



National Background Investigations Bureau



Report on Backlog of Personnel Security Clearance Investigations

In response to SECRET Act of 2018
(Public Law 115-173)

Update: FY2018 Quarter 4

Executive Summary

Section 3 of the Securely Expediting Clearances Through Reporting Transparency Act of 2018 or the “SECRET Act of 2018” (Public Law 115-173) requires the National Background Investigations Bureau (NBIB), in coordination with the Director of National Intelligence (DNI), to submit a quarterly report on the Backlog of Personnel Security Clearance Investigations to Congress. This requirement stands for five years. NBIB submitted the initial report to satisfy the requirement in September 2018. This report is NBIB’s quarterly update to Section 3, capturing Quarter 4 of FY18.

In addition, Section 5 of the SECRET Act of 2018 requires the Office of Personnel Management (OPM) to submit a report on the cost of maintaining a background investigations capability within OPM and a background investigations capability for Department of Defense (DoD) personnel under the control of the DoD (per Section 925 of the FY 2018 NDAA (Public Law 115–91)), as compared to the cost of sustaining a single Government-wide background investigations enterprise. For reasons discussed below, OPM is addressing this section in this report, but will not address it in future iterations of this report.

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NBIB's Response to Section 3, Subsection 1

As of October 1, 2018, there were a total of 288,827 initial national security clearance investigations and 178,500 periodic reinvestigations in NBIB's pending inventory for Federal employees, military service members, and federal contractors.

Size of the backlog of personnel security clearance investigations¹, including for each sensitivity level²

(A) The number of interim clearances granted

As stated in the September 2018 initial report, NBIB, as the primary provider of background investigations for the Federal Government, does not grant interim clearances. NBIB is not able to provide the number of interim clearances granted for all of Government. The responsibility for granting interim clearances lies with each individual Federal agency.

In addition, the Office of the Director of National Intelligence (ODNI) is in the process of developing a directive as clarifying guidance to Federal agencies on the granting of interim clearances. ODNI, as the Security Executive Agent (SecEA), is best positioned to comment on the status of the guidance and Government-wide metrics pertaining to interim clearances.

(B) The number of initial investigations for Federal employees³

As of October 1, 2018, there were a total of 211,174 initial national security clearance investigations on Federal employees in NBIB's pending inventory.

- 59,545 of those investigations were for a Top Secret clearance.
- 151,629 of those investigations were for a Secret clearance.

(C) The number of periodic reinvestigations for Federal employees

As of October 1, 2018, there were a total of 110,945 periodic national security clearance reinvestigations on Federal employees in NBIB's pending inventory.

- 62,318 of those investigations were for a Top Secret clearance.
- 48,627 of those investigations were for a Secret clearance.

(D) The number of initial investigations for employees of Federal contractors

As of October 1, 2018, there were a total of 77,653 initial national security clearance investigations on employees of Federal contractors in NBIB's pending inventory.

¹ NBIB's inventory is made up of a variety of investigative products. For the purpose of this report, NBIB is reporting on the investigations that support a national security determination (i.e. Tier 3, Tier 3R, Tier 5, and Tier 5R). Not all these cases should be considered backlog, as the numbers reported are total inventory, which include the investigations NBIB consider to be part of a healthy steady state inventory.

² Agencies do not report "sensitivity designations" to NBIB with the investigation submission. OPM has data standards for Enterprise Human Resources Integration submissions related to risk and sensitivity designation. These fields are currently optional, but if provided, they directly correlate to the level of investigation that is required for a position. Accordingly, we are reporting the number of national security clearance investigations.

³ "Federal employees" includes employees of the Federal government, military service members.

- 33,374 of those investigations were for a Top Secret clearance.
- 44,279 of those investigations were for a Secret clearance.

(E) The number of periodic reinvestigations for employees of Federal contractors

As of October 1, 2018, there were a total of 67,555 periodic national security clearance reinvestigations on employees of Federal contractors in NBIB's pending inventory.

- 49,233 of those investigations were for a Top Secret clearance.
- 18,322 of those investigations were for a Secret clearance.

(F) The number of initial investigations for employees of, and employees of contractors of, the Department of Defense

As of October 1, 2018, there were 82,360 Top Secret and 179,787 Secret initial national security clearance investigations for employees of, and employees of contractors of, the Department of Defense.

- Of the total Top Secret initial clearance investigations, 54,264 are on Federal employees and 28,096 are on employees of Federal contractors.
- Of the total Secret initial clearance investigations, 137,391 are on Federal employees and 42,396 are on employees of Federal contractors.

