

Congress of the United States
Washington, DC 20515

October 26, 2017

The Honorable John McCain
Chairman
Senate Committee on Armed Services
228 Russell Senate Office Building
Washington, DC 20510

The Honorable Mac Thornberry
Chairman
House Committee on Armed Services
2216 Rayburn House Office Building
Washington, DC 20515

The Honorable Jack Reed
Ranking Member
Senate Committee on Armed Services
228 Russell Senate Office Building
Washington, DC 20510

The Honorable Adam Smith
Ranking Member
House Committee on Armed Services
2216 Rayburn House Office Building
Washington, DC 20515

Dear Chairmen McCain and Thornberry and Ranking Members Reed and Smith:

As you negotiate the National Defense Authorization Act (NDAA) in conference committee, we write to communicate our concerns over Section 938 of the Senate-passed NDAA and to express our opposition to its inclusion in the final bill.

As you know, the National Background Investigations Bureau (NBIB), which was launched on October 1, 2016 as a semi-autonomous arm of the Office of Personnel Management (OPM), is the primary provider of background checks for the federal government. Section 938 would transition responsibility for Department of Defense (DOD)-related background checks, which comprise about 70% of NBIB's workload, to DOD over the next three years. We believe this would be duplicative, unnecessary, and counterproductive.

Reducing the backlog of federal background check investigations is an important national security objective. We share this goal and are committed to finding the best way to achieve it. In doing so, it is important to recognize the high-quality work already performed by NBIB employees and contractors.

DOD transitioned responsibility for background checks to OPM on an ongoing basis over a number of years, beginning in 1999 and culminating in 2004 with an agreement to transfer the functions of the Defense Security Service (DSS) to OPM, which reduced the backlog to normal inventory capacity. In 2016, OPM launched the new, semi-autonomous NBIB to address a number of issues, including the backlog of background investigations caused in part by the cancellation of OPM's contract with U.S. Investigative Services, which had caused OPM to lose 60 percent of its investigative capacity. **In the time NBIB has been in operation, a period comprising less than thirteen months, it has stabilized the number of outstanding investigations, and has recently seen a modest and consistent decrease. The backlog is projected to return to normal inventory capacity within approximately three years.** We are concerned that in the intervening three years DOD takes to acquire the necessary infrastructure and personnel, the progress made by NBIB could be put on hold.

Given that NBIB was established for the specific purpose of reducing the backlog of investigations, it would be a mistake for Congress to remove a majority of these investigations from its purview after giving it only a year to do its job. Rather, we believe the most prudent way forward is to leave responsibility for background checks in the capable hands of the NBIB management and workforce and ensure they have the necessary resources to continue reducing the backlog.

We understand the need for efficiency in the background check investigative process to ensure that qualified individuals are able to serve their country and to promote mission-readiness at DOD. We believe the most appropriate way to accomplish this goal is to ensure that NBIB employees and contractors have the resources they need to do their jobs effectively. As you negotiate the NDAA in conference, we strongly urge you to exclude Section 938 from the final bill.

Thank you for your time and your kind attention to this matter.

Sincerely,



MIKE KELLY
Member of Congress



TREY GOWDY
Member of Congress



ELIJAH CUMMINGS
Member of Congress



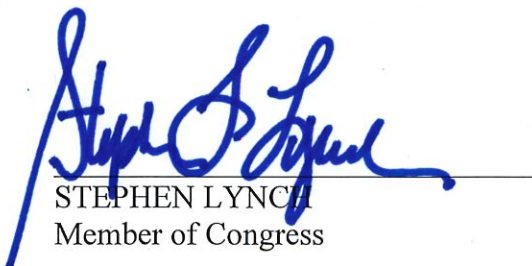
MARK MEADOWS
Member of Congress



KEITH ROTHFUS
Member of Congress



JODY HICE
Member of Congress



STEPHEN LYNCH
Member of Congress