

June 9, 2015

ALLEGATIONS OF INADEQUATE RESPONSE FROM NASA
Pasadena, CA

CASE CLOSING MEMORANDUM: This case was initiated based on contact from (b)(6), (b)(7)(C), (b)(7)(D) Jet Propulsion Laboratory (JPL), Pasadena, CA, wherein (b)(6), (b)(7)(C), (b)(7)(D) reported (b)(6), (b)(7)(C), (b)(7)(D) was not satisfied with the response (b)(6), (b)(7)(C), (b)(7)(D) and (b)(6), (b)(7)(C), (b)(7)(D) of JPL received from NASA regarding their access-control background investigations conducted for issue of their Personal Identity Verification (PIV) cards. (b)(6), (b)(7)(C), (b)(7)(D) and (b)(6), (b)(7)(C), (b)(7)(D) felt the investigations conducted by the NASA Office of Protective Services (OPS) at JPL were outside of normal adjudication standards and more intrusive into their personal lives than appropriate.

NASA OIG interviewed (b)(6), (b)(7)(C), (b)(7)(D) and (b)(6), (b)(7)(C), (b)(7)(D) as well as several other JPL employees suggested by them. (b)(6), (b)(7)(C), (b)(7)(D) and (b)(6), (b)(7)(C), (b)(7)(D) provided documents they claimed supported their allegations that standards more stringent than those contained in Homeland Security Presidential Directive 12 (HSPD-12), which regulates PIV cards and is the standard credential for federal employees and contractors for access to federal information systems and federally controlled facilities, were used. Provided for review were a list of questions submitted to (b)(6), (b)(7)(C), (b)(7)(D) that included references to dual citizenship issues. A review of the questions and interviews of the NASA (b)(6), (b)(7)(C) and the (b)(6), (b)(7)(C) who were the adjudicator and appeal authority, respectively, indicated questions for (b)(6), (b)(7)(C), (b)(7)(D) were developed based on previous background questions used in cases of security clearances and contained references to dual-citizenship which (b)(6), (b)(7)(C), (b)(7)(D) claimed. Additional questions beyond HSPD-12 were utilized as the dual-citizenship issue triggered a higher level threat indicator from Office of Personnel Management (OPM) when the applications were returned to (b)(6), (b)(7)(C) Adjudicator.

NASA OIG investigation determined that NASA does not have supplemental standards for someone with a dual citizenship beyond normal HSPD-12 standards, so the Adjudicator individually followed OPM guidelines and utilized previous questions developed for use in security clearance investigations to address the issue. Further review of the process used by OPS and Adjudicators background indicated no supplemental training in HSPD-12 investigative standards had been provided to the (b)(6), (b)(7)(C) or (b)(6), (b)(7)(C)

Coordination with Charles Lombard, Deputy Assistant Administrator, NASA OPS, determined inadequate or misapplied training caused higher standards than those required by NASA's Procedural Requirements (NPR) to be applied to the adjudications of both (b)(6), (b)(7)(C), (b)(7)(D) and (b)(6), (b)(7)(C), (b)(7)(D)'s clearances. Instead of using Credentialing Standards, OPS discovered that National

CLASSIFICATION:

FOR OFFICIAL USE ONLY

WARNING

This document is the property of the NASA Office of Inspector General and is on loan to your agency. Contents may not be disclosed to any party under investigation nor may this document be distributed outside the receiving agency without the specific prior authorization of the Assistant Inspector General for Investigations.

Security Standards (NSS) were erroneously used for (b)(6), (b)(7)(C), (b)(7)(D) and (b)(6), (b)(7)(C), (b)(7)(D), which pointed to the need for additional training on the part of the Adjudicator. Additionally, the dual-citizenship questions asked of (b)(6), (b)(7)(C), (b)(7)(D) and (b)(6), (b)(7)(C), (b)(7)(D) were not Agency approved given the type of positions that both employees occupy as well as the fact that no indicators of risk were discovered as part of their routine background checks. The misapplication of questions in the PIV adjudication process was an individual mistake made by the (b)(6), (b)(7)(C) and remedial training and counseling was conducted with the employee to address the matter. Additionally, Lombard reported that the NASA Management Office (NMO), JPL, was detailing a NASA senior security professional (GS-15) to JPL from Marshall Space Flight Center, Huntsville, AL, to provide oversight and guidance of the (b)(6), (b)(7)(C) Adjudicator and other security activities.