(G) The number of periodic reinvestigations for employees of and employees of contractors of the Department of Defense

As of October 1, 2018, there were 79,691 Top Secret and 63,709 Secret periodic national security clearance reinvestigations for employees of, and employees of contractors of, the Department of Defense.

- Of the total Top Secret periodic clearance reinvestigations, 44,731 are on Federal employees and 34,960 are on employees of Federal contractors.
- Of the total Secret periodic clearance reinvestigations, 46,236 are on Federal employees and 17,473 are on employees of Federal contractors.

(H) The number of employees of the Bureau conducting background investigations for the Bureau

As of October 1, 2018, NBIB has 1,743 Federal investigative staff.

(I) The number of employees of contractors of the Bureau conducting a background investigations for the Bureau

As of October 1, 2018, NBIB has 7,019 contractor field investigator employees working on behalf of NBIB. NBIB's contractor investigator count is tracked in OPM's case management system.

NBIB's Response to Section 3, Subsection 2

Average length of time, for each sensitivity level, to carry out an initial

investigation and a periodic reinvestigation⁴

Investigation Closing Timeliness Performance Investigation Service Provider: National Background Investigations Bureau

Clearance/ Suitability Investigation Type		National Security - Initial			National Security - Reinvestigations		
		Top Secret/Q	Secret/Conf/L	TOTAL Initial National Security	Top Secret Reinvest.	Secret/Conf/L Reinvest.	TOTAL National Security Reinvest.
Case Types Included:		Tier 5, SSBI	Tier 3, NAELC (SF 86), and ANACI	TOTAL	Tier 5R, SSBI-PR, and PPR	Tier 3R	TOTAL
Q4	Total Cases Completed	29,126	118,051	147,177	26,934	52,927	79,861
	Average Processing Time	378 days	183 days	222 days	518 days	260 days	347 days
	Fastest 90%	339 days	137 days	175 days	490 days	212 days	304 days

NBIB's Response to Section 3, Subsection 3

Discussion of the factors contributing to the average length of time to carry out an initial investigation and a periodic reinvestigation

As stated in the initial report, numerous factors impact the amount of time needed to carry out investigations, including but not limited to the size of the investigative workforce, the increased complexity of case types, and the Information Technology (IT) systems that support background investigations.

NBIB's inventory is a result, in part, of not having the investigator capacity on hand in the past to meet the workload demands for investigations. NBIB addressed this by increasing the capacity of its investigative workforce from 5,843 Federal and contractor investigators on October 1, 2016 to over 8,700 Federal and contractor investigators today. NBIB continually works to improve the timely delivery of investigations by optimizing its total workforce. Geographic requirements, the availability of contract resources, and the overall capacity and productivity of the workforce are all central to this optimization. NBIB plans to continue to increase its workforce numbers. These efforts have been undertaken at the same time as the implementation of the 2012 Federal Investigative Standards (FIS). The FIS use a tiered model and flagging strategy which have increased the complexity of each case type, as well as the number of investigative elements required to meet the FIS.

The background investigation process relies heavily on the availability of current IT systems and the delivery of new and advanced automated systems. Improvements in timeliness will require on-time implementation of certain IT systems that provide process efficiencies. Additionally, delays can be caused due to factors internal to completing background investigations. Investigation subjects must submit information that is complete and thorough; agencies must provide complete applications to NBIB; and references close to the subject must make themselves available for interviews. Factors such as subjects' overseas deployments, and the need to develop leads in complex cases or cases where national security issues are reported, result in longer case processing. Further, state and local law enforcement records must be obtained.

⁴ See footnote 2 on page 4.

NBIB's Response to Section 3, Subsection 4

Paragraph A. Identification of the cause of, and recommendations to remedy, the backlog;

Paragraph B. Steps NBIB shall take to reduce the backlog;

Paragraph C. Process reforms to improve efficiencies in, and the quality of, background investigations; and

Paragraph D. Projection of when the backlog will be sufficiently reduced to meet required timeliness standards

As stated in the initial report, NBIB is taking several courses of action to reduce the backlog and is formalizing its existing action plan that is being prepared to respond to the recommendation made in GAO-18-29: Personnel Security Clearances: Additional Actions Needed to Ensure Quality, Address Timeliness, and Reduce Investigation Backlog. NBIB is currently finalizing this formal plan, which includes details about several measures that NBIB has implemented to reduce the backlog to a "healthy" state inventory.

