

April 2012

FBI COUNTERTERRORISM

Vacancies Have Declined, but FBI Has Not Assessed the Long-Term Sustainability of Its Strategy for Addressing Vacancies



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Why GAO Did This Study

Following the September 11, 2001, terrorist attacks, the FBI established counterterrorism as its top investigative priority. Since 2001, the FBI has hired thousands of additional staff, increasing its total onboard workforce by 38 percent. In particular, the FBI has increased both the size and the role of its headquarters CTD that is located in Washington, D.C. In 2005, the FBI reported that nearly 40 percent of staff positions in certain parts of CTD were vacant, raising concerns about the FBI's ability to fulfill its most important mission. As requested, GAO reviewed FBI CTD vacancies. Specifically, this report discusses (1) the extent to which counterterrorism vacancies existed at FBI HQ since 2005 and the reasons for the vacancies and (2) the impact of the strategies implemented by the FBI to address these vacancies. GAO obtained data on CTD vacancies from fiscal years 2005 through 2011 as well as strategies the FBI used to address vacancies and their associated costs. GAO also interviewed FBI human resources and counterterrorism officials regarding vacancies and the FBI's steps to address them. This report is an unclassified version of a classified report GAO issued in February 2012.

What GAO Recommends

GAO recommends the FBI establish criteria, time frames, and other factors for its evaluation of the long-term sustainability and effectiveness of HSI to determine whether it is the most effective strategy for reducing vacancies. The FBI concurred with this recommendation.

View [GAO-12-533](#) or key components. For more information, contact David C. Maurer at (202) 512-9627 or maurerd@gao.gov.

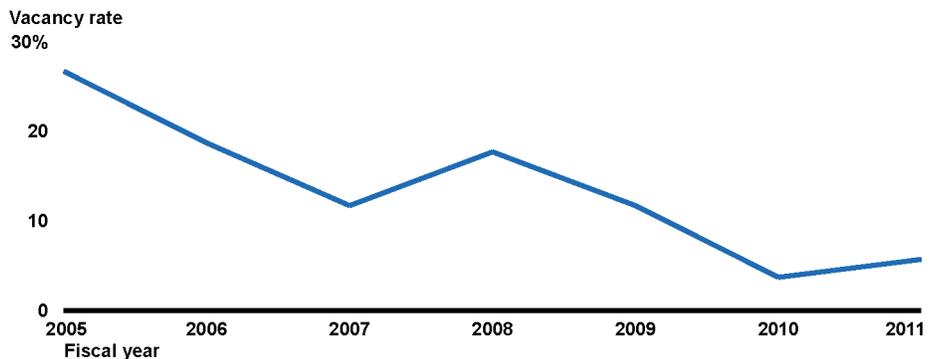
FBI COUNTERTERRORISM

Vacancies Have Declined, but FBI Has Not Assessed the Long-Term Sustainability of Its Strategy for Addressing Vacancies

What GAO Found

From fiscal years 2005 through 2011, the Federal Bureau of Investigation's (FBI) human capital strategies contributed to reductions in the vacancy rate for all positions in the Counterterrorism Division (CTD) from 26 percent to 6 percent (shown in figure below). Most vacancies were caused by transfers to other parts of the FBI. While overall vacancies declined, trends in vacancies varied by position. For example, vacancies for special agents and professional staff generally decreased each year while vacancies for intelligence analysts varied during the same time period.

Vacancy Rate for All CTD Positions from Fiscal Years 2005 through 2011



Source: GAO analysis of FBI data.

The FBI developed the Headquarters Staffing Initiative (HSI) in 2005 to reduce special agent vacancies in CTD and other headquarters (HQ) divisions, and primarily used workforce flexibilities, such as recruitment incentives, and targeted recruitment to reduce vacancies for intelligence analysts and professional staff. Overall, FBI officials reported that these strategies have been effective in reducing vacancies. Specifically, HSI included two primary strategies to reduce vacancies: (1) allowing special agents to come to HQ on 18-month temporary duty assignments instead of permanent transfers and (2) providing relocation incentives to special agents to permanently transfer to HQ. Since 2006, GAO estimates that the FBI has spent \$50 million to staff CTD with special agents under HSI. According to the FBI, HSI is the primary reason agent vacancies in CTD were reduced. In addition, FBI officials said HSI yielded other benefits. For example, officials from all sections within CTD stated that HSI helped to build a cadre of experienced counterterrorism agents both within CTD and in field offices. HSI has reduced vacancies, but a 2005 FBI working group report noted that while HSI may be effective in the short term, a long-term solution would require a more thorough analysis. FBI officials reported that they are planning an evaluation of HSI; however, they have not established criteria, time frames, and other factors of the evaluation. By defining these elements, the FBI could better ensure that the evaluation of HSI will produce accurate and relevant findings that can inform the long-term staffing strategy for agents in CTD and other HQ programs.

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Abbreviations

| | |
|------|---|
| CTD | Counterterrorism Division |
| DI | Directorate of Intelligence |
| DOJ | Department of Justice |
| FBI | Federal Bureau of Investigation |
| GS | General Schedule |
| HQ | headquarters |
| HRD | Human Resources Division |
| HIS | Headquarters Staffing Initiative |
| IC | Intelligence Community |
| IG | Inspector General |
| IRS | Internal Revenue Service |
| NAPA | National Academy of Public Administration |
| OPM | Office of Personnel Management |
| SAHA | Special Agent HQ Assignment |
| SET | Strategic Execution Team |
| TDY | temporary duty |

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United States Government Accountability Office
Washington, DC 20548

April 16, 2012

Following the September 11, 2001, terrorist attacks, the Federal Bureau of Investigation (FBI) established counterterrorism as its top investigative priority and shifted resources to this area from its more traditional law enforcement activities, such as drug, white-collar, and violent crime. In addition to transferring hundreds of agents and support staff from criminal areas to counterterrorism, the FBI also subsequently hired thousands of additional agents, intelligence analysts, and other professional support staff to fulfill its mission. The FBI has increased in size from approximately 26,000 positions in fiscal year 2003 to almost 36,000 positions in fiscal year 2012, an increase of about 38 percent. The FBI also increased the role that its headquarters (HQ) Counterterrorism Division (CTD), located in Washington, D.C., plays in managing and overseeing counterterrorism cases and significantly increased the number of staff in CTD. For example, from fiscal years 2002 through 2011 the number of special agents assigned to CTD increased by nearly 160 percent.

In 2005, the FBI found that CTD was experiencing vacancies of nearly 40 percent, raising concerns about the FBI's ability to fulfill one of its most important missions. A subsequent congressional hearing on this matter further highlighted concerns about these vacancies and the extent to which the FBI had adequate numbers of staff with the right skills and abilities to effectively fulfill its counterterrorism mission.¹ To address this problem, the FBI formed the Understaffing Working Group in 2005 to identify potential solutions to the staffing challenges at FBI HQ, including vacancies in CTD.

¹ *FBI Whistleblowers: Hearing before the Subcommittee on Crime, Terrorism, and Homeland Security of the Committee on the Judiciary, House of Representatives, 110th Congress (May 21, 2008).*

Previous work by the Department of Justice (DOJ) Inspector General (IG)² and the National Academy of Public Administration (NAPA),³ as well as our own work,⁴ has highlighted the challenges the FBI has faced in staffing counterterrorism positions in HQ. This work identified three broad challenges: (1) fully staffing CTD positions, (2) effectively utilizing and retaining intelligence analysts, and (3) effectively incorporating strategic human capital planning to ensure that its staffing is adequate to meet its mission. Specifically, the DOJ IG found that the FBI faced significant challenges in hiring and effectively utilizing intelligence analysts and made recommendations focusing on, among other things, developing hiring goals and improving intelligence training. The FBI concurred with all of the IG's recommendations and subsequently took actions to address them.⁵ In 2005, NAPA reported that the FBI faced challenges retaining intelligence analysts and that CTD was significantly understaffed, subsequently recommending that the FBI fully staff CTD and that CTD reduce its reliance on temporary duty assignments from field offices to keep positions filled. Though our prior work did not provide recommendations to the FBI, we reported in June 2003 that the FBI initially did not have a strategic human capital plan,⁶ its performance management system was inadequate to discern meaningful distinctions in

² Department of Justice Office of Inspector General, *Follow-Up Audit of the Federal Bureau of Investigation's Efforts to Hire, Train, and Retain Intelligence Analysts*, DOJ IG 07-30 (Washington, D.C.: April 2007); *The Federal Bureau of Investigation's Efforts to Hire, Train, and Retain Intelligence Analysts*, DOJ IG 05-20 (Washington, D.C.: May 2005); and *A Review of the Federal Bureau of Investigation's Counterterrorism Program: Threat Assessment, Strategic Planning, and Resource Management*, DOJ IG 02-38 (Washington, D.C.: September 2002).

³ National Academy of Public Administration, *Transforming the FBI: Progress and Challenges* (Washington, D.C.: January 2005).

⁴ GAO, *Intelligence Reform: Human Capital Considerations Critical to 9/11 Commission's Proposed Reforms*, [GAO-04-1084T](#) (Washington, D.C.: Sept. 14, 2004); *FBI Transformation: Human Capital Strategies May Assist the FBI in Its Commitment to Address Its Top Priorities*, [GAO-04-817T](#) (Washington, D.C.: June 3, 2004); *FBI Transformation: FBI Continues to Make Progress in Its Efforts to Transform and Address Priorities*, [GAO-04-578T](#) (Washington, D.C.: Mar. 23, 2004); *FBI Reorganization: Progress Made in Efforts to Transform, but Major Challenges Continue*, [GAO-03-759T](#) (Washington, D.C.: June 18, 2003); and *FBI Reorganization: Initial Steps Encouraging but Broad Transformation Needed*, [GAO-02-865T](#) (Washington, D.C.: June 21, 2002).

⁵ The FBI informed us that the DOJ IG closed out all recommendations as of 2009.

⁶ In March 2004, we reported that the FBI issued its strategic human capital plan.

performance, and the FBI needed to evaluate the effectiveness of its workforce flexibilities in fully staffing counterterrorism positions.

To assist with its oversight responsibilities, you requested that we conduct a review of vacancies within CTD. Specifically, this report addresses the following two questions:

1. What is the extent of counterterrorism vacancies at FBI HQ since 2005 and what are the reasons for these vacancies?
2. What has been the impact of the strategies implemented by the FBI to address these vacancies?

In February 2012 we reported to you on the results of our work in a classified report. This is an unclassified version of that report. The FBI deemed some of the information in the prior report classified information, which must be protected from public disclosure. Therefore, this report omits classified information about staffing levels in CTD. Although the information provided in this report is more limited in scope, it addresses the same questions as the classified report. Also, the overall methodology used for both reports is the same.

To address these objectives, we obtained and analyzed data from the FBI on staffing levels and vacancies in CTD HQ from fiscal years 2005 through 2011 for agents, intelligence analysts, and all other professional staff. We assessed the reliability of FBI vacancy data through electronic testing, internal consistency checks, and interviews with knowledgeable officials, and concluded that the data were sufficiently reliable for the purposes of this report. We compared fiscal year 2011 CTD vacancy rates with historic rates in CTD as well as with rates in other FBI HQ programs to understand whether they differed substantially. We interviewed officials from CTD, the Human Resources Division (HRD), and other relevant FBI offices to obtain their perspectives on the reasons for vacancies and the strategies that have been used to fill them. We also reviewed the 2005 FBI HQ Understaffing Report as well as other official FBI documents.

In addition, we obtained data on the financial costs of FBI strategies from fiscal years 2005 through 2011 to determine their total and average costs to the FBI since 2005. We also interviewed section chiefs and assistant section chiefs from each section within CTD to better understand their operations and mission and obtain their perspectives on the benefits, costs, and effectiveness of the strategies the FBI has used to fill these vacancies. We reviewed the FBI's use of human capital flexibilities and

strategies and applicable federal statutes, regulations, and policies on the use of such strategies from the Office of Personnel Management (OPM), DOJ, and the FBI. We also compared the FBI's efforts to assess these strategies against criteria for effective human capital planning established by us⁷ and OPM,⁸ and criteria for conducting evaluations we identified from social science and evaluation literature as well as our own guidance.⁹ In addition, we interviewed officials from other federal law enforcement agencies, including the U.S. Marshals Service; Bureau of Alcohol, Tobacco, Firearms and Explosives; Drug Enforcement Administration; Secret Service; and Immigration and Customs Enforcement, to discuss the strategies they use to fill HQ vacancies. After conducting these interviews, we determined that these agencies' efforts and missions were not directly comparable to those of the FBI. More details on our scope and methodology can be found in appendix I.

We conducted this performance audit from May 2009 through April 2012 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Shortly after we began the review in May 2009, DOJ and the FBI raised questions about GAO's access authority to obtain certain information from the Intelligence Community (IC) about FBI counterterrorism positions, which resulted in the FBI temporarily not providing certain information.¹⁰

⁷ GAO, *Human Capital: Key Principles for Effective Strategic Workforce Planning*, [GAO-04-39](#) (Washington, D.C.: Dec. 11, 2003).

⁸ Office of Personnel Management, *Human Capital Assessment and Accountability Framework (HCAAF)*, 5 C.F.R. Part 250.

⁹ Sources for criteria include P. H. Rossi, M. W. Lipsey, and H. E. Freeman, *Evaluation: A Systematic Approach*, 7th ed. (Thousand Oaks, Calif.: Sage Publications, Inc., 2004); B. R. Worthen., J. R. Sanders, and J. L. Fitzpatrick, *Program Evaluation: Alternative Approaches and Practical Guidelines*, 4th ed. (Allyn & Bacon, 2010); and GAO, *Designing Evaluations: 2012 Revision*, [GAO-12-208G](#) (Washington, D.C.: January 2012); and *Assessing the Reliability of Computer-Processed Data*, [GAO-09-680G](#) (Washington, D.C.: July 2009); and *Assessing Social Program Impact Evaluations: A Checklist Approach*, PAD-79-2 (Washington, D.C.: October 1978).

¹⁰ CTD is considered part of the IC.

We obtained general information from the FBI on policies, protocols, and strategies related to human capital issues, such as staffing, retention, recruitment, and workforce planning. However, because we were temporarily denied access to the information, we suspended our work. On June 30, 2011, in response to a statutory requirement,¹¹ the Director of National Intelligence finalized a directive pertaining to the Comptroller General's access to IC information, which provides, among other things, that elements of the IC shall not categorically deny GAO access to information and shall not withhold information solely because that information relates to a program funded by the National Intelligence Program. As a result, we reinitiated our review in June 2011 and completed our work in April 2012. In February 2012, we reported to you on the results of our work in a classified report. This is an unclassified version of that report.

