MAY 30 2006

Mr. Dwight M. Williams
Chief Security Officer
U.S. Department of Homeland Security
Washington, DC 20528

Dear Mr. Williams:

This is in response to your agency's letter of September 30, 2005, requesting renewal of the polygraph authority for the Department of Homeland Security (DHS). I sincerely apologize for the delay in responding. Your request is for continued authority to use polygraph screening by the U.S. Secret Service (USSS) for competitive service applicants and internal candidates for the positions of: Special Agent; Uniformed Division Officer; Intelligence Research Specialist; Communications Specialist; Physical Security Specialist; Electrical Engineer; Material Engineer; Civil Engineer; Chemical Engineer; Office Support Technicians; Protective Support Technician; Engineering Technician; Detection Systems Specialist; Electronics Technician; Security Support Technician; General Engineer/Physical Scientist; Electronics Engineer; and Special Officer. The USSS also screens Student Career Experience Program applicants who will eventually occupy one of the above positions.

In addition to the above request, you have requested this authorization be expanded to include the positions of Information Technology Specialist within the Information Resources Management Division (IRMD), and Intelligence Research Assistant within the Intelligence Division, both within the Office of Protective Research, USSS.

You have also requested that USSS be permitted to continue conducting polygraph examinations on individuals working in connection with the Department's Information Analysis and Infrastructure Protection directorate (Executive Order 13284, Sections 17 and 189(c)) or who are assigned to, or will have regular interaction with, the National Center for Counterterrorism (NCTC).

Finally, you have requested a renewal of USSS polygraph authority for a two year period commencing October 1, 2005 through September 30, 2007.

Please pardon our delay in responding, which resulted from a review of OPM's continuing responsibility to approve and renew Executive agencies' use of polygraphs for competitive service employment screening and personnel investigations.

OPM approves and annually renews the use of the polygraph under the authority of Executive Orders 10450 and 10577, as amended. In doing so, OPM follows the standards it formerly prescribed in FPM chapter 736, section 2-6, titled Use of the Polygraph in Personnel Investigations. Renewal requires the requesting agency to recertify that it continues to meet OPM's standards for use of the polygraph in employment screening and personnel investigations.
Mr. Dwight M. Williams

In addition to meeting OPM's standards, an agency seeking renewal must meet the uniform personnel security community standards agreed to by the parties to SPB 058-99, the U.S. Security Policy Board Polygraph Memorandum of Agreement.

OPM initially approved the Treasury Department's use of the polygraph for employment screening and personnel investigations for specifically designated positions in the competitive service in August 1979, with annual renewals each succeeding year. In October 2003, following the transfer of the USSS from the Treasury Department to the Department of Homeland Security under 6 U.S.C. 381, OPM approved a transfer of the USSS's polygraph authority. The record of OPM's initial approval and subsequent renewals show that they were based on the USSS's agreement to comply with the standards described above.

The requested authorization to expand polygraph authority to the positions of Information Technology Specialist and Intelligence Research Assistant is justified. You submitted specific position descriptions for the positions, and stated that all of the position incumbents will be directly involved in protective functions under section 1.10(b) of Executive Order 12333, as amended, United States Intelligence Activities, authorizing USSS to determine the existence of surveillance equipment used against the President, the Vice President, the Executive Office of the President, and other USSS protectees and officials. In addition, you stated that the position incumbents may require access to Sensitive Compartmented Information. Based on your submission, the authority to use the polygraph in personnel investigations of position candidates and incumbents directly supports USSS' highly sensitive intelligence mission and personnel security requirements.

I am, therefore, granting approval for the renewal of USSS's polygraph authority to pre-existing positions and expanding the authority to include the positions of Information Technology Specialist and Intelligence Research Assistant through September 30, 2006. I am also granting approval for the renewal of USSS delegated polygraph examinations on individuals involved with Counterintelligence activities, specifically those individuals working in connection with the Department's Information Analysis and Infrastructure Protection directorate (Executive Order 13284, Sections 17 and 189(c)) or who are assigned to, or will have regular interaction with the National Center for Counterterrorism (NCTC). Pursuant to your request, this approval is limited to competitive service employees involved in counterintelligence activities, or who require access to Sensitive Compartmented Information, but only when necessary to verify activities that cannot otherwise be accounted for in personnel investigations.

Existing standards stipulate that approval to use the polygraph for positions in the competitive service will be granted only for a twelve month period and that recertification is required annually. Therefore, your request for renewing USSS delegated polygraph examination for a two year period is not approved. This approval is for twelve months and is strictly for the polygraph screenings of the above positions that are not covered by any bargaining unit, contingent upon your continued compliance with the conditions described below.
Mr. Dwight M. Williams

First, the USSS must continue its compliance with uniform community polygraph standards. These standards include approval of the *Federal Psychophysiological Detection of Deception Examiner’s Handbook* (“Handbook”). Where the procedures currently in place are more stringent than those standards, you are encouraged to comply with the more stringent level.

Second, the USSS must continue to use procedures by which, if an applicant is denied a clearance or employment as a result of an inconclusive (“No Opinion”) polygraph examination that cannot be corroborated, the proposed denial is first reviewed and approved by the Chief Security Officer of DHS.

Third, The Department of Defense Polygraph Institute (DoDPI), the executive agent for polygraph screening, must conduct quality assurance reviews of the USSS polygraph programs pursuant to the procedures in the Handbook at least every two years. The results of such reviews are to be provided to OPM and to the Office of Security, USSS.

If you or your staff has any questions about the conditions of this renewal, please contact Kathy L. Dillaman, Associate Director of the Federal Investigative Services Division at (724) 794-5612, extension 112.

Sincerely,

Linda M. Springer
Director
November 15, 2006

Mr. Dwight M. Williams
Chief Security Officer
U.S. Department of Homeland Security
Washington, DC 20528

Dear Mr. Williams:

This is in response to your agency's letter of August 21, 2006, requesting renewal of the polygraph authority for the Department of Homeland Security (DHS). Your request is for continued authority to use polygraph screening by the U.S. Secret Service (USSS) for competitive service applicants and internal candidates for the positions of: Special Agent; Uniformed Division Officer; Intelligence Research Specialist; Communications Specialist; Physical Security Specialist; Electrical Engineer; Material Engineer; Civil Engineer; Chemical Engineer; Office Support Technicians; Protective Support Technician; Engineering Technician, Detection Systems Specialist; Electronics Technician; Security Support Technician; General Engineer/Physical Scientist; Electronics Engineer; and Special Officer. The USSS also screens Student Career Experience Program applicants who will eventually occupy one of the above positions.

Your request also included continued authority to use polygraph screening for positions of Information Technology Specialist within the Information Resources Management Division (IRMD), and Intelligence Research Assistant within the Intelligence Division, both within the Office of Protective Research, USSS. These positions were justified and approved last year.

You have also requested that USSS be permitted to continue conducting polygraph examinations on individuals working in connection with the Department's Information Analysis and Infrastructure Protection directorate (subsequently renamed the Office of Intelligence and Analysis), (Executive Order 13284, Sections 17 and 189(c)) or who are assigned to, or will have regular interaction with, the National Center for Counterterrorism (NCTC).

You have indicated your approval was limited to competitive service employees involved in counterintelligence activities, or who require access to Sensitive Compartmented Information but only when necessary to verify activities that cannot otherwise be accounted for in a personnel investigation.

Lastly, you have requested an expansion in your authority so that DHS can conduct polygraph examinations on all individuals who are granted access to Sensitive Compartmented Information (SCI) by the Department.
The Office of Personnel Management (OPM) approves and annually renews the use of the polygraph under the authority of Executive Orders (EO) 10450 and 10577, as amended. In doing so, OPM follows the standards it formerly prescribed in Federal Personnel Manual (FPM) chapter 736, section 2-6, titled Use of the Polygraph in Personnel Investigations. Renewal requires the requesting agency to recertify that it continues to meet OPM's standards for use of the polygraph in employment screening and personnel investigations.

In addition to meeting OPM's standards, an agency seeking renewal must meet the uniform personnel security community standards agreed to by the parties to SPB 058-99, the U.S. Security Policy Board Polygraph Memorandum of Agreement.

OPM initially approved The Treasury Department's use of the polygraph for employment screening and personnel investigations for specifically designated positions in the competitive service in August 1979, with annual renewals each succeeding year. In October 2003, following the transfer of the USSS from the Treasury Department to the Department of Homeland Security under 6 U.S.C. 381, OPM approved a transfer of the USSS's polygraph authority. The record of OPM's initial approval and subsequent renewals show that they were based on the USSS's agreement to comply with the standards described above.

The requested authorization to expand polygraph authority so that DHS can conduct polygraph examinations on all individual who are granted access to SCI by the Department is not covered by OPM authority under EO 10450 and 10577 and the standards it formerly prescribed in FPM 736. Polygraph examinations under these Executive Orders and standards are not applicable for purposes other then employment selection screening.

However, according to the DCI Directive 6/4, 7e, Investigative Requirements and Standards, "Notwithstanding the status of an individual's background investigation, departments and agencies with policies sanctioning the use of the polygraph for personnel security purposes may require polygraph examinations when deemed necessary by the department or agency head to be in the national security interest of the United States. Where they exist, such polygraph programs shall be characterized by unified training and certification as well as coordination of scope, applicability and fairness issues to promote consistency, reciprocity and due process".

Based on your submission, the authority to use the polygraph in personnel investigations of position candidates and incumbents directly supports USSS' highly sensitive intelligence mission and personnel security requirements.

I am, therefore, granting approval for the renewal of USSS's polygraph authority to pre-existing positions through September 30, 2007. I am also granting approval for the renewal of USSS delegated polygraph examinations on individuals involved with Counterintelligence activities, specifically those individuals working in connection with the Department's Information Analysis and Infrastructure Protection directorate (Executive Order 13284, Sections 17 and 189(c)) or who are assigned to, or will have regular interaction with the NCTC. Pursuant to your request,
Mr. Dwight M. Williams

this approval is limited to competitive service employees involved in counterintelligence activities, or who require access to SCI, but only when necessary to verify activities that cannot otherwise be accounted for in personnel investigations.

This approval is for twelve months and is strictly for the polygraph screenings of the above positions that are not covered by any bargaining unit, contingent upon your continued compliance with the conditions described below.