NASA OPS has also highly recommended that the (b)(6), (b)(7)(C) Adjudicator attend OPM's Essentials of Suitability Adjudication Program as refresher training. Additionally, NASA OPS has instructed all (b)(6), (b)(7)(C) Adjudicators to cease using NSS when adjudicating for HSPD-12 and to, instead, follow NPR 1600.3 and HSPD-12 approved guidelines.

Investigation further determined that neither (b)(6), (b)(7)(C), (b)(7)(D) nor (b)(6), (b)(7)(C), (b)(7)(D), nor any of the other identified employees, experienced any loss of access to JPL facilities or government systems during the adjudication process pending approval of their PIV cards.

NASA OIG submitted a management referral to NASA which strongly recommended adjudication officials receive the necessary training on proper background investigation techniques and processes, and that training be recorded as appropriate. NASA OPS concurred with the findings and forwarded NASA OIG's recommendation to the NMO Director with a statement reaffirming NASA OPS recommendations the individual attends the necessary training and follow appropriate investigative policy for HSPD-12 requirements.

It is recommended that this case be closed with no further action necessary.

Prepared by: (b)(6), (b)(7)(C), LBRA
 DISTR: File

APPR: (b)(6), (b)(7)(C)

CLASSIFICATION:

FOR OFFICIAL USE ONLY

WARNING

This document is the property of the NASA Office of Inspector General and is on loan to your agency. Contents may not be disclosed to any party under investigation nor may this document be distributed outside the receiving agency without the specific prior authorization of the Assistant Inspector General for Investigations.



NASA OFFICE OF INSPECTOR GENERAL

OFFICE OF INVESTIGATIONS
SUITE 8U71, 300 E ST SW
WASHINGTON, D.C. 20546-0001

May 1, 2015

TO: Charles E. Lombard Jr., Deputy Assistant Administrator for Protective Services

FROM: Special Agent in Charge, Western Field Office (WFO)

SUBJECT: Referral/Recommendation for Background Investigations of Contractor Employees

Dear Deputy Assistant Administrator Lombard,

In response to a complaint filed by [REDACTED] Jet Propulsion Laboratory (JPL), we conducted an assessment of the adjudication process applied by JPL's Office of Protective Services (OPS) to assess [REDACTED] and [REDACTED]'s suitability for access to JPL facilities and networks. In her complaint to NASA OIG, [REDACTED] stated that [REDACTED] believed an earlier response from NASA regarding this matter was insufficient, in that the response did not adequately account for the negative impact unnecessary questions regarding dual-citizenship could have on JPL's workforce.

We found that NASA's earlier response to Congresswoman Judy Chu regarding this matter outlined appropriate steps to ensure background investigations and subsequent adjudication for access to JPL facilities and networks were consistent with relevant regulations. However, our review revealed that the individual responsible for the adjudication of JPL access requests claims not to have received additional formal training regarding the proper application of adjudicative guidelines. More importantly, this individual expressed concern that they may not be applying adjudication standards properly due to this lack of formal training. In light of this disclosure, we recommend this individual receive the necessary training and that training be recorded as appropriate. This recommendation relates to your reply to our "Question #4" in your February 26, 2015, response to our earlier request for information regarding this matter (see attached).

No formal response to this referral is requested. However, if you have any questions, you may contact either [redacted] (b)(6), (b)(7)(C) at [redacted] (b)(6), (b)(7)(C) or [redacted] (b)(6), (b)(7)(C) at [redacted] (b)(6), (b)(7)(C).

Sincerely,



Keith Tate
Special Agent in Charge

Enclosure

Request for Information Regarding Background Investigations of [redacted] (b)(6), (b)(7)(C), (b)(7)(D) and [redacted] (b)(6), (b)(7)(C), (b)(7)(D), Jet Propulsion Laboratory (JPL), Pasadena, CA. Dated February 26, 2015.

National Aeronautics and Space Administration
Headquarters
Washington, DC 20546-0001



February 26, 2015

Reply to Attn of:

Office of Protective Services

TO: Special Agent in Charge, Western Field Office (WFO)
501 West Ocean Boulevard, Suite 5120
Long Beach, CA 90802

FROM: Deputy Assistant Administrator for Protective Services

SUBJECT: Request for Information Regarding Background Investigations of
(b)(6), (b)(7)(C), (b)(7)(D) and (b)(6), (b)(7)(C), (b)(7)(D), Jet Propulsion Laboratory
(JPL), Pasadena, CA

REF: NASA Office of Inspector General letter dated February 10, 2015

In response to the OIG questions contained in the referenced letter, the following answers are provided. This information references back to concerns initially identified by Congresswoman Chu in an August 5, 2014 letter pertaining to the background investigations of (b)(6), (b)(7)(C), (b)(7)(D) and (b)(6), (b)(7)(C), (b)(7)(D) that were performed at NASA's Jet Propulsion Laboratory (JPL).

