

May 2009

DOD PERSONNEL CLEARANCES

Comprehensive
Timeliness Reporting,
Complete Clearance
Documentation, and
Quality Measures Are
Needed to Further
Improve the Clearance
Process



GAO

Accountability * Integrity * Reliability



Highlights of [GAO-09-400](#), a report to congressional committees

Why GAO Did This Study

The Department of Defense (DOD) personnel security clearance program has been on GAO's high-risk list since 2005, due to delays in the process and incomplete documentation. The Office of Personnel Management (OPM) conducts most of DOD's clearance investigations, which DOD adjudicators use to make clearance decisions. The Deputy Director for Management at the Office of Management and Budget (OMB) chairs a Performance Accountability Council that is responsible for reforming the clearance process. Conducted under the authority of the Comptroller General, GAO's report addresses the (1) reporting on timeliness for DOD clearances, (2) documentation completeness for making initial top-secret clearance decisions for DOD personnel, and (3) reporting on the quality of the clearance process. To assess these issues, GAO analyzed data on most DOD clearances granted in fiscal year 2008, randomly sampled and analyzed 100 OPM investigative reports and DOD adjudicative files for clearances granted in July 2008, and analyzed 2006-09 executive branch annual clearance reports.

What GAO Recommends

GAO recommends that, in annual reports to Congress, OMB provide Congress with more information on timeliness and quality and that OPM and DOD address documentation completeness issues. OMB and DOD concurred, while OPM did not state whether it concurred with GAO's recommendations.

[View GAO-09-400 or key components.](#)
For more information, contact Brenda S. Farrell, 202-512-3604 or farrellb@gao.gov.

DOD PERSONNEL CLEARANCES

Comprehensive Timeliness Reporting, Complete Clearance Documentation, and Quality Measures Are Needed to Further Improve the Clearance Process

What GAO Found

DOD and OPM met statutory timeliness requirements for personnel security clearances in fiscal year 2008, but the executive branch's 2009 required report to Congress did not reflect the full range of time to make all initial clearance decisions. Currently, 80 percent of initial clearance decisions are to be made within 120 days, on average, and by December 2009, a plan is to be implemented in which, to the extent practical, 90 percent of initial clearance decisions are made within 60 days, on average. Under both requirements, the executive branch can exclude the slowest percent, and then report on an average of the remaining clearances. The most recent report stated that the average time to complete the fastest 90 percent of initial clearances for military and DOD civilians in fiscal year 2008 was 124 days, on average. However, without taking averages or excluding the slowest clearances, GAO analyzed 100 percent of initial clearances granted in 2008 and found that 39 percent still took more than 120 days. The absence of comprehensive reporting limits full visibility over the timeliness of initial clearance decisions.

With respect to initial top secret clearances adjudicated in July 2008, documentation was incomplete for most OPM investigative reports and some DOD adjudicative files. GAO independently estimated that 87 percent of about 3,500 investigative reports that adjudicators used to make clearance decisions were missing required documentation, and the documentation most often missing was employment verification. Although DOD leadership asserted that adjudicators follow a risk-managed approach, DOD has not issued formal guidance clarifying if and under what circumstances adjudicators can adjudicate incomplete investigative reports. For DOD adjudicative files, GAO estimated that 22 percent were missing required documentation of the rationale for granting clearances to applicants with security concerns, and the documentation most often missing was related to foreign influence. Neither OPM nor DOD measures the completeness of its investigative reports or adjudicative files. As a result, both are limited in their ability to explain the extent or the reasons why some documents are incomplete. Incomplete documentation may lead to increases in both the time needed to complete the clearance process and in overall process costs and may reduce the assurance that appropriate safeguards are in place to prevent DOD from granting clearances to untrustworthy individuals.

The executive branch's annual reports to Congress on the personnel security clearance process have provided decision makers with limited data on quality. The 2009 report did not provide any data on quality but, unlike previous reports, identified quality metrics that the executive branch proposes to collect. GAO has stated that timeliness alone does not provide a complete picture of the clearance process and emphasized that attention to quality could increase reciprocity—accepting another federal entity's clearances. The executive branch, though not required to include information on quality in its annual reports, has latitude to report appropriate information and has missed opportunities to make the clearance process transparent to Congress.

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United States Government Accountability Office
Washington, DC 20548

May 19, 2009

Congressional Committees

In fiscal year 2008, the Department of Defense (DOD) granted eligibility for initial or renewal security clearances to more than 630,000 applicants who were military, DOD civilian, or private industry personnel working on DOD contracts.¹ Clearances potentially give these applicants access to information that, if improperly disclosed, could, in some cases, cause exceptionally grave damage to national security. Long-standing delays in the clearance process led us to designate DOD's personnel security clearance process as a high-risk area in 2005.² That designation continued in 2007 and 2009, when we identified continued delays in the clearance process and additional concerns with clearance documentation.³

The Intelligence Reform and Terrorism Prevention Act of 2004⁴ (IRTPA) established, among other things, milestones for reducing the time to complete initial clearances. IRTPA currently requires that DOD and other agencies that adjudicate security clearances make a decision on at least 80 percent of initial clearance applications within 120 days, on average, measured from the receipt date of an individual's completed application to the date when an agency makes the adjudication decision. Further, IRTPA calls for the executive branch to implement a plan by December 17, 2009, under which, to the extent practical, at least 90 percent of decisions are made on applications for an initial personnel security clearance within 60 days, on average. IRTPA also requires the executive branch to provide a report to Congress, by February 15 of each year, on the progress made during the preceding year toward meeting IRTPA's requirements for security clearances, including the length of time agencies take to complete

¹Security clearances are required for access to certain national security information, which may be classified at one of three levels: confidential, secret, and top secret. 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 security.

²GAO, *High-Risk Series: An Update*, [GAO-05-207](#) (Washington, D.C.: Jan. 2005).

³GAO, *High-Risk Series: An Update*, [GAO-07-310](#) (Washington, D.C.: Jan. 2007); and GAO, *High-Risk Series: An Update*, [GAO-09-271](#) (Washington, D.C.: Jan. 2009)

⁴Pub. L. No. 108-458 (2004). We use the acronym "IRTPA" throughout this report to refer to § 3001 of the act.

investigations and adjudications, a discussion of impediments to the functioning of IRTPA's requirements, and any other information or recommendations the executive branch considers appropriate.⁵

Multiple executive branch agencies are responsible for different phases in the federal government's personnel security clearance process. With respect to DOD's personnel security clearance process, DOD is responsible for determining which military, DOD civilian, and private industry personnel working on DOD contracts require access to classified information and must apply for a security clearance and undergo an investigation. The Office of Personnel Management (OPM), in turn, conducts these investigations for DOD. OPM investigators—often contractors⁶—use federal investigative standards and OPM internal guidance as criteria for collecting background information on applicants. Federal guidelines require that DOD adjudicators use the information contained in the resulting investigative reports to determine whether an applicant is eligible for a personnel security clearance, and DOD regulation also requires that DOD adjudicators document their rationale for determining clearance eligibility. In June 2007, a Joint Reform Team—currently consisting of DOD, the Office of the Director of National Intelligence (ODNI), the Office of Management and Budget (OMB), and OPM—was established, in part, to enable DOD and other agencies to achieve IRTPA timeliness goals and improve the processes related to the granting of security clearances. OMB officials have expressed concerns about the ability of the government to meet the 2009 IRTPA timeliness requirements. In June 2008, Executive Order 13467 established a governmentwide governance structure, including a Performance Accountability Council chaired by the Deputy Director for Management at OMB that is responsible for driving the implementation and oversight of these reform efforts.

⁵On January 22, 2009, Representative Anna Eshoo, Chairwoman of the Subcommittee on Intelligence Community Management, House Permanent Select Committee on Intelligence, introduced H.R. 639, the Security Clearance Oversight and Accountability Act. H.R. 639 would require additional annual reports to Congress, including one identifying how many security clearances completed during the previous year took longer than 1 year to complete and the causes of significant delays in the completion of those clearances and another including metrics for adjudication and investigation quality.

⁶As of December 31, 2008, the total number of OPM investigators was approximately 6,100. About 24 percent of these investigators are federal employees, and about 76 percent are contractors.

Under the authority of the Comptroller General to conduct evaluations on his own initiative, and in the context of the Joint Reform Team's clearance reform efforts and the issues we identified in our High-Risk Series, we evaluated the security clearance process at DOD. Specifically, we addressed the following questions regarding security clearances for military, DOD civilian personnel, and private industry personnel working on DOD contracts: (1) How complete are the timeliness data that the executive branch reported for clearances granted in fiscal year 2008? (2) How complete is the documentation of investigations and adjudications for initial top secret security clearances favorably adjudicated within DOD? (3) To what extent did executive branch reporting to Congress from 2006 through 2009 on DOD and other federal agencies include information on quality in the security clearance process?

To determine the completeness of the timeliness data that the executive branch reported for DOD clearances granted in fiscal year 2008, we reviewed the requirements specified in IRTPA, conducted an independent analysis of the timeliness of DOD personnel security clearances in fiscal year 2008, and analyzed the timeliness data contained in the executive branch's 2009 report to Congress on clearances granted in fiscal year 2008. In our independent analysis, we measured the timeliness of nearly 450,000 initial clearances and more than 180,000 clearance renewals⁷ at the confidential, secret, and top secret levels that were adjudicated in fiscal year 2008. These nearly 630,000 clearances account for more than 93 percent of DOD personnel security clearances adjudicated in fiscal year 2008.⁸ We conducted electronic testing on the data we used in our independent analysis and compared values in DOD's and OPM's electronic databases with the data contained in the original clearance files. We found that the data we used were sufficiently reliable for the purposes of this report. To determine the completeness of both investigation and adjudication documentation for initial top secret security clearances favorably adjudicated within DOD, we independently and randomly selected and reviewed a generalizable sample of 100 OPM-provided

⁷We use the term "clearance renewal" to refer to the issuance of a clearance following a "periodic reinvestigation" to update a previously completed background investigation, as described under IRTPA.

⁸We excluded from our timeliness analysis DOD's intelligence community clearance applications and applications that OPM did not investigate. Approximately 0.2 percent of the nearly 630,000 clearance records in our sample were instances in which eligibility was initially denied but eventually granted after appeal; according to DOD's Personnel Security Research Center officials, this appeal process lengthens the decision-making process.

investigative reports and associated DOD adjudicative files for clearances granted to military, DOD civilian, and private industry personnel working on DOD contracts in July 2008 by the central adjudication facilities of the U.S. Army, U.S. Navy, and U.S. Air Force.⁹ We limited our focus to initial top secret clearances because (1) we have identified documentation problems with this clearance level in previous work; (2) investigators gather the most information for investigations for top secret clearances; and (3) individuals granted top secret clearances have access to information that, if improperly disclosed, could cause exceptionally grave damage to national security. Using a standardized instrument, we compared the documentation in the OPM-provided investigative reports with the requirements outlined in federal investigative standards and OPM internal guidance. Similarly, we used a standardized instrument to compare the documentation in the DOD adjudicative files with federal adjudicative guidelines and DOD regulation. Based on the results of this review, we developed statistical estimates for about 3,500¹⁰ clearances granted in July 2008 by these central adjudication facilities.¹¹ We also interviewed key OPM officials at the Federal Investigative Services Division and spoke separately with a random sample of OPM federal and contract investigators. In addition, we interviewed key leadership officials and DOD adjudicators at DOD's three central adjudication facilities. To assess the extent to which the executive branch's reporting to Congress on DOD and other federal agencies included information on quality in the security clearance process, we analyzed annual reports to Congress on personnel security clearances submitted between 2006 and 2009.

We conducted this performance audit from March 2008 through May 2009 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

⁹We did not obtain initial top secret clearance documentation from the Defense Industrial Security Clearance Office, which adjudicates clearances for industry personnel, as we did in our timeliness analysis because we were able to review the clearance documentation of industry personnel adjudicated at the adjudication facilities of the three military departments.

¹⁰We sampled from 3,993 clearances but found that some of the reports were out of the scope of our audit. Therefore, we estimate that the number of initial top secret clearances that DOD granted at the U.S. Army, the U.S. Navy, and the U.S. Air Force central adjudication facilities in July 2008 was 3,500 (+/- 300 clearances), based on a 95 percent confidence level.

¹¹All estimates from this sample have margins of error of plus or minus 10 percent or less.

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. Appendix I contains a detailed description of our scope and methodology.

