

**SECURITY AT STAKE:
AN EXAMINATION OF DOD'S STRUGGLING
BACKGROUND CHECK SYSTEM**

HEARING

BEFORE THE
SUBCOMMITTEE ON GOVERNMENT OPERATIONS
AND THE FEDERAL WORKFORCE
OF THE
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AND ACCOUNTABILITY
HOUSE OF REPRESENTATIVES
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Documents are available at: docs.house.gov.

**SECURITY AT STAKE:
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BACKGROUND CHECK SYSTEM**

Wednesday, June 26, 2024

HOUSE OF REPRESENTATIVES
COMMITTEE ON OVERSIGHT AND ACCOUNTABILITY
SUBCOMMITTEE ON GOVERNMENT OPERATIONS
AND THE FEDERAL WORKFORCE

Washington, D.C.

The Subcommittee met, pursuant to notice, at 2:09 p.m., in room 2154, Rayburn House Office Building, Hon. Pete Sessions [Chairman of the Subcommittee] presiding.

Present: Representatives Sessions, Palmer, Higgins, Biggs, Timmons, Burchett, Mfume, Norton, Frost, Connolly, Lee, and Tlaib.

Mr. SESSIONS. The hearing of the Subcommittee on Government Operations and Federal Workforce will come to order, and I would like to welcome everyone to this important hearing today.

Without objection, the Chair may declare a recess at any time, and I recognize myself the purpose of making an opening statement.

First of all, let me thank the witnesses who are here today. I spent time with them yesterday or the day before to speak with them about the importance of not only what we are doing here today, but the overall importance to the Nation and national security. Today's hearing is with the Department of Defense's National Background Investigative System, and we are going to not only gain a full update of that, but we are going to receive some information that will allow us to get closer to the actual operations underneath of what is happening. A high-quality security clearance process is vital to the security of the United States of America, and as we have seen over the years, when sensitive information gets into wrong hands, the result is far reaching, compromising both the safety of the country as well as the lives of the citizens. So, today's discussion is a very important one.

In 2015, the Office of Personnel Management—OPM—announced that it had suffered a significant cyberattack, one that exposed the personal information of over a million people. In fact, over 21 million people who completed forms for security clearance investigations and had submitted fingerprints had their personal informa-

tion stolen by hackers. The massive breach led to the security clearance process shifting from where it was at OPM to the Department of Defense where it currently resides. However, we know that what happened there is that DOD was taking on an issue that was flawed and had to start from the beginning. They had to start with reforming the Federal personnel vetting system and also the mechanics behind that. Hopefully today's hearing will help us understand not just why, but how we can further our confidence that they are headed the right way.

DOD now conducts 95 percent of all background investigations for over a hundred agencies, most of the personnel vetting for the entire Federal workforce. In 2016, DOD, through its Defense Counterintelligence and Security Agency or DCSA, began crafting the idea of a new innovative personnel vetting information technology system. That system is called National Background Investigative Services System, or NBIS. This product was supposed to be a one-stop-shop system covering all phases of personnel vetting—electronic forms, managing investigations, recording decisions—and making sure that became available not only to them, but also the users. However, at this point, after all that planning, the system is only being used for initial application portion of the vetting process. In other words, this system is only able to handle the first planned capacity that it was supposed to initiate back in 2016. We are now in 2024.

Initially, DOD said the system would be fully operational in 2019. That deadline has long passed. Next, they said the system would be fully up and running at the end of Fiscal Year 2024. We are about halfway there right now this year. However, recently, users were instructed in a large process that was virtually a town hall meeting, were instructed to stop using the system completely for the time being and to revert to the older system, which was supposed to be phased out by fall of this year. Even more troublesome, DOD has not thoroughly planned for the cybersecurity of both systems, potentially exposing millions to the threat of another attack.

Like so many matters this Subcommittee addresses, today's discussion is not a partisan one. The gentleman from Maryland and I tend to see virtually the same way national security, the money that is spent by taxpayers that has been appropriated by this Congress, and the need to make sure that he and I continue to work together to see things, where it deals with national security, similarly. I think my colleagues across the aisle also agree that these issues—ongoing delays with the rollout of an effective and efficient personnel vetting system—are important to every single person, including the security of this great Nation. So, I think that we will all agree that today's discussion is not a bureaucratic formality, but a necessity. We must work together, and this is an issue that I discussed with both of our witnesses yesterday. By the way, we took pictures a minute ago. One noted, "well, I wonder what the after-meeting picture will look like." So, the before meeting picture was most professional. I will tell you so will the after because you will be dealt with professionally in this Subcommittee, not just by Members on my side, but also Members on Mr. Mfume's side.

So, today we are pleased to hear from David Cattler, the Director of the Defense Counterintelligence and Security Agency; and Alissa Czyz, Director of the Defense Capabilities Management from the GAO, Government Accountability Office. I look forward to working with each one of you today, and our work is not done today, but today is an update, and I want to thank each of you. And I would like to yield such time as the distinguished gentleman from Maryland would choose. The gentleman, Mr. Mfume, is recognized.

Mr. MFUME. Thank you very much, Mr. Chairman, and I clearly echo your comments with respect to the way this Committee has operated in this last Congress. Both you and I try to find a common path, and where we disagree or diverge, we recognize that we retain that right, but the decorum of the Committee, the purpose of the Committee, the findings of the Committee, and the oversight of the Committee is something we absolutely and totally agree upon. So, I am happy to be here at this particular point for this hearing, which, as you said, means a lot to all of us, and when it comes to national security, we try as best we can to speak with one voice.

This Subcommittee, Mr. Chairman, has been focused laser-like on ensuring that our Federal Government effectively executes the essential services and the essential functions that our national security demands while safely guarding, at the same time, all of the American interests against all of the possible threats. As our Nation faces malign actors, we need a talented, very reliable and trustworthy Federal workforce now, actually more than ever before, to protect our fragile democracy.

A rigorous and timely personnel vetting system minimizes the risk of unauthorized disclosures and classified information. Unfortunately, the information technology system supporting the national background check process has attracted our attention today precisely because efforts to modernize it have been so inefficient, impeding other efforts to update the clearance process and to fill sensitive positions of trust within our government.

As far back as 2008, the Federal Government formed the Security Sustainability and Credentialing Performance Accountability Council, also known as the PAC, to address longstanding problems with timeliness with effectiveness and the overall process for granting security clearances. However, as I indicated before, inadequacies persisted, leading to the Government Accounting Office to add the governmentwide personnel security clearing process to its High-Risk List 6 years ago in 2018.

The system had skyrocketing processing times, which created, as we know, a towering backlog of qualified individuals who could not start serving in national security roles because of a backlog. Subsequently, the PAC launched the Trusted Workforce, or TW 2.0, initiative to fundamentally overhaul the Federal personnel vetting system and to take on backlogs and other issues. While that initiative takes noteworthy steps, Mr. Chairman, toward meeting the demand of our national security workforce, the underlying personnel vetting IT system called the National Background Investigation Service, or NBIS, may, in fact, hinder the success and the successful delivery of TW 2.0's mission.

NBIS was originally created to replace outdated and decades-old legacy office. That office was within Personnel Management. IT systems in 2019, however, have fallen short in many respects of their laudable mission and fallen short of meeting, quite frankly, their expectations. A 2023 GAO report ordered by this Congress found that after \$654 million spent and 8 years of development, along with \$835 million spent on maintenance of the system that NBIS is meant to replace, DOD still lacks—still lacks—a reliable schedule and cost estimate for fully developing NBIS. Now that the full deployment of NBIS has blown past—way past—its original projected deadline of 2019, TW 2.0 is left floating in the wind.

According to a GAO report in January of this year, of 31 surveyed Federal agencies, more than 50 percent do not trust each other's security clearance, vetting process, or anything else, and that more 50 percent feel the need to compete—or complete, I should say—on their own duplicating efforts, which, in turn, then prolongs the hiring efforts. While the Defense Counterintelligence and Security Agency has made some improvements and has introduced new NBIS capabilities since taking over that process in 2020, it quite simply still is not enough to be able to retain, attract, and secure high-quality employees. Extensive wait times force talented agency recruits to pursue employment outside of the government when their security clearance stretches for months and sometimes years, and can you really blame them for wanting to wait and to hang around for things to change? On the other side of the coin, inadequate security clearance processes may allow the wrong people to access sensitive government materials, thereby endangering, directly or indirectly, national security.