Background

FBI Counterterrorism and Growth after September 11, 2001

CTD was established in FBI HQ to coordinate the counterterrorism investigations conducted in FBI HQ and its field offices. CTD is staffed by three broad position types: special agents (agents), intelligence analysts, and other professional support staff. Eighty percent of agents working in CTD are supervisory agents, most employed at the General Schedule (GS) 14 level and above, the majority managing operations in the field or HQ under their areas of responsibility. Intelligence analysts analyze intelligence gathered by field agents or from other sources and disseminate reports throughout the FBI and the broader IC. Other professional support staff provide technical and administrative support to agents and intelligence analysts and include 54 different position types. Examples of professional support staff include accountants, computer scientists, and management and program analysts.

Since the terrorist attacks of September 11, 2001, the FBI has substantially increased its counterterrorism resources and capabilities,

¹¹ In general, section 348 of the Intelligence Authorization Act for Fiscal Year 2010 (Pub. L. No. 111-259, 124 Stat. 2654, 2700 (2010)) required the Director of National Intelligence, in consultation with the Comptroller General of the United States, to issue a written directive governing the access of the Comptroller General to information in the possession of an element of the IC.

making counterterrorism its number one priority. Specifically, from fiscal years 2002 through 2004, the FBI permanently realigned 674 agent positions to counterterrorism and counterintelligence from other areas, such as drug and white-collar crime. Further, from fiscal years 2006 through 2010, congressional appropriations for counterterrorism as reported in DOJ budget justifications increased from \$1.34 billion to \$1.96 billion, a 46 percent increase, and the number of full-time equivalent positions allocated increased 31 percent.

In addition to changes in resource allocations, the FBI has also worked to transform its operations to better meet its counterterrorism mission. This transformation has been described by FBI officials as a shift from a reactive law enforcement agency to one that is forward thinking and focused on intelligence gathering and terrorism prevention. According to the FBI, part of this transformation included shifting the program management of counterterrorism cases from field offices to CTD at FBI HQ and significantly increasing the number of staff working in CTD. CTD is organized into separate branches, each headed by a deputy assistant director, and is broken out into sections with varying counterterrorism responsibilities. As part of adapting to changing priorities and threats, CTD has undergone various reorganizations since September 11, 2001. These reorganizations had implications for CTD's human capital management as well as the operations under its purview. For example, in 2007, the Weapons of Mass Destruction Directorate was created out of functions that were formerly part of other divisions, including CTD, which resulted in the transfer of positions from CTD.

FBI Human Capital Flexibilities

Federal agencies, including the FBI, have certain human capital flexibilities at their disposal to help ensure that they can meet their staffing needs, including filling vacant positions. The FBI has primarily used 3R incentives (financial incentives for recruitment, relocation, and retention of staff) and temporary duties (TDY) to fill positions in CTD. Aside from 3R incentives, the FBI can bring staff from field offices or other HQ programs to CTD on TDY to fill positions in CTD. Employees on TDY in the FBI are provided additional compensation intended to cover the expenses of being away from home, which include lodging, meals, and incidental expenses.

In general, with OPM authorization, federal agencies have statutory authority, as amended by the Federal Workforce Flexibility Act of 2004,¹² to provide 3R incentives under the following circumstances:

- A recruitment incentive could be given to a new employee if the agency has determined that the position is likely to be difficult to fill in the absence of such an incentive. In general, the recruitment incentive may not exceed 25 percent of the employee's annual rate of basic pay.
- A relocation incentive could be given to a current employee who must relocate to accept a position in a different geographic area that the agency determines is likely to be difficult to fill in the absence of such an incentive. In general, the relocation incentive may not exceed 25 percent of the employee's annual rate of basic pay.
- A retention incentive could be given to a current employee if the unusually high or unique qualifications of the employee or a special need of the agency for the employee's services makes retaining that employee essential and the agency determines that the employee would be likely to leave federal service in the absence of the incentive. In general, the retention incentive may not exceed 25 percent of the employee's annual rate of basic pay.

With additional approval from OPM, based on critical agency need, each incentive may be increased up to 50 percent, as long as the total incentive does not exceed 100 percent of the annual rate of basic pay. Any employee receiving these incentives generally must sign a service agreement with the agency, stating that the employee will remain in the position associated with the incentive for a predetermined amount of time. For such recruitment and relocation incentives, a service agreement may not exceed 4 years.

In addition to the above authority granted to federal agencies, the FBI was provided special statutory authority to provide relocation and

¹² Pub. L. No. 108-411, 118 Stat. 2305 (2004) (codified at 5 U.S.C. §§ 5753, 5754).

retention incentives in the Consolidated Appropriations Act, 2005.¹³ In general, this authority allows the FBI, after consultation with OPM, to pay the following on a case-by-case basis:

- A retention incentive to an employee if (1) the unusually high or unique qualifications of the employee or a special need of the FBI for the employee's services makes it essential to retain the employee and (2) the FBI determines that in the absence of the incentive, the employee would be likely to leave either the federal service or leave the FBI for a different position in the federal service.
- A relocation incentive to an employee subject to a mobility agreement who is transferred to a position in a different geographic area in which there is a shortage of critical skills, as determined by the FBI.

Retention and relocation incentives under the special FBI authority may not exceed 50 percent of the employee's annual rate of basic pay. In addition, unlike the 4-year service agreement limitation for the general recruitment and relocation incentive authority, service agreements under the special FBI retention and relocation incentive authority are not subject to a 4-year limitation.

Challenges in Staffing Agent Positions in FBI HQ

According to FBI policy, agents wanting to become supervisors at the GS-14 level and above or wanting to be promoted to management positions in the field, such as special agents in charge, are required to accept an assignment in FBI HQ for a set period of time, generally for 2 years. According to FBI officials, historically, to be promoted agents were required to permanently transfer to a HQ division, and as soon as the assignment was complete, most would apply for a promotion in a field office. Despite this requirement as part of the agent career path, the FBI has historically faced challenges in filling agent positions in HQ. For example, a 1998 FBI survey identified that a very small percentage of agents surveyed indicated an interest in promotion if it required a transfer

¹³ Pub. L. No. 108-447, 118 Stat. 2809, 2868-69 (2004) (codified, as amended, at 5 U.S.C. § 5759). The conference report accompanying this legislation provided, in part, that "the conferees understand that the FBI is having difficulty retaining certain staff in critical senior management positions and other specialized positions. For example, since September 2001, the attrition rate for intelligence analysts has exceeded 10 percent. The conferees understand that other agencies in the Intelligence Community have more flexible pay and benefits authorities than the FBI and consequently are able to recruit talented staff from the FBI."

to FBI HQ.¹⁴ In addition, of the field supervisory agents surveyed, most said they would step down rather than accept an assignment at FBI HQ. The FBI attributes the cost of living in the Washington, D.C., area and disruptions in one's personal or family life caused by a relocation as the two primary disincentives historically deterring agents from accepting an HQ assignment.

In response to the difficulties in filling HQ agent positions, the FBI formed the internal HQ Understaffing Working Group in 2005 to propose short-term solutions to the continual inability to attract agents to serve an FBI HQ assignment, particularly in the FBI's most critical HQ divisions.¹⁵ The working group found, among other things, that the six priority FBI HQ divisions were collectively understaffed by 39 percent of the total funded positions.¹⁶ According to the working group, this was largely a result of a lack of candidates applying for positions. For example, the working group reported that almost half of FBI HQ agent position postings in 2004 were canceled because of a lack of a qualified candidate pool. This shortage also came at a time of unprecedented expansion at FBI HQ to meet the priority objectives, including counterterrorism. FBI officials also stated that in the immediate aftermath of the terrorist attacks of September 11, 2001, there were limited numbers of supervisory agents with experience in counterterrorism cases, which further contributed to challenges in filling agent positions in CTD. Officials also noted that the pace and pressure of work in CTD was extremely high. For example, some agents were expected to participate in multiple briefings each day with the FBI Director and were expected to follow up on each lead with no margin for error. Officials said that these working conditions may not have been attractive to many qualified agents in the field.

The working group placed a priority on determining an effective stopgap measure to quickly mitigate the staffing shortage and presented five

¹⁴ We did not assess the reliability and validity of this survey.

¹⁵ The FBI HQ Understaffing Working Group was formed and completed its work in 2005. It was led by members of the Executive Development and Selection Program Section, and in addition consisted of members of CTD, the Criminal Division, the Cyber Division, the Security Division, and the Counterintelligence Division, and personnel from Directorate of Intelligence (DI), the Office of General Counsel, the Personnel Policy Unit, the Finance Division, the Administrative Services Division, and the Budget Unit.

¹⁶ The six priority FBI HQ components are CTD, the Counterintelligence Division, the Cyber Division, the Security Division, the Criminal Investigative Division, and DI.

short-term alternatives to address vacancies among supervisory agents, which are listed in table 1.

Table 1: Short-Term Recommendations to Fill Supervisory Special Agent Positions in HQ from Understaffing Working Group

| Recommendation | Description |
|---|--|
| Competitive long-term TDY assignments | Field agents would relocate to HQ on a temporary basis and receive per diem payments for lodging, meals, and incidental expenses. Upon completion of the assignment, agents would return to their field offices of origin. |
| Volunteer nonsupervisory TDYs to HQ | Field agents would volunteer to serve a 12-month TDY assignment in HQ. Positions would be noncompetitive and would not require selection through a career board. |
| Volunteer permanent transfers to Washington, D.C. and Baltimore Field Offices | Field agents would volunteer to transfer permanently to the Washington, D.C. or Baltimore Field Offices and be required to serve a TDY assignment in HQ for a minimum of 12 months. |
| Internal transfers of agents within HQ | Agents serving in an HQ division designated as low priority would be assigned to a HQ division designated as high priority. |
| Involuntary draft of field agents to HQ | Field agents would be required to transfer to a HQ division, allowable under the FBI's transfer policy all agents sign when joining the agency. |

Source: FBI HQ Understaffing Report.

In assessing these short-term solutions, the working group conducted analysis and consulted internal stakeholders to determine the feasibility of each. The working group noted that long-term solutions would also need to be developed to ensure sustainability, and that what may be best for the FBI in the short term may not be sufficient over the long term. Although the working group suggested three potential long-term solutions, it noted that providing long-term recommendations would require a more detailed study. The long-term solutions it suggested included (1) relocation incentives to attract field agents to HQ, (2) expansion of the Washington, D.C. Field Office to provide support to HQ divisions, or (3) the creation of a "57th Field Office" to provide support for HQ divisions. The 57th Field Office would be located outside of the Washington, D.C., metropolitan area to avoid the area's high cost of living

and staffed principally by nonsupervisory agents.¹⁷ These agents would provide support to CTD and other HQ divisions.

FBI Actions to Address Agent Vacancies

Using the results of the working group's analysis, the FBI implemented the Headquarters Staffing Initiative (HSI), which used a combination of 18-month TDYs and financial incentives to attract agents from the field to HQ. In July 2005, the FBI began piloting HSI with the objective to fill supervisory agent positions in critical HQ divisions, including CTD. After the FBI deemed the pilot successful, it was established as a Director's initiative in December 2006. The FBI also implemented another recommendation from the working group, called the 57th Field Office, but ultimately discontinued the program in 2011 because it was not meeting its objective.¹⁸

Since its implementation, all agents transferring to HQ to fill supervisory agent positions at the GS-14 and GS-15 levels are part of HSI. HSI offers field agents one of two options to come to FBI HQ, as outlined in table 2.

Table 2: Options for Field Agents to Come to HQ under the Headquarters Staffing Initiative

| Permanent transfer | Eighteen-month TDY |
|--|---|
| <ul style="list-style-type: none"> Agent receives relocation incentive of at least \$25,000. Agent agrees to service agreement of 1 year. The FBI pays for relocation expenses. | <ul style="list-style-type: none"> Agent comes to HQ on an 18-month TDY assignment. While agent is on TDY, his or her position in field is back-filled. Upon completion of 18-month TDY assignment, agent returns to his or her field office to fill former position. The FBI pays a per diem (including lodging and meals and incidental expenses) reduced by a minimum of 25 percent the normal rate and one trip home per month. |

Source: FBI.

Under either option, agents receive full credit for a tour in HQ for purposes of career development and may subsequently be promoted to a supervisory position in a field office. Upon completion of the assignment, agents selecting the 18-month TDY option are given the choice to either

¹⁷ The FBI has 56 field offices.

¹⁸ Details of this program, known as the Special Agent Headquarters Assignment, can be found in app. II.

return to their prior position in the field or convert the TDY to a permanent position in CTD.

In designing the 18-month TDY option of HSI, the FBI considered both the staffing needs of HQ as well as the tax implications of TDY expenses. In general, per diem and other travel expense payments to most employees are not taxable income if the employee is temporarily away from home within a certain time period.¹⁹ Internal Revenue Service (IRS) guidance to DOJ indicated that among other things, for such certified employees, the determination of whether a job location is temporary depends upon the facts and circumstances of each particular case and that courts have typically examined a variety of factors to make such a determination. IRS additionally noted that when examining whether a job location is temporary, courts have historically viewed assignments lasting longer than 2 years as not being temporary, resulting in a shift in the taxpayer's tax home.²⁰ Given these tax implications, while the FBI has historically required agents to have at least 2 years of HQ experience to apply for a supervisory position in a field office, to minimize the likelihood that agents would be required to pay taxes on TDY payments, the FBI chose to set the TDY term at 18 months with the expectation that many agents may have their assignments extended any number of months because of operational circumstances. Agents on TDY completing 18 months under HSI are deemed to have met their requirement for HQ experience to apply for a supervisory position in a field office.

¹⁹ In general, under Internal Revenue Code provision 26 U.S.C. § 162(a), tax deductions are allowed for ordinary and necessary expenses in carrying on any trade or business, including traveling expenses such as meals and lodging while away from home in pursuit of a trade or business. With respect to traveling expenses, however, this Internal Revenue Code provision further provides that a taxpayer shall not be treated as being temporarily away from home during any period of employment in excess of 1 year. An exception in 26 U.S.C. § 162(a) provides that the 1-year limit shall not apply to any federal employee during any period for which such employee is certified by the Attorney General as traveling on behalf of the United States in TDY status to investigate or prosecute, or provide support services for the investigation or prosecution of, a federal crime. According to FBI officials, a blanket exemption has been granted that covers employees assigned to operational divisions under HSI. This exemption, according to the officials, was granted by the Assistant Attorney General pursuant to authority delegated from the Attorney General.

