



Testimony

Before the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, Committee on Homeland Security and Governmental Affairs, U.S. Senate

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DOD PERSONNEL CLEARANCES

Government Plan Addresses Some Long- standing Problems with DOD's Program, But Concerns Remain

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Highlights of [GAO-06-233T](#), a testimony before the Subcommittee on Oversight of Government Management, the Federal Workforce, and the District of Columbia, Committee on Homeland Security and Governmental Affairs, U.S. Senate

Why GAO Did This Study

Unauthorized disclosure of classified information can cause up to exceptionally grave damage to national security. The Department of Defense (DOD) is responsible for about 2 million personnel with clearances that allow them access to classified information. While most of these clearances are for servicemembers and DOD's employees and contractors, DOD is also responsible for contractors' clearances for more than 20 other agencies, as well as for congressional staff. Due to long-standing problems with DOD's clearance program, GAO designated it a high-risk area in January 2005. In February 2005, when DOD transferred its personnel security investigative functions to the Office of Personnel Management (OPM), the average wait for a top secret clearance governmentwide was over 1 year. In June 2005, Executive Order 13381 gave the Office of Management and Budget (OMB) authority to retain or assign to any executive agency any process relating to determinations of eligibility for access to classified information. OPM is assisting OMB with the development of the plan.

GAO was asked to assess the government plan. This testimony will provide GAO's preliminary review of how well the government plan (1) adheres to the standards of comprehensive strategic planning and (2) addresses the timeliness and quality of the security clearance process. Finally, GAO will discuss the actions required to remove DOD's program from GAO's high-risk list.

www.gao.gov/cgi-bin/getrpt?GAO-06-233T.

To view the full product, including the scope and methodology, click on the link above. For more information, contact Derek B. Stewart at (202) 512-5559 or stewartd@gao.gov.

DOD PERSONNEL CLEARANCES

Government Plan Addresses Some Long-standing Problems with DOD's Program, But Concerns Remain

What GAO Found

We are encouraged by the level of commitment demonstrated by OMB in overseeing the preparation of the government plan for addressing problems in the personnel security clearance process. The plan represents an important step toward addressing some long-standing concerns GAO has raised in this area. It includes some elements that a comprehensive strategic plan should contain, such as metrics that will be used to monitor the timeliness of the security clearance process governmentwide. However, the plan provides few details on other features that GAO looks for in a comprehensive strategic plan. For example, in some cases, the plan does not provide details on discrete actions the government would take or their projected completion dates. In addition, the plan does not always include details on the resources required to accomplish the plan's objectives. Finally, the plan does not describe potential risks or mitigation plans to address potential risks.

Although the government plan establishes metrics to address the timeliness of the security clearance process, they focus on some phases of the process more than others. Specifically, the plan identifies a wide variety of metrics for monitoring the timeliness of security clearance investigations, but it does little to address timeliness in the adjudication phase of the process. The government plan also provides quarterly goals for different types of investigations. However, the plan does not identify baseline measures or interim goals for average adjudication processing time.

Although it explicitly acknowledges that agencies have concerns about the quality of investigations and adjudications, the government plan devotes little attention to monitoring and improving the quality of the personnel security clearance process. The plan's primary metric for measuring the quality of investigations—the percentage of investigations returned by requesting agencies due to incomplete case files—is not, by itself, a valid indicator of the quality of investigative work. Other or additional statistics, such as the number of counterintelligence leads generated from security clearance investigations, may be needed. The government plan did not identify a metric for assessing the quality of adjudications, although GAO and other agencies have identified actions that would facilitate monitoring and improvement of the quality of this portion of the personnel security clearance process.

DOD must correct previously identified problems before its personnel security clearance program can be removed from the high-risk list. Before removing DOD's personnel security clearance program from the high-risk list, GAO will examine whether OMB, OPM, and DOD have satisfied certain criteria, including the establishment of leadership support, sufficient resources to resolve the risk, and a corrective action plan. GAO's criteria also include the presence of a program to monitor and independently validate the effectiveness and sustainability of any corrective actions and the agency's ability to demonstrate the implementation of corrective measures.

