

GAO

Testimony

For Release  
on Delivery  
Expected at  
9:00 a.m. EST  
Thursday  
April 9, 1987

Security Clearance Reinvestigations of  
Employees Has Not Been Timely at the  
Department of Energy

Statement of  
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Before the  
Subcommittee on Environment, Energy, and  
Natural Resources

Committee on Government Operations  
House of Representatives



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Mr. Chairman and Members of the Subcommittee:

We appreciate the opportunity to discuss the results of our review of the Department of Energy's (DOE) reinvestigation of employee security clearances. This review was performed at your request and the results were included in our report entitled DOE's Reinvestigation of Employees Has Not Been Timely, to you on March 10, 1987. This report addresses only one element--employee reinvestigations--of DOE's security clearance program. The results of our ongoing work on other aspects of this program, being performed at your Subcommittee's request, will be provided to you this summer.

Essentially, Mr. Chairman, our review disclosed that DOE headquarters and some field offices have not met DOE's past security clearance reinvestigation goals and, perhaps more significantly, may not be able to meet them in the future. Clearance investigations are important because they are aimed at identifying employees of questionable trustworthiness. Because DOE has not performed many reinvestigations (about 76,000 of 121,000 employees at DOE headquarters and at three field offices we reviewed are overdue for a reinvestigation) employees are being allowed to perform classified work although they may not be suitable for a security clearance. DOE's workforce had included cleared employees holding sensitive jobs in weapons production facilities who had serious drug, alcohol, or other problems that

raised questions about their suitability for clearance. Furthermore, DOE may now have similar employees in its work force but such employees may not be identified until required investigations are completed. Because of the importance of the reinvestigation program, we recommended that the Secretary of Energy develop a plan to bring headquarters and field offices into compliance with DOE's directive on clearance reinvestigations.

Before discussing the details of our review, I would like to provide a brief overview of DOE's security clearance program.

#### BACKGROUND

Many of DOE's programs involve sensitive, national security issues; the nuclear weapons program is one of the most sensitive. To protect these programs from security breaches, DOE requires employees--its own and those of its contractors--to obtain a security clearance to establish their trustworthiness. The investigations required for initial clearances and for reinvestigations are performed for DOE by the Federal Bureau of Investigation (FBI) and the Office of Personnel Management (OPM).

DOE and other federal employees with access to DOE's facilities or records and DOE contractor employees hold about 218,000 clearances. DOE employees hold about 4 percent of the total; contractor employees, about 93 percent; and other government

agencies' employees and congressional staff, the remaining 3 percent.

To ensure the continued trustworthiness of cleared employees, DOE currently requires all cleared employees to be reinvestigated at 5-year intervals.

DOE issues five levels of clearances: Q sensitive, Q nonsensitive, Top Secret, "L", and Secret. An employee with a Q-sensitive clearance has access to nuclear weapons design, manufacture, or use data; disclosure of information along these lines to a foreign, hostile source could cause exceptionally grave damage to the nation. On a lesser scale, an employee with a secret clearance has access to information on the military's plans for using nuclear weapons; disclosure of this information could result in serious damage to the nation. The level of clearance determines the scope and depth of the initial investigation and the reinvestigation; it also dictates the type of information, facilities, and material to which an employee has access. (Attachment I shows the clearance levels and the type of reinvestigation required).

Management of the clearance program is decentralized with responsibility distributed among headquarters and the eight field offices that oversee the activities of numerous contractors at 27 DOE-owned facilities. The headquarters Director of Safeguards and

Security is responsible for setting security clearance policies and directing the clearance program for headquarters employees. The Director is not responsible for staffing or funding the clearance programs at the field offices. DOE's eight field office managers are responsible for their own clearance programs.

Our review was performed at DOE headquarters and the Richland, Washington; Oak Ridge, Tennessee; and Albuquerque, New Mexico, offices which have about 121,000 clearances--about 55 percent of DOE's 218,000 clearances. At the time of our review, about 76,000 of the 121,000 employees in these offices were overdue for a reinvestigation. Clearance information on the type, level, and reinvestigation backlog for these offices is shown in attachment II.