²⁰ See, for example, *Hummel v. Commissioner*, T.C. Memo 1977-135; *Jones v. Commissioner*, 54 T.C. 734 (1970) and 444 F.2d 508 (5th Cir 1971); *Michaels v. Commissioner*, 53 T.C. 269, 275 (1969); and *Norwood v. Commissioner*, 66 T.C. 467 (1976).

CTD Vacancies Have Declined since 2005, and Most Vacancies Were Caused by Internal Transfers within the FBI

What is a vacancy?

A *vacancy* is a position an agency has allocated funds to pay for, but is not currently filled by an employee. Employees who either currently fill or are planned to fill a funded position are referred to as onboards.

The extent of an agency's vacant positions depends on three factors: the number of its funded positions, the number of staff retained from the prior year, and the number of new staff members on board. Vacancies result when there is an increase in funded positions and the agency is unable to bring enough staff on board to fill them. Vacancies can also result if staff separate from the agency and the agency is unable to bring enough staff on board to replace them.

What is a separation?

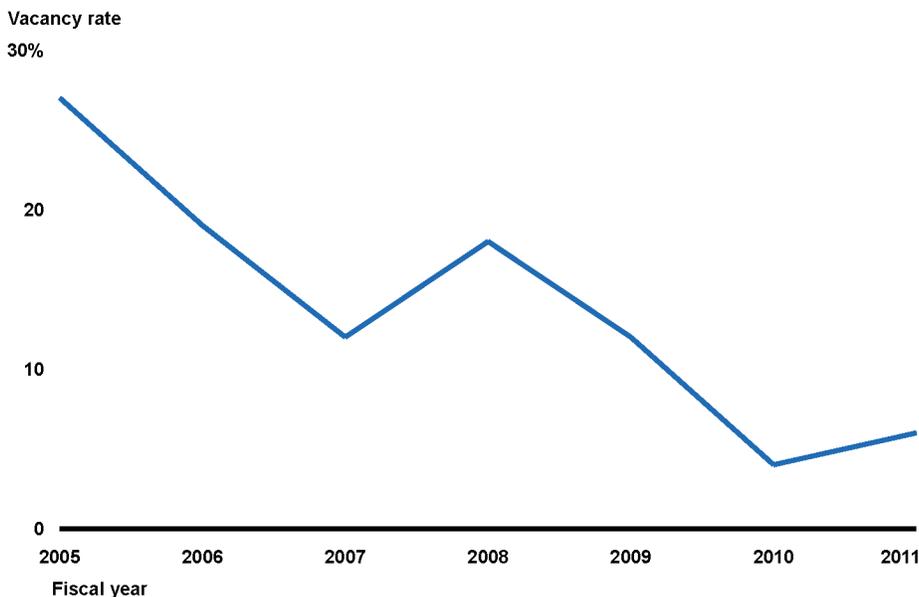
A *separation* occurs when a staff member leaves CTD for various reasons, such as resignation from the FBI or transfer to another area within the FBI. Because we define separation relative to CTD, not the FBI, a high separation rate indicates that CTD loses a large portion of staff. Depending on the type of separation it does not necessarily indicate that these staff left the FBI.

What is a funded position?

A funded position is a position allocated to CTD by the FBI based on annual congressional appropriations. The number of funded positions represents the maximum number of staff CTD can have on board. Although CTD cannot independently change its number of funded positions, it has the flexibility to transfer funded positions among its sections and units.

From fiscal years 2005 through 2011, the vacancy rate for all positions in CTD declined by 20 percentage points from 26 percent at the end of fiscal year 2005 to 6 percent at the end of fiscal year 2011.²¹ The vacancy rate decreased in each year except fiscal year 2008, when it rose from 12 percent to 18 percent, and 2011, when it rose from 4 percent to 6 percent. In addition, most of the vacancies that occurred in CTD from fiscal years 2005 through 2011 were caused by internal staff transfers to other parts of the FBI. Specifically, 77 percent of all separations from CTD from fiscal years 2005 through 2011 were due to internal transfers. (See app. IV for more details on separations.) Figure 1 provides vacancy rates at the end of each fiscal year from 2005 through 2011 for all CTD positions.

Figure 1: Vacancy Rate for All CTD Positions from Fiscal Years 2005 through 2011



Source: GAO analysis of FBI data.

²¹ The vacancy data we received were as of the last day of each fiscal year (September 30), and therefore our analysis provides a snapshot of the vacancies in CTD at one point in time. Vacancies and vacancy rates can fluctuate throughout the fiscal year for a variety of reasons, for example, changes in allocations of funded positions, separations, and hiring of new staff members. Our analysis does not capture the continuous vacancy rates over the fiscal year.

CTD's Overall Vacancy Rate Decreased and Varied by Position Type

While the overall vacancy rate in CTD declined from fiscal years 2005 through 2011, vacancy trends varied by position type. From fiscal years 2005 through 2011, agent vacancies decreased by 31 percentage points, intelligence analyst vacancies showed no steady trend, and professional support vacancies decreased 22 percentage points. Furthermore, vacancies for agents and professional support staff decreased consistently each year but one, while vacancies for intelligence analysts exhibited more variation during the period.

Regarding individual CTD sections and units, there was some variation in vacancies. FBI officials told us they have the flexibility to move staff between sections and units depending on organizational priorities. For example, in April 2011, the Strategic Operational Section was formed in CTD and staffed entirely with onboard employees from other parts of CTD. To the extent that certain skills are transferable between sections, this type of flexibility assists the FBI in ensuring that no CTD section or unit has a substantially higher number of vacancies than another section or unit. At the end of fiscal year 2011, the majority of sections had vacancy rates under the CTD-wide rate of 6 percent, and only a few sections had vacancy rates over 10 percent.

While the FBI has no targets for vacancy rates, and there is no general governmentwide guideline for what an acceptable vacancy rate is for an agency, an agency's ability to perform its mission can be negatively affected if high vacancy rates are affecting agency operations. According to the 2005 Understaffing Working Group, an internal FBI document, and some CTD officials we spoke with, CTD's vacancy rate for agents in 2005 (41 percent) was too high and negatively affected operations. In addition, in fiscal years 2005 through 2007, CTD's agent vacancy rates were higher than those for other HQ operational programs by 9 percentage points or more.²² However, after fiscal year 2007 agent vacancy rates in CTD were either less than those of other HQ programs or greater by only 1 percentage point. In addition, from fiscal years 2005 through 2011 overall vacancy rates for CTD and other operational HQ programs did not differ by more than 7 percentage points. (See app. III for a comparison of annual vacancy rates for CTD and other operational HQ programs.) This

²² Operational HQ programs include the Counterintelligence Division, CTD, the Criminal Investigation Division, the Critical Incident Response Group, the Cyber Division, DI, the International Operations Division, the Office of Victim Assistance, the Terrorist Screening Center, and the Weapons of Mass Destruction Directorate.

suggests that during the first 4 years following the FBI's prioritization of counterterrorism after September 11, 2001, CTD struggled more than other HQ programs to fill positions, but that more recently those challenges have lessened and are more consistent with those of other HQ divisions. All section chiefs as well as one deputy assistant director in CTD told us that current vacancy rates in CTD have no negative impact on their operations. In addition, officials from HRD who oversee staffing in all of HQ told us that the staffing challenges CTD currently faces, as well as the strategies to address those challenges, are no different than those of any other HQ division.

According to FBI officials we spoke with, the current vacancy rate of 6 percent is relatively low and reaching a 0 percent rate is virtually impossible because of the steps associated with filling a position, many of which are in place to ensure that the FBI has qualified staff filling positions. For example, agents in a field office applying to positions in HQ must be approved by a career board, made up of officials who review each candidate's application and qualifications. These career boards take place on monthly cycles, thus depending on when the vacancy arises there may be a gap in when the position is filled. For intelligence analysts and professional support staff, new hires may come from outside the agency and must therefore be vetted through a lengthy security clearance process before they can be brought on board. According to the FBI, depending on how much lead time the FBI has to prepare for a vacancy, there can be a lengthy period before the position is filled. Because the FBI does not maintain data on the number of vacancies caused by these delays, we were unable to estimate the number of vacancies that resulted from these delays.

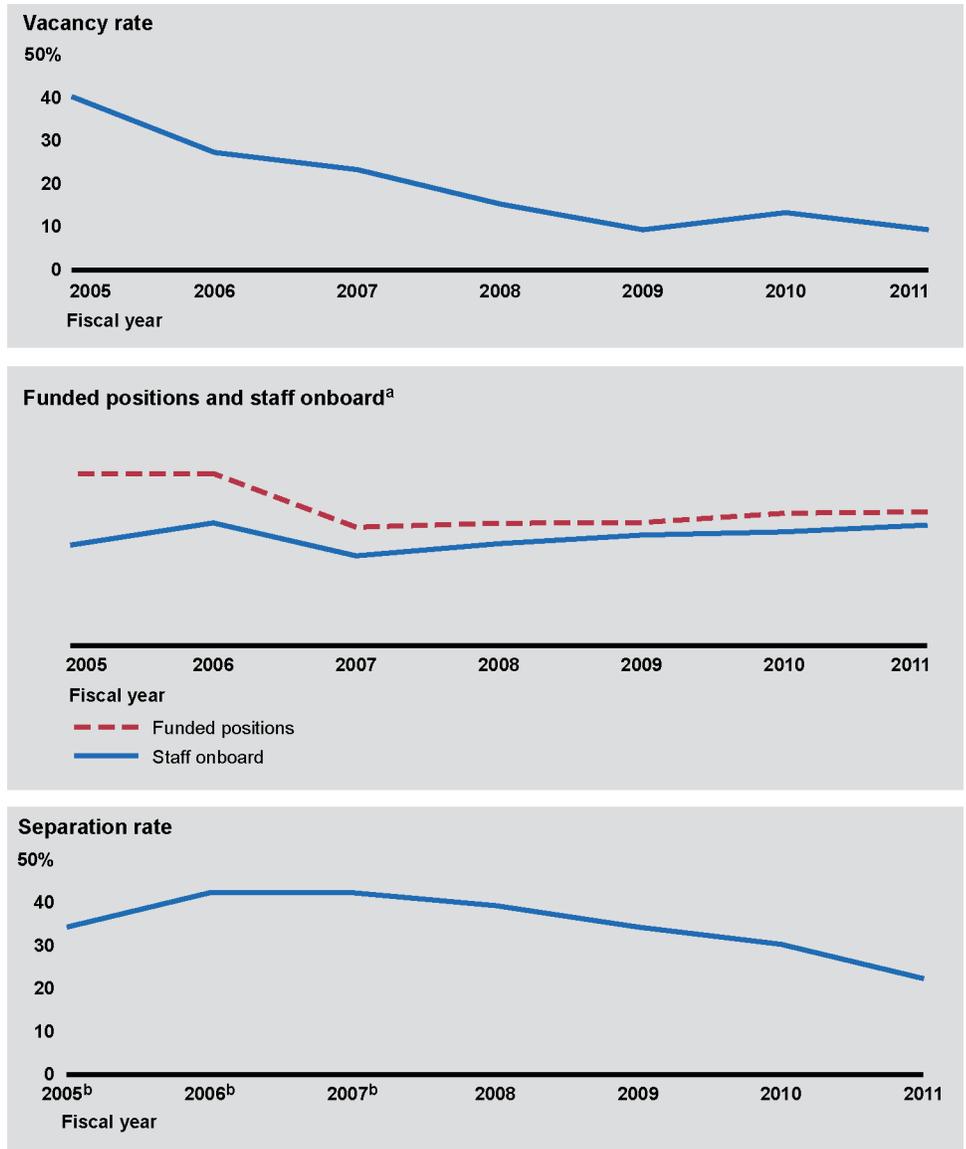
Agent Vacancies

Agent vacancies decreased by 31 percentage points from fiscal years 2005 to 2011. As shown in figure 2, the agent vacancy rate decreased consistently at an average of 5 percentage points per year, from a peak of 41 percent at the end of 2005 to a low of 10 percent at the end of fiscal year 2011. Our analysis of FBI data suggested that this decrease was a result of a combination of factors, including the decrease and subsequent stabilization of annual funded agent positions combined with a decrease in agents separating from CTD. FBI officials also told us that the decrease was also partially a result of increases in the number of agents applying for positions in CTD. Specifically, as shown in figure 2, overall funded positions for agents in CTD decreased from fiscal years 2005 through 2007 and marginally increased from 2007 through 2011, meaning that CTD did not have large numbers of new positions to fill each year. In addition, the percentage of agents separating from CTD decreased from

fiscal years 2006 through 2011. Although the separation rate increased from fiscal years 2005 to 2006, it did not lead to an increase in vacancies because the FBI began implementing HSI, which increased the number of onboard agents in CTD (we discuss this in more detail later in this report).²³ Figure 2 shows the year-end vacancy rates and number of funded positions and staff onboard as well as the yearly separation rates for agents from fiscal years 2005 through 2011.

²³ In addition, the restructuring of FBI HQ was responsible for 7 percent of all agent separations in 2007 and 2008. In 2006, the Weapons of Mass Destruction Directorate was created out of functions that were formerly part of other divisions, including CTD. According to the FBI, staffing data reflected this change starting in 2007, and several staff members, including some agents, left CTD for the Weapons of Mass Destruction Directorate that year. In 2008, the Terrorist Screening Center was moved out of CTD to become its own stand-alone program, and staff, including agents, left CTD for the Terrorist Screening Center that year.

Figure 2: Vacancy Rates and Separation Rates for Agents in CTD, Fiscal Years 2005 through 2011



Source: GAO analysis of FBI data.

Notes: Onboard counts include employees on TDY assignments of over 180 days. Vacancy rates and the number of funded positions and staff on board are as of the last day of each fiscal year. Separation rates are the percentage of staff separating over the course of the fiscal year. Employees on TDY assignments are not included in the calculation of separation rates.

^aThe exact total number of funded agent positions in CTD was deemed sensitive by FBI. As a result, that information has been redacted from this report.