First, the USSS must continue its compliance with uniform community polygraph standards. These standards include approval of the Federal Psychophysiological Detection of Deception Examiner’s Handbook (“Handbook”). Where the procedures currently in place are more stringent than those standards, you are encouraged to comply with the more stringent level.

Second, the USSS must continue to use procedures by which, if an applicant is denied a clearance or employment as a result of an inconclusive (“No Opinion”) polygraph examination that cannot be corroborated, the proposed denial is first reviewed and approved by the Chief Security Officer of DHS.

Third, The Department of Defense Polygraph Institute (DoDPI), the executive agent for polygraph screening, must conduct quality assurance reviews of the USSS polygraph programs pursuant to the procedures in the Handbook at least every two years. Thank you for forwarding the results of the November 10, 2005 DoDPI Quality Assurance Inspection Report. The results of such reviews are to be provided to OPM and to the Office of Security, USSS.

If you or your staff has any questions about the conditions of this renewal, please contact Kathy Dillaman, Associate Director of the Federal Investigative Services Division, at (724) 794-5612.

Sincerely,

Linda M. Speigner
Director
August 15, 2007

Mr. Jerry Williams
Office of Security
U.S. Department of Homeland Security
Washington, DC 20528

Dear Mr. Williams:

Based on the content of your July 31, 2007, request, and under the authority of Executive Orders 10450 and 10577, as amended, the Office of Personnel Management (OPM) tentatively approves your proposal to establish a U.S. Customs and Border Protection (CBP) polygraph program. In doing so, OPM follows the standards it formerly prescribed in Federal Personnel Manual (FPM), now abolished, chapter 736, section 2-6, titled Use of the Polygraph in Personnel Investigations.

The standards require the requesting agency to submit for OPM review a statement of the nature of its mission along with a statement of the minimum standards governing the use of the polygraph, to include current or proposed regulations and directives. The standards also require the requesting agency to certify and recertify that it meets and will continue to meet OPM’s standards for use of the polygraph in employment screening and personnel investigations. In addition to meeting OPM’s standards, any agency seeking polygraph authority must meet the uniform personnel security community standards agreed to by the parties to SPB 058-99, the U.S. Security Policy Board’s Polygraph Memorandum of Agreement.

You have addressed most of these requirements in your request proposal of July 31, 2007. Final approval will be determined based on OPM’s review of CBP’s final regulations and directives developed to govern the use of the polygraph. This tentative approval is for 12 months, or until replaced by a final approval, whichever comes first, and is strictly to establish a polygraph screening program for the positions not covered by any bargaining unit, as enumerated in your proposal of July 31, 2007, contingent upon the conditions described below:

- The CBP must establish a program that complies with uniform community polygraph standards found in the Federal Psychophysiological Detection of Deception Examiner’s Handbook (“Handbook”).

- The CBP must use procedures by which, if an applicant is denied a clearance or employment as a result of an inconclusive (“No Opinion”) polygraph examination that cannot be corroborated, the proposed denial is first reviewed and approved by the Chief Security Officer of DHS.

- The Defense Academy for Credibility Assessment (DACA) must conduct quality assurance reviews of the CBP polygraph programs pursuant to the procedures in the Handbook at least every two years. The results of such reviews are to be provided to OPM and to the Office of Security, DHS.
Mr. Jerry Williams

The parameters of this approval are as understood from your letter of July 31, 2007. The approval is for the CBP to establish an applicant screening polygraph program. The program will be a pre-screening polygraph program for competitive and excepted service applicants, as well as internal candidates, for the following entry level positions: U.S. Border Patrol Agents, CBP Officers, CBP Air Interdiction Agents, CBP Marine Interdiction Agents, Special Agents and some other law enforcement positions within the Office of Internal Affairs, and other unique law enforcement officer positions as designated by the Commissioner under the provisions of 5 U.S.C. 8331(f)(c) and 8412(d), that impact national security.

You included supporting documentation in your July 31, 2007 proposal summarizing the duties and responsibilities of the positions and stating that all the position incumbents will directly impact national security. The four groups of law enforcement employees identified hold positions that directly involve the border security mission to prevent the entry of terrorists and instruments of terror into the United States.

Your intent is to establish a polygraph program that would strategically select persons from the total pool of applicants to take an applicant screening polygraph. The selection would be made in two categories: applicants who pose the greatest threat to national security and applicants who constitute a representative sample of the total pool of applicants, to include those that appear most suitable. Your proposed applicant screening polygraph examinations would be dual scope examinations where both national security and lifestyle issues, as further defined by you, would be addressed in separate series during the same exam.

You plan to establish a CBP polygraph program that is in strict accordance with the highest standards established by the DACA, formerly the Department of Defense Polygraph Institute (DoDPI); that will fully comply with Federal polygraph standards; that will never deny employment or issuance of a clearance based on an inconclusive polygraph examination result; and finally that you will submit to DACA quality assurance review every two years or more frequently if circumstances indicate.

If you have any questions about the conditions of this tentative approval, please contact Kathy L. Dillaman, Associate Director of OPM’s Federal Investigative Services Division at (724) 794-5612.

Sincerely,

[Signature]

Linda M. Spilfinger
Director
Dear Mr. Zawodny,

Thank you for your request for renewal of your polygraph authority. We were unable to process it because clarification of key information is required.

There is a difference between this renewal and renewals from prior years. Previous renewals were for specified positions within U.S. Secret Service along with other positions working in connection with the Department’s Information Analysis and Infrastructure Protection directorate (subsequently renamed the Office of Intelligence and Analysis), or who are assigned to, or will have regular interaction with the National Center for Counterterrorism (NCTC).

This year’s renewal request seems to have departmentalized the request to the Department of Homeland Security (DHS). Please clarify whether this is a new authorization or a renewal of prior authorizations as indicated.

If this is a renewal, please explain why there is a difference in the organization entities defined. Please include a clear delineation of the positions and with which component, entity or bureau within DHS each position is affiliated.

Finally, it appears that the results of your Department of Defense Polygraph Institute (DoDPI) quality assurance review were last completed on November 10, 2005. According to conditions set by OPM, quality assurance reviews by DoDPI must be conducted at least every two years. Kindly provide the status of this review.

Sincerely,

[Signature]

Joy Fairtile
Deputy Associate Director, Services Division
Federal Investigations Division
January 14, 2008

Mr. Jerry Williams  
Chief Security Officer  
U.S. Department of Homeland Security  
Washington, DC 20528

Dear Mr. Williams:

This is in response to your agency’s undated letter, requesting renewal of the polygraph authority for the Department of Homeland Security (DHS). OPM requested clarification regarding the apparent expansion of your request from the component of U.S. Secret Service (USSS) to the entire department. You clarified your request by letter dated November 14, 2007, indicating that the USSS is the DHS component that has always conducted polygraph examinations for the department and that the affected positions are still affiliated with the same components as they have been in the past.

Your request, therefore, is for continued authority to use polygraph screening for competitive service applicants and internal candidates for the positions of: Special Agent; Uniformed Division Officer; Intelligence Research Specialist; Communications Specialist; Physical Security Specialist; Electrical Engineer; Material Engineer; Civil Engineer; Chemical Engineer; Office Support Technicians; Protective Support Technician; Engineering Technician; Detection Systems Specialist; Electronics Technician; Security Support Technician; General Engineer/Physical Scientist; Electronics Engineer; and Special Officer within DHS. The DHS also screens Student Career Experience Program applicants who will eventually occupy one of the above positions.

You also requested renewed authority to use polygraph screening for the positions of Information Technology Specialist and Intelligence Research Assistant as well as those individuals working in connection with the Department’s Office of Intelligence and Analysis or who are assigned to, or will have regular interaction with, the National Center for Counterterrorism (NCTC).

OPM approves and annually renews the use of the polygraph under the authority of Executive Orders 10450 and 10577, as amended. In doing so, OPM follows the standards it formerly prescribed in FPM chapter 736, section 2-6, titled Use of the Polygraph in Personnel Investigations. Renewal requires the requesting agency to recertify that it continues to meet OPM’s standards for use of the polygraph in employment screening and personnel investigations.

In addition to meeting OPM’s standards, an agency seeking renewal must meet the uniform personnel security community standards agreed to by the parties to SPB 058-99, the U.S. Security Policy Board Polygraph Memorandum of Agreement.
Mr. Jerry Williams

OPM initially approved the Treasury Department’s use of the polygraph for employment screening and personnel investigations for specifically designated positions in the competitive service in August 1979, with annual renewals each succeeding year. In October 2003, following the transfer of the USSS from the Treasury Department to DHS under 6 U.S.C. 381, OPM approved a transfer of the USSS’s polygraph authority. The record of OPM’s initial approval and subsequent renewals show that they were based on the DHS’s agreement to comply with the standards described above.

I am, therefore, granting approval for the renewal of DHS’s polygraph authority through September 30, 2008, for positions previously covered under this authority. I am also granting approval for the renewal of DHS delegated polygraph examinations for individuals involved with counterintelligence activities, specifically those individuals working in connection with the Department’s Office of Intelligence and Analysis or who are assigned to, or will have regular interaction with the NCTC. Pursuant to your request, this approval is limited to competitive service employees involved in counterintelligence activities, or who require access to Sensitive Compartmented Information, but only when necessary to verify activities that cannot otherwise be accounted for in personnel investigations.

This approval is strictly for the polygraph screenings of the above positions that are not covered by any bargaining unit, contingent upon your continued compliance with the conditions described below.

First, the DHS must continue its compliance with uniform community polygraph standards. These standards include approval of the Federal Psychophysiological Detection of Deception Examiner’s Handbook (“Handbook”). Where the procedures currently in place are more stringent than those standards, you are encouraged to comply with the more stringent level.

Second, the DHS must continue to use procedures by which, if an applicant is denied a clearance or employment as a result of an inconclusive (“No Opinion”) polygraph examination that cannot be corroborated, the proposed denial is first reviewed and approved by the Chief Security Officer of DHS.

Third, The Department of Defense Polygraph Institute (DoDPI), the executive agent for polygraph screening, must conduct quality assurance reviews of the DHS polygraph programs pursuant to the procedures in the Handbook at least every two years. Thank you for providing the results of your most recent DoDPI Quality Assurance Inspection Report dated November 5, 2007 and indicating that a copy of the report was forwarded to the Office of Security, DHS, on November 13, 2007.
Mr. Jerry Williams

If you or your staff has any questions about the conditions of this renewal, please contact Kathy L. Dillaman, Associate Director of the Federal Investigative Services Division at (724) 794-5612, extension 112.