PERIODIC REINVESTIGATION OF  
EMPLOYEES HAS NOT BEEN TIMELY

DOE requires that previously cleared employees be reinvestigated periodically to determine whether personal problems, such as indebtedness, alcoholism, drug abuse, or mental illness, have developed since they received an initial clearance. These reinvestigations are needed to determine whether an employee with such personal problems could be a possible candidate for certain activities, such as espionage, that would endanger national security. Failure to conduct required reinvestigations increases

the potential for security risks because personal problems can go undetected for a long time without DOE evaluating whether a clearance should be revoked. We are concerned that some DOE offices have not fully implemented the periodic reinvestigation program in the past and, perhaps more significantly, may not be able to implement it in the future.

Importance of Conducting  
Timely Reinvestigations

Recent security leaks at various federal agencies have shown that cleared employees can change their behavior in ways that pose a significant security threat. Our review of DOE's reinvestigation program shows that some cleared DOE employees are engaged in activities that raise questions about their suitability for a clearance. For example, in 1984, Oak Ridge's review of security questionnaires completed by employees identified between 2,500 and 3,000 employees who needed a reinvestigation to determine whether problems they reported, such as drug use, were serious enough to warrant terminating their clearances. In addition, in 1986, Oak Ridge identified 250 of 12,000 employees at one facility suspected of using drugs, including 6 security guards who worked at and had access to all parts of facilities where various weapons parts were manufactured. Oak Ridge discussed the alleged drug use with the 250 employees. Subsequently, five of the security guards were

suspended and other appropriate actions are underway for the other guard and remaining employees.

In some cases DOE is provided information about their employees by others, such as the local police, when an arrest is made that raise security concerns. In some instances, those concerns might have been identified earlier if DOE offices had performed required reinvestigations. For example, in our review of the 171 most recent cases (as of July 1986) at Oak Ridge and Richland where clearances were being considered for termination, we found that 22 cases were overdue reinvestigations. If those reinvestigations had been done, their problems may have come to DOE's attention earlier. These employees held sensitive jobs, such as armed security guards, and also had serious alcohol and drug use problems--including on-the-job drug use.

#### Pre-December 1985 Reinvestigation

#### Policy Was Not Fully Implemented

Prior to December 1985, DOE required that only employees with the highest clearance level--about 12,000 of its 218,000 clearances--have their backgrounds reinvestigated every 5 years. Even with this relatively limited reinvestigation program, DOE offices were not able to perform the required reinvestigations. DOE clearance officials attributed their inability to meet reinvestigation requirements to such things as management

inattention, inadequate budget and staff resources, insufficient support from OPM, and an increase in the workload generated by clearance questionnaire forms that DOE revised in 1983.

Specifically, we found that

- headquarters did not do periodic reinvestigations for DOE headquarters employees until 1982 and did not begin doing them for headquarters contractors until January 1987;
- Richland had no reinvestigation program prior to 1985; and
- Oak Ridge had developed a reinvestigation backlog by early 1984.

Albuquerque appears to have met the pre-December 1985 reinvestigation requirements.

DOE attributed the problems with the reinvestigation program at headquarters and the field offices to a variety of reasons. Headquarters security clearance officials told us the funds headquarters requested to perform required reinvestigations between 1977 and 1981 were denied by either DOE, the Office of Management and Budget, or the Congress. Although headquarters received funds and began a reinvestigation program in 1982, a February 1985 report assessing headquarters' security program prepared by DOE's Office of Security Evaluation, noted that headquarters was not conducting



scheduled reinvestigations for contractors because funds and staff were inadequate. Although the report and headquarters officials acknowledged a shortage of funds, our review disclosed that between fiscal years 1984 and 1987, DOE's budget submissions to the Congress stated that it had adequate funds to meet clearance requirements.

A Richland official told us that it did not have a reinvestigation program until 1985 because of inadequate staff and funds and because DOE headquarters did not encourage Richland to conduct reinvestigations. Oak Ridge officials told us they were able to comply with its reinvestigation requirements until 1984 when a newly revised security questionnaire identified over 2,500 cases (out of about 5,000 cases received) with derogatory information that required a background investigation. These cases caused a backlog because adequate resources were not available at OPM to perform the reinvestigations or at Oak Ridge to conduct its part of the reinvestigation review.