Chairman Voinovich and Members of the Subcommittee:

I am pleased to be here today to discuss the government plan for addressing problems in the Department of Defense's (DOD) personnel security clearance program. Clearances granted through such programs allow personnel access to classified information. Unauthorized disclosure of classified information can cause exceptionally grave damage to national security. As you know, Mr. Chairman, in January of this year, we added DOD's personnel security clearance program to our list of government high-risk operations.¹ Our high-risk list focuses on those major programs and operations that need urgent attention and transformation in order to ensure that our national government functions in the most economical, efficient, and effective manner possible. Also, some federal programs and operations are designated high risk because of their greater vulnerabilities to fraud, waste, abuse, and mismanagement.

We declared DOD's personnel security clearance program a high-risk area in January 2005, in part because of long-standing delays in completing requests for security clearances. We have reported backlogs and impediments to timeliness and quality throughout DOD's personnel security clearance process. DOD has faced challenges in the past in setting and projecting the requirements for clearances, submitting requests for investigations, conducting timely investigations, and adjudicating, or determining, whether someone is eligible for a clearance. We also found that DOD had been unable to accurately estimate the size of its clearance backlog.

Problems with timeliness and quality in the personnel security clearance process can affect our national security. For example, delays in renewing security clearances for personnel who are already doing classified work can lead to a heightened risk of disclosure of classified information. Moreover, delays in providing initial security clearances for previously noncleared personnel can result in other negative consequences, such as additional costs and delays in completing national security-related contracts, lost-opportunity costs, and problems retaining the best-qualified personnel. Given the vast scope of DOD's personnel security clearance program, these negative effects resound across government. Within DOD, the Office of the Under Secretary of Defense for Intelligence is responsible for the clearances issued to approximately 2 million personnel and for coordinating and implementing DOD-wide policies related to accessing classified information. While most of the clearances DOD handles are for servicemembers and DOD's federal employees and contractor personnel, the Office of the Under Secretary for Intelligence is also responsible for the clearances of contractors for more than 20 other federal agencies, as well as the clearances of staff in the federal government's legislative branch.

My testimony today will focus on the government plan and its relevance to improving DOD's personnel security clearance process and how well it addresses our past concerns. The Office of Management and Budget (OMB) took the lead in developing the government plan, and the Office of Personnel Management (OPM), which is now responsible for 90 percent of the clearance investigations in the federal government,

¹ See GAO, *High-Risk Series: An Update*, [GAO-05-207](#) (Washington, D.C.: January 2005).

assisted OMB in developing this plan. Because we have had a limited time to review the government plan, we have been unable to conduct a thorough assessment. Therefore, my preliminary observations will focus on four key areas. First, I will describe how well the government plan adheres to the standards of comprehensive strategic planning. Next, I will provide our evaluation of how well the plan addresses concerns about the timeliness and the quality of personnel security clearances. Finally, I will discuss the actions required to remove the program from our high-risk list. I would like to note that, at your request, we have recently begun a review focusing on the quality of top secret security clearance investigations and adjudications for contractor personnel. As of February 2005, these personnel waited, on average, over 1 year for DOD to determine clearance eligibility. As part of that review, we will examine the government plan more fully and provide an assessment in our report to the Subcommittee.

My statement is based on our preliminary review of the government plan and previous GAO reports and analyses. Our work was performed from October 2005 through November 2005 in accordance with generally accepted government auditing standards. In our preliminary review, we considered what was presented in the government plan in light of elements from the Intelligence Reform and Terrorism Prevention Act of 2004 as well as relevant prior reports from GAO and DOD's Inspector General.

Summary

In summary, Mr. Chairman, the government plan represents an important step toward addressing some of the long-standing concerns we have raised about the personnel security clearance process. We are encouraged by the high level of commitment that OMB has demonstrated in preparing this plan. The government plan provides many metrics that will be used to monitor the timeliness of the clearance process governmentwide, but it provides few details on other elements that a comprehensive strategic plan might contain. For example, in some cases, the plan does not provide details on discrete actions the government would take or projected completion dates for actions the plan identifies. In addition, the plan does not always include details on the resources required to accomplish the plan's objectives. Finally, the plan does not describe potential risks or mitigation plans to address potential risks.