Sincerely,

Linda M. Springer
Director
Mr. Jerry Williams  
Chief Security Officer  
Office of Security  
U.S. Department of Homeland Security  
Washington, DC 20528

Dear Mr. Williams:

This is in response to your agency's letter of March 18, 2009, requesting final approval for the U.S. Customs and Border Protection (CBP) to establish an applicant screening polygraph program, hereafter referred to as "Program," and your agency's September 18, 2009 letter requesting continuation of the Program. On July 31, 2007, your agency proposed the establishment of a Program for competitive and excepted service applicants, as well as internal candidates, for the following entry-level positions: U.S. Border Patrol Agents; CBP Officers; CBP Air Interdiction Agents; CBP Marine Interdiction Agents; Special Agents and some other law enforcement positions within the Office of Internal Affairs, and other unique law enforcement officer positions as designated by the Commissioner under the provisions of 5 U.S.C. 8331(6)(c) and 8412(d) as appropriate, that impact national security. OPM grants your request for final approval and annual renewal of the Program.

The Office of Personnel Management (OPM) approves the use of the polygraph under the authority of Executive Orders 10450 and 10577, as amended. In granting approval for the Program, OPM follows the standards it formerly prescribed in the Federal Personnel Manual, now abolished, chapter 736, section 2-6, titled Use of the Polygraph in Personnel Investigations. The standard requires the requesting agency to submit a statement of the nature of its mission and a copy of, along with the minimum standards for, its current or proposed regulations and directives governing use of the polygraph. The standard also requires agencies to certify and recertify that it meets and will continue to meet OPM's standards for use of the polygraph in employment screening and personnel investigations. In addition to meeting OPM's standards, an agency seeking polygraph authority must meet the uniform personnel security community standards agreed to by the parties to SPB 058-99, the U.S. Security Policy Board Polygraph Memorandum of Agreement.

You addressed and satisfied most of these standards in your July 31, 2007, proposal. You explained that the use of the polygraph in personnel investigations of position candidates and incumbents directly supports CBP's highly sensitive intelligence mission and personnel security requirements, and you provided the Program's parameters. The Program would strategically select two categories of persons from the total pool of applicants: those applicants that pose the greatest threat to national security and those applicants that constitute a representative sample of the total pool of applicants, to include those who appear most suitable. Your proposed polygraph
examination would be dual scope where both national security and lifestyle issues, as further defined by you, would be addressed in separate series during the same exam.

Your proposal included supporting documentation which summarized the duties and responsibilities of the positions and stated that all the position incumbents will directly impact national security. The four groups of law enforcement employees hold positions that directly involve the border security mission to prevent the entry of terrorists and instruments of terror into the United States. Furthermore, your proposal was discussed and coordinated with CBP’s Offices of Border Patrol, Field Operations, Chief Counsel and Human Resources, and was approved by Commissioner Basham.

Finally, you stated that the Program will be established in strict accordance with the highest standards established by the Defense Academy for Credibility Assessment (DACA), formerly the Department of Defense Polygraph Institute (DoDPI), that there will be full compliance with Federal polygraph standards, that you will never deny employment or issuance of a clearance based on an inconclusive polygraph examination result, and that you will submit to DACA quality assurance review every two years or more frequently if circumstances indicate.

On August 15, 2007, the Office of Personnel Management (OPM) tentatively approved your proposal for twelve months or until replaced by a final approval, and it was strictly to establish a polygraph screening program for external applicants who are not current CBP bargaining unit employees, contingent upon the following:

- The CBP must establish a program that complies with uniform community polygraph standards found in the Federal Psychophysiological Detection of Deception Examiner’s Handbook (“Handbook”).

- The CBP must use procedures by which, if an applicant is denied a clearance or employment as a result of an inconclusive (“No Opinion”) polygraph examination that cannot be corroborated, the proposed denial is first reviewed and approved by the Chief Security Officer of DHS.

- DACA must conduct quality assurance reviews of the CBP polygraph programs pursuant to the procedures in the Handbook at least every two years. The results of such reviews are to be provided to OPM and to the Office of Security, DHS.

Your letter of March 18, 2009, notified the OPM that CBP has met these three conditions. You provided a copy of the CBP Polygraph Manual and the DACA Quality Assurance Program Inspection Report dated February 24-26, 2009, for OPM’s review. The report states that the Program met the standards required of a polygraph program. You stated that CBP has established procedures with the DHS Office of Security by which, if an applicant is denied a clearance or employment as a result of an inconclusive (“No Opinion”) polygraph examination that cannot be corroborated, the proposed denial is first reviewed and approved by the Chief Security Officer of DHS.
OPM hereby gives final approval for the Program and authorizes its renewal until September 30, 2010. Your continued authority to operate such program is contingent upon the following: that the Program maintains strict adherence to the highest standards established by the DACA; that it will fully comply with Federal polygraph standards; that it will never deny employment or issuance of a clearance based on an inconclusive polygraph examination result; and finally that DACA must conduct quality assurance reviews of the DHS polygraph programs pursuant to the procedures in the Handbook at least every two years, and the results of such reviews are to be provided to OPM and to the Office of Security, DHS.

In addition, your letter of September 18, 2009, requested renewed authority for DHS to use polygraph screening for competitive service applicants and internal candidates for the positions of: Special Agent, Uniformed Division Officer; Intelligence Research Specialist; Communications Specialist; Physical Security Specialist; Electrical Engineer; Material Engineer; Civil Engineer; Chemical Engineer; Office Support Technician; Protective Support Technician; Engineering Technician, Detection Systems Specialist; Electronics Technician, Security Support Technician; General Engineer/Physical Scientist; Electronics Engineer; and Special Officer within DHS. The DHS also screens Student Career Experience Program applicants who will eventually occupy one of the above positions.

Your request also included continued authority to use polygraph screening for positions of Information Technology Specialist and Intelligence Research Assistant as well as those individuals working in connection with the Department’s Office of Intelligence and Analysis or who are assigned to, or will have regular interaction with, the National Center for Counterterrorism (NCTC).

OPM hereby authorizes through September 30, 2010, renewal of DHS’s polygraph authority to conduct polygraph examinations on the competitive service applicants and internal candidates specified and on individuals involved with Counterintelligence activities, specifically those individuals working in connection with the Department’s Office of Intelligence and Analysis or who are assigned to, or will have regular interaction with the National Center for Counterterrorism (NCTC). Pursuant to your request, this approval is limited to competitive service employees involved in counterintelligence activities, or who require access to Sensitive Compartmented Information, but only when necessary to verify activities that cannot otherwise be accounted for in personnel investigations.

This approval is strictly for the polygraph screenings of the above positions that are not covered by any bargaining unit, contingent upon your continued compliance with the conditions described below.

First, the DHS must continue its compliance with uniform community polygraph standards. These standards include approval of the Federal Psychophysiological Detection of Deception.
Examiner's Handbook ("Handbook"). Where the procedures currently in place are more stringent than those standards, you are encouraged to comply with the more stringent level.

Second, the DHS must continue to use procedures by which, if an applicant is denied a clearance or employment as a result of an inconclusive ("No Opinion") polygraph examination that cannot be corroborated, the proposed denial is first reviewed and approved by the Chief Security Officer of DHS.

Third, The Defense Academy for Credibility Assessment (DACA), formerly The Department of Defense Polygraph Institute (DoDPI), must conduct quality assurance reviews of the DHS polygraph programs pursuant to the procedures in the Handbook at least every two years. Thank you for providing the results of your most recent DACA Quality Assurance Inspection Report dated October, 2009 and indicating that a copy of the report was forwarded to the Office of Security, DHS, on December 7, 2009.

If there are any questions about the conditions of the establishment of the Program or the renewal of established Programs, please contact Kathy L. Dillaman, Associate Director of OPM's Federal Investigative Services Division, at (724) 794-5612.

Sincerely,

[Signature]
John Berry
Director
Mr. Jerry Williams  
Chief Security Officer  
Office of Security  
U.S. Department of Homeland Security  
Washington, DC 20528

Dear Mr. Williams,

This is in response to your agency’s letter of September 9, 2010, requesting renewed authority to conduct polygraph examinations for the fiscal year commencing October 1, 2010, through September 30, 2011.

The Office of Personnel Management (OPM) approves and annually renews the use of the polygraph for competitive service employment screening and personnel investigations under the authority of Executive Orders 10450 and 10577, as amended. In doing so, OPM follows the standards it formerly prescribed in the Federal Personnel Manual, now abolished, chapter 736, section 2-6, titled Use of the Polygraph in Personnel Investigations. Renewal requires the requesting agency to recertify that it meets and will continue to meet OPM’s standards for use of the polygraph in employment screening and personnel investigations. In addition to meeting OPM’s standards, an agency seeking renewal of polygraph authority must meet the uniform personnel security community standards agreed to by the parties to SPB 058-99, the U.S. Security Policy Board Polygraph Memorandum of Agreement.

Your letter of September 9, 2010, requested continued authority for DHS to conduct polygraph examinations to screen competitive service applicants and internal candidates for the positions of: Special Agent; Uniformed Division Officer; Intelligence Research Specialist; Communications Specialist; Physical Security Specialist; Electrical Engineer; Material Engineer; Civil Engineer; Chemical Engineer; Office Support Technicians; Protective Support Technician; Engineering Technician, Detection Systems Specialist; Electronics Technician; Security Support Technician; General Engineer/Physical Scientist; Electronics Engineer; and Special Officer. The DHS also screens Student Career Experience Program applicants who will eventually occupy one of the above positions.

Your request also extended to positions in the Protective Intelligence and Assessment Division as well as individuals working in connection with the Department’s Office of Intelligence and Analysis or who are assigned to, or will have regular interaction with the National Center for Counterterrorism (NCTC). Approval is limited to competitive service employees involved in counterintelligence activities, or who require access to Sensitive Compartmented Information, but only when considered necessary to verify activities that cannot otherwise be accounted for during personnel investigations. These positions are: Administrative Support Assistant.

