support as needed.

⁸PDD 63 defines critical infrastructures as those physical and cyber-based systems that are so vital that their incapacity or destruction would have a traumatic or debilitating impact on the United States. These systems generally include electrical power, gas and oil, telecommunications, banking and finance, transportation, vital government operations, emergency services, and water supply systems.

Acts. The appropriation generally includes some specific requirements and directions on the use of funds and, in some instances, specific funding for a particular purpose. Most of the FBI's funds are available for 1 year in its salaries and expenses account and are not earmarked⁹ for specific investigative programs or purposes. During the years we examined, the FBI also received some "no-year" funds, i.e., funds available until expended. Since fiscal year 1995, committee reports accompanying appropriation bills and the conference report have generally contained guidance on the use of funds for specific counterterrorism initiatives. Although this guidance, unlike requirements contained in law, is not legally binding, the FBI indicated that it follows such guidance in allocating its resources during the fiscal year. In addition, the FBI has the authority to reprogram funds (i.e., move funds between activities within a given account) without notifying the relevant appropriations committees unless a specific purpose is prohibited or the amount of the reprogramming exceeds a dollar threshold (\$500,000 or a 10-percent change in funding level, whichever is less). Any other reprogramming action requires notification to the relevant appropriations committee.¹⁰ In addition, funds may be available to support the FBI's counterterrorism programs and activities from other congressionally appropriated funding sources provided directly to DOJ, such as reimbursement the FBI may receive from the Attorney General's Counterterrorism Fund. This is a special fund established by Congress in 1995, in response to the Oklahoma City bombing incident, to be used by the Attorney General to fund extraordinary counterterrorism-related expenses.

Scope and Methodology

To achieve our objectives, we interviewed FBI, DOJ, OMB, and other agency officials in Washington, D.C., and Chicago, IL, to collect and review data on funds appropriated during fiscal years 1995 through 1998 to the FBI, the FBI's allocation and use of those funds for counterterrorism-related activities, and the FBI's fiscal year 1999 allocation plans. We did some limited verification of fiscal year 1995 through 1998 allocation and obligation data provided by FBI officials by reviewing supporting financial documentation and comparing financial accounting and budget

⁹Earmarked refers to dedicating an appropriation for a particular purpose. Legislative language may designate any portion of a lump-sum amount for particular purposes (GAO/AFMD-2.1.1. Budget Glossary, January 1993).

¹⁰The Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Acts have annually required the FBI and other agencies that receive funding under these acts to notify the Appropriations Committees of both Houses of Congress 15 days in advance of such reprogrammings. DOJ requires that its components, including the FBI, wait to implement reprogrammings until a response from Congress is received before expending any of the additional funds being sought. These reprogrammings are usually documented in correspondence between the appropriations committees and DOJ.

information obtained from the FBI with related data obtained from DOJ and OMB officials. We also consulted with FBI, DOJ's Justice Management Division (JMD), and OMB officials on procedures in place to track funds specifically designated in accordance with statutory direction or congressional guidance for counterterrorism programs and activities, and the process used by the FBI and others to calculate the amount and use of overall counterterrorism funds. We performed our work from October 1997 to August 1998 in accordance with generally accepted government auditing standards. A detailed description of our objectives, scope, and methodology is contained in appendix I. We requested comments on a draft of this report from the Attorney General. Responsible FBI and DOJ officials provided comments, which are discussed at the end of this letter.

Resources Allocated by the FBI for Counterterrorism Activities Have Increased

The amount of total funds allocated by the FBI for counterterrorism activities has more than doubled since fiscal year 1995, but, in any fiscal year, the specific amount is not easily identifiable because (1) the FBI's appropriation language does not specifically identify a separate or total amount available to the FBI for counterterrorism, and for most of the years we reviewed, the appropriations act only established a minimum that must be spent on counterterrorism-related activities, foreign intelligence, and national security; (2) some of the funds provided to the FBI are allocated to functions, such as training and forensic services, that support multiple FBI missions, including counterterrorism; and (3) the FBI had not been specifically required to identify or account separately for total funds used for counterterrorism-related activities. However, the FBI generally tracks the obligation of funds allocated for counterterrorism based on statutory direction or congressional guidance. In addition, the FBI's counterterrorism program is generally supported by nearly every division within the FBI, which are not all required to track allocation of their division resources for counterterrorism-related activities.

Beginning in fiscal year 1998, the FBI, in conjunction with DOJ's JMD, OMB, and other federal agencies with a role in the U.S. effort to combat terrorism, took steps in response to a statutory mandate to calculate and categorize the amount of funds budgeted and used to combat terrorism. Appendix III provides a more detailed description of the OMB guidance for categorizing and reporting financial data on agency efforts to combat terrorism.

Also, in connection with the requirements of the Government Performance and Results Act of 1993 (GPRA), DOJ and the FBI also took steps to link the allocation of budget resources to annual and strategic plans, including linkages to specific counterterrorism-related performance measures

established for fiscal years 1998 and 1999.¹¹ In addition, DOJ and the FBI are planning to develop a methodology to implement established managerial cost accounting standards that, among other things, require federal agencies on a regular basis to report the full cost of its activities. In this regard, Statement of Federal Financial Accounting Standards (SFFAS) No. 4, Managerial Cost Accounting Concepts and Standards for the Federal Government, defines full cost as the sum of (1) the costs of resources consumed by the segment that directly or indirectly contribute to the output and (2) the costs of identifiable supporting services provided by other responsibility segments within the reporting entity, and by other reporting entities.¹² According to SFFAS No. 4, reliable information on the cost of federal programs and activities is crucial for effective management of government operations, and measuring costs is an integral part of measuring performance against program objectives in terms of efficiency and cost-effectiveness.

In response to our request, the FBI generally applied a process similar to that used to respond to OMB's data request to retrospectively determine the amount of resources it allocated during fiscal years 1995 through 1998 (as of July 31, 1998) to carry out its counterterrorism mission. The FBI included funds that were allocated for counterterrorism based on statutory direction, congressional guidance, mission needs, and reimbursements obtained from the Attorney General's Counterterrorism Fund. In addition, the FBI calculated the pro rata amount of shared costs attributable to counterterrorism.

The FBI generally used a two-step process to determine the amount of resources it allocated to counterterrorism-related activities. First, it calculated the cost of personnel, equipment, travel, and other FBI services that were specifically dedicated to counterterrorism during each fiscal year. Second, it determined the percentage of time its field agents spent on counterterrorism matters during each fiscal year¹³ and applied these

¹¹The Government Performance and Results Act of 1993, commonly referred to as "GPRA" or "the Results Act" (P.L. 103-62), requires federal agencies to prepare annual performance plans covering the program activities set out in the agencies' budgets, beginning with fiscal year 1999.

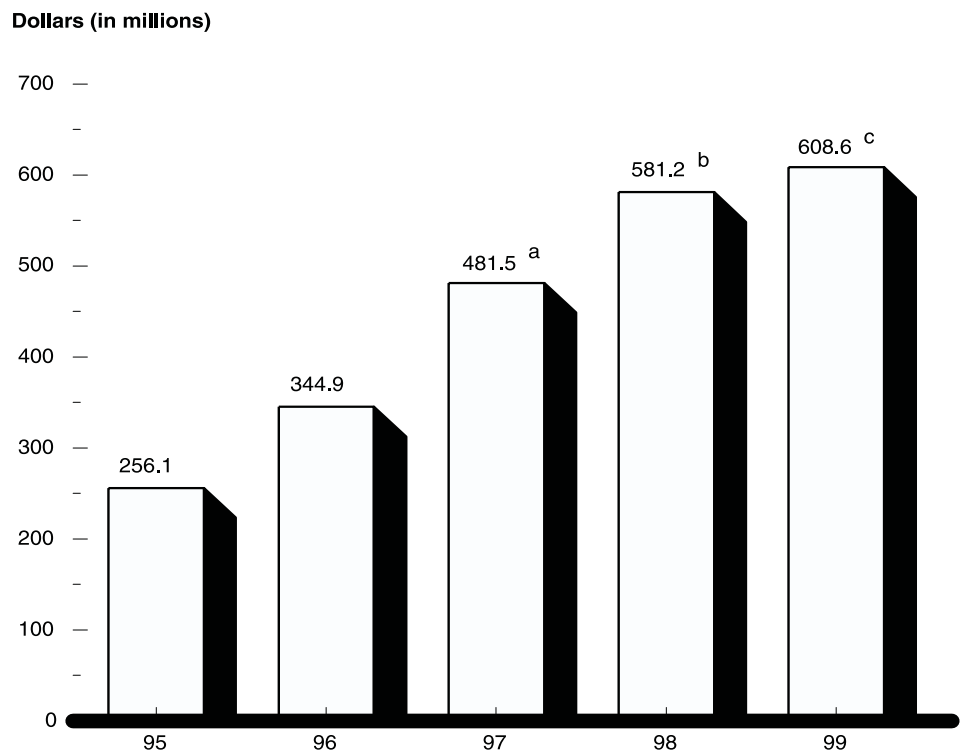
¹²The Federal Accounting Standards Advisory Board recommends accounting standards after considering the financial and budgetary information needs of Congress, executive agencies, other users of federal financial information, and comments from the public. Treasury, OMB, and GAO then decide whether to adopt the recommended standards; if they do, the standards are published by OMB and GAO and become effective. SFFAS No. 4 was issued on July 31, 1995, and was initially to be effective for fiscal year 1997, but was delayed until fiscal year 1998.

¹³The FBI determined that 9 percent of its field agents' time was spent on counterterrorism-related cases in fiscal year 1995, 12 percent in fiscal years 1996 and 1997, and projected 14 percent for fiscal year 1998.

percentages to the cost of personnel, equipment, travel, training, and other FBI services, such as forensic analysis, that were not specifically dedicated to counterterrorism. Appendix III also provides a more detailed description of the process used by the FBI to report financial data on counterterrorism activities to OMB.

