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Statement for the Record  
To the Committee on Oversight and  
Government Reform,  
House of Representatives

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# PERSONNEL SECURITY CLEARANCES

## Actions Needed to Ensure Quality of Background Investigations and Resulting Decisions

Statement for the Record of Brenda S. Farrell, Director  
Defense Capabilities and Management

# GAO Highlights

Highlights of [GAO-14-138T](#), a statement for the record to the Committee on Oversight and Government Reform, House of Representatives

## Why GAO Did This Study

Recently the DNI reported that more than 5.1 million federal government and contractor employees held or were eligible to hold a security clearance. GAO has reported that the federal government spent over \$1 billion to conduct background investigations (in support of security clearances and suitability determinations for federal employment) in fiscal year 2011. A high quality process is essential to minimize the risks of unauthorized disclosures of classified information and to help ensure that information about individuals with criminal activity or other questionable behavior is identified and assessed as part of the process for granting or retaining clearances.

This statement addresses (1) a general overview of the security clearance process; (2) what is known about the quality of investigations and adjudications, which are the determinations made by executive branch agency officials to grant or reject clearance requests based on investigations; and (3) the extent of reciprocity, which is the decision of agencies to honor clearances previously granted by other agencies. This statement is based on GAO work issued from 2008 to 2013 on DOD's personnel security clearance program and government-wide suitability and security clearance reform efforts. As part of that work, GAO (1) reviewed relevant statutes, federal guidance, and processes, (2) examined agency data on the timeliness and quality of investigations and adjudications, (3) assessed reform efforts, and (4) reviewed a sample of case files for DOD personnel.

View [GAO-14-138T](#). For more information, contact Brenda S. Farrell at (202) 512-3604 or [farrellb@gao.gov](mailto:farrellb@gao.gov).

February 11, 2014

## PERSONNEL SECURITY CLEARANCES

### Actions Needed to Ensure Quality of Background Investigations and Resulting Decisions

## What GAO Found

Several agencies have key roles and responsibilities in the multi-phased personnel security clearance process, including the Director of National Intelligence (DNI) who, as the Security Executive Agent, is responsible for developing policies and procedures related to security clearance investigations and adjudications, among other things. The Deputy Director for Management at the Office of Management and Budget chairs the Performance Accountability Council that oversees reform efforts to enhance the personnel security process. The security process includes: the determination of whether a position requires a clearance, application submission, investigation, and adjudication. Specifically, agency officials must first determine whether a federal civilian position requires access to classified information. After an individual has been selected for a position that requires a personnel security clearance and the individual submits an application for a clearance, investigators—often contractors—from the Office of Personnel Management (OPM) conduct background investigations for most executive branch agencies. Adjudicators from requesting agencies use the information from these investigations and federal adjudicative guidelines to determine whether an applicant is eligible for a clearance. Further, individuals are subject to reinvestigations at intervals based on the level of security clearance.

Executive branch agencies do not consistently assess quality throughout the personnel security clearance process, in part because they have not fully developed and implemented metrics to measure quality in key aspects of the process. For more than a decade, GAO has emphasized the need to build and monitor quality throughout the clearance process to promote oversight and positive outcomes such as maximizing the likelihood that individuals who are security risks will be scrutinized more closely. GAO reported in 2009 that, with respect to initial top secret clearances adjudicated in July 2008 for the Department of Defense (DOD), documentation was incomplete for most of OPM's investigative reports. GAO independently estimated that 87 percent of about 3,500 investigative reports that DOD adjudicators used to make clearance eligibility decisions were missing some required documentation, such as the verification of all of the applicant's employment, the required number of social references for the applicant, and complete security forms. In May 2009, GAO recommended that OPM measure the frequency with which its investigative reports met federal investigative standards to improve the completeness—that is, quality—of investigation documentation. In January 2014, DNI officials said that metrics to measure quality of investigative reports had not been established.

GAO reported in 2010 that executive branch agencies do not consistently and comprehensively track the extent to which reciprocity is occurring because no government-wide metrics exist to consistently and comprehensively track when reciprocity is granted. The acceptance of a background investigation or personnel security clearance determination completed by another authorized agency is an opportunity to save resources and executive branch agencies are required by law to grant reciprocity, subject to certain exceptions, such as completing additional requirements like polygraph testing. GAO's 2010 recommendation that the leaders of the security clearance reform effort develop metrics to track reciprocity has not been fully implemented.

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Chairman Issa, Ranking Member Cummings, and Members of the Committee:

Thank you for the opportunity to comment on the federal government's approach to background investigations. As you know, we have an extensive body of work on issues related to the personnel security clearance process. Since 2008, we have focused on the government-wide effort to reform the security clearance process. A high-quality personnel security clearance process is necessary to minimize the associated risks of unauthorized disclosures of classified information and to help ensure that information about individuals with histories of criminal activity or other questionable behavior is identified and assessed as part of the process for granting or retaining clearances. However, recent events, such as unauthorized disclosures of classified information, have shown there is more work to be done by federal agencies to help ensure that the clearance process functions effectively and efficiently, so that only trustworthy individuals obtain and keep security clearances and the resulting access to classified information.

Personnel security clearances allow government and industry personnel (contractors) to gain access to classified information that, through unauthorized disclosure, can in some cases cause exceptionally grave damage to U.S. national security. It is important to keep in mind that security clearances allow for access to classified information on a need-to-know basis. Federal agencies also use other processes and procedures to determine if an individual should be granted access to certain government buildings or facilities or be employed as either a military or federal civilian employee, or contractor for the federal government. Separate from, but related to, personnel security clearances are determinations of suitability that the executive branch uses to ensure that individuals are suitable, based on character and conduct, for federal employment in their agency or position.