So, today we face a global threat landscape populated by even more dangerous adversaries, as we know. The bottom line is that our government security clearance process cannot keep up with the challenges we face at home and abroad if we do not address shortcomings within basic IT systems. So, I want to thank our two witnesses for participating in today's hearing. Like you, Mr. Chairman, I look forward to learning more about how DOD plans to remedy this issue and how we as Members of this Subcommittee can collaborate on efforts needed to put the NBIS project back on track. And with that, Mr. Chairman, I yield back the balance of my time.

Mr. SESSIONS. The gentleman yields back his time. I really want to thank both of our witnesses who are here today. Both of them spent a great deal of time with me and the staff yesterday or the day before as we spoke about their preparation, our expectations, our performance, and the things that they would be doing. And I think you capsulized the need very well, and I want to thank the gentleman.

So, I am pleased to welcome our two witnesses. Mr. Cattler serves as Director of the Defense Counterintelligence and Security Agency. In this role, he was selected because of his demonstrated not just background, but his commitment to the national defense and national security of this great Nation, and I believe he was chosen properly. Mr. Cattler is responsible for leading the efforts to protect America's trusted workforce, trusted workspace, and classified information, and I want to thank him for being here. Ms. Alissa Czyz serves as the Director in the Defense Capabilities and

Management team at the Government Accountability Office. In her role, she oversees reviews on the personnel security clearance processes, artificial intelligence, intelligence infrastructure, and DOD approach to business transformation. Let me say this. I was impressed with her depth of knowledge, her ability to effectively communicate and to share that information so that others, including Mr. Cattler, would know what he is getting into.

Thank you, each of you, for joining us today. I would now like to ask both of you to stand and rise. So, pursuant to Committee Rule 9(g), the witnesses will please stand and raise their right hand.

Do you solemnly swear or affirm that the testimony you are about to give is the truth, the whole truth, and nothing but the truth, so help you God?

[A chorus of ayes.]

Mr. SESSIONS. Let the record reflect that both the witnesses answered in the affirmative. I want to thank both of you and ask that you take your seat.

We appreciate you being here today. Let me remind the witnesses that we have read your testimony attempted to be prepared for you, and it will appear in full in the Committee hearing record. As I told both of you when we spoke, while we have oral statements of 5 minutes, I am going to be, as I always am, lax on that and want you to take the time to get things done on your oral presentation, notwithstanding that may change a bit as we get into questions and answers. I need you to make sure that you are passing the information to this Committee and did not believe it could be effectively done in 5 minutes. So, the distinguished gentleman will have to put up with my review of that, but I would like for us to learn what they have to say, and I am delighted that they are here.

Just to remind you, please press the button on the microphone in front of you so it is on and all Members can hear you when you speak. The light in front of you will also turn red and green, and I think you will figure out the rest of it.

I now would like to acknowledge and welcome the distinguished Director Cattler for his opening statements. The gentleman is now recognized.

**STATEMENT OF DAVID CATTLER
DIRECTOR
DEFENSE COUNTERINTELLIGENCE AND SECURITY AGENCY
U.S. DEPARTMENT OF DEFENSE**

Mr. CATTLER. Thank you. Chairman Sessions, Ranking Member Mfume, and distinguished Members of the Committee, I am truly honored and grateful for the privilege to testify before you today. I thank you for the urgency and for the attention you are giving to the Trusted Workforce 2.0 policy initiatives and to the National Background Investigation Services or NBIS program. I will act with the same urgency to ensure that DCSA is responsible and accountable in both what we say and what we deliver.

I appreciate this opportunity as well to testify with Ms. Cxyz at this hearing. The Government Accountability Office has conducted several reviews of the NBIS program between both 2021 and 2023,

including a recent report on cybersecurity that was published last week and another report assessing technical controls for background investigation systems that will be published later this year in 2024. The GAO identified areas where DCSA and the Department of Defense needed to improve.

Even before I became DCSA's Director 93 days ago, I closely studied these reports and noted GAO's concerns. These recommendations do guide my focus and my direction as the Director of DCSA. I have directed that we renew our focus on these recommendations and that we close the action items presented within them as soon as we can. This includes the recommendations from the GAO cybersecurity report even before it was completed.

In early May, after only about a month as Director, I hosted Ms. Czyz and several of her colleagues to understand GAO's methodology and analysis to determine any additional concerns they might have beyond those described in their reports and, frankly, to understand how my Agency interacted with GAO. I am committed to building a culture of accountability at DCSA that was lacking in the program. Simply and directly, the delay in fielding NBIS is unacceptable to everyone. Oversight from GAO and Congress are important parts of this ecosystem of accountability. As we move forward, we will be guided by what is in the best interest of national security and what is in the best interest of the taxpayer.

DCSA is the largest security agency in the Federal Government. Its purpose is to provide integrated security services that protect America's trusted workforce and cleared workspaces. We perform five primary missions for the Department of Defense and the broader Federal Government: personnel security, industrial security, counterintelligence and insider threat, and security training. I am here today before you to focus on our personnel security mission.

DCSA is the Federal Government's largest investigative services provider, providing vetting services for 95 percent of the Federal Government. Last year, DCSA's personnel security mission conducted 2.7 million investigations, or 10,700 investigations, per day. We delivered 668,000 adjudicated decisions based on those investigations, and we performed the continuous vetting of over 3.8 million people in the trusted workforce. DCSA is also the primary implementer of the Trusted Workforce 2.0, or TW 2.0 Program, which is a personnel vetting reform initiative the White House's Performance Accountability Council, or PAC, launched after the OPM breach in 2016.

The NBIS program supports the TW 2.0 reform effort as a Federal IT system for end-to-end personnel vetting. When complete, NBIS will deliver robust data security, enhanced customer experience, and integrate data access across the whole of government and cleared industry. Some efforts implementing Trusted Workforce 2.0 are going well, but we have faced challenges delivering NBIS to meet the expected timelines for Trusted Workforce 2.0 implementation.

TW 2.0 sets an ambitious vision to change the personnel vetting operating model for the Federal Government, with the goal to detect and mitigate workforce risks and to expedite the entry of new employees into the Federal workforce. As the primary investigative

service provider and the Agency with a task to deliver NBIS, DCSA is an enthusiastic partner and collaborator with DOD stakeholders and PAC members driving this TW 2.0 vision.

We have made notable progress with NBIS and without NBIS. For case initiation, we transitioned our customer base of 115 Federal agencies and more than 10,000 industry companies to the new entry point via a piece of NBIS called the electronic application, or eApp, to submit an investigation request. The eApp interface automates key aspects of the process and streamlines the submission process for the user, and I am proud to give you the update now that the eApp system is fully operational, again, effective today, and restored fully as the front end for all users. Our continuous vetting services to replace periodic reviews are driving down risk as well in the trusted workforce. Our CV services are being used across the Department of Defense and more than 90 non-DOD entities with more than 3.8 million personnel enrolled. The program is preparing to expand to a wider Federal population this summer. Also, rapid reciprocity decisions increase workforce mobility within and into the Department of Defense. Reciprocity timeliness remains at all-day lows for transfers into the DOD. In 2020, reciprocity transfers took 65 days. I am proud to say we are now down to only 1 to 3 days today.

We recognize that IT modernization is hard and, in the past, the NBIS program also made some decisions that made that process harder for ourselves and for the user community. As a result, NBIS faced a series of problems. In addition to the issues raised by the GAO, we found from further internal analysis and other DOD assessments of the NBIS program, other key problems across a variety of aspects including oversight, software development.

I am missing a page. Apologies, Mr. Chairman and Ranking Member.

We feel an urgency to move quickly because we are behind the expected delivery schedule and because the Nation needs NBIS to support the personnel vetting mission. However, we also need to move forward at a responsible pace to ensure that we understand the problems and are addressing them. With the help of our partners in the Department and the GAO, we developed a recovery plan to fix these problems, including NBIS' cost, its delivery schedule, and its overall performance. An outcome of the recovery plan is initial 18-month capability roadmap for NBIS development. This roadmap was developed with our oversight agencies and other stakeholders. It addresses TW 2.0 technical requirements and secures resource alignment across the DOD. We have multiple cross-agency teams working daily preparing to meet the milestones in this roadmap, engaging with oversight for approval and with our customers as we move forward with improvements. To be clear, NBIS development will extend beyond the next 18 months, but I am confident with this path forward to reset the program.