Our review of financial accounting and budget data obtained from the FBI, including information derived by using the above process, and similar data obtained from DOJ's JMD, OMB, and congressional source documents shows that, from fiscal years 1995 to 1998, an estimated \$1.66 billion in funds were allocated by the FBI to carry out its counterterrorism mission. During this period, as figure 1 shows, funds allocated by the FBI to combat terrorism more than doubled from about \$256 million in fiscal year 1995 to about \$581 million in fiscal year 1998 (as of July 31, 1998). The FBI said that it expects to allocate about \$609 million for its counterterrorism mission in fiscal year 1999.

Figure 1: Growth of Funds Allocated by the FBI for Counterterrorism Programs/Activities, Fiscal Years 1995-1999



^aIncludes reprogrammings totaling about \$20 million in no-year fiscal year 1995 funds.

^bAs of 7/31/98.

^cRepresents the FBI's Proposed Allocation Plans for fiscal year 1999.

Source: Constructed by GAO based on FBI data.

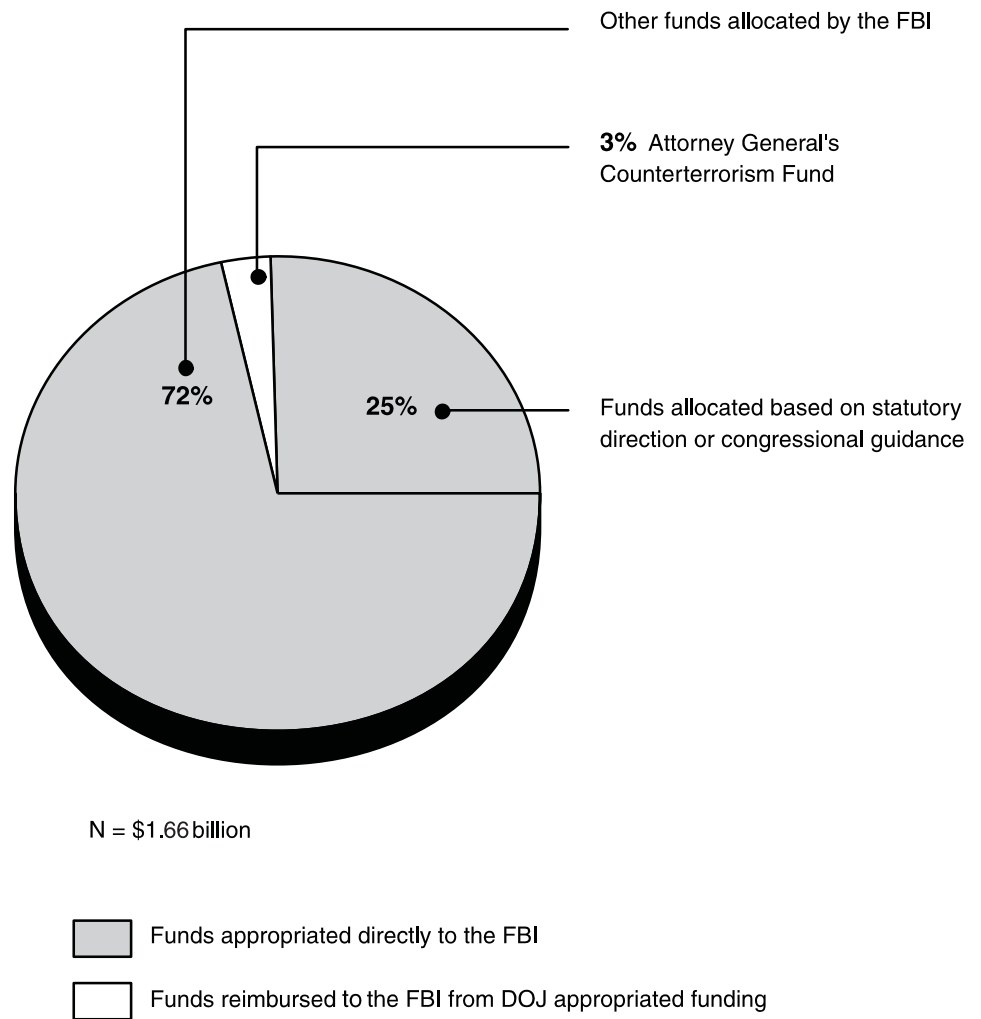
These funds have generally come from the following sources.

1. Funds specifically designated by statute for FBI counterterrorism initiatives. About \$77.1 million in such funds were provided to the FBI during fiscal year 1995 in an emergency supplemental appropriation. In addition, for fiscal years 1996 through 1998, Congress established a minimum amount the FBI must allocate for counterterrorism investigations, foreign counterintelligence, and other activities related to national security.
2. Funds allocated by the FBI to carry out specific counterterrorism initiatives based on congressional guidance. Congressional guidance has generally been provided to the FBI in conference or committee reports or in committee correspondence, such as that relating to the reprogramming of funds, from appropriations subcommittees. About \$346.7 million in such funds have been allocated by the FBI based on congressional guidance.
3. Other appropriated funds that were allocated by the FBI based on a cost allocation system used to retrospectively estimate the shared cost of investigative and other multiple support functions that could be and were used in support of counterterrorism-related activities during a given fiscal year. Using data obtained from the FBI, which were based on a similar methodology used by the FBI to estimate overall counterterrorism funds for OMB, we estimated that about \$1.2 billion in such funds had been allocated for counterterrorism-related activities for fiscal years 1995 through 1998, as of July 31, 1998.
4. Funding reimbursements for counterterrorism expenses from the Attorney General's Counterterrorism Fund. This fund was established by Title III of the Emergency Supplemental Appropriations for Additional Disaster Assistance, for Anti-Terrorism Initiatives, for Assistance in the Recovery from the Tragedy that Occurred at Oklahoma City, and Rescissions Act, 1995, P.L. 104-19. Additional funds have been provided in subsequent appropriations acts for fiscal years 1996, 1997, and 1998. As of July 31, 1998, the FBI had been approved to receive reimbursements totaling about \$55.5 million from the Attorney General's Counterterrorism Fund.¹⁴

¹⁴About \$12.3 million of the \$55.5 million was not for the FBI's use but was to be passed through the FBI to other federal state, and local agencies to reimburse them for expenses incurred in assisting the FBI in investigating or responding to specific terrorist incidents or carrying out specific counterterrorism activities.

As shown in figure 2, about one-fourth of the funds allocated by the FBI for counterterrorism-related activities and initiatives were based on statutory direction or congressional guidance. FBI officials reported that they had not received nor transferred any additional funds from other federal agencies for counterterrorism-related investigations or activities.

Figure 2: Sources of Funds Allocated by the FBI for Counterterrorism-Related Activities and Initiatives, Fiscal Years 1995-1998 (as of July 31, 1998)



Source: Constructed by GAO based on FBI, DOJ, OMB, and congressional documents.

Funds Allocated by the FBI for Counterterrorism Based on Statutory Direction and Congressional Guidance

For fiscal years 1995 through 1998 (as of July 31, 1998), Congress had provided the FBI with about \$77.1 million in direct appropriations for specific counterterrorism initiatives and has provided guidance on the use of about an additional \$346.7 million in funds for specific counterterrorism initiatives. In addition, for fiscal years 1996 through 1998, Congress set a minimum amount that the FBI must allocate for counterterrorism investigations, foreign counterintelligence, and other activities related to national security.

Congress provided statutory direction through the appropriations acts and provided guidance through conference or committee reports accompanying the acts. In addition, there was follow-up correspondence or discussions between the appropriations committees, DOJ, and the FBI, either clarifying the conference report language or providing congressional responses to reprogramming notifications. In identifying funds used for counterterrorism, we include both statutory directives and congressional guidance to provide a full picture of congressional action relating to FBI counterterrorism funding. The following summarizes such action for fiscal years 1995 to 1998.

- In fiscal year 1995, through Title III of the Emergency Supplemental Appropriations Act, P.L. 104-19, Congress provided about \$77.1 million in funds for the FBI to use to pay for additional expenses resulting from the bombing of a federal building in Oklahoma City and other counterterrorism efforts, including the establishment of a Domestic Counterterrorism Center.¹⁵ The FBI's allocation of these funds for the counterterrorism initiatives was based on this statutory direction and subsequent reprogramming agreements.
- In fiscal year 1996, through the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996, P.L. 104-134, Congress directed the FBI to spend no less than \$102,345,000 on counterterrorism investigations, foreign counterintelligence, and other activities related to national security. The FBI allocated about \$158.8 million of its available resources for counterterrorism-related activities in fiscal year 1996 based on their interpretation of guidance contained in conference report H.R. Conf. Rep. 104-378 (1995) and in House report, H.R. 104-196 (1995). The conferees specified program increases for various programs and that about \$57 million be used for the construction of a new

¹⁵The FBI's Counterterrorism Center serves as a national clearinghouse for critical information about terrorism and terrorist groups that can be coordinated and shared among the law enforcement and intelligence communities.

FBI laboratory facility. These items were previously identified in the House report as counterterrorism initiatives.

- In fiscal year 1997, through the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1997, P.L. 104-208, Congress directed the FBI to spend no less than \$147,081,000 on counterterrorism investigations, foreign counterintelligence, and other activities related to national security. In addition, congressional guidance relating to counterterrorism initiatives was provided in the conference report, H.R. Conf. Rep. 104-863 (1996), accompanying the 1997 Appropriations Act and subsequent reprogramming agreements between the FBI and the Appropriations Committees. It was agreed that the FBI should use about \$133.9 million on certain counterterrorism initiatives. This amount included about \$83 million to increase the number of agent and support staff positions by over 1,000.
- In fiscal year 1998, through the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998, P.L. 105-119, Congress directed the FBI to spend no less than \$221,050,000 on counterterrorism investigations, foreign counterintelligence, and other activities related to national security. In addition, congressional guidance for the use of these funds was provided in the conference report, H.R. Conf. Rep. 105-405 (1997), accompanying the Fiscal Year 1998 Appropriations Act. The conferees indicated that the FBI should spend about \$143.5 million for certain counterterrorism initiatives, including obtaining and enhancing hazardous materials equipment for handling weapons of mass destruction. The FBI reported that about \$77.6 million of these funds were associated with the cost of annualizing new personnel positions from fiscal year 1997 and that about \$11.8 million was associated with personnel positions to augment the National Infrastructure Protection Center (NIPC)¹⁶ and staff field unit computer crime squads, which the FBI had identified as a Technology Crimes initiative to support counterintelligence and other Criminal Investigative Division activities in its fiscal year 1998 budget submission. The remaining \$54 million was allocated by the FBI based on congressional guidance.