Results in Brief

While DOD and OPM met current statutory timeliness requirements for personnel security clearances in fiscal year 2008, the executive branch's 2009 report to Congress on clearances did not reflect the full range of time it takes to make all initial clearance decisions. IRTPA requires that the executive branch report annually on the progress made during the preceding year toward meeting the act's current timeliness requirements for clearances. Currently, IRTPA requires that decisions on at least 80 percent of initial clearances be made within 120 days, on average. IRTPA also requires that to the extent practical, a plan be implemented by December 2009 under which 90 percent of initial clearance decisions be made within 60 days, on average. Furthermore, IRTPA provides the executive branch broad discretion to report any additional information it considers appropriate. Accordingly, the executive branch's 2009 report stated that the average time for completing the fastest 90 percent of initial clearances in fiscal year 2008 was (1) 124 days for military and DOD civilians and (2) 129 days for private industry personnel working on DOD contracts. While the average in the report can be used to assess the extent to which DOD and other agencies are positioned to meet IRPTA's December 2009 timeliness requirements, the average is the only timeliness metric in the report, and it did not include the slowest 10 percent of initial clearances in its calculation. The report's metric, therefore, does not communicate the full range of time it took DOD and OPM to complete initial clearances. We analyzed 100 percent of 450,000 initial DOD clearances completed in fiscal year 2008 and did not average or exclude any portion of the data from our calculations. Using this methodology, we found that 39 percent of clearances took more than 120 days to complete. By limiting its reporting on timeliness to the average of the fastest 90 percent of the initial clearance decisions made in fiscal year 2008, the executive branch did not provide congressional decision makers with visibility over the full range of time it takes to make all initial clearance decisions and the reasons why delays continue to exist. We are, therefore, recommending that the Deputy Director for Management at OMB, as the Chair of the Performance Accountability Council, include comprehensive data on the timeliness of the personnel security clearance process in future versions of the IRTPA-required annual report to Congress. In oral comments, a senior official at OMB concurred with our recommendation, commenting that OMB recognized the need for more reporting on

timeliness and underscored the importance of reporting on the full range of time to complete all initial clearances.

With respect to initial top secret clearances adjudicated in July 2008, documentation was incomplete for most OPM-provided investigative reports and some of the related DOD adjudicative files. We estimated that 87 percent of about 3,500 investigative reports that adjudicators used to make clearance decisions were missing at least one type of documentation required by the federal investigative standards and OPM's internal guidance, based on our independent review of a random sample of clearances granted to military, DOD civilian, and private industry personnel working on DOD contracts during this time by the central adjudication facilities of the U.S. Army, the U.S. Navy, and the U.S. Air Force. The type of documentation most frequently missing from investigative reports was verification of all of the applicant's employment. Although DOD asserted that adjudicators follow a risk-managed approach for granting security clearances, DOD has not issued formal guidance clarifying if and under what circumstances adjudicators can adjudicate incomplete investigative reports. With respect to adjudicative files, we estimated that 22 percent did not contain 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. Documentation most frequently missing from adjudicative files was the rationale for granting security clearances to applicants with security concerns related to foreign influence. Neither OPM nor DOD assesses the completeness of their investigative reports or adjudicative files, which limits their ability to explain the extent to which incomplete documentation exists or the reasons why some documents are incomplete. Incomplete investigative and adjudicative documentation may lead to increases in the time it takes to complete the clearance process and in the overall costs of the process (e.g., labor) and may reduce the assurance that appropriate safeguards are in place to prevent DOD from granting clearances to untrustworthy individuals. We are recommending that DOD clarify its guidance to specify when adjudicators can use incomplete investigative reports in adjudication decisions. To improve the completeness of clearance documentation, we are also recommending that OPM measure the completeness of its investigative reports and DOD measure the completeness of its adjudicative files. DOD concurred with both of our recommendations addressed to the department and described specific steps it expects to implement later this year to address them. In

commenting on our report, OPM did not state whether it concurred with our recommendation directed to that agency.

The executive branch's 2006 through 2009 IRTPA-required reports to Congress on the clearance process provided congressional decision makers with limited information on quality—a measure that could include topics such as the completeness of the documentation of clearance decisions. While the 2006 and 2008 reports did not contain any mention of quality, the 2007 report mentioned a single quality measure—the frequency with which adjudicating agencies returned OPM's investigative reports due to quality deficiencies. We consider that measure, by itself, unreliable because DOD adjudication officials told us of their reluctance to return incomplete investigative reports due to their perception that returning them would result in delays. The 2009 report does not contain any data on quality but proposes two measures of investigative report quality and plans to measure adjudicative quality. We have previously reported that an emphasis on timeliness alone does not provide a complete picture of the clearance process and have emphasized the importance of ensuring quality in all phases of the process. Since the passage of IRTPA, quality has become more important because reciprocity is a key element of the act. One challenge to reciprocity has been the reluctance of some federal agencies, due to concerns about quality, to accept clearances issued by other agencies. This reluctance leads, in turn, to reduced efficiency and greater costs. While IRTPA contains no requirement for the executive branch to report any information on quality, IRTPA grants the executive branch broad latitude to include any appropriate information in its reports. Without reporting on quality in the clearance process, the government's ability to provide assurances that it is exercising all of the appropriate safeguards when granting clearances is limited. Because the executive branch has not fully addressed quality in its reports, it has missed opportunities to provide congressional decision makers with full transparency over the clearance process. We are recommending that the Deputy Director for Management at OMB, in the capacity as the Chair of the Performance Accountability Council, include metrics on quality in future versions of the IRTPA-required annual reports. In oral comments, a senior official at OMB concurred with our recommendation and emphasized that it is important to provide Congress more transparency about quality in the clearance process.

Background

Security clearances are required for access to certain national security information, which may be classified at one of three levels: confidential, secret, and top secret. 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 security. 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.¹²

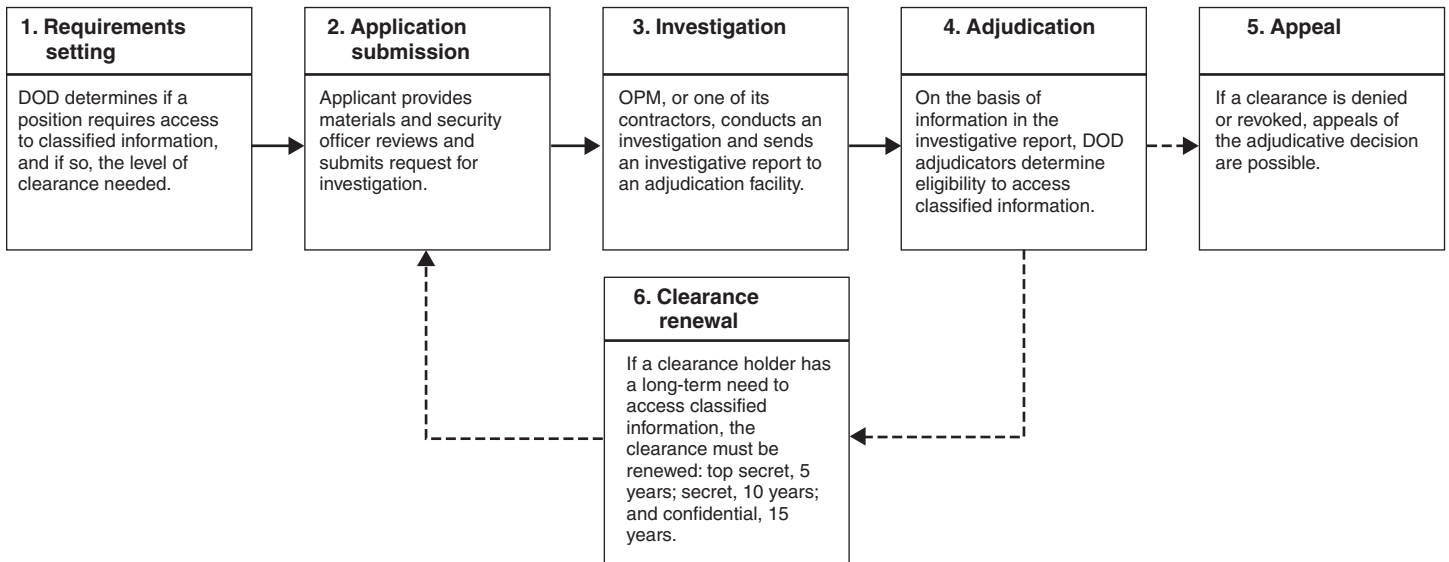
The Six Phases of DOD’s Personnel Security Clearance Process

To ensure the trustworthiness and reliability of personnel in positions with access to classified information, DOD relies on a multiphased personnel security clearance process.¹³ DOD’s Office of the Under Secretary of Defense for Intelligence has responsibility for developing and overseeing DOD’s process for determining eligibility for clearances for military and DOD civilian personnel and private industry personnel working on DOD contracts. That process includes obtaining background investigations, primarily through OPM’s Federal Investigative Services Division. Figure 1 shows the progression of the six phases involved in determining whether to grant an applicant a clearance.

¹²The White House, Exec. Order No. 12958, *Classified National Security Information*, § 1.3 (Apr. 17, 1995) (as amended), 5 C.F.R. §1312.4 (2008).

¹³Although the government proposed a plan to reform the personnel security clearance process in April 2008, this process had not yet been fully implemented at the time of our review. We evaluated DOD’s personnel security clearances under the current process.

Figure 1: Six Phases in the Personnel Security Clearance Process



Source: GAO analysis of DOD-provided information.

If, during the requirements setting phase, DOD determines that a position requires a clearance, in the application submission phase a security officer (1) requests an investigation of the individual filling that position; (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, to OPM. After the application is submitted, DOD security officers often grant interim clearances to the applicants to enable them to access classified information while awaiting the completion of the clearance process. DOD grants interim clearances on a more limited evaluation on the basis of electronic checks of national records, credit checks, and checks of current personnel and security records at applicants’ current duty stations.

In the investigation phase, OPM or one of its contractors uses federal investigative standards¹⁴ 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 level of clearance needed and whether an investigation for an initial clearance or a reinvestigation for a clearance renewal is being conducted. For example, the federal standards require that investigators collect information from national agencies such as the Federal Bureau of Investigation for all initial and renewal clearances. However, the federal standards require investigators to corroborate education and interview educational sources, as appropriate, only in investigations supporting top secret initial clearances. In appendix II, we list the information required for each clearance level and for initial and renewal clearances. OPM's internal guidance includes both OPM's product table and the July 2007 investigator's handbook. The product table lists the investigative items OPM will include based on the type of clearance investigation to be conducted, and the handbook outlines the policies, procedures, and guidance to which all persons performing investigative work under the authority of OPM must adhere.

For an investigation for a confidential or secret clearance, investigators gather much of the information electronically. For 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. In 2009, OPM estimated that approximately 6-10 labor hours were needed for each investigation for a secret or confidential clearance and 50-60 labor hours were needed for the investigation for an initial top secret clearance. After the investigation is complete, OPM provides the resulting investigative report to the appropriate DOD adjudication facility.

In the adjudication phase, DOD adjudicators at one of DOD's central adjudication facilities use the information from the investigative report to determine whether an applicant is eligible for a security clearance. To

¹⁴32 C.F.R. §§ 147.18 - 147.24 (2008). While these standards were in place at the time of our review, the executive branch approved revised investigative standards in December 2008. The executive branch plans to implement these revised standards in some federal agencies as they implement reform efforts described in the April 2008 and December 2008 Suitability and Security Process Reform reports. See Joint Reform Team, *Security and Suitability Process Reform Initial Report* (Washington, D.C.: Apr. 30, 2008) and Joint Reform Team, *Security and Suitability Process Reform* (Washington, D.C.: Dec. 17, 2008).

make clearance eligibility decisions, federal requirements specify that adjudicators consider guidelines in 13 specific areas that elicit information about (1) conduct that could raise security concerns and (2) factors that could allay those security concerns, even when serious, and permit granting a clearance.¹⁵ For example, under the foreign influence guideline, a connection to a foreign person or government is a condition that could raise a security concern. One factor that could allay this security concern is if the connection to a foreign person or government is established while the applicant conducted business on behalf of the U.S. government. These guidelines are listed in appendix III. Once adjudicators render the decision to approve, deny, or revoke eligibility for a security clearance, adjudicators are required by DOD regulation to document the rationale behind the decision in DOD's Joint Personnel Adjudication System.¹⁶ Typically, adjudicators notify the applicant's employer of the decision.

The final clearance renewal phase takes place for individuals who have been previously granted and already hold a clearance. Renewals for holders of confidential and secret clearances take place every 15 and 10 years, respectively, and renewals for top secret clearances take place every 5 years. To grant a renewal clearance, OPM or one of its contractors conducts and documents a reinvestigation of the clearance holder, which also is based on federal investigative standards and OPM's internal guidance. DOD adjudicators then use the same decision-making processes to determine whether a clearance holder is eligible for a clearance renewal using the adjudicative guidelines.

DOD adjudication facilities and their appeal boards are authorized to grant, deny, or revoke security clearance eligibility. Individuals who are denied a clearance or have their clearance eligibility revoked may appeal these decisions to the relevant Personnel Security Appeals Board. The appeals process may involve any individual or organization that could provide information relevant to an applicant's security clearance decision (e.g., adjudication facilities, employer, and investigative agency). The time to complete the appeals process varies from weeks to years.

¹⁵32 C.F.R. §§ 147.3 - 147.15 (2008).

¹⁶DOD Regulation 5200.2-R, *DOD Personnel Security Program* (Jan. 16, 1987) (current as of change 3, Feb. 23, 1996).