^bSeparation data for 2005 through 2007 do not include the Terrorist Screening Center, which was a part of CTD for these years, and accounted for 2 percent of total onboard agents at the end of each these fiscal years.

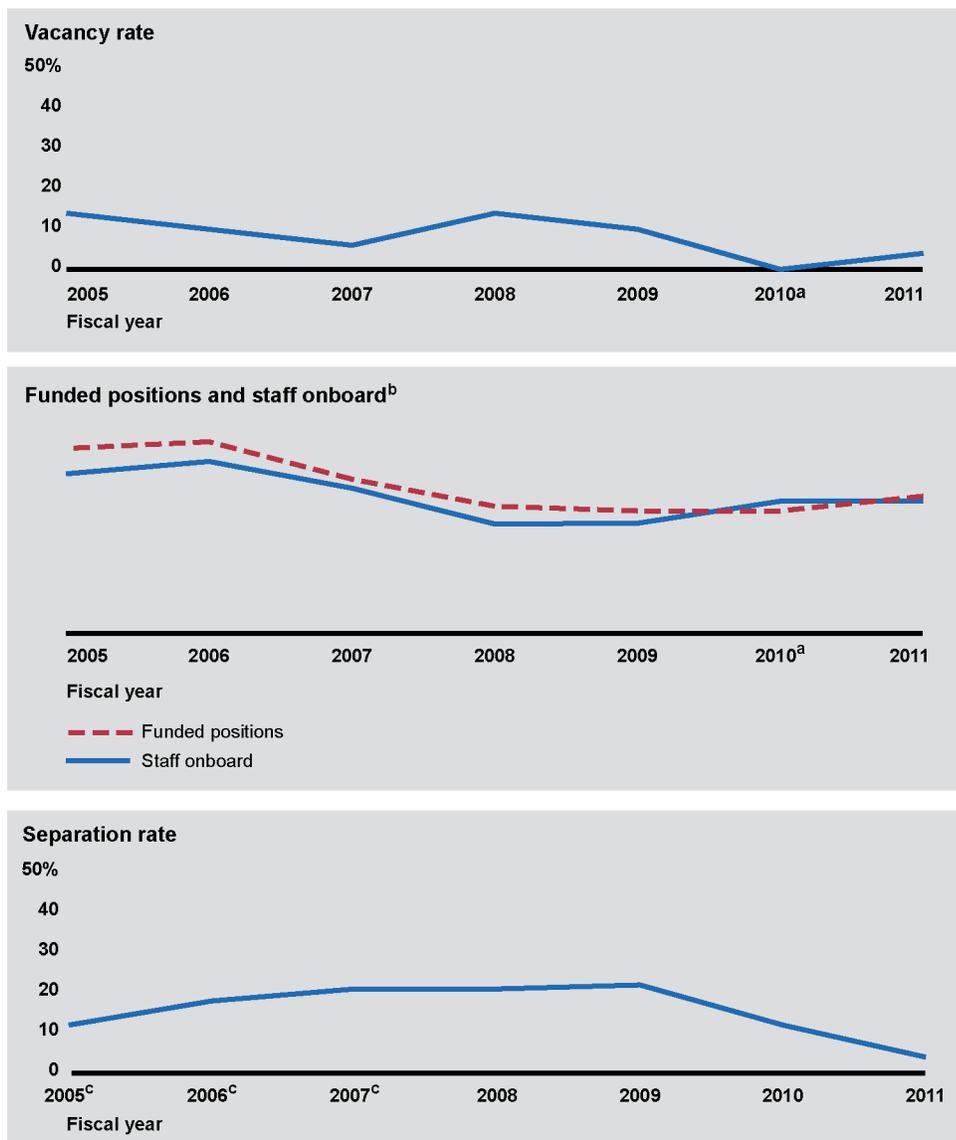
Intelligence Analyst Vacancies

While the vacancy rate for intelligence analysts fluctuated from fiscal years 2005 through 2011, these fluctuations showed no consistent trends. Specifically, the vacancy rate for intelligence analysts was relatively stable from fiscal years 2005 through 2009, fluctuating close to the average of 11 percent for that time period. At the end of fiscal year 2010, the vacancy rate decreased to 0 percent, and then rose to 4 percent at the end of fiscal year 2011. According to our analysis of FBI data, fluctuations in vacancy rates for intelligence analysts were in large part a result of restructuring in FBI HQ, which changed the number of funded positions and staff separating from CTD to other divisions. As shown in figure 3, the decrease in vacancies for intelligence analysts from fiscal years 2005 through 2007 was due in part to a relatively small increase in funded positions from fiscal years 2005 through 2006, and a subsequent decrease from fiscal years 2006 through 2007, a result of the restructuring of FBI HQ that shifted intelligence analyst funded positions out of CTD. The higher vacancy rates in fiscal years 2008 and 2009 were related to continued increases in separation rates for those years, according to FBI officials, as a result of the implementation of the Strategic Execution Team (SET).²⁴ In an initiative designed to help the FBI become more intelligence driven, one aspect of SET moved intelligence analysts to field offices to increase FBI field awareness of intelligence work. From fiscal years 2009 through 2010, intelligence analyst funded positions were stable and in fiscal years 2010 and 2011 separation rates decreased, corresponding to the lowest vacancy rates from fiscal years 2005 through 2011. CTD's ability to hire new intelligence analysts to fill vacancies contributed to the generally lower level of vacancies for intelligence analysts relative to agents. Our analysis of FBI data showed that for every fiscal year from 2005 through 2011, on average more qualified candidates applied to job announcements for intelligence analysts than there were vacant positions associated with those announcements. Figure 3 shows the year-end vacancy rates and number of funded positions and staff on board, as well as the yearly

²⁴ The formation of the Weapons of Mass Destruction Directorate in 2007 and the Terrorist Screening Center in 2008 led to the transfer of intelligence analysts out of CTD, representing 19 percent of all intelligence analyst separations over the 2 years.

separation rates for intelligence analysts from fiscal years 2005 through 2011.

Figure 3: Vacancy Rates and Separation Rates for Intelligence Analysts in CTD, Fiscal Years 2005 through 2011



Source: GAO analysis of FBI data.

Notes: Onboard counts include employees on TDY assignments of over 180 days. Vacancy rates and the number of funded positions and staff on board are as of the last day of each fiscal year. Separation rates are the percentage of staff separating over the course of the fiscal year. Employees on TDY assignments are not included in the calculation of separation rates.

^aIn 2010, CTD had an excess of intelligence analysts beyond its number of funded positions. Onboard counts include employees on TDY assignments of over 180 days. Vacancy rates and the number of funded positions and staff on board are as of the last day of each fiscal year. Separation rates are the percentage of staff separating over the course of the fiscal year. Employees on TDY assignments are not included in the calculation of separation rates.

^bThe exact total number of funded intelligence analyst positions in CTD was deemed sensitive by FBI. As a result, that information has been redacted from this report.

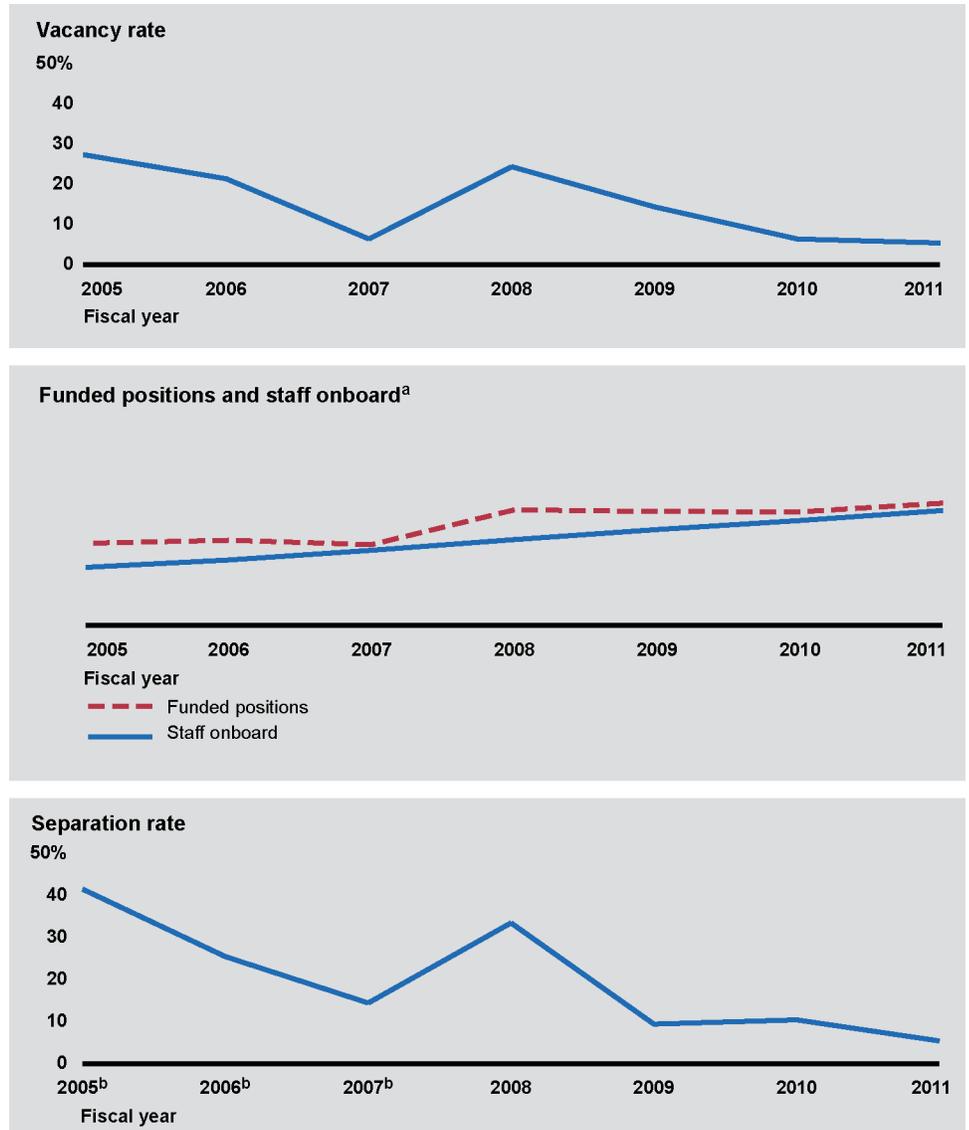
^cSeparation data for 2005 through 2007 do not include the Terrorist Screening Center, which was a part of CTD for these years, and accounted for 1 to 2 percent of total onboard intelligence analysts at the end of each of these fiscal years.

Professional Support Staff

From fiscal years 2005 through 2011, the vacancy rate for all CTD professional support staff declined from 28 percent to 6 percent. Vacancies decreased every fiscal year except 2008, when the rate rose from 7 percent the prior year to 25 percent. As shown in figure 4, while the number of funded positions gradually increased, the general decrease in separation rates from fiscal years 2005 through 2011 and a consistently higher number of qualified applicants than job announcements were responsible for the downward trend in vacancies. The peak in vacancies at the end of fiscal year 2008 corresponded to increases in funded positions and a peak in separations. At the end of fiscal year 2008, CTD had a 40 percent increase in professional support funded positions from fiscal year 2007. In addition, separations caused by transfers within the FBI peaked in fiscal year 2008 at 27 percent, in part because of the restructuring of FBI HQ (see app. IV for details).²⁵ Figure 4 shows the year-end vacancy rates and number of funded positions and staff on board, as well as the yearly separation rates for professional support staff from fiscal years 2005 through 2011.

²⁵ The formation of the Weapons of Mass Destruction Directorate in 2007 and the Terrorist Screening Center in 2008 led to the transfer of professional support staff out of CTD, representing 36 percent of all professional support separations over the 2 years.

Figure 4: Vacancy Rates and Separation Rates for Professional Support Staff in CTD, Fiscal Years 2005 through 2011



Source: GAO analysis of FBI data.

Notes: Onboard counts include employees on TDY assignments of over 180 days. Vacancy rates and the number of funded positions and staff on board are as of the last day of each fiscal year. Separation rates are the percentage of staff separating over the course of the fiscal year. Employees on TDY assignments are not included in the calculation of separation rates.

^aThe exact total number of funded professional staff positions in CTD was deemed sensitive by FBI. As a result, that information has been redacted from this report.

^bSeparation data for 2005 through 2007 do not include the Terrorist Screening Center, which was a part of CTD for these years, and accounted for 11 to 13 percent of total onboard professional support staff at the end of each of these fiscal years.

FBI Staffing Initiatives Have Helped Reduce CTD Vacancies, but the FBI Has Not Assessed the Long-Term Sustainability of Its Strategy for Addressing Vacancies

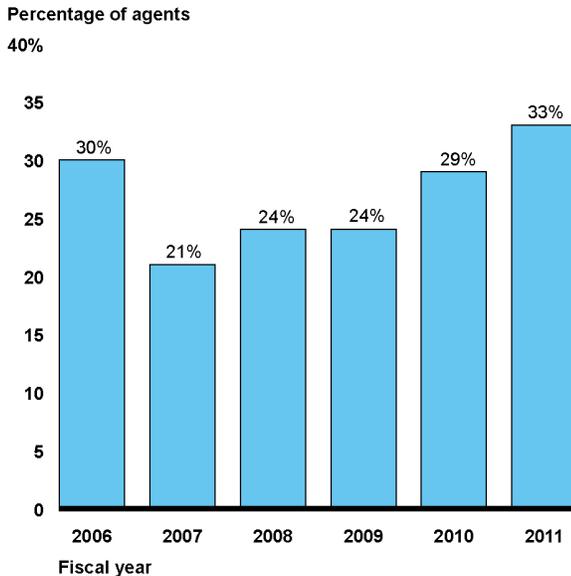
While the FBI's staffing initiatives have helped to reduce vacancies in CTD, the FBI has not yet identified its long-term strategy for addressing vacancies in HQ. All FBI officials we interviewed told us that HSI has been very successful in helping them reduce agent vacancies in CTD since 2005, and that its benefits outweigh its costs. In addition, FBI officials also told us that their use of 3R incentives and other workforce flexibilities has helped to fill intelligence analyst and professional support staff positions. While FBI officials told us that its staffing strategies have so far been effective, the FBI has not assessed their long-term sustainability nor identified a long-term strategy for maintaining adequate staffing levels in CTD.