¹⁶The NIPC, which was created in February 1998, incorporated and expanded the mission and personnel of the FBI's Computer Investigations and Infrastructure Threat Assessment Center in June 1998. Led by the FBI, NIPC is composed of detailees from Department of Defense (DOD), the Central Intelligence Agency, Department of Energy, National Security Agency, and local law enforcement organizations. NIPC also collects data from a variety of sources, including the United States Secret Service. NIPC's principal mission is to detect, deter, warn of, respond to, and investigate unlawful acts involving computer intrusions and unlawful acts that threaten or target our critical national infrastructure.

According to FBI officials, funds that are statutorily directed or for which there is congressional guidance for specific counterterrorism initiatives are generally tracked within the FBI under separate accounting codes. Appendix IV provides details on funds allocated based on statutory direction or congressional guidance.

Other Funds Allocated by the FBI to Carry Out its Counterterrorism Mission

The amount of other funds (i.e., funds not allocated based on statutory direction or congressional guidance) that were allocated by the FBI for counterterrorism activities in any given fiscal year is generally unknown and not easily identifiable because (1) nearly every division within the FBI—from forensic services to training—has had a role in supporting the FBI's counterterrorism program, according to FBI officials, and not all of the FBI's divisions are required to track allocation of resources or funds for counterterrorism-related activities and (2) some of the funds provided to the FBI are allocated to functions, such as training and forensic services, that support multiple FBI missions, including counterterrorism.

Unlike certain funds allocated for counterterrorism on the basis of statutory direction or congressional guidance or funds reimbursed from the Attorney General's Counterterrorism Fund, which the FBI is able to more easily identify and track, the FBI, prior to fiscal year 1998, had not been required to specifically identify or track total funds allocated for counterterrorism. For example, each year the FBI receives a certain amount of funds to maintain its fleet of automobiles and other vehicles needed to carry out its investigative activities. While some of these vehicles may be used for counterterrorism investigations, the FBI had not been required to track or account for the costs associated with specific types of investigations.

The FBI applied the process it used to report to OMB during fiscal year 1998 on the overall amount of counterterrorism-related funds to retrospectively estimate for us the total amount of funds that were allocated for counterterrorism-related activities during fiscal years 1995 through 1998. Based on our review of FBI data, we estimate that from fiscal years 1995 to 1998 (as of July 31, 1998), about \$1.2 billion in other funds had been allocated to support the FBI's counterterrorism mission. We derived this figure by subtracting the amount of statutorily directed funds appropriated, the amount of funds the FBI reported that it allocated based on congressional guidance, and the amount of funds the FBI received from the Attorney General's Counterterrorism Fund during fiscal years 1995 through 1998, from the approximately \$1.66 billion that the FBI estimated it allocated (as of July 31, 1998).

Attorney General's Counterterrorism Fund

As previously mentioned, in 1995, Congress established a special counterterrorism fund to be used by the Attorney General to reimburse DOJ components, including the FBI, for extraordinary expenses related to countering, investigating, or prosecuting domestic or international terrorism.¹⁷ Such expenses include police overtime pay; travel and per diem; and goods and services procured, such as supplies, equipment, rent, and leases. Regular pay and benefits for personnel who would normally be on duty are not considered extraordinary expenses. The Attorney General's Counterterrorism Fund is managed by DOJ's JMD budget staff, who reviews all requests for reimbursements and makes recommendations to the Attorney General for approval. As of July 31, 1998, the FBI had been approved by the Attorney General to receive a total of \$55.5 million in reimbursements from this fund. About \$12.3 million of the \$55.5 million was not for the FBI's use but was to be passed through the FBI to other federal, state, and local agencies to reimburse them for expenses incurred in assisting the FBI in investigating and responding to specific terrorist incidents or carrying out specific counterterrorism activities. Appendix V provides information on the amount approved for the FBI to be reimbursed from the fund; it also describes the extraordinary expenses and counterterrorism-related events for which these funds were used.

FBI's Obligation of Resources Allocated for Counterterrorism Activities

For the same reasons previously noted for the amount of funds allocated, the amount of funds obligated by the FBI from fiscal years 1995 to 1998 (as of July, 31, 1998) to carry out its counterterrorism mission is difficult to determine with precision. Nevertheless, our review of financial data provided by FBI officials, who generally applied the same process used to respond to OMB's data request, shows that as of July 31, 1998, the FBI had incurred obligations of about \$1.52 billion of the approximate \$1.66 billion allocated for counterterrorism from fiscal years 1995 to 1998. Much of the remaining about \$140 million was associated with no-year funding projects or pending fourth quarter fiscal year 1998 obligations at the time of our field work. As table 1 shows, of the five categories of activities to combat terrorism, as defined in OMB guidelines to executive branch agencies for reporting on counterterrorism spending (see app. III), about 56 percent of the FBI's funds were used for counterterrorism-related law enforcement and investigative activities.

¹⁷The statutory language establishing the Counterterrorism Fund does not provide for the direct reimbursement to state and/or local law enforcement organizations. Instead, a reimbursement would occur via an intergovernmental agreement once a Justice organization attests to the Department that it is relying on the assistance provided by that state and/or local entity to counter, investigate, or prosecute those responsible for an act of terrorism.

Table 1: Information on the FBI's Obligation of Funds for Counterterrorism-Related Activities, Fiscal Years 1995-1998 (as of July 31, 1998)

Dollars in thousands		
Type of counterterrorism activity	Estimated amounts obligated fiscal years 1995-98	Percent of counterterrorism-related funds obligated
Law enforcement & investigative activities	\$ 858,798	56
Preparing for & responding to terrorist acts	563,962	37
Physical security of government facilities & employees	56,824	4
Physical protection of national populace and national infrastructure	30,421	2
Research & development	10,840	1
Total	\$1,520,845	100

Source: Constructed by GAO based on FBI data.

Appendix VI provides an overview by fiscal year of the FBI's obligation of funds for counterterrorism-related programs or activities. Additional details on the FBI's obligation of funds allocated for counterterrorism based on statutory direction or congressional guidance and funds obtained from the Attorney General's Counterterrorism Fund are provided below.

FBI's Obligation of Funds Allocated for Counterterrorism Based on Statutory Direction and Congressional Guidance

The FBI has generally tracked the obligation of funds allocated based on statutory direction or congressional guidance from fiscal years 1995 to 1998. These funds totaled about \$423.8 million between fiscal years 1995 and 1998. The FBI generally tracked such obligations incurred as personnel or nonpersonnel items. As table 2 shows, FBI officials reported that as of July 31, 1998, the FBI had obligated about \$353.2 million of the \$423.8 million allocated based on statutory direction or congressional guidance. According to the FBI, the remaining \$70.6 million was not yet obligated generally because (1) some of the funds allocated based on congressional guidance in fiscal year 1996 were associated with the ongoing construction of the new FBI laboratory facility and (2) some of the FBI's fiscal year 1998 funds were associated with pending obligations for aviation equipment as of July 31, 1998.

Table 2: Status of the FBI's Obligation of Funds Allocated Based on Statutory Direction or Congressional Guidance for Counterterrorism-Related Programs and Activities, Fiscal Years 1995-1998 (as of July 31, 1998)

Dollars in thousands			
Fiscal year	New funds allocated for specific counterterrorism initiatives ^a	Obligations incurred	Amount unobligated
1995	\$ 77,140	\$ 74,649	\$ 2,491
1996	158,759	118,189	40,570
1997	133,886	132,906	980
1998	54,020	27,434	26,586
Total	\$423,805	\$353,178	\$70,627

^aFigures refer to no-year funds made available to the FBI until expended.

Source: Constructed by GAO based on data provided by FBI, DOJ, OMB, and congressional source documents.

While some of the FBI's assets and resources have been allocated for counterterrorism-related activities based on statutory direction or congressional guidance, their use may not be limited to such activities depending on what crises the FBI faces or its investigative needs at any given time. For example, although the FBI's new forensic laboratory facility was identified as a counterterrorism initiative, when completed, it would be used to support other FBI investigative efforts or respond to various crises, including counterterrorism, according to FBI officials. Similarly, although the FBI obligated over \$83 million provided by Congress in fiscal year 1997 to hire over 1,000 additional counterterrorism agents and support personnel, some of these resources were and may be used for activities not related to counterterrorism, according to FBI officials. It would be difficult, however, to determine the exact portion of these assets and resources used for counterterrorism versus other investigative efforts, given that the FBI's accounting system is not currently structured to specifically track counterterrorism-related use of resources.

Appendix IV also provides a detailed listing by fiscal year of the FBI's obligation of funds allocated for counterterrorism based on statutory direction and congressional guidance, as of July 31, 1998.

FBI's Use of the Attorney General's Counterterrorism Fund

The FBI is reimbursed from the Counterterrorism Fund for its expenditures, not obligations. From fiscal years 1995 to 1998, as of July 31, 1998, the FBI had received about \$38.2 million of the \$55.5 million in reimbursements approved from the Attorney General's Counterterrorism Fund. About \$11.5 million of the \$38.2 million in funds received was passed through the FBI to other federal, state, and local agencies to reimburse them for assistance they had provided to the FBI. However, DOJ's Office of the Inspector General (OIG), which at the time of our review was conducting a detailed audit of the FBI's use of the Attorney General's

Counterterrorism Fund, raised some concerns with the FBI's use of some of these funds, including funds that were approved by JMD to be passed through the FBI to other federal agencies and state and local governments.¹⁸

Appendix V also provides detailed information on the FBI's use of the Attorney General's Counterterrorism Fund, as of July 31, 1998, and on the activities for which the funds were used.