Governmentwide Personnel Security Clearance Reform Efforts

Recent steps taken to reform security clearance processes include the formation of the Joint Security and Suitability Reform Team (Joint Reform Team) in June 2007. The Joint Reform Team was formed, in part, to address IRTPA's requirements that the executive branch implement a plan by December 17, 2009, under which, to the extent practical, at least 90 percent of initial clearances investigations and adjudications are completed within 60 days, on average. DOD and OMB officials have noted that the existing personnel security clearance system is unlikely to allow DOD and other agencies to meet these requirements and that clearance process reforms are necessary to meet them. Agencies included in this governmentwide reform effort are the Office of the Director of National Intelligence, DOD, OMB, and OPM. The Joint Reform Team submitted an initial reform plan to the President on April 30, 2008. The plan proposed a new process for determining clearance eligibility that departs from the current system in a number of ways, including the use of a more sophisticated electronic application, a more flexible investigation process, and the establishment of ongoing evaluation procedures between formal clearance investigations.

The President's June 30, 2008, executive order was another recent step taken to reform the security clearance process and included the formation of the Performance Accountability Council in June 2008.¹⁷ The President's order directed, among other things, that executive branch policies and procedures be aligned and use consistent standards, to the extent possible, for investigating and adjudicating whether an individual is (1) suitable for government employment, (2) fit to be a contract employee, or (3) eligible for access to classified information. The council is accountable to the President to achieve reform goals, consistent with the order, and also oversees newly designated Security and Suitability Executive Agents. The order designates the Deputy Director for Management at OMB as the chair of the council and grants the chair the

¹⁷The White House, Executive Order 13467, *Reforming Processes Related to Suitability for Government Employment, Fitness for Contractor Employees, and Eligibility for Access to Classified National Security Information* (Washington, D.C.: June 30, 2008).

authority to designate officials from additional agencies to serve as members.¹⁸

Prior GAO Work on Personnel Security Clearances

Since placing DOD's program on our high-risk list in 2005, we have issued a number of reports and testified at several hearings on personnel security clearance issues. Most recently, in December 2008,¹⁹ we issued a report of our preliminary observations about timeliness and quality. We also testified in 2008 on key factors for reforming the security clearance program, the clearance process for industry personnel, and joint reform efforts to improve the governmentwide clearance process.²⁰

DOD and OPM Met 2008 Timeliness Requirements, but the Executive Branch's 2009 Report Did Not Reflect the Full Range of Clearance Timeliness

IRTPA currently requires that the executive branch report annually on the progress made during the preceding year toward meeting the act's timeliness requirements for clearances and that clearance decisions on at least 80 percent of initial clearances be made within 120 days, on average. IRTPA also requires that a plan be implemented by December 2009 under which, to the extent practical, 90 percent of initial clearance decisions be made within 60 days, on average. Furthermore, IRTPA provides the executive branch broad discretion to report on any additional information it considers appropriate.

Accordingly, the executive branch's 2009 report presented an average of the fastest 90 percent of initial clearance decisions and, in so doing, began to anticipate IRTPA's December 2009 requirements. The report stated that the average time for completing the fastest 90 percent of initial clearances for military and DOD civilians in fiscal year 2008 was 124 days. The report also stated that the average time for completing the fastest 90 percent of

¹⁸The Joint Reform Team's December 2008 report updated the President on the progress made and specified plans to further reform the security clearance process. Separately, we are conducting a review of the progress the Joint Reform Team has made toward achieving personnel security clearance reform at the request of the Chairman of the House Permanent Select Committee on Intelligence and the Chairwoman of the Subcommittee on Intelligence Community Management, House Permanent Select Committee on Intelligence.

¹⁹GAO, *DOD Personnel Clearances: Preliminary Observations about Timeliness and Quality*, [GAO-09-261R](#) (Washington, D.C.: Dec. 19, 2008).

²⁰GAO, *Personnel Clearances: Key Factors for Reforming the Security Clearance Process*, [GAO-08-776T](#) (Washington, D.C.: May 22, 2008); *DOD Personnel Clearances: DOD Faces Multiple Challenges in Its Efforts to Improve Clearance Processes for Industry Personnel*, [GAO-08-470T](#) (Washington, D.C.: Feb. 13, 2008); and *Personnel Security Clearances: Preliminary Observations on Joint Reform Efforts to Improve the Governmentwide Clearance Eligibility Process*, [GAO-08-1050T](#) (Washington, D.C.: July 30, 2008).

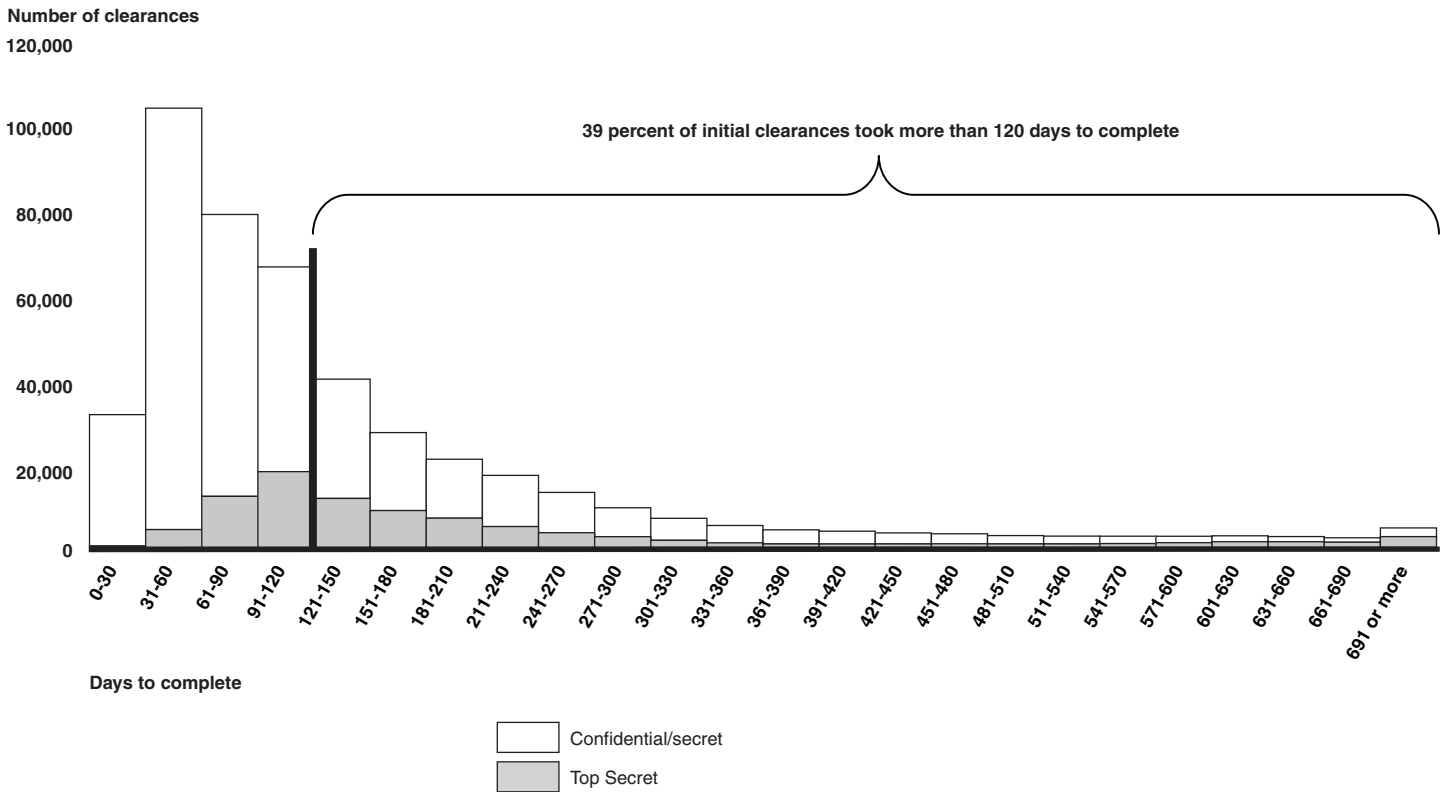
initial clearances for private industry personnel working on DOD contracts in fiscal year 2008 was 129 days.²¹ To determine whether DOD and OPM met IRTPA's current timeliness requirement that clearance decisions on at least 80 percent of initial clearances be made within 120 days, on average, we conducted an independent analysis and took an average of the fastest 80 percent of 450,000 initial DOD clearances including military and DOD civilians, or private industry personnel working on DOD contracts completed in fiscal year 2008. These clearances were completed in an average of 87 days. In fact, our independent analysis revealed that DOD and OPM completed the fastest 47 percent of initial clearances in 90 days or fewer.

The executive branch's 2009 report presented an average as its only metric and excluded the slowest 10 percent of initial clearances from the timeliness calculation. The average the executive branch reported can be used to assess the extent to which DOD and other agencies are positioned to meet IRTPA's December 2009 timeliness requirements. However, because the average is the sole metric presented for timeliness and because the slowest 10 percent of the data is excluded, the report does not communicate the full range of time it took OPM and DOD to complete the clearances.

We analyzed 100 percent of 450,000 initial DOD clearances completed in fiscal year 2008 to identify the full range of time to complete these clearances. To conduct this analysis, we did not average the data or exclude any portion of the fiscal year 2008 initial clearances from our calculations. In addition, we examined the percentage of initial clearances that took more than 300 days and 120 days to complete, respectively. Our analysis revealed that 11 percent of the initial clearance eligibility decisions took more than 300 days to complete and that 39 percent took more than 120 days to complete (see fig. 2).

²¹The executive branch report also included information on timeliness not specifically required by IRTPA, such as the average length of time DOD and other agencies took to complete the application submission phase of the clearance process.

Figure 2: Timeliness of 100 Percent of GAO Sample of Initial DOD Personnel Security Clearance Eligibility Decisions in Fiscal Year 2008



Source: GAO analysis of DOD and OPM data.

Notes: Because confidential clearances require the same amount of time to complete as secret clearances, they are combined in this figure.

GAO's sample consisted of approximately 450,000 initial clearance eligibility decisions completed for military, DOD civilian, and private industry personnel working on DOD contracts in fiscal year 2008.

Our analysis also revealed that 33 percent of decisions for initial confidential and secret clearances and 61 percent of decisions for initial top secret clearances took more than 120 days to complete (see table 1).²²

²²OPM officials estimated that confidential and secret level clearances, whether initial or renewal, take the same amount of time to investigate.

Table 1: Analysis of 100 Percent of GAO Sample of Initial DOD Personnel Security Clearance Eligibility Decisions in Fiscal Year 2008

Initial clearance type	Percentage of total number of initial clearances we measured	Percentage of initial clearances that took more than 120 days to complete
All confidential, secret, and top secret	100	39
Confidential/secret	81	33
Top secret	19	61

Source: GAO analysis of OPM and DOD data.

Note: We measured the clearance timeliness of the investigation and adjudication phases from the date that OPM receives a completed clearance application to the adjudication date. These initial confidential, secret, and top secret clearances were adjudicated at the central adjudication facilities of the U.S. Army, the U.S. Navy, the U.S. Air Force, and the Defense Industrial Security Clearance Office during fiscal year 2008.

Further, the executive branch's report also did not reflect the full range of time that DOD and OPM took to complete top secret clearance renewals in fiscal year 2008 because the report (1) again relied on an average as the key metric for renewal timeliness and (2) excluded information on the slowest 10 percent of renewals from that average. IRTPA does not specify timeliness requirements for clearance renewals, nor does it require the executive branch to include information about renewals in its annual report. While the report included timeliness data for top secret renewal clearance decisions, it did not present timeliness data for confidential and secret level renewal clearance decisions.

Finally, the report did not provide information on the reasons for delays in the personnel security clearance process. In our own analysis of DOD clearance timeliness, we found that delays in the process to complete secret and top secret clearances occurred in both the investigation and the adjudication phases. Reasons for delays in the investigation phase, according to OPM officials and investigators and OPM contract investigators we interviewed, included (1) delays in obtaining records from third-party sources such as law enforcement entities, (2) the overseas deployment of individuals who are the subjects of clearance investigations, (3) incomplete personnel security questionnaires, and (4) OPM report formatting requirements and software tools. Reasons for delays in the adjudication phase, according to the leadership and adjudicators of central adjudication facilities we interviewed, included (1) incomplete investigative reports, (2) the format of the OPM-provided

investigative reports, and (3) commands that are slow to provide additional information related to the individual seeking the clearance.

By focusing on the extent to which DOD and other agencies are meeting IRTPA's timeliness requirements, the executive branch's 2009 IRTPA-required report to Congress was not fully transparent about the extent of, and reasons for, delays in the process. The absence of comprehensive reporting on clearance timeliness limits congressional decision makers' ability to thoroughly evaluate, and identify with precision, where and why delays continue to exist within DOD's personnel security clearance process.

Investigation and Adjudication Documentation Was Incomplete for Favorably Adjudicated Initial Top Secret Clearances

Documentation in Most of
the OPM-Provided
Investigative Reports Was
Incomplete

Based on our independent analysis, we estimated that 87 percent of the investigative reports for about 3,500 initial top secret clearances—which were favorably adjudicated—were missing at least one type of documentation required by federal investigative standards and OPM's

internal guidance.²³ We categorized an investigative item as incomplete if the investigative report did not contain the required documentation for that item as prescribed in the federal investigative standards and OPM's internal guidance. To the extent possible, we counted an item as complete if the report included documentation of an investigator's unsuccessful attempt to gather the required information (documentation known as an investigator's note). However, the most notable exception to this approach relates to the presence of documentation regarding interviews of the applicant. OPM officials told us that an interview with the applicant is an important element of a clearance investigation because the applicant is a key source of information. Since the interview with the applicant cannot be replaced by another information source, we counted that investigative item as incomplete even though the report may have documented unsuccessful attempts to interview the applicant.

