

Opening Statement of Chairman Thomas R. Carper
“The Navy Yard Tragedy: Examining Government Clearances
and Background Checks”
October 31, 2013

As prepared for delivery:

On Monday, September 16, a horrible tragedy unfolded at the Navy Yard in Washington D.C. A very troubled individual took 12 lives in a senseless act of violence. The circumstances that led to this tragedy are multi-dimensional.

Many of the issues raised by this tragedy – such as the adequacy of our gun laws and the quality of mental health care – are outside the purview of this Committee. But as we have learned more about Aaron Alexis, a number of my colleagues and I have been asking each other why such a troubled, unstable individual possessed a security clearance from the U.S. government.

Why was he originally granted a security clearance when he did not disclose his arrest record on his application? Why did the investigator responsible for looking into that arrest write up that Alexis had ‘retaliated by deflating’ someone’s tires, instead of disclosing that Alexis had shot the tires? And we also wonder how such violence could have taken place at the Navy Yard, which is more secure than just about any workplace in the country.

The Navy Yard tragedy is not the only reason that Members of Congress are questioning the quality of the background checks. The Edward Snowden case, of course, raises many of the same questions. So have the Wikileaks disclosures by Private Bradley Manning.

Just yesterday, we learned that the Department of Justice has joined a lawsuit against a company called United States Investigations Services, commonly known as USIS. This is the company that performs about 45 percent of the background investigations that are contracted out by the Office of Personnel Management.

According to this law suit, USIS engaged in a practice that company insiders referred to as ‘dumping.’ Under this alleged scam, USIS would send investigations back to the Office of Personnel Management even though they had not gone through the full review process. Through this “dumping,” USIS maximized its profits.

Many national security experts have long argued that the security clearance process is antiquated and in need of modernization. Given recent events, I think we have to ask whether the system is fundamentally flawed. But we should also be mindful that, for many years, both Congress and federal agencies were concerned about the backlog of security clearance applications, which grew larger after 9/11. We need to make sure that investigators do not feel pressured to sacrifice quality for speed.

Many have heard me say that almost everything I do I know I can do better. The same is true of all of us, and of most federal programs. It is in that spirit Dr. Coburn and I have convened today’s hearing. Our primary purpose is to learn what we are doing right in the security clearance process while also learning how we can improve it.

We have many questions to ask. Among them are these:

- Are we looking at the right risk factors in attempting to identify people who should not be trusted with a clearance, or who could do serious harm our government and our country?
- What important information do background checks miss in the current system, which relies heavily on self-reporting by the individuals applying for a clearance?
- Once a clearance is granted, what events should trigger a re-examination of an individual's suitability to retain that clearance?
- What problems are created by the heavy reliance by the Office of Personnel Management on contractors to perform background checks?
- What are the advantages of that reliance?
- And, what is the relationship between background checks for security clearances and background checks for other types of privileges, such as access to sensitive government facilities?

We also need to ask what impacts sequestration and years of strained budgets have had on the clearance process. Under the current system, periodic re-investigations of individuals holding clearances are supposed to be done every 5 years for people with Top Secret clearances, and every 10 years for people with Secret clearances.

However, because of funding shortfalls, employees sometimes continue to work in positions that allow access to classified information, even if the initial period of clearance has lapsed. For example, this summer, for 10 weeks, the Department of Defense suspended the periodic reviews of some contractor employees due to funding shortfalls.

I would like to hear from our witnesses today about how often suspensions like that are happening across the federal government. I'd also like to hear about what agencies are doing to manage risks to our security when clearances are not re-examined on schedule through the periodic review process.

Today, we have been joined by officials from the four agencies responsible for the policies and procedures used to determine who is eligible to obtain security clearances and access to government facilities and computers. They are the Office of Management and Budget, the Office of Personnel Management, the Office of the Director of National Intelligence, and the Department of Defense.

We want these officials to talk with us this morning about these critical security-related policies and procedures, and also about the coordinated reviews of these processes now underway throughout the government in the aftermath of the Navy Yard tragedy and other recent incidents. We also will hear from an expert at the Government Accountability Office, which has produced a wide body of work on the security clearance process.

This hearing builds on the ongoing good work of our subcommittees, which held a hearing on security clearances just this past June under the leadership of Senators Tester, Portman, McCaskill and Johnson. That hearing exposed the urgent need for additional resources for the Inspector General at the Office of Personnel Management to enable that IG to conduct important oversight of background investigations.

In July, our Committee approved a portion of a bill sponsored by Senator Tester, and co-sponsored by Senators Coburn, McCaskill, Portman, Begich, Ron Johnson, Bill Nelson, and Max Baucus, to allow the Inspector General to tap into OPM's revolving fund for the purposes of performing that much-needed oversight. This legislation passed the Senate earlier this month, and I hope it will be signed into law by President Obama soon.

In closing, I want to say that the vast majority of individuals who hold security clearances are honorable and trustworthy. Many of them felt called into service after 9/11 to help protect our country. Having said that, though, we still must have a system that does a better job of rooting out those with nefarious purposes and those who become deeply troubled and unstable. That system must identify those whose behavior signals an unacceptable risk to be entrusted with classified information or access to sensitive federal facilities. I hope that our hearing today will help point us to a number of sensible solutions that – taken together – will truly improve our national security.

Finally, I think it is important to note that our Committee continues to look at other aspects of the Navy Yard tragedy, including the physical security of federal buildings, as well as preparedness, emergency response and communications issues. So, we have much work to do to learn as much as we can from this tragedy and try to prevent similar ones in the future. With that, let me welcome Dr. Coburn and say that I look forward to his opening comments.

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