The federal government processes a high volume of personnel security clearances at significant costs. Recently, the Director of National Intelligence (DNI) reported that as of October 2013, more than 5.1 million federal government and contractor employees held or were eligible to hold a security clearance. Furthermore, we have reported that the federal government spent over \$1 billion to conduct more than 2 million background investigations (in support of both personnel security clearances and suitability determinations for government employment outside of the Intelligence Community) in fiscal year 2011. The Department of Defense (DOD) accounts for the majority of all personnel

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security clearances—788,000 background investigations that cost over \$787 million in fiscal year 2011.<sup>1</sup>

My statement today will focus on three topics related to personnel security clearances. First, I will provide a general overview of the security clearance process, including how clearances are acquired and retained. Second, I will discuss what is known about the quality of clearance investigations and adjudications, which are the determinations made by agency officials to grant or reject clearance requests based on investigations. Third, I will discuss the extent of reciprocity, which is the decision of agencies to honor clearances previously granted by other agencies.

My statement is based on our reports and testimonies issued from 2008 through 2013 on DOD's personnel security clearance program and government-wide suitability and security clearance reform efforts. A list of these related products appears at the end of my statement. As part of the work for these products, we reviewed relevant statutes, federal guidance, and processes; examined agency data on the timeliness and quality of investigations and adjudications; assessed reform efforts; and reviewed a sample of investigative and adjudication files for DOD personnel.

The work upon which this statement is based was conducted in accordance with generally accepted government auditing standards. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. Additional details about the scope and methodology can be found in each of these related products.

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<sup>1</sup>GAO, *Background Investigations: Office of Personnel Management Needs to Improve Transparency of Its Pricing and Seek Cost Savings*, [GAO-12-197](#) (Washington, D.C.: Feb. 28, 2012).

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## The Personnel Security Clearance Process

Multiple executive-branch agencies are responsible for different phases of the federal government's personnel security clearance process. For example, in 2008, Executive Order 13467 designated the DNI as the Security Executive Agent.<sup>2</sup> As such, the DNI is responsible for developing policies and procedures to help ensure the effective, efficient, and timely completion of background investigations and adjudications relating to determinations of eligibility for access to classified information and eligibility to hold a sensitive position. In turn, executive branch agencies determine which of their positions—military, civilian, or private-industry contractors—require access to classified information and, therefore, which people must apply for and undergo a personnel security clearance investigation. Investigators—often contractors—from Federal Investigative Services within the Office of Personnel and Management (OPM)<sup>3</sup> conduct these investigations for most of the federal government using federal investigative standards and OPM internal guidance as criteria for collecting background information on applicants.<sup>4</sup> OPM provides the resulting investigative reports to the requesting agencies for their internal adjudicators, who use the information along with the federal adjudicative guidelines to determine whether an applicant is eligible for a personnel security clearance.

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<sup>2</sup>Executive Order No. 13467, *Reforming Processes Related to Suitability for Government Employment, Fitness for Contractor Employees, and Eligibility for Access to Classified National Security Information* (June 30, 2008).

<sup>3</sup>OPM's Federal Investigative Services employs both federal and contract investigators to conduct work required to complete background investigations. The federal staff constitutes about 25 percent of that workforce, while OPM currently also has contracts for investigative fieldwork with several investigation firms, constituting the remaining 75 percent of its investigative workforce.

<sup>4</sup>In 2005, the Office of Management and Budget designated OPM as the agency responsible for, among other things, the day-to-day supervision and monitoring of security clearance investigations and for tracking the results of individual agency-performed adjudications, subject to certain exceptions. However, the Office of the Director of National Intelligence can designate other agencies as an "authorized investigative agency" pursuant to 50 U.S.C. § 3341(b)(3), as implemented through Executive Order 13467. Alternatively, under 5 U.S.C. § 1104(a)(2), OPM can redelegate any of its investigative functions subject to performance standards and a system of oversight prescribed by OPM under 5 U.S.C. § 1104(b). Agencies without delegated authority rely on OPM to conduct their background investigations while agencies with delegated authority—including the Defense Intelligence Agency, National Security Agency, National Geospatial-Intelligence Agency, Central Intelligence Agency, Federal Bureau of Investigation, National Reconnaissance Office, and Department of State—have been authorized to conduct their own background investigations.

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DOD is OPM's largest customer, and its Under Secretary of Defense for Intelligence (USD(I)) is responsible for developing, coordinating, and overseeing the implementation of DOD policy, programs, and guidance for personnel, physical, industrial, information, operations, chemical/biological, and DOD Special Access Program security. Additionally, the Defense Security Service, under the authority, direction, and control of the USD(I), manages and administers the DOD portion of the National Industrial Security Program for the DOD components and other federal services by agreement, as well as providing security education and training, among other things.<sup>5</sup>

The Intelligence Reform and Terrorism Prevention Act of 2004 prompted government-wide suitability and security clearance reform.<sup>6</sup> The act required, among other matters, an annual report to Congress—in February of each year from 2006 through 2011—about progress and key measurements on the timeliness of granting security clearances. It specifically required those reports to include the periods of time required for conducting investigations and adjudicating or granting clearances. However, the Intelligence Reform and Terrorism Prevention Act requirement for the executive branch to annually report on its timeliness expired in 2011. More recently, the Intelligence Authorization Act of 2010 established a new requirement that the President annually report to Congress the total amount of time required to process certain security clearance determinations for the previous fiscal year for each element of the Intelligence Community.<sup>7</sup> The Intelligence Authorization Act of 2010 additionally requires that those annual reports include the total number of active security clearances throughout the United States government, including both government employees and contractors. Unlike the Intelligence Reform and Terrorism Prevention Act of 2004 reporting requirement, the requirement to submit these annual reports does not expire.

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<sup>5</sup>The National Industrial Security Program was established by Executive Order 12829 to safeguard federal government classified information that is released to contractors, licensees, and grantees of the United States government. Executive Order 12829, *National Industrial Security Program* (Jan. 6, 1993, as amended).

<sup>6</sup>Pub. L. No. 108-458 (2004) (relevant sections codified at 50 U.S.C. § 3341).

<sup>7</sup>Pub. L. No. 111-259, § 367 (2010) (codified at 50 U.S.C. § 3104).