OCT 28 2010
Mr. Jerry Williams

Administrative Support Officer; Information Technology Specialist; Intelligence Security Specialist; Intelligence Research Assistant; Protective Intelligence Research Assistant; Protective Intelligence Research Specialist; Protective Intelligence Training Specialist; Research Psychologist, Staff Assistant; and Threat Assessment Specialist.

OPM accepts the statement, "the conditions, regulations, and safeguards for the use of the polygraph submitted to OPM for approval in the original grants of authority remain in force" as commensurate with certifying that DHS meets and will continue to meet OPM's standards for use of the polygraph in employment screening and personnel investigations, as required for renewed authorization for use of the polygraph. Therefore, I am granting approval for the renewal of DHS's polygraph authority through September 30, 2011, which is strictly for the polygraph screenings of the above positions that are not covered by any bargaining unit, contingent upon your continued compliance with the following conditions:

- The DHS must continue its compliance with uniform community polygraph standards. These standards include approval of the Federal Psychophysiological Detection of Deception Examiner’s Handbook (“Handbook”). Where the procedures currently in place are more stringent than those standards, you are encouraged to comply with the more stringent level.

- The DHS must continue to use procedures by which, if an applicant is denied a clearance or employment as a result of an inconclusive (“No Opinion”) polygraph examination that cannot be corroborated, the proposed denial is first reviewed and approved by the Chief Security Officer of DHS.

- The Defense Academy for Credibility Assessment (DACA) Quality Assurance Program (QAP) must conduct quality assurance reviews of the DHS polygraph program pursuant to the procedures in the Handbook at least every two years. The results of such reviews are to be provided to OPM and to the Office of Security, DHS. The October 29, 2009, report of the October 20-22, 2009, DACA QAP inspection of the United States Secret Service (USSS) Polygraph Branch was provided to OPM on December 10, 2009. The USSS polygraph program conducts the polygraph examinations for DHS under this authority and was found to meet the standards required of a federal government polygraph program.

Your September 9, 2010, letter also requested a continuation of the U.S. Customs and Border Protection (CBP) applicant screening polygraph program for competitive and excepted service applicants as well as internal candidates who will occupy one of the following entry-level positions: U.S. Border Patrol Agents; CBP Officers; CBP Air Interdiction Agents; CPB Marine Interdiction Agents; Special Agents and some other law enforcement positions within the Office of Internal Affairs, and as designated by the Commissioner, other unique positions defined as law enforcement officers under the provisions of 5 U.S.C. 8331(6)(c) and 8412(d) as appropriate. OPM accepts the statement, "the conditions, regulations, and
safeguards for the use of the polygraph submitted to OPM for approval in the original grants of authority remain in force" as commensurate with recertifying that CBP meets and will continue to meet OPM's standards for use of the polygraph in employment screening and personnel investigations, as required for renewed authorization for use of the polygraph. Therefore, I am granting approval for the renewal of CBP's polygraph authority through September 30, 2011, which is strictly for the polygraph screenings of competitive service applicants of the above positions contingent upon your continued compliance with the following conditions:

- The CBP polygraph program maintains strict adherence to the highest standards established by the DACA and fully complies with uniform community polygraph standards found in the Handbook.

- The CBP will never deny employment or issuance of a clearance based on an inconclusive ("No Opinion") polygraph examination result.

- DACA QAP must conduct quality assurance reviews of the CBP polygraph program pursuant to the procedures in the Handbook at least every two years. The results of such reviews are to be provided to OPM and to the Office of Security, DHS. The DACA QAP March 3, 2009, report of the February 24-26, 2009, inspection of the Psychophysiological Detection of Deception/polygraph program of the CBP Office of Internal Affairs (IA) Credibility Assessment Division (CAD) stated that the CBP-IA-CAD polygraph program met the standards required of a polygraph program.

If there are any questions about the conditions of the renewal of established authorities, please contact Kathy L. Dillaman, Associate Director of OPM's Federal Investigative Services at (724) 794-5612.

Sincerely,

[Signature]

John Berry
Director
Mr. Greg Marshall  
Chief Security Officer, Acting  
Office of Security  
U.S. Department of Homeland Security  
Washington, DC 20528

Dear Mr. Marshall:

This is in response to your agency's letter of May 31, 2001, requesting additional authority to conduct polygraph examinations to screen competitive service applicants for the fiscal year commencing October 1, 2010, through September 30, 2011.

The Office of Personnel Management (OPM) approves and annually reviews the use of the polygraph for competitive service employment screening and personnel investigations under the authority of Executive Orders 10450 and 10577, as amended. In doing so, OPM follows the standards it formerly prescribed in the Federal Personnel Manual, now abolished, chapter 736, section 2-6, titled "Use of the Polygraph in Personnel Investigations." The agency seeking polygraph authority is required to certify that it meets and will continue to meet OPM's standards for use of the polygraph in employment screening and personnel investigations. In addition to meeting OPM's standards, an agency seeking polygraph authority must meet the uniform personnel security community standards agreed to by the parties to SPB 058-69, the U.S. Security Policy Board Polygraph Memorandum of Agreement.

Your letter of May 31, 2001, requested that OPM extend authority beyond that which was granted to DHS in OPM's letter dated October 28, 2010. It requested authority to conduct polygraph examinations for competitive service positions in the National Protection and Programs Directorate (NPPD); National Cyber and Security Division (NCSD) who have regular interaction with the National Security Agency. The positions that fall under this umbrella are: IT Specialist (INFOSEC) - GS 2210; Program Manager - GS 340; Program Analyst - GS 343; and Electronics Engineer, Computer Engineer, and Computer Scientist - GS 854, 855, or 1550. These positions within NPPD, Office of the Director Cybersecurity Communications (DCC) are assigned to the National Security Agency. In addition, DHS will include these positions in its annual recertification request for the use of the polygraph in personnel investigations for fiscal year 2012.

OPM accepts the statement, "the conditions, regulations, and safeguards for the use of the polygraph submitted to OPM for approval in the original grants of authority remain in force," as commensurate with certifying that DHS meets and will continue to meet OPM's standards for use of the polygraph in employment screening and personnel investigations, as required for authorization for use of the polygraph. Therefore, I am granting approval to extend DHS's...
authority to conduct polygraph examinations to screen competitive service applicants for the above listed positions through September 30, 2011, contingent upon your continued compliance with the following conditions:

- The DHS must continue its compliance with uniform community polygraph standards. These standards include approval of the *Federal Psychophysiological Detection of Deception Examiner's Handbook* ("Handbook"). Where the procedures currently in place are more stringent than those standards, you are encouraged to comply with the more stringent level.

- The DHS must continue to use procedures by which, if an applicant is denied a clearance or employment as a result of an inconclusive ("No Opinion") polygraph examination that cannot be corroborated, the proposed denial is first reviewed and approved by the Chief Security Officer of DHS.

- The Defense Academy for Credibility Assessment (DACA) Quality Assurance Program (QAP) must conduct quality assurance reviews of the DHS polygraph program pursuant to the procedures in the Handbook at least every two years. The results of such reviews are to be provided to OPM and to the Office of Security, DHS. The October 29, 2009, report of the October 20-22, 2009, DACA QAP inspection of the United States Secret Service (USSS) Polygraph Branch was provided to OPM on December 10, 2009. The USSS polygraph program conducts the polygraph examinations for DHS under this authority and was found to meet the standards required of a federal government polygraph program.

If there are any questions about the conditions of this authority, please contact Merton W. Miller, Associate Director of OPM's Federal Investigative Services at (724) 794-5612.

Sincerely,

[Signature]

John Berry
Director
November 15, 2006

Mr. Lee J. Loftus  
Acting Assistant Attorney General for Administration  
U.S. Department of Justice  
Justice Command Center  
Washington, DC 20226

Dear Mr. Loftus:

This responds to your agency’s letter of September 18, 2006, recertifying that the conditions which led to approval of the Department of Justice’s (DOJ) authority to conduct counterintelligence polygraph examinations for members of the Justice Command Center (JCC) still exists.

The Office of Personnel Management (OPM) approves and annually renews the use of the polygraph under the authority of Executive Orders (EO) 10450 and 10577, as amended. In doing so, OPM follows the standards it formerly prescribed in FPM chapter 736, section 2-6, titled Use of the Polygraph in Personnel Investigations. Renewal requires the requesting agency to recertify that it continues to meet OPM’s standards for use of the polygraph in employment screening and personnel investigations. In addition to meeting OPM’s standards, an agency seeking renewal must meet the uniform personnel security community standards agreed to by the parties to SPB 058-99, the U.S. Security Policy Board Polygraph Memorandum of Agreement.

In November 1987, OPM initially approved DOJ’s use of the polygraph for employment screening and personnel investigations for JCC positions in the competitive service, with annual renewals each succeeding year. Presently, according to Tony Vasaio, Assistant Director, JCC, the positions that require access to cryptographic keying material and Sensitive Compartmented Information are Emergency Action Specialists and Telecommunications Specialists. I am granting approval for the renewal of DOJ’s polygraph authority for the JCC through September 30, 2007. This approval is strictly for the designated positions which have access to cryptographic keying material and Sensitive Compartmented Information within JCC and that are not covered by any bargaining unit, contingent upon your continued compliance with the conditions described below.

First, DOJ must continue its compliance with the uniform community polygraph standards outlined in the Federal Psychophysiological Detection of Deception Examiner’s Handbook (“Handbook”). Where the procedures currently in place are more stringent than those standards, you are encouraged to comply with the more stringent level.
Secondly, DOJ must continue to use procedures by which, if an applicant is denied a clearance or employment as a result of an inconclusive ("No Opinion") polygraph examination the proposed denial is first reviewed and approved by the DOJ Director of the Security and Emergency Planning Staff, Justice Management Division.

Third, the Department of Defense Polygraph Institute (DoDPI), the executive agent for polygraph screening, must conduct quality assurance reviews of the JCC polygraph programs pursuant to the procedures in the Handbook at least every two years. Thank you for forwarding the results of the December 14, 2005 DoDPI Quality Assurance Inspection Report. The results of such reviews are to be provided to OPM and to the Office of Security, JCC.

If you or your staff has any questions about the conditions of this renewal, please contact Kathy Dillaman, Deputy Associate Director of the Federal Investigative Services Division, at (724) 794-5612.