We did not make evaluative judgments about the importance of one missing investigative item over another during our review because the federal investigative standards do not assign a level of importance to each investigative requirement. When we explained how we measured the completeness of an investigative item to officials at OPM's Federal Investigative Services Division, they told us that gathering all of the information required by the federal investigative standards does not necessarily indicate a quality investigation. They also told us that an investigative report that includes all of the items required by the federal investigative standards does not equate to having obtained the right or best sources of information about an applicant.

As shown in figure 3, the investigative reports most frequently did not contain (1) verification of all of the applicant's employments, (2) information from the required number of social references for the

²³This estimate has a margin of error, based on a 95 percent confidence interval, of +/- 9 percent and is 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. In addition, we reviewed the investigative reports for the presence or absence of required documentation. Available information often did not allow a determination of why the documentation was missing. For example, required documentation could be missing because an investigator failed to gather the information or to document that the information was gathered. In either case, an investigative report would not provide an adjudicator with all of the information required by the federal investigative standards and OPM's internal guidance.

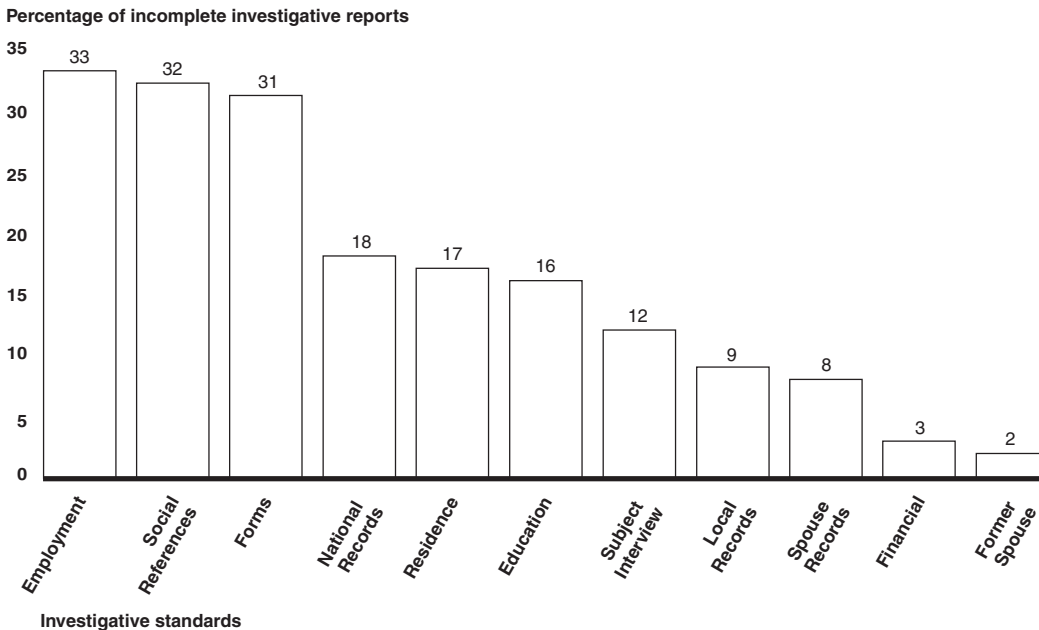
applicant, and (3) complete security forms.²⁴ We also estimated that 12 percent²⁵ of the 3,500 investigative reports did not contain a personal subject interview.²⁶ Officials from OPM's Federal Investigative Services Division's Quality Management and Training Group reviewed eight of the investigative reports we reviewed and agreed with some but not all of the items we had identified as missing in the reports. Nonetheless, OPM officials concurred with our assessment that documentation for at least one item required by federal investigative standards or OPM's internal guidance was missing in each of the eight investigative reports.

²⁴The federal investigative standards require a complete personnel security questionnaire form, including applicable releases and supporting documentation. Complete forms and releases are important since they contain information needed to conduct an investigation; certify that the applicant provided information that is true, complete, and correct to the best of the applicant's knowledge and belief; and show that investigators are authorized to obtain information from third parties (e.g., individuals, employers, and credit bureaus).

²⁵This estimate has a margin of error, based on a 95 percent confidence interval, of +/- 8 percent.

²⁶Missing subject interviews in the investigative reports we reviewed were the result of the applicants' deployment.

Figure 3: Estimated Percentage of Incomplete OPM Investigation Reports by Investigative Standard



Source: GAO analysis of OPM investigative reports.

Note: All estimates in figure 3 have a margin of error, based on a 95 percent confidence interval, of +/- 10 percent and are 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, the U.S. Navy, and the U.S. Air Force central adjudication facilities.

The following examples illustrate some of the types of documentation missing from the investigative reports we reviewed:

- Documentation for employment and social references. One investigative report did not have required documentation of a record verifying the applicant’s current employment at another federal government agency. Even though the investigative standards require two references that the investigator finds on his or her own rather than references the applicant identifies, the report contained documentation from only one investigator-developed reference with social knowledge about the applicant.
- Documentation for education, employment, and social references. Another investigative report did not have documentation of a record review at an educational institution the applicant attended. The investigative report also did not contain documentation from the required number of corroborating individuals to verify the applicant’s period of unemployment and did not contain documentation of an inquiry with a former employer where the applicant’s employment had been terminated. Finally, the report

contained interview documentation from only one required investigator-developed reference with social knowledge about the applicant.

In addition to reviewing reports that were missing required investigative items, we observed that some investigative reports contained information that raised at least one issue of a security concern regarding the applicant's actions but did not contain additional documentation to resolve this issue.²⁷ Federal standards state that investigations may be expanded as necessary to resolve issues. The following example shows an investigative area that lacked the documentation needed to resolve an issue.

- A personal conduct²⁸ issue was unresolved. In one investigative report we reviewed, an interview with the former spouse revealed that the applicant had contact with and tried to provide financial assistance to illegal immigrants. There was no other documentation in the investigative report indicating that the alleged association with illegal immigrants was investigated further, nor did the existing documentation in the investigative report resolve this issue.

When we reviewed this example with officials at OPM's Federal Investigative Services Division's Quality Management and Training Group, they agreed that the investigator(s) should have conducted a special interview with the applicant to resolve the issue.

OPM Does Not Assess the Level of Completeness of Investigative Reports or the Reasons for Incompleteness

OPM does not measure the extent to which its investigative reports meet federal investigative standards. While OPM does not assess its reports for completeness, it does conduct report reviews that make judgments of, among other things, whether an investigative report is sufficient to enable an adjudicator to make a clearance decision. When making judgments, OPM report reviewers consider the federal investigative standards as well as the unique aspects of each investigation. For example, federal investigative standards require an interview of the applicant, and OPM report reviewers consider whether an applicant is available for that interview in instances in which that applicant is deployed to a remote

²⁷We did not include our observations of investigative reports that contained unresolved issues in our statistical analysis because we did not systematically collect this information.

²⁸Personal conduct refers to conduct involving questionable judgment, untrustworthiness, unreliability, lack of candor, dishonesty, or unwillingness to comply with rules and regulations that can raise questions about an individual's reliability, trustworthiness, and ability to protect classified information.

location. While OPM reviews its own investigative reports, these reviews are not data-driven measures of the frequency with which investigative reports meet federal investigative standards. By not measuring the completeness of investigative reports using the federal investigative standards, OPM is limited in its ability to explain the extent to which incomplete reports exist and reasons why some reports are incomplete.

DOD Adjudicators Accept Incomplete Investigative Reports

DOD adjudicators made their clearance decisions based on incomplete investigative reports. Although there is no specific requirement that DOD adjudicators make their decisions based on complete reports, officials at one DOD adjudication facility told us that their adjudicators are trained to assume OPM-provided investigative reports will be incomplete. At another adjudication facility, officials said that they encourage the adjudicators to send back as few investigative reports to OPM as possible and to find work-arounds instead. At a third adjudication facility, DOD adjudicators told us that they try to avoid sending investigative reports back to OPM due to time and cost considerations.

DOD has not issued formal guidance clarifying if and under what circumstances adjudicators can adjudicate incomplete investigative reports, although DOD adjudicators follow a risk-managed approach when granting security clearances. In the written response to a similar point we made in our December 2008 report,²⁹ that DOD adjudicators based clearance decisions on incomplete investigative reports, the Under Secretary of Defense for Intelligence stated that DOD assumes a risk-managed approach in order to ensure critical operational mission positions are filled in a timely manner. He expressed confidence in the risk-managed approach, even when clearance decisions are based on investigative reports that are incomplete. Further, he stated that the risk-managed approach includes a process of gathering preliminary information to mitigate risk, such as a review of local security and personnel files. However, because DOD has not articulated in policy when it is appropriate for adjudicators to accept incomplete investigative reports, it cannot be certain that adjudicators are basing their decisions to accept and adjudicate from these reports on a uniform risk tolerance standard that is acceptable to DOD.

²⁹GAO, *DOD Personnel Clearances: Preliminary Observations about Timeliness and Quality*, [GAO-09-261R](#) (Washington, D.C.: Dec. 19, 2008).

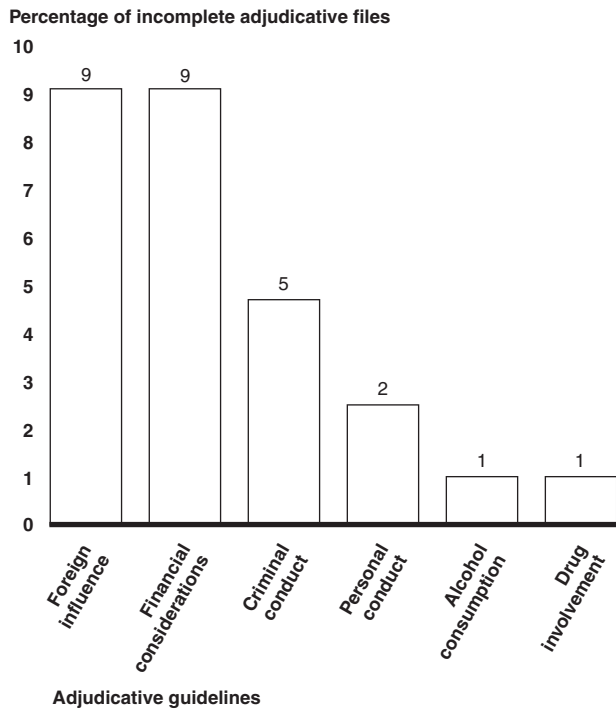
Documentation in Some DOD Adjudicative Files Was Incomplete

We estimated that 22 percent³⁰ of the adjudicative files for about 3,500 initial top secret clearances that were favorably adjudicated had incomplete documentation. Specifically, DOD adjudicators did not document that they considered adjudicative guidelines in instances where the investigative report contained significant derogatory information that raises a potential security concern, as required under DOD regulation.³¹ When an applicant's investigation has a potential security concern, the regulation requires that a record of the rationale underlying the decision be kept in the adjudicative file. According to DOD officials, this record of rationale should include identification of the applicable adjudicative guidelines—criteria covering 13 areas of security concerns used to determine an applicant's clearance eligibility—and the associated mitigating factors. In our analysis, we did not evaluate the merit of the DOD adjudicators' decisions to grant clearances. Instead, we assessed only whether the documentation for each required rationale was complete. DOD adjudicative files were most often missing documentation for adjudicative guidelines in instances in which the applicants had foreign influence, financial considerations, and criminal conduct security concerns, as shown in figure 4.

³⁰This estimate has a margin of error, based on a 95 percent confidence interval, of +/- 10 percent and is based on our review of a random sample of 100 DOD adjudicative files for initial top secret clearances granted in July 2008 by the U.S. Army, the U.S. Navy, and the U.S. Air Force central adjudication facilities. These adjudicative files are associated with the 100 OPM-provided investigative reports we reviewed and produced estimates from the previous analysis about the documentation completeness in investigative reports.

³¹DOD 5200.2-R, *DOD Personnel Security Program* (January 1987) (current as of change 3, Feb. 23, 1996).

Figure 4: Estimated Percentage of Incomplete Adjudication Files by Adjudicative Guideline



Source: GAO analysis of DOD adjudication reports.

Note: All estimates have a margin of error, based on a 95 percent confidence interval, of +/- 8 percent and are 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.

The following examples from our analysis illustrate our findings. Adjudicators must take into account 13 federal adjudicative guidelines when assessing whether investigative reports contain evidence of potential security concerns. In these examples, potential security concerns were documented in the investigative report. However, we did not observe required documentation that the DOD adjudicator had used the appropriate adjudicative guideline to make the decision to grant these clearances.

- Consideration of the foreign influence and financial guidelines were incorrect or missing. In one case, documentation included three testimonial statements given by two coworkers and one supervisor, all of whom had recent knowledge about the applicant, stating that the applicant

was in a romantic relationship with a woman who resided overseas at the time of the investigation. However, these three individuals provided differing information regarding the woman's nationality. Although the adjudicative file documented foreign influence as a security concern, the documentation in the file erroneously cited information not present in the investigative report as the mitigating factor for the security concern. Additionally, while the investigation documentation indicated that half of the applicant's accounts were in collection status, the required consideration of the financial guideline was not documented.