OIG Question 1: What were the results of NASA's investigation into the facts of the matter?

OPS Response: Following an inquiry by the Office of Protective Services (OPS), it was determined that inadequate or misapplied training caused higher standards than those required by NASA's Procedural Requirements (NPR) to be applied to the adjudications of both (b)(6), (b)(7)(C), (b)(7)(D)'s and (b)(6), (b)(7)(C), (b)(7)(D) clearances. Instead of using Credentialing Standards, OPS discovered that National Security Standards (NSS) were erroneously used for these employees, which pointed to the need for additional training on the part of the adjudicator. Additionally, the dual-citizenship questions asked of (b)(6), (b)(7)(C), (b)(7)(D) and (b)(6), (b)(7)(C), (b)(7)(D) were not Agency approved given the type of positions that both employees occupy as well as the fact that no indicators of risk were discovered as part of their routine background checks.

OPS is responsible for ensuring that Agency security policies and protocols are effectively and consistently applied throughout NASA. Once this Office became engaged in this particular case, the background investigations for both individuals

were favorably adjudicated in accordance with Agency policy and during that time, neither (b) (6), (b) (7) (C), (b) (7) (D) nor (b) (6), (b) (7) (C), (b) (7) (D) suffered a disruption in their access to JPL.

OIG Question 2: What questions regarding dual-citizenship are Agency Approved?

OPS Response: While NASA does not have any Agency-specific questions regarding dual-citizenship, our policy in this area is derived from the following sources:

- Executive Order 13467- "Reforming Processes Related to Suitability for Government Employment, Fitness for Contractor Employees, and Eligibility for Access to Classified National Security Information"
- Homeland Security Presidential Directive (HSPD) 12 guidelines
- OPM Springer Memo dated July 2008 – "Final Credentialing Standards for Issuing Personal Identity Verification Cards under HSPD-12"
- NPR 1600.3 - Personnel Security

If a matter arises dealing with dual-citizenship, it is OPS procedure that a counterintelligence inquiry would be initiated prior to any other action being taken.

OIG Question 3: What are the standing NASA policies and processes with regard to adjudicative guidelines and where are they documented in the regulations?

OPS Response: NASA determines the fitness of contractor employees to perform work within the parameters of their individual statements of work with our Agency. Adjudications for credentialing are performed by Personnel Security Specialists who have been specifically trained in adjudication by an accredited provider. For documentation in Agency regulations, please refer NPR 1600.3 (Personnel Security) for detailed procedural information.

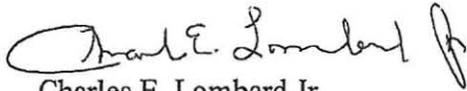
OIG Question 4: What additional training was provided to the employee found to have misapplied the Agency policy?

OPS Response: Through telecons and face-to-face meetings, the OPS has reinforced standing Agency policies and processes with regard to adjudicative guidelines to ensure that the (b) (6), (b) (7) (C) Adjudicator fully understands the errors that were made with respect to the background investigations conducted for (b) (6), (b) (7) (C), (b) (7) (D) and (b) (6), (b) (7) (C), (b) (7) (D). The OPS has also highly recommended that the (b) (6), (b) (7) (C) Adjudicator attend OPM's Essentials of Suitability Adjudication Program as refresher training.

Additionally, the OPS has instructed all (b) (6), (b) (7) (C) Adjudicators to cease using National Security Standards when adjudicating for HSPD-12 and to, instead, follow NPR 1600.3 and HSPD-12 approved guidelines. Furthermore, the OPS leadership and

the NMO Director have agreed that, in the future, (b) (6), (b) (7)(C) Adjudicators shall contact OPS for guidance whenever dealing with questions involving investigation processes to ensure that the proper action is taken as part of the corrective action.

Any questions regarding these responses should be directed to myself at Charles.E.Lombard@nasa.gov or 202-358-0891.



Charles E. Lombard Jr.