- Security and Suitability Executive Agent (EA) Executive Correspondence (EC) – The Security and Suitability EAs jointly issued guidance to reduce the background investigation inventory, including adjustments to the Federal Investigative Standards. NBIB has a strong role in implementing these EC measures.
- Business Process Reengineering (BPR) – This effort supports NBIB's Backlog Mitigation Plan as well as the development of the National Background Investigation Services (NBIS), the Government-wide shared IT service. Successful implementation of the BPR and other initiatives could accelerate the reduction of the case inventory.
- Increasing the Investigative Workforce – NBIB increased the capacity of its investigative workforce to ensure the investigator capacity on hand is able to meet the workload demands for investigations.
- Trusted Workforce 2.0 – NBIB is a member of the Trusted Workforce Executive Steering Group and is involved actively in the establishment of the Trusted Workforce 2.0 effort. This collaborative risk management initiative clarifies and adjusts certain elements of the FIS to increase investigative resources and production, incorporate business transformation efficiencies, and streamline quality review processes.
- Position Designation Requirements – The EAs oversee compliance with Title 5 Part 1400 implementation, which requires department and agency heads to conduct a top down review of position designations and national security clearance requirements for their unique missions.

As previously stated in the initial report, the *projected* point in time when the backlog will be

sufficiently reduced to meet required timeliness standards is approximately mid to late 2020. The inventory forecast uses a series of estimates and assumptions, some of which are controlled or influenced by outside entities, and some of which are part of NBIB's overall backlog mitigation strategy, to project NBIB's future inventory.

NBIB continues to reevaluate and reassess estimates as additional data is collected. NBIB anticipates having an updated projection for the FY19 Quarter 1 report, which will be provided in January 2019.

NBIB's Response to Section 3, Subsection 5

Description of improvements in the information and data security

As stated in the initial report, OPM has centralized cybersecurity resources under a Chief Information Security Officer (CISO) and is publishing policies that empower the CISO and Chief Information Officer (CIO) organizations to take further proactive steps to secure and control access to sensitive information. OPM has expeditiously implemented the Department of Homeland Security (DHS) Continuous Diagnostic and Mitigation program, the DHS Einstein 3 Accelerated initiative, while also employing the DHS Binding Operational Directive for vulnerability management and prevention, to proactively detect and remediate identified vulnerabilities.

OPM has matured its assessment and authorization framework while continually striving to improve the effectiveness of the program. OPM has created and/or updated numerous operational templates, guidance, and policies to reflect the most recent legislative mandates for information security as defined by the Federal Information Security Modernization Act while also adhering to the Federal Information Processing Standards. All OPM systems have a current and valid Authorization to Operate.

OPM actively participated in numerous Government-wide Federal initiatives, including OMB's Cyber Sprint, the identification of High Value Assets, Personal Identity Verification Implementation, and the establishment of Incident Response teams as part of the Security Operation Center implementation which provides 24X7 monitoring and protection services across the OPM enterprise.

OPM has implemented a "defense in depth" cyber security program which employs multiple layers and aspects as a defensive strategy for protecting its networks, systems, and data. Some highlights include: strong standards, both database and network layer encryption (data in transit, data at rest, data in use); upgraded email security gateways to provide additional security functionality with advanced malware analysis; data loss prevention; phishing detection in accordance with DHS Trusted Internet Connections requirements; and full deployment of encrypted communications for all agency public websites (HTTPS and HSTS).

In accordance with the National Defense Authorization Act for Fiscal Year 2017 (Public Law 114-328), the DoD CIO has led efforts to design, develop, secure, operate, and sustain the NBIS. The NBIS will replace NBIB's current legacy systems and be the system that supports background investigations by providing information resources necessary to determine an individual's trustworthiness to have access to US Government facilities, information, and information systems.

NBIB's Response to Section 5

Report on Costs Associated with Bifurcated Background Investigation Systems.

Section 925 of the National Defense Authorization Act (NDAA) for Fiscal Year 2018 (Public Law 115-91) called for a partial transfer of the background investigation function from OPM to DoD, and section 5 of the SECRET Act called for OPM to report to Congress on the cost of maintaining separate background investigations capabilities within OPM and DoD as a result of section 925 of the NDAA. On June 21, 2018, the Executive Office of the President published its Government reform plan, "Delivering Government Solutions in the 21st Century: Reform Plan and Reorganization Recommendations." One of the Government-wide reorganization proposals called for the full transfer of the background investigations program from OPM to DoD, which would remove the possibility that the background investigation systems would be bifurcated, at least for the foreseeable future. OPM considers assessing the costs associated with bifurcating the mission to no longer be necessary in light of the Administration's expressed plan to consolidate the mission in DoD.