



August 6, 2018

The Honorable Richard Burr  
Chairman  
Senate Select Committee  
on Intelligence

The Honorable Mark Warner  
Vice Chairman  
Senate Select Committee  
on Intelligence

The Honorable Devin Nunes  
Chairman  
House Permanent Select  
Committee on Intelligence

The Honorable Adam Schiff  
Ranking Member  
House Permanent Select  
Committee on Intelligence

Dear Chairmen Burr and Nunes, Vice Chairman Warner and Ranking Member Schiff:

As representatives of the industries supporting our national security and the Intelligence Community that your Committees oversee, we write to thank you for your leadership and work on the Matthew Young Pollard Intelligence Authorization Act for Fiscal Years 2018 and 2019 (H.R. 6237/S. 3153) and to urge you to retain critical reforms to the security clearance process in the final conference report.

We believe that the below provisions are mutually supportive of one another and that they should be included in the final bill as a package. Doing so will help make the security clearance process better, faster, and more secure. Specifically, we urge you to retain, strengthen and enact all of Title VI of the Senate version and Section 1504 of the House version for the following reasons:

***Sec. 602. Reports and plans relating to security clearances and background investigations*** and ***Sec. 604. Goals for promptness of determinations regarding security clearances***

Section 602 would require the Performance Accountability Council (PAC) to submit to Congress a plan that will reduce the backlog to 500,000 by the end of this calendar year and then to 200,000 by the end of 2019. Section 604 will require the PAC to meet timeliness goals for

security clearances (30 days for secret and 90 days for top secret), and for reciprocal recognition of clearances (2 weeks or fewer) as well as placing a limit on the total number of periodic reinvestigations by 2021.

The persistent backlog of nearly 700,000 cases in process and the unacceptably long wait times for a security clearance are pressing matters for industry, but more importantly, they undermine the national security missions our members support. This provision would establish clear, concrete performance expectations for the Executive Branch, to which Congress could hold it accountable. The plan the provision requires is one of the key recommendations of the Government Accountability Office (GAO), which recently put this issue on its “High Risk List”.

***Sec. 603. Improving the process for security clearances***

Section 603 would require the Office of the Director of National Intelligence (DNI) to reexamine and simplify the SF-86, expand innovative techniques and remote technologies for investigative interviews, employ continuous evaluation, and develop policies on interim clearances.

The backlog and the wait times associated with security clearances stem from the government using an antiquated, manual, and time-consuming background investigations process. Federal agencies have not incorporated recent technological advances into the background investigation process—from basic remote techniques and use of electronic tablets, to artificial intelligence and machine learning. This provision will help the government move toward a modernized background investigation process that will improve the timeliness of security clearance investigations and adjudications.

***Sec. 605. Security Executive Agent***

Section 605 would codify the Director of National Intelligence as the Security Executive Agent for all departments and agencies and detail the duties of the DNI in this role. Doing so will help ensure the provisions included in the final IAA legislation, as well as the FY19 NDAA and ongoing executive agency reforms, are implemented and enforced. This codification will also ensure the DNI retains the authority to establish and maintain uniform, government-wide policies that standardize security clearances across all federal agencies.

***Sec. 606. Report on unified, simplified, government-wide standards for positions of trust and security clearances***

Section 606 would require the Security and Suitability Executive Agents, in coordination with the PAC, to issue a report to Congress on the advisability and risks, as well as costs and benefits, of reducing the tiers for positions of trust to no more than three. While we are supportive of this report, we believe there is already a strong rationale for reducing the number of tiers for positions of trust and security clearances to be no more than three. Doing so will have a measurable impact on the time needed to process background investigations for potential clearance holders, leading to reduced wait times and a smaller backlog. We also believe that this provision could be strengthened by requiring that trust standards be applied uniformly, whether for security clearance, suitability, or credentialing.

***Sec. 607. Report on clearance in person concept***

Section 607 would require the Security Executive Agent to submit a report to the congressional defense and intelligence committees on the requirements, feasibility, and advisability of implementing a clearance in person concept, which could permit an individual who has been granted a national security clearance to maintain eligibility for access to classified information, networks, and facilities after the individual has separated from service to the Federal Government or been transferred to a position that no longer requires access to classified information.

Currently, if a cleared government employee leaves service for even a few weeks, there is a distinct possibility that the whole multi-month investigative process must start over. Similarly, when a contractor employee moves from supporting one agency to another (or even from one contract to another within the same agency), that individual's clearance is typically re-adjudicated. We believe that providing a path for *already-cleared individuals* to move more easily among contracts will dramatically increase flexibility for federal agencies and allow industry to support the government more efficiently and effectively. This would also allow the government to redirect investigative resources toward higher risk and mission critical positions.

***Sec. 608. Budget request documentation on funding for clearances***

Section 608 would require the President's budget request for FY2020 to include an identification of the resources allocated by each agency to process security clearances, providing much needed details on the costs per agency and per person. This provision is particularly vital at this time, when details remain unclear as to the proposed transfer of all background investigations to DoD. We believe that documentation of the full, agency-by-agency cost associated with the security clearance process is necessary to ensure these accounts are fully funded, and could also lead to reduced per-person costs if efficiencies are identified.

***Sec. 609. Reports on reciprocity for security clearances inside of departments and agencies***

Section 609 would require the heads of each federal department or agency to submit annually the number of individuals whose security clearances take more than two weeks to be reciprocally recognized and the reasons for the delay.

Existing regulations already provide guidance for implementing reciprocal recognition, which should increase reciprocity between and among agencies; however, implementation has fallen far short of reciprocity mandates. Enactment of this provision would be a critical step to hold agencies accountable for implementing the existing guidelines and would support the contractor community in moving personnel among contracts to meet government missions in a timely manner.

***Senate bill Sec. 610 and House bill Sec. 1504. Intelligence community reports on security clearances***

Section 610 of the Senate bill and Section 1504 of the House bill would require better tracking of and reporting on security clearances inside the Intelligence Community. We believe that such reporting will provide valuable information and will encourage improvements, as agencies will be incentivized to show progress in their reporting. We encourage the conferees to require that

these reports be made publicly available, i.e, unclassified (and without “For Official Use Only” designation that prohibits transparency to all stakeholders.)

***Sec. 612. Information sharing program for positions of trust***

Section 612 would require the Security Executive Agent to establish a program to share information between and among Federal Government agencies and industry partners regarding individuals applying for and serving in positions of trust.

Currently, many companies do not have access to information on their own employees that may possibly call into question the placement of trust by the Government. Many contractor employees work on federal facilities and on federal networks, and information on their performance is usually unavailable to the company. Government and industry should make information available to each other in a timely and secure manner to improve our collective ability to deter and detect insider threats that may compromise classified information. Better information sharing would enable all of the public and private sector to identify and respond appropriately to insider threat security warnings.

We greatly appreciate your consideration of this request and look forward to working with you as the bill advances. Should you have any questions or comments, please do not hesitate to reach out to us, as we stand ready to assist in any way possible on these or other security clearance reforms you may consider.

Sincerely,

Aerospace Industries Association  
Intelligence and National Security Alliance  
National Defense Industrial Association  
Northern Virginia Technology Council  
Professional Services Council