#### Obstacles DOE Faces In

#### Implementing New 1985 Requirements

In December 1985, after nearly 2 years of draft review and comment, DOE issued a new Personnel Security Program Order that revised its 1968 order and greatly expanded the scope and depth of the reinvestigations required nationwide. In addition to requiring

requiring 5-year background reinvestigations for about 12,000 Q-sensitive clearance holders, the new order required background reinvestigations for an additional 144,000 Q-nonsensitive and top secret clearance holders, and credit and national agency checks for another 56,000 "L" and secret clearance holders. This policy change resulted in an immediate backlog of about 76,000 employees requiring some type of reinvestigation at Richland, Oak Ridge, Albuquerque, and DOE headquarters. Attachment II shows the impact of the new order at these locations for clearances in effect in July 1986.

Although DOE issued guidance in July 1986 stating that the backlog should be eliminated by 1991, it provided for no additional resources and little guidance on how to reduce the backlog within existing resources. Eliminating the backlog by 1991 will be impossible without a tremendous increase in resources and effort. For example, assuming the current number of cleared personnel, eliminating the clearance backlog, and keeping current with additional clearances coming due for reinvestigations each year will require headquarters and the field offices to greatly increase the numbers of reinvestigations they process. DOE will have to conduct about 24,000 reinvestigations in 1987--up from 4,000 in 1985. The required workload increase at each office ranges from almost 200 percent at headquarters to over 1,100 percent at Albuquerque.

The projected increase in the numbers of needed reinvestigations is only one of several components that may increase the workload of DOE's clearance offices. For example, Oak Ridge's Director of Safeguards and Security told us that alleged drug use information has increased several-fold since January 1984 following introduction of the revised clearance questionnaire. If a similar trend develops at other DOE clearance offices, their workload may also be greatly increased. In addition, investigations that turn up suspected employee drug use may also identify other employees with suspected drug use who will need to be investigated sooner than planned.

DOE has been slow in identifying resource needs and requesting, approving, and providing those resources to address the large workload increase that the December 1985 policy created. For example, during August and September 1986, we discussed with the field offices the expanded workload requirements and their plans for meeting them. None of the offices believed that they could meet the required workload, but none had requested added resources or developed a plan for how they would get current on reinvestigations by 1991. Subsequently, Richland requested three additional clearance employees and Albuquerque requested 13 employees they believed necessary to eliminate the backlog. As of April 1987, Richland had obtained two of the three staff members, but at Albuquerque, the requested staff had not been provided. Furthermore, Oak Ridge had not requested additional staff.

In similar discussions with headquarters clearance officials, we were told that requests had been made to fill two vacant positions and hire four additional staff. They received approval to fill the vacancies and also to obtain temporary help from OPM. Five OPM employees have been temporarily assigned to DOE for 4 months. The first vacancy was filled when DOE transferred one individual in January 1987 to administer the contractor reinvestigation program. The second vacancy had not been filled at the completion of our work, and the request for four additional staff has not been acted on.

Another way to address the expanded workload is to reduce the numbers and levels of clearances. Some DOE actions have shown that this may be possible. For example, in response to a July 1986 report from DOE's Inspector General, DOE terminated 3,000 of over 16,000 active clearances at headquarters for employees no longer affiliated with DOE. Similarly, Richland reviewed its clearance files and terminated over 2,000 of about 16,000 clearances. Albuquerque and Oak Ridge clearance officials told us they are also taking steps to eliminate unwarranted clearances from their files.

In addition, DOE has identified other methods to reduce the reinvestigation workloads, such as downgrading clearances and reducing the area in some buildings in which only cleared employees are permitted. So far, little progress has been made in reducing

clearances from these efforts. For example, Richland is waiting for funding to reduce the size of classified areas in one building.

