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OFFICE OF THE DIRECTOR OF NATIONAL INTELLIGENCE

**Backlog of Personnel Security Clearance
Adjudications – Fiscal Year 2020
Quarters 2, 3, and 4**

February 2022

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EXECUTIVE SUMMARY

The Director of National Intelligence (DNI), as the Security Executive Agent (SecEA), in coordination with the Security, Suitability, and Credentialing Performance Accountability Council (PAC) established by Executive Order 13467, as amended, submits this report in response to Section 1718 of the *National Defense Authorization Act for Fiscal Year 2020* (Public Law 116-92), concerning the backlog of personnel security clearance adjudications conducted by Executive Branch departments and agencies (D/A) that adjudicate decisions for security clearances. This report, with its accompanying Classified Annex, covers the 2nd, 3rd, and 4th Fiscal Year (FY) quarters of 2020 and addresses:

1. The size of the backlog of personnel security clearance adjudications, by agency;
2. The average length of time, for each security clearance sensitivity level, to carry out an initial adjudication and an adjudication following a periodic reinvestigation (PR), by agency;
3. The number of cases referred to the Department of Defense (DoD) Consolidated Adjudication Facility (CAF);
4. The number of initial investigations adjudicated by the DoD CAF;
5. The number of periodic reinvestigations adjudicated by the DoD CAF;
6. The number of cases adjudicated by the DoD CAF stemming from participation in a continuous evaluation program (CEP);
7. The number of personnel enrolled in a CEP as opposed to subject to a PR;
8. The number of adjudicators by agency; and
9. A backlog mitigation plan, which shall include—
 - A. The identification of the cause of, and recommendations to remedy, the adjudication backlog at Federal agencies; and
 - B. The steps the SecEA, established pursuant to Executive Order 13467, shall take to reduce the adjudication backlog.

Pursuant to 50 U.S.C. § 3162a and Executive Order 13467, as amended, the DNI is designated as the SecEA. In this role, the DNI is responsible for, among other things, directing the oversight of investigations, reinvestigations, adjudications, and, as applicable, polygraphs for eligibility for access to classified information or eligibility to hold a sensitive position carried out by any agency. The SecEA is also responsible for developing and issuing uniform and consistent policies and procedures to ensure the effective, efficient, timely, and secure completion of investigations, polygraphs, and adjudications. The SecEA remains committed to protecting national security interests by ensuring consistent policies and standards for timely personnel vetting, which is a national security priority and critical for hiring a trusted workforce.

Section 3001(g) of the *Intelligence Reform and Terrorist Prevention Act of 2004*, the PAC, and the SecEA set milestones for reducing the time by which D/As should complete security clearances by clearance type and determination phase. Specifically, D/As are to make

adjudicative determinations on at least 90 percent of security clearance applications in a period not longer than 20 days for initial security clearance determinations at the Secret and Top Secret levels and 30 days for periodic reinvestigations. The data in this report demonstrates that from 01 January 2020 through 30 September 2020, D/As continued to trend in a positive direction to meet established security clearance adjudicative timeliness goals.

While the number of reviews completed went down each quarter due to the impact of the COVID-19 pandemic, the quarterly averages of pending and completed cases were generally consistent, and in FY 2021 the number of completed cases appears to have begun to increase. Ultimately, as the Federal Government moves toward continuous vetting for all of its workforce deemed eligible for access to classified information or eligible to hold a sensitive position, D/As will not be routinely conducting PRs. At that point, D/As will be better positioned to consistently maintain a steady state of pending cases in order to reach the established timeliness goals related to security clearance adjudications.