Sincerely,

[Signature]
Linda M. Springer
Director
February 14, 2008

Ms. Mari Barr Santangelo
Deputy Assistant Attorney General
For Human Resources and Administration
U.S. Department of Justice
Justice Command Center
Washington, DC 20226

Dear Ms. Santangelo:

This responds to your agency’s letter of October 24, 2007, recertifying that the conditions which led to approval of the Department of Justice’s (DOJ) authority to conduct counterintelligence polygraph examinations for members of the Justice Command Center (JCC) still exists.

OPM approves and annually renew the use of the polygraph under the authority of Executive Orders 10450 and 10577, as amended. In doing so, OPM follows the standards it formerly prescribed in FPM chapter 736, section 2-6, titled Use of the Polygraph in Personnel Investigations. Renewal requires the requesting agency to recertify that it continues to meet OPM’s standards for use of the polygraph in employment screening and personnel investigations. In addition to meeting OPM’s standards, an agency seeking renewal must meet the uniform personnel security community standards agreed to by the parties to SPB 058-99, the U.S. Security Policy Board Polygraph Memorandum of Agreement.

In November 1987, OPM initially approved DOJ’s use of the polygraph for employment screening and personnel investigations for JCC positions in the competitive service, with annual renewals each succeeding year. Presently, according to Diane Flowers, Supervisory Security Specialist, DOJ, all the positions that require access to cryptographic keying material and Sensitive Compartmented Information are Emergency Action Specialists and Telecommunications Specialists. I am granting approval for the renewal of DOJ’s polygraph authority for the JCC through September 30, 2008. This approval is strictly for the designated positions which have access to cryptographic keying material and Sensitive Compartmented Information within JCC and that are not covered by any bargaining unit, contingent upon your continued compliance with the conditions described below.

First, DOJ must continue its compliance with the uniform community polygraph standards outlined in the Federal Psychophysiological Detection of Deception Examiner’s Handbook ("Handbook"). Where the procedures currently in place are more stringent than those standards, you are encouraged to comply with the more stringent level.

Secondly, DOJ must continue to use procedures by which, if an applicant is denied a clearance or employment as a result of an inconclusive ("No Opinion") polygraph examination the proposed denial is first reviewed and approved by the DOJ Director of the Security and Emergency Planning Staff, Justice Management Division.
Ms. Santangelo

Third, The Defense Academy for Credibility Assessment (DACA), formerly The Department of Defense Polygraph Institute (DoDPI), must conduct quality assurance reviews of the DOJ polygraph programs pursuant to the procedures in the Handbook at least every two years. It appears that the results of the Federal Bureau of Investigation (FBI), Polygraph Unit (PU), who conduct the polygraph examinations for JCC, DoDPI Quality Assurance Inspection Report were last completed on December 14, 2005. Kindly provide the status of this review.

If you or your staff has any questions about the conditions of this renewal, please contact Kathy L. Dillaman, Associate Director of the Federal Investigative Services Division at (724) 794-5612, extension 112.

Sincerely,

[Signature]

Linda M. Springer
Director
Ms. Mari Barr Santangelo
Deputy Assistant Attorney General
for Human Resources and Administration
U.S. Department of Justice
Justice Command Center
Washington, DC 20226

Dear Ms. Santangelo:

Thank you for your agency’s letter of October 23, 2009. It certified that the conditions which led to the approval of the Department of Justice’s (DOJ) authority to conduct counterintelligence polygraph examinations for members of the Justice Command Center (JCC) still exist.

We are unable to process your annual request for renewal because key information is required. One of the conditions for renewal is continued compliance with the uniform community polygraph standards. The Defense Academy for Credibility Assessment (DACA), formerly the Department of Defense Polygraph Institute (DoDPI), must conduct quality assurance reviews of the DOJ polygraph programs pursuant to the procedures in the Federal Psychophysiological Detection of Deception Examiner’s Handbook at least every two years. It appears that the results of the Federal Bureau of Investigation Polygraph Unit, which conducts polygraph examinations for JCC, DoDPI Quality Assurance Inspection Report were last completed on December 14, 2005. Please provide an update on the review.

If you or your staff has any questions about the conditions of this renewal, please contact M. Colleen Crowley, Executive Program Director, Policy, Liaison and Agency Support Program, Federal Investigative Services Division at 202-606-2245.

Sincerely,

[Signature]

Kathy D’Ilmam
Associate Director
Dear Ms. Santangelo:

This further responds to your agency’s letter of October 23, 2009, recertifying that the conditions which led to approval of the Department of Justice’s (DOJ) authority to conduct counterintelligence polygraph examinations for members of the Justice Command Center (JCC) still exists. This also considers the additional information your office provided regarding the favorable assessment of DOJ’s polygraph program.

OPM approves and annually renews the use of the polygraph under the authority of Executive Orders 10450 and 10577, as amended. In doing so, OPM follows the standards it formerly prescribed in FPM chapter 736, section 2-6, titled Use of the Polygraph in Personnel Investigations. Renewal requires the requesting agency to recertify that it continues to meet OPM’s standards for use of the polygraph in employment screening and personnel investigations. In addition to meeting OPM’s standards, an agency seeking renewal must meet the uniform personnel security community standards agreed to by the parties to SPB 058-99, the U.S. Security Policy Board Polygraph Memorandum of Agreement.

In November 1987, OPM initially approved DOJ’s use of the polygraph for employment screening and personnel investigations for JCC positions in the competitive service, with annual renewals each succeeding year.

I am granting approval for the renewal of DOJ’s polygraph program for the JCC personnel through September 2011. This approval is strictly for the designated positions which have access to cryptographic keying material and SCI within JCC and that are not covered by any bargaining unit, contingent upon your continued compliance with the conditions described below.

First, DOJ must continue its compliance with the uniform community polygraph standards outlined in the Federal Psychophysiological Detection of Deception Examiner’s Handbook (“Handbook”). Where the procedures currently in place are more stringent than those standards, you are encouraged to comply with the more stringent level.

Secondly, DOJ must continue to use procedures by which, if an applicant is denied a clearance or employment as a result of an inconclusive (“No Opinion”) polygraph examination, the proposed
Ms. Mari Barr Santangelo

denial is first reviewed and approved by the DOJ Director of the Security and Emergency Planning Staff, Justice Management Division.

Third, the Defense Academy for Credibility Assessment (DACA), formerly the Department of Defense Polygraph Institute (DoDPI), must conduct quality assurance reviews of the DOJ polygraph programs pursuant to the procedures in the Handbook at least every two years.

The results of the Quality Assurance Program, DACA inspection of the Federal Bureau of Investigation (FBI), polygraph program that conducts the polygraph examinations for JCC were described in the March 24, 2008, DACA letter to Ms. Alvina E. Jones, FBI’s Internal Security Section Chief, and subsequently provided to OPM on February 5, 2010. The FBI polygraph program was found to comply with their policies and procedures and met or exceeded the standards required of a Federal Government polygraph program. During the inspection, 118 criteria in 9 primary areas were inspected. No recommendations were made regarding the criteria. The next DACA quality assurance review of the FBI’s polygraph program was scheduled for the second week of March 2010. Please forward the results of the updated review when available.

If you or your staff has any questions about the conditions of this renewal, please contact Kathy L. Dillaman, Associate Director of Federal Investigative Services at (724) 794-5612.

Sincerely,

John Berry
Director
Honorable Linda M. Springer  
Director  
U.S. Office of Personnel Management  
1900 E Street, NW  
Washington, DC 20415

Dear Director Springer:

The Office of Personnel Management (OPM) annually grants the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) an authorization for the expanded use of the polygraph in the screening of competitive service and excepted service GS-1811 criminal investigator/special agent applicants, as part of the pre-employment background investigation process.

The purpose of this letter is to request re-certification of authority to administer polygraph examinations to screen competitive service and excepted service applicants for the position of GS-1811 criminal investigator/special agent applicants with ATF. This authorization is requested for the period of October 1, 2006 through September 30, 2007. It should be noted that ATF continues to be in full compliance with the regulations and safeguards as previously approved by OPM.

From October 1, 2005 through July 31, 2006, ATF conducted 240 pre-employment examinations. ATF has revised ATF Brief 2123.1, Pre-employment Polygraph Screening Program and the brief is awaiting final signature.

The Department of Defense Polygraph Institute (DoDPI) conducted a Quality Assurance Program (QAP) Inspection the week of June 12, 2006. A copy of the QAP Inspection Report is enclosed. ATF is in compliance with all QAP requirements. The next inspection will be scheduled for June 2008.
Honorable Linda M. Springer

Thank you for your assistance with this matter. If any additional information is needed, please contact the Chief, ATF Special Operations Division at 202-927-

Sincerely yours,

[Signature]
Edgar Domenech
Acting Director

Enclosure
UNITED STATES OFFICE OF PERSONNEL MANAGEMENT
Washington, DC 20415

The Director

November 14, 2006

Mr. Michael J. Sullivan
Acting Director
Bureau of Alcohol, Tobacco, Firearms and Explosives
U.S. Department of Justice
650 Massachusetts Avenue, NW
Washington, DC 20226

Dear Mr. Sullivan:

This is in response to your agency’s letter of August 24, 2006, requesting renewal of the polygraph authority for the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF). Your request is for the expanded use of the polygraph in the screening of competitive service and excepted service applicants for the position of GS-1811 Criminal Investigator/Special Agent with ATF.

The Office of Personnel Management (OPM) approves and annually renews the use of the polygraph for competitive service employment screening and personnel investigations under the authority of Executive Orders (EO) 10450 and 10577, as amended. In doing so, OPM follows the standards it formerly prescribed in FPM chapter 736, section 2-6, titled Use of the Polygraph in Personnel Investigations. Renewal requires the requesting agency to recertify that it continues to meet OPM’s standards for use of the polygraph in employment screening and personnel investigations. In addition to meeting OPM’s standards, an agency seeking renewal must meet the uniform personnel security community standards agreed to by the parties to SPB 058-99, the U.S. Security Policy Board Polygraph Memorandum of Agreement.

OPM initially approved ATF’s use of the polygraph for employment screening and personnel investigations for GS-1811 Criminal Investigator (Special Agent) positions in the competitive service in September 1998, with annual renewals each succeeding year. In October 2003, following the transfer of the ATF from the Treasury Department to the Justice Department under 6 U.S.C. 531(c)(1), OPM approved a transfer of the ATF’s polygraph authority. The record of OPM’s initial approval and subsequent renewals show that they were based on the ATF’s agreement to comply with the standards described above.