By the end of June, DCSA, working with our oversight partners in DOD, is staffing for signature the following documents: an updated capability needs statement and user agreement; requirements, governance, charter, and related process document; and a program capability roadmap for digital transformation that will be vetted with all critical stakeholders. These documents will provide

clarity on program requirements to inform the NBIS capability roadmap and an updated lifecycle cost estimate for the program.

DCSA has also onboarded new leadership to implement the roadmap coming out of this recovery period. We have not just myself, but also a new NBIS program manager and a new program executive officer for my Agency. The NBIS program leadership have a plan in place to restructure and upskill the team to add technical, agile, and acquisition expertise and skills.

The NBIS program leadership also has evaluated and aligned a disciplined contracting strategy to support the way forward. By the beginning of October, we will have an updated independent cost estimate to assist with a reliable funding profile to both stabilize and sustain the program. We will continue to engage with customers and partners to ensure that their feedback is incorporated into the design and the configuration of capability development and configuration management as we implement this new capability roadmap.

And to aid my strategic guidance into ensure internal accountability, I have also directed my Agency's Inspector General to audit the NBIS program. The DCSA IG will collect all historical documentation to support this assessment with a specific focus on the fiscal years between 2021 and 2024, when my Agency took direct responsibility. I will ensure he has the full cooperation of the DCSA workforce and full access to all DCSA records to conduct his investigation. Taken together, this will improve our visibility of the program, allow us to craft lessons learned, and to further enable us to achieve our goals to deliver NBIS.

So, to conclude, DCSA will move forward with a program that instills confidence, a program that delivers capabilities to uphold this mission without fail. We have embraced collaboration with our oversight partners, the GAO, DOD, PAC members, the mission owners, and I would add Congress as well. Together, we will take NBIS on a sustainable pathway forward to protect the trusted workforce, to protect the Nation, and to ensure the public's trust. I am confident in our path forward, and I do expect to be held accountable. I look forward to your questions. Thank you.

Ms. SESSIONS. Mrs. Czyz, we are delighted that you are here. The gentlewoman's recognized.

**STATEMENT OF ALISSA CZYZ
DIRECTOR
DEFENSE CAPABILITIES MANAGEMENT
U.S. GOVERNMENT ACCOUNTABILITY OFFICE**

Ms. CZYZ. Chairman Sessions, Ranking Member Mfume, and Members of the Subcommittee, I am pleased to be here today to discuss GAO's on personnel vetting and, specifically, the National Background Investigation Services System, or NBIS for short. As you know, the U.S. Government relies on over 4 million personnel with security clearances to provide critical public services. Personnel vetting processes help ensure a trusted Federal and contractor workforce, but the government has struggled with managing personnel vetting for decades. In fact, this issue first appeared on GAO's High-Risk List in 2005. After some improvements, it came off in 2011, but we had to add it back onto the list, as the

Chairman noted, in 2018 due, in part, to challenges with IT systems.

My statement today focuses on the progress and challenges with NBIS, which underpins the government's efforts to reform personnel vetting. I will focus my statement on three key areas—NBIS' schedule, cost, and cybersecurity—and I am happy to go into more detail during Q and A.

First, with respect to schedule, DOD is years late in delivering a fully functional modern IT system intended to support all phases of personnel vetting. As you know, cybersecurity incidents in 2015 compromised OPM systems containing data on over 22 million Federal employees and contractors. DOD was given the responsibility for a new IT system after this breach and began developing NBIS in late 2016. DOD had originally planned for NBIS to be fully functional in 2019, and then August 2022, and then December 2023. And today, while some capabilities have been deployed, NBIS is still under development. In the meantime, DOD has had to maintain legacy IT systems, including ensuring their cybersecurity.

Second, with respect to costs, undertaking a major IT program is expensive. Last year, we reported that DOD had spent over a half billion dollars on developing NBIS and would spend another \$700 million through 2027. It had also spent over \$800 million to maintain legacy systems while it develops NBIS. These numbers have most certainly increased since the time of our review. With delays in schedule come increased costs. These issues are not new. GAO first sounded the alarm about NBIS in 2021. We reported then that DOD did not have a reliable schedule for the NBIS program and risked missing milestones. In 2023, we re-looked at NBIS' schedule and found that it still did not meet our published best practices for a reliable schedule. We recommended to DOD in 2021 that it takes steps to improve its schedule. DOD did not. In 2023, we raised this as a matter for congressional consideration to require DOD to do so. We also found that DOD may be unable to accurately project NBIS costs. We suggested Congress also require DOD to follow our best practices for developing a reliable cost estimate.

Finally, with respect to cybersecurity, DOD must get this right. We cannot have another breach like we did in 2015. Until NBIS is fully functional, DOD must ensure the cybersecurity of both the new systems it is developing as well as the legacy systems. In a report we released last week, we made 13 recommendations to DOD to enhance cybersecurity of these systems. However, not all is without hope. The government's personnel vetting reform effort, called Trusted Workforce 2.0, has the potential to significantly improve security clearances by offering continuous vetting instead of conducting investigations on employees once every several years. NBIS is the linchpin to this reform effort. While DOD was not always listening, we are encouraged with the recent leadership changes, particularly at the Defense Counterintelligence and Security Agency, which manages NBIS.

As DOD gets NBIS back on track, I cannot emphasize enough that it needs to embrace key program management principles like having a reliable schedule and cost estimate. Without these, the program will continue to suffer setbacks. In summary, NBIS simply

cannot fail. Having fully functional and secure IT systems to conduct personnel vetting is paramount to keeping our Nation safe.

Chairman Sessions, Ranking Member Mfume, and Members of the Subcommittee, this concludes my prepared remarks, and I would be happy to address your questions.

Mr. SESSIONS. Thank you very much. Both witnesses have given us back their time. Now I would like to go first to the distinguished gentleman from South Carolina, Mr. Timmons. You are recognized for 5 minutes.

Mr. TIMMONS. Thank you, Mr. Chairman. Good afternoon. Thank you to the witnesses for being here today.

I am going to jump right into the issue of continuous vetting. Continuous vetting is supposed to be one of the major reforms in Federal personnel vetting. Mr. Cattler, is every member of the military, civilian workforce, and contractor with a security clearance currently subject to continuous vetting, and if not, when will this be the case?

Mr. CATTLE. Congressman, yes, I believe they are all enrolled currently.

Mr. TIMMONS. That is good news. OK. Well, did not expect that answer. I appreciate that.

Ms. CZYZ. Could I jump in real quick?

Mr. TIMMONS. Yes, Ms. Czyz, please.

Ms. CZYZ. So, it is true that they are all enrolled at this point, those with security clearances, but it is our understanding that not all of them are undergoing continuous vetting at this time. There is varying degrees of when CV is going to be implemented. So, "enrolled" means that they are ready to undergo vetting. It does not necessarily mean they are undergoing the entire continuous vetting process, which is several checks. Some of them may be getting a few checks, some of them may be getting no checks, and some may be getting more. So, that is our understanding.

Mr. TIMMONS. Thank you for the clarification. How do you prioritize which individuals will have additional scrutiny? Mr. Cattler, is that an ongoing process, I mean if they are enrolled but they are not currently receiving the additional vetting?

Mr. CATTLE. Yes, sir. That is both. We are doing it and it is an ongoing process, and we take a look at how long they have been cleared for. We also take a look at the nature of the positions that they are in when we do that prioritization.

Mr. TIMMONS. OK. Thank you. The track record of the NBIS system raises concerns about what exactly has been going on at DCSA since it was formed. Mr. Cattler, what kind of review are you planning with respect to personnel vetting, and how can we be sure that no bad actors have gotten through the cracks in past years?