BACKGROUND

This report provides data for the 2nd, 3rd, and 4th Quarters of FY 2020. The reporting period falls within a four-year span of time when there was dramatic change in personnel security vetting (see Figure 1). Beginning in 2017, the National Background Investigation Bureau (NBIB) encountered an investigative backlog of over 700,000 investigations due to a confluence of events triggered by the Office of Personnel Management (OPM) data breach in 2015. Through Legislative and Executive Branch direction, measures were taken in 2019 to successfully reduce the investigative backlog to a stable working inventory of around 200,000 cases. This steady caseload of background investigations has been maintained into FY 2022, with some minor fluctuations. In addition, at the start of FY 2020, a directed organizational transfer was implemented that moved the NBIB from OPM to the Defense Counterintelligence and Security Agency (DCSA).

In conjunction with efforts aimed at directly reducing the NBIB investigative backlog (such as the option for D/As to defer a PR), the SecEA, in partnership with the Suitability and Credentialing Executive Agent and other PAC members, initiated an effort to revolutionize personnel security vetting, which became known as Trusted Workforce 2.0 (TW 2.0). TW 2.0 incorporates the capabilities of Continuous Evaluation (CE) into a comprehensive program of Continuous Vetting (CV) that pairs CE automated records checks with D/A-specific data collection and reporting capabilities. TW 2.0 involves an incremental implementation process that began in FY 2020 and is ongoing.

The investigative backlog reduction efforts of 2019 naturally increased the volume of completed investigations flowing into national security adjudicative programs. It is generally recognized that D/A national security adjudicative programs effectively responded to the surge in investigations. As a result, the number of completed adjudicative cases reached a consistently high level by early FY 2020. However, moving into the 3rd and 4th Quarters of FY 2020, the COVID-19 pandemic impacted the operations of almost all D/As, including in the areas of data compilation and reporting. Moreover, the ongoing COVID-19 pandemic affected some agencies

more significantly than others. Intelligence Community (IC) elements that rely on secure systems inside secure facilities to support their vetting activities faced greater challenges completing adjudicative phases due to reduced office staffing necessitated by the pandemic.