I am granting approval for the renewal of ATF’s polygraph authority through September 30, 2007. This approval is strictly for the polygraph screenings of GS-1811 Criminal Investigator/Special Agent positions in the competitive service that are not covered by any bargaining unit, contingent upon your continued compliance with the conditions described below.
First, the ATF must continue its compliance with uniform community polygraph standards. These standards include approval of the Federal Psychophysiological Detection of Deception Examiner’s Handbook (“Handbook”). Where the procedures currently in place are more stringent than those standards, you are encouraged to comply with the more stringent level.

Second, the ATF must continue to use procedures by which, if an applicant is denied a clearance or employment as a result of an inconclusive (“No Opinion”) polygraph examination that cannot be corroborated, the proposed denial is first reviewed and approved by the Chief Security Officer of ATF.

Third, The Department of Defense Polygraph Institute (DoDPI), the executive agent for polygraph screening, must conduct quality assurance reviews of the ATF polygraph programs pursuant to the procedures in the Handbook at least every two years. The results of such reviews are to be provided to OPM and to the Office of Security, ATF. Thank you for forwarding the results of the June 2006 DoDPI Quality Assurance Inspection Report. The report indicates that the ATF met all the requirements expected of a Federal polygraph program.

Lastly, ATF must also provide a copy of the revised ATF B 2123.1, Pre-employment Polygraph Screening Program once it has been finalized.

If you or your staff has any questions about the conditions of this renewal, please contact Kathy Dillaman, Associate Director of the Federal Investigative Services Division, at (724) 794-5612.

Sincerely,

Linda M. Springer
Director
Honorable John Berry  
Director  
U.S. Office of Personnel Management  
1900 E Street, NW.  
Washington, DC 20415

Dear Director Berry:

The Office of Personnel Management (OPM) annually grants the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) an authorization for the expanded use of the polygraph in the screening of competitive service and excepted service GS-1811 criminal investigator/special agent applicants as part of the pre-employment background investigation process.

The purpose of this letter is to request re-certification of authority to administer polygraph examinations to screen competitive service and excepted service applicants for the position of GS-1811 criminal investigator/special agent applicants with ATF. This authorization is requested for the period of October 1, 2009 through September 30, 2010. It should be noted that ATF continues to be in full compliance with the regulations and safeguards as previously approved by OPM. From October 1, 2008 through September 30, 2009, ATF conducted 411 pre-employment examinations.

The Defense Academy for Credibility Assessment (DACA) conducted a Quality Assurance Program (QAP) Inspection the week of June 16, 2008. A copy of the QAP Inspection Report is enclosed. ATF is in compliance with all QAP requirements. The next inspection will be scheduled for June 2010.

Thank you for your assistance with this matter. If any additional information is needed, please contact the Chief, ATF Special Operations Division at 202-648-

Sincerely yours,

Kenneth E. Melson  
Deputy Director

Enclosure
June 28, 2010

Mr. Kenneth E. Melson
Deputy Director
Bureau of Alcohol, Tobacco,
  Firearms and Explosives
U.S. Department of Justice
Washington, DC 20226

Dear Mr. Melson:

This is in response to your letter of February 3, 2010, requesting re-certification of authority for the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to administer polygraph examinations to screen competitive and excepted service applicants for the position of OS-1811 criminal investigators/special agents with ATF as part of the pre-employment background investigation process. We are unable to process your request at this time because key documents were not provided with your request.

On November 14, 2006, OPM granted approval for renewal of ATF’s polygraph authority until September 30, 2007, for the polygraph screenings of GS-1811 Criminal Investigator/Special Agent positions in the competitive service that are not covered by any bargaining unit. OPM’s approval was contingent on your continued compliance with four conditions: 1) continued compliance with uniform community polygraph standards, including approval of the Federal Psychophysiological Detection of Deception Examiner’s Handbook; 2) continued use of review and approval procedures if an applicant is denied a clearance or employment after an inconclusive polygraph examination that cannot be corroborated; 3) quality assurance reviews of the polygraph program, pursuant to the procedures in the aforementioned Handbook, conducted at least every two years with the results of such reviews provided to OPM; and 4) provision of a copy of the revised ATF B 2123.1, Pre-employment Polygraph Screening Program, to OPM once it had been finalized.

Your February 3, 2010, renewal request letter stated that ATF continues to be in full compliance with the regulations and safeguards as previously approved by OPM, and you enclosed a copy of the June 23, 2008, Quality Assurance Program (QAP) Defense Academy for Credibility Assessment (DACA) Inspection Report on the ATF Psychophysiological Detection of Deception/polygraph program. The ATF polygraph program was found to comply with their policies and procedures and met or exceeded the standards required of a Federal Government polygraph program. By your letter, we understand that ATF is in compliance with the first three contingencies required by OPM for continued approval of ATF’s polygraph authority.
Our records do not reflect compliance with the fourth contingency to provide OPM with a copy of the revised ATF B 2123.1, Pre-employment Polygraph Screening Program, once finalized. Therefore, we are unable to process your request for renewal of approval without further documentation. Please respond with a copy of the revised ATF B 2123.1, Pre-employment Polygraph Screening Program document as requested in OPM’s November 14, 2006, letter or documentation to show that you provided this document to OPM subsequent to OPM’s letter of November 14, 2006. Additionally, compliance with the condition for a biennial DACA inspection of your polygraph program requires an updated inspection. Your February 3, 2010, letter showed an inspection was scheduled in June 2010. Please forward a copy of the June 2010 DACA inspection report of your polygraph program to OPM.

We regret the delay in responding to your letter. If you or your staff has any questions about the conditions of this renewal, please contact me at (724) 794-5612.

Sincerely,

[Signature]

Kathy L. Dillaman
Associate Director
Federal Investigative Services
Ms. Kathy L. Dillaman
Associate Director, Federal Investigative Services
U.S. Office of Personnel Management
1900 E Street, NW.
Washington, DC 20415

Dear Associate Director Dillaman:

This letter is in response to your letter dated June 28, 2010, requesting copies of key documents in order for the Office of Personnel Management (OPM) to grant recertification authority to the Bureau of Alcohol, Tobacco, Firearms and Explosives to administer pre-employment screening examinations.

Enclosed as requested is a copy of the revised directive on ATF’s Pre-employment Polygraph Screening Program. ATF has updated the directive to an order, now codified as ATF O 2123.1, Pre-employment Polygraph Special Agent Screening Program. Also enclosed is a copy of the latest Quality Assurance Program (QAP) inspection report prepared by the Defense Academy for Credibility Assessment. ATF is in compliance with all QAP requirements.

With the transmission of these two documents to you, it is hoped that ATF is now in full compliance with the regulations and safeguards established by OPM for re-certification of ATF’s authority to administer polygraph examinations to screen competitive and excepted service applicants for the position of GS-1811 criminal investigators/special agents.

Thank you for your assistance with this matter. If any additional information is needed, please contact the Chief, Special Operations Division at 202-648-8620.

Sincerely,

Kenneth E. Melson
Deputy Director

Enclosures
TO: All Special Agents in Charge

1. PURPOSE. This order establishes the policies and procedures of the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) for the Pre-employment Polygraph Special Agent Screening Program.

2. CANCELLATION. This order cancels ATF O 2123.4, Pre-employment Polygraph Screening Program, dated August 25, 2005.

3.

a.

b.

c.

(1)

(2)
10. **FORMS AVAILABILITY.** Forms referenced in this order are available via the ATF IntraWeb, Forms Website.

11. **QUESTIONS.** Questions concerning this order should be directed to the Chief, SOD, at 202-648-8520.

Kenneth Melson  
Deputy Director
From: [usdoj.gov]
Sent: Thursday, September 23, 2010 11:03 AM
To:  
Cc:  
Subject: OPM authorization issues  
Attachments: DACA Cover.PDF

Importance: High

Good morning

Per our telephone conversation this morning, I have attached the cover letter and cover page from the Defense Academy for Credibility Assessment (DACA) Quality Assurance Program Inspection Report (Inspection Dates - June 8-10, 2010) for your review.

Additionally, I am requesting that the OPM approval be extended to include Fiscal Year 2011.

Per your request for clarification in ATF 0 2123.1, 8.d.

Please let me know if you need further clarification on any items from ATF in order to provide OPM approval.

Thank you.

ATF Special Operations Division
Polygraph Branch
Sterling, Virginia
Office 703-946-
Cell 703-856-
Fax 703-948-2865

******* NOTICE: This electronic transmission is confidential and intended only for the person(s) to whom it is addressed. If you have received this transmission in error, please notify the sender by return e-mail and destroy this message in its entirety (including all attachments).
The Director

Mr. Kenneth E. Melson  
Deputy Director  
Bureau of Alcohol, Tobacco,  
Firearms and Explosives  
U.S. Department of Justice  
Washington, DC 20226

Dear Mr. Melson:

This responds to your agency’s letter of February 3, 2010, requesting re-certification of authority for the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) to administer polygraph examinations to screen competitive and excepted service applicants for the position of GS-1811 Criminal Investigator/Special Agent as part of the pre-employment background investigation process.

The Office of Personnel Management (OPM) approves and annually renews the use of the polygraph for competitive service employment screening and personnel investigations under the authority of Executive Orders 10450 and 10577, as amended. In doing so, OPM follows the standards it formerly prescribed in the Federal Personnel Manual, now abolished, chapter 736, section 2-6, titled Use of the Polygraph in Personnel Investigations. Renewal requires the requesting agency to recertify that it continues to meet OPM’s standards for use of the polygraph in employment screening and personnel investigations. In addition to meeting OPM’s standards, an agency seeking renewal must meet the uniform personnel security community standards agreed to by the parties to SPB 058-99, the U.S. Security Policy Board Polygraph Memorandum of Agreement.