- Consideration of the personal conduct guideline was missing. In one case, the applicant's investigative report documented a history of unreliability and unwillingness to comply with rules and regulations. The investigative report documented absences without leave from two branches of the military and dereliction of duty. Although this behavior is consistent with the security concerns laid out under the federal adjudicative guideline for personal conduct, required consideration of the personal conduct guideline was not documented.

We shared our findings on eight adjudicative files with DOD adjudication facility leadership and select adjudicators. They agreed with our findings in six of the adjudicative files, including the two examples we just described. We revised our analysis of the findings with which the DOD adjudication facility leadership and select adjudicators did not agree, and this revision is reflected in our estimate.

DOD Does Not Assess the Level of Completeness in Adjudicative Files or the Reasons for Incompleteness

DOD does not measure the extent to which its adjudicative files meet the guidelines required by DOD regulation. While DOD does not assess the level of completeness in its files, DOD does conduct reviews that make judgments of, among other things, whether the adjudicator made the appropriate decision based on the adjudicative guidelines. While DOD is providing an independent judgment of its own adjudicative decisions, these reviews are not data-driven measures of the frequency with which adjudicative files meet DOD's regulation to document the rationale underlying the decision. By not measuring the completeness of adjudicative files departmentwide, DOD is limited in its ability to explain the extent to which incomplete files exist and reasons why some files are incomplete.

Incomplete Investigation and Adjudication Documentation Negatively Affects the Clearance Process

Incomplete OPM-provided investigative reports lead to delays and increase the cost of DOD's personnel security clearance process. DOD adjudication facility leadership told us that at times they perform limited investigative work—such as obtaining bankruptcy records—to comply with investigative standards to fill the gaps in information they have received. Conducting investigative work at this point in the process increases the amount of time and labor costs required to make an adjudicative determination. Further, incomplete adjudication documentation may introduce risk in the clearance renewal phase of the clearance process. Some DOD adjudicators and adjudication facility leadership raised concerns that incomplete initial adjudicative files can negatively affect their ability to identify trends when they adjudicate clearance renewals. Incomplete documentation in the clearance process may reduce the assurance that appropriate safeguards are in place to prevent DOD from granting clearances to untrustworthy individuals. Officials from DOD and OPM told us, however, that reforms currently under consideration by the Joint Reform Team might begin to remedy these concerns.

Executive Branch Reports on the Personnel Security Clearance Process Contain Limited Information on Quality

Past executive branch IRTPA-required reports to Congress on the personnel security clearance process have provided congressional decision makers with limited information on quality in the process.³² For example, the 2006 and 2008 reports did not mention the existence or development of any quality measures for the personnel security clearance process at DOD or other federal agencies. In contrast, the 2007 report included one quality measure—the frequency with which adjudicating agencies returned OPM's investigative reports due to quality deficiencies. According to this report, overall, less than 1 percent of all completed investigations were returned to OPM from the adjudicating agencies for this reason. However, we have repeatedly reported since the late 1990s³³ that this measure, by itself, is an unreliable quality indicator because adjudication officials told us that they were reluctant to return incomplete investigative reports because of their perception that returning the reports would result in delays in the clearance process. DOD adjudication

³²OMB, *Report of the Security Clearance Oversight Group Consistent with Title III of the Intelligence Reform and Terrorism Prevention Act of 2004* (Washington, D.C.: February 2006-2008).

³³GAO, *DOD Personnel: Inadequate Personnel Security Investigations Pose National Security Risks*, [GAO/NSIAD-00-12](#) (Washington, D.C.: Oct. 27, 1999) and *Personnel Clearances: Key Factors to Consider in Efforts to Reform Security Clearance Processes*, [GAO-08-352T](#) (Washington, D.C.: Feb. 27, 2008).

leadership and adjudicators alike told us that they continue to be reluctant to return incomplete investigative reports for the same reason.

While the 2009 report³⁴ does not contain data on quality, it proposes two measures of investigative report quality and plans to measure adjudicative quality.³⁵ The report states that information on investigative and adjudicative quality will be collected and briefly describes how the investigative and adjudicative performance measures will be reported within the executive branch. It also describes proposed initial measures of reciprocity for personnel security clearances—that is, a federal entity’s acceptance of a clearance granted by another department, agency, or military service. Finally, the report states that a first step to improve quality is to properly train and certify individuals conducting investigative and adjudicative work and outlines actions to identify core competencies and training curricula.

Previously we have pointed out that an emphasis on timeliness in the clearance process alone does not provide a complete picture of the process. In prior reports and testimonies,³⁶ we have emphasized the importance of ensuring quality in all phases of the process. In our 1999 and 2006 reports, for example, we measured quality in the process in a number of ways which identified factors beyond timeliness.³⁷ In 1999 we assessed the adequacy of investigator training by determining the number of training courses offered to investigators and the course attendance rates. We also obtained investigators’ viewpoints about the investigative process by surveying them about the manageability of their workload, adequacy of their training, the clarity of policy guidance, the manner of conducting

³⁴Letter from John P. Fitzpatrick, Acting Assistant Deputy Director for Security, Office of the Director of National Intelligence, to Committees of the U.S. Senate and House of Representatives (Mar. 4, 2009).

³⁵The discussion of these measures is included in the Joint Reform Team’s December 2008 report, *Security and Suitability Process Reform* (Washington, D.C.: Dec. 18, 2008), which was included in the 2009 IRTPA-required report. These two measures of quality for investigations are (1) the number of deficient investigative reports returned by the customer and accepted by the investigative provider and (2) the validated results of an investigative product survey to be completed by adjudicators. The Joint Reform Team’s report also states that a similar tool will be developed for adjudicative quality.

³⁶For example, see [GAO/NSIAD-00-12](#); *DOD Personnel Clearances: Additional OMB Actions Are Needed to Improve the Security Clearance Process*, [GAO-06-1070](#) (Washington, D.C.: Sept. 28, 2006); and [GAO-08-352T](#).

³⁷[GAO/NSIAD-00-12](#) and [GAO-06-1070](#).

investigations, and the frequency with which their investigations were returned for additional work.³⁸ Moreover, in 2006, we determined the completeness of clearance documentation by comparing investigative reports to the federal standards and also compared adjudicative files to federal adjudicative guidelines.

Since the passage of IRTPA, quality has become more important because reciprocity is also a key element of the act. As we have previously noted,³⁹ one challenge to reciprocity has been the reluctance of some federal agencies to accept clearances issued by other agencies due to concerns about quality. The reluctance of federal agencies to accept clearances already granted leads, in turn, to reduced efficiency and greater costs.

While IRTPA contains no requirement for the executive branch to report any information on quality, the act provides the executive branch broad latitude to include any appropriate information in its reports. Without reporting to Congress on quality in the clearance process, the government's ability to provide assurances that it is exercising all of the appropriate safeguards when granting clearances is limited. Moreover, because the executive branch has not fully addressed quality in its IRTPA-required reports to Congress, it has missed opportunities to provide congressional decision makers with full transparency over the clearance process.

Conclusions

The fact that OPM and DOD are currently meeting IRTPA timeliness requirements represents significant and noteworthy progress. IRTPA allows the executive branch to calculate timeliness by averaging a portion of the initial clearance decisions, and the executive branch has opted to present this average in its annual reports. However, because the executive branch report presents an average of only a portion of the initial clearance decisions, Congress does not have comprehensive information about the remaining delays that continue to exist or, importantly, about the reasons for their occurrence that could help ascertain if corrective actions to accelerate clearance decisions are possible. Further, while OPM and DOD have been meeting their timeliness requirements, they have been doing so

³⁸At the time of this 1999 report, DOD conducted personnel security investigations, and we made recommendations to the Secretary of Defense. In February 2005, DOD transferred its investigations functions to OPM.

³⁹[GAO-08-352T](#).

by relying on investigative reports and adjudicative files that are incomplete, according to both agencies' own standards, bringing into question whether these agencies are in the best position to provide assurances that they have implemented all appropriate safeguards. Finally, the executive branch has not been reporting on quality in the clearance process, further impeding the ability of decision makers to carry out effective oversight.

Recommendations for Executive Action

We are making five recommendations to OMB, OPM, and DOD.

To provide more comprehensive information about personnel security clearance timeliness, which would aid the ongoing personnel security clearance reform efforts, we recommend that the OMB Deputy Director for Management, in the capacity as the Chair of the Performance Accountability Council, include appropriate statistics that describe the full range of the time required to complete all initial clearance applications in the executive branch's IRTPA-required annual reports.

To improve the completeness of future investigation documentation, we recommend that the Director of OPM direct the Associate Director of OPM's Federal Investigative Services Division to 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 include the results of such measurement in the annual IRTPA-required report to Congress on clearances.

To improve the completeness of future adjudication documentation, we recommend that the Secretary of Defense direct the Under Secretary of Defense for Intelligence to measure the frequency with which adjudicative files meet the requirements of DOD regulation, so that the executive branch can identify the factors leading to incomplete files and include the results of such measurement in the annual IRTPA-required report to Congress on clearances.

To improve DOD's adjudication process, we are recommending that the Secretary of Defense direct the Under Secretary of Defense for Intelligence to issue guidance that clarifies when adjudicators may use incomplete investigative reports as the basis for granting clearances.

To provide more transparency in future versions of the IRTPA-required annual report to Congress on personnel security clearances, we recommend that OMB's Deputy Director for Management, in the capacity

as the Chair of the Performance Accountability Council, include metrics on quality.

Agency Comments and Our Evaluation

We provided a draft of our report to OMB, DOD, and OPM. In response to this draft, we received oral comments from OMB. Also, we received written comments from DOD and OPM and reprinted them in their entirety in appendices IV and V, respectively.

Office of Management and Budget

In its oral comments, OMB concurred with both of our recommendations to that agency, commenting that it recognized the need for more reporting on timeliness and quality. In addition, OMB described some steps that the Performance Accountability Council is taking to address our recommendations. In response to our recommendation that OMB include appropriate statistics that describe the full range of the time required to complete all initial clearance applications in the executive branch's IRTPA-required annual reports, OMB underscored the importance of reporting on the full range of time to complete all initial clearances. OMB stated that the Performance Accountability Council is developing measures to account, more comprehensively, for the time it takes to complete the end-to-end clearance process. In response to our recommendation that OMB provide more transparency in future versions of the IRTPA-required annual report to Congress by including metrics on quality, OMB emphasized that it is important to provide Congress more transparency about quality in the clearance process. OMB stated that the Performance Accountability Council is developing metrics to measure quality in the clearance process.

Department of Defense

In its written comments, DOD concurred with both of the recommendations we made to the department. DOD also described specific steps it expects to implement later this year to address the recommendations.

In response to our recommendation that DOD measure the frequency with which adjudicative files meet the requirements of DOD regulation, DOD emphasized that both adjudicative and investigative quality are important to the department. DOD also stated that it has developed tools to assess not only the quality of its adjudicative files, but also OPM's investigative reports, adding that DOD will implement its investigative quality tool by the end of June 2009 and its adjudicative quality tool by the end of calendar year 2009. DOD stated that it would use its investigative quality

tool, the Rapid Assessment of Incomplete Security Evaluations (RAISE), to assess investigative quality and completeness by systematically collecting and reporting specific information about the scope, issues, and utility of all deficient investigative cases. DOD indicated that it would use its adjudicative quality tool, the Review of Adjudication Documentation Accuracy and Rationales (RADAR), to gather specific information about adjudicative processes at DOD adjudication facilities and assess the quality of adjudicated cases.

In response to our recommendation that DOD issue guidance clarifying when adjudicators may use incomplete investigative reports as the basis for granting clearances, DOD stated that it intends to issue this guidance by the end of fiscal year 2009. DOD also stated its intention to issue additional guidance, also by the end of fiscal year 2009, that outlines standards that adjudicators will be required to follow when they document their rationale for granting clearances to applicants with security issues documented in an otherwise incomplete investigative report.

Office of Personnel Management

In its written comments, OPM did not indicate whether it concurred with the one recommendation we made to that agency to measure the frequency with which its investigative reports meet federal investigative standards but did provide detailed responses to each of our three findings. Also, OPM highlighted improvements it has made in reducing delays in the clearance investigations process since DOD transferred this function to OPM in 2005. OPM commented that it took a critical program in disarray and turned it around under very challenging conditions. As we reported in December 2008,⁴⁰ we agree that OMB, DOD, and OPM have jointly made significant progress and met IRTPA's timeliness requirements for initial clearances completed in fiscal year 2008. We also stated in our draft report that the fact that OPM and DOD are currently meeting IRTPA timeliness requirements represents significant and noteworthy progress. Nevertheless, we continue to believe that measuring the frequency with which OPM's investigative reports meet federal investigative standards would enable the executive branch to identify the factors leading to incomplete reports and that including the results of such measurement in the annual IRTPA-required report to Congress on clearances would improve the completeness of future investigation documentation. Our response to OPM's comments follows.

⁴⁰[GAO-09-261R](#).

As we previously stated, our first finding addressed that IRTPA-required annual reports to Congress did not provide comprehensive timeliness data, and OMB, to whom our recommendation was directed, concurred with our recommendation to provide these data. OPM also provided comments on this finding and focused its remarks on the timeliness and reporting requirements in IRTPA and on the clearance timeliness data that it collects and reports to Congress outside of the annual report required by IRTPA. OPM's comments on this topic and our responses follow.

