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Statement of

The Honorable Clay Johnson III

before the

Subcommittee on Oversight of Government Management,  
the Federal Workforce and the District of Columbia

of the

Committee on Homeland Security and Governmental Affairs

United States Senate

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Government agencies are making significant progress in making security clearance determinations as called for by the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA). Current investigative timeliness and adjudicative timeliness for 80% of the requests for initial clearances is 90 days or less on average for investigations and 30 days or less on average for adjudications.

- For requests for initial security clearances from agencies served by OPM (90% of total clearances), the average time for investigations for 80% of initial clearances begun after October 1, 2006, plus the average time for adjudications for 80% of adjudications begun and reported after October 1, 2006, is 95 days (75 days for investigation and 20 days for adjudication).
- 80% of the initial clearance investigations performed by OPM, completed after October 1, 2006, averaged 103 days, while 80% of the adjudications by those agencies whose investigations are performed by OPM, completed and

recorded after October 1, 2006, averaged 18 days. The combined averages for investigative and adjudicative times averaged 121 days for 80% of those completed after October 1, 2006.

- ALL investigations completed by OPM after October 1, 2006 averaged 162 days, while ALL adjudications completed and reported by agencies whose investigations are done by OPM, averaged 41 days; so the total of the two averages is 203 days.

However, improving investigative timeliness and adjudicative timeliness for initial clearances does not mean we are most assuredly granting security clearances as quickly as desired.

- Reinvestigation timeliness has not been addressed, because the improvement effort focused on individuals for whom initial security clearances are required to perform work.
- Not included is the time to hand-off applications to the investigative agency, hand-off investigation files to the adjudicative agency, return the files to the investigative agency for further information, if necessary, and/or generally complete the security clearance determination within the agency, once the investigation and adjudication are complete.
- Some of the performance information I reference here is for just a few months of activity; so we need to perform at the desired levels for longer periods of time for the information to be considered representative of what Industry and Agency employees can expect.

**Background**

The Federal government processes approximately 1.9 million requests for background investigations each year to support determinations of an individual’s suitability for employment or eligibility for access to classified information, or fulfill agencies’ other regulatory requirements. The average time to conduct the investigation had been about one year for Top Secret clearances and 5 to 6 months for Secret/Confidential, a totally unacceptable length of time.

		FY 04	FY 05
Initial Clearance Investigations Completed	Top Secret <i>Average Days</i>	<i>392 days</i>	<i>347 days</i>
	Secret/Confidential <i>Average Days</i>	<i>179 days</i>	<i>155 days</i>

Reinvestigations for Top Secret Completed	<i>Average Days</i>		
		<i>579 days</i>	<i>482 days</i>

The President designated The Office of Management and Budget (OMB) to lead a task force of the major clearance granting agencies, including the intelligence community and the investigations service providers, to identify areas of responsibility, establish performance requirements, and help hold agencies accountable for doing what they said they would do to improve the security clearance process. This oversight group's plan to reform the process, submitted to Congress on November 9, 2005, was to:

- Increase agencies' commitment to and accountability for their part of the security clearance granting process, with clearer goals for each part of the process and regular, transparent performance information relative to those goals;
- Expand investigative capacity at OPM where 90% of the investigations are conducted and rely initially on currently approved investigation methodologies;
- Have OPM help the record repositories (FBI, DOD, DOS, etc.) identify and resolve impediments to timeliness, apply additional resources to the reduction of the backlog of old file requests, and establish work plans to achieve and maintain acceptable timeliness;
- Expand adjudicative capacity as appropriate at every adjudicating agency and rely initially on currently approved adjudication methodologies;
- Adopt and utilize currently available electronic file transfer capabilities to lessen the time to initiate an investigation and an adjudication;
- Focus first on initial investigations versus reinvestigations;
- Establish the reciprocal acceptance of security clearances granted by other agencies, called for by EO 12968 and National Security Directive 63, which agencies have never been held accountable for implementing;
- Focus initially on work done by OPM and its client agencies; and
- Organize a research and development effort to identify the investigation and adjudication methodologies for the future and employ new techniques if research shows they improve the quality and/or timeliness of the security clearance granting process.

All agencies have made improving the security clearance granting process a priority. Industry counsel on the reform efforts has been solicited monthly, and Industry and Congress have been kept up-to-date on agency progress.

## **Performance**

IRTPA calls for the average number of processing days for 80% of security clearance requests submitted at the end of 2006 to be 90 days or less for the investigation and 30 days or less for the adjudication.

Looking at initial investigations and adjudications initiated after October 1, 2006, for the clearance requests with the investigations performed by OPM:

- As of March 31, 2007, 81% of the 49,051 initial clearance investigations initiated by OPM during October 2006 have been completed. Average processing time for these is 77 days. Seventy-two percent of the 6,272 requests for Top Secret level investigations have been completed in an average of 101 days, and 82% of the 42,779 investigations for Secret/Confidential level have closed in an average of 74 days.
- For 45,676 initial clearance investigations that were completed and forwarded to agencies for adjudication in October 2006, 78% have been reported as adjudicated in an average of 19 days.
- DOD (92% of total adjudications) has reported adjudications on 79% of their investigations completed in an average of 19 days. Non-DOD agencies have reported adjudication on 71% of their investigations completed in an average of 26 days.