Conclusions

From fiscal years 1995 to 1998, available data show that the amount of funds allocated and obligated by the FBI for counterterrorism-related activities and initiatives more than doubled. During this period, Congress has directed or provided guidance to the FBI on the use of about a quarter of these funds, and the FBI has generally followed this direction and guidance in obligating these funds. Because of various factors previously discussed, including the lack of available information on the FBI's use of funds not allocated based on statutory direction or congressional guidance, neither we nor the FBI could readily determine with precision the amount of overall funds allocated and obligated by the FBI to carry out its counterterrorism mission. However, the FBI and DOJ have undertaken efforts to (1) specifically track funds allocated for counterterrorism on the basis of statutory direction and congressional guidance and the FBI's use of funds from the Attorney General's Counterterrorism Fund; (2) calculate, in response to OMB's annual data request, the overall amount of funds associated with counterterrorism-related activities, including shared costs; and (3) link the allocation of budget resources to annual and strategic plans, including specific counterterrorism-related performance measures. In addition, the FBI and DOJ are planning to develop a methodology for reporting full cost of program activities in compliance with established managerial cost accounting standards. We believe these efforts on the part of the FBI and DOJ are important steps toward more precisely identifying resources used by the FBI for counterterrorism-related activities, particularly given the recent continuing growth in funding for counterterrorism and the growing public and congressional interest in this area.

Agency Comments

We requested comments on a draft of this report from the Attorney General. On October 28, 1998, a representative of DOJ's Office of the Assistant Attorney General for Administration informed us by fax and telephone that the report had been reviewed by FBI officials, DOJ's Justice Management Division, and the Office of the Inspector General. She stated

¹⁸DOJ's OIG anticipates releasing a final report on their findings during fiscal year 1999.

that as a result of the review, DOJ had only minor technical comments and generally concurred with the report's findings and conclusion. We have incorporated the technical changes throughout the report as appropriate.

As agreed with your office, unless you publicly announce its contents earlier, we plan no further distribution of this report until 10 days from the date of this letter. At that time, we will send copies of this report to the Ranking Minority Member of the Subcommittee; the Chairmen and Ranking Minority Members of the congressional committees with jurisdiction over the FBI and counterterrorism activities; the Attorney General; the FBI Director; the Director of OMB; and other interested parties. Also, copies will be made available to others upon request.

The major contributors to this report are listed in appendix VII. If you have any questions about this report, please call me on (202) 512-8777.

Sincerely yours,



Norman J. Rabkin
Director, Administration
of Justice Issues

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Abbreviations

ANSIR	Awareness of National Security Issues and Response Program
CIRG	Critical Incident Response Group
DEST	Domestic Emergency Support Team
DOD	Department of Defense
DOE	Department of Energy
DOJ	Department of Justice
EPA	Environmental Protection Agency
FBI	Federal Bureau of Investigation
FEMA	Federal Emergency Management Agency
GPRA	Government Performance and Results Act of 1993
HHS	Department of Health and Human Services
JMD	Justice Management Division
NIPC	National Infrastructure Protection Center
NLETS	National Law Enforcement Telecommunications System
OIG	Office of the Inspector General
OMB	Office of Management and Budget
PDD	Presidential Decision Directive
R&D	research and development
SFFAS	Statement of Federal Financial Accounting Standard
TURK	Time Utilization Record Keeping System

Objectives, Scope, and Methodology

In response to the request of the Chairman of the Subcommittee on Administrative Oversight and the Courts, Senate Committee on the Judiciary, that we review the FBI's use of its increased counterterrorism funds, our objectives were to determine the amount of funds that the FBI allocated and obligated for fiscal years 1995 through 1998 (as of July 31, 1998), and requested for fiscal year 1999 to combat domestic and international terrorism. We also determined what methodology the FBI used to identify its overall counterterrorism funds.

To address these objectives, the scope of our work focused on collecting and analyzing information on the overall amount of funds allocated and obligations incurred by the FBI for counterterrorism programs and activities during fiscal years 1995 through 1997. In addition, we collected and analyzed similar data for fiscal year 1998 (as of July 31, 1998), reviewed congressional action on the FBI's budget submission for fiscal year 1999, and reviewed the FBI's process for calculating counterterrorism-related funds.

We conducted our work primarily in the Washington, D.C., Metropolitan Area at the FBI's Headquarters and Washington Field Office in accordance with generally accepted government auditing standards. In carrying out this review, we consulted with officials from DOJ's JMD, which is responsible for overseeing the FBI's funds; DOJ's OIG, which at the time of our review was doing a detailed audit of the Attorney General's Counterterrorism Fund, including examining vouchers; and OMB, which in implementing a statutory provision had requested federal agencies to report information on overall counterterrorism funding.

To identify the amount of funds allocated to the FBI for fiscal years 1995 to 1998, the amount of associated obligations incurred during this same period, and the President's budget request for the FBI and FBI plans for fiscal year 1999, we interviewed and collected information from officials in the FBI's Finance, National Security, and Laboratory Divisions; as well as DOJ's JMD and OIG; and OMB. Specifically, we obtained and reviewed classified and unclassified information on funds available to, allocated, and obligated by the FBI. We also reviewed congressional hearings, conference and committee reports, appropriation acts, reprogramming notifications, and other correspondences between congressional committees and DOJ; DOJ budget books for fiscal years 1997 through 1999, pertinent reports and other documents previously published by us and the Congressional Research Service; and information available on the FBI, DOJ, and other Internet sites.

To verify the FBI's statement that no funds had been transferred from the FBI to any other agency, we judgmentally selected two federal agencies that have a role in assisting the FBI in its crisis management efforts—Health and Human Services (HHS) and the Environmental Protection Agency (EPA)—and interviewed relevant officials from these agencies to verify whether the FBI had transferred funds to, as well as received funds from, these agencies.

We did some limited verification of the funding and obligation data provided by FBI officials by reviewing supporting financial documentation and consulting with JMD, OMB, and FBI Washington Field Office officials on procedures in place to track obligations of the FBI's funds for counterterrorism-related programs and activities. In addition, we did some comparative analysis of financial information obtained from the FBI, DOJ, and OMB.

To verify the information provided by the FBI on funds allocated by the FBI based on statutory direction or congressional guidance, we reviewed and prepared a summary analysis of congressional action taken on the FBI's budget requests for fiscal years 1995 through 1998 to enhance the FBI's counterterrorism program. In doing so, we identified and reviewed relevant congressional hearings, conference and committee reports, appropriation acts, and reviewed reprogramming notifications and other relevant correspondence between the appropriations committee and DOJ that were obtained from the FBI or DOJ's JMD.

We did not verify the FBI's reimbursements from the Attorney General's Counterterrorism Fund. Rather, we relied on information from the DOJ OIG's ongoing audit, which included an examination of the supporting records for each FBI reimbursement.

Through interviews with FBI budget analysts, and JMD and OMB officials, we obtained information on and reviewed the process used by the FBI to calculate the amount of overall counterterrorism-related resources that were allocated by the FBI and obligations that had been incurred for fiscal years 1995 to 1998 (as of July 31, 1998). We also reviewed supporting documentation that was used by the FBI to calculate the estimated amount of counterterrorism-related resources, including field workload analysis data.

FBI's Unclassified Counterterrorism Programs and Activities

Since 1982, the FBI has been responsible for responding to terrorist acts that occur domestically¹ and monitoring the activities of terrorist groups operating within the United States.² In carrying out its role as a principal investigative agency of the federal government, the FBI's counterterrorism programs and activities include (1) preventive and crisis management efforts, (2) training and preparedness exercises, (3) forensic and other support functions, (4) research and development projects, and (5) leadership of joint terrorism task forces and participation in interagency working groups.

Preventive and Crisis Management Efforts

When the FBI receives information on a terrorist threat, particularly one involving the use of weapons of mass destruction,³ the FBI is responsible for (1) assessing (investigating) the credibility of the threat through coordination with other federal agencies—including the Department of Energy (DOE), HHS, EPA, DOD, and the Federal Emergency Management Agency (FEMA) and (2) directing an operational response, if warranted, based on the assessment. The FBI manages the federal government's Terrorist Threat Warning System, which communicates terrorism-related information to other law enforcement agencies. As we previously reported,⁴ the FBI disseminates unclassified terrorism threat and warning information to law enforcement agencies nationwide through its teletype National Law Enforcement Telecommunications System (NLETS). Thirteen such messages were delivered in 1996. The FBI also transmits information to U.S. businesses on the potential for terrorism through its Awareness of National Security Issues and Response Program (ANSIR). Established in 1996, this program is an E-mail network linking the FBI's 56 field offices to more than 40,000 businesses. At the time of our review, the FBI had disseminated eight separate information cables via the Terrorist Threat Warning System, NLETS, and ANSIR concerning the bombings in East Africa and related events.

¹In aircraft hijackings, the Federal Aviation Administration is to coordinate law enforcement activity affecting the safety of passengers aboard aircraft within the special aircraft jurisdiction of the United States. Federal Aviation Administration's air marshals have counterterrorism responsibilities aboard an aircraft. On the ground in U.S. territory, once the door of the aircraft is open, the FBI is responsible for the resolution of terrorist hijackings.

²The Central Intelligence Agency is responsible for gathering intelligence overseas.