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In 2007, DOD and the Office of the Director of National Intelligence (ODNI) formed the Joint Security Clearance Process Reform Team, known as the Joint Reform Team, to improve the security clearance process government-wide. In a 2008 memorandum, the President called for a reform of the security clearance and suitability determination processes and subsequently issued Executive Order 13467, which in addition to designating the DNI as the Security Executive Agent, also designated the Director of OPM as the Suitability Executive Agent. Specifically, the Director of OPM, as Suitability Executive Agent, is responsible for developing policies and procedures to help ensure the effective, efficient, and timely completion of investigations and adjudications relating to determinations of suitability, to include consideration of an individual's character or conduct. Further, the executive order established a Suitability and Security Clearance Performance Accountability Council (Performance Accountability Council) to oversee agency progress in implementing the reform vision. Under the executive order, this council is accountable to the President for driving implementation of the reform effort, including ensuring the alignment of security and suitability processes, holding agencies accountable for implementation, and establishing goals and metrics for progress. The order also appointed the Deputy Director for Management at the Office of Management and Budget as the Chair of the council.<sup>8</sup>

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## Steps in the Personnel Security Clearance Process

To help ensure the trustworthiness and reliability of personnel in positions with access to classified information, executive branch agencies rely on a personnel security clearance process that includes multiple phases: requirements determination, application, investigation, adjudication, appeals (if applicable, where a clearance has been denied), and reinvestigation (where applicable, for renewal or upgrade of an existing clearance). Figure 1 illustrates the steps in the personnel security clearance process, which is representative of the general process followed by most executive branch agencies and includes procedures for appeals and renewals. While different departments and agencies may

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<sup>8</sup>The Performance Accountability Council consists of the DNI as the Security Executive Agent, the Director of OPM as the Suitability Executive Agent, and the Deputy Director for Management, Office of Management and Budget, as the Chair with the authority to designate a Vice Chair and designate officials from additional agencies to serve as members. As of June 2012, the council included representatives from the Departments of, Energy, Health and Human Services, Homeland Security, State, the Treasury, and Veterans Affairs, and the Federal Bureau of Investigation.

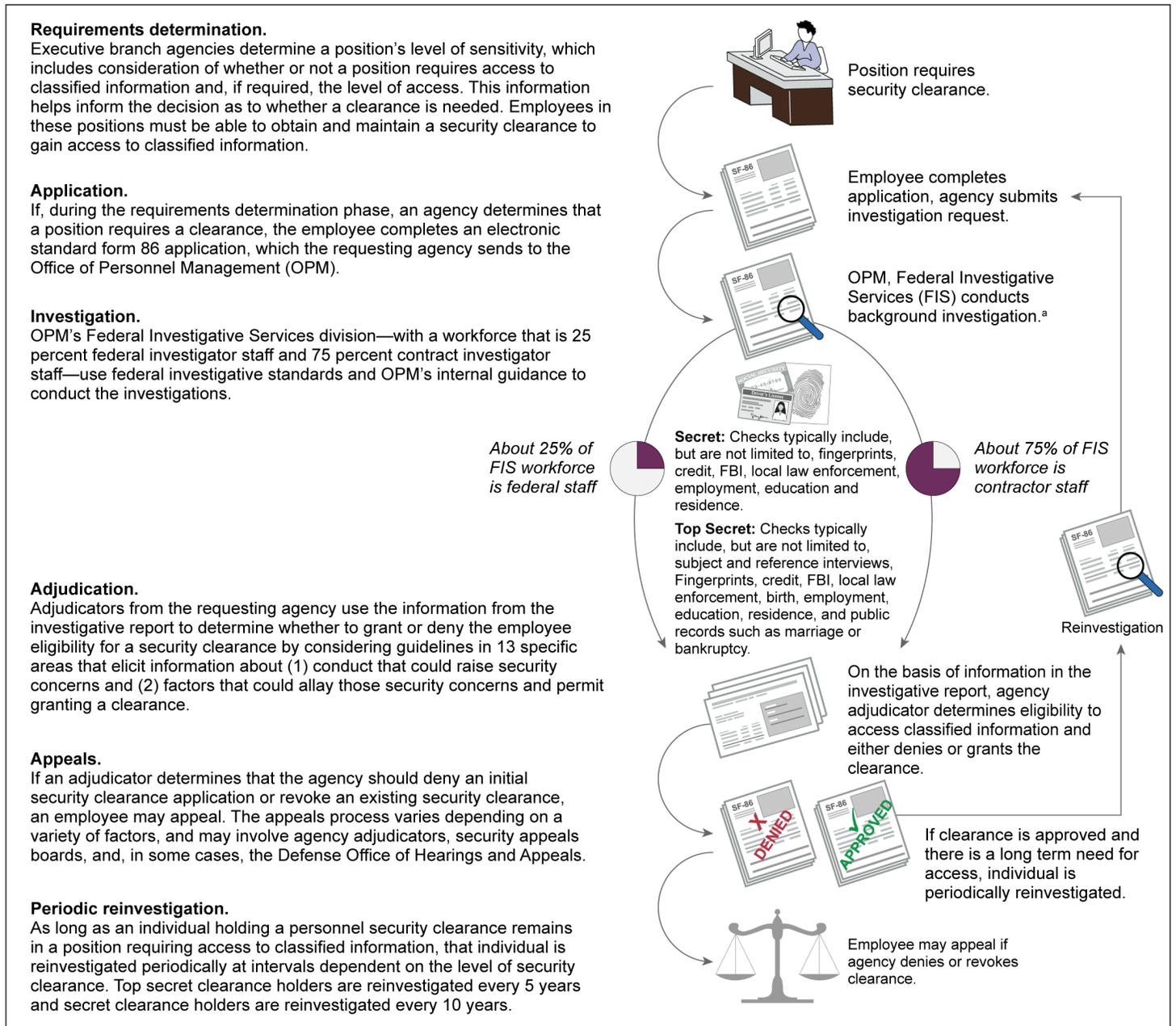
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have slightly different personnel security clearance processes, the phases that follow are illustrative of a typical process.<sup>9</sup>

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<sup>9</sup>The general process for performing a background investigation for either a secret or top secret clearance is the same; however, the level of detail and types of information gathered for a top secret clearance are more substantial than for a secret clearance. Since 1997, federal agencies have followed a common set of personnel security investigative standards and adjudicative guidelines for determining whether federal civilian workers, military personnel, and others, such as private industry personnel contracted by the government, are eligible to hold a security clearance.