Mr. CATTLE. Well, Congressman, I think I would answer you in two main ways. One is, again, I am on day 93 in the job, and I have asked for a zero-based review. I had begun that even before I interviewed for the job, and then certainly in the time I have been in. Take a look at what our business processes are and how we are structured. And, this is in part why I also said in my statement for the record that we did identify a number of leadership issues about internal accountability, compliance with internal con-

trols, for example, reliability of data that was reported up about the status of the program.

But the other thing we do is a tremendous amount of quality control checks on the cases that we do reviews on. We are adjudicating essentially for suitability, further decisions that are then taken by the operational partners, the agencies that use our adjudications to determine who should actually have access to certain material. And so, we take a look at are we accurate and complete, but we then also have to work with other partners to determine when we have had someone, let us say, that has gone bad. Simply, what was the cause? Did we miss something? Was their behavior different? What changed over time to have that break in trust?

Mr. TIMMONS. And while we are going to be asking questions that will address shortcomings, I do want to say that I am probably the only person up here that has gone through a security clearance review in the last year and a half, so I will say it was extremely professional. It took a little longer than I would have thought, but they did a very thorough job, and I felt like they did a very good job.

I also want to talk briefly about the costs associated with the Trusted Workforce 2.0. This program was initiated in 2018 and was aimed to “better support agencies’ missions by reducing the time required to bring new hires on board, enable mobility in the Federal workforce, and improving insight into workforce behaviors.” However, as made clear by the testimony today that is not necessarily the case. It has been 6 years since the launch of the program, and yet we have seen no necessarily positive results. The security clearance system is still extremely backlogged, and, as already mentioned, dangerous individuals continue to slip through the cracks.

We have to do more. DOD is responsible for the costs associated with the development and continued maintenance of the NBIS system. Between 2017 and 2022, DOD spent approximately \$654 million on the development of that system. We are \$35 trillion in debt, and we add a trillion dollars in debt every hundred days, so, I mean, that seems like an enormous amount of money for a program that it just seems like it is more than we necessarily should need to spend on this.

I would like to hear from both witnesses what their estimates are of how long it takes from the time an agency sponsors somebody for a clearance to the time they get a clearance. Mr. Cattler?

Mr. CATTLE. Thank you, Congressman, for both parts of the question. First, let me say on the money and the time here, I completely agree with you. It is unacceptable how we have gotten to where we are, and we need to turn this thing around. I am trying to move deliberately, not overly slowly, because I think I share the same sense of urgency that you are communicating. We are 8-and-a-half years into a 3-year program. We spent \$1.345 billion on a \$700 million program that was begun in 2016. That is why I also have a sense of urgency, but at the same time, I recognize that we have got to catch our breath and make sure we get it straight before we move forward. That is why we just did this 90-day review and why we are laying out this better 18-month roadmap that all the stakeholders have contributed to and will agree on.

On performance, if I track the fastest 90 percent of cases, if I take a Tier 3 security clearance or a secret, it now takes 92 days, and a Tier 5 or a top-secret clearance takes 188 days. Those are a 7-month improvement for a Tier 5 investigation, and a 1-month improvement for a Tier 3 investigation over where we have been in the past at the peak of that backlog. The time is slower than the target due to surge in demand. Frankly, we have more applications now, between ten thousand and 11 thousand new applications for investigations per week, and that has added up to quite a number of cases that the team has to process.

Mr. TIMMONS. Thank you. I am over time. It seems like we are moving in the right direction. I appreciate all your hard work. Mr. Chairman, I yield back.

Mr. SESSIONS. The gentleman yields back his time. Thank you very much. The gentleman, Mr. Mfume, is recognized for his time.

Mr. MFUME. Thank you, Mr. Chairman. Mr. Cattler, I want to talk about that \$1.3 billion, but before I do that, you indicated that you are going to have an updated cost estimate by October. Is that correct?

Mr. CATTLE. Yes, Mr. Ranking Member, that is correct.

Mr. MFUME. And rather than to read about it, can you make sure that Members of this Committee get that as soon as it is released?

Mr. CATTLE. Yes, sir. I will do everything I can to get it back to you.

Mr. MFUME. And, you know, you just got in the position, so we just cannot nail you to the cross for everything that has gone on. I think what you will find is Members of this Committee prepared to extend to you the benefit of the doubt, but that is a lot of money, \$1.3 billion into a program that costs maybe half of that or should have cost half that amount. Can you talk about how far you are into this review, particularly as it relates to redundancies in the spending over the past 3 or 4 years? So, I am talking about contractors, redundancies in contracts that were underperforming, and whether or not those are some of the things that you are looking at.

Mr. CATTLE. Again, thank you for your question. This is a very important part of how we have approached this last 90 days.

Mr. MFUME. Mm-hmm.

Mr. CATTLE. We looked at three strategic baskets of issues, first personnel. Did we have the right people in the right place with the right qualifications to tackle this work? Was their training up to date? Do they have the right skills? We have had a lot of advice on who else to hire, who else to bring in, for example, user experience experts, people that can help us a little bit more with data architecture. We have sent our people out for Agile training. We have had over 140 receive updated training in Agile methods for software development, and we sent some of the program management staff over to the Defense Acquisition University as well for further training on program management-related skills.

The second basket we looked at was procurement and our contract structure. Did we have the right framework? Did we have the right priorities? This balance, sir, as you have highlighted, between doing new system development and legacy system sustainment is critical to the path we need to take forward. Of that \$1.35 billion,

we spent more than \$800 million of that, yes, on new software development, but the remainder of it did go to legacy system sustainment. So, we need to prioritize the retirement of the legacy software systems with the thought of how much they cost and, ideally, eliminate, sunset the programs that cost the most at the earliest opportunity if the technology will allow us to do so. And that is one of the things the program manager and our contract staff are taking a look at.

And then finally, oversight is another key piece that we looked at, and not this form of oversight per se, although, again, I am happy to be here. We also looked at the relationship between myself and the GAO; myself, my Agency, and the Office of the Secretary of Defense; and my office, my Agency back with the Performance Accountability Council about transparency and accuracy.

Mr. MFUME. And let me go back to this subject of continuous vetting. I said in my opening remarks, not only was I fearful that good people were not being allowed in, but that bad actors had slipped in. So, this continuous vetting, which I understand now is more than just enrollment, it is like do you drive? Yes, I have a car. Have you driven in the last year? No, I have not. I am very much concerned about how you go about prioritizing the continuous vetting. So, should I assume that the people with the highest clearance are not only enrolled, but are being continuously vetted?

Mr. CATTLE. Yes, sir, but again, as Ms. Czyz says, it may vary based on where they are because, again, they are all eligible, they are all enrolled, but the extent of the monitoring may vary. I have statistics here that I could give you for Fiscal Year 24, Ranking Member, if you would like, about the performance of CV.

Mr. MFUME. Yes. I would rather you give them to me as part of your written testimony. I do not have much time here, but I do want to go back to the GAO here and to ask, you talked about your real recommendations to the Agency would be to deal with their scheduling, their costs, their cybersecurity issues. Could you take this last minute and speak about that please?

Ms. CZYZ. Yes, I would be happy to, and we are looking forward to seeing the new roadmap and plans, but I will say that we have reviewed multiple NBIS roadmaps over the years, and none of them had reliable schedules. In fact, when we did a review in 2021, it was unreliable. In our 2023 report, when we re-looked at the new roadmap and new schedule, it was actually worse than the 2021. So, it is great that new plans are being formed, but it is essential that you follow best practices for integrated master schedules to get the plan right, or else we are just going to keep repeating this over and over.

I would also like to mention on the cost estimate, very, very encouraged to hear that DCSA is going to pursue an independent cost estimate. That was one of the recommendations we had according to our best practices, too. I mean, the point about already spending over a billion, a billion-and-a-half dollars on the program for several more years, just keep in mind those estimates were unreliable, too. So, it could have been more, so we do not know, right? We are at a point now, Mr. Cattler is here. He is new. He is putting great things in place. We really appreciate that he invited us down. He has read all of our reports. He takes them seriously. But our best

advice would be to just, please, you know, it is great to move forward, but make sure we have got these key program management principles in place, and the same with cyber, too. Kind of the main message of our cyber report last week with the 13 recommendations is there was limited oversight of cybersecurity within DCSA, so strengthening oversight of cybersecurity is essential as well.