- OPM stated that the executive branch report to Congress was tailored to address the timeliness requirements of IRTPA. IRTPA currently requires that 80 percent of initial clearance decisions are to be made within 120 days, on average. We agree that it is important to report statistics that aid congressional decision makers in assessing whether DOD and OPM are meeting the current requirements of IRTPA. However, in its 2009 report, the executive branch did not provide data to address IRTPA's current requirement. Instead, it reported an average of the time to complete the fastest 90 percent of initial clearances.
- OPM stated that the goal for national performance of clearance timeliness was established for the average timeliness of the fastest 80 percent of clearances. However, IRTPA does not specify that the fastest 80 percent of clearances be completed within an average of 120 days, only that 80 percent be completed under such time requirements. In its 2009 report, the executive branch chose to report an average of the fastest clearances in its reports, excluding the slowest percentage of clearances and averaging what remained. While this may be a reasonable approach, we continue to believe that by not including additional data on the full range of time to make clearance decisions, the executive branch's report was not fully transparent about the extent of any remaining delays in the process.
- OPM commented that the framers of IRTPA specified that up to 20 percent of clearances, until December 2009, and up to 10 percent of clearances thereafter would not be subject to the statute's timeliness and reporting requirements.⁴¹ While we agree that OPM's comment correctly summarizes IRTPA's timeliness requirements, we disagree with OPM's characterization of IRTPA's reporting requirements. In fact, IRTPA does not specify that 20 or 10 percent of clearances are not subject to the act's reporting requirements. Instead, IRTPA requires that each report the executive branch provides to Congress include the periods of time required by the authorized investigative agencies and authorized adjudicative agencies for conducting investigations, adjudicating cases, and granting clearances.

⁴¹Pub. L. No. 108-458 (2004).

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- OPM also stated that delays for the 10 to 20 percent of cases that are not reported are typically due to the presence of serious issues that require further, extensive investigation or the absence of a required third party record. While this may be the case, it is not possible to assess this assertion based on the information contained in the annual IRTPA-required report to Congress. The report does not contain information about the reasons for the delays in the clearances that were excluded from the statistics presented in the report because the report did not present information on the full range of time to complete all initial clearances in the annual IRTPA-required report.
 - OPM also stated that it periodically collects additional data on the clearance process that it reports to Congress. We are aware that OPM periodically collects and reports data on the clearance process. However, the reports that OPM has shared with us contain the same limitation in the presentation of clearance timeliness information that are found in the executive branch's annual IRTPA-required report. For example, in its National Oversight Report, OPM includes an average of the end-to-end time to complete 100 percent of DOD clearances. However, by relying on an average and not including additional, more comprehensive analysis that describes the full range of the time required to complete all initial clearances such as the analysis we included in our finding on this topic, this report also does not provide full visibility over clearance timeliness.
 - In addition, OPM commented that it would not be accurate to assert that it has limited visibility over the security clearance and investigation process because it periodically collects data on the clearance process that it reports to Congress. We did not comment on OPM's visibility over the clearance or investigation process in this, or any other, finding. Instead, we indicated that the executive branch's 2009 IRTPA-required report to Congress did not provide congressional decision makers with full visibility of clearance timeliness because the report did not include additional data on the full range of time to make all initial clearance decisions. As we state, the result of this approach is that the report limits congressional decision makers' ability to thoroughly evaluate, and identify with precision, where and why delays continue to exist within DOD's personnel security clearance process. As a result, we continue to believe that our recommendation that OMB include appropriate statistics that describe the full range of the time required to complete all initial clearances in the executive branch's IRTPA-required annual reports has merit.

Our second finding addressed the lack of complete documentation in OPM's investigative reports and DOD's adjudicative files. We recommended that OPM measure the frequency with which its investigative reports meet federal investigative standards and that DOD measure the frequency with which its adjudicative files meet DOD regulation. As we previously stated, DOD concurred with our

recommendations to it based on this finding. OPM, while not stating whether it agreed with our recommendation to it, did raise several concerns. Specifically, OPM's response focused on the methodology we used to assess the completeness of documentation in its investigative reports. OPM's comments on our methodology and resulting findings and our responses follow.

- OPM stated that, under established procedures, investigators often make decisions on the appropriate sources of information needed to attest to an applicant's activities, character, and conduct when sources of information specified in the federal investigative standards are uncooperative or otherwise unavailable. Further, OPM asserted that our methodology did not appear to take into account the judgment OPM's investigators exercise or the availability of sources of information and cited, as an example, that in three of the investigative reports we shared with OPM, the applicants were unavailable because they were on a military deployment. We disagree with OPM's assertion. As we explain in our report, we categorized an investigative item as incomplete if the investigative report did not contain the required documentation as prescribed in the federal investigative standards and OPM's internal guidance. We also explained that, to the extent possible, we counted an item as complete if the report included documentation of an investigator's unsuccessful attempt to gather the required information. Further, we stated in our report that the most notable exception to this approach related to documentation of interviews of the applicant because as OPM officials told us the applicant is a key source of information. Also, the interview with the applicant cannot be replaced by another information source. Therefore, as we describe in our report, we counted the interview investigative item as incomplete even though unsuccessful attempts to interview the applicant may have been documented. However, we included in our report an explanation that the missing interviews in the investigative reports we reviewed were the result of the applicants' deployment.
- OPM stated that we did not make evaluative judgments about the importance of one missing investigative item over another even though investigators and adjudicators routinely make such judgments. We agree that, as we disclosed in our report, we did not make evaluative judgments during our review because the federal investigative standards do not assign a level of importance to each investigative requirement.
- OPM stated that in its review of our analysis of eight of the investigative reports we shared with its staff, it did not fully agree with our assessment of what we identified as missing documentation. OPM also stated its ability to respond to our assessment on documentation completeness was greatly limited since we did not provide all of the investigative reports where we found incomplete documentation to OPM officials so that they

could review our work and provide an accompanying explanation. Finally, OPM asserted that its review of the limited sample provided casts doubt on our findings. It is true that OPM officials did not fully agree with our assessment of documentation completeness, but OPM officials did acknowledge that some required documentation was in fact missing in each of the eight reports we voluntarily shared in order to strengthen our methodology, as we explained in our report. After the OPM officials' review, we incorporated their feedback into our methodology and adjusted some of our findings, which were reflected in the results we presented in our draft report. We intentionally shared a subset of the investigative reports, and the results of our analysis of those reports with OPM to validate our findings. We also internally conducted a separate and independent second review of a subset of the 100 investigative reports we analyzed by comparing information in the investigative reports against the federal investigative standards. To be as transparent as possible, we shared our methodology with OPM throughout its development and while implementing our data collection. Specifically, when we developed an instrument to measure documentation of the completeness of OPM's investigative reports, we shared this instrument with OPM officials, among others, and refined it by integrating their feedback. Additionally, we received and incorporated clarification from OPM on our instrument on an ongoing basis while we used the instrument to collect data. We believe our collaboration with OPM during our data collection, combined with the fact that OPM officials did agree that some documentation was missing in all of the reports we shared with them, should negate any doubts OPM has about our findings.

- OPM stated the current federal investigative standards recognize that information about an applicant may be obtained through alternative information sources and provides for departing from the standards when necessary. We disagree with OPM's characterization of the investigative standards. When we reviewed the current federal investigative standards, we found no provision for such deviations from the requirements. Rather, the standards permit agencies to use lawful investigative procedures in addition to the requirements to expand investigations and resolve issues, as necessary.
- OPM stated that, on the one hand, it is possible to meet all of the documentation requirements specified by federal investigative standards and guidelines yet still have an investigation that is not sufficiently thorough, while on the other hand, have a thorough investigation in which required documentation of a single neighborhood or employment reference could be incomplete. OPM officials made a similar point to us during the course of our work, and we included this statement in our report. However, we also reported that DOD adjudicators told us that at times they perform limited investigative work to fill the gaps in

information they have received in OPM-provided investigative reports to comply with investigative standards. This investigative work then increased the amount of time and labor costs required to make an adjudicative determination. As we explained in our report, basing clearance decisions on incomplete documentation that has not fully adhered to federal investigative standards may reduce the assurance that appropriate safeguards are in place to prevent DOD from granting clearances to untrustworthy individuals.

- OPM stated that procedures are being developed to better focus investigative resources on the most productive sources of information for each applicant and that the end result of this work will be a more effective and efficient investigative process that ensures quality and promotes reciprocity. While we are encouraged by OPM's planned actions, we were unable to assess these efforts as they are still under development.

Our third finding addressed the lack of discussion of quality in the clearance process in IRTPA-required annual reports to Congress, and OMB, to whom our recommendation was addressed, concurred with our recommendation and emphasized the importance of providing Congress with more transparency about quality in the process. OPM also provided comments on this finding, stating that the quality of the investigative and adjudicative processes is the most critical performance expectation for OPM and the clearance-granting agencies. OPM further stated that, because much of the information used in the clearance process is subjective, it is challenging to measure quality, although it also identified five quality metrics that it stated are a focus of the agency. However, none of the metrics OPM cited were included in any of the IRTPA-required reports the executive branch has provided to Congress since 2006. As we stated in our report, the executive branch's previous IRTPA-required reports have contained limited information on quality. As a result, the executive branch has missed opportunities to provide congressional decision makers with full transparency over the clearance process. OPM indicated in its comments that additional quality metrics are being developed and that it is testing a quality review form that gives agencies the ability to report problems with an investigation to OPM. OPM further stated that information collected from this form will be included in quality information reported to Congress. We believe these are positive steps and, if implemented, would help address concerns we described in this finding. OPM's comments on our findings on executive branch reporting of clearance quality and our responses follow.

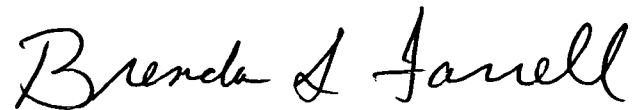
- OPM cited, as an example of its attention to quality, a metric it referred to as the content sufficiency to support suitability actions. In its description of this metric, OPM stated that the metric indicates whether the

information collected supports an unfavorable federal employment suitability determination that is formally appealed. Suitability investigations are used to determine whether individuals are eligible for federal employment. OPM did not specify how this metric would pertain to the quality of investigations to support granting personnel security clearances.

- In discussing plans for future quality metrics that the executive branch proposed in its 2009 IRTPA-required report to Congress, OPM stated that we expressed concerns about these new metrics before they were tested and implemented. We expressed no concerns about new metrics proposed in the executive branch's report. However, we did express concerns about an existing metric discussed in the executive branch's report. This metric refers to the frequency with which adjudicating agencies returned OPM's investigative reports due to quality deficiencies. As we noted, we have repeatedly reported since the late 1990s that this measure, by itself, is an unreliable quality indicator because, in our previous work, adjudication officials told us that they were reluctant to return incomplete investigative reports because of their perception that returning the reports would result in delays in the clearance process. While we conducted the work for this report, both DOD adjudication leadership and adjudicators told us that they continue to be reluctant to return incomplete investigative reports for the same reason.
- OPM further stated that we based our concerns about the frequency with which adjudicating agencies returned OPM's investigative reports due to quality deficiencies on anecdotal information that agencies may not want to return investigations to OPM because of their perception that this will delay case processing. OPM further stated that it may be a mistake to credit our concerns because OPM had improved clearance investigation timeliness. OPM's characterization of the information in our report as anecdotal is not accurate because we systematically collected key testimonial evidence from knowledgeable officials at each of the central adjudication facilities. These knowledgeable officials included leadership and adjudicators in positions of knowledge about the clearance process. As we reported, these key officials told us that they continue to be reluctant to return incomplete investigative reports to OPM because they anticipate delays in the process.

We are sending copies of this report to the Director of the Office of Management and Budget, the Secretary of Defense, and the Director of the Office of Personnel Management. In addition, the report will be available at no charge on the GAO Web site at <http://www.gao.gov>. If you or your staff have any questions on the information discussed in this report, please contact me at (202) 512-3604 or farrellb@gao.gov. Contact points for our Offices of Congressional Relations and Public Affairs may be found on the

last page of this report. GAO staff who made key contributions to this report are listed in appendix VI.

A handwritten signature in black ink that reads "Brenda S. Farrell". The signature is written in a cursive, flowing style.