**Figure 1: Steps in the Executive Branch Personnel Security Clearance Process**



Source: GAO analysis.

<sup>a</sup>OPM provides background investigation services to over 100 executive branch agencies; however, others, including some agencies in the Intelligence Community, have been delegated authority from the Office of the Director of National Intelligence, OPM, or both, to conduct their own background investigations.

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## Requirements Determination Phase

In the first step of the personnel security clearance process, executive branch officials determine the requirements of a federal civilian position, including assessing the risk and sensitivity level associated with that position, to determine whether it requires access to classified information and, if required, the level of access. Security clearances are generally categorized into three levels: top secret, secret, and confidential.<sup>10</sup> The level of classification denotes the degree of protection required for information and the amount of damage that unauthorized disclosure could reasonably be expected to cause to national defense.<sup>11</sup>

A sound requirements determination process is important because requests for clearances for positions that do not need a clearance or need a lower level of clearance increase investigative workloads and resultant costs. In addition to cost implications, limiting the access to classified information and reducing the associated risks to national security underscore the need for executive branch agencies to have a sound process to determine which positions require a security clearance.

In 2012, we reported that the DNI, as the Security Executive Agent, had not provided agencies with clearly defined policy and procedures to consistently determine if a position requires a security clearance, or established guidance to require agencies to review and revise or validate existing federal civilian position designations.<sup>12</sup> We recommended that the DNI issue policy and guidance for the determination, review, and validation of requirements, and ODNI concurred with those recommendations, stating that it recognized the need to issue or clarify policy.

We routinely monitor the status of agency actions to address our prior report recommendations. As part of that process, we found that a January

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<sup>10</sup>A top secret clearance is generally also required for access to Sensitive Compartmented Information—classified intelligence information concerning or derived from intelligence sources, methods, or analytical processes that is required to be protected within formal access control systems established and overseen by the Director of National Intelligence.

<sup>11</sup>Unauthorized disclosure could reasonably be expected to cause (1) “damage,” in the case of confidential information; (2) “serious damage,” in the case of secret information; and (3) “exceptionally grave damage,” in the case of top-secret information. Executive Order 13526, *Classified National Security Information*, (Dec. 29, 2009).

<sup>12</sup>GAO, *Security Clearances: Agencies Need Clearly Defined Policy for Determining Civilian Position Requirements*, [GAO-12-800](#) (Washington, D.C.: July 12, 2012).

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25, 2013 presidential memo authorized the DNI and OPM to jointly issue revisions to part 732 of Title 5 of the *Code of Federal Regulations*, which provides requirements and procedures for the designation of national security positions. Subsequently, ODNI and OPM drafted the proposed regulation; published it in the *Federal Register* on May 28, 2013; and the comment period closed. We reported on October 31, 2013 that ODNI and OPM officials stated that they would jointly review and address comments and prepare the final rule for approval from the Office of Management and Budget.

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## Application Phase

Once an applicant is selected for a position that requires a personnel security clearance, a security clearance must be obtained in order for an individual to gain access to classified information. To determine whether an investigation would be required, the agency requesting a security clearance investigation conducts a check of existing personnel security databases to determine whether there is an existing security clearance investigation underway or whether the individual has already been favorably adjudicated for a clearance in accordance with current standards. During the application submission phase, a security officer from an executive branch agency (1) requests an investigation of an individual requiring a clearance; (2) forwards a personnel security questionnaire (Standard Form 86) using OPM's electronic Questionnaires for Investigations Processing (e-QIP) system or a paper copy of the Standard Form 86 to the individual to complete; (3) reviews the completed questionnaire; and (4) sends the questionnaire and supporting documentation, such as fingerprints and signed waivers, to OPM or its investigation service provider.

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## Investigation Phase

During the investigation phase, investigators—often contractors—from OPM's Federal Investigative Services use federal investigative standards and OPM's internal guidance to conduct and document the investigation of the applicant. The scope of information gathered in an investigation depends on the needs of the client agency and the personnel security clearance requirements of an applicant's position, as well as whether the investigation is for an initial clearance or a reinvestigation to renew a clearance. For example, in an investigation for a top secret clearance, investigators gather additional information through more time-consuming efforts, such as traveling to conduct in-person interviews to corroborate information about an applicant's employment and education. However, many background investigation types have similar components. For instance, for all investigations, information that applicants provide on

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electronic applications is checked against numerous databases. Both secret and top secret investigations contain credit and criminal history checks, while top secret investigations also contain citizenship, public record, and spouse checks as well as reference interviews and an Enhanced Subject Interview to gain insight into an applicant's character.

Table 1 highlights the investigative components generally associated with the secret and top secret clearance levels. After OPM, or the designated provider, completes the background investigation, the resulting investigative report is provided to the requesting agencies for their internal adjudicators.

**Table 1: Information Gathered in Conducting a Typical Investigation to Determine Suitability and Eligibility for a Personnel Security Clearance**

Type of information gathered by component	Type of background investigation	
	Secret	Top Secret
1. Personnel security questionnaire: The reported answers on an electronic Standard Form-85P or Standard Form-86	X	X
2. Fingerprints: Fingerprints submitted electronically or manually	X	X
3. National agency check: Data from the Federal Bureau of Investigation, military records, and other agencies as required (with fingerprints)	X	X
4. Credit check: Data from credit bureaus where the subject lived/worked/attended school for at least 6 months	X	X
5. Local agency checks: Data from law enforcement agencies where the subject lived/worked/attended school during the past 10 years or—in the case of reinvestigations—since the last security clearance investigation	X	X
6. Date and place of birth: Corroboration of information supplied on the personnel security questionnaire		X
7. Citizenship: For individuals born outside of the United States, verification of U.S. citizenship directly from the appropriate registration authority		X
8. Education: Verification of most recent or significant claimed attendance, degree, or diploma	M	X
9. Employment: Review of employment records and interviews with workplace references, such as supervisors and coworkers	M	X
10. References: Data from interviews with subject-identified and investigator-developed leads	M	X
11. National agency check for spouse or cohabitant: Data from the Federal Bureau of Investigation, military records, and other agencies as required (without fingerprint)		X
12. Former spouse: Data from interview(s) conducted with spouse(s) divorced within the last 10 years or since the last investigation or reinvestigation		X
13. Neighborhoods: Interviews with neighbors and verification of residence through records check	M	X
14. Public records: Verification of issues, such as bankruptcy, divorce, and criminal and civil court cases		X
15. Enhanced Subject Interview: Collection of relevant data, and resolution of significant issues or inconsistencies	<sup>a</sup>	X

Sources: DOD and OPM.

