

United States Senate

WASHINGTON, DC 20510

February 8, 2016

The Honorable Beth Cobert
Acting Director
U.S. Office of Personnel Management
1900 E Street N.W.
Washington, D.C. 20240

Dear Ms. Cobert:

I write to urge the Office of Personnel Management (OPM) to fully adopt the recommendations of the OPM Office of Inspector General (IG) regarding OPM's reviews of individuals whose background investigations were conducted improperly.¹ Individuals with a security clearance handle and safeguard our nation's most critical and highly sensitive information, and it is increasingly apparent that too many of these individuals have not been properly vetted.

As you are aware, on June 4, 2014, the OPM IG issued a report concluding that US Investigations Services (USIS), one of the contractors responsible for the conducting reviews on security clearance background investigations, failed to perform contractually required quality reviews of background investigations prior to submitting them to OPM's Federal Investigations Services (FIS).² In response, OPM agreed that FIS would conduct a Quality Assessment of cases that were "dumped" by USIS under the fieldwork contract and reviewed and closed by USIS under its support services contract, and the OPM IG would conduct a review of the Quality Assessment.

On September 22, 2015, the OPM IG released the results of its review of OPM's Quality Assessment. OPM's Quality Assessment concluded that "most of the cases (90.7%) were closed in accordance with the contract and were found to be Complete or Justified." However, the IG disagreed with FIS's Quality Assessment results. For example, FIS determined that a number of applications were deemed "Incomplete but Acceptable for Adjudication" by FIS based on a Department of Defense (DOD) memorandum, but of the 13 cases reviewed by the IG, the IG did not concur with FIS's assessment on any of them. The DOD memorandum required that any incomplete applications deemed Acceptable for Adjudication include an explanation for the missing information, and none of the 13 cases that the IG reviewed had any such note.

¹ Memorandum from Patrick McFarland to Beth Cobert, Results of the OIG's Special Review of OPM's Quality Assessment of USIS's Background Investigations (Report No. 4A-RS-00-15-014) (Sept. 22, 2015).

² U.S. Office of Personnel Management, Office of the Inspector General, *Audit of the Federal Investigative Services' Case Review Process Over Background Investigations* (4A-IS-00-13-062) (June 4, 2014).

The IG also reviewed six cases in FIS's sample that FIS deemed Complete/Justified. Five of those cases should have been deemed Unacceptable according to the IG because they were missing law enforcement checks and employment records, and the sixth case should have been considered acceptable, but FIS categorized it as Unacceptable.

The IG made two recommendations. First, the IG recommended that FIS should schedule any missing items from background investigations that were dumped by USIS only if or when the subjects of those background investigations are submitted for reinvestigation.³ Second, the IG recommended that, for those subjects that have already been reinvestigated since the identification of USIS's alleged misconduct, FIS should attempt to identify and cure any defects by scheduling any missing items as soon as possible.⁴

While adopting these recommendations would require work that is not ordinarily associated with reinvestigations, it would not be substantial or onerous. It in no way would require FIS to "potentially reopen 103,369 dumped background investigations," as OPM claimed in response.⁵ Rather, these are eminently reasonable responses to address a critical lack of awareness about a large number of individuals who currently hold a security clearance.

I am concerned that FIS seems to have understated the degree to which USIS's alleged misconduct resulted in incomplete background investigations. What is even more troubling is that FIS would dismiss IG recommendations on an issue of this magnitude merely because it will require a modest amount of additional work. I strongly urge you to reconsider this position.

Sincerely,



Claire McCaskill
U.S. Senator

³ *Id.*

⁴ *Id.*

⁵ *Id.*