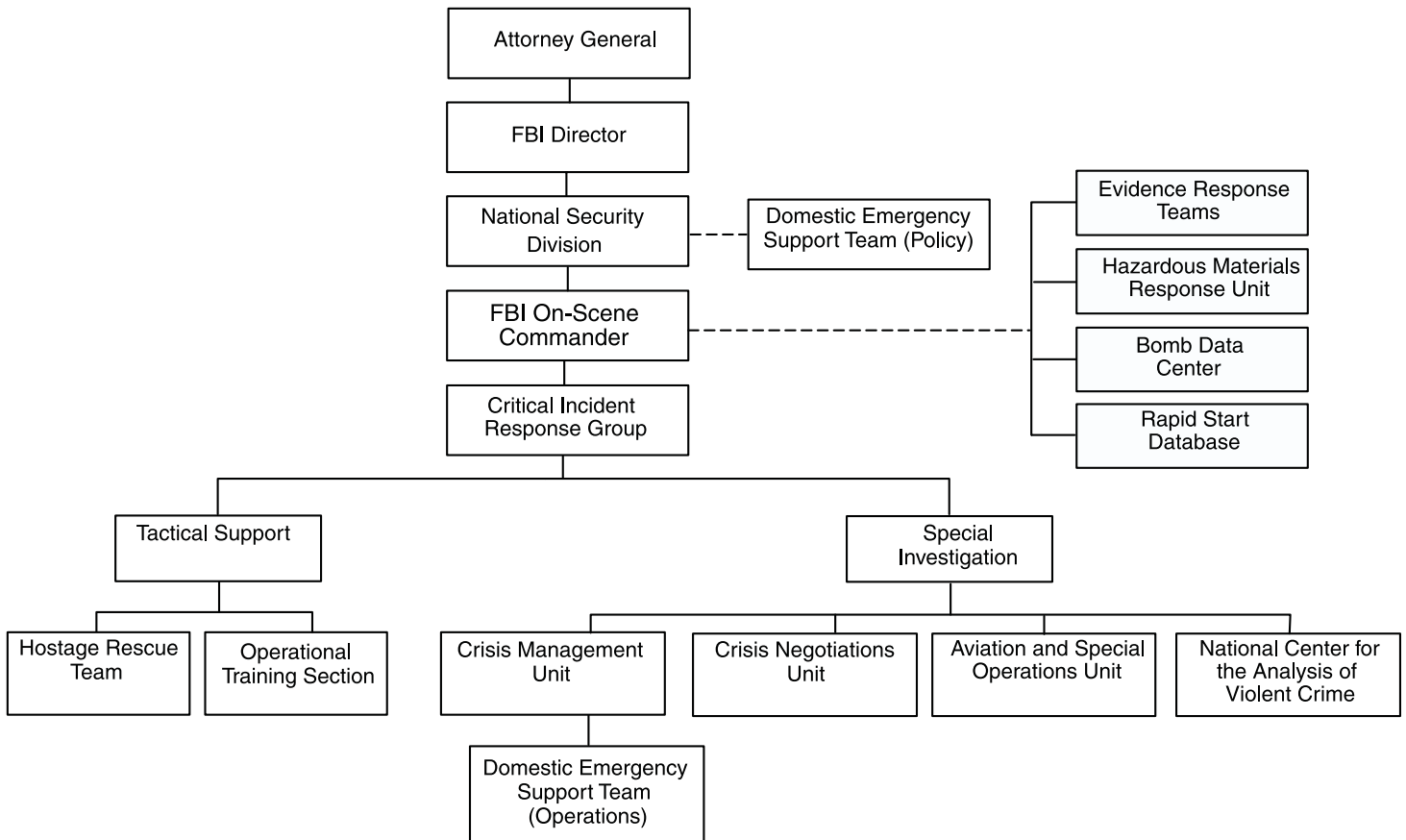
³The FBI has two Weapons of Mass Destruction units at FBI Headquarters. One unit addresses operations, cases, and threats, which reportedly tripled in 1997 over 1996 figures. In 1997, the FBI investigated over 100 weapons of mass destruction cases. The other unit implements the FBI's countermeasures program, which coordinates exercises, deployments, and the FBI's role in training first responders.

⁴Combating Terrorism: Federal Agencies' Efforts to Implement National Policy and Strategy (GAO/NSIAD-97-254, Sept. 26, 1997).

When a domestic terrorist act occurs, the FBI is to provide a rapid on-scene response, typically in coordination with local law enforcement authorities or other federal agencies to investigate the terrorist act. The FBI's on-scene commander is to establish a command post or interagency Joint Operations Center to manage the crisis based upon the premise of a graduated and flexible response. When necessary, the FBI's Critical Incident Response Group (CIRG)—which was established in 1994 expressly to deal with domestic hostage-taking, barricade, and terrorist situations, such as the 1996 Freeman standoff in Montana—will deploy additional resources needed to assist the local FBI field office responsible for handling the crisis. CIRG tactical assets include the Hostage Rescue Team and other tactical assistance resources. The Hostage Rescue Team, which is staffed with nearly 100 agents, is expected to deploy rapidly upon notice of the FBI Director's authorization to rescue individuals who are held illegally by a hostile force or to engage in other law enforcement activities as directed. Figure II.1 depicts the organization structure for the FBI's crisis management operations.

Appendix II
FBI's Unclassified Counterterrorism Programs and Activities

Figure II.1: FBI Crisis Management Organization Structure/Terrorism



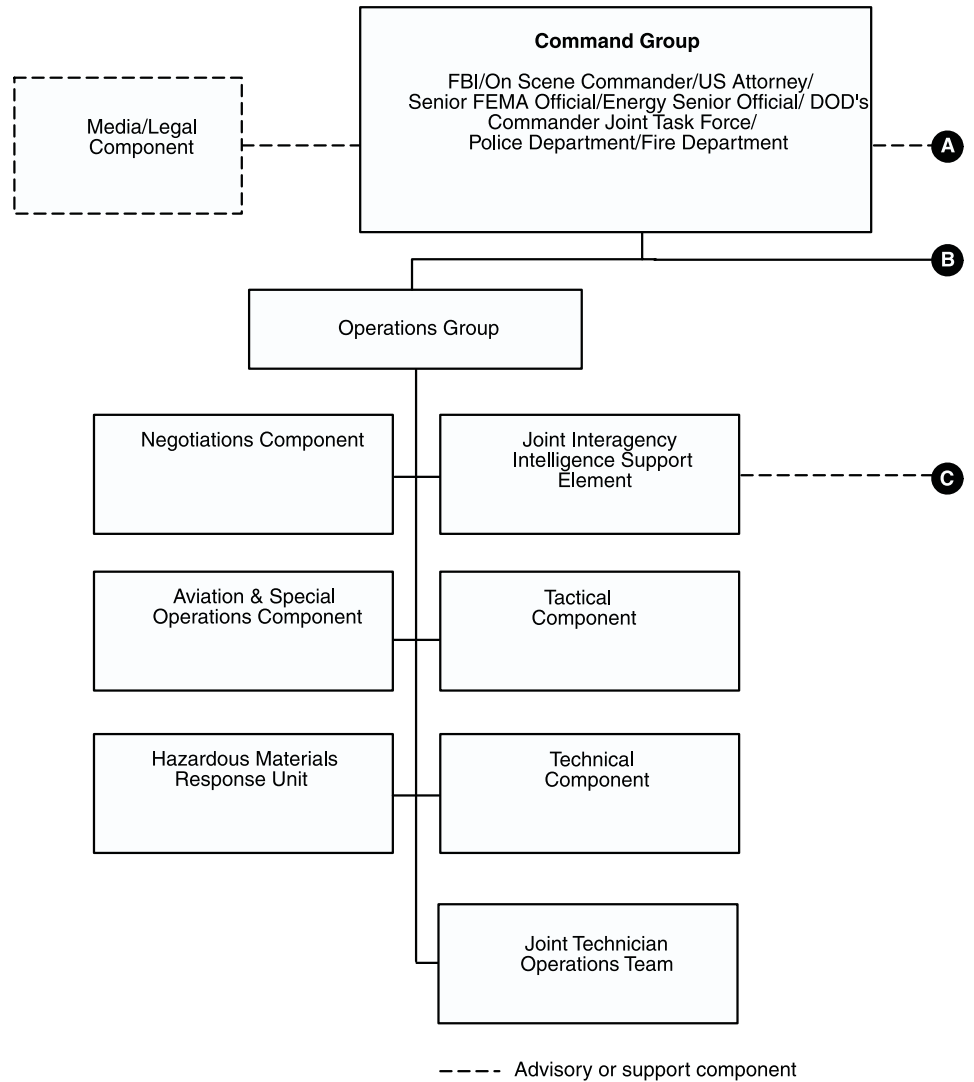
----- Advisory or support component

Source: FBI.

Based on a preliminary threat assessment, the FBI Director, through the Attorney General, may authorize the deployment of a Domestic Emergency Support Team (DEST) composed of those agencies that can provide advice or assistance to the FBI on-scene commander. The FBI is responsible for determining the team's composition and communicating its needs to the appropriate agencies. Once the DEST has been assembled, the FBI command post can be converted to a Joint Operations Center for decisions involving the interagency response to the incident. As shown in figure II.2, the center is composed of four groups (command, operations, consequence management, and support) that are responsible for providing, respectively, on-scene decisionmaking, tactical and negotiations skills, advice on dealing with destruction and mass casualties, and logistical and administrative services, among others.