Notes: The content and amount of information collected as part of a personnel security clearance investigation depend on a variety of case-specific factors, including the history of the applicant and the nature of the position; however, items 1 through 15 are typically collected for the types of investigations indicated.

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Components with the "M" notation are checked through requests for information sent by OPM's Federal Investigative Services through the mail.

<sup>a</sup>The Enhanced Subject Interview was developed by the Joint Reform Team and implemented by OPM in 2011 and serves as an in-depth discussion between the interviewer and the subject to ensure a full understanding of the applicant's information, potential issues, and mitigating factors. It is included in a Minimum Background Investigation, one type of suitability investigation, and can be triggered by the presence of issues in a secret-level investigation.

In December 2012, ODNI and OPM jointly issued a revised version of the federal investigative standards for the conduct of background investigations for individuals who work for or on behalf of the federal government. According to October 31, 2013, testimony by an ODNI official, the revised standards will be implemented through a phased approach beginning in 2014 and continuing through 2017.<sup>13</sup>

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## Adjudication and Appeals Phases

During the adjudication phase, adjudicators from the hiring agency use the information from the investigative report along with federal adjudicative guidelines to determine whether an applicant is eligible for a security clearance.<sup>14</sup> To make clearance eligibility decisions, the adjudication guidelines specify that adjudicators consider 13 specific areas that elicit information about (1) conduct that could raise security

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<sup>13</sup>Brian A. Prioletti, Assistant Director, Special Security Directorate, National Counterintelligence Executive, Office of the Director of National Intelligence, *Statement for the Record: Open Hearing on Security Clearance Reform*, testimony before the Senate Committee on Homeland Security and Governmental Affairs, 113th Cong., 1st sess., October 31, 2013.

<sup>14</sup>For industry personnel, the Defense Security Service adjudicated clearance eligibility for DOD and 24 other federal agencies, by agreement, using OPM-provided investigative reports. DOD is in the process of consolidating its adjudication functions, including those for industry personnel. Per Department of Defense, *National Industrial Security Program: Operating Manual*, DOD 5220.22-M (Feb. 28, 2006), the 24 agencies are the (1) National Aeronautics and Space Administration; (2) Department of Commerce; (3) General Services Administration; (4) Department of State; (5) Small Business Administration; (6) National Science Foundation; (7) Department of the Treasury; (8) Department of Transportation; (9) Department of the Interior; (10) Department of Agriculture; (11) Department of Labor; (12) Environmental Protection Agency; (13) Department of Justice; (14) Federal Reserve System; (15) U.S. Government Accountability Office; (16) U.S. Trade Representative; (17) U.S. International Trade Commission; (18) U.S. Agency for International Development; (19) Nuclear Regulatory Commission; (20) Department of Education; (21) Department of Health and Human Services; (22) Department of Homeland Security; (23) Federal Communications Commission; and (24) Office of Personnel Management.

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concerns and (2) factors that could allay those security concerns and permit granting a clearance.<sup>15</sup>

If a clearance is denied or revoked, appeals of the adjudication decision are possible. We have work under way to review the process for security clearance revocations. We expect to issue a report on this process in the spring of 2014.

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## Reinvestigation Phase

Once an individual has obtained a personnel security clearance and as long as he or she remains in a position that requires access to classified national security information, that individual is reinvestigated periodically at intervals that depend on the level of security clearance. For example, top secret clearance holders are reinvestigated every 5 years, and secret clearance holders are reinvestigated every 10 years. Some of the information gathered during a reinvestigation would focus specifically on the period of time since the last approved clearance, such as a check of local law enforcement agencies where an individual lived and worked since the last investigation. Further, the Joint Reform Team began an effort to review the possibility of continuing evaluations, which would ascertain on a more frequent basis whether an eligible employee with access to classified information continues to meet the requirements for access. Specifically, the team proposed to move from periodic review to that of continuous evaluation, meaning annually for top secret or similar positions and at least once every 5 years for secret or similar positions, as a means to reveal security-relevant information earlier than the previous method, and provide increased scrutiny of populations that could potentially represent risk to the government because they already have access to classified information. The revised federal investigative

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<sup>15</sup>Federal guidelines state that clearance decisions require a common-sense determination of eligibility for access to classified information based upon careful consideration of the following 13 areas: allegiance to the United States; foreign influence; foreign preference; sexual behavior; personal conduct; financial considerations; alcohol consumption; drug involvement; emotional, mental, and personality disorders; criminal conduct; security violations; outside activities; and misuse of information technology systems. Further, the guidelines require adjudicators to evaluate the relevance of an individual's overall conduct by considering factors such as the nature, extent, and seriousness of the conduct; the circumstances surrounding the conduct, including knowledgeable participation; the frequency and recency of the conduct; and the individual's age and maturity at the time of the conduct, among others.

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standards state that the top secret level of security clearances may be subject to continuous evaluation.<sup>16</sup>

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## Actions Needed to Ensure Quality of Clearance Investigations and Adjudications

Executive branch agencies do not consistently assess quality throughout the personnel security clearance process, in part because they have not fully developed and implemented metrics to measure quality in key aspects of the process. We have emphasized—since the late 1990s—the need to build and monitor quality throughout the personnel security clearance process to promote oversight and positive outcomes such as maximizing the likelihood that individuals who are security risks will be scrutinized more closely.<sup>17</sup> For example, in 2008 two of the key factors we identified to consider in efforts to reform the security clearance process were building quality into every step of the clearance processes and having a valid set of metrics for evaluating efficiency and effectiveness.<sup>18</sup> We have begun additional work to review the quality of investigations.

