

United States Senate
WASHINGTON, DC 20510

August 23, 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 to follow up on our May 18, 2016 letter inquiring about the progress made by the Office of Personnel Management (OPM) in its transition of federal background investigation functions from the Federal Investigative Services (FIS) to the National Background Investigations Bureau (NBIB). We remain concerned about the timing of the transition.

In recent years, we have seen a flawed background check system severely undermine our national security. This is both inexcusable and self-inflicted. We are hopeful that the establishment of a new personnel security clearance system can strengthen national security, reduce insider threats as well as deter and combat cyber intrusions. But this will only occur through a well-planned transition that is properly executed.

In our previous letter we requested information from OPM in order to assess its ability to meet key milestones in standing up the NBIB, including budgets, numbers of employees, and leadership structure. Our staff received a briefing from interagency officials but many questions remain unanswered and we have yet to receive any of the requested documentation. Now, less than 60 days from OPM's self-imposed deadline, we are deeply concerned that the most basic structures of the bureau – including an organizational leadership chart, physical location, or employee credentialing process – are not yet in place.

As Senators that serve on multiple committees of jurisdiction, it is vital that we have accurate and timely information regarding the progress, or lack thereof, made on the NBIB's creation. We appreciate that standing up a new bureau requires significant work that cannot be rushed. With that in mind, we request that you provide the following information and accompanying documentation:

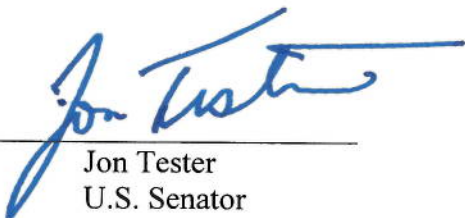
- 1) A detailed description of NBIB functions as of October 1, 2016, including but not limited to:
 - a. Leadership structure and organizational chart;
 - b. Funding structure, including funds already appropriated;

- c. Location of NBIB offices;
 - d. Existing FIS memoranda of understanding (MOUs) to be continued under NBIB;
 - e. Projected number of employees;
 - f. Credentialing processes of NBIB employees;
 - g. IT infrastructure, including software and mobile technologies to be used by NBIB employees;
- 2) Further information on the development of an IT infrastructure and case management system to be used by NBIB;
 - 3) An update on the existing backlogs in the background investigation system for which OPM is responsible;
 - 4) An answer regarding the feasibility of OPM meeting the self-imposed deadline of October 1, 2016.

Absent basic but essential agency structures, it is also very likely that the personnel security clearance reform efforts under NBIB will be placed on the Government Accountability Office's High-Risk report due to delays and backlogs in the security clearance process and a lack of basic capacities to function as an independent entity. To prevent this, we strongly urge you and the interagency to keep OPM's Office of Inspector General fully apprised of NBIB's progress and work collaboratively with them to resolve outstanding issues.

We remain committed to enhancing the personnel security clearance system and are willing partners in improving background investigation processes. Bolstering our national security is an urgent task and we therefore request you provide this information as soon as possible, but no later than September 6, 2016. Should you be unable to complete this request by this date or have questions, please contact Stuart Varvel at 202-228-6276 or stuart_varvel@tester.senate.gov or Charlie Moskowitz at 202-224-6154 or charlie_moskowitz@mccaskill.senate.gov. We appreciate your time and attention to these matters.

Sincerely,



Jon Tester
U.S. Senator



Claire McCaskill
U.S. Senator