Your February 3, 2010, letter stated that ATF continues to be in full compliance with the regulations and safeguards as previously approved by OPM; enclosed a copy of the Defense Academy for Credibility Assessment (DACA) Quality Assurance Program (QAP) June 17-19, 2008, inspection report on the ATF polygraph program; and requested renewed authorization for the period of October 1, 2009, through September 30, 2010. On June 28, 2010, OPM requested additional documentation which would satisfy the conditions for processing ATF’s request for continued approval polygraph authority. On August 16, 2010, ATF provided a copy of the July 29, 2010, ATF Order 2123.1 Pre-employment Polygraph Special Agent Screening Program and a copy of its June 8-10, 2010, DACA QAP inspection report. In an email communication from [redacted] dated September 23, 2010, your agency provided an explanation of ATF’s procedures which are non-compliant with OPM’s approval condition wherein if an applicant is denied a clearance or employment as a result of an inconclusive (“No Opinion”) polygraph examination that cannot be corroborated, the proposed denial is first reviewed and approved by the Chief Security Officer of ATF. The communication clarified that the section in ATF O 2123.1 8. d. which states, “These results will then be sent to the PSB” can be interpreted as “These results will then be sent to the Chief, ATF Personnel Security Branch (PSB)/Security Officer.” OPM acknowledges and accepts that in ATF’s process, this is
Mr. Kenneth E. Melson

commensurate with OPM’s expectations for review and approval by the Chief Security Officer ultimately responsible for ATF’s personnel security decisions. In addition, ATF requested extension of polygraph authority approval through Fiscal Year 2011.

I am granting approval for the renewal of ATF’s polygraph authority through September 30, 2011. This approval is strictly for the polygraph screenings of GS-1811 Criminal Investigator/Special Agent positions in the competitive service that are not covered by any bargaining unit, contingent on your compliance with the conditions below:

First, ATF must continue its compliance with the uniform community polygraph standards outlined in the Federal Psychophysiological Detection of Deception Examiner’s Handbook (“Handbook”). Where the procedures currently in place are more stringent than those standards, you are encouraged to comply with the more stringent level.

Secondly, ATF must continue to use procedures by which, if an applicant is denied a clearance or employment as a result of an inconclusive (“No Opinion”) polygraph examination, the proposed denial is first reviewed and approved by the Chief Security Officer of ATF. OPM acknowledges and accepts that ATF’s process as stated in its July 29, 2010, ATF Order 2123.1 8. d. is commensurate with OPM’s expectations for review and approval by the Chief Security Officer ultimately responsible for ATF’s personnel security decisions.

Third, DACA QAP must conduct quality assurance reviews of the ATF polygraph program pursuant to the procedures in the Handbook at least every two years. The results of such reviews are to be provided to OPM and to the Office of Security, ATF. Thank you for forwarding the results of the recent June 8-10, 2010, inspection. The June 17, 2010, inspection report indicates that the ATF Polygraph Branch met the standards required of a federal government polygraph program and no recommendations requiring a written response were made.

If you or your staff has any questions about the conditions of this renewal, please contact Kathy L. Dillaman, Associate Director of the Federal Investigative Services at (724) 794-5612.

Sincerely,

[Signature]

John Berry
Director

FOR OFFICIAL USE ONLY
The Honorable Linda M. Springer  
Director  
U. S. Office of Personnel Management  
Theodore Roosevelt Building  
1900 E Street, N.W.  
Washington, D.C. 20415-0001  

Dear Ms. Springer:

In your May 12, 2006, letter, you renewed authorization for the use of polygraph examinations for screening applicants for Drug Enforcement Administration (DEA) Special Agent and Intelligence Research Specialist positions through September 30, 2006. I request that this authority again be renewed for another year.

The above approval only applied to applicants for Special Agent positions who are targeted for competitive service appointments and Intelligence Research Specialist positions. In addition, the May 12th letter identified three stipulations that must be adhered to in order to ensure continuation of the polygraph authority. Below are the stipulations and our response to each:

1. Continuation of full compliance with approved uniform personnel security community standards for the use of the polygraph, to include those contained in the Federal Psychophysiological Detection of Deception Examiner's Handbook.

The Department of Defense Polygraph Institute (DoDPI) performed an inspection of the DEA polygraph program in January 2005. Their inspection found that our polygraph program policies and procedures met the standards developed for polygraph programs within the Federal Government. The next scheduled inspection of DEA's polygraph program will be performed by DoDPI in January 2007 at which time a copy of the inspection report will be forwarded to the Office of Personnel Management (OPM).
2. **Continuation to use procedures by which, if an applicant is denied a clearance or employment as a result of an inconclusive ("No Opinion") polygraph examination, the proposed denial is first reviewed and approved by the DEA Chief Security Officer.**

The DEA does not deny a clearance or employment as a result of an inconclusive Polygraph examination; therefore, we are in compliance with this stipulation.

3. **Scheduling of a quality assurance review of DEA's polygraph program by the Department of Defense Polygraph Institute (DoDPI) at least every two years, and requesting that DoDPI forward a copy of the results of these reviews to the OPM Federal Investigative Services Division and the DEA Office of Security Programs.**

The DoDPI performed the most recent quality assurance review of the DEA's polygraph program in January 2005 and found that our policies and procedures met the standards developed for polygraph programs within the Federal Government. We forwarded a copy of the results of their review to OPM and Department of Justice (DOJ), Security and Emergency Planning Staff. The next scheduled quality assurance review will take place in January 2007.

In accordance with the above, I believe that DEA is in compliance with all applicable requirements. Therefore, I request that the polygraph authority which was granted to the DEA this year be renewed for another year. I certify that DEA's mission remains the same and that all the conditions noted therein remain the same. DEA's updated regulations and directives regarding polygraph screening, which were approved this year, will remain the same during the coming year.

I appreciate and thank you for your consideration of this request.

Sincerely,

[Signature]

Karen F. Tandy
Administrator
Ms. Karen P. Tandy
Administrator
Drug Enforcement Administration
700 Army Navy Drive
Arlington, VA 22202

Dear Ms. Tandy,

This is in response to your agency's letter of October 11, 2006, in which you asked for renewed authorization for the use of polygraph examinations for screening applicants for Drug Enforcement Administration (DEA) Special Agent and Intelligence Research positions. Your letter cited three stipulations and expressed your agreement to abide by those stipulations.

OPM approves and annually renews the use of the polygraph under the authority of Executive Orders 10450 and 10477, as amended. In doing so, OPM follows the standards it formerly presented in OPM chapter 736, section 2-6, titled Use of the Polygraph in Personnel Investigations. Renewal requires the requesting agency to certify that it continues to meet OPM's standards for use of the polygraph in employment screening and personnel investigations. In addition to meeting OPM's standards, an agency seeking renewal must meet the uniform personnel security community standards agreed to by the parties to SPIR (S-99), the U.S. Secret Service Board Polygraph Memorandum of Agreement.

OPM initially approved DEA's use of the polygraph for employment screening and personnel investigations for Criminal Investigator (Special Agent) positions in the competitive service in November 1994, with annual renewals each succeeding year. In June 1998, OPM approved the additional use of the polygraph for employment screening and personnel investigations for Intelligence Research positions.

I am granting approval for renewal of DEA's polygraph authority through September 30, 2007. This approval is strictly for the polygraph screenings of candidates for Special Agent and Intelligence Research positions that are competitive service appointments and are not covered by any bargaining unit, contingent upon your continued compliance with the conditions described below.

First, DEA must continue its compliance with uniform community polygraph standards. These standards include approval of the Federal Psychophysiological Detection of Deception, "Handbook." Where the procedures currently in place are more stringent than these standards, you are encouraged to comply with the more stringent level.

Second, DEA must continue to use procedures by which, if an applicant is denied a clearance or employment as a result of an inconclusive ("No Opinion") polygraph examination, the proposed denial is first reviewed and approved by the Chief Security Officer of DEA.
Third, the Department of Defense Polygraph Institute (DoDPI), the executive agent for pre-employment screening, must conduct quality assurance reviews of the DEA polygraph programs pursuant to the procedures in the Handbook at least every two years. The results of such reviews are to be provided to OPM and to the Office of Security, DEA. The results of the November 2005 DoDPI Quality Assurance Inspection Report are still valid and on file at OPM. The report indicates that DEA meets or exceeds all the requirements expected of a Federal polygraph program.

If you or your staff has any questions about the conditions of this renewal, please contact Kathy L. Dillamore, Associate Director of the Federal Investigative Services Division at (724) 748-512, extension 112.

Sincerely,

[Signature]

Linda M. Springer
Director
The Honorable Linda M. Springer  
Director  
U.S. Office of Personnel Management  
Theodore Roosevelt Building  
1900 L Street, N.W.  
Washington, D.C. 20415-0001  

Dear Ms. Springer:

In your June 12, 2007, letter, you renewed authorization for the use of polygraph examinations for screening applicants for Drug Enforcement Administration (DEA) Special Agent and Intelligence Research Specialist positions through September 30, 2007. I request that this authority again be renewed for another year.

The above approval only applied to applicants for Special Agent positions who are targeted for competitive service appointments and Intelligence Research Specialist positions. In addition, the June 12th letter identified three stipulations that must be adhered to in order to ensure continuation of the polygraph authority. Below are the stipulations and our response to each.

1. **Continuation of full compliance with approved uniform personnel security community standards for the use of the polygraph.** to include those contained in the *Federal Psychophysiological Detection of Deception Examiner’s Handbook*.

The Department of Defense Polygraph Institute (DoDPI) performed an inspection of the DEA polygraph program in January 2007. Their inspection found that the polygraph program policies and procedures met the standards developed for polygraph programs within the Federal Government. A copy of the inspection report is enclosed. The next scheduled inspection of DEA’s polygraph program will be performed by DoDPI in January 2009, at which time a copy of the inspection report will be forwarded to the Office of Personnel Management (OPM).
2. **Continuation to use procedures by which, if an applicant is denied a clearance or employment as a result of an inconclusive ("No Opinion") polygraph examination, the proposed denial is first reviewed and approved by the DEA Chief Security Officer.**

The DEA does not deny a clearance or employment as a result of an inconclusive polygraph examination; therefore, we are in compliance with this stipulation.

3. **Scheduling of a quality assurance review of DEA's polygraph program by the Department of Defense Polygraph Institute (DoDPI) at least every two years, and requesting that DoDPI forward a copy of the results of these reviews to the OPM Federal Investigative Services Division and the DEA Office of Security Programs.**

The DoDPI performed the most recent quality assurance review of the DEA's polygraph program in January 2007 and found that our policies and procedures met the standards developed for polygraph programs within the Federal Government. We forwarded a copy of the results of their review to OPM and Department of Justice (DOJ) Security and Emergency Planning Staff. The next scheduled quality assurance review will take place in January 2009.

