

Congress of the United States
House of Representatives
Washington, DC 20515-3101

December 21, 1999

Mr. William O'Connell
President
Society of Professional Scientists and Engineers
P.O. Box 1066
Livermore, California 94551-1066

Dear Mr. O'Connell:

Thank you for forwarding to me the concerns of several employees of Sandia National Laboratories regarding polygraphy. As the correspondence did not include individual postal mailing addresses of the signatories, I would appreciate it if you would make my comments available to them.

The polygraph policy initially promulgated by the Department of Energy (DOE) predated the passage of any law and was much broader than required. I am glad the DOE is adjusting its stance. As you know, Congress reorganized the DOE in the National Defense Authorization Act for Fiscal Year 2000 (P.L. 106-65). That law requires that DOE institute a polygraph examination process for the purposes of counter-intelligence.

As one of the architects of the counter-intelligence response to protect the labs from espionage following the release of the Cox Report and a congressional representative of Sandia National Laboratories, I am closely monitoring the implementation of the counter-intelligence program. I am particularly concerned about the comments regarding the reliability of polygraphy that I have received from my constituents who work at Sandia. As such, I worked to build some employee safeguards into the reorganization legislation.

P.L. 106-65 stipulates that DOE must prescribe regulations, to be developed in consultation with the Federal Bureau of Investigation, for identifying and addressing "false positive" results of polygraph examinations. The regulations must also ensure that adverse personnel actions not be taken against an individual solely by reason of that individual's physiological reaction to a question, unless reasonable efforts are first made to independently determine through alternative means the veracity of that individual's response to that question. The statute also requires that polygraph examinations not include questions regarding lifestyles, but must instead be restricted to questions "reasonably calculated to obtain counterintelligence information, including questions relating to espionage, sabotage, unauthorized disclosure of classified information, and unauthorized contact with foreign nationals." We worked closely with the leadership of all three national laboratories to ensure that the polygraphy section of the statute was narrowly crafted and protections were built in.