HSI Has Helped Reduce Agent Vacancies in CTD

According to all FBI officials we interviewed, HSI has been successful in helping them reduce agent vacancies in CTD, and its benefits outweigh its costs. Chiefs from all CTD sections we interviewed, as well other CTD and HRD officials, stated that without HSI they would have trouble keeping agent positions filled. Following the implementation of HSI as a full program in 2006, vacancy rates for agents began a decreasing trend until 2011. The 18-month TDY option has been the most commonly selected by agents. Specifically, our analysis of FBI data showed that from 2007 through 2010, 71 percent of all new agents coming to CTD under HSI came as 18-month TDYs, rather than permanent transfers. As shown in figure 5, from fiscal years 2006 through 2011, 18-month TDYs made up from 21 to 33 percent of all agents in CTD, suggesting that the program had a significant impact on vacancies.²⁶ According to the FBI, because it has been more frequently chosen by agents, the 18-month TDY option has been more effective than the permanent transfer option in filling vacancies.

²⁶ While CTD and FBI HQ in general depend on TDYs for other purposes, agents on 18-month TDY accounted for 87 percent of all TDYs in CTD at the end of fiscal year 2011.

Figure 5: Agents on 18-Month TDY as Percentage of Total Agents in CTD, Fiscal Years 2006 through 2011



Source: GAO analysis of FBI data.

However, because it is not possible to identify how many HSI participants would have taken a position in CTD without the relocation incentive or the TDY option, it is not possible to quantify this effect. Further, HSI did not work in isolation of other factors, which also likely affected vacancies. Specifically, FBI officials identified other factors that also contributed to the decrease in agent vacancies, including the improved operational efficiency in CTD and increased counterterrorism experience in the FBI in general. According to the FBI, following its prioritization of counterterrorism work in 2002, many agents across the FBI lacked the experience they have today in conducting counterterrorism work. This lack of experience combined with the high number of agent vacancies in CTD at the time resulted in an extremely fast-paced and high-stress work environment, making it difficult to attract agents to CTD. All CTD section chiefs told us that some field agents considering positions in CTD negatively perceived the division's high pace of work and lack of experience of its staff. However, officials said that as CTD and the FBI became more experienced and achieved better staffing levels, its operations became more efficient. The section chiefs said specifically that CTD is better at gathering, analyzing, and disseminating intelligence and collaborates better with other components of the IC. This increase in

efficiency translated to an improved work environment, which in turn improved field agents' perceptions of CTD.

Other Benefits of HSI

In addition to filling positions, FBI officials also identified various other benefits that were not originally intended as part of the HSI program. Table 3 summarizes these other benefits as well as costs associated with HSI.

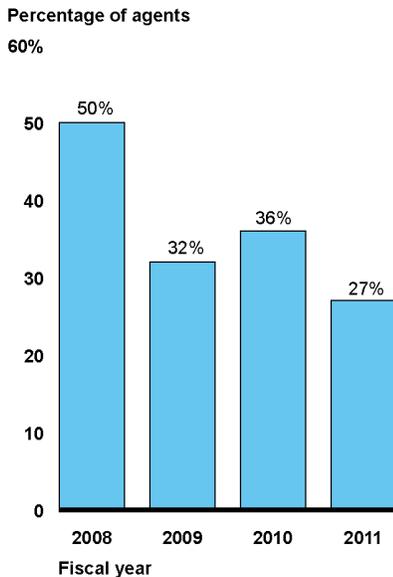
Table 3: Other Benefits and Costs of the Headquarters Staffing Initiative

| Benefits | Costs |
|---|---|
| <ul style="list-style-type: none">• HQ experience without committing to permanently relocate.• Stability in workforce planning.• Exchange of experience between CTD and field offices.• Increased leadership development among agents. | <ul style="list-style-type: none">• Financial costs.• Administrative burden.• Continuity of operations. |

Source: GAO analysis.

HQ experience without committing to permanently relocate. In addition to reducing vacancies, officials from HRD and all CTD sections stated that another benefit of HSI is that the TDY option allows agents to gain experience in CTD without committing to permanently relocate to Washington, D.C. This has been an important aspect to the program, as 71 percent of all agents coming to CTD under HSI from 2007 through 2010 came on TDYs. According to the FBI, this has brought three benefits for the agents on TDY. First, it mitigates the family disruption associated with relocating agents permanently, as an agent can maintain residence in the field. Second, for field agents affected by a depressed housing market, the TDY allows them to gain experience in CTD without incurring the financial hardship associated with selling a potentially undervalued home. Third, it allows agents to assess the extent to which they enjoy working in CTD. In addition, agents who decide to stay in CTD after the completion of their 18-month TDY assignment can elect to permanently relocate, and officials stated this has helped them fill some agent positions on a permanent basis. In fact, since the program began, 32 percent of all agents on 18-month TDY converted their positions to permanent. This rate is comparable to the overall HQ rate, which is slightly lower at 31 percent. Figure 6 shows the percentage of agents on 18-month TDY that converted to permanent status for fiscal years 2008 through 2011.

Figure 6: Percentage of Agents Completing 18-Month TDY Assignment in CTD Who Converted to Permanent Positions, Fiscal Years 2008 through 2011



Source: GAO analysis of FBI data.

Following fiscal year 2008, when only a small number of agents completed their TDY terms, conversions of agents from 18-month TDYs to permanent positions ranged from a high of 36 percent in 2010 to a low of 27 percent in 2011.

Stability in workforce planning. Officials stated that another benefit of HSI is that it facilitates workforce planning by stabilizing a schedule of when agents join and separate from CTD. According to officials, historically agents typically transfer out of CTD after 2 to 3 years. However, CTD does not have a schedule for when agents who are permanently staffed to CTD will transfer out, making it difficult to plan ahead for upcoming vacancies. According to FBI officials, the 18-month TDY option provides certainty to CTD workforce planning by providing a schedule of when agents on TDY will leave, allowing the division time to plan for vacancies in advance.

Exchange of experience between CTD and field offices. Another benefit of HSI cited by FBI officials is that the TDY option circulates HQ counterterrorism experience to field offices and regularly brings field experience to CTD. Officials said that CTD provides agents with a broad perspective on counterterrorism investigations as well as experience

working on a large number of complex cases and collaborating with the IC. The Deputy Assistant Director of CTD cited examples where key counterterrorism operations have been successful because of field agents having had experience in CTD. A corollary benefit, officials also said, is that the constant inflow of agents on TDY to CTD brings field perspectives to CTD. These field perspectives benefit other agents, analysts, and support staff working in CTD by helping keep their work grounded in the reality of FBI investigations.

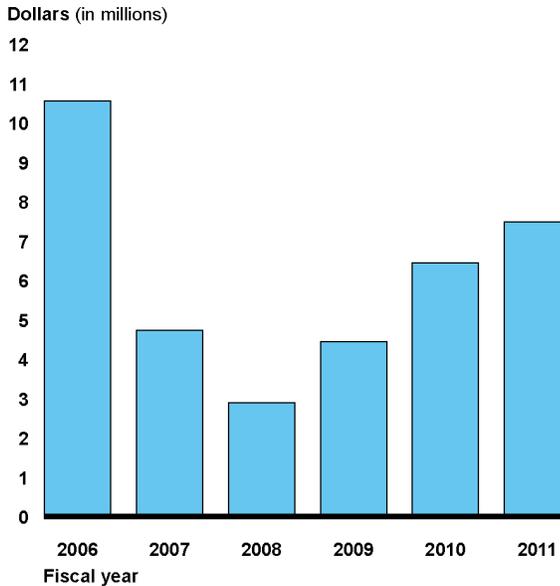
Increased leadership development among agents. A final benefit to HSI identified by officials is the increase in the pool of leaders across the FBI. The TDY option in HSI brings a large number of agents through CTD and other HQ divisions, giving them HQ experience not only valuable for operational purposes but also for career development purposes.

Costs of HSI

While FBI officials identified benefits to using 18-month TDYs for attracting agents to work in CTD, they also identified three primary costs: (1) financial costs, (2) administrative burden, and (3) continuity of operations.

Financial costs. From 2006 through September 2011, based on FBI data, we estimate that the FBI has incurred financial expenses of \$50 million for the CTD staff under HSI, in addition to normal salaries and benefits. Most of these expenses have been associated with 18-month TDYs, totaling \$36.5 million, according to the FBI. Figure 7 provides the total annual costs for all 18-month TDYs assigned to CTD for fiscal years 2006 through 2011. According to the FBI, the average cost for each TDY in CTD from fiscal years 2006 through 2010 was \$102,900.

Figure 7: Annual Financial Expenses for 18-Month TDYs in CTD, Fiscal Years 2006 through 2011



Source: FBI data.

According to the FBI, in addition to normal salaries and benefits, the average financial expense incurred by FBI per permanent transfer is at least \$113,633, including an average cost of relocation expenses of \$88,633 and a relocation incentive of at least \$25,000. Our analysis of FBI data estimated that the FBI spent \$13.5 million on permanent transfers from 2006 through September 2011, \$2.88 million of which was for relocation incentives.²⁷ The FBI pays for specific categories of financial expenses associated with permanent transfers and 18-month TDYs, as summarized in table 4.

²⁷ The FBI provided us 3R incentive data through June 6, 2011.

Table 4: Financial Expenses for the FBI Associated with HSI Options

| Expense | Permanent transfer | 18-month TDY | |
|--|--------------------|---|------------------|
| | Average cost | Expense (per 12-month period) | Average cost |
| Real estate assistance in selling home in point of origin | \$52,340 | Lodging | \$37,361 |
| Relocation incentive ^a | 25,000 | Meals and incidental expenses | 16,279 |
| Shipment and storage of household goods | 9,946 | Gross-up of tax liabilities under the Income Tax Reimbursement Allowance ^b | 16,160 |
| Real estate assistance in purchasing home in point of destination | 8,869 | One trip home per month | 3,243 |
| Temporary quarters | 5,789 | Initial and return trip to and from TDY destination | 405 |
| Gross-up of tax liabilities under the Relocation Income Tax Allowance ^c | 6,707 | | |
| Miscellaneous expenses | 4,982 | | |
| Total average cost^a | \$113,633 | Total average cost per 12-month period | \$68,600 |
| | | Total average cost for full 18-month term^d | \$102,900 |

Source: FBI.

^aAs of fiscal year 2011, relocation incentives for permanent transfers were set at a minimum of \$25,000, or 24 percent of the agent's base salary. As a result, our estimate of the total average cost of permanent transfers should be interpreted as a lower bound to the actual total average cost.

^bThe Income Tax Reimbursement Allowance, in general, is a reimbursement of federal, state, and local income taxes incurred as a result of an extended TDY assignment in one location. According to the FBI, TDYs in nonoperational offices in the FBI, for example HRD, are eligible to receive this allowance.

^cThe Relocation Income Tax Allowance, in general, is a reimbursement for additional federal, state, and local income taxes incurred by an employee as a result of certain travel and transportation expenses and relocation allowances provided by the government.

^dThe sum of the individual expenses for 18-month TDYs is greater than the total average cost because most agents on TDY under HSI were assigned to operational divisions, such as CTD, and did not receive gross-up payments under the Income Tax Reimbursement Allowance.

FBI officials told us that of the two options agents can choose to come to HQ, the 18-month TDY option presents the lowest financial cost per agent to the FBI. However, a direct comparison between the two options is complicated by the fact that permanent agents and agents on TDY often stay in CTD for different periods of time. Agents on TDY are assigned to CTD for 18 months, whereas agents who permanently transfer to CTD must stay a minimum of 1 year to receive the relocation incentive and do

not have a maximum time limit. Our analysis of FBI data showed that half of agents permanently assigned to CTD from fiscal years 2006 through 2011 left the division after just over 2 years, 6 months longer than agents on TDY. A second complicating factor in comparing TDYs to permanent transfers is that the FBI pays the relocation costs for agents who transfer from CTD to a supervisory position in a field office. Our analysis of FBI data from fiscal years 2005 through 2011 showed that 31 percent of all agent separations from CTD were due to promotions to a field office. Assuming that permanent transfers stay in CTD for 2 years, and taking into consideration that the FBI will incur the average transfer cost of \$88,633 for 31 percent of agents in CTD, we estimate that the average annual cost for permanent transfers is from \$70,112 to \$71,112. This is 3 to 4 percent higher than the average annual cost for agents on 18-month TDY, which according to the FBI is \$68,600.

Administrative burden. Aside from financial costs, there are administrative costs to HSI that are not easily quantified. The frequency with which agents separate from CTD means CTD continuously needs to fill agent positions. As a result, there is a constant inflow and outflow of agents who must be trained. For example, from fiscal years 2007 through 2011 on average 5 agents per month joined CTD on 18-month TDY, with 6 months having more than 10 agents entering on TDY. There are various administrative processes involved in bringing these agents on board, for example, two levels of career boards made up of CTD managers must be held for each vacant agent position. After joining CTD, depending on the section, new agents may go through training in a new subject area. There is also a burden associated with managing the program, whereby CTD and HRD staff must constantly monitor the flow of agents to ensure that time frames are met to avoid short-term vacancies during the period between when one agent leaves and another joins CTD.

Continuity of operations. FBI human capital officials we met with stated that managing the constant flow of agents circulating through CTD can sometimes make it difficult to align new agents being brought on board to fill the positions of departing agents. In addition, all section chiefs we interviewed in CTD stated that the learning curve for working in their sections can be steep and that it can take up to 1 month or more before an agent is fully contributing (or independently operating), depending on which section an agent enters and how much counterterrorism experience he or she brings. Three CTD section chiefs told us that the constant flow of agents in and out of CTD can have impact on the effectiveness and morale of intelligence analysts and professional support staff. According to these officials, because intelligence analysts and

professional support staff in general have a longer tenure in CTD, they typically have the legacy and historical knowledge that is critical to understanding CTD intelligence and operations. CTD relies on intelligence analysts and professional support staff to help new agents get up to speed on CTD operations and procedures, which can take time away from their day-to-day work and analysis.

Despite these costs, FBI officials stated that they do not negatively affect the FBI's ability to meet its mission. Prior to HSI, officials told us that agents typically only stayed in CTD 2 years anyway, after which they are eligible for a promotion to a supervisory position in a field office. This resulted in a constant turnover of agents similar to the current flow stemming from the 18-month TDYs. Our analysis of FBI data showed that of the agents who permanently transferred to CTD since fiscal year 2006, nearly 50 percent left the division after 2 years. Therefore, these challenges are not direct results of HSI, but rather a result of the amount of time agents typically stay at FBI HQ.