The government plan identifies a wide variety of metrics for monitoring the timeliness of security clearances. Passage of the Intelligence Reform and Terrorism Prevention Act of 2004 addressed many of our past concerns about metrics and monitoring the program. For example, the act requires that, during the period between December 17, 2006, and December 17, 2009, each authorized adjudicative agency shall make a determination on at least 80 percent of all applications for personnel security clearances within an average of 120 days of receiving the security clearance request. However, the government plan is inconsistent in its treatment of some timeliness issues. Specifically, the plan provides quarterly goals for different types of investigations, but it does not identify interim goals for average adjudication processing time. In addition to metrics, the government plan describes the use of information technology to positively affect the timeliness of clearances.

The government plan devotes little attention to monitoring and improving the quality of the personnel security clearance process, although it explicitly acknowledges that agencies have concerns about the quality of investigations and adjudications. The primary metric found in the government plan for measuring the quality of investigations is the percentage of investigations returned by requesting agencies because of incomplete case files. Because the number of investigations returned for rework is not—by itself—a valid indicator of the quality of investigative work, use of other or additional statistics such as the number of counterintelligence leads generated from investigations may be needed. The government plan did not identify a metric for assessing the quality of adjudications, although we and other agencies have identified actions that would facilitate monitoring and improvement of the quality of this portion of the security clearance process. However, the government plan contains provisions for an investigator training and quality assurance program.

Before removing the security clearance process from our high-risk list, we will examine whether OMB, OPM, and DOD have satisfied the criteria we have established for removing a high-risk designation. As we established in November 2000, these criteria include leadership support, sufficient resources to resolve the risk, and a corrective action plan. Our criteria also include the presence of a program to monitor and independently validate the effectiveness and sustainability of any corrective actions and the ability to demonstrate the implementation of corrective measures. DOD must undertake many corrective actions to implement our recommendations and to correct previously identified problems before its personnel security clearance program can be removed from its high-risk list.

Background

On June 28, 2005, I testified before this subcommittee on DOD's personnel security clearance program.² I noted that while DOD has taken steps to address some of the problems that led us to designate its personnel security clearance program a high-risk area, we found continuing challenges in each stage of DOD's clearance process. I also noted that, despite partially concurring with our May 2004 recommendation,³ DOD had not developed and implemented an integrated, comprehensive management plan to eliminate the backlog, reduce the delays in conducting investigations and determining eligibility for security clearances, and overcome the impediments that could allow such problems to recur.

On the day before your June hearing, the President signed Executive Order 13381, which is to expire on July 1, 2006, and has the stated purpose of strengthening processes for

² GAO, *DOD Personnel Clearances: Some Progress Has Been Made but Hurdles Remain to Overcome the Challenges That Led to GAO's High-Risk Designation*, [GAO-05-842T](#) (Washington, D.C.: June 28, 2005).

³ GAO, *DOD Personnel Clearances: Additional Steps Can Be Taken to Reduce Backlogs and Delays in Determining Security Clearance Eligibility for Industry Personnel*, [GAO-04-632](#) (Washington, D.C.: May 26, 2004).

determining eligibility for access to classified national security information.⁴ The order stated that the Director of OMB may assign, in whole or in part, to the head of any agency, either solely or jointly, any process relating to determinations of eligibility for access to classified national security information.

At the request of the OMB Deputy Director, OMB and GAO officials met on July 12, 2005, to discuss OMB's general strategy for addressing the problems that had led to our high-risk designation for DOD's personnel security clearance program. Among other things, the Deputy Director indicated that (1) OMB staff would work with DOD and OPM to develop preliminary milestones and metrics for correcting problems associated with the program and (2) GAO would be asked to comment on that information in August or September. We indicated that GAO would need to remain independent, but could provide general comments to OMB about milestones, timeframes, criteria, and other materials developed by OMB and other executive branch agencies. The timeframe of August or September for the next meeting with OMB corresponded roughly with the up to 90 days after selection that was specified in the Intelligence Reform and Terrorism Prevention Act of 2004 for the head of the identified lead agency to develop, in consultation with the appropriate committees of Congress and each authorized adjudicative agency, a plan to reduce the length of the personnel security clearance process.⁵

Plan Identifies Metrics but Lacks Details on Other Critical Elements of a Strategic Plan