Looking at ALL initial investigations and adjudications completed after October 1, 2006 (regardless of the date of submission), for the clearance requests with the investigations done by OPM:

- 80% of the 346,005 initial investigations completed by OPM during the 1<sup>st</sup> and 2<sup>nd</sup> quarters of FY 07 averaged 103 days in process. The difference between the timeliness of these investigations versus those requested and completed after October 1, 2006 (77 days; see above) reflects the large number of aged investigations that were completed during this period, with the help of the additional resources being applied to the process and the more timely retrieval of required documents and files.
- ALL investigations completed by OPM in FY 07 for initial clearances averaged 162 days. The average initial security clearance investigation took 205 days in 2004, 188 days in 2005, and 176 days in 2006.

- Overall, OPM is making significant progress reducing the backlog of aged investigations. In February 2006, OPM's pending case inventory included over 62,000 investigations (of all types, including reinvestigations) that were over one year old. As of April 2, 2007, that number was reduced to 49,691 investigations pending in process more than one year. Of these, OPM has completed all required basic coverage for over 26,000 that are now awaiting third-party records and/or a special subject interview to address issues developed during the investigation.
- For 164,428 initial adjudications completed and recorded during the first two quarters of FY 07, 80% averaged 18 days to process, while the average time for all was 41 days.
- DOD (89% of this activity) averaged 18 days for 80% of the 146,522 actions reported, and Non-DOD agencies averaged 19 days for 80% of the 17,906 actions they reported.

While reinvestigations were not the focus of the reform effort in FY 06, OPM will focus on achieving mutually acceptable timeliness standards for this critical workload in FY 07 and beyond.

- 80% of all completed reinvestigations in the first two quarters of FY 07 averaged 257 days in process. As discussed later, reinvestigation timeliness will be a focus of the reform effort in 2007.

The reform effort focused on investigation and adjudication timeliness for the clearance determinations for which OPM conducts the investigations. As part of our Security Clearance Oversight Team, however, the Intelligence Community and those agencies with a delegation to conduct their own investigations (e.g., Justice, DHS, and DOS) have also been working toward meeting the IRTPA standards.

- For the Intelligence Community, 83% of all investigations and adjudications completed in FY 06 and the 1<sup>st</sup> quarter of FY 07 were completed in an average of 103 days (investigation and adjudication time combined).
- The State Department completed 83% of 4,143 investigations initiated in the 4<sup>th</sup> quarter of FY 06 in an average of 47 days and adjudicated 100% of its completed investigations in an average of 4 days.
- The Department of Homeland Security (DHS) is developing data reporting mechanisms to track clearance determinations with the same level of data detail provided by OPM. For those investigations and adjudications for headquarters and the Immigration and Customs Enforcement agency

(ICE), DHS reports that as of January 30, 2007, 72% of the 245 investigations initiated in October 2006 are complete with 36% of their adjudications completed within 30 days.

- The Department of Justice/FBI completed 39% of 2,230 initial investigations completed in the 1<sup>st</sup> quarter of FY 07 within 90 days, with an overall average of 146 days in process. Eighty-nine percent of its adjudication actions were completed within 30 days, with an average processing time of 11 days. In general, FBI continues to address its pending inventory on a first-in, first-out basis.

It should be noted that not all Intelligence Community elements have delegated investigative authority; those that do not utilize OPM for their investigations.

### **Reciprocity**

Mutually agreed upon standards for reciprocal recognition of security clearances were issued by the Administration in December 2005. Additional standards were issued in July 2006 to address unique challenges represented by special access programs due to their extra sensitivity. Copies of both memoranda are included in the appendix. In addition, the following steps have been taken to help ensure clearance reciprocity:

- An interagency collaboration forum was established to increase familiarity with processes, procedures, and issues as well as to build confidence in each other's clearance adjudicative decisions;
- Personnel Security Reciprocity Reviews were conducted at all agencies with a sizable number of cleared personnel in order to identify inconsistencies in application of policy and to provide a mechanism for resolution;
- A uniform program of instruction for agency adjudicative personnel was developed and promulgated, including core content and learning objectives, in order to further consistent clearance decisions from agency to agency; and
- A monthly sampling process was established in collaboration with a number of industry associations that represent companies that perform on classified contracts with the government, in order to assess progress in meeting reciprocity standards.

Based upon feedback from industry and other sources, we recognize that many perceived failures in clearance reciprocity actually stem from the varied standards employed by agencies to determine suitability for employment or suitability for access to unclassified spaces and information systems. We have initiated efforts to reconcile suitability and clearance eligibility standards to the extent practicable.