The FBI Has Used 3R Incentives and Other Workforce Flexibilities to Fill Intelligence Analyst and Professional Support Staff Positions

The FBI has used various strategies to fill positions for intelligence analysts and professional support staff, including the use of 3R incentives, targeted recruitment for technical positions, and developing clearly defined career paths for intelligence analysts. CTD faces different challenges in filling intelligence analyst and support staff positions than those related to filling agent positions. Most agents in CTD are at the GS-14 and GS-15 supervisory level and are required to have a certain level of FBI experience in the field. Because of the unique type of work conducted by agents, officials told us that they do not consider external candidates for supervisory agent positions in CTD. In contrast, intelligence analysts and support staff are typically recruited from other law enforcement agencies, other components of the IC, and the private sector. Unlike agents, intelligence analysts and professional staff do not need to relocate from a field office to fill a position in CTD. The strategies used to reduce vacancies in these positions therefore differ from those used to fill agent positions.

The FBI uses 3R incentives to fill positions for agents, intelligence analysts, and professional staff. As discussed above, the FBI primarily has used relocation incentives for agents, totaling \$4.3 million in

incentives from 2005 through 2011.²⁸ For intelligence analyst positions, the FBI has primarily used recruitment incentives. According to FBI data, from calendar years 2005 through 2011, the FBI provided \$970,489 in recruitment incentives, \$5,000 in relocation incentives, and \$58,842 in retention incentives for intelligence analysts. The number of incentives decreased steadily from calendar years 2005 through 2007, reflecting a diminishing need to fill positions as the number of intelligence analyst vacancies decreased during these years, but increased in 2008. As discussed previously, the separation rate for intelligence analysts peaked in 2008, and these incentives may have been provided to fill positions. Since 2009, no intelligence analyst in CTD has received any incentive, which corresponds to a diminished need to fill positions, as vacancies decreased to 0 in 2010 and remained lower than the period average in 2011.²⁹

Intelligence Analyst Career Paths

In 2011, the FBI established the following three career paths for intelligence analysts:

Collection and reporting: Deals with the identification and management of gaps in intelligence information and the development and dissemination of reports based on intelligence gathered throughout the FBI and the IC.

Tactical analysis: Deals with the analysis of intelligence within a narrowly defined scope related to specific regions or threats.

Strategic analysis: Deals with a broader scope than tactical analysis, focusing on longer-term threats.

Aside from financial incentives, the FBI also engages in other efforts to continue to attract and retain qualified intelligence analyst and professional support staff to FBI HQ. For example, the FBI engages in various targeted recruiting efforts at universities and other organizations to identify individuals with certain skill sets, such as technical and language capabilities, necessary for working in certain parts of the FBI. In addition, since 2005, regardless of the division intelligence analysts are located in, the FBI has reorganized their career development under the Directorate of Intelligence to better manage their development and training needs as well as provide them with a more centralized management structure. In 2011, the FBI also created three distinct career paths for intelligence analysts, specializing in one of the three components of intelligence work: (1) collection and reporting, (2) tactical analysis, and (3) strategic analysis. All intelligence analysts have been placed into one of these paths. According to FBI officials, all applicants to intelligence analyst positions at the FBI will choose which career path they wish to apply for and will be vetted against the requirements of that path, which will ensure that new intelligence analysts are a good match for the position they will fill in CTD. Officials said that before these career

²⁸ Relocation incentives used for special agents were provided as part of HSI and the Special Agent Headquarters Assignment. Details of the Special Agent Headquarters Assignment can be found in app. II.

²⁹ The FBI has used far fewer incentives for professional support staff than for agents and intelligence analysts, providing \$45,030 in recruitment incentives for three management and program analysts since 2005.

paths, new intelligence analysts often did not know where they would be placed when they joined the FBI. Aside from other operational improvements, FBI officials stated that they expected these changes to improve the recruitment and retention of quality intelligence analysts in CTD and across the FBI.

The FBI Has Not Assessed the Long-Term Sustainability of Its Strategy for Addressing Vacancies

While FBI officials told us that its strategies to fill vacant CTD positions with qualified candidates have so far been effective, the FBI has not yet assessed their long-term sustainability nor identified a long-term strategy for maintaining adequate staffing levels in CTD. Under the Chief Human Capital Officers Act of 2002,³⁰ federal agencies have the responsibility to incorporate strategic workforce planning into their operations. Strategic workforce planning addresses two critical needs: (1) aligning an organization's human capital program with its current and emerging mission and programmatic goals and (2) developing long-term strategies for acquiring, developing, and retaining staff to achieve programmatic goals. In addition, to ensure their long-term ability to match human capital with goals, both OPM³¹ and our³² best practices state that agencies need to measure the effects of key initiatives to address critical skills gaps, evaluate the performance of those initiatives and their contribution to key programmatic results, and make appropriate adjustments. By following these principles, agencies can better ensure that their human capital management appropriately addresses the staffing challenges of the future and better contributes to their efforts to meet their missions and goals. Particularly given the fiscal constraints federal agencies are facing and will continue to face, it is incumbent on the FBI to make sure its efforts are cost-effective and sustainable over the long term.

The 2005 working group identified the need for the FBI to assess the long-term effectiveness of any staffing strategies implemented as a result of the 2005 study, reporting that long-term staffing solutions should be developed to ensure sustainability, and that what may be best for the FBI in the short term may not be sufficient over the long term. According to

³⁰ Pub. L. No. 107-296, 116 Stat. 2287 (2002).

³¹ Office of Personnel Management, *Human Capital Assessment and Accountability Framework (HCAAF)*.

³² GAO, *High-Risk Series: An Update*, [GAO-11-278](#) (Washington, D.C.: February 2011), and [GAO-04-39](#).

the FBI, the working group's analysis was restricted to stopgap measures, and its recommendation of 18-month TDYs was not assessed as a long-term strategy. The working group provided potential long-term solutions, but it noted that providing long-term recommendations would require a more detailed study to ensure that the FBI is adequately staffed in HQ. While FBI officials agreed that such a long-term evaluation was necessary, the FBI has not yet conducted such an evaluation of HSI. FBI officials told us in December 2011 that they were planning to review HSI, including the 18-month TDY option, to better assess its success since 2005, and how it can be improved. In January 2012, the FBI provided us with a brief description of its future plans to evaluate HSI, including the overall research objectives, some methodological information, and a deadline of spring 2012 for preliminary results.

However, the FBI has not yet clearly defined several key elements of its evaluation, including planning and design, what specific data will be analyzed, management of the evaluation, and how results will be disseminated. These elements include specific actions, such as developing measurable objectives and criteria to measure performance, identifying sufficient data sources and methodology, determining and allocating sufficient resources to conduct the evaluation, and establishing time frames for completing the evaluation phases. Best practices we established indicate that successful evaluations should articulate these elements to help ensure overall usefulness, reliability, objectivity, and timeliness of the results.³³ For example, the FBI's overall objective for the evaluation is to determine what has been learned and what, if any, refinements need to be made to HSI in the future. While this may be adequate as a broad goal, outlining more measurable objectives and specific criteria as well as a comparison to alternative staffing strategies could better position the FBI to determine the long-term sustainability of HSI. In addition, while the FBI has broadly defined some aspects of its evaluation methodology, including, for example, interviews and surveys of managers and HSI participants, additional programmatic data could also be important to use in the study, including data on staff participation, financial costs of the program, and the perspectives of nonsupervisory CTD staff, such as intelligence analysts and professional staff. Specifically, it is important for the FBI to account for the full costs of its

³³ Rossi, Lipsey, and Freeman, *Evaluation: A Systematic Approach*; Worthen, Sanders, and Fitzpatrick, *Program Evaluation: Alternative Approaches and Practical Guidelines*; [GAO-12-208G](#); [GAO-09-680G](#); and PAD-79-2.

current and any proposed alternative strategies, including financial, administrative, and operational costs as well as an estimation of the total and average per person cost. Operational or administrative costs to the program to be considered could include burdens placed on intelligence analysts and professional staff who support agents entering CTD and help them learn CTD operations and procedures quickly.

Aside from the objectives, evaluation methods, and costs, the FBI has also not yet articulated other important aspects of the evaluation, as called for in our best practices, such as determining and allocating sufficient resources for conducting the evaluation and establishing time frames for completing different phases of the evaluation, including disseminating results. By defining these key aspects, the FBI could better ensure that its evaluation will produce accurate and relevant findings that can inform the long-term staffing strategy for agents in CTD and other HQ programs. The FBI acknowledged that it was still in the beginning phases of its evaluation of HSI and that incorporating these elements into the evaluation could help it identify the most effective long-term staffing strategies moving forward.

Conclusions

Since the terrorist attacks of September 11, 2001, the FBI has undergone a major transformation and reallocation of resources toward counterterrorism, its number one priority. In addition to this transformation, the FBI has had to manage a significant expansion of resources and staff to fulfill this mission, particularly within CTD at FBI HQ. In 2005, the FBI identified that it had significantly high vacancies in CTD and other HQ divisions and subsequently took actions to assess and develop strategies to address this problem. While, according to the FBI, these strategies have helped to reduce vacancies and provided other benefits, the FBI has not yet assessed their long-term sustainability nor identified a long-term strategy for maintaining adequate staffing levels in CTD. The FBI is in the early stages of assessing its HSI program; however, it is too early to determine what, if any, refinements or alternative strategies will need to be developed in the future to ensure adequate staffing levels in CTD. In addition, the FBI has not yet established clear criteria, time frames, and other factors of the evaluation, which could help ensure that HSI or any proposed alternative strategies will be sustainable and effective over the long term. In this era of fiscal constraint, it is important that the FBI ensure that its staffing strategies allow it to meet its top priority counterterrorism mission in the most cost-effective manner possible.

Recommendation for Executive Action

As the FBI conducts its evaluation of HSI to determine its long-term effectiveness and sustainability for addressing vacancies at FBI HQ, we recommend that the FBI Director include the following best practices for conducting evaluations:

- develop measurable objectives and criteria for the evaluation;
- determine and allocate sufficient resources for the evaluation;
- establish time frames for completing different phases of the evaluation;
- include a comparison of current strategies to any proposed alternatives; and
- fully account for the financial, administrative, and operational costs.

Agency Comments and Our Evaluation

We provided a draft of this report to DOJ and FBI for review and comment. The FBI provided written comments, which are reprinted in appendix V. The FBI concurred with our recommendation and identified actions to implement it. We believe the steps the FBI is taking, and plans to take, to assess HSI should help it identify HSI as sustainable over the long term or determine what, if any, refinements or alternative strategies will need to be developed in the future to ensure adequate staffing levels in CTD. The FBI also provided us written technical comments, which we incorporated as appropriate.

We are sending copies of this report to the Attorney General, the Director of the FBI, appropriate congressional committees, and other interested parties. In addition, this report is available at no charge on the GAO website at <http://www.gao.gov>.

If you or your staff have any questions about this report, please contact me at (202) 512-9627 or maurerd@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on

the last page of this report. Key contributors to this report are listed in appendix VI.

A handwritten signature in black ink, reading "David C. Maurer". The signature is written in a cursive style with a prominent initial "D" and a long, sweeping underline.

David C. Maurer
Director, Homeland Security and Justice Issues

List of Requesters

The Honorable Patrick Leahy
Chairman
The Honorable Chuck Grassley
Ranking Member
Committee on the Judiciary
United States Senate

The Honorable Daniel K. Akaka
Chairman
Subcommittee on Oversight of Government Management
Committee on Homeland Security and Governmental Affairs
United States Senate

The Honorable Lamar Smith
Chairman
The Honorable John Conyers, Jr.
Ranking Member
Committee on the Judiciary
House of Representatives

The Honorable Louie Gohmert
Vice-Chairman
The Honorable Bobby Scott
Ranking Member
Subcommittee on Crime, Terrorism, and Homeland Security
Committee on the Judiciary
House of Representatives

Appendix I: Scope and Methodology

To determine the extent of counterterrorism vacancies at Federal Bureau of Investigation's (FBI) headquarters (HQ) since 2005, we obtained and analyzed Counterterrorism Division (CTD) staffing data from the FBI on the number of funded positions, the number of onboard staff, and the number of staff on temporary duty (TDY), for fiscal years 2005 through 2011.¹ Specifically, we calculated vacancy rates for agents, intelligence analysts, and professional support staff by subtracting the total number of onboard staff from the total number of funded positions and then dividing the result by the total number of funded positions. We also compared vacancy rates between CTD and other operational HQ programs in order to understand whether CTD vacancies differed substantially from those of other HQ programs. The FBI provided data on funded positions and onboard staff as of the last pay period in each fiscal year, and therefore any calculations based on these data only provide a snapshot of the vacancies in CTD at one point in time. In addition, vacancy rates can fluctuate throughout the fiscal year for a number of reasons, including changes in allocations of funded positions, separations, and hiring of new staff members. Therefore, our analysis does not capture the continuous vacancy rate fluctuations over each fiscal year.

To understand the reasons for identified vacancies in CTD since 2005, we interviewed knowledgeable officials and staff in CTD, the Human Resources Division (HRD), the Directorate of Intelligence (DI), and the Resources Planning Office for their perspectives on the reasons for vacancies. In addition, we examined three general categories of FBI data, including how fluctuations in these data categories affected CTD vacancies. The categories were funded positions, separations, and applicants. More specifically, we obtained data from the FBI on the total number of funded positions in the last pay period of each year, the total number of staff who separated from CTD for any reason throughout each year,² and the total number of applicants to external vacancy

¹ The analysis was restricted to CTD because CTD coordinates all counterterrorism operations in FBI HQ and field offices. Other offices conduct counterterrorism work, including the Terrorist Screening Center (an independent office from CTD as of 2008) and the Directorate of Intelligence. The extent of vacancies in those offices is not addressed in this report.