The Chart below is UNCLASSIFIED

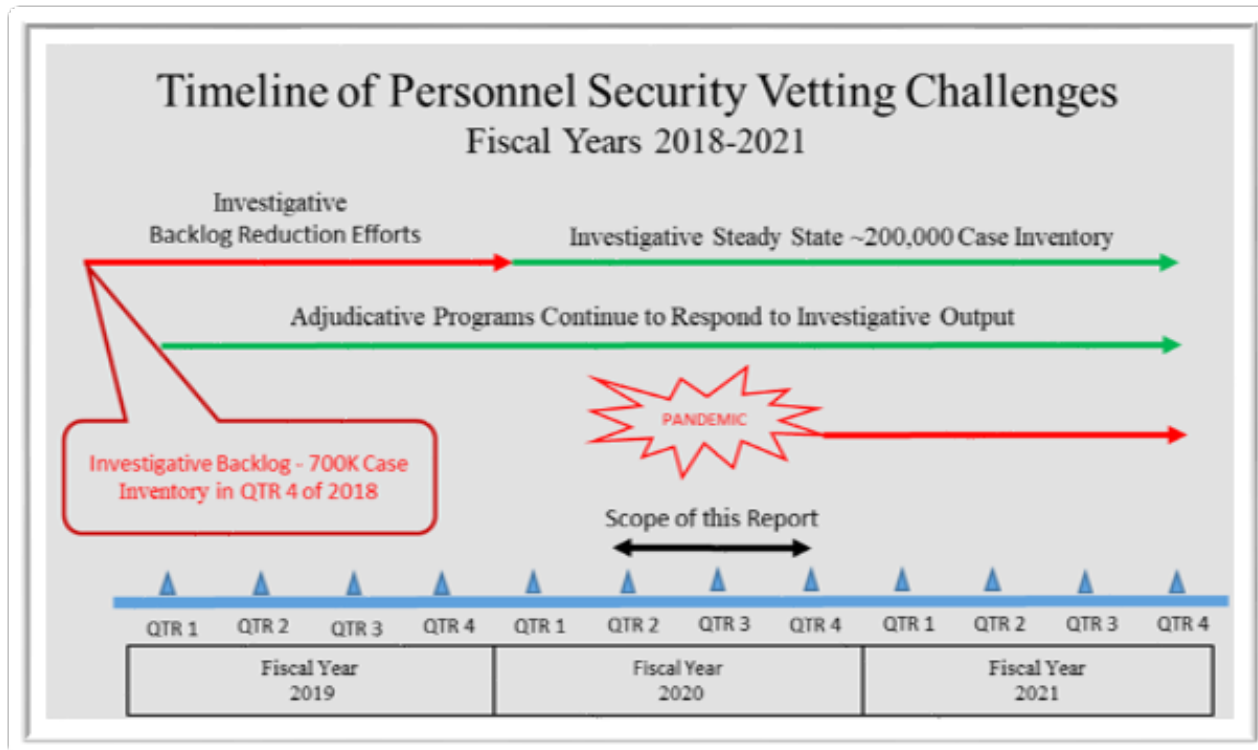


Figure 1: Timeline of Personnel Security Vetting Challenges (FY 2018 – 2021)

Notwithstanding the challenges posed by the pandemic, D/As demonstrated great resilience in the face of this worldwide crisis. Due to their persistent efforts, there was not a precipitous dip in national security adjudicative performance for this reporting period. Specifically, the combination of well-functioning adjudicative workflow conditions and improving timeliness metrics demonstrates that while improvement is necessary and expected, national security adjudicative programs were generally stable. Only a few agencies appeared to contend with persistent challenges, and the SecEA is working to provide support and recommendations to each D/A in continuing efforts to improve program performance (see Section 4.8 for more details).

METHODOLOGY

It is important to keep in mind that there is no established and uniformly recognized definition of an adjudicative “backlog” that is consistently used through the U.S. Government. In addition, D/As have varying production capacity and operational requirements that characterize phases or the status of the adjudicative process in agency-specific ways. As a result, this report focuses on the relationship between the pending adjudicative caseload, the volume of completed adjudications, and the timeliness of the adjudicative process to assess the overall

condition of D/A adjudicative programs. To begin, by assessing the quarterly pending workload in relation to the quarterly number of completed cases, a fair picture of workflow status emerges; that is, whether the pending caseload is in general alignment with the adjudicative output. Nearly equal volumes of both pending and completed cases reflect a balanced, in-process workload, or “steady state.”

The timeliness by which adjudications are completed constitutes the next important measure to assess program status. While worsening adjudicative timeliness may indicate ongoing challenges, improved timeliness reflects a healthier program where fewer cases languish for lengthy periods of time. Thus, this report will discuss adjudicative performance in terms of the size of the pending adjudicative caseload and the number of cases closed, and then evaluate adjudicative timeliness data. Absent an approved lexicon defining backlog in a universally accepted way, this approach offers a consistent and logical method by which to review the condition of D/A’s adjudicative programs.

Some information on individual agency performance compiled for this report is marked as FOUO or classified as SECRET//NOFORN. As such, a Classified Annex has been drafted that contains such agency-specific data.

REPORTS

4.1 The Size of the Backlog of Personnel Security Clearance Adjudications, by Agency, for the Fiscal Quarter Preceding the Quarter During Which the Report is Submitted.

As previously noted, to prepare this report, the status of personnel national security adjudications was assessed by considering the adjudicative workflow coupled with timeliness data to present a credible depiction of D/As’ national security adjudication programs. Figure 2 below provides comparative data on pending and completed adjudications for the 2nd, 3rd, and 4th Quarters of FY 2020. Agency-specific data is presented in Section 4.1 of the Classified Annex.

Considering the impact of the COVID-19 pandemic on U.S. Government operations, the data reflects generally stable D/A national security adjudication programs where the pending inventory was more or less consistent, timeliness improved, and the dip in the number of completed cases was an expected consequence of the pandemic. During this time, D/As were greatly affected by personnel adjustments that were made to mitigate the consequences of the pandemic. Many D/As implemented reduced staffing strategies that resulted in minimal occupancy in Federal facilities. The IC was particularly impacted due to the necessary restrictions that limited the possibility of telework. Despite the challenges posed by the pandemic, D/A work continued, and the three quarters’ average of pending and completed adjudications was relatively stable with an average of approximately 179,000 pending cases and an average of approximately 171,000 cases completed.