Mr. MFUME. Thank you very much, Mr. Chairman. My time has expired. I would hope that perhaps in 6 months or so, we can reconvene all over again and do a review of where we are, where we started, which is today, and where we will be 6 months later just to have some contrast and some comparison.

Mr. SESSIONS. The gentleman yields back his time. Thank you very much. As a matter of fact, we have talked about that and would aim for October.

Mr. MFUME. Good.

Mr. SESSIONS. Thank you very much. This distinguished gentleman from Arizona, Mr. Biggs, is recognized.

Mr. BIGGS. Thank you, Mr. Chairman. Thank our witnesses for being here. Ms. Czyz, I want to make sure I am clear on this. From 2017 to 2022, it was \$654 million, from 2022 to 2027, it is anticipated to be \$700 million for NBIS, and then just in a legacy system, that \$800 million, that is to date during this same period?

Ms. CZYZ. It is actually only from Fiscal Year 2020 to 2022. That was the only information available at our last review, so it is much more actually than that.

Mr. BIGGS. For the legacy.

Ms. CZYZ. For the legacy systems, yes.

Mr. BIGGS. So, I would ask Mr. Cattler if you can get that information for us so we would know. You have it? Oh, well then, Mr. Cattler.

Mr. CATTLE. Thank you, Congressman Biggs. DOD has spent approximately 825 million on NBIS system development since 2016. That money was spent to build the end-to-end vetting system to replace the legacy systems, and that total of \$825 million was executed under budgetary authorities by both DCSA and DSA before.

Mr. BIGGS. OK. And that is separate than the \$1.35.

Mr. CATTLE. The total is \$1.35 because the remaining 40 percent, which is about \$575 million—

Mr. BIGGS. OK.

Mr. CATTLE [continuing]. Was spent on sustaining legacy systems to deliver the personnel vetting systems to DOD and Federal agencies between fiscal 2021 and fiscal 2023, with the bulk of the \$575 spent on supporting legacy BI systems, which we call BIS.

Mr. BIGGS. Does that track with what you know, Ms. Czyz?

Ms. CZYZ. Our number is a little bit higher than that. In addition to that \$500 million-ish that Mr. Cattler mentioned, there are also costs to OPM because the legacy systems still reside on their network, and so they still have to maintain that infrastructure even though DCSA is in charge of those legacy systems. So, we have that at a little bit over \$250 million more than DCSA stated.

Mr. BIGGS. Right. I see. And then, and Ms. Czyz, you used the term “unreliable schedule,” and you mentioned it, receiving unreli-

able schedules. Tell us what a reliable schedule would look like, please.

Ms. CYZ. Right. So, we have four key practices that we are looking for that we assess integrated master schedules on. Comprehensiveness. So, we looked at the schedule, and we could not see that all activities were in the schedule. So, it is kind of like building a house but not remembering that you have got to get the permits, right? You have got to get electricity. You have got to get plumbing. All the tasks need to be in the schedule. Control is the second key practice. The schedule, when we reviewed it, was missing status dates for tasks, and we could not compare actual progress with a baseline. Credibility is the third key practice. This is being able to trace events to each other and have a risk analysis. There was no risk analysis in the schedule. And then well-constructed logical sequencing. We could not consistently find sequencing between different activities. So, in fact, none of those key practices were met. They were all judged as minimally met in 2023. They need to be all substantially met to have a reliable schedule.

Mr. BIGGS. So, I mean, with the logical sequence, you are talking about putting the roof on before you put the walls in.

Ms. CYZ. Yes. Good analogy.

Mr. BIGGS. OK. And, Mr. Cattler, I know you have only been on 93 days. I want to give you a chance to respond. I am not blaming you, but in your written testimony, you said the analysis of the NBIS program identified several key problems, including in oversight, software development methodologies, acquisition strategy, team competencies, and leadership, and Ms. Czyz has identified some additional problems. And it leaves this question actually as I read it, I kind of jotted this down, actually, three questions. Why, what caused the problems, how do you cure them, and is there anything that you have found going right because, I mean, these are pretty comprehensive and broad. So, what is going right?

Mr. CATTLE. Well, thank you, Congressman. Let me start there maybe—

Mr. BIGGS. Yes.

Mr. CATTLE [continuing]. What is going right.

Mr. BIGGS. Yes.

Mr. CATTLE. I think that, first, what is going right now in terms of strategic performance is that we are, in fact, delivering those 2.8 million investigations a year and 10,700 a day, and we are satisfying that CV function, obviously, in order to get that done. We have delivered eApp as a key element of NBIS, as I said, just fully restored again today. And the reciprocity work, again, under Trusted Workforce is also, I think, a big deal in terms of overall performance delivery.

In terms of who is to blame and who is at fault, what I would say is I think the investigation so far has indicated that there is plenty of blame to go around. We had many issues in various places within the program—

Mr. BIGGS. Before I run out of time because you get to answer past my 5 minutes. I do not get to ask questions past my 5 minutes. So, my question is, because you talked about culture of accountability, ecosystem of accountability, and you just said there is plenty of blame to go around. How do you mesh the blame to go

around with the ecosystem of accountability, I mean, because you talked about hiring new people and getting the right people and everything. You did not talk about maybe letting go of some people who should not be there.

Mr. CATTLER. Yes, Congressman. We have had some people move on. We have, even in the time that I have been on board, have had to make some of those changes internally to the team. I think it is fair to say, too, that the dynamic of communication internally and external is fundamentally different now since the end of March. I have worked with my colleagues that are involved in my oversight now for more than 2 two decades, know them very well professionally and personally. We are locked arm in arm on this. And I feel like I should also say to you that while it is not my fault, it is my responsibility to be sure that DCSA delivers on this set of requirements. It is critical that we do so.

Mr. BIGGS. Well, thank you. Thanks, Mr. Cattler. My time has expired. Thank you, Mr. Chairman, for indulging me.

Mr. SESSIONS. The gentleman yields back his time. Thank you very much. The distinguished gentlewoman from Washington, DC, Ms. Norton, is recognized.

Ms. NORTON. My first question is for Ms. Czyz. Efforts to modernize the information technology system at the root of the U.S. Federal personnel vetting process is years behind schedule and well over budget. In August 2023, the Government Accountability Office released a report that found DOD's development of that system, known as SBIS, lacked accurate cost projections and failed to meet seven out of seven schedule and cost estimate best practices. Ms. Czyz, why is an accurate cost estimate important to a project like SBIS development?

Ms. CZYZ. Right. Well, thank you, ma'am. It is a key program management principle. Without being able to accurately project costs, you are at risk of cost overruns and you cannot manage costs. We have four key practices for a cost estimate. It needs to be reliable—I am sorry—accurate, comprehensive, credible, and well-documented. We found that DCSA's cost estimate minimally met three of these practices and did not meet the credible practice at all. It was not credible. We are encouraged to hear that they are going to do an independent cost estimate. That is key to doing that, but to be able to drive the program, we are years behind now, we are spending more than what was anticipated, but we cannot really even rely on those numbers. So, having an accurate cost estimate is key.

Ms. NORTON. Mr. Cattler, GAO's report also found that DOD spent around \$654 million since 2016 to develop NBIS. DOD also spent \$835 million to maintain the OPM legacy information technology systems from fiscal years 2020 through 2022. In its August 2023 report, GAO recommended that Congress consider requiring DOD to develop a reliable cost estimate and program schedule for NBIS development. Mr. Cattler, has your Agency taken steps to develop the issues with cost estimate and programs scheduled related to NBIS development, or does Congress need to enact legislation to get DOD to follow best practices?

Mr. CATTLER. Well, thank you Congresswoman. I believe that we are well on the track to have the reliability in our internally gen-

erated cost estimate. It will go through many reviews within DOD and the interagency, for example, led by the Performance Accountability Council, among others. And as I have stated my statement for the record, we will also contract out an independent cost estimate after we have an approved plan to be sure that that outside scrutiny tracks with what we judge it will cost moving forward.

Ms. NORTON. Well, Mr. Cattler, how does DOD plan to pay for any and all next steps needed to complete development of NBIS? Do you plan to request additional funding from Congress?