In summary, Mr. Chairman, our March 1987 report to you identified a number of problems with DOE's security clearance reinvestigation program. Therefore, we recommended that the Secretary of Energy develop a plan to bring headquarters and the field offices into compliance with the December 1985 Personnel Security Program Order. The plan should consider (1) reinvestigation workload requirements, and (2) resources needed to meet those requirements.

Because the reinvestigation workload is directly related to the numbers and levels of active clearances, the first step in the planning process should focus on how those numbers and levels can be reduced. DOE may be able to reduce clearance numbers and levels by ensuring that only employees who require clearances have them, that employees have the lowest clearance level needed to do their jobs, and that clearances for individuals who are no longer associated with DOE are promptly terminated. The results of our ongoing work on the remainder of DOE's security clearance activities may provide more specific suggestions for reducing clearance numbers and levels.

In addition, the Secretary should direct the Assistant Secretary for Defense Programs to review and approve the plan, monitor its implementation, and annually report to him on compliance with DOE directives. This hearing will provide an

excellent opportunity for your subcommittee to explore our recommendations with DOE officials, as well as what they can do to expedite their reinvestigation workload.

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This concludes my testimony. We would be pleased to respond to any questions you or members of the Subcommittee may have.

CLEARANCE LEVELS AND TYPES  
OF REINVESTIGATION REQUIRED

Clearance level	Reinvestigation requirements prior to December 1985*	Reinvestigation requirements after December 1985
Q sensitive	FBI background reinvestigation after 5 years. FBI file and fingerprint check every 5 years thereafter.	FBI background reinvestigation after 5 years. National agency and credit check after 10 and 15 years. FBI background reinvestigation after 20 years. National agency and credit check every 5 years thereafter.
Q nonsensitive (With special access)	OPM background reinvestigation after 5 years. FBI file and fingerprint check every 5 years thereafter.	OPM limited background reinvestigation after 5 years. National agency and credit check after 10 and 15 years. OPM special background reinvestigation after 20 years. National agency and credit check every 5 years thereafter.
Other Q nonsensitive	DOE review of updated personnel security questionnaire every 5 years.	Same as above for all Q nonsensitive clearances.
L	DOE review of updated personnel security questionnaire every 5 years.	National agency and credit check after 5 years. DOE review of updated personnel security questionnaire plus FBI file and fingerprint check after 10 and 15 years. National agency and credit check after 20 years. DOE review of updated personnel security questionnaire and FBI file and fingerprint check every 5 years thereafter.
Top Secret	None.	Same as Q nonsensitive.
Secret	None.	Same as "L."

\*DOE's Deputy Director for Security interpretation of requirements.

CLEARANCES BY TYPE  
AT FOUR OFFICES COVERED

Location	Types of clearances					Total
	Q sensitive	Q nonsensitive	L	Top secret	Secret	
DOE headquarters	3,685	7,593	1,085	189	1,016	13,568
Richland	245	10,516	3,828	0	7	14,596
Oak Ridge	1,290	34,396	6,906	243	1,352	44,187
Albuquerque	3,831	44,017	998	2	14	48,862
<b>Total</b>	<b>9,051</b>	<b>96,522</b>	<b>12,817</b>	<b>434</b>	<b>2,389</b>	<b>121,213</b>

Impact of DOE's December 1985  
Reinvestigation Policy on  
Clearances in Effect in July 1986<sup>a</sup>

Location	Clearances requiring reinvestigations under 1988 policy <sup>b</sup>	Clearances requiring reinvestigations under 1985 policy	Backlog which policy created
Richland	244	14,561	8,911
Oak Ridge	1,282	43,985	29,940
Albuquerque	3,817	48,756	33,314
DOE headquarters	2,936	7,577	3,434
<b>Total</b>	<b>8,279</b>	<b>114,879</b>	<b>75,599</b>

<sup>a</sup>All data in this table are taken from information DOE provided its field offices in July 1986 and is intended to show the increase in clearance workload solely attributable to the December 1985 reinvestigation policy. Data exclude clearances for other government agency employees.

<sup>b</sup>As discussed earlier, Richland, Oak Ridge, and DOE headquarters did not meet these quotas.