United States Senate
WASHINGTON, DC 20510

May 18, 2016

The Honorable Beth F. Cobert
Acting Director
United States Office of Personnel Management
1900 E St. NW, Washington, DC 20415

Dear Acting Director Cobert:

We write seeking information on the Office of Personnel Management's (OPM) transition of federal background check functions from the Federal Investigative Services (FIS) to the National Background Investigations Bureau (NBIB). We are concerned that this transition is moving forward without firm plans in place for the transition, operation and oversight of the new bureau. We also want to ensure that the NBIB will not simply be a new name for the FIS. Instead, it is critical that you make significant structural changes to improve the integrity, management and oversight of the security clearance process.

We also remain concerned about the timeliness of current and pending investigations and want to ensure that plans are in place to address the significant backlog of background investigations during this transition, while maintaining the integrity of the investigation process. In both FY2014 and FY2015, OPM received fewer investigations than projected. Still, despite OPM increasing its revenues and hiring more investigators, the rate of case closure has dropped and it is taking far longer to complete investigations.

In order to better understand the status of OPM's efforts to stand up NBIB, we request that you provide the following information:

1) A detailed description of plans for establishing the NBIB, including:

    a. A timeline of key milestones in the process of establishing the NBIB and a current estimate for when the bureau will be fully operational;

    b. The total proposed cost of standing up the bureau and how much money has been spent on those efforts to date;

    c. Funding structure;

    d. Anticipated budget;

    e. Organizational chart, including who the head of the NBIB will report to;

    f. Projected total number of employees;

    g. Projected mix of contractor employees and federal employees;

h. Projected pricing structures for background investigation fieldwork and support services;

i. Changes to the Revolving Fund under the new NBIB structure

2) Documents sufficient to show how the NBIB's purpose and day-to-day operations will differ from FIS;

3) Information on the development of an IT infrastructure and case management system, including:

a. Whether NBIB will use contractors to build the NBIB's IT infrastructure, and, if so, the status of that contracting effort;

b. If the development is being done by federal employees, the agencies performing the work;

c. Information showing which agency's contracting office will provide contract management, which agency's program management office will develop requirements, and why those agencies were selected;

d. A copy of any request for proposal or solicitation issued;

e. A copy of any statement of work;

4) An explanation of what independent authorities the NBIB will have (e.g. hiring, contracting, etc.) and whether the bureau will rely on OPM or other agencies for those services;

5) An explanation of what background investigation policy changes are expected from FIS to NBIB and why those changes were proposed;

6) An explanation of which inspectors general will have oversight authority over all aspects of NBIB, including development of the bureau's IT infrastructure; and

7) A description of how the bureau plans to resolve existing backlogs in the background check system once a five-year reinvestigation requirement is implemented for all persons with a security clearance.

We request you provide this information as soon as possible but no later than June 17, 2016. If you determine that you are unable to make a complete production by this date, or if you have questions about this request, please contact Charlie Moskowitz at 202-224-6154 or Charlie_Moskowitz@McCaskill.Senate.gov or Stuart Varvel at 202-228-6276 or Stuart_Varvel@Tester.Senate.gov. We appreciate your assistance.

Sincerely,

Claire McCaskill
U.S. Senator

Jon Tester
U.S. Senator