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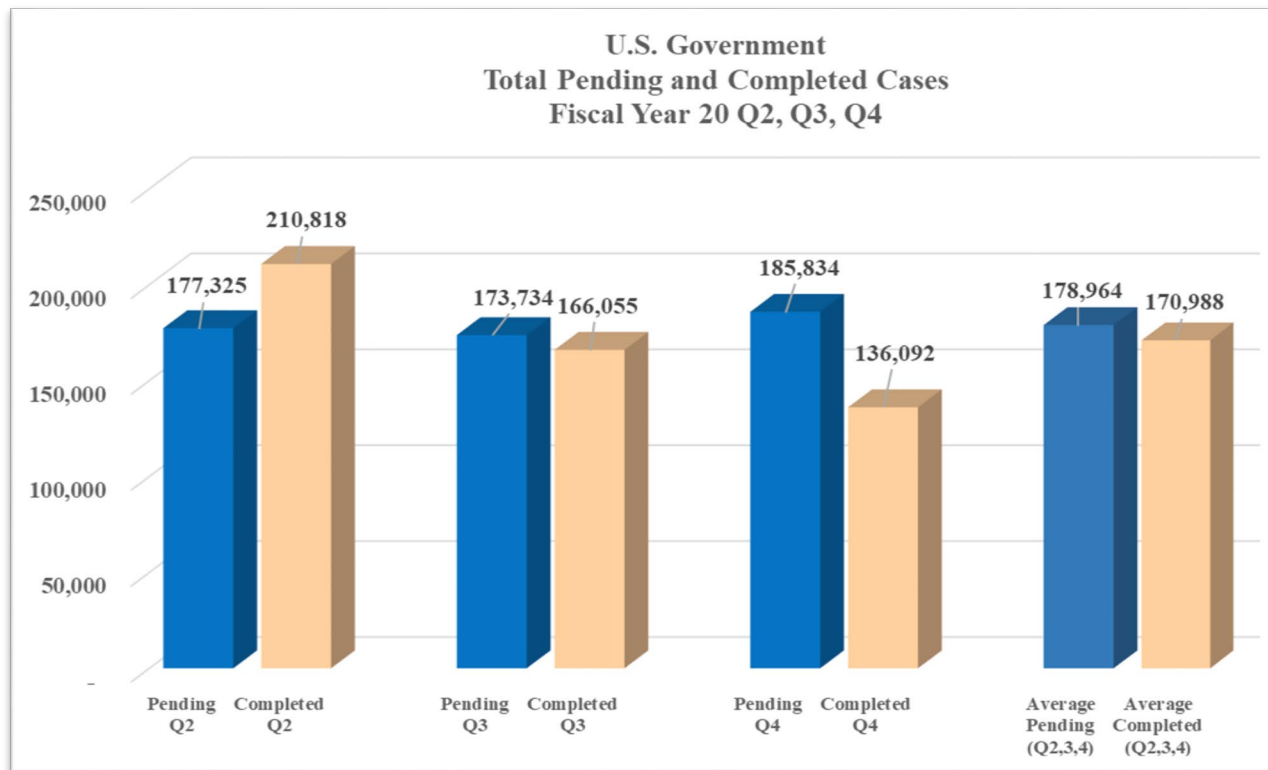


Figure 2: USG Total Pending and Completed Cases, FY 2020 Q2, Q3, Q4

4.2 The Average Length of Time, for Each Security Clearance Sensitivity Level, to Carry Out an Initial Adjudication and an Adjudication Following a Periodic Reinvestigation, by Agency.

