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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS

WASHINGTON, DC 20510-6250

February 6, 2017

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The Honorable Gene L. Dodaro
Comptroller General
U.S. Government Accountability Office
441 G Street N.W.
Washington, DC 20548

Dear Mr. Dodaro:

We write today requesting that the Government Accountability Office (GAO) conduct a comprehensive study on the February 2005 transfer of the Department of Defense's (DOD's) background investigations function from the Defense Security Service (DSS) to the Office of Personnel Management (OPM). There are a number of lessons to be learned from the 2005 transition of background investigations to OPM, and it is critical to understand these lessons as Congress debates the future of the security clearance process.

The transfer of function from DSS to OPM was originally tested in 2000 when, for a 6-month period, DOD shifted a portion of its security clearance investigations from DSS to OPM to determine whether OPM might be more successful at reducing a growing backlog of, and addressing the timeliness for completing Top Secret Single Scope Background Investigations (SSBI's), which took on average 396 days to complete at the time. In the years immediately following September 11th, 2001, federal agencies also ramped up hiring for national security positions, dramatically increasing the workload and the backlog at DSS. The decision was made in 2003 to transfer the DOD personnel security investigation function to OPM effective February 2005.

Within a few years, OPM-FIS was able to significantly reduce the backlog in investigations and re-investigations that had ballooned after the transfer of function. However, beginning in 2013, OPM-FIS became the subject of scrutiny after a series of high-profile mistakes, including the 2015 cyber breach and the faulty investigation of Navy Yard shooter Aaron Alexis. During this time, USIS – a contractor for OPM-FIS - was found to have “dumped” incomplete cases for payment and was a source of its own cyber breach, leading OPM to discontinue its relationship with its largest personnel security investigation provider. OPM now has a 500,000 case backlog and excessive delays.

As a result of these lapses, the Obama Administration announced in January that a new entity, the National Background Investigations Bureau (NBIB), would take over the mission of OPM-FIS and NBIB's information technology infrastructure would now be housed at DOD. Under this new hierarchy, suitability investigations were to remain at OPM-FIS while the new

Bureau focused its energy and investments in conducting and improving security clearance background investigations for the federal government.

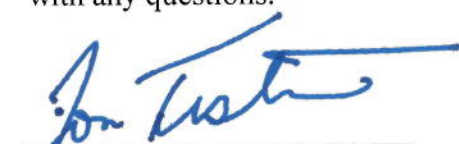
NBIB was established on October 1, 2016, but is still several years away from being fully capable of realizing its mission. In addition, some Members of Congress believe that DOD should re-take responsibility for its own background investigations. It is therefore essential that we gather the lessons learned from previous transfers of authority and apply them to the creation of the NBIB or any other division of labor that Congress may authorize.

For those reasons, we would like to request that GAO conduct a comprehensive review of the transfer of background investigation functions from DSS to OPM in February 2005 to identify lessons learned from that effort in order to develop a comprehensive strategy for a government-wide security clearance background investigation program. We would like for this report to include the following elements:

1. A comprehensive review of the timeliness for investigations by DSS from 1998 (when the new investigative standards under Executive Order 12968 were issued) through 2016, broken out by year and by agency in charge, including:
 - a. Timeliness of TOP SECRET Periodic Reinvestigations (SSBI PRs and Phased PRs);
 - b. Timeliness of NACLIC's Periodic Reinvestigations (PRs) for SECRET;
 - c. Timeliness of initial TOP SECRET SSBIs;
 - d. Timeliness of initial National Agency Check with Law and Credit (NACLIC) for SECRET;
 - e. A breakdown of the number of opened investigations and the number of closed investigations per year by case type;
 - f. A breakdown of the number of cases pending by case type at the end of each fiscal year and the number of cases waiting to be opened and/or scheduled;
 - g. A breakdown by year of the DSS investigative staffing levels (government and contractor) that directly supported the investigative workload.
2. A comprehensive history of investigation pricing for Field Work Intensive Products (SSBI, SSBI-Periodic Reinvestigation, Phased Periodic Reinvestigation) and Non-Field Work Intensive Products (NAC, NACLIC/ANACI) under DSS from 1998 to 2004 and OPM-FIS from 2005 to 2016, including specific information about what was included in the price and whether additional costs were ever added to the price.
3. What has been the total DOD budget for obtaining background investigations from 1998 to 2004 from DSS and their ANACIs from OPM; and from 2005 to 2016 for all investigation types from OPM-FIS?


4. A review of the efficiency of the federal workforce broken down by year and agency in charge, including the annual cost of field investigative staff (federal and contractor) measured against their total workload.
5. A review of the quality reviews and performance metrics broken down by agency in charge.
6. A comparison of the OPM Investigator's Handbook(s) used from February 2005 to 2016 and the DSS Manual for Personnel Security Investigations.
7. A review of cases under DSS from 1998-2004 and OPM-FIS from 2005-2016 that have resulted in "in-access" individuals being involved with overtly criminal activities, mass casualty events, or severe breaches that resulted in the release of classified information.
8. A review of the following high visibility investigations conducted by OPM for the Department of Defense since February 2005. Using DOD/DSS Investigative Policies and procedures, what, if anything, would have been done differently?
 - a. Edward Snowden (Top Secret Periodic Reinvestigation (SSBI PR))
 - b. PFC Bradley Manning (TS Single Scope Background Investigation (SSBI))
 - c. MAJ Nidal Hassan (SECRET NACLIC Periodic Reinvestigation)
 - d. Aaron Alexis (Initial SECRET NACLIC)
9. A review of the use of technology enhancements to improve and modernize investigative processes and when DSS or OPM-FIS obtained the enhancements. For example, were there auto-opened investigations and e-delivery of reports of investigations?
10. A review of Overseas Coverage of DOD Investigations.
11. Any other elements deemed necessary.

We request this study be completed before October 1, 2017. We also request periodic briefings on your joint findings at least every three months prior to the release of the final report. Please contact Stuart Varvel on Senator Tester's staff (stuart_varvel@tester.senate.gov) or Charlie Moskowitz on Senator McCaskill's staff (charlie_moskowitz@mccaskill.senate.gov) with any questions.



Jon Tester
United States Senator

Sincerely,



Claire McCaskill
Ranking Member