### **Research & Development**

I reiterate that just because investigative and adjudicative performance has improved, we are still not granting security clearances as quickly as desired. In support of the Security Clearance Oversight Committee, the Office of the Director of National Intelligence has organized an R&D subcommittee, with membership from across the Executive Branch. The subcommittee's goal is to establish and execute a national personnel security research agenda to identify the new standards and methodologies that will be necessary for timeliness to be reduced to 40 days for investigation and 20 days for adjudication. The priority areas for research are:

- Electronic transmission of all related records
- Revalidation of all investigative standards and adjudication guidelines
- Utility of internet and/or other commercially available data sources
- Opportunities to increase the integrity of the applicant interview
- Opportunities to better assess an applicant's allegiance
- Opportunities to prescreen prospective applicants
- Opportunities to get more candid information from an applicant's supervisor
- An automated tool to assist with adjudicative decisions

Timetables will be agreed to in the next month and research will begin thereafter. The agenda will include short and long-term projects that involve both public and private sector resources, including: internal ODNI resources, the Department of Defense's Personnel Security Research Center (PERSEREC), as well as academic and commercial entities with relevant expertise.

PERSEREC is also conducting a pilot test for DHS of the Automated Continuing Evaluation System (ACES) that it developed for DOD. DHS plans to employ ACES between periodic reinvestigations and as a risk management tool during individuals' employment. This tool, combined with the Phased Periodic Reinvestigation for Top Secret clearances, has the potential for providing critical information between reinvestigation cycles while reducing the labor intensive field coverage required in a full-scope reinvestigation.

## **Industry Feedback**

Clearance processing times are especially critical to companies that perform on classified contracts with the government and most companies track them. As recently as September 2006, representatives of industry reported that access eligibility determinations based upon an initial Single Scope Background Investigations (SSBI) for their employees reflected an average end-to-end completion in excess of a year. A working group comprised of representatives of both government and industry recently conducted an end-to-end audit of a limited sample of initial SSBI industry cases that were posted as adjudicated in September 2006. This audit confirmed that the average end-to-end processing time for these cases was consistent with industry's reported experience.

Since approximately two-thirds of the cases were part of a longstanding backlog and the investigations were initiated before 2006, the lengthy investigative times were not entirely unexpected. As the backlog declines, overall end-to-end processing times will continue to improve. The adjudicative times for the audited cases, being more recent, were within the current 30-day goal.

Nonetheless, the audit revealed the need for continued process improvements and the creation of a case life-cycle tracking system, at least for industry, to encompass end-to-end metrics so as to better reflect actual experience. Specific areas requiring continued attention include:

- The time between when an industry employee is authorized to begin completion of the personnel security questionnaire (PSQ) and it is accepted by Defense Industrial Security Clearance Office (DISCO), a component of the Defense Security Service that serves as the central clearance authority for industry.
- The time it takes for the PSQ to be processed and forwarded by DISCO and scheduled for investigation by OPM.
- The time it takes for the investigative results to be forwarded by OPM and received by DISCO.
- The additional elapsed time when a completed investigation does not result in a clearance eligibility determination for various reasons, to include the need for additional investigative activity, loss of jurisdiction, transfer of adjudicative responsibility to another Central Adjudication Facility (CAF) or due process considerations.



- The additional time it takes when a completed case is forwarded to another CAF for adjudication of Sensitive Compartmented Information access.

As a result of this study, OPM and DOD are developing and institutionalizing a comprehensive system of metrics, to include key data points such as those described above, to measure timeliness of the end-to-end clearance process for industry.

### **Goals for December 2007, in light of December 2009 goals**

As stated above, new investigation methodologies must be identified to achieve the 2009 IRTPA goals, especially the 40-day timeliness goal for investigations. As the likely impact of potential new methodologies will not be known until the end of 2007 and/or beyond, it is premature to establish performance goals for 2008, and determine if the December 2009 goals are achievable and in the best interest of national security.

In general in 2007, we think our appropriately aggressive goals should be to:

- Clearly and consistently perform at slightly better than the 12/06 IRTPA goal level,
- Ensure we are reforming the entire security clearance granting process, beyond just the time it takes to conduct the investigations and adjudications.

More specifically we will hold ourselves accountable for accomplishing the following for 12/07:

- 85% of initial clearance investigations completed within an average of 90 days;
- Priority processing (less than 40 days on average) will be available for up to 10% of initial investigations;
- 80% of reinvestigations completed within an average of 180 days;
- Priority processing (less than 40 days on average) will be available for up to 10% of reinvestigations; and
- 80% of adjudications completed within an average of 25 days.

And supporting these performance targets:

- Participating agencies will achieve 100% eQIP usage, with submission of all required data and forms for investigation within 14 days or less from the date the subject provides all required material. Less than 5% of all submissions will be rejected due to errors in submission.

- With the help of OPM, the record repositories will achieve the goal of producing 90% of the requested files/information in 30 days or less.
- OPM will develop the capacity to electronically transmit completed investigations and agencies will develop parallel systems to receive completed investigations electronically, eliminating mail and handling time.
- Agencies will measure and report additional adjudicative time required to process clearances when access to SCI or SAP information is involved.
- OPM and DOD will measure timeliness of the end-to-end clearance process for industry and develop and implement necessary process improvements.
- Agencies and OPM will develop additional measures of investigation quality, if possible.

### **Conclusion**

Ongoing efforts to improve the security clearance process are aggressive. We will not slow down until the efficiency and effectiveness of the security clearance process is as we desire it to be.