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United States Senate

COMMITTEE ON
HOMELAND SECURITY AND GOVERNMENTAL AFFAIRS
WASHINGTON, DC 20510–6250

September 17, 2013

The Honorable Ray Mabus
Secretary of the Navy
U.S. Department of Defense
1200 Navy Pentagon
Washington, DC 20350-1200

Dear Mr. Secretary:

I am writing regarding the Navy's management and oversight of contractor access to Navy installations.

As you are aware, on September 16, 2013, at least twelve people were shot and killed at the Navy Yard complex in Washington, D.C. These killings were allegedly committed by Aaron Alexis, a Navy subcontractor employee with a history of misconduct, including previous arrests relating to the use of firearms. It appears that Mr. Alexis used his contractor access privileges to bring the weapons used in the killings into the Navy Yard complex.[1]

On September 16, 2013, the same day, I received an advance copy of a report prepared by the Defense Department's Office of Inspector General. This report, which assessed the Navy Commercial Access Control System (NCACS), was initiated following my referral of whistleblower allegations relating to problems with the Navy's award and management of the contract for NCACS services. The contractor under the NCACS contract, Eid Passport, had the responsibility to perform background checks of the public record of any contractor employee voluntarily seeking recurring, unescorted access to any Navy installation. If the contractor employee failed the background check, the employee could submit a waiver request to the Navy installation commanding officer to see whether the Navy would accept the risk of granting access to the employee.[2]

The Inspector General found that the Navy failed to adequately manage and oversee the contract. According to the Inspector General, the Navy's failure to follow federal and Defense Department requirements and its failure to provide installations with the resources to conduct contractor background checks resulted in contractors receiving access to Navy installations before any background check was completed. In addition, the Navy accepted background checks conducted by Eid Passport which relied on

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[1] *See, e.g.*, *Aaron Alexis, 34, is Dead Gunman in Navy Yard Shooting, Authorities Say,* Washington Post (Sept. 17, 2013).

[2] Defense Department Office of Inspector General, *Navy Commercial Access Control System Did Not Effectively Mitigate Access Control Risks* (Sept. 16, 2013) (DODIG-2013-134)

inadequate and unreliable public records databases and failed to include certain government databases as required. The Inspector General found that these failures placed military and civilian personnel "at an unacceptable level of safety and security risk." As a result, the Inspector General recommended that the Navy immediately discontinue its use of Eid Passport's vetting system.[3]

The Inspector General also found that the Navy was unable to account for the costs of NCACS and that the Navy may have paid more than $1.1 million in unallowable costs for the program. The Inspector General also found that the Navy improperly restricted contract competition and has been receiving services from Eid Passport without a valid contract since November 2011.[4]

Yesterday's tragic and senseless violence highlights the importance of complete, thorough background investigations of the contractors and subcontractors granted access to Navy installations. In light of these events, I am also deeply concerned by the Inspector General's findings. I would like to request a briefing for Subcommittee staff relating to the Navy's management and oversight of contractor access to Navy installations. This briefing should include detailed information relating to access for contractors under both NCACS and any alternative systems, including the Common Access Card. I request that this briefing take place on or before **Friday, September 27, 2013**.

The jurisdiction of the Subcommittee on Contracting Oversight is set forth in Senate Rule XXV clause 1(k); Senate Resolution 445 section 101 (108th Congress); and Senate Resolution 64 (113th Congress).

Please contact Cathy Yu with Senator McCaskill's Subcommittee staff at (202) 224-9383 with any questions. Please send any correspondence relating to this request to the Subcommittee's clerk at Kelsey_Stroud@hsgac.senate.gov.

Sincerely,

Claire McCaskill
Chairman
Subcommittee on Financial and
Contracting Oversight

cc: Ron Johnson
Ranking Member
Subcommittee on Financial and
Contracting Oversight

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[3] *Id.*

[4] *Id.*