

Congress of the United States
Washington, DC 20510

August 31, 2017

Ms. Kathleen McGettigan
Acting Director
Office of Personnel Management
1900 E Street NW
Washington, DC 20415

Dear Ms. McGettigan:

We write to you regarding Section 951 in the National Defense Authorization Act for Fiscal Year 2017 (FY 2017 NDAA). This section required the Department of Defense (DOD) to develop an implementation plan for the Defense Security Service to conduct background investigations for DOD personnel.¹ The DOD issued this implementation plan on August 29, 2017.²

As you know, the National Background Investigations Bureau (NBIB), within the Office of Personnel Management (OPM), is the primary service provider of background investigations for the federal government.³ NBIB was established on October 1, 2016, to modernize, strengthen, and streamline the background investigations process.⁴ NBIB conducts about 95 percent of the total background investigations for the federal government.⁵

The FY 2017 NDAA directed the DOD to develop a proposal in which the federal government would maintain two separate processes for security clearance background investigations: the Defense Security Service would conduct investigations for DOD personnel, and NBIB would continue to conduct investigations for the rest of the government. This proposal, if implemented, could result in wasteful spending on duplicative processes. It also could exacerbate processing times further and erode reciprocity due to inconsistent investigative standards and adjudicative determinations across DOD and other federal agencies. In addition, it is essential that the federal government grant security clearances in a consistent and standardized manner, since classified information is shared across agencies.

We understand that OPM may have submitted information for DOD to consider in developing the implementation plan. Accordingly, we respectfully request that you provide to us all comments, impact statements, or other materials submitted by OPM relating to the

¹ FY 2017 NDAA, § 951, Pub. L. No. 114-328, 130 Stat. 2371-74 (2016).

²“The Department of Defense Response to the National Defense Authorization Act Section 951: Implementation Plan for Potential Transfer of Background Investigation Responsibility to the Department of Defense (Version: August 22, 2017),” provided to Congress on August 29, 2017. The plan is marked UNCLASSIFIED//FOR OFFICIAL USE ONLY.

³ National Background Investigations Bureau, About Us, *available at* <https://nbib.opm.gov/about-us/>.

⁴ *Id.*

⁵ *Id.*

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implementation plan required by the FY2017 NDAA. Please provide this information as soon as possible but no later than 5:00 pm on Tuesday, September 5, 2017.

If you have any questions about this request, please ask your staff to contact Courtney Allen of Chairman Johnson's staff at 202-224-4751, Thomas Richards of Senator McCaskill's staff at 202-224-4329, Hayden Milberg or Jon Rosenwasser of the SSCI staff at 202-224-1700, Jack Thorlin of Chairman Gowdy's staff at 202-225-5074, Mark Stephenson of Ranking Member Cummings's staff at 202-225-5051, Scott Glabe of Chairman Nunes's staff at 202-225-4121, and Rheanne Wirkkala with Ranking Member Schiff's staff at 202-225-7690. Thank you for your attention to this important matter.

Sincerely,



Ron Johnson
Chairman
Committee on Homeland Security and
Governmental Affairs
U.S. Senate



Claire McCaskill
Ranking Member
Committee on Homeland Security and
Governmental Affairs
U.S. Senate



Richard Burr
Chairman
Select Committee on Intelligence
U.S. Senate



Mark R. Warner
Vice Chairman
Select Committee on Intelligence
U.S. Senate



Trey Gowdy
Chairman
Committee on Oversight and
Government Reform
U.S. House of Representatives



Elijah Cummings
Ranking Member
Committee on Oversight and
Government Reform
U.S. House of Representatives

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Devin Nunes
Chairman
Permanent Select Committee on
Intelligence
U.S. House of Representatives



Adam Schiff
Ranking Member
Permanent Select Committee on
Intelligence
U.S. House of Representatives

cc: The Honorable James Mattis
Secretary
U.S. Department of Defense

Charles S. Phalen, Jr.
Director
National Background Investigations Bureau

The Honorable John McCain
Chairman
Committee on Armed Services
U.S. Senate

The Honorable Jack Reed
Ranking Member
Committee on Armed Services
U.S. Senate

The Honorable Mac Thornberry
Chairman
Committee on Armed Services
U.S. House of Representatives

The Honorable Adam Smith
Ranking Member
Committee on Armed Services
U.S. House of Representatives