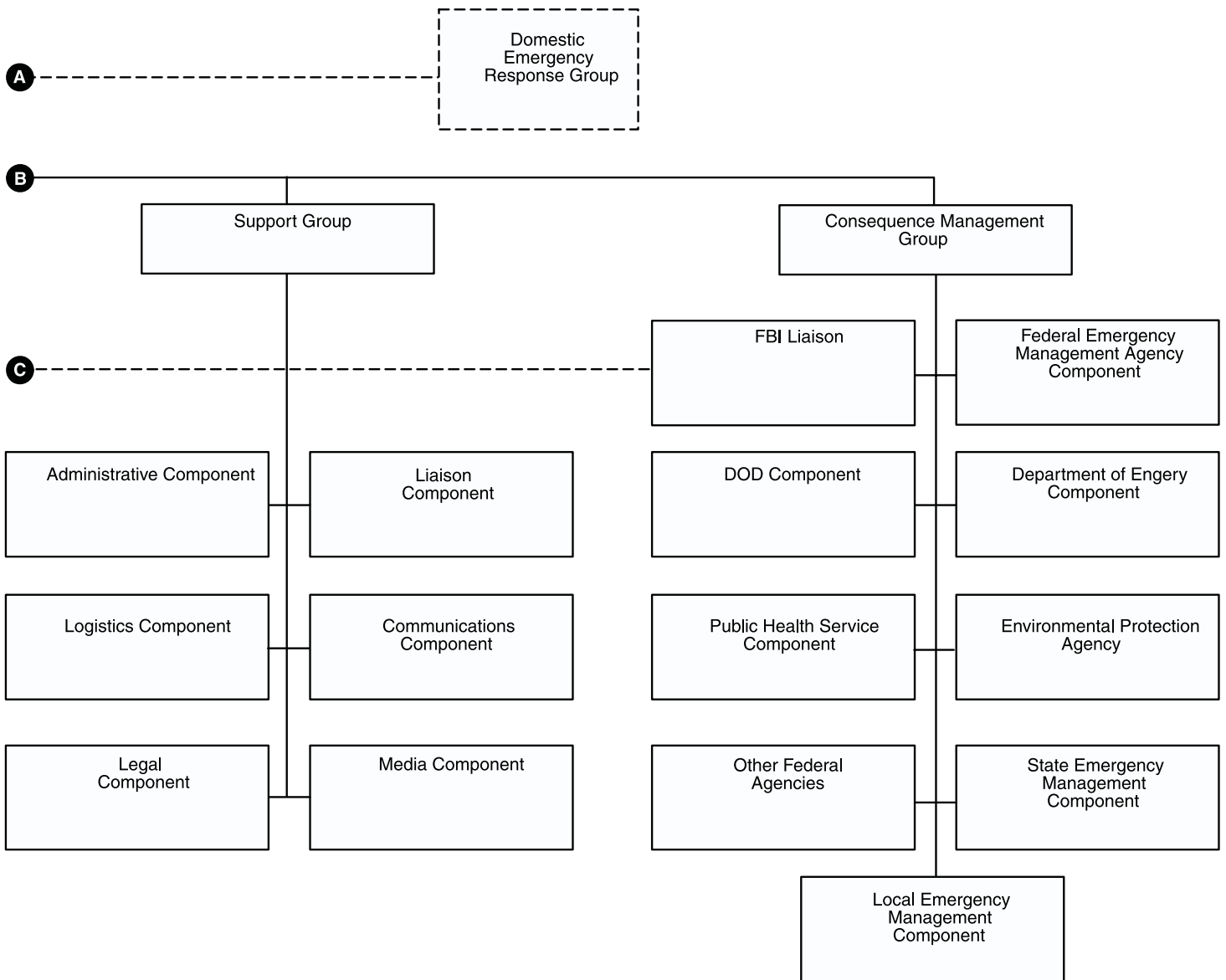
Appendix II
FBI's Unclassified Counterterrorism Programs and Activities

Figure II.2: FBI's Joint Operations Center Organization Structure



Source: FBI.

**Appendix II
FBI's Unclassified Counterterrorism Programs and Activities**



Over the last few years, the FBI's preventive and investigative efforts resulted in, among other things, the discovery and prevention of plots to bomb the Holland and Lincoln tunnels and the George Washington Bridge in New York, and a federal building and the subway system in New York City.

Training and Preparedness Exercises

The FBI provides counterterrorism-related training to FBI personnel and local law enforcement personnel who will work with the FBI at special events; foreign police; and, in conjunction with the DOD, law enforcement officials, judges, and prosecutors from the former Soviet Union and Eastern Europe. During fiscal year 1998, the FBI spent about \$1 million coordinating crisis management training exercises in Denver, Philadelphia, San Francisco, Honolulu, Miami, San Juan, Chicago, Portland, Minneapolis, and Norfolk.

Title XIV of P.L. 104-201 (1996), 50 U.S.C. 2311, commonly known as the Nunn-Lugar-Domenici Act, established the Domestic Preparedness Program to prevent and respond to terrorist activities involving weapons of mass destruction. While DOD is primarily responsible for implementing this program, the FBI has participated in Nunn-Lugar-Domenici training events, which are designed to enhance federal, state, and local responders' capability to deal with incidents involving weapons of mass destruction.⁵ As of June 30, 1998, the FBI had participated in such training for 26 U.S. cities and had plans to accommodate an additional 94 cities.

From October 1994 through March 1997, the FBI participated in 30 interagency exercises. These exercises involved conventional, chemical, biological, and nuclear incident scenarios. For example, the FBI conducted weapons of mass destruction counterterrorism exercises in preparing for the 1996 Summer Olympic Games in Atlanta, Georgia. The FBI sponsored 10 of the 30 exercises. As of September 1998, 25 more exercises are scheduled through March 1999.

The exercises helped the FBI and other agencies identify needed improvements in interagency coordination and intelligence flow, interagency coordination of forensic matters, and information management and technical support. FBI officials also said that they revised their crisis management plans accordingly and took other steps based on the lessons learned from the exercise. For example, CIRG implemented a

⁵We recently issued a report that provides additional details on the FBI's involvement in Nunn-Lugar-Domenici training events entitled *Combating Terrorism: Opportunities to Improve Domestic Preparedness Program Focus and Efficiency* (GAO/NSIAD-99-3, Nov. 12, 1998).

crisis management training program for senior FBI officials that emphasized the Joint Operations Center concept.

Forensic and Other Support Functions

The FBI's Laboratory Division supports the counterterrorism efforts of the FBI and other law enforcement, including state and local agencies. The laboratory's Explosive Unit and Bomb Data Center, for example, trains bomb technicians and investigators throughout the United States and its territories and maintains an information clearinghouse about terrorists and bombing incidents. Similarly, the laboratory's Forensic Science Research and Training Center, located at the FBI Academy, provides forensic training to approximately 1,500 forensic scientists and officers from crime laboratories and law enforcement agencies annually. During fiscal year 1996, the FBI took steps to establish an International Terrorism Forensic Database that will allow participating nations to share forensic information from terrorism cases.

When a terrorist incident occurs, FBI forensic and evidence specialists can be deployed with CIRG to help gather the forensic evidence necessary to bring the perpetrators to justice. For example, forensic investigators may use debris from a terrorist site to develop the bomber's "signature," or individualized choice of materials and details of construction, to link multiple bombings to a single individual or terrorist group. Similarly, the FBI laboratory can make available portable trace detection equipment capable of providing positive on-site identification of explosive materials. In addition, FBI field offices have Evidence Response Teams that are trained and equipped to respond to domestic terrorist events and terrorist attacks abroad.

In fiscal year 1996, the FBI Laboratory Division established a Hazardous Materials Response Unit to provide direct technical assistance to FBI investigators and to coordinate the various federal scientific, technical, and medical assets responding to chemical/biological/nuclear terrorism. From fiscal years 1990 to 1997, the FBI's Laboratory Division participated in over 3,900 counterterrorism-related cases and conducted over 300,000 counterterrorism-related examinations, according to FBI laboratory officials.⁶

In addition to forensic and evidence support, FBI communications experts and language specialists can also be deployed to help respond to counterterrorism-related incidents. The FBI also has an investigative support element—Rapid Start Team—that specializes in information

⁶A single case can involve numerous examinations, according to FBI officials.

management. The Rapid Start Team consists of computer specialists and data-input personnel who organize information for on-scene commanders and investigative personnel.

Research and Development Projects

The FBI is a member of the Technical Support Working Group,⁷ whose mission is to conduct the national research and development (R&D) program for combating terrorism through rapid research, development, and prototyping of counterterrorism technologies. The FBI cochairs the Weapons of Mass Destruction Countermeasures Subgroup, which is charged with providing an interagency forum for coordinating R&D counterterrorism requirements, sponsoring R&D not addressed by individual agencies, and promoting the transfer of information. According to subgroup officials, program successes include the development of a system to facilitate the dispersal of chemical/biological terrorist devices, and the development of a database that can assist law enforcement officials in identifying the perpetrators of chemical/biological/radiation-related terrorist incidents.

In fiscal year 1998, the FBI's laboratory division, through its Forensic Science Research Unit, initiated 30 new counterterrorism research and development projects totaling more than \$5 million. Eighteen of these projects are being conducted in cooperation with DOE under a new science and technology memorandum of understanding signed in May 1998, according to FBI officials.

Leadership of Joint Terrorism Task Forces and Participation in Interagency Working Groups

The FBI manages standing Joint Terrorism Task Forces that exist in 18 cities across the nation to facilitate an exchange of intelligence and coordinate activities across the law enforcement community within specific geographic areas. Given the success of the Joint Terrorism Task Force concept, the FBI plans to develop additional task forces in cities around the country. The FBI is also a member of the Interagency Intelligence Committee on Terrorism, which was established to enhance the processing, analysis, and distribution of foreign intelligence information. Members include more than 40 federal agencies, bureaus, and offices. They share information on the activities of terrorist groups and assess indications of terrorist threats.

The FBI also participated in the Commission on Critical Infrastructure Protection, which President Clinton established to develop a national strategy to protect the country's critical infrastructures from a spectrum of

⁷Technical Support Working Group members include, among others, the DOD, DOE, the Treasury, Central Intelligence Agency, and the Nuclear Regulatory Commission.

threats, including terrorism.⁸ In October 1997, the commission issued a report assessing the vulnerability of the country's critical infrastructures and proposing a strategy for protecting them. The FBI also operates the Infrastructure Vulnerability/Key Asset Protection Program, which is designed to maintain information on critical facilities throughout the United States to assist in contingency planning should these facilities become terrorist targets.

⁸Executive Order 13010, Critical Infrastructure Protection, July 15, 1996.

OMB Guidelines and the FBI's Process for Calculating Funds Budgeted and Used for Counterterrorism

OMB Guidelines for Executive Branch Agencies to Report on Spending to Combat Terrorism

In the fall of 1997, in response to a statutory requirement,¹ the Office of Management and Budget (OMB) established a reporting system for executive branch agencies to assess governmentwide spending and programmatic priorities for combating terrorism. The following describes OMB's methodology for establishing such a system.