The government plan provides many metrics that will be used to monitor the timeliness of the clearance process governmentwide, but the plan detailed few of the other elements that a comprehensive strategic plan might contain. The Government Performance and Results Act of 1993⁶ identified some of the elements that might be found in a comprehensive strategic plan. Those elements include a comprehensive mission statement, general goals and objectives, a description of how the goals and objectives are to be achieved, key external factors that could significantly affect the achievement of the goals and objectives, and a description and schedule of the program evaluations used in establishing and revising general goals and objectives. GAO has also published an evaluator's guide to use in evaluating strategic plans. This guide discusses key performance indicators and the means to verify and validate the measured values.⁷

The government plan provides numerous metrics to monitor the timeliness of the clearance process. For example, the plan requires more accurate projections of the numbers of clearances needed, statistics on how long it takes to process a request for the

⁴ The White House, Executive Order 13381, *Strengthening Processes Relating to Determining Eligibility for Access to Classified National Security Information* (June 27, 2005).

⁵ 50 U.S.C. § 435b(g).

⁶ Pub. L. No. 103-62.

⁷ GAO, *The Results Act: An Evaluator's Guide to Assessing Agency Annual Performance Plans*, [GAO/GGD-10.1.20](#) (Washington, D.C.: Apr. 1, 1998).

investigation once the request has been made, information on the time required to perform various types of investigations, and the amount of time needed to determine clearance eligibility. Many of the metrics will be monitored on a quarterly or yearly basis according to the example tables contained in the plan. Another positive feature of the plan is that the same metrics will be used in many governmental agencies, making it possible to roll the data up and obtain a larger federal government perspective.

Many portions of the government plan fail to include important elements of strategic planning that could influence how effectively and efficiently the plan is carried out. I will illustrate our concerns using two example sections from the plan. In the first case, the plan includes a section on how the government intends to address reciprocity.⁸ For those who are unfamiliar with that term, reciprocity is the extent to which departments, agencies, or military services accept clearances and access granted by other departments, agencies, or military services. The government plan does not include discrete actions with projected completion dates that could be used to monitor interim progress toward the goal of greater reciprocity. The plan overlooks such actions and related timeframes even though a June 17, 2005, memorandum written by the Deputy Director of OMB indicates that the plan for each of the 25 areas on GAO's high-risk list should set goals and milestones that, if implemented will reduce the risk of waste, fraud, abuse, and mismanagement. A second example of the security clearance plan's failure to follow principles of strategic planning can be found in the plan's section on requirements for access to national, state, and local record systems. Nothing in this section of the plan mentions actions and milestones for actions, or how OMB or the federal government could affect access to state and local records. The plan also fails to consider whether additional monetary or human capital resources would be needed for that effort, what external risks could adversely affect the government plan, or what steps the government could use to mitigate those risks.

Plan Emphasizes Timeliness of the Clearance Process

The government plan identifies a wide variety of metrics that can be used to track the timeliness of clearances, and it describes generally some initiatives for speeding the processing of clearances. In February 2004, we expressed continuing concerns about the size of DOD's backlog and its accurate measurement.⁹ At that time, we recommended that the Under Secretary of Defense for Intelligence develop timeliness definitions and measures, and monitor the security clearance backlog at each stage of the personnel security clearance process.

⁸ 50 U.S.C. § 435b(d)(1) provides that "all security clearance background investigations and determinations completed by an authorized investigative agency or authorized adjudicative agency shall be accepted by all agencies." Exceptions to reciprocity are, however, permitted on a case-by-case basis under the conditions specified in the U.S. Code.

⁹ GAO, *DOD Personnel Clearances: DOD Needs to Overcome Impediments to Eliminating Backlog and Determining Its Size*, [GAO-04-344](#) (Washington, D.C.: Feb. 9, 2004).