Data reported in Figure 3 offers a comparative view of adjudicative timeliness by clearance type (initial Secret, initial Top Secret and PR) across D/As for the 2nd, 3rd and 4th Quarters of FY 2020. It should be noted that the timeliness goal for adjudicative determinations of PRs makes no distinction between Secret and Top Secret cases. As such, the data in this category does not distinguish between sensitivity levels.

As reflected in Figure 3, Secret adjudications were near or achieving established timeliness goals across all reporting quarters. While Top Secret adjudications continued to exceed cited timeliness goals, data also shows steady improvement in the timeliness of Top Secret adjudications. By the 4th Quarter, the rate of adjudications came within seven days of the established goal. Overall, the time to adjudicate Top Secret cases declined by 43 percent between the 2nd and 4th Quarters. Similarly, while the timeliness metric for PRs in early FY 2020 far exceeded established goals, the rate dropped 42 percent by the end of FY 2020.

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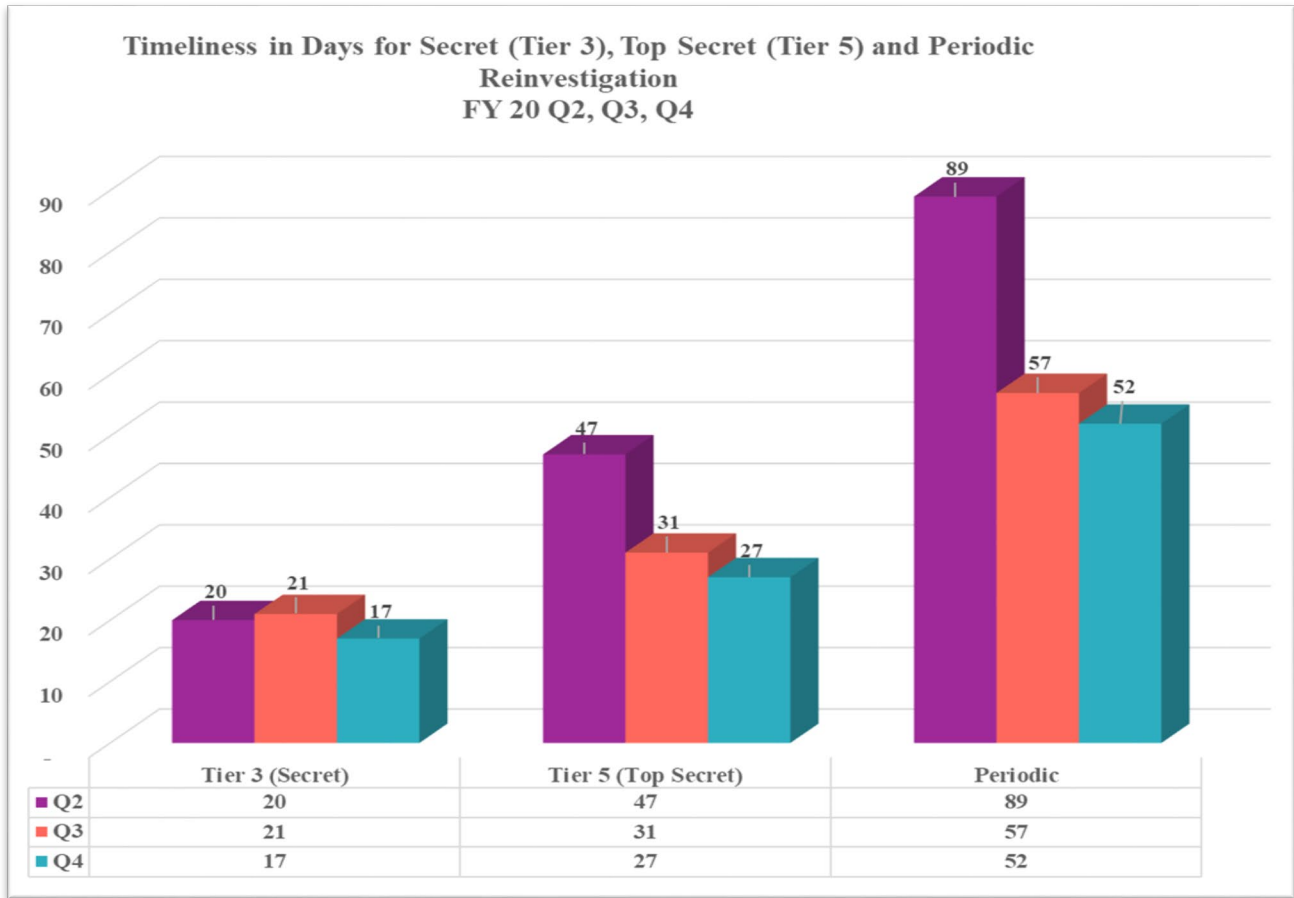