Brenda S. Farrell, Director
Defense Capabilities and Management

List of Congressional Committees

The Honorable Carl Levin
Chairman
The Honorable John McCain
Ranking Member
Committee on Armed Services
United States Senate

The Honorable Joseph I. Lieberman
Chairman
The Honorable Susan M. Collins
Ranking Member
Committee on Homeland Security and Governmental Affairs
United States Senate

The Honorable Daniel Inouye
Chairman
The Honorable Thad Cochran
Ranking Member
Subcommittee on Defense
Committee on Appropriations
United States Senate

The Honorable Daniel K. Akaka
Chairman
The Honorable George V. Voinovich
Ranking Member
Subcommittee on Oversight of Government Management, the Federal
Workforce and the District of Columbia
Committee on Homeland Security and Governmental Affairs
United States Senate

The Honorable Edolphus Towns
Chairman
The Honorable Darrell Issa
Ranking Member
Committee on Oversight and Government Reform
House of Representatives

The Honorable Silvestre Reyes
Chairman
The Honorable Peter Hoekstra
Ranking Member
Permanent Select Committee on Intelligence
House of Representatives

The Honorable Solomon P. Ortiz
Chairman
The Honorable J. Randy Forbes
Ranking Member
Subcommittee on Readiness
Committee on Armed Services
House of Representatives

The Honorable Diane E. Watson
Chairwoman
The Honorable Brian Bilbray
Ranking Member
Subcommittee on Government Management, Organization, and
Procurement
Committee on Oversight and Government Reform
House of Representatives

The Honorable Anna G. Eshoo
Chairwoman
The Honorable Sue Myrick
Ranking Member
Subcommittee on Intelligence Community Management
Permanent Select Committee on Intelligence
House of Representatives

Appendix I: Scope and Methodology

To determine the completeness of the timeliness data that the executive branch reported for clearances granted in fiscal year 2008 for the Department of Defense (DOD), we reviewed Title III of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), measured the timeliness of nearly 630,000 clearances completed in fiscal year 2008 for military, DOD civilian, and industry personnel, and analyzed the executive branch 2009 annual report to Congress required by IRTPA. The nearly 630,000 clearances accounted for more than 93 percent of all clearance decisions by DOD adjudicators for nonintelligence community personnel in fiscal year 2008. IRTPA requires the executive branch to provide an annual report to Congress by February 15 of each year that includes, among other things, information on the progress made during the preceding year toward meeting IRTPA's timeliness requirements. We reviewed the executive branch's 2009 IRTPA-required report to Congress, which fulfills IRTPA's requirement. We obtained fiscal year 2008 clearance timeliness records from two databases—the Office of Personnel Management's (OPM) Personnel Investigations Processing System, which maintains background investigation records, and DOD's Joint Personnel Adjudication System, which maintains records on clearance adjudications. We then linked the records from the DOD and OPM databases using the unique case identification numbers assigned to each DOD clearance record to develop the universe of clearances. We measured the timeliness (from the date of the receipt of the completed application to the final adjudication date) for nearly 450,000 initial and more than 180,000 renewal confidential, secret, and top secret clearances¹ adjudicated by the central adjudication facilities of the U.S. Army, U.S. Navy, U.S. Air Force, and the Defense Industrial Security Clearance Office. We assessed the reliability of the data from DOD's and OPM's databases by comparing values in the electronic databases to 100 randomly selected original clearance investigative files we obtained from the U.S. Army, U.S. Navy, and U.S. Air Force central adjudication facilities for July 2008, reviewing existing information about the data and the system that produced them, and interviewing agency officials knowledgeable about the data. We determined these data were sufficiently reliable for purposes of our audit. We then used our timeliness analyses to assess the timeliness data in the executive branch's 2009 IRTPA-required report.

¹For the renewal clearances, we measured the timeliness as of the completion of the application.

To determine the completeness of clearance documentation for initial top secret security clearances adjudicated favorably within DOD, we evaluated investigation and adjudication documentation for initial top secret clearances for military, DOD civilian, and private industry personnel working on DOD contracts. We focused on initial top secret clearances for three reasons: (1) we have identified documentation problems with this clearance level in previous work; (2) investigators gather the most information for investigations for top secret clearances; and (3) individuals with top secret clearances have access to information that, if improperly disclosed, could cause exceptionally grave damage to national security. We independently selected a stratified random probability sample of 100 OPM investigative reports and associated DOD adjudicative files from the population of 3,993 applications that were identified as clearances that were favorably adjudicated in July 2008 by the central adjudication facilities of the U.S. Army, U.S. Navy, and U.S. Air Force.² With this sample, each clearance in the population had a known probability of being selected. We stratified the population of clearances into three groups by the adjudication facilities. Each clearance selected was subsequently weighted in the analysis to account statistically for all the clearances in the population.³ We estimated that the total number of clearances DOD granted in July 2008 was 3,500 (+/-300). For this population, we produced statistical estimates that have a margin of error of plus or minus 10 percent or less at the 95 percent confidence level.

- For our analysis of investigative reports, we reviewed the criteria for conducting and documenting investigations outlined in federal investigative standards, OPM's product table,⁴ OPM's July 2007 investigator's handbook, and an analytical tool developed by DOD's Defense Personnel Security Research Center. Based on this criteria review, we developed an instrument to measure the completeness of OPM's investigative reports, refined this instrument by integrating feedback from staff at OPM's Federal Investigative Services Division and

²We did not include initial top secret clearances from the Defense Industrial Security Clearance Office, which adjudicates clearances for some private industry personnel working on DOD contracts, in this analysis as we did in our timeliness analysis because we were able to review the clearance documentation of private industry personnel adjudicated at the adjudication facilities of the three military departments.

³We identified several clearances in our sample that were, in fact, not favorably adjudicated and removed those clearances from our sample.

⁴The product table lists the investigative items OPM will include based on the type of clearance investigation to be conducted.

DOD's Defense Personnel Security Research Center, and pretested this instrument for 2 weeks at a DOD adjudication facility by having adjudicators use this instrument to assess investigative reports they reviewed during the course of their work. On an ongoing basis, we received and incorporated clarification from OPM. For each investigative report, we compared information in the report against OPM criteria. We then conducted a separate and independent review of a subset of the sample. Voluntarily and to strengthen our methodological approach, we shared the results of the completed reviews for eight investigative reports with experts from OPM's Federal Investigative Services Division's Quality Management and Training Group, which conducts quality reviews of investigative reports, and we incorporated their feedback into our methodology and adjusted some of our findings.

- For our analysis of adjudication documentation, we reviewed the criteria for conducting and documenting adjudications outlined in federal adjudicative guidelines, DOD Regulation 5200.2-R, DOD Personnel Security Program, and an analytical tool developed by DOD's Defense Personnel Security Research Center. Based on this review, we developed a separate instrument to measure the completeness of DOD's adjudicative files and refined this instrument by integrating feedback from staff at DOD's Office of the Under Secretary of Defense for Intelligence and Defense Personnel Security Research Center. For each adjudicative file, two experienced and trained adjudicators, who adjudicate GAO clearances, compared the information in the file against DOD criteria. The GAO adjudicators then conducted an independent review of a subset of the adjudicative file sample. We also shared our observations for eight adjudicative files with DOD adjudication facility leadership and 10 DOD adjudicators with varying levels of professional experience and made necessary adjustments based on their feedback.

To assess the extent to which the executive branch included information on quality in the security clearance process in its 2006-09 reports on security clearances for DOD and other federal agencies, we analyzed the reporting requirements contained in IRTPA. Additionally, we reviewed previously issued GAO clearance-related reports and testimonies that identified quality measures and their potential utility. Finally, we evaluated the information presented in the executive branch's annual IRTPA-required reports issued to Congress in 2006 through 2009.

Throughout this review, we interviewed executive branch officials and contractors about the clearance process, evaluated additional policies and reports they provided to us, and discussed with them factors that contributed to incomplete clearance documentation. The executive branch organizations and groups are listed in table 2.

Table 2: List of Organizations and Groups Contacted to Obtain Information about the Personnel Security Clearance Process

DOD's Office of the Under Secretary of Defense for Intelligence, Arlington, Virginia

DOD adjudication facilities

- Army Central Adjudication Facility, Fort George Meade, Maryland
- Navy Central Adjudication Facility, Washington, D.C.
- Air Force Central Adjudication Facility, Bolling Air Force Base, Washington, D.C.

Other DOD organizations

- Defense Security Service, Headquarters, Alexandria, Virginia
- DOD's Personnel Security Research Center, Monterey, California

OPM's Federal Investigative Services Division, Washington, D.C. and Boyers, Pennsylvania

OPM's Federal Investigators, Washington, D.C. metropolitan area

Contract investigators from

- CACI International Corporation, Arlington, Virginia
- Kroll Government Services Inc., New York, New York
- US Investigative Services, LCC, Falls Church, Virginia

OMB's Office of the Deputy Director for Management, Washington, D.C.

Source: GAO.

We conducted this performance audit from March 2008 through May 2009 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.

Appendix II: The Federal Investigative Standards Used in the Investigation Phase of the Personnel Security Clearance Process

In the investigation phase, the Office of Personnel Management (OPM) or one of its contractors uses up to 14 federal investigative standards and the OPM's internal guidance to conduct and document the investigation of the applicant. The scope of information gathered in an investigation depends on what level of clearance is needed and whether an investigation for an initial clearance or a reinvestigation for a clearance renewal is being conducted. For example, the federal investigative standards require that investigators collect information from national agencies such as the Federal Bureau of Investigation for all initial and renewal clearances. However, the standards require investigators to corroborate education by interviewing sources, as appropriate, only in investigations supporting top secret initial clearances. Table 3 lists the information required by the federal investigative standards for each clearance level and for initial and renewal clearances.

Appendix II: The Federal Investigative Standards Used in the Investigation Phase of the Personnel Security Clearance Process

Table 3: Information Required by Federal Investigative Standards for Each Clearance Level and for Initial and Renewal Clearances

Type of information required	Type of security clearance and investigation		
	Confidential or secret	Top secret	
		Initial investigation or renewal	Initial investigation
1. Personnel security questionnaire: Applicant's self-reported answers on a paper or electronic standard form 86	X	X	X
2. National agency check: Data from Federal Bureau of Investigation, military records centers, and other national agencies	X	X	X
3. Credit check: Data from credit bureaus where applicant lived, worked, and attended school for at least 6 months during the past 7 years	X	X	X
4. Local agency checks: Data from law enforcement agencies where applicant lived, worked, and attended school during the past 5 years	X	X	X
5. Date and place of birth: ^a Corroboration of applicant's date and place of birth	X	X	
6. Citizenship: For applicants born outside of the United States, verification of U.S. citizenship directly from the appropriate registration authority		X	
7. Education: Corroboration of most recent or significant claimed attendance, degree, or diploma		X	
8. Employment: Review of employment records for the past 7 years and interviews with workplace references, such as supervisors and coworkers; corroboration and verification of all unemployment exceeding 60 days and all prior federal and military service		X	X
9. References: Data from interviews with applicant-identified and investigator-developed leads		X	X
10. National agency check for spouse or cohabitant: National agency check without fingerprint		X	X
11. Former spouse: Data from interview(s) conducted with spouse(s) divorced within the last 10 years		X	X
12. Neighborhoods: Confirmation of all residences for past 3 years via interviews with neighbors and records check		X	X
13. Public records: Verification of applicant's bankruptcies, divorces, and other court actions (criminal or civil)		X	X
14. Subject interview: An interview of the applicant; additional interviews if needed to collect relevant data or resolve significant inconsistencies, or both		X	X

Source: GAO's interpretation of 32 C.F.R. §§ 147.18 - 147.24 (2008).

^aThe employing agency is responsible for corroborating the applicant's date and place of birth unless the agency requests that OPM corroborate the information as part of the investigation.

Appendix III: Federal Adjudicative Guidelines Used in the Adjudication Phase of the Personnel Security Clearance Process

In the adjudication phase, Department of Defense (DOD) adjudicators at one of DOD's central adjudication facilities use the information from the investigative report to determine whether an applicant is eligible for a security clearance. To make clearance eligibility decisions, federal and DOD requirements¹ specify that adjudicators consider federal adjudicative guidelines in 13 specific areas that elicit information about (1) conduct that could raise security concerns and (2) factors that could allay those security concerns, even when serious, and permit granting a clearance. For example, under the foreign influence guideline, a connection to a foreign person or government is a condition that could raise a security concern. One factor that could allay this security concern is if the connection to a foreign person or government is established while the applicant conducted business on behalf of the U.S. government. Following are the 13 specific areas of the federal adjudicative guidelines:

- (1) allegiance to the United States;
- (2) foreign influence, such as having a family member who is a citizen of a foreign country;
- (3) foreign preference, such as performing military service for a foreign country;
- (4) sexual behavior;
- (5) personal conduct, such as deliberately concealing or falsifying relevant facts when completing a security questionnaire;
- (6) financial considerations;
- (7) alcohol consumption;
- (8) drug involvement;
- (9) psychological conditions, such as emotional, mental, and personality disorders;
- (10) criminal conduct;

¹32 C.F.R. §§ 147.3 - 147.15 (2008); DOD 5200.2-R, *DOD Personnel Security Program*, App. 8 (Jan. 16, 1987) (current as of change 3, Feb. 23, 1996).

**Appendix III: Federal Adjudicative Guidelines
Used in the Adjudication Phase of the
Personnel Security Clearance Process**

(11) security violations, such as deliberate or negligent disclosure of classified information;

(12) outside activities, such as providing service to or being employed by a foreign country; and

(13) misuse of information technology systems, such as unauthorized use of an information technology system.