(A) Defining the Terms:

The first step in establishing a baseline for spending to combat terrorism is defining what activities are considered terrorist-related and how these activities should be categorized. OMB staff drafted definitions using parameters set by Presidential Decision Directive-39 (PDD-39, "U.S. Policy on Combating Terrorism") and definitions used by the Departments of Defense, State, Justice, and the Treasury. The next step in the process was defining the difference between "counterterrorism" and "antiterrorism." Proposed definitions were discussed with all relevant agencies. After reaching consensus with the agencies, the following definitions were agreed upon:

- **Terrorism**: The calculated use of unlawful violence or threat of unlawful violence to inculcate fear, intended to coerce, intimidate, or retaliate against governments, the population as a whole, or foreign societies in the pursuit of goals that are political, religious, or ideological.
- **Antiterrorism**: Defensive measures used to combat terrorism.
- **Counterterrorism**: Offensive measures used to combat terrorism.
- Terrorism spending is further defined by the following five categories:
 1. **Law enforcement and investigative activities**: Activities to reduce the ability of groups or individuals to commit terrorist acts, and investigation and prosecution of terrorist acts when they occur (include antiterrorist and counterterrorist activities);
 2. **Preparing for and responding to terrorist acts**: Activities to plan, train, and equip personnel directed at incident response (includes antiterrorist and counterterrorist activities);

¹Section 1051 of the National Defense Authorization Act for Fiscal Year 1998, P.L. 105-85, 111 Stat. 1629, 1889, required OMB to establish a reporting system for executive agencies on the budgeting and expenditure of funds to combat terrorism. The act also required OMB to collect annual governmentwide budget and expenditure data on counterterrorism.

-
3. Physical security of government facilities and employees: Activities to protect federally owned, leased, or occupied facilities and federal employees, including high ranking officials, from terrorist acts. Also includes protection activities for embassies, dignitaries, and other persons as authorized by federal law or executive order (includes antiterrorist activities only);
 4. Physical protection of national populace and national infrastructure: Activities to protect the national infrastructure, including air traffic, railroad, highway, maritime, and electronic distribution systems; energy production, distribution, and storage facilities (electrical, natural gas, petroleum); vital services, including banking and finances, water, and emergency services; and telecommunications systems (includes antiterrorist activities only);
 5. Research and development: Research and development activities to develop technologies to deter, prevent, or mitigate terrorist acts (includes antiterrorist activities only).

(B) Collecting the Data:

In September 1997, a data call was issued to all agencies based on the definitions above. Since most agencies do not have programs and activities solely devoted to combating terrorism, agencies were allowed to prorate spending for each of the five categories. To facilitate this process, OMB staff agreed upon a general framework for assessing an agency's level of terrorism-related funding and worked with agencies to determine appropriate attributions for funding of these activities. Nonetheless, the two physical security categories raised a difficult analytical problem: how to differentiate between those physical security measures that combat terrorism and those that protect against other, nonterrorism-related threats (e.g., criminal and environmental). Most agencies prorated expenses for physical security threats based on the likelihood of a terrorist threat. However, DOD included all of its physical security expenditures as relevant. OMB will work with DOD, and other agencies, to refine reporting methodologies for future reports.

Process Used by the FBI to Report on Funds Allocated and Used for Counterterrorism

Table III.1: FBI's Reporting Process

Type of counterterrorism activity	Description of the FBI's criteria and methodology for calculating funding for each category of activity.
Law enforcement and investigative activities	This category includes: 100 percent of FBI field and headquarter investigative terrorism resources, 100 percent of Nightstalker and other helicopter resources received in 1998, and 46 percent of the Critical Incident Response Group's funding. Also included are the percentages of the total construction and carrier compliance funds appropriated based on the percentage of FBI resources dedicated to counterterrorism operations each year, as noted below.
Preparing for and responding to terrorist acts	Total funding figures under this category were derived by first calculating the percentage of time FBI agents generally spent working on counterterrorism cases, based on information reported in the FBI Time Utilization Record Keeping (TURK) ^a System by FBI field agents, and then applying the percentage to the total amount of resources made available and used by the following FBI Law Enforcement Support Programs that were identified as used in supporting the FBI's terrorism investigation efforts: Training, Recruitment, and Applicant; Forensic Services; Technical Field Support Services; Information Services; Management and Administration Oversight less the level captured below under (Physical Security of Government Facilities and Employees); and Criminal Justice Information Services. The FBI applied the following percentages, which were derived from analyses of TURK system workload data on the number of field personnel working terrorism matters compared with total field personnel, in calculating fiscal years 1995 through 1998 FBI resources dedicated to counterterrorism under this category: 1995- 9 percent 1996- 12 percent 1997- 12 percent 1998- 14 percent
Physical security of government facilities and employees	This category includes the associated cost of security equipment and supplies, FBI guards, and contract guard services.
Physical protection of national populace and national infrastructure	This category includes the portion of the FBI's operation of the National Infrastructure Protection Center and field resources that are used to investigate computer intrusions in support of the FBI's role to protect national infrastructures.
Research and development	The funding in this category is represented by enhancements for special projects received in the 1996 and 1997 counterterrorism appropriation amendments.

^aThe TURK System is used by the FBI to record the proportion of time spent by field agents on various types of investigative matters such as organized crime, white-collar crime, violent crime, and counterterrorism. The TURK system is used by the FBI to track and project the use of field resources. Data derived from the TURK system are only as valid as the information recorded by FBI field agents.

FBI's Obligation of Funds Allocated for Counterterrorism Based on Statutory Direction or Congressional Guidance

Table IV.1: Fiscal Year 1995 FBI Obligations

Dollars in thousands

Counterterrorism initiatives	Funds allocated	Funds reprogrammed	Adjusted funds allocated	Funds obligated (as of July 31, 1998)	Remaining balance (as of July 31, 1998)
Personnel items					
Counterterrorism Center staff	\$1,905	(742)	\$1,163	\$1,163	\$0
Special Surveillance Groups	26,388	0	26,388	26,388	0
Intelligence research specialists	5,373	(2,562)	2,811	2,811	0
General support	963	0	963	950	13
Tactical operation specialists	2,100	(1,181)	919	919	0
Digital telephony support	6,375	(1,315)	5,060	5,025	35
Police officers	4,936	(2,425)	2,511	2,511	0
Total personnel funds	\$48,040	(8,225)	\$39,815	\$39,767	\$48
Nonpersonnel items					
Headquarter Command Center (construction)	10,000	0	10,000	8,722	1,278
Digital telephony equipment	6,500	0	6,500	6,500	0
Tactical operations support	6,600	0	6,600	6,445	155
Forensic Services:					
Evidence Response Team	2,900	0	2,900	2,772	128
Equipment modernization	2,100	0	2,100	1,938	162
Hostage/barricade database	1,000	0	1,000	865	135
Computer Investigation and Infrastructure Threat Assessment Center		7,500	7,500	7,463	37
International Terrorism Travel		725	725	177	548
Total nonpersonnel funds	\$29,100	\$8,225	\$37,325	\$34,882	\$2,443
Total personnel and nonpersonnel funds	\$77,140	0	\$77,140	\$74,649	\$2,491

Note: Congress provided \$77,140,000 in no-year funding for the FBI to use to pay for additional expenses resulting from the April 1995, bombing of a federal building in Oklahoma City and other counterterrorism efforts, including the establishment of a Domestic Counterterrorism Center through the Emergency Supplemental Appropriations for Additional Disaster Assistance, for Anti-terrorism Initiatives, for Assistance In the Recovery from the Tragedy That Occurred at Oklahoma City, and Rescissions Act, 1995, P.L. 104-19. The FBI's allocation of these funds for the counterterrorism initiatives noted was based on this statutory direction and congressional approval of the reprogramming (effective May 1997) of \$7.5 million in funds initially targeted for personnel initiatives to fund nonpersonnel items for the Computer Investigation and Infrastructure Threat Assessment Center and (effective June 1996), \$725,000 for International Terrorism Travel.

Source: FBI data and congressional source documents.

Table IV.2: Fiscal Year 1996 FBI Obligations

Dollars in thousands

Counterterrorism initiatives	Funds allocated	Funds obligated (as of July 31, 1998)	Remaining balance (as of July 31, 1998)
Personnel items			
Counterterrorism Center agents	\$520	\$520	\$0
Command Center position	1,400	1,400	0
Lab technicians	2,600	2,600	0
Field counterterrorism investigation agents	7,950	7,950	0
Total personnel funds	\$12,470	\$12,470	\$0

**Appendix IV
FBI's Obligation of Funds Allocated for Counterterrorism Based on Statutory Direction or
Congressional Guidance**

Dollars in thousands

Counterterrorism initiatives	Funds allocated	Funds obligated (as of July 31, 1998)	Remaining balance (as of July 31, 1998)
Nonpersonnel items			
Headquarter Command Center (construction)	10,000	8,450	1,550
Critical Incident Response Group	1,500	1,123	377
Aviation support	3,000	2,940	60
Forensic Services:			
Evidence Response Team	2,900	2,433	467
Equipment modernization	9,900	9,900	0
Laboratory building (construction)	57,089	18,973	38,116
Digital telephony equipment	33,400	33,400	0
Tactical operations	25,000	25,000	0
National Crime Information Center 2000 violent gang/terrorism database	3,500	3,500	0
Total nonpersonnel funds	\$146,289	\$105,719	\$40,570
Total personnel and nonpersonnel funds	\$158,759	\$118,189	\$40,570

Note: Congressional guidance for the use of these funds was provided in the conference report, H.R. Conf. Rep. 104-378 (1995), as incorporated by reference in H.R. Conf. Rep. 104-537 (1995), accompanying the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1996, P.L. 104-134. The FBI allocated \$158.8 million of its available resources for the counterterrorism-related initiatives noted above based on their interpretation of guidance contained in conference report H.R. Conf. Rep. 104-378 (1995) and in House report, H.R. Rep. 104-196 (1995). The conferees specified program increases for various programs and that about \$57 million be used for the construction of a new FBI laboratory facility. These items were previously identified in the House report as counterterrorism initiatives.

Source: FBI data and congressional source documents.