Mr. CATTLE. Congresswoman, I am not yet in a position to tell you how much all of that will cost and how we would program for it until I have the final plan and approval. But, I can tell you that we have already programmed for ongoing NBIS-related work for development and sustainment, both of the NBIS and of legacy software, through fiscal 2030 in our current plans.

Ms. NORTON. Mr. Cattler, can I get a promise from you here today that you and your staff will meet regularly, perhaps monthly, with Oversight staff to ensure the Defense Security Cooperation Agency is taking action to address all outstanding GAO recommendations and getting the NBIS system and Trusted Workforce 2.0 back on track?

Mr. CATTLE. Congresswoman, I commit to you that I will be open and transparent, I will push information to you, and I will be fully responsive to any request Congress has on any-time basis.

Ms. NORTON. Ms. Czyz, can Congress count on you and your team to assist us in this essential oversight?

Ms. CZYZ. Absolutely. GAO's role is to provide Congress with information to aid your oversight. We have been doing that for many, many years in personnel vetting. We very much appreciate this hearing today that does provide visibility on the work and move the ball forward, and we are absolutely committed to continuing our oversight in this area.

Ms. NORTON. Thank you, and I yield back.

Mr. SESSIONS. The gentlewoman yields back her time. Thank you very much. The distinguished gentleman from Louisiana, Mr. Higgins, you are recognized.

Mr. HIGGINS. Thank you, Mr. Chairman. Mr. Cattler, Ms. Czyz, thank you for being here. Mr. Cattler, am I pronouncing your name correctly, sir? It occurred to me we did not get it right.

Mr. CATTLE. Yes, Congressman, "Cattler."

Mr. HIGGINS. OK. Mr. Cattler, my father always said, ultimately, it is always one guy. It is one guy, and today you are the one guy. But we recognize the fact you have been on the job since March, so we are certainly prepared to give a fellow a chance to make necessary corrections and changes within his authority to correct some malfunction within the Federal Government. Let me say it is a Federal Government that is spending \$3 trillion a year that it does not have, so I am one of those conservative voices that is—you know, call me crazy—but sounding an alarm, the amount of money that we are spending in our country that we do not have. We are borrowing this money, 100 percent of it. So, you have a small slice of that, and it is what we are addressing today, but I appreciate your attitude because you seem to be focused on actually fixing what has gone wrong within your particular Agency.

So, let me just, for the benefit of Americans watching, that Americans have to deal with a lot of acronyms in Washington, DC. You work for the Department of Defense. The DOD is defense, Counter-intelligence Security Agency—that is the DCSA—and primarily what we are discussing today is a failure to roll out a program called the National Background Investigative Services, a new state-of-the-art IT system that will help your Agency to handle the workload of dealing with 95 percent of the background checks and vetting that American Government requires across the Federal Government. Was that an accurate summary of the task you have in front of you, sir?

Mr. CATTLE. Yes, sir.

Mr. HIGGINS. OK. And the NBIS program is years overdue and many millions of dollars, at minimal, over budget. So, what we are asking of you today is, will you deliver the product? If we set aside the cost overruns and the budget issues, and the fact, again, that this is a government that is addicted to spending money that we do not have as a Nation, we set that aside, could we at least get some product delivered? And you appear to be saying, yes, sir/yes, ma'am, I am going to get it done. Am I hearing you correctly?

Mr. CATTLE. Yes, sir. I and my team will get it done.

Mr. HIGGINS. Excellent. So, the good lady seated next to you represents the Government Accountability Office, and they have made recommendations that historically have not been followed. Now, the GAO, we give them the responsibility to advise Congress and look into this matter, and say what can be done, and give official recommendations, and historically, that is not always followed, including in your Agency. But now that you are in charge, does DCSA intend to follow GAO recommendations?

Mr. CATTLE. Yes, sir. We have already reverted to following GAO recommendations, and I and the leadership team will continue to ensure that we do.

Mr. HIGGINS. Excellent. I do not claim to be an expert in your field, but I get the feeling that you claim to be an expert in your field, and congratulations, but you have a hell of a job in front of you to fix this thing. This Committee is going to count on you to measure up. When I was in the Army in 1989, I went through an original, a small security clearance. I was an MP in the Army. We required a little bit of a security clearance. I was surprised to hear that the Army had sent people I went to high school with. There was no computers. There was no IT system. There was no \$1.2 billion to do it. They sent human beings to talk to the people I went to high school with. I recall being glad they did not speak to the people I went to college with.

[Laughter.]

Mr. HIGGINS. So, America is less focused on some failure to comply with your budget than we are with the failure to deliver the product that America requires. And I believe I am hearing you accurately, good sir, saying that you are going to follow the recommendations of the Federal Government organization that is responsible to give you recommendations, and you are going to drive forward with that mission. So, I look forward to a report later this year. I thank you each for being here. Mr. Chairman, my time has expired.

Mr. SESSIONS. The gentleman yields back his time. Thank you very much. The distinguished gentleman from Virginia, Mr. Connolly—

Mr. MFUME. Mr. Frost.

Mr. SESSIONS. Excuse me. The gentleman, Mr. Frost. Thank you very much.

Mr. FROST. Thank you so much, Mr. Chairman. Some estimates indicate roughly 4 million Americans currently have a security clearance. The Defense Counterintelligence and Security Agency—DCSA—which administers the governmentwide vetting process, identified more than 115 Federal agencies and roughly 13,000 industry organizations that touch the NBIS. DCSA is in charge of developing NBIS, the IT infrastructure at the core of the personnel vetting system reforms. DCSA is also in charge of maintaining the legacy IT systems while it gets NBIS fully functioning, and, unfortunately, DCSA has to spend millions of dollars maintaining the old system as NBIS fails further behind schedule. The Deputy Director for Management at OMB, an Agency trying to help us get this back on track, came before this Committee and told us that continuous vetting should be covered for the entire clearance population in “the coming months.” Well, the coming months have come and gone, and so, Mr. Cattler, can you provide a timetable for when DCSA will be able to retire the legacy IT systems?

Mr. CATTLE. Congressman, at this point, I cannot until my plan is approved and we have confidence in the estimate for both the program management schedule as well as the cost.

Mr. FROST. OK. Cannot. I mean, this is not the first time Congress has sought transparency on implementation as it relates to NBIS, and the thing that goes hand in hand with transparency is accountability. So, it would be great to get a timetable as soon as you all are able to provide one to the Committee.

Mr. FROST. The OMB deputy director also pointed to a shortage of technical talent. Mr. Cattler, have you at least acquired sufficient technical talent so we can operate the NBIS for the full clearance population?

Mr. CATTLE. Congressman, I am confident that we have the internal talent in our workforce to perform the personnel security mission, and we continue to retain them and hire new. We are also bringing on additional personnel relevant to the development of the NBIS program as we further understand where our key expertise gaps are.

Mr. FROST. OK. Ms. Cxyz, has Mr. Cattler articulated to you any lessons learned from the past challenges with NBIS?

Ms. CXYZ. Well, Mr. Cattler has been in his role about 3 months now—

Mr. FROST. Mm-hmm.

Ms. CXYZ [continuing]. And I would say maybe even 6 weeks into that role, he did invite us down to Quantico, and we went through all of our GAO reports. We presented the key findings and recommendations. He had read them all. He could even quote pieces of them back to us. He was, I think, committed and demonstrated a commitment to understanding our concerns. He asked us point blank how his Agency had interacted with GAO in the past, and that he was committed to having a collaborative relationship and

implementing our recommendations. So, I think we are very encouraged by his early leadership here. He has got a lot ahead of him definitely, and, hopefully, he can use our past work to guide him and so we do not have a repeat of what has happened over the past 8 years.

Mr. FROST. That is really good to hear. NBIS delays are serious business. Over the last decade, the number of clearance positions has grown more than tenfold while the number of candidates remain stagnant. In 2023, the NSA announced its largest hiring surge in 30 years. The FBI requested \$63 million from Congress to hire 192 new cyber professionals to protect American IT infrastructure against foreign threats, and all these positions obviously require security clearance. The Federal Performance Accountability Council's 4th quarter report for Fiscal Year 2023 mentions system and IT outages as reasons for continued clearance delays. Mr. Cattler, have you identified what the causes of these IT outages were?