Figure 3: Timeliness in days for Secret (Tier 3), Top Secret (Tier 5) and Periodic Reinvestigation

While improvement is still needed, and there are individual agencies that face greater challenges in meeting timeliness goals (see Classified Annex), overall adjudicative timeliness is generally improving. To ensure these timeliness improvements continue, the SecEA is focusing on addressing agency-specific challenges and providing support and recommendations for corrective measures. For example, the SecEA support staff at the National Counterintelligence and Security Center (NCSC) annually conducts assessments of selected D/As’ timeliness performance based on their submitted quarterly reports. In any instance where a D/A is unable to meet established timeliness goals, NCSC works with those D/As to ensure corrective action plans are developed and implemented.

4.3 The Number of Cases Referred to the DoD CAF

The DoD CAF receives background investigations from DCSA as its Investigative Service Provider. DCSA conducts background investigations for 95 percent of all D/As, and the DoD CAF conducts 70 percent of all D/A national security adjudications.¹

¹ As reported on the DCSA Website, www.dcsa.mil.

The volume of cases referred to the DoD CAF for adjudication by case type (initial Secret, initial Top Secret, and PR) for the 2nd, 3rd and 4th Quarters of FY 2020 is presented in the Classified Annex, Figure 4. The data depicts a reduction in the number of initial Secret and Top Secret cases referred to the DoD CAF for adjudication after the 2nd Quarter of FY 2020, likely due to the pandemic, and reflects a generally stable number of PRs across all three quarters. The data suggests that the DoD CAF's incoming workload stabilized in the 3rd and 4th Quarters of FY 2020.

4.4 The Number of Initial Investigations Adjudicated by the DoD CAF & The Number of Periodic Reinvestigations Adjudicated by the DoD CAF.

The number of DoD CAF adjudications across each adjudicative type (initial Secret, initial Top Secret, and PR) have declined over the 2nd, 3rd and 4th Quarters of FY 2020, despite a slight uptick in PRs in the 2nd Quarter. The lower number of adjudications were consistent with the decrease in cases coming into the DoD CAF during the same period of FY 2020. Detailed adjudicative data is presented in the Classified Annex, Figure 5.

4.5 The Number of Cases Adjudicated by the DoD CAF Stemming from Participation in a CEP.

During all three reporting quarters from FY 2020, the DoD CAF adjudicated cases that resulted from the efforts of CE, as detailed in the Classified Annex, Figure 6. CE is an investigative process that leverages automated records checks to review the backgrounds of individuals determined to be eligible for access to classified information or to hold a sensitive position. As CE enrollment increases, it is anticipated that adjudicative actions in response to information developed through CE will also likely continue to increase.

4.6 The Number of Personnel Enrolled in a CEP as Opposed to Subject to a PR.

CE was established in response to a requirement of the 2012 Federal Investigative Standards, and initial capabilities were in place in FY 2016 for individuals deemed eligible for access to Top Secret information. The CEP was originally intended to provide automated records checks on cleared individuals between periodic reinvestigations. Since its inception, CEP has expanded the size of the eligible population, developed additional capabilities, and now offers a means for D/As to defer or replace a PR. The CEP has carefully evolved into the current CV and aligns with the growth and implementation of Trusted Workforce 2.0.