As previously discussed, DOD accounts for the majority of security clearances within the federal government. We initially placed DOD's personnel security clearance program on our high-risk list in 2005 because of delays in completing clearances.<sup>19</sup> It remained on our list until 2011 because of ongoing concerns about delays in processing clearances and problems with the quality of investigations and adjudications. Specifically, we reported in 2009 on (1) incomplete investigative reports from OPM, the agency that supplies about 90

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<sup>16</sup>In March 2009, the Joint Security and Suitability Reform Team issued an Enterprise Information Technology Strategy that included a concept of continuous evaluation that included automatic and randomly scheduled security evaluations using automated record checks. Such checks would provide an automatic notification to the person being investigated, security managers, or other designated personnel that continuous evaluation is being conducted.

<sup>17</sup>GAO, *DOD Personnel: Inadequate Personnel Security Investigations Pose National Security Risks*, [GAO/NSIAD-00-12](#) (Washington, D.C.: Oct. 27, 1999).

<sup>18</sup>GAO, *Personnel Clearances: Key Factors to Consider in Efforts to Reform Security Clearance Processes*, [GAO-08-352T](#) (Washington, D.C.: Feb. 27, 2008).

<sup>19</sup>GAO, *High-Risk Series: An Update*, [GAO-05-207](#) (Washington, D.C.: Jan. 2005). Every 2 years at the start of a new Congress, GAO issues a report that identifies government operations that are high risk because of their vulnerabilities to fraud, waste, abuse, and mismanagement, or are most in need of transformation to address economy, efficiency, or effectiveness.

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percent of all federal clearance investigations, including those for DOD; and (2) the granting of some clearances by DOD adjudicators even though some required data were missing from the investigative reports used to make such determinations.

For example, in May 2009, we reported that, with respect to DOD initial top secret clearances adjudicated in July 2008, documentation was incomplete for most OPM investigative reports. We independently estimated that 87 percent of about 3,500 investigative reports that DOD adjudicators used to make clearance decision were missing at least one type of documentation required by federal investigative standards.<sup>20</sup> The type of documentation most often missing from investigative reports was verification of all of the applicant's employment followed by information from the required number of social references for the applicant and investigative reports did not contain a required personal subject interview. Officials within various executive branch agencies have noted to us that the information gathered during the interview and investigative portion of the process is essential for making adjudicative decisions.

In addition to incomplete investigative reports, our 2009 report also identified issues regarding the quality of DOD adjudications. With respect to DOD adjudicative files, in 2009, we estimated that 22 percent of the adjudicative files for about 3,500 initial top secret clearances that were adjudicated favorably did not contain all the required documentation even though DOD regulation requires that adjudicators maintain a record of each favorable and unfavorable adjudication decision and document the rationale for granting clearance eligibility to applicants with security concerns revealed during the investigation.<sup>21</sup> Documentation most frequently missing from adjudicative files was the rationale for granting security clearances to applicants with security concerns related to foreign influence, financial considerations, and criminal conduct. At the time of our review in 2009, neither OPM nor DOD measured the completeness of its investigative reports or adjudicative files, which limited the agencies'

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<sup>20</sup>Estimates in our May 2009 report were based on our review of a random sample of 100 OPM-provided investigative reports for initial top secret clearances granted in July 2008 by the U.S. Army, U.S. Navy, and U.S. Air Force central adjudication facilities and have margins of error, based on a 95 percent confidence interval, of +/- 10 percentage points or fewer.

<sup>21</sup>Department of Defense, *DOD Personnel Security Program* Regulation 5200.2-R (January 1987, incorporating changes Feb. 23, 1996).

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ability to explain the extent to which or the reasons why some files are incomplete.

In November 2010, we reported that agency officials who utilize OPM as their investigative service provider cited challenges related to deficient investigative reports as a factor that slows agencies' abilities to make adjudicative decisions. The quality and completeness of investigative reports directly affects adjudicator workloads, including whether additional steps are required before adjudications can be made, as well as agency costs. For example, some agency officials noted that OPM investigative reports do not include complete copies of associated police reports and criminal record checks. Several agency officials stated that in order to avoid further costs or delays that would result from working with OPM, they often choose to perform additional steps internally to obtain missing information. According to ODNI and OPM officials, OPM investigators provide a summary of police and criminal reports and assert that there is no policy requiring inclusion of copies of the original records. However, ODNI officials also stated that adjudicators may want or need entire records, as critical elements may be left out. For example, according to Defense Office of Hearings and Appeals officials, in one case, an investigator's summary of a police report incorrectly identified the subject as a thief when the subject was actually the victim.

As a result of the incompleteness of OPM's investigative reports on DOD personnel and the incompleteness of DOD's adjudicative files that we first identified in our 2009 report, we made several recommendations to OPM and DOD. We recommended that OPM measure the frequency with which its investigative reports meet federal investigative standards, so that the executive branch can identify the factors leading to incomplete reports and take corrective actions.<sup>22</sup> OPM did not agree or disagree with our recommendation.

In a subsequent February 2011 report, we noted that the Office of Management and Budget, ODNI, DOD, and OPM leaders had provided congressional members and executive branch agencies with metrics to assess the quality of investigative reports and adjudicative files and other aspects of the clearance process. For example, the Rapid Assessment of

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<sup>22</sup>GAO, *DOD Personnel Clearances: Comprehensive Timeliness Reporting, Complete Clearance Documentation, and Quality Measures Are Needed to Further Improve the Clearance Process*, [GAO-09-400](#) (Washington, D.C.: May 19, 2009).

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Incomplete Security Evaluations was one tool the executive branch agencies planned to use for measuring quality, or completeness, of OPM's background investigations.<sup>23</sup> However, in June 2012 an OPM official said that OPM chose not to use this tool and opted to develop another tool. We currently have work under way to review any actions OPM has taken to develop and implement metrics for measuring the completeness of OPM's investigative reports. However, ODNI officials confirmed in January 2014 that OPM did not have such metrics in place.

