

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.

Polygraphs, when properly administered, are one tool that should be available for counter-intelligence purposes. They are not effective as screening tools for employment or when not administered by professionals.

I am concerned that the DOE regulations may be expansive beyond the intent of Congress with regard to polygraphs. Polygraphs should be considered to be one of several tools DOE can use to protect our national security. It should be combined with more in-depth background checks, advanced cyber-security protocols, and improved overall security practices, rather than relied on as a silver bullet solution.

I have already assured the scientists at Sandia that I will monitor this program's use and effectiveness and will continue to encourage the DOE to implement this program reasonably, based on sound science and good public policy.

If you have any questions, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink that reads "Heather Wilson". The signature is written in a cursive style with a long horizontal flourish at the end.

Heather Wilson