



Counterintelligence-Scope Polygraph Examination

In December 1999, DOE published the official Counterintelligence-Scope Polygraph Examination Rule (Rule 709). This Rule was finalized after discussions with lab, plant and Federal DOE personnel across the U.S. As published in the December 13, 1999 Federal Register, Rule 709 provides in-depth information about the polygraph program, including detailed responses to employee comments and questions from the September, 1999 public hearings. DOE addressed these comments and questions by clarifying policy points or, in many cases, amending the Rule to respond to employee concerns. This fact sheet provides answers to some of the more frequently asked questions about the counterintelligence-scope polygraph examination.

What is the purpose of the polygraph examination?

The counterintelligence polygraph program was instituted to strengthen protection of DOE information and technologies. Its primary objective is to identify activities involving intent to harm the United States. The counterintelligence-scope polygraph examination is also an integral element of the DOE Accelerated Access Authorization Program (AAAP), a program DOE employs to grant interim personnel security clearances on an expedited basis.

What types of questions will be asked on the polygraph examination?

The DOE polygraph examination is limited in scope to counterintelligence issues. This means that the questions will be limited to the narrowly focused topics of:

- Espionage
- Sabotage
- Terrorism
- Intentional unauthorized disclosure of classified information
- Intentional unauthorized foreign contacts
- Deliberate damage or malicious misuse of a U.S. government or defense system

The topics covered in the counterintelligence-scope polygraph examination are identical to those used by the eleven other U.S. federal agencies that use polygraph examinations for screening purposes. DOE does not have the authority to ask questions that are outside the counterintelligence scope. DOE may not ask lifestyle questions or expand the scope of the questions beyond the six topics listed above, without amending the current polygraph regulation and providing an opportunity for public comment.

You will not be asked questions that probe your thoughts or beliefs, or that concern conduct that is not relevant to counterintelligence issues.

Who is required to take a polygraph examination?

Counterintelligence-scope polygraph examinations will be administered to certain DOE and contractor employees, applicants for employment and other individuals assigned or detailed to Federal DOE positions. Please see Part 709.4 for a detailed listing of the employees to whom the polygraph examination requirement applies. These employees are subject to a five-year periodic, as well as an aperiodic, reinvestigation polygraph examination.

How does the polygraph work?

The polygraph is a computerized digital recording of a person's respiration, electrodermal (skin conductivity) activity, and cardiovascular functions, made while the individual being tested listens to, thinks about, and answers



questions agreed to by the examiner and the individual. Variations in these physiological measures have been shown to be linked in a predictable way to a person's emotional responses to these questions and his/her answers to them.

What happens before, during and after the polygraph examination?

Individuals will be notified of their counterintelligence-scope polygraph examination at least 10 days (excluding weekends and holidays) in advance. Notification will occur by phone from the DOE test center, and DOE will follow up with a letter confirming the date, time and location of the examination. The polygraph will be administered by professionals who have extensive counterintelligence experience and have been certified by the Department of Defense and the Department of Energy. In addition to control questions, which establish a baseline physiological response, the examiner will ask four questions related to espionage, sabotage, illegal contacts with foreign nationals, and illegal disclosures of classified information. Each individual to be tested will have an opportunity to discuss each question so that they can answer appropriately based on their understanding of the question. After the polygraph, the results are analyzed by the examiner and the senior examiner. Based on the physiological responses to the relevant questions, the results may be assessed as "no deception indicated", "no opinion", "unresolved issues", or "deception indicated". (Please refer to Rule 709, Part 709.3 for detailed definitions of these terms.)

DOE or its contractors may not take personnel actions against an individual based solely on the basis of a polygraph examination result of "no opinion" or "deception indicated" or use these results as a substitute for any other required investigation.

How are my civil rights protected within the polygraph process?

There are a number of ways that you are protected throughout the polygraph process:

- While the examiner has some flexibility in wording the questions to ensure that the individual understands what is being asked, the examiner may only ask questions that fall within the designated counterintelligence-related topic areas.
- DOE videotapes the polygraph examination to ensure quality control for the employee and DOE.
- A senior examiner supervises the conduct of the examination via a closed-circuit system, and would be able to intervene if the examiner were to ask inappropriate questions.
- Individuals have the right to obtain or consult legal counsel prior to the polygraph examination. While legal counsel may not be present during the examination, the individual may consult with legal counsel in a private room at the test center before the examination.
- An individual may refuse to take a polygraph examination, and may terminate the examination at any time. (Consequences may include a refusal by DOE and its contractors to employ, assign, or detail the individual to the identified position. See Part 709.13 and 709.14 for more information)
- The result of a polygraph examination cannot be used as the sole basis for permanently denying or revoking access to information or involvement in activities that justified conducting the test.

Who do I contact for more information?

If you have additional questions about the polygraph or seek further information, please refer to Rule 709, published in the December 13, 1999 Federal Register, and available on DOE's web site. You may also contact your local Counterintelligence Officer or the national Office of Counterintelligence at (202) 586-7527 for additional information.