² Although the Terrorist Screening Center was part of CTD from fiscal years 2005 through 2007, the FBI was unable to provide us with data on separations for the Terrorist Screening Center for these years by the time we completed our review. The Terrorist Screening Center made up from 3 to 4 percent of total CTD onboards for these years.

announcements throughout each year, from fiscal years 2005 through 2011. To calculate separation rates, we divided the total number of separating staff in the given fiscal year by the average number of onboard staff at the beginning and end of that fiscal year. To calculate application rates, we calculated the average number of best qualified applicants to each vacant position announced by CTD. To understand the trends in the number of qualified applicants to internal positions in CTD, we interviewed knowledgeable officials in CTD and HRD. Unlike data on vacancies and funded positions, data on separations and applicants included the total number of separations and applicants throughout the entire fiscal year, not solely at one point during the year. As a result, reported data totals for separations and applicants do not match the reported end of the fiscal year totals for vacancies and funded positions. To analyze the impact that changes in the number of funded positions, separations, and applicants had on vacancies in CTD, we based our analysis on how each of these factors conceptually relates to vacancies. For example, an increase in the number of funded positions or high levels of staff separations increase the likelihood of vacancies, while high rates of applicants per vacancy decrease the likelihood of vacancies. We calculated annual changes in funded positions, separation rates, applicant rates, and vacancy rates to identify any patterns.

To assess the reliability of the data we received from the FBI, we conducted interviews with FBI officials and staff who regularly work with the data and were tasked with extracting the data. In our interviews we asked about the internal controls related to inputting the data, as well as the programming criteria used to extract the data. We also conducted electronic checks of the data, including logic checks, checks for missing and unreasonable data, and comparisons across different data sets the FBI provided that contain the same or similar information. We compared our own analysis to testimonial evidence from interviews with FBI officials and discussed with officials potential inconsistencies in the data. We determined all data used to be sufficiently reliable for the purposes of this report.

To determine the impact of the FBI's human capital strategies on CTD vacancies, we reviewed the 2005 Understaffing Working Group study as well as other official FBI documents and interviewed officials in HRD and CTD. In addition, we analyzed whether there were substantive changes in agent vacancies following the initiation of the Headquarters Staffing Initiative (HSI) and whether those changes continued over the course of implementation. We also obtained and analyzed data on participation in the 18-month TDY option of HSI to determine the percentage of all agents

in CTD on 18-month TDY and the percentage of agents on TDY who converted to a permanent position in CTD. We also interviewed relevant officials in CTD, HRD, and DI, including section chiefs and assistant section chiefs for all CTD sections, to obtain their perspectives of the benefits, costs, and effectiveness of HSI. To compare the tenure of agents on TDY and permanent transfer, we conducted a life table analysis to estimate the median number of months agents not on TDY stayed in CTD, for agents entering the division in fiscal years 2005 through 2011.

We also estimated the total financial cost of HSI to CTD by obtaining data on the various costs associated with the program, including relocation incentives, relocation costs for permanent transfers, and costs for TDYs. We used these data to calculate the total cost of the program, as well as the average cost per agent on TDY and permanent transfer. While the FBI provided us an average 12-month cost of TDYs under HSI, it did not provide one for permanent transfers. To estimate the average per agent cost of permanent transfers, we summed the average cost of relocation expenses, the average relocation incentive, and an estimate of relocation expenses to transfer an agent from CTD to a supervisory position in the field.³ To determine the financial costs of other strategies, we obtained and analyzed data on the 3R incentives received by staff in CTD for calendar years 2005 through 2011, and tabulated the sum of the number and value of incentives by position type (agent, intelligence analyst, professional support) and type of incentive (recruitment, relocation, retention). To determine the extent to which the FBI has evaluated the long-term sustainability of HSI and other staffing strategies, we compared the FBI's efforts to principles of strategic workforce planning established by us⁴ and the Office of Personnel Management,⁵ as well as the 2005 Understaffing Working Group's report, which stated that a further

³ To calculate this last estimate, we first estimated the likelihood of paying these relocation expenses as the percentage of agents who separate from CTD for a promotion to a field office. We then multiplied that percentage by the average relocation cost provided by the FBI. To make the average costs of TDYs and permanent transfers comparable, we converted the average cost to permanent transfers to a cost per 12 months, using our estimate of the median time permanent agents remain in CTD from our life table analysis.

⁴ GAO, *Human Capital: Key Principles for Effective Strategic Workforce Planning*, [GAO-04-39](#) (Washington, D.C.: Dec. 11, 2003).

⁵ Office of Personnel Management, *Human Capital Assessment and Accountability Framework (HCAAF)*, 5 C.F.R. Part 250.

evaluation of long-term strategies would be necessary. In addition, we assessed the extent to which the FBI's plans to conduct an evaluation of HSI followed criteria for conducting evaluations we identified from the social science and evaluation literature⁶ as well as our own published guidance.⁷ In addition, we interviewed officials from other federal law enforcement agencies, including the U.S. Marshals Service; Bureau of Alcohol, Tobacco, Firearms and Explosives; Drug Enforcement Administration; Secret Service; and Immigration and Customs Enforcement, to discuss the strategies they use to fill HQ vacancies. After conducting these interviews, we determined that these agencies' efforts and missions were not directly comparable to those of the FBI.

We conducted this performance audit from May 2009 through April 2012 in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives.

Shortly after we began the review in May 2009, the Department of Justice and the FBI raised questions about GAO's access authority to obtain certain information from the Intelligence Community (IC) about FBI counterterrorism positions, which resulted in the FBI not providing information necessary for completing our review.⁸ We obtained general information from the FBI on policies, protocols, and strategies related to human capital issues, such as staffing, retention, recruitment, and workforce planning. However, because we were temporarily denied access to the information necessary to complete our review, we suspended our work. On June 30, 2011, in response to a statutory

⁶ P. H. Rossi, M. W. Lipsey, and H. E. Freeman, *Evaluation: A Systematic Approach*, 7th ed. (Thousand Oaks, Calif.: Sage Publications, Inc., 2004), and B. R. Worthen, J. R. Sanders, and J. L. Fitzpatrick, *Program Evaluation: Alternative Approaches and Practical Guidelines*, 4th ed. (Allyn & Bacon, 2010).

⁷ GAO, *Designing Evaluations: 2012 Revision*, [GAO-12-208G](#) (Washington, D.C.: January 2012); *Assessing the Reliability of Computer-Processed Data*, [GAO-09-680G](#) (Washington, D.C.: July 2009); and *Assessing Social Program Impact Evaluations: A Checklist Approach*, PAD-79-2 (Washington, D.C.: October 1978).

⁸ CTD is considered part of the IC.

requirement,⁹ the Director of National Intelligence finalized a directive pertaining to the Comptroller General's access to IC information, which provides, among other things, that elements of the IC shall not categorically deny GAO access to information and shall not withhold information solely because that information relates to a program funded by the National Intelligence Program. As a result, we reinitiated our review in June 2011 and completed our work in April 2012.

⁹ In general, section 348 of the Intelligence Authorization Act for Fiscal Year 2010 (Pub. L. No. 111-259, 124 Stat. 2654, 2700 (2010)) required the Director of National Intelligence, in consultation with the Comptroller General of the United States, to issue a written directive governing the access of the Comptroller General to information in the possession of an element of the IC.

Appendix II: Special Agent Headquarters Assignment

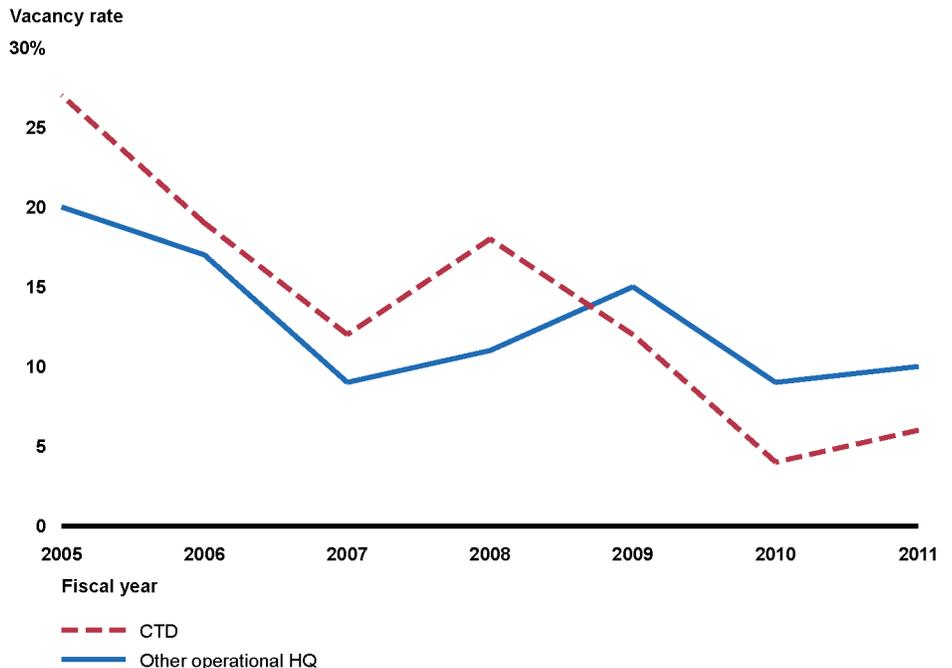
Following up on a recommendation of the 2005 Understaffing Working Group study, the FBI implemented the Special Agent HQ Assignment (SAHA). SAHA was based on the working group's long-term recommendation of establishing a "57th Field Office," and was announced in early 2008 as an effort to realign agent staffing levels in HQ. SAHA allowed field agents at the General Schedule (GS) 12 and 13 levels to fill nonsupervisory agent positions in HQ. Participating agents would receive a relocation incentive of \$25,000, and serve in HQ for a minimum of 2 years and a maximum of 3 years. Upon completion of the assignment, participants were given a choice as to which region in the United States they would like to transfer. Unlike the 18-month TDY option in HSI, the time spent in HQ as part of the SAHA did not count as HQ supervisory experience for participating agents.

According to the Assistant Director of HRD, SAHA was based on the FBI's assumption that the nonsupervisory tasks assigned to supervisory agents at the GS-14 and GS-15 levels could be fulfilled by nonsupervisory agents of a lower grade. In this manner, the initiative would have reduced the staffing pressure to fill supervisory agent positions in divisions such as CTD. SAHA reached its staffing goals, but the FBI determined that these positions needed to be filled with supervisory agents at the GS-14 level or above. According to officials, the supervisory tasks typically assigned to supervisory agents cannot be isolated from nonsupervisory tasks, and therefore the nonsupervisory agents were not as productive as the FBI had expected. Subsequently, the program was discontinued in early 2011. We estimate that the FBI spent a total of \$1.1 million in relocation incentives as part of SAHA.

Appendix III: Vacancy Rates for CTD and Other Operational HQ Programs

Figures 8 through 11 show vacancy rates for CTD and other operational HQ programs for fiscal years 2005 through 2011.

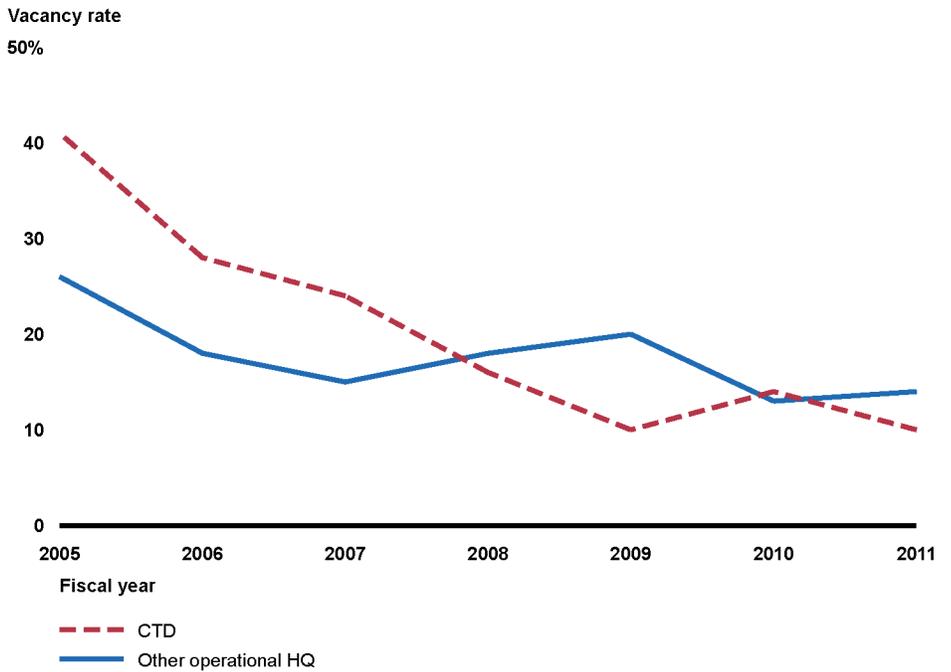
Figure 8: Vacancy Rates for All Staff in CTD and Other Operational HQ Programs, Fiscal Years 2005 through 2011



Source: GAO analysis of FBI data.

Note: Other operational HQ programs include the Counterintelligence Division, Criminal Investigation Division, Critical Incident Response Group, Cyber Division, DI, International Operations Division, Office of Victim Assistance, Terrorist Screening Center, and Weapons of Mass Destruction Directorate.

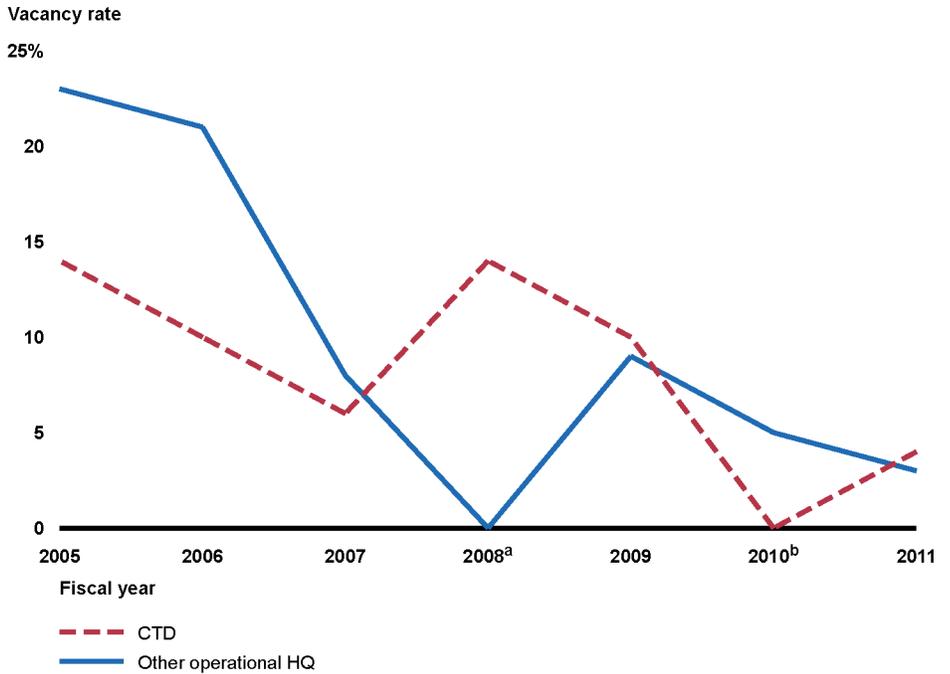
Figure 9: Vacancy Rates for Agents in CTD and Other Operational HQ Programs, Fiscal Years 2005 through 2011



Source: GAO analysis of FBI data.