Mr. CATTLE. Congressman, yes. In the time that I have been the Director, we have had outages due to issues with communications connectivity, but we have also had issues related to failure to follow proper procedures and internal controls. So, to address these two at least, we have looked at alternative communications providers. We are working with DISA on that in order to move to different DOD-provided systems, for example—

Mr. FROST. Mm-hmm.

Mr. CATTLE [continuing]. And different commercial telecommunications providers. And we are also taking, in some cases, punitive action against some of our employees and contractors—

Mr. FROST. Mm-hmm.

Mr. CATTLE [continuing]. To be sure that they understand and they feel a penalty for failure to comply with those established internal controls, especially, as you have said, they may, in fact, lead to a system outage that could cause loss of data as a potential worst outcome, but I hesitate to say a minimum, but at a minimum, certainly short of loss of data, a significant delay in somebody being able to even file an application for security clearance.

Mr. FROST. Are you reviewing and changing any of the standard operating procedures around this?

Mr. CATTLE. Congressman, yes. We are constantly looking at what our standing operating procedures are and the internal controls, and this, as well, will be part of the IG review that I have asked my IG to perform.

Mr. FROST. Perfect. Thank you both for all the work that you do. I yield back.

Mr. SESSIONS. The gentleman yields back his time. Thank you very much. The distinguished gentleman of Tennessee, Mr. Burchett, is recognized.

Mr. BURCHETT. Thank you, Mr. Chairman. Ms. Czyz, I got that name right? That is a cool name. I dig that. That is really cool. As the 435th most powerful Member of Congress, I get to ask my questions last. Usually as I like to state, there is usually a custodian in front of me sweeping up about the time I get up on the mic, so I apologize if these questions have been asked. I have trouble hearing. My wife says it is selective, but my doctor says otherwise,

so if you all have asked these questions before, just act like this is the best question you ever had. And, Mr. Cattler, if you would look at her and go, wow, that is a really great question, I would really appreciate that. It would be good for the folks back home.

The status of the National Background Investigation Services system, where would you say that is at?

Mr. CATTLER. Congressman, it is unacceptably late——

Mr. BURCHETT. OK.

Mr. CATTLER [continuing]. And we have underdeveloped the required capabilities to meet our policy deliverables.

Mr. BURCHETT. OK. It was supposed to be fully operational by 2019? Is that correct? I know you have inherited this mess, so.

Mr. CATTLER. Yes, Congressman, that is correct.

Mr. BURCHETT. Thank you, brother. And the projection of when it will be fully operational?

Mr. CATTLER. Congressman, we are programmed out through 2030.

Mr. BURCHETT. OK.

Mr. CATTLER. We aim in the current plan to have the legacy system sunset no later than fiscal 2028.

Mr. BURCHETT. The GAO, they issued this report, as you know I am sure, regarding the Defense Counterintelligence Security Agency's issue with cybersecurity. Do you feel like they have dropped the ball on this thing, or do you feel like they have got a good grip on it now?

Mr. CATTLER. Congressman, I do not think GAO has dropped any balls. I think their cybersecurity report is of similar high quality to the previous reviews of NBIS.

Mr. BURCHETT. OK. Ms. Cxyz, I am not sure if I am supposed to be asking you this or not. I thought I was asking you that and he was answering, so I am not sure. How can we have confidence in this Agency, and is there an investigation into what vulnerabilities have existed since it was taken over in 2018?

Ms. CZYZ. I think with new leadership, we are encouraged that DCSA can get NBIS back on track, but they have got to go back to key management principles, the basics, right? Developing a reliable schedule and cost estimate for the program, enhancing oversight, and particularly with cybersecurity, based on a report that we released last week, these are key fundamental program management principles. And in the past, the program has been so focused on moving out to deliver capabilities, that they had told us that it was an administrative burden and a waste of time, frankly, to develop a schedule or a cost estimate. They did not need to do that. They did not need to follow best practices. Well, now they are years and years late and behind schedule, and over cost, too.

We think that the tone is different this time from the top and are encouraged, but as they kind re-baseline again, we would really encourage them to take a look at our recommendations to make sure that they are implemented so that they are on a path to success.

Mr. BURCHETT. So, do you think we have fixed these vulnerabilities, or do you think we ought to pull the plug on the program before it becomes worse?

Ms. CZYZ. The cybersecurity report we released last week, the fundamental cause of the issues was lack of oversight of cybersecurity, lack of documentation of key practices and processes. If you can strengthen oversight, I think that will go a long way. We do have an ongoing review right now that Mr. Cattler referenced. We are actually going in and testing the controls of the systems to look at vulnerabilities, so we do not have that information yet. We will have that later this year. It will be a nonpublic report, of course, but enhancing oversight of cybersecurity is key.

Mr. BURCHETT. Mr. Cattler, what do you expect you all are going to spend on the National Background Information System as it moves forward?

Mr. CATTLE. Congressman, I need to get an approved plan from the DOD—

Mr. BURCHETT. Right.

Mr. CATTLE [continuing]. And from my oversight officials, and then I can do the internal tally of how much it will cost, and then I will confirm that through the independent cost estimate. I would have to get back to you on what the specific number is.

Mr. BURCHETT. I would appreciate that.

Mr. BURCHETT. Is that normal operating procedure? Is that the way it usually works? That is not one of these trick questions a lot of my colleagues ask. I am just asking you that.

Mr. CATTLE. No, Congressman, it is not, and it is also part of the reason why I say it is unacceptable that I find the NBIS program in my Agency in the situation that it is in. If we had followed the proper protocols and leadership had demanded the oversight and internal accountability that Ms. Czyz and her colleagues at GO highlighted in their reports, I think you could make a fair argument that we would not be where we are.

Mr. BURCHETT. OK. Thank you, Mr. Chairman. Thank you all very much.

Mr. SESSIONS. The gentleman yields back his time. Thank you very much. The gentlewoman, Ms. Lee.

Ms. LEE. Thank you, Mr. Chair. Since 2017, the Department has managed to spend over a half a billion dollars on developing a new personnel vetting system, NBIS, with little to show for it. We have no idea when the project will be done as well as no idea how much more money DOD anticipates spending. To quote GAO's report, DOD's estimate is minimally accurate, minimally comprehensive, not credible, and minimally well-documented. Ms. Czyz, when did DOD first estimate that NBIS system would be fully operational?

Ms. CZYZ. 2019.

Ms. LEE. So, that same year, but that did not happen. Ms. Czyz, briefly, what went wrong and what did DOD do next?

Ms. CZYZ. Well, as we have reported, the NBIS program did not have a reliable schedule so they could not accurately project when they would hit key milestones. They actually moved their target many times. 2019 was the first target date for full functionality. It then moved to 2022, it moved to 2023, it moved to 2024, and now it will likely be years later. But the key underlying cause of those shifts was not realizing all the tasks that needed to be done to deliver that full functionality, so just a basic program management principle of having a reliable schedule to plan from.

Ms. LEE. So, it was not until after DOD already missed their own deadline that they publicly reassessed and changed the timeline to then 2023. Mr. Cattler, it is now June 2024. Can NBIS currently perform all the necessary functions DOD needs from it?

Mr. CATTLE. Congresswoman, NBIS and the legacy systems together perform all the functions that are required, but NBIS alone does not.

Ms. LEE. So, no. So, DOD is years over schedule, over budget, and the country still does not have enough cleared staff to perform the work it needs. DOD has the largest budget in our government yet seems to continue to make the biggest mistakes lost in multi-million dollar planes, failed audits, and this mess of a security clearance system.

In addition to highlighting DOD's uncanny ability to fumble millions of dollars, I also want to take some time to pay attention to the extent to which racial biases may affect the security clearance process and may contribute to the underrepresentation of BIPOC staffers in the national security workforce. In 2022 and 2023, the RAND Corporation conducted research assessing whether racial disparities exist in the clearance process.

I asked unanimous consent to enter these two reports into the record. I am going to take that as a yes.

Mr. SESSIONS. Without objection.

Ms. LEE. Thank you so much.

Ms. LEE. Mr. Cattler, in its study Rand observed that several societal factors, such as financial challenges and student debt, disproportionately affect minorities and may lead to increased perceptions of risk without considering historic context. How is DOD working to ensure that these risks are fairly considered in the security process? Specifically, what measures are in place to prevent these systemic issues from unjustly impacting clearance decisions?