Passage of the Intelligence Reform and Terrorism Prevention Act of 2004 addressed our concerns about metrics and monitoring within the larger context of the total federal government, specifying timeframes for the completion of both investigations and adjudications and requiring an annual report to Congress detailing the timeliness of the clearance process. Specifically, the act requires that not later than December 17, 2006, and ending December 17, 2009, each authorized adjudicative agency shall make a determination on at least 80 percent of all applicants for personnel security clearances within an average of 120 days—90 days to complete the investigation and 30 days to complete the adjudication—of receiving the security clearance application.¹⁰ Also, not later than February 15, 2006, and annually thereafter through 2011, OMB must provide a report to appropriate congressional committees on the progress made during the preceding year toward meeting these goals.¹¹

The government plan identifies numerous management reports and metrics that can be used to monitor all stages of the personnel security clearance process. To monitor the submission of requests for investigations, the plan indicates that the government will require that submissions be processed within an average of 14 calendar days of the subject completing the security clearance questionnaire. For the investigation stage, the plan shows baseline measures for how long it took to complete the average investigation and the investigative workload. This type of information is shown for multiple quarters in fiscal year 2005. The plan also provides quarterly goals—expressed as average days taken to complete an investigation—for different types of investigations. The adjudication-timeliness goals mandated by the National Intelligence Reform and Terrorism Prevention Act of 2004 are noted in the plan, but it does not identify baseline measures or interim goals for average adjudication processing time.

In addition to metrics, the government plan describes the use of information technology to positively affect the timeliness of clearances. For example, OPM has deployed the electronic Questionnaire for Investigations Processing (e-QIP) system for a subgroup of users and indicates that all agencies will be required to submit their requests for investigations with e-QIP by March 2006. OPM is also involved in an effort to streamline clearance processing by digitally sending completed investigation files to adjudicative agencies for review, approval, and submission to the investigation provider. However, the plan provides few details that would allow us to assess the maturity of either initiative.

Plan Needs to Build More Quality into the Clearance Process

The government plan devotes little attention to monitoring and improving the quality of the personnel security clearance process. At the same time, the government plan

¹⁰ 50 U.S.C. § 435b(g)(3). Section (g)(2) also provides that the timeframe for completing clearances will reduce further once 5 years have elapsed from the enactment of the section. At that time, the section indicates that to the extent practical, the plan shall require each authorized adjudicative agency to make a determination on at least 90 percent of all applications for a personnel security clearance within an average of 60 days—40 days to complete the investigation and 20 days to complete the adjudication.

¹¹ 50 U.S.C. § 435b(h).

explicitly acknowledges that agencies have concerns about the quality of investigations and adjudications. Specifically, the plan says that “a lack of reciprocity often arises due to reluctance of the gaining activity to inherit accountability for what may be an unacceptable risk due to poor quality investigations and/or adjudications.” These concerns exist despite the fact that since 1997, all federal agencies have been subject to a common set of general personnel security investigative standards and adjudicative guidelines for determining whether service members, government employees, government contractors, and others are eligible to receive security clearances.¹²

The primary metric found in the government plan for measuring quality of investigations is the percentage of investigations returned by requesting agencies due to incomplete case files, but use of that metric is problematic. In 1999, we reported that the number of investigations returned for rework is not by itself a valid indicator of the quality of investigative work, because adjudication officials said they were reluctant to return incomplete investigations in anticipation of further delays.¹³ Regardless of whether this metric remains a part of the plan, developers of the plan may want to consider adding other indicators of the quality of investigations, such as the number of counterintelligence leads generated from security clearance investigations and forwarded to relevant units. Our 1999 review of a random sample of investigations is another example of a method that can be used to evaluate quality. This type of periodic review could be performed by an office of the inspector general or some other unit that is not affiliated with OPM’s investigations facility in order to insure the independence of the findings.

The government plan indicates that OPM has developed an investigator training and quality assurance program. This is a positive step. Our prior work has shown that investigation quality can be negatively affected when investigators are insufficiently trained. However, the plan does not discuss implementation of the training program or the metrics associated with the quality assurance program.

The government plan does not identify a metric for assessing the quality of adjudications. As the Defense Personnel Security Research Center has noted, it is difficult to measure the degree to which adjudicative standards are met.¹⁴ Nevertheless, GAO and other agencies have identified actions that would facilitate monitoring and improvement of the quality of this portion of the security clearance process. For example, a 2001 GAO report recommended that DOD require adjudicators to use common explanatory guidance and

¹² The White House, “Implementation of Executive Order 12968,” Memorandum (Washington, D. C.: Mar. 24, 1997). This memorandum approves the adjudication guidelines, temporary eligibility standards, and investigative standards required by Executive Order 12968, *Access to Classified Information* (Aug. 2, 1995).