According to OPM officials, OPM also continues to assess the quality of investigations based on voluntary reporting from customer agencies. Specifically, OPM tracks investigations that are (1) returned for rework from the requesting agency, (2) identified as deficient using a web-based customer satisfaction survey, or (3) identified as deficient through adjudicator calls to OPM's quality hotline. In our past work, we have noted that the number of investigations returned for rework is not by itself a valid indicator of the quality of investigative work because DOD adjudication officials told us that they have been reluctant to return incomplete investigations in anticipation of delays that would affect timeliness. Further, relying on agencies to voluntarily provide information on investigation quality may not reflect the quality of OPM's total investigation workload.

We also recommended in 2009 that DOD measure the frequency with which adjudicative files meet requirements, so that the executive branch can identify the factors leading to incomplete files and include the results of such measurement in annual reports to Congress on clearances.<sup>24</sup> In November 2009, DOD subsequently issued a memorandum that established a tool to measure the frequency with which adjudicative files meet the requirements of DOD regulation. Specifically, the DOD memorandum stated that DOD would use a tool called the Review of Adjudication Documentation Accuracy and Rationales, or RADAR, to gather specific information about adjudication processes at the adjudication facilities and assess the quality of adjudicative

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<sup>23</sup>The Rapid Assessment of Incomplete Security Evaluations tool was developed by DOD to track the quality of investigations conducted by OPM for DOD personnel security clearance investigations, measured as a percentage of investigations completed that contained deficiencies.

<sup>24</sup>[GAO-09-400](#).

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documentation. In following up on our 2009 recommendations, as of 2012, a DOD official stated that RADAR had been used in fiscal year 2010 to evaluate some adjudications, but was not used in fiscal year 2011 because of funding shortfalls. DOD restarted the use of RADAR in fiscal year 2012.

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### Recent Efforts and Sustained Leadership Could Facilitate Progress in Assessing Quality

Several efforts are underway to review the security clearance process, and those efforts, combined with sustained leadership attention, could help facilitate progress in assessing and improving the quality of the security clearance process. After the September 16, 2013 shooting at the Washington Navy Yard, the President directed the Office of Management and Budget, in coordination with ODNI and OPM, to conduct a government-wide review into the oversight, nature, and implementation of security and suitability standards for federal employees and contractors. In addition, in September 2013, the Secretary of Defense directed an independent review to identify and recommend actions that address gaps or deficiencies in DOD programs, policies, and procedures regarding security at DOD installations and the granting and renewal of security clearances for DOD employees and contractor personnel. The primary objective of this review is to determine whether there are weaknesses in DOD programs, policies, or procedures regarding physical security at DOD installations and the security clearance and reinvestigation process that can be strengthened to prevent a similar tragedy.

We initially placed DOD's personnel security clearance program on our high-risk list in 2005 because of delays in completing clearances.<sup>25</sup> In February 2011, we removed DOD's personnel security clearance program from our high-risk list largely because of the department's demonstrated progress in expediting the amount of time processing clearances.<sup>26</sup> We also noted DOD's efforts to develop and implement tools to evaluate the quality of investigations and adjudications.

Even with the significant progress leading to removal of DOD's program from our high-risk list, the Comptroller General noted in June 2012 that sustained leadership would be necessary to continue to implement,

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<sup>25</sup>GAO-05-207.

<sup>26</sup>GAO, *High-Risk Series: An Update*, GAO-11-278 (Washington, D.C.: February 2011).

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monitor, and update outcome-focused performance measures.<sup>27</sup> The initial development of some tools and metrics to monitor and track quality not only for DOD but government-wide were positive steps; however, full implementation of these tools and measures government-wide has not yet been realized. While progress in DOD's personnel security clearance program resulted in the removal of this area from our high-risk list, significant government-wide challenges remain in ensuring that personnel security clearance investigations and adjudications are high-quality. However, if the oversight and leadership that helped address the timeliness issues focuses now on the current problems associated with quality, we believe that progress in helping executive branch agencies to assess the quality of the security clearance process could be made.

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## Extent of Clearance Reciprocity Is Not Measured

Although executive branch agency officials have stated that reciprocity is regularly granted as it is an opportunity to save time as well as reduce costs and investigative workloads, we reported in 2010 that agencies do not consistently and comprehensively track the extent to which reciprocity is granted government-wide. In addition to establishing objectives for timeliness, the Intelligence Reform and Terrorism Prevention Act of 2004 established requirements for reciprocity, which is an agency's acceptance of a background investigation or clearance determination completed by any authorized investigative or adjudicative executive branch agency, subject to certain exceptions such as completing additional requirements like polygraph testing.<sup>28</sup> Further, in October 2008, ODNI issued guidance on the reciprocity of personnel security clearances.<sup>29</sup> The guidance requires, except in limited circumstances, that all Intelligence Community elements "accept all in-scope<sup>30</sup> security clearance or access determinations." Additionally, Office of Management and Budget guidance requires agencies to honor a clearance when (1) the prior clearance was

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<sup>27</sup>GAO, Personnel Security Clearances: Continuing Leadership and Attention Can Enhance Momentum Gained from Reform Effort, [GAO-12-815T](#) (Washington, D.C.: June 21, 2012).

<sup>28</sup>Pub. L. No. 108-458 § 3001 (2004).

<sup>29</sup>Office of the Director of National Intelligence, *Reciprocity of Personnel Security Clearance and Access Determinations, Intelligence Community Policy Guidance 704.4* (Oct. 2, 2008).

<sup>30</sup>Although there are broad federal investigative guidelines, the details and depth of an investigation vary by agency depending upon agency mission.

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not granted on an interim or temporary basis; (2) the prior clearance investigation is current and in-scope; (3) there is no new adverse information already in the possession of the gaining agency; and (4) there are no conditions, deviations, waivers, or unsatisfied additional requirements (such as polygraphs) if the individual is being considered for access to highly sensitive programs.<sup>31</sup>

While the Performance Accountability Council has identified reciprocity as a government-wide strategic goal, we have found that agencies do not consistently and comprehensively track when reciprocity is granted, and lack a standard metric for tracking reciprocity. Further, while OPM and the Performance Accountability Council have developed quality metrics for reciprocity, the metrics do not measure the extent to which reciprocity is being granted. For example, OPM created a metric in early 2009 to track reciprocity, but this metric only measures the number of investigations requested from OPM that are rejected based on the existence of a previous investigation and does not track the number of cases in which an existing security clearance was or was not successfully honored by the agency. Without comprehensive, standardized metrics to track reciprocity and consistent documentation of the findings, decision makers will not have a complete picture of the extent to which reciprocity is granted or the challenges that agencies face when attempting to honor previously granted security clearances.