Mr. CATTLE. Congresswoman, we work with the director of National Intelligence as she performs her functions as a security executive agent on the adjudication guidelines. We also take a hard look when we do our quality control to be sure that we have rung out any bias. As we identify it, we do make changes in those procedures, and we also hold our people accountable if they make errors or even act inappropriately to deny someone a security clearance based on one of the factors you have highlighted.

Ms. LEE. Thank you. Mr. Cattler, human judgment is a significant component of the security clearance process. What specific training programs does DOD have in place to help investigators recognize and mitigate their own implicit biases?

Mr. CATTLE. Congresswoman, I have to get back to you with a specific list, but I can tell you generally that we do provide bias training for all of our adjudicators with the recognition that it is a subjective process.

Ms. LEE. Mr. Cattler, again, as DOD increasingly relies on automation and machine learning for continuous vetting, how are you ensuring that these technologies do not perpetuate or exacerbate existing racial biases? For instance, what safeguards are in place to monitor incorrect algorithmic biases in the clearance process?

Mr. CATTLE. Congresswoman, pieces of this are addressed, again, through the adjudication guideline review process and also

the training that we are providing to all of our employees, including those that are working on those algorithms and the verification of their success.

Ms. LEE. Finally, Mr. Cattler, transparency and accountability are vital. Can you commit to conducting independent assessments of security clearance applications to identify any racial biases that may have influenced outcomes, and will you make these findings public to ensure accountability and foster trust in the process?

Mr. CATTLE. Yes, Congresswoman, I do.

Ms. LEE. Thank you so much. I thank you both for your time, and I yield back.

Mr. SESSIONS. The gentlewoman yields back her time. Thank you very much. We will go to Ms. Tlaib. The gentlewoman is recognized.

Ms. TLAIB. Thank you, Mr. Chair. Thank you so much, Director, for joining us today, and I think it is great that you are even here even early in your position as a new person. So, I know my colleagues have, I think, done a really good job going through the issues regarding NBIS already, so I am not going to repeat what has already been said. But I want to bring up an opportunity and put a marker down for my colleagues here in Committee and what I do here regarding security clearances with my residents.

What we are seeing right now, and folks might see it separate, but this is happening to Americans in my district, the no-fly list. And I know they kept saying both of you cannot respond to this, but I think it is really important, Mr. Chair, that here in Washington, we again and again try to address critical issues that are impacting our residents. But the list that right now is being used discriminates against American Muslims *en masse*, with little to no legal recourse for countless wrongfully included Americans.

It has been a little over a year since CARE released analysis of the FBI's "terrorism screening data base" that found 98 percent of the names included were Muslim names. For the record, if I can submit the report, Mr. Chair.

Mr. SESSIONS. Without objection.

Ms. TLAIB. And one of the things I want to also put into the record and read is also a transcribed deposition of the FBI of April 16, 2024, Mr. Chair. Without objection? Yes, OK. Great. Thank you.

Ms. TLAIB. So, let me just go over this, and this is important, Mr. Chair, because I think this would intrigue you. On page 199, when the plaintiffs' attorneys questioned the FBI about the effectiveness of the Watch List, the question was, "Federal law enforcement officers also encounter people on the Watch List, correct?" "Yes," the FBI answers. And then, Chairman Sessions, they go on to say, "Does the FBI know of any Federal law enforcement encounter with a person on the Watch List that has led to a terrorism-related arrest?" And then they go on to say, "So, I do not know of any instances where local law enforcement was notified of the presence of an individual on the Watch List and then made an arrest based on that."

Why this is important, again, this deposition was done, this is over a 21-year span of the program, had not arrest, a single person on the terrorism-related charges because of the so-called Watch

List of Americans. Meanwhile, I have residents, even one of my local mayors, being harassed and wrongfully profiled at airports, detained for hours. Their phones are removed, Chairman. Phones. Canadian PM called me asking my team for help for innocent families that are also, again, no longer able to fly because of this Watch List. These are American citizens. They have rights and deserve some dignity as the rest of us.

And this is important because people think, well, it is just Muslims. It may be Muslims today, Mr. Chair, but I do not see any reason that this should again be partisan because, after all, the FBI can get away with doing this to any group of American citizens. Today it may be Muslims, but, again, it could be another group that they target. So, it is great again that we are talking about this specific security clearance issue, but, Mr. Chair, if I may please, we should talk about and hear more about this Watch List of Americans and bring the FBI before this Committee to discuss it. Thank you so much, and I yield.

Mr. SESSIONS. The gentlewoman yields back her time. Thank you very much. I do not need to respond to the gentlewoman now, but I would encourage her to please come sit down with Mr. Mfume and myself and would remind her that we have thousands of people who are here in this country who are watched, and two of them were in Boston. They were the Boston bombers. We knew that they were in this country, and we knew. All I am suggesting to you is we would welcome that discussion, Mr. Mfume and myself. I am sure would be pleased to listen to you, and thank you very much.

We are now evidently on a vote. I have not had a chance to have my 5 minutes, doubtful that I will use that. I had an opportunity over the last days to speak with both of you for almost an hour, perhaps maybe more than that.

I want to go back to Ms. Czyz, who made a statement which I consider to be extraordinarily important to this entire matter, and that was regardless of the timeframe, regardless of the money, it has got to be done correctly. I am paraphrasing. Mr. Cattler, can you please respond directly back to that because, as we were earlier greeting each other, I said to you I was concerned about the architecture. You said that architecture is something, Congressman Sessions, and we have that person here.

Well, I assume that the experts—I used to do this at the organization up in New Jersey where we would do architecture things—they determine the best outcome. Can you tell us are you going to do, as you have heard Ms. Czyz say, get this done and have it done correctly? Obviously your testimony is within time, within the money. Are you going to get it done properly?

Mr. CATTLE. Congressman, we will get it done properly. I do not feel undue pressure to move quickly because, as I have said, it is important that we get it right, and if that takes a little bit of time to do, then I think that is appropriate and acceptable. But at the same time, I am also mindful, as Members of this Committee have highlighted just in this hearing, that we are 8-and-a-half years into a 3-year program. We are \$1.345 billion spent on about a \$700 million program, and every penny counts. The taxpayers are not just entitled to and expecting that we deliver the software with the capability that is required, but they know that we need it because

they are entrusting—I have entrusted some of my most important personal data over the course of my more than 30-year career to the government. My own Agency vetted me and validated me for my clearance while I served at NATO.

So, what we are trying to balance are those two things: getting it done right and taking the time to do so, but also recognizing that we are well behind, and it is unacceptable. So, we are trying to move with an appropriate sense of urgency, but we are doing so responsibly. But I have confidence in my team, in our partners, and in our oversight that we are working well together, and that we will fix this and deliver the capability that the American taxpayers need, deserve, and are paying for.

Mr. SESSIONS. Thank you. Mr. Mfume, what I would agree on the statement, I am sure he will have a chance to affirm that, but get it done right. Getting it done right, we have not pushed you to a timeframe, to a money allocation, but you have done that as a responsible manager, and you will be held accountable to that, and I appreciate you very much. Mr. Mfume, would you like to say anything before we go we go?

Mr. MFUME. Well, Mr. Chairman, I just want to thank—

Mr. SESSIONS. The gentleman is recognized.

Mr. MFUME [continuing]. Both witnesses again for their testimony, both their oral testimony as well as what is written. I look forward to receiving any additional documents or information, and I look forward to reconvening in October so that we may have some sense of where we are today juxtaposed against where we find ourselves then. And I would invite, on behalf of the chairman and myself obviously, both of you to sort of be ready to come back to see us again. Thank you both.

Mr. SESSIONS. Thank you very much. In closing, I want to thank our witnesses, the distinguished gentleman from Maryland. And I want to also say that, without objection, all Members will have 5 legislative days within which to submit materials and additional written questions for the witnesses which will be forwarded to the witnesses if we have those questions.

Mr. SESSIONS. If there is no further business, without objection, the Subcommittee stands adjourned. I want to thank the witnesses very much.

[Whereupon, at 3:36 p.m., the Subcommittee was adjourned.]