¹³ GAO, *DOD Personnel: Inadequate Personnel Security Investigations Pose National Security Risks*, [GAO/NSIAD-00-12](#) (Washington, D.C.: Oct. 27, 1999).

¹⁴ Ralph M. Carney, Joanne Marshall-Mies, Daniel G. Youpa, and Whitney B. Helton-Fauth, *Quality Assurance in Defense Adjudication: An Adjudicator Workshop for Defining and Assessing Quality*, PERSEREC TR 02-04 (Monterey, Calif.: Defense Personnel Security Research Center, March 2003).

document adjudication determinations.¹⁵ In addition, a 1998 DOD Inspector General report suggested implementation of a peer review program among DOD adjudication facilities.¹⁶

The government plan does not contain initiatives for improving adjudication quality. We have, however, previously reported recommendations for improving DOD's adjudication quality.¹⁷ In our 2001 report, we recommended that DOD make four major improvements to its adjudicative process. First, DOD should establish detailed documentation requirements to support adjudication decisions. Second, the department should require that all DOD adjudicators use common explanatory guidance. Third, it should establish common adjudicator training requirements and develop appropriate continuing education opportunities for all DOD adjudicators. Finally, DOD should establish a common quality assurance program to be implemented by officials in all DOD adjudication facilities and monitor compliance through annual reporting. DOD has indicated progress on some of these initiatives such as professional adjudicator certification and continuing education opportunities. The government plan may be able to broaden the DOD initiatives to governmentwide actions for improving adjudication quality.

Actions Required to Remove DOD's Clearance Program from the High-Risk List

DOD must undertake many corrective actions to implement our recommendations and to correct previously identified problems before we will remove DOD's personnel security clearance program from our high-risk list. Many of the issues about timeliness and quality are being addressed in actions that OMB and OPM will monitor as part of the government plan. Those actions need to address the criteria that we use in determining whether or not to remove a high-risk designation. These criteria, which we defined in November 2000, are shown in Figure 1.¹⁸

¹⁵ GAO, *DOD Personnel: More Consistency Needed in Determining Eligibility for Top Secret Security Clearances*, [GAO-01-465](#) (Washington, D.C.: Apr. 18, 2001).

¹⁶ DOD Office of the Inspector General, *Audit Report: Department of Defense Adjudication Program*, DoDIG 98-124 (Washington, D.C.: 1998).

¹⁷ [GAO-01-465](#).

¹⁸ [GAO-01-159SP](#).

Figure 1: Criteria Agencies Must Meet Before High-Risk Designations Can Be Removed

- A demonstrated strong commitment and top leadership support to address the risk(s)
- The capacity (that is, the people and other resources) to resolve the risk(s)
- A corrective action plan(s) that
 - defines the root causes,
 - identifies effective solutions, and
 - provides for substantially completing corrective measures in the near term, including but not limited to steps necessary to implement solutions we recommend
- A program instituted to monitor and independently validate the effectiveness and sustainability of corrective actions
- The ability to demonstrate progress in having implemented corrective measures

Source: GAO.

Since our high-risk list began in 1990, the government has taken high-risk problems seriously and has made long-needed progress toward correcting them. During the past 15 years, those efforts have resulted in 16 high-risk areas being removed from the list. For example, in January 2005, sufficient progress had been made to warrant the removal of a high-risk designation from three areas: student financial aid programs, Federal Aviation Administration financial management, and Forest Service financial management.

We will remove a high-risk designation when agency actions, including those in response to our recommendations, result in significant progress toward resolving a high-risk problem.

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Concluding Observations

Mr. Chairman, we are encouraged that OMB has undertaken the development of a governmentwide plan for improving the personnel security clearance process. Still, much remains to be done to develop a more comprehensive plan for improving the timeliness and quality of the security clearance process. Developing specific steps to address the general concerns that I identified today should move OMB and the executive branch agencies closer to that goal. As we stated in our high-risk report, perseverance by OMB and the agencies to implement our prior recommendations and continued oversight, such as that shown by you and this committee, are both essential to bringing lasting solutions to this high-risk area. In short, this is a good first step in the right direction. We will continue to monitor the security clearance program, as we do for all of the programs on our high-risk list.

Mr. Chairman and Members of the Subcommittee, this concludes my prepared statement. I would be happy to answer any questions you may have at this time.

Staff Contact and Acknowledgments

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