Table IV.3: Fiscal Year 1997 FBI Obligations

Dollars in thousands

Counterterrorism initiatives	Funds allocated	Funds obligated (as of July 31, 1998)	Remaining balance (as of July 31, 1998)
Personnel items			
Counterterrorism staff (headquarters)	\$463	\$463	\$0
Infrastructure vulnerability/key assets	16,245	16,245	0
Emerging domestic groups	25,090	25,090	0
Chemical/biological/nuclear investigations	22,087	22,087	0
Counterterrorism Investigations (field)	14,158	14,158	0
Lookouts (surveillance)	448	448	0
Computer Investigation and Infrastructure Threat Assessment Center	2,275	2,275	0
Crisis management unit/ Critical Incident Response Group	418	418	0
Hazardous Material/Chemical, Biological, Nuclear Unit laboratory	846	846	0
Explosives unit/laboratory	655	655	0
Washington Field Office police officers	194	194	0
Total personnel funds	\$82,879	\$82,879	0
Nonpersonnel items			
Arson/bombing profiling/Critical Incident Response Group	370	370	0

**Appendix IV
FBI's Obligation of Funds Allocated for Counterterrorism Based on Statutory Direction or
Congressional Guidance**

Dollars in thousands

Counterterrorism initiatives	Funds allocated	Funds obligated (as of July 31, 1998)	Remaining balance (as of July 31, 1998)
Counterterrorism Special Operations Group services	1,000	1,000	0
Crisis management training/Critical Incident Response Group	1,680	1,680	0
Hostage Rescue Team clothing	1,888	1,888	0
Computer Investigation and Infrastructure Threat Assessment Center equipment/ travel/training/contract support	2,738	2,738	0
Joint Terrorism Task Forces	2,700	2,092	608
Lookout operations (surveillance)	300	300	0
Counterterrorism case-related travel	2,000	2,000	0
Counterterrorism undercover operations	250	250	0
Counterterrorism regional conference/training	500	500	0
Infrastructure vulnerability database	2,000	2,000	0
Counterterrorism special projects	2,420	2,420	0
Field translation centers	4,780	4,773	7
INTELINK workstations	3,800	3,800	0
State/local participation/ Counterterrorism Center	1,500	1,418	82
X-ray machines/magnetometers	1,350	1,350	0
Computer Analysis Response Teams	1,180	1,180	0
Hazardous Devices School/ Bomb Data Center	735	735	0
Laboratory hazardous material/ chemical, biological, nuclear equipment	6,000	6,000	0
Forensic database development	1,400	1,400	0
Mobile deployable laboratories	1,200	1,085	115
Crisis response radios	400	400	0
Emergency Response Team training	2,000	1,879	121
Advance Render Safe Team equipment	3,000	2,999	1
Evidence Response Team training	400	354	46
FBI academy contract security	416	416	0
Replacement closed circuit television systems	3,000	3,000	0
Contract guard services - Field	2,000	2,000	0
Total nonpersonnel funds	\$51,007	\$50,027	\$980
Total personnel and nonpersonnel funds	\$133,886	\$132,906	\$980

Note: Congressional guidance for the use of these funds was provided in the conference report, H.R. Conf. Rep. 104-863 (1996), accompanying the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1997, P.L. 104-208 and subsequent reprogramming agreements between the FBI and the Appropriations Committees.

Source: FBI data, congressional source documents, and reprogramming agreements.

**Appendix IV
FBI's Obligation of Funds Allocated for Counterterrorism Based on Statutory Direction or
Congressional Guidance**

Table IV.4: Fiscal Year 1998 FBI Obligations

Dollars in thousands

Counterterrorism initiatives	Funds allocated	Funds obligated (as of July 31, 1998)	Remaining balance (as of July 31, 1998)
Personnel items			
Total personnel funds	\$0	\$0	\$0
Nonpersonnel items			
Computer Analysis Response Teams	900	623	277
Lab weapons of mass destruction	2,000	76	1,924
Bomb technician equipment	1,600	118	1,482
National Security Division (weapons of mass destruction)	2,500	1,076	1,424
Hostage rescue team weapons of mass destruction	3,500	748	2,752
Nightstalker replacement	10,000	0	10,000
Hostage rescue team tactical helicopters	23,200	22,022	1,178
New York aviation surveillance	5,000	0	5,000
Hostage rescue team/SWAT mobility equipment	2,000	950	1,050
Helicopter pilot training	1,500	501	999
Advance aircraft lease	320	0	320
DOD aircraft lease/training missions	1,500	1,320	180
Total nonpersonnel funds	\$54,020	\$27,434	\$26,586
Total personnel and nonpersonnel funds	\$54,020	\$27,434	\$26,586

Note: Congressional guidance for the use of these funds was provided in the conference report, H.R. Conf. Rep. 105-405 (1997), accompanying the Departments of Commerce, Justice, and State, the Judiciary, and Related Agencies Appropriations Act, 1998, P.L. 105-119.

Source: FBI data and congressional source documents.

Schedule of the FBI's Use of Federal Funds From the Attorney General's Counterterrorism Fund (FY 1995-FY 1998)

Fiscal year	Extraordinary event	Use of funds	FBI expenditures as of 7/31/98	Amount of reimbursement authorized
1995	Oklahoma City Bombing	Overtime	\$1,485,759	\$1,277,000
		Travel	2,670,500	2,160,000
		Supplies	339,182	350,000
		Equipment	1,777,399	1,800,000
		Miscellaneous ^a	752,973	1,438,813
Fiscal year 1995 total			\$7,025,813	\$7,025,813
1996	Oklahoma City Bombing	Personnel compensation	\$1,229,544	\$1,600,000
		Travel and transportation of persons	3,470,860	3,385,700
		Transportation of things	7,469	21,000
		Rent, communications, and utilities	529,251	1,094,581
		Printing and reproduction	483	150,000
		Other services	598,111	627,300
		Supplies and materials	126,397	165,000
		Equipment	145,968	250,000
		Total	\$6,108,083	\$7,293,581
	Atlanta Olympics	Personnel compensation	\$611,009	\$216,000
		Travel and transportation of things	4,436,780	4,060,613
		Rent, communications, and utilities	320,752	509,422
		Other services	469,999	184,552
		Supplies and materials	222,623	275,000
		Equipment	2,430,414	3,299,412
		X-ray machine and two disposal robots	157,928	130,000
		Subtotal	\$8,649,505	\$8,674,999
		Reimbursement of state and local law enforcement (Georgia)	\$2,000,000	\$2,000,000
		Reimbursement of federal agencies (Agriculture, Treasury, Drug Enforcement Administration, Immigration and Naturalization Service, and Department of the Interior)	2,567,626	3,000,000
		Subtotal	\$4,567,626	\$ 5,000,000
		Total	\$13,217,131	\$13,674,999
	Republican National Convention	Personnel compensation	\$45,236	\$27,000
		Travel and transportation of persons	85,597	35,000
		Rent, communications, and utilities	1,607	69,000
		Other services	15,301	36,000
		Supplies and materials	66,352	25,000
		Equipment	22,303	138,000
		Total	\$236,396	\$330,000

Appendix V
Schedule of the FBI's Use of Federal Funds From the Attorney General's Counterterrorism Fund (FY 1995-FY 1998)

Fiscal year	Extraordinary event	Use of funds	FBI expenditures as of 7/31/98	Amount of reimbursement authorized
1996	Democratic National Convention	Personnel compensation	\$6,000	\$6,000
Cont.		Travel and transportation of persons	113,809	11,000
		Rent, communications, and utilities	103	5,000
		Supplies and materials	21,802	10,000
		Equipment	107,544	169,000
		Total	\$249,258	\$201,000
	Combating Middle Eastern terrorism	Mandated by the 1996 Conference Report (P.L.104-537)	\$3,678,895	\$4,000,000
		Total	\$3,678,895	\$4,000,000
		Fiscal year 1996 total	\$23,489,763	\$25,499,580
1997	State Olympics Law Enforcement Command	Reimbursement of state and local law enforcement (Georgia)	419,887	\$814,406
	TWA Flight 800	Reimbursement of state and local law enforcement (New York)	6,361,000	6,361,000
	Oklahoma City Bombing support	Reimbursement of state and local law enforcement (Denver)	112,000	112,000
		Fiscal year 1997 total	\$6,892,887	\$7,287,406
1998	CT Technology Research & Development	Services	758,902	\$10,500,000
	Bomb Technician Training at Hazardous Devices School	Equipment, Services and Travel	9,675	5,200,000
		Fiscal year 1998 total^b	\$768,577	\$15,700,000
		Grand total (1995 through 1998)	\$38,177,040	\$55,512,799^c

^aMiscellaneous includes rental of space, aircraft-military transport, aircraft fuel, and other services or equipment.

^bThe FBI was subsequently approved to receive an additional \$15.9 million in reimbursements from the Attorney General's Counterterrorism Fund. About \$5.2 million was associated with extraordinary expenses associated with the Southeast Bombing Task Force, including personnel compensation and travel; about \$2.6 million for additional Oklahoma City Bombing expenses; and about \$8.1 million for extraordinary expenses associated with the bombings in Africa, which occurred in August of 1998.

^cOf this total, \$12.3 million was not for the FBI's use but was passed through the FBI to other federal, state, and local agencies to reimburse them for expenses incurred in investigating or responding to specific terrorist incident or carryout specific counterterrorism activities.

Source: Constructed by GAO based on information provided by DOJ's OIG and verified by FBI and DOJ's JMD officials.

Summary of Funds Obligated by the FBI to Carry Out Its Counterterrorism Mission, FY 1995-FY 1998 (as of July 31, 1998)

Dollars in thousands

Type of counterterrorism activity	Fiscal year 1995 funds	Fiscal year 1996 funds	Fiscal year 1997 funds	Fiscal year 1998 funds ^a	Total 1995-1998
Law enforcement and investigative activities ^b	\$133,049	\$189,683	\$233,059	\$303,007	\$858,798
Preparing for and responding to terrorist acts	62,596	121,257	180,820	199,289	563,962
Physical security of government facilities and employees	10,359	11,354	22,772	12,339	56,824
Physical protection of national populace and infrastructure	0	0	11,378	19,043	30,421
Research and development	2,000	2,000	2,420	4,420	10,840
Total	\$208,004	\$324,294	\$450,449^c	538,098	\$1,520,845

^aFiscal year 1998 figures are as of July 31, 1998.

^bIncludes construction and carrier compliance funding associated with counterterrorism initiatives.

^cIncludes reprogrammings totaling about \$20 million in no-year funding from fiscal year 1995.

Source: Constructed by GAO based on FBI data.

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