

United States Senate

WASHINGTON, DC 20510

November 4, 2013

Dear Colleague,

Recent tragic violent events have shown that we must improve our current security clearance process. There are still too many holes in the system, which prevent us from stopping tragedies before they happen. We have introduced the Enhanced Security Clearance Act of 2013 (S. 1618) to help the government identify individuals who may need to have the appropriateness of their clearance questioned and invite you to join as a cosponsor of this legislation.

Although we have made advances in the processing of background checks, there are still gaping holes in the current security clearance process that has enabled people who exhibit obvious signs of high-risk behavior to remain undetected. Currently, no background check or update is conducted between the time an individual first applies for a security clearance and the time when that person must renew his/her security clearance. These “gaps” between clearance and re-clearance can be up to 15 years. Any events or actions which impact a clearance during those gap periods are supposed to be self-reported, but this rarely occurs. In FY 2010, less than one percent of all contractors with clearances filed an incident report, despite the fact that they are required to file these reports on a wide variety of events.

These “gaps” pose a significant concern in the current clearance process and are a threat to our nation’s safety and security. We have seen this time and again, in incidents including the shootings at Fort Hood in 2009 to the recent events involving Edward Snowden’s disclosure of stolen classified information—and most recently in Aaron Alexis, the Navy Yard shooter who appears to have suffered from severe mental illness. OPM’s investigatory process must be capable of flagging high-risk individuals holding security clearances and alerting case officers to situations requiring review before any adverse consequence takes place.

The Enhanced Security Clearance Act directs OPM to institute at least two audits of every active security clearance at random times during each five-year period the clearance is active. This would allow OPM to scrutinize any unreported changes that may be identified. Any red flags raised would be sent to the employing agency to determine if a re-investigation of the clearance is needed.

People’s lives may change dramatically over time, possibly causing them to pose significant security risks. If random audits had been in place after Aaron Alexis’s secret clearance was granted in 2007, red flags would have been generated with his arrest in 2009 and the two liens on his property, which could indicate security risks. This would have prompted OPM to notify DOD to review Alexis’s clearance before his 2017 renewal date and might have potentially averted tragedy.

We must act now. This legislation has been endorsed by the Federal Managers Association; the FBI Agents Association; the Alcohol-Tobacco-Firearms and Explosives Association; the International Association of Chiefs of Police; the International Federation of Professional and Technical Engineers; AFL-CIO & CLC; The National Native American Law

Enforcement Association; TechAmerica; General Dynamics Information Technologies; LexisNexis; Lt. Gen. Charles J. Cunningham Jr., Former Director of the Defense Security Service (1999-2002); Brian Stafford, Former Director of the United States Secret Service (1999-2003); Howard Safir, Former Police Commissioner of New York City (1996-2000); Floyd Clarke, Former Director of the Federal Bureau of Investigation (1993); and Michael Sullivan, Former Acting Director of the ATF (2006-2009) and US Attorney for the District of Massachusetts (2001-2009).

The Enhanced Security Clearance Act of 2013 represents a sensible path forward to protect national security and to help prevent future tragedies. If you would like to cosponsor or receive more information about S. 1618, please have your staff contact John Kane (4-9296), Charlie Moskowitz (4-6814), Sam Roberts (8-9291), or Eric Bursch (4-9850) in our offices. Thank you for your consideration.

Sincerely,



Susan M. Collins
Susan M. Collins
United States Senator



Claire C. McCaskill
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United States Senator



Kelly Ayotte
Kelly Ayotte
United States Senator



Heidi Heitkamp
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