Appendix IV: Comments from the Department of Defense



UNDER SECRETARY OF DEFENSE
5000 DEFENSE PENTAGON
WASHINGTON, DC 20301-5000

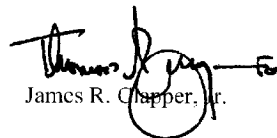
Ms. Brenda S. Farrell
Director
Defense Capabilities and Management
Government Accountability Office
Washington, DC 20548

MAY 13

Dear Ms. Farrell:

Thank you for the opportunity to review the draft report, GAO-09-400, "*DOD Personnel Clearances: Comprehensive Timeliness Reporting, Complete Clearance Documentation, and Quality Measures are Needed to Further Improve the Clearance Process*," (GAO Code 351179). The observations detailed in the report provide an adequate assessment of the Department's personnel security program. The enclosure provides specific feedback on the Department's adjudicative decisions, documentation, and quality assessment program. Should you have additional questions or concerns, please contact Mr. Stanley Sims at (703) 607-0089 or stanley.sims@osd.mil.

Sincerely,



James R. Chappier, Jr.

Enclosure:
As stated



GAO DRAFT REPORT – Dated April 21, 2009
GAO CODE 351179/GAO-09-400

“DOD PERSONNEL CLEARANCES: Comprehensive Timeliness
Reporting, Complete Clearance Documentation, and Quality
Measures Are Needed to Further Improve the Clearance Process”

DEPARTMENT OF DEFENSE COMMENTS
TO THE RECOMMENDATIONS

RECOMMENDATION 1: The GAO recommends that the Secretary of Defense direct the Under Secretary of Defense for Intelligence to measure the frequency with which adjudicative files meet the requirements of DoD regulation, so that the executive branch can identify the factors leading to incomplete files and include the results of such measurement in the annual Intelligence Reform and Terrorism Prevention Act of 2004-required report to Congress on clearances.

DOD RESPONSE: Concur. Adjudicative and investigative quality continues to be of foremost importance to the Department. The Department has already developed and successfully demonstrated tools to assess the quality of investigative reports and adjudicative files. The Rapid Assessment of Incomplete Security Evaluations (RAISE) tool will be used to assess investigative quality and completeness by systematically collecting and reporting specific information about the scope, issues, and utility of all deficient investigative cases. The Department will begin implementing RAISE by the end of June 2009. The Review of Adjudication Documentation Accuracy and Rationales (RADAR) is a tool used to gather specific information about adjudicative processes at DoD adjudication facilities and assess the quality of adjudicated cases. The Department will implement RADAR by the end of calendar year 2009.

RECOMMENDATION 2: The GAO recommends that the Secretary of Defense direct the Under Secretary of Defense for Intelligence to issue guidance that clarifies when adjudicators may use incomplete investigative reports as the basis for granting clearances.

DOD RESPONSE: Concur. The Department of Defense remains vigilant in its protection of safeguarding classified information through a risk-management approach to adjudication. The Department has developed guidance to assist adjudicators in deciding whether or not they should adjudicate an investigation, favorably or unfavorably, based on a technically incomplete investigation with little or no risk to national security. The Department will issue the guidance by the end of fiscal year 2009. It is also essential that DoD adjudicators appropriately and thoroughly document adjudicative rationale when making clearance eligibility determinations. The Department will issue guidance which outlines standards and requirements for documenting adjudication rationales for cases with issues and cases that are missing standard investigative scope items but were still adjudicated. In addition to supporting reciprocity and consistency, the

**Appendix IV: Comments from the Department
of Defense**

standardized documentation will better support quality assessments and improvement within the DoD adjudicative process. The Department will issue guidance by the end of fiscal year 2009.

Appendix V: Comments from the Office of Personnel Management



The Director

UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

May 8, 2009

Ms. Brenda S. Farrell
Director, Defense Capabilities and Management
Government Accountability Office
Washington, DC 20548

Dear Ms. Farrell:

Thank you for the opportunity to respond to GAO's draft report entitled *DOD PERSONNEL CLEARANCES: Comprehensive Timeliness Reporting, Complete Clearance Documentation, and Quality Measures are Needed to Further Improve the Clearance Process* (GAO-09-400). The report discusses GAO's assessment of OPM's investigation timeliness and quality, and of the information OPM report annually to Congress on the security clearance process.

As the new Director of OPM, I believe that it is critical that OPM discharge its responsibility to conduct security clearance investigations in a timely fashion, with high quality standards, and the utmost integrity. In that regard, I have been very impressed with what I have learned about the improvements OPM has made to the investigative process since the Department of Defense (DoD) transferred its personnel investigation function to OPM in 2005. Under DOD's aegis, the clearance investigation process was marked by interminable and unacceptable delays. Since OPM took over, numerous, highly significant improvements have been made. These include:

- Reducing the average length of all Top Secret investigation from 392 days in FY 2004 to 74 days in March 2009, and Secret/Confidential from 179 days in FY 2004 to 37 days in March 2009.
- Reducing the timeliness of all Top Secret reinvestigations from 579 days in FY 2004 to 84 days in March 2009.
- Eliminating a backlog of pending background investigations, including over 146,000 investigations in progress that were inherited from DoD during the transition.
- Meeting all of the timeliness goals set by the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA), and doing so ahead of statutory deadlines.

While I recognize that additional work is still needed, I want to emphasize the remarkable progress that OPM has already accomplished. OPM took a critical program that was in disarray and turned it around under very challenging conditions.

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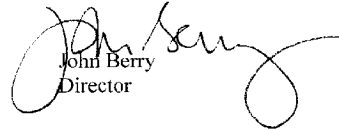
**Appendix V: Comments from the Office of
Personnel Management**

Ms. Brenda S. Farrell

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The OPM staff has prepared the attached comments in response to your draft report. I commend them to your attention and look forward to continuing to work with GAO and our customers to meet the challenges of providing timely and quality investigations. We appreciate the opportunity to respond to your report.

Sincerely,



John Berry
Director

Enclosure

Ms. Brenda S. Farrell

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OPM'S COMMENTS ON GAO DRAFT REPORT (GAO-09-400)

Reporting on Timeliness

One of the findings in the report is critical of the executive branch's 2009 report to Congress in that it "... did not reflect the full range of time it takes to make all initial clearance decisions."

It is important to understand that—while there are numerous ways to measure and characterize the timeliness of the investigative process—the report to Congress was tailored to address the specified timeliness requirements of the Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA). The framers of IRTPA took into consideration that some investigations are, by necessity, more time consuming. Accordingly, they specified that up to 20 percent of cases until December 2009, and up to 10 percent of cases thereafter, would not be subject to the statute's timeliness and reporting requirements. Delays for this relatively small percentage of cases are typically due to the presence of serious issues that require further, extensive investigation or a required third party record that is not readily available. Moreover, the use of "average" processing time versus a strict calculation of the number/percent completed by a hard deadline recognizes that the timeliness of each investigation is dependent upon the availability of the sources of information needed. Many investigations are completed well ahead of the timeliness goals, but others may take longer depending upon the issues developed or the schedule of the required sources. Although the goal for national performance was established for the average timeliness of the fastest 80%, we have routinely provided performance statistics for 100% of all work completed, as shown in Director Berry's cover letter.

In addition, I wanted to bring to your attention the exhaustive data OPM periodically collects and reports, which measure virtually every aspect of the security clearance process. These reports have regularly been provided to Congress to allow for detailed oversight and transparency of these activities. These reports account for all major components associated with processing and are not limited to the fastest 80% of the security clearance decisions made. Further, we regularly report on the timeliness and activities of the federal agencies that provide critical records needed as part of the investigation process.

For these reasons, it would not be accurate to assert that OPM has limited visibility over the security clearance and investigation process.

Incomplete Documentation

In evaluating the quality of OPM's investigations, GAO measured the content of the files strictly against the national investigative standards and OPM's internal procedures as discussed in its investigator's handbook and investigation product tables. While these documents provide the framework for conducting background investigations, the investigator assigned to the investigation must often, under established procedures, make case-by-case decisions on the proper and best sources needed to attest to a subject's activities, character, and conduct when sources specified in the standards are uncooperative or otherwise unavailable. GAO's audit does

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not appear to have taken into account the judgment OPM's investigators are required to exercise when conducting investigations or the availability of sources. For example, three of the eight investigations GAO reviewed and discussed with our quality review group showed the subjects of the investigation were on military deployments and not available for the subject interviews.

In addition, as GAO's report indicates, it did not make evaluative judgments about the importance of one missing investigative item over another. Investigators and adjudicators, however, routinely have to make these judgments. GAO provided OPM with 8 of the 100 investigations it reviewed in its audit that were characterized as "missing documentation." OPM did not fully agree with GAO's assessment of the eight examples provided and specifically asked that GAO share all of the investigative files they deemed as missing documentation so that a thorough review and explanation of processing could be provided. GAO's decision not to provide those files greatly limited our ability to respond to this assessment of quality. Our review of the limited sample provided casts doubt on GAO's findings.

Further, the current federal investigative standards recognize that full and complete coverage of an individual's background may be obtained through alternative sources and, accordingly, provide for deviations from the standards when necessary. It is entirely possible to meet all of the coverage and documentation requirements specified in the standards and guidelines, and still fail to provide a thorough and complete investigation. Conversely, the lack of a single neighborhood or employment source does not allow an inference that the investigation was insufficiently thorough.

Finally, procedures are in development that will better focus investigative resources on the most productive sources for each individual under investigation. This will shift the emphasis to the quality of sources rather than a quantity and category (e.g., neighborhood) requirement. Much work is still needed, but the end result will be a more effective and efficient investigative process that ensures quality and promotes reciprocity.

Quality Measures

We are in full agreement with GAO that the quality of the investigative and adjudicative processes is the most critical performance expectation for OPM and the clearance granting agencies. Successful completion identifies whether individuals may be trusted or may, instead cause harm to national security or in some way violate public trust. It also prevents individuals from being excluded from positions when they are found to be trustworthy. While the subjective nature of much of the information obtained poses challenges to quality measurement, numerous elements of the process that contribute to the final determination can be measured and assessed in terms of quality. In addition to the metrics provided concerning deficiencies identified by our customer agencies, OPM routinely focuses on the following:

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Quality of Requests for Investigation: Performance data is routinely reported, by agency, on the quality of the subject- and agency-provided data that initiates a background investigation. In addition, agency attention to the quality of the fingerprints submitted to support a biometric check of the national criminal history data system is measured by calculating the percent of unclassifiable fingerprints rejected by the FBI.

Contractor Performance: Each contract OPM issues for investigative services includes rigorous quality performance standards, with performance measured by the extent of the rework needed. OPM's Quality Assurance (QA) program includes summary review by professional federal QA staff to ensure that deficiencies are corrected before an adjudicative decision is made.

Federal Employee Performance standards: From top to bottom, each employee of OPM's investigations program has a critical performance standard for the quality of work performed. There are numerous quality check points and audit programs built into the investigative process that identifies individual quality deficiencies prior to delivery to the requesting agencies.

Content Sufficiency to Support Suitability Actions: One of the most demonstrative measures of the quality of the investigative process is whether or not the information collected supports an unfavorable suitability determination that is formally appealed. For those suitability actions taken by OPM and appealed to the Merit Systems Protection Board (MSPB), 10 decisions were affirmed and only 1 was reversed in FY 2008. In addition, each of the three cases filed with the Federal courts was affirmed. This speaks to the quality and completeness of OPM's investigations which are used to support OPM's unfavorable suitability determinations.

Customer Satisfaction: Each year, OPM/FISD conducts a survey of customer satisfaction with the quality, content, and timeliness of the investigations completed. Historically, agencies have indicated a high satisfaction level with the quality and content of OPM's investigative products and services.

As the co-chair of the Performance Accountability Council's (PAC) Performance on Measurements and Management Subcommittee, Kathy Dillaman, Associate Director of FISD, has worked with the Office of the Director of National Intelligence (ODNI) and other agencies to develop additional metrics to measure the quality of the investigations. GAO has expressed concerns about the new metrics before the measurements have been tested and implemented, noting anecdotal information that agencies may not want to return investigations to OPM because of their perception that this will delay case processing. It is difficult to respond to such anecdotes without further information and we suggest that it may be a mistake to credit them in light of OPM's significant improvement of the timeliness of investigations. It is also of concern to OPM that an agency would suggest that it would ever decline to return an investigation for further processing where such investigation is necessary in the interest of national security. However, the new metrics under development will provide the agencies with a simple and easy

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means to report deficiencies to OPM. We are currently testing a quality review form that gives the agency the ability to report problems with the investigation to OPM. The feedback provided on these forms will be calculated and included in the quality information reported to Congress.

Recommendations for Executive Action

GAO made recommendations to the Office of Management and Budget and the Director of OPM concerning the collection and reporting of timeliness and quality information. As noted earlier in our comments, OPM reports timeliness as specified in the Intelligence Reform and Terrorism Prevention Act of 2004. In addition, we regularly report to Congress data that covers every aspect of the security clearance process to allow for detailed oversight and transparency of these activities. We also noted that additional quality metrics are being developed to measure the quality of the investigations, including a new quality feedback process. OPM will add these new quality metrics to its reports to Congress.

Appendix VI: GAO Contacts and Staff Acknowledgments

GAO Contact

Brenda S. Farrell, (202) 512-3604 or farrellb@gao.gov

Acknowledgments

Key contributors to this report were David E. Moser, Assistant Director; James D. Ashley; Catherine Gelb; Mae Jones; Shveta Khanna; James P. Klein; Caryn E. Kuebler; Ronald La Due Lake; Dolores McGhee; Gregory A. Marchand; and Thomas R. Predmore.

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