Note: Other operational HQ programs include the Counterintelligence Division, Criminal Investigation Division, Critical Incident Response Group, Cyber Division, DI, International Operations Division, Office of Victim Assistance, Terrorist Screening Center, and Weapons of Mass Destruction Directorate.

Figure 10: Vacancy Rates for Intelligence Analysts in CTD and Other Operational HQ Programs, Fiscal Years 2005 through 2011



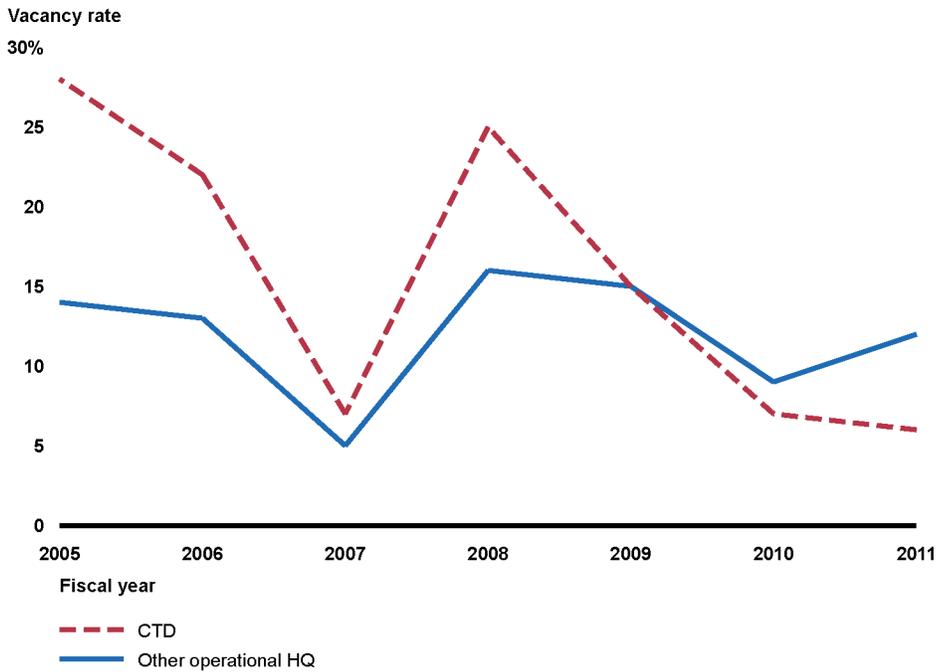
Source: GAO analysis of FBI data.

Note: Other operational HQ programs include the Counterintelligence Division, Criminal Investigation Division, Critical Incident Response Group, Cyber Division, DI, International Operations Division, Office of Victim Assistance, Terrorist Screening Center, and Weapons of Mass Destruction Directorate.

^aIn fiscal year 2008, the number of onboard intelligence analysts in other operational HQ programs exceeded the number of funded positions for intelligence analysts by 17.

^bIn 2010, the number of onboard intelligence analysts in CTD exceeded the number of funded positions for intelligence analysts by 29.

Figure 11: Vacancy Rates for Professional Support Staff in CTD and Other Operational HQ Programs, Fiscal Years 2005 through 2011



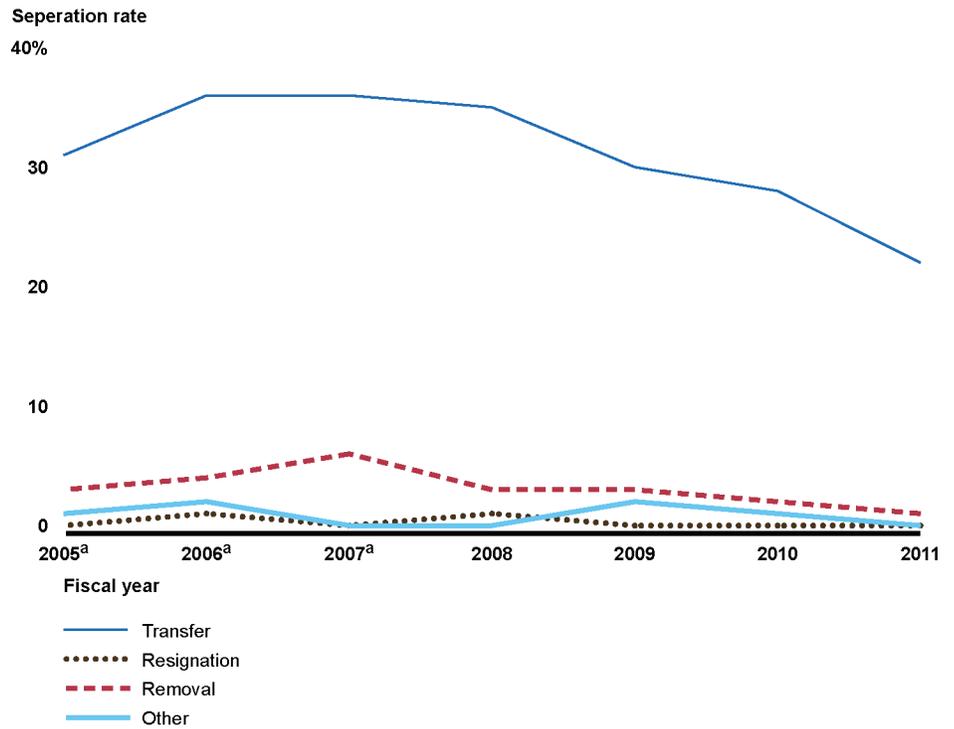
Source: GAO analysis of FBI data.

Note: Other operational HQ programs include the Counterintelligence Division, Criminal Investigation Division, Critical Incident Response Group, Cyber Division, DI, International Operations Division, Office of Victim Assistance, Terrorist Screening Center, and Weapons of Mass Destruction Directorate.

Appendix IV: Separations from CTD by Type of Separation

Figures 12 through 14 provide information on staff separations for CTD from fiscal years 2005 through 2011.

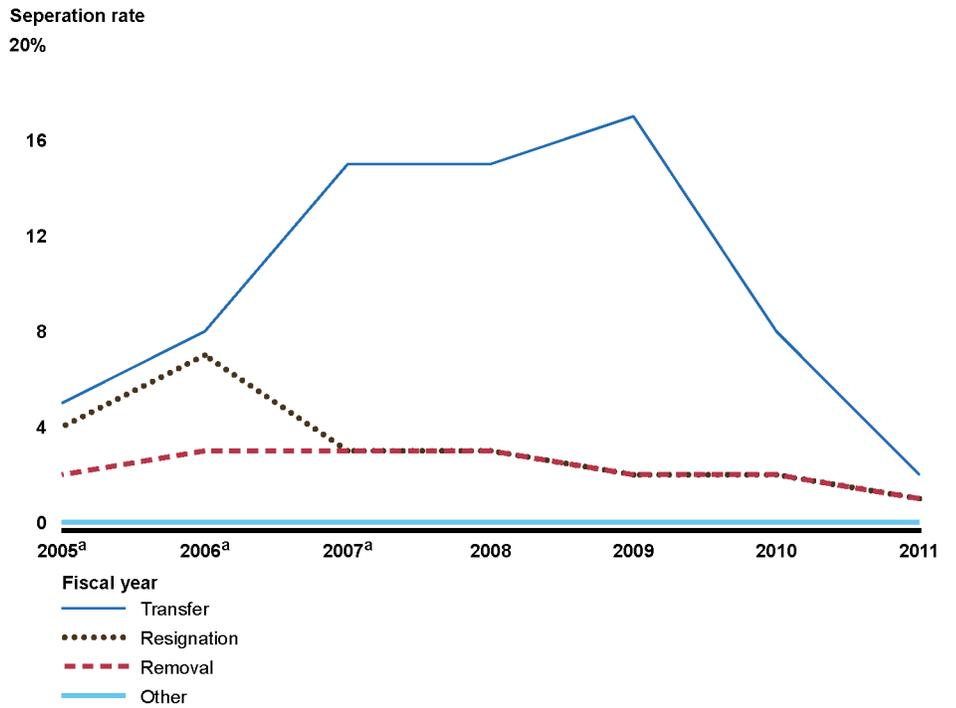
Figure 12: Separation Rates for Agents in CTD, by Type of Separation, for Fiscal Years 2005 through 2011



Notes: Transfer includes reassignments, realignments, relocations, conversions, and grade changes. Termination includes removals and terminations. Resignation includes all resignations. Other includes death, retirement, and other less frequent categories.

^aSeparation data for 2005 through 2007 do not include the Terrorist Screening Center, which was a part of CTD for these years.

Figure 13: Separation Rates for Intelligence Analysts in CTD, by Type of Separation, for Fiscal Years 2005 through 2011

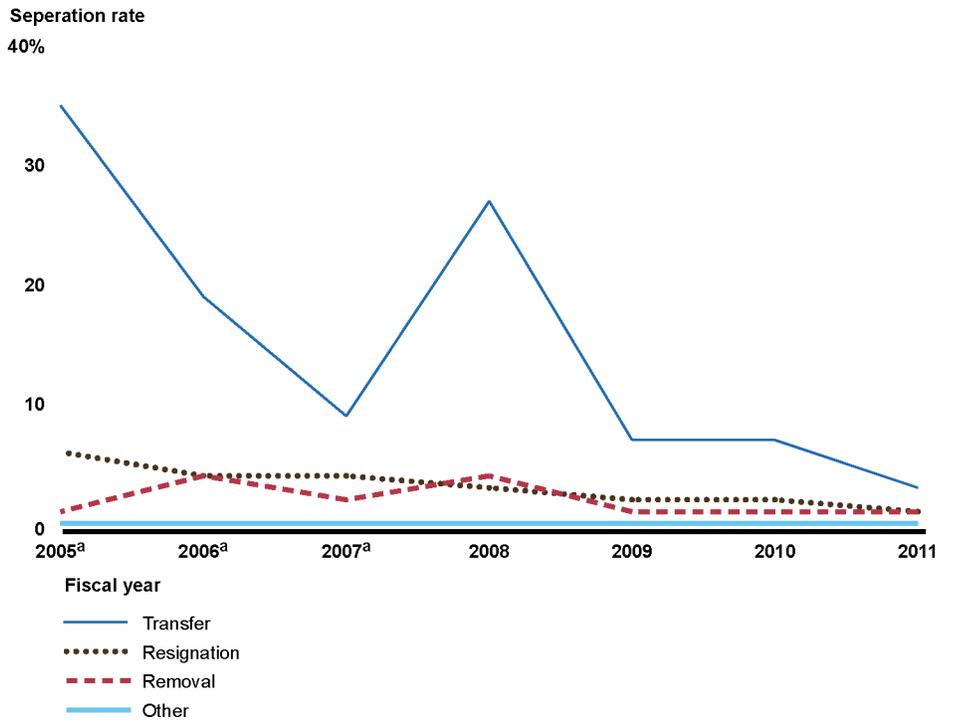


Source: GAO analysis of FBI data.

Notes: Transfer includes reassignments, realignments, relocations, conversions, and grade changes. Termination includes removals and terminations. Resignation includes all resignations. Other includes death, retirement, and other less frequent categories.

^aSeparation data for 2005 through 2007 do not include the Terrorist Screening Center, which was a part of CTD for these years.

Figure 14: Separation Rates for Professional Support Staff in CTD, by Type of Separation, for Fiscal Years 2005 through 2011



Source: GAO analysis of FBI data.

Notes: Transfer includes reassignments, realignments, relocations, conversions, and grade changes. Termination includes removals and terminations. Resignation includes all resignations. Other includes death, retirement, and other less frequent categories.

^aSeparation data for 2005 through 2007 do not include the Terrorist Screening Center, which was a part of CTD for these years.

Appendix V: Comments from the Federal Bureau of Investigation



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D. C. 20535-0001

March 23, 2012

Mr. David C. Maurer
Director, Homeland Security and Justice
United States Government Accountability Office
441 G Street, Northwest
Washington, D.C. 20548

Dear Mr. Maurer,

The Federal Bureau of Investigation (FBI) appreciates the opportunity to review and respond to your unclassified draft report entitled, "FBI COUNTERTERRORISM: Vacancies Have Declined, but FBI Has Not Assessed The Long-Term Sustainability of Its Strategy for Addressing Vacancies."

We are pleased you found that "From fiscal years 2005 through 2011, the Federal Bureau of Investigation's (FBI) human capital strategies contributed to reductions in the vacancy rate for all positions in the Counterterrorism Division (CTD) from 26 percent to 6 percent." As noted, the FBI developed the Headquarters Staffing Initiative (HSI) in 2005 to reduce the special agent vacancies in CTD and other headquarters divisions.

As previously described in my letter to you dated February 15, 2012, the FBI has already established and set forth the framework for an ongoing HSI review. This review will assess the overall, long-term impact of the HSI on reducing FBI Counterterrorism vacancies. Following this review, we look forward to sharing the results of our findings. Accordingly, we concur with your sole recommendation and have already taken steps to implement it.

Please feel free to contact me if you have any questions.

Respectfully,

A handwritten signature in cursive script that reads "David G. Bennett".

David G. Bennett
Assistant Director
Human Resources Division

Appendix VI: GAO Contact and Staff Acknowledgments

GAO Contact

David C. Maurer, (202) 512-9627 or maurerd@gao.gov

Staff Acknowledgments

In addition to the contact named above, Chris Currie, Assistant Director, and Christopher E. Ferencik, Analyst-in-Charge, and Robin Ghertner, Analyst, managed this review. Geoffrey Hamilton provided legal support. Rebecca Shea, Monique Williams, and Gregory Wilmoth assisted with design, methodology, and data analysis. Lara Miklozek provided assistance in report preparation.

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