In 2010, we reported that executive branch officials stated that they routinely honor other agencies' security clearances, and personnel security clearance information is shared between OPM, DOD, and, to some extent, Intelligence Community databases.<sup>32</sup> However, we found that some agencies find it necessary to take additional steps to address limitations with available information on prior investigations, such as insufficient information in the databases or variances in the scope of investigations, before granting reciprocity. For instance, OPM has taken

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<sup>31</sup>Office of Management and Budget, *Memorandum for Deputies of Executive Departments and Agencies: Reciprocal Recognition of Existing Personnel Security Clearances* (Dec. 12, 2005) and *Memorandum for Deputies of Executive Departments and Agencies: Reciprocal Recognition of Existing Personnel Security Clearances* (July 17, 2006).

<sup>32</sup>GAO, *Personnel Security Clearances: Progress Has Been Made to Improve Timeliness but Continued Oversight Is Needed to Sustain Momentum*, [GAO-11-65](#) (Washington, D.C.: Nov. 19, 2010).

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steps to ensure that certain clearance data necessary for reciprocity are available to adjudicators, such as holding interagency meetings to determine new data fields to include in shared data. However, we also found that the shared information available to adjudicators contains summary-level detail that may not be complete. As a result, agencies may take steps to obtain additional information, which creates challenges to immediately granting reciprocity.

Further, we reported in 2010 that according to agency officials since there is no government-wide standardized training and certification process for investigators and adjudicators, a subject's prior clearance investigation and adjudication may not meet the standards of the inquiring agency. Although OPM has developed some training, security clearance investigators and adjudicators are not required to complete a certain type or number of classes. As a result, the extent to which investigators and adjudicators receive training varies by agency. Consequently, as we have previously reported, agencies are reluctant to be accountable for investigations or adjudications conducted by other agencies or organizations.<sup>33</sup> To achieve fuller reciprocity, clearance-granting agencies seek to have confidence in the quality of prior investigations and adjudications.

Because of these issues identified by agency officials as hindrances to reciprocity and because the extent of reciprocity was unknown, we recommended in 2010 that the Deputy Director of Management, Office of Management and Budget, in the capacity as Chair of the Performance Accountability Council, should develop comprehensive metrics to track reciprocity and then report the findings from the expanded tracking to Congress. Although the Office of Management and Budget agreed with our recommendation, a 2011 ODNI report found that Intelligence Community agencies experienced difficulty reporting on reciprocity. The agencies are required to report on a quarterly basis the number of security clearance determinations granted based on a prior existing clearance as well as the number not granted when a clearance existed. The numbers of reciprocal determinations made and denied are categorized by the individual's originating and receiving organizational type: (1) government to government, (2) government to contractor, (3)

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<sup>33</sup>GAO, *Personnel Clearances: Key Factors to Consider in Efforts to Reform Security Clearance Processes*, [GAO-08-352T](#) (Washington, D.C.: Feb. 27, 2008).

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contractor to government, and (4) contractor to contractor. The ODNI report stated that data fields necessary to collect the information described above do not currently reside in any of the data sets available, and the process was completed in an agency-specific, semimanual method.

The Deputy Assistant Director for Special Security of ODNI noted in testimony in June 2012 that measuring reciprocity is difficult, and despite an abundance of anecdotes, real data are hard to come by. To address this problem, in 2013 ODNI planned to develop a web-based form for individuals to use to submit their experience with reciprocity issues to ODNI. According to ODNI, this would allow it to collect empirical data, perform systemic trend analysis, and assist agencies with achieving workable solutions. However, in January 2014, ODNI officials told us that required resources and information technology were not available to support the development and implementation of a web-based form. Instead, ODNI is conducting a Reciprocity Research Study that will involve, among other things, agencies identifying their ability to collect reciprocity metrics. This study would assist ODNI in developing reciprocity performance measures and a new policy for reciprocity. ODNI would also use the study to determine if a web-based form would be of value.

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In conclusion, to avoid the risk of damaging, unauthorized disclosures of classified information, oversight of the reform efforts to measure and improve the quality of the security clearance process is imperative. The progress that was made with respect to reducing the amount of time required for processing clearances would not have been possible without committed and sustained congressional oversight and the leadership of the Performance Accountability Council. Further actions are needed now to fully develop and implement metrics to oversee quality at every step in the process.

Further, ensuring the quality of personnel security clearance investigations and adjudications is important government-wide, not just for DOD. While reciprocity is required by law and, if implemented correctly, could enhance efficiency and present cost savings opportunities, much is unknown about the extent to which previously granted security clearance investigations and adjudications are honored government-wide. Therefore, we recommended that metrics are needed to track reciprocity, which have yet to be fully developed and implemented. Assurances that all clearances are of a high quality may further encourage reciprocity of investigation and adjudications. We will

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continue to monitor the outcome of the agency actions discussed above to address our outstanding recommendations.

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Chairman Issa, Ranking Member Cummings and Members of the Committee, this concludes my statement for the record.

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## GAO Contact and Staff Acknowledgements

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# Related GAO Products

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*Personnel Security Clearances: Full Development and Implementation of Metrics Needed to Measure Quality of Process.* [GAO-14-157T](#). Washington, D.C.: October 31, 2013.

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*Employee Security: Implementation of Identification Cards and DOD's Personnel Security Clearance Program Need Improvement.* [GAO-08-551T](#). Washington, D.C.: April 9, 2008.

*Personnel Clearances: Key Factors to Consider in Efforts to Reform Security Clearance Processes.* [GAO-08-352T](#). Washington, D.C.: February 27, 2008.

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*DOD Personnel Clearances: DOD Faces Multiple Challenges in Its Efforts to Improve Clearance Processes for Industry Personnel.* [GAO-08-470T](#). Washington, D.C.: February 13, 2008.

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