



National Background Investigations Bureau



Report on Backlog of Personnel Security Clearance Investigations

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

September 2018

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 not later than 90 days after the date of enactment of the Act and quarterly thereafter for 5 years, a Report on the Backlog of Personnel Security Clearance Investigations to Congress for the most recent full calendar quarter. This report is the initial submission to satisfy this requirement. Going forward, NBIB will provide updates to Section 3 of this report on a quarterly basis.

In addition, Section 5 of the SECRET Act of 2018 requires the Office of Personnel Management (OPM) to submit not later than 120 days after the date of enactment of the Act 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. This report provides OPM’s response to this requirement as well.

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NBIB's Response to Section 3, Subsection 1

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

(A) The number of interim clearances granted

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 employees

As of July 2, 2018, there were a total of 235,861 initial national security clearance investigations on Federal employees in NBIB's pending inventory.

- 65,110 of those investigations were for a Top Secret clearance.
- 170,751 of those investigations were for a Secret clearance.

(C) The number of periodic reinvestigations for Federal employees

As of July 2, 2018, there were a total of 136,464 periodic national security clearance reinvestigations on Federal employees in NBIB's pending inventory.

- 67,013 of those investigations were for a Top Secret clearance.
- 69,451 of those investigations were for a Secret clearance.

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

As of July 2, 2018, there were a total of 77,719 initial national security clearance investigations on employees of Federal contractors in NBIB's pending inventory.

- 32,877 of those investigations were for a Top Secret clearance.
- 44,842 of those investigations were for a Secret clearance.

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

¹ NBIB's inventory is made up of a variety of investigative products, to include products supporting both national security and suitability determinations. For the purpose of this report, NBIB is limiting reporting to the number of national security clearance investigations in its current inventory. 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.

As of July 2, 2018, there were a total of 81,257 periodic national security clearance reinvestigations on employees of Federal contractors in NBIB's pending inventory.

- 52,390 of those investigations were for a Top Secret clearance.
- 28,867 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 July 2, 2018, there were 85,721 Top Secret and 196,768 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, 59,210 are on Federal employees and 26,511 are on employees of Federal contractors.
- Of the total Secret initial clearance investigations, 153,923 are on Federal employees and 42,845 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 July 2, 2018, there were 84,280 Top Secret and 93,306 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, 47,607 are on Federal employees and 36,673 are on employees of Federal contractors.
- Of the total Secret periodic clearance reinvestigations, 65,920 are on Federal employees and 27,386 are on employees of Federal contractors.

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

As of July 2, 2018, NBIB has 1,714 Federal field investigator employees.

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

As of July 2, 2018, NBIB has 6,687 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 reinvestigation

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

Clearance/ Suitability Investigation Type		National Security - Initial			National Security - Reinvestigations		
		TopSecret/Q	Secret/Conf/L	TOTAL Initial National Security	TopSecret Reinvest.	Secret/Conf/L Reinvest.	TOTAL National Security Reinvest.
Case Types Included:		Tier 5, SSBI	Tier 3, NAACL (SF 86), and ANACL	TOTAL	Tier 5R, SSBI-PR, and PPR	Tier 3R	TOTAL
Q3	Total Cases Completed	28,504	109,856	138,360	17,591	39,118	56,709
	Average Processing Time	390 days	179 days	222 days	518 days	208 days	304 days
	Fastest 90%	345 days	130 days	171 days	488 days	168 days	259 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

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 8,400 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. Please note that these efforts have been undertaken at the same time as the implementation of the 2012 Federal Investigative Standards. These standards 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 standards.

The background investigation process is heavily reliant 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.

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

From 2009-2014, OPM Federal Investigative Services, NBIB's predecessor organization, performed timely processing of cases and met the timeliness goals required by the Intelligence Reform & Terrorism Prevention Act. In September 2014, the cancellation of the contract of OPM's then largest contract investigation supplier resulted in a 60 percent loss of investigative capacity. This loss was compounded in October 2014 by the introduction of a phased implementation of the 2012 Revised Federal Investigative Standards (FIS). This implementation increased the workload, time and cost required to process and close cases. The most notable impacts were felt with the Tier 3/Tier 3 Reinvestigation (T3R) Implementation in October 2015 and Tier 5/Tier 5 Reinvestigation (T5R) Implementation in October 2016.

NBIB is taking several courses of action to reduce the backlog and is formalizing its existent 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 the following measures that NBIB has implemented to reduce the backlog to a "healthy" state inventory.

- Security and Suitability Executive Agent (EA) Executive Correspondence (EC) – In late 2017 and mid-2018, the Security and Suitability EAs jointly issued guidance to reduce the background investigation inventory. NBIB has a strong role in the implementation of these EC measures.
- Business Process Reengineering (BPR) – NBIB undertook a Business Process Reengineering (BPR), which will support NBIB's Backlog Mitigation Plan. The BPR followed NBIB's comprehensive, interagency assessment in FY16 that identified 57 'pain points' in the current background investigations process. In FY17, NBIB finalized its BPR implementation plan and formed a new Strategy and Business Transformation Office to lead BPR. BPR addresses technology and process changes and informs data-based decisions. BPR also supports the development of the National Background Investigation Services (NBIS), the shared government-wide IT service. The relationship between NBIB's efforts to reduce the inventory and BPR means that successful implementation of the BPR and other initiatives could accelerate the reduction of the case inventory.

- Increasing the investigative workforce – NBIB’s inventory is a result, in part, of not having the investigator capacity on hand to meet the workload demands for investigations. NBIB increased the capacity of its investigative workforce from 5,843 Federal and contractor investigators on October 1, 2016 to over 8,400 Federal and contractor investigators today.
- Trusted Workforce 2.0 – NBIB is a member of the Trusted Workforce Executive Steering Group and is actively involved in the establishment of the Trusted Workforce 2.0 effort. Established by the SecEA (ODNI) and Suit/CredEA (OPM) to overhaul the fundamental Security, Suitability/Fitness, and Credentialing vetting approach and establish the framework for the Trusted Workforce 2.0 effort, Trusted Workforce 2.0 is focused on pursuing reform to overhaul the fundamental security, suitability, and credentialing vetting enterprise. The outcomes of this undertaking will influence how NBIB and the background investigation community move forward to address the investigation inventory, modernize policies and processes, and develop an agile IT environment to share information and enable vetting operations at agencies Government-wide. As part of the first phase of Trusted Workforce 2.0, in May 2018, the Executive Agents issued a joint Executive Correspondence outlining measures to reduce and mitigate the Federal Government’s Background Investigation inventory. This collaborative risk management decision 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 Executive Agents 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.

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’s Response to Section 3, Subsection 5

Description of improvements in the information and data security

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. We have 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 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 encryption standards to include both database and network layer encryption (data in transit, data at rest, data in use); upgraded email security gateways to provide additional security functionality which includes 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.

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. Because the details of this initiative are still in the planning stage, NBIB is not yet in a position to report on the costs associated with the future-state enterprise.