A detailed discussion of CE enrollment and deferring a PR is presented in the Classified Annex, Section 4.6.

4.7 The Number of Adjudicators by Agency.

Following a data call issued to authorized adjudicative D/As by NCSC, it was assessed that there were approximately 1,000 adjudicators who rendered national security determinations in FY 2020 (note, agency-specific data is contained in the Classified Annex, Final Figure). As observed, D/A staffing levels were impacted by the pandemic with the IC particularly affected due to limited options to utilize telework. As such, we know that adjudicators were not able to

work at full capacity for a temporary period, which is likely reflected in the dip of completed adjudicative case determinations for the 4th Quarter of FY 2020 (see Figure 2). It should be noted that the number of adjudicators provided (approximately 1,000) is the average number reported for FY 2020 since this data has not been routinely collected and it would likely be difficult for D/As to make quarterly determinations retrospectively. As NCSC implements updated metrics collection requirements, it is anticipated that reporting will include quarterly numbers by FY 2022.

4.8 A Backlog Mitigation Plan, Which Shall Include the Identification of the Cause of, and Recommendations to Remedy, the Adjudication Backlog at Federal Agencies and the Steps the SecEA Shall Take to Reduce the Adjudication Backlog.

As discussed earlier, from FY 2019 through early FY 2020, D/A national security adjudication programs received an increased volume of completed background investigations as the DCSA reduced its investigative inventory to a targeted working inventory around 200,000 open investigations (see Figure 1). Data presented in this report indicates that during the 2nd Quarter of FY 2020, adjudicative program operations had returned to a generally balanced state, with the number of incoming completed investigations and the number of completed adjudications in alignment (see, Figure 2). By the 3rd and 4th Quarters of FY 2020, there was a dip in completed investigations and completed adjudications which was likely due to the impact of the COVID-19 pandemic. However, despite complications from this global emergency, adjudicative timeliness improved during the period of this report. As such, the combination of a balanced workflow (the number of completed investigations in relation to the number of completed adjudications), coupled with improving timeliness metrics indicates that national security adjudicative programs are stabilizing from impacts of the 2015 OPM breach, the ensuing investigative backlog, and the consequences of the COVID-19 pandemic. While there are a few D/As whose data indicates that they are still encountering performance and reporting challenges stemming from staffing adjustments and a limited ability to work remotely during the pandemic, the SecEA has and will continue to support those D/As as they make efforts to improve adjudicative determination timeliness performance..

To prevent future obstacles to a streamlined adjudicative process, in February 2020, the SecEA and the Suitability and Credentialing Executive Agent jointly issued correspondence, *“Transforming Federal Personnel Vetting: Measures to Expedite Reform and Further Reduce the Federal Government’s Background Investigations Inventory.”* The guidance provided, accompanied by a fact sheet, enabled agencies to implement personnel security vetting in alignment with ongoing TW 2.0 initiatives. These initiatives included actions such as enhanced guidance on the PR deferral process, and clarifications and adjustments to the current Federal Investigative Standards that were designed to streamline the investigative requirements.

Finally, as long as COVID-19 persists, the SecEA will continue to monitor the continuing impact of the pandemic.

CONCLUSION

D/As have encountered performance challenges over the past several years that included an overwhelming investigative backlog and an ensuing increase in adjudicative requirements, which was followed by the devastating onset of the COVID-19 pandemic. Despite these challenges, the data indicates that the D/A adjudicative programs have largely managed to navigate these obstacles in order to keep the programs operational and relatively stable. The SecEA takes pride in the strength of D/A national security personnel vetting programs, including their adjudicative programs.

Transformative steps taken in the development and phased implementation of the TW 2.0 initiatives and framework serve to support D/A resilience and offer new approaches in achieving program efficiencies. The Executive Agents and the PAC will continue to update Congressional staff during regular briefings on these topics and will provide other relevant updates as the clearance reform effort aggressively moves forward. ODNI will release on its website this unclassified report for the public within 60 days, consistent with Section 1718(b) of Public Law 116-92.