In accordance with the above, I believe that DEA is in compliance with all applicable requirements. Therefore, I request that the polygraph authority which was granted to the DEA this year be renewed for another year. I certify that DEA's mission remains the same and that all the conditions noted therein remain the same. DEA's updated regulations and directives regarding polygraph screening, which were approved this year, will remain the same during the coming year.

I appreciate and thank you for your consideration of this request.

Sincerely,

Karen P. Tandy
Administrator

Enclosure
November 1, 2007

Ms. Karen P. Tandy,
Administrator
Drug Enforcement Administration
700 Army Navy Drive
Arlington, VA 22202

Dear Ms. Tandy:

This is in response to your agency’s letter of October 2, 2007, in which you asked for renewed authorization for the use of polygraph examinations for screening applicants for Drug Enforcement Administration (DEA) Special Agent and Intelligence Research positions. Your letter cited three stipulations and expressed your agreement to abide by those stipulations.

OPM approves and annually renew the use of the polygraph under the authority of Executive Orders 10450 and 10577, as amended. In doing so, OPM follows the standards it formerly prescribed in FPM chapter 436, section 2-6, titled Use of the Polygraph in Personnel Investigations. Renewal requires the requesting agency to recentrify that it continues to meet OPM’s standards for use of the polygraph in employment screening and personnel investigations. In addition to meeting OPM’s standards, an agency seeking renewal must meet the uniform personnel security community standards agreed to by the parties to SPB 458-99, the U.S. Security Policy Board Polygraph Memorandum of Agreement.

OPM initially approved DEA’s use of the polygraph for employment screening and personnel investigations for Criminal Investigator (Special Agent) positions in the competitive service in November 1994, with annual renewals each succeeding year. In June 1998, OPM approved the additional use of the polygraph for employment screening and personnel investigations for Intelligence Research positions.

I am granting approval for renewal of DEA’s polygraph authority through September 30, 2008. This approval is strictly for the polygraph screenings of candidates for Special Agent and Intelligence Research positions that are competitive service appointments and are not covered by any bargaining unit, contingent upon your continued compliance with the conditions described below.

First, DEA must continue its compliance with uniform community polygraph standards. These standards include approval of the Federal Psychophysical Detection of Deception Examiner’s Handbook ("Handbook"). Where the procedures currently in place are more stringent than those standards, you are encouraged to comply with the more stringent level.

Second, DEA must continue to use procedures by which, if an applicant is denied a clearance or employment as a result of an inconclusive ("No Opinion") polygraph examination, the proposed denial is first reviewed and approved by the Chief Security Officer of DEA.
Third, the Department of Defense Polygraph Institute (DoDPI), the executive agent for polygraph screening, must conduct quality assurance reviews of the DEA polygraph programs pursuant to the procedures in the Handbook at least every two years. The results of such reviews are to be provided to OPM and to the Office of Security, DEA. The results of the January 2007 DoDPI Quality Assurance Inspection Report are still valid and on file at OPM. The report indicates that DEA meets or exceeds all the requirements expected of a Federal polygraph program.

If you or your staff has any questions about the conditions of this renewal, please contact Kathy L. Dillaman, Associate Director of the Federal Investigative Services Division at (724) 794-5612, extension 112.

Sincerely,

[Signature]

Linda M. Sprenger
Director
The Honorable Linda M. Springer  
Director  
U. S. Office of Personnel Management  
Theodore Roosevelt Building  
1900 E Street, N.W.  
Washington, D.C. 20415-0001  

Dear Ms. Springer:

In your November 1, 2007, letter, you renewed authorization through September 30, 2008, for the use of polygraph examinations for screening applicants for Drug Enforcement Administration (DEA) Special Agent and Intelligence Research Specialist positions that are competitive service appointments through September 30, 2008. I request that this authority again be renewed for another year.

The November 1st letter also identified three stipulations that must be adhered to in order to ensure continuation of the polygraph authority. Below are the stipulations and our response to each.


The Department of Defense Polygraph Institute (DoDPI) performed an inspection of the DEA polygraph program in January 2007. Their inspection found that our polygraph program policies and procedures met the standards developed for polygraph programs within the Federal Government. A copy of the inspection report is enclosed. The next scheduled inspection of DEA’s polygraph program will be performed by DoDPI in January 2009, at which time a copy of the inspection report will be forwarded to the Office of Personnel Management (OPM).
2. Continuation to use procedures by which, if an applicant is denied a clearance or employment as a result of an inconclusive ("No Opinion") polygraph examination, the proposed denial is first reviewed and approved by the DEA Chief Security Officer.

The DEA does not deny a clearance or employment as a result of an inconclusive polygraph examination; therefore, we are in compliance with this stipulation.

3. Scheduling of a quality assurance review of DEA's polygraph program by the Department of Defense Polygraph Institute (DoDPI) at least every two years, and requesting that DoDPI forward a copy of the results of these reviews to the OPM Federal Investigative Services Division and the DEA Office of Security Programs.

The DoDPI performed the most recent quality assurance review of the DEA's polygraph program in January 2007 and found that our policies and procedures met the standards developed for polygraph programs within the Federal Government. We forwarded a copy of the results of their review to OPM and Department of Justice (DOJ), Security and Emergency Planning Staff. The next scheduled quality assurance review will take place in January 2009.

In accordance with the above, I believe that DEA is in compliance with all applicable requirements. Therefore, I request that the polygraph authority which was granted to the DEA this year be renewed for another year. I certify that DEA's mission remains the same and that all the conditions noted therein remain the same. DEA's updated regulations and directives regarding polygraph screening, which were approved last year, will remain the same during the coming year.

I appreciate and thank you for your consideration of these requests.

Sincerely,

[Signature]

Michele M. Leonhart
Acting Administrator

Enclosure
August 18, 2008

Ms. Michele M. Leonhart
Acting Administrator
Drug Enforcement Administration
700 Army Navy Drive
Arlington, VA 22202

Dear Ms. Leonhart:

This is in response to your letter of August 4, 2008, asking for renewed authorization for the use of polygraph examinations for screening applicants for Drug Enforcement Administration (DEA) Special Agent and Intelligence Research Specialist positions.

OPM approves and annually renews the use of the polygraph under the authority of Executive Orders 10450 and 10577, as amended. In doing so, OPM follows the standards it formerly prescribed in FPM chapter 736, section 2-6, titled Use of the Polygraph in Personnel Investigations. Renewal requires the requesting agency to recertify that it continues to meet OPM’s standards for use of the polygraph in employment screening and personnel investigations. In addition to meeting OPM’s standards, an agency seeking renewal must meet the uniform personnel security community standards agreed to by the parties to SPB 058-99, the U.S. Security Policy Board Polygraph Memorandum of Agreement.

OPM initially approved DEA’s use of the polygraph for employment screening and personnel investigations for Criminal Investigator (Special Agent) positions in the competitive service in November 1994, with annual renewals each succeeding year. In June 1998, OPM approved the additional use of the polygraph for employment screening and personnel investigations for Intelligence Research Specialist positions.

I am granting approval for renewal of DEA’s polygraph authority through September 30, 2009. This approval is strictly for the polygraph screenings of candidates for Special Agent and Intelligence Research Specialist positions that are competitive service appointments and are not covered by any bargaining unit, contingent upon your continued compliance with the conditions described below. Your letter expressed your agreement to abide by these stipulations.

First, DEA must continue its compliance with uniform community polygraph standards. These standards include approval of the Federal Psychophysiological Detection of Deception Examiner’s Handbook (“Handbook”). When the procedures currently in place are more stringent than these standards, you are encouraged to comply with the more stringent level.
Second, if an applicant is denied a clearance or employment as a result of an inconclusive ("No Opinion") polygraph examination, DEA must review the proposed denial and the decision must be approved by the Chief Security Officer of DEA.

Third, the Department of Defense Polygraph Institute (DoDPI), the executive agent for polygraph screening, must conduct quality assurance reviews of the DEA polygraph programs pursuant to the procedures in the Handbook at least every two years. The results of such reviews are to be provided to OPM and to the Office of Security, DEA. The results of the January 2007 DoDPI Quality Assurance Inspection Report are still valid and on file at OPM. The report indicates that DEA meets or exceeds all the requirements expected of a Federal polygraph program. The next scheduled inspection of DEA’s polygraph program will be performed by DoDPI in January 2009, so please forward a copy of the inspection report to OPM.

If you or your staff has any questions about the conditions of this renewal, please contact Kathy L. Dillaman, Associate Director of the Federal Investigative Services Division at (724) 794-5612.

Sincerely,

[Signature]

Michael W. Hager
Acting Director
The Honorable John Berry  
Director  
U.S. Office of Personnel Management  
Theodore Roosevelt Building  
1900 E Street, N.W.  
Washington, D.C. 20415-0001  

Dear Mr. Berry:

In a letter dated August 18, 2008, from former Acting Director Michael W. Hager, the Drug Enforcement Administration (DEA) was granted authority to use polygraph examinations for screening applicants for Special Agent and Intelligence Research Specialist positions that are targeted for competitive service appointments. This authority was granted through September 30, 2009. I request that this authority be renewed for another year.

The August 18th letter identified three stipulations that must be adhered to in order to ensure continuation of the polygraph authority. Below are the stipulations and our response to each.

1. Continuation of full compliance with approved uniform personnel security community standards for the use of the polygraph, to include those contained in the Federal Psychophysiological Detection of Deception Examiner's Handbook ("Handbook").

The Department of Defense Polygraph Institute (DoDPI) performed an inspection of the DEA polygraph program in January 2009. Their inspection found that our polygraph program policies and procedures met the standards developed for polygraph programs within the Federal Government. A copy of the inspection report is enclosed. The next scheduled inspection of DEA's polygraph program will be performed by DoDPI in January 2011, at which time a copy of the inspection report will be forwarded to the Office of Personnel Management (OPM).

September 3, 2009
2. Continuation to use procedures by which, if an applicant is denied a clearance or employment as a result of an inconclusive ("No Opinion") polygraph examination, DEA must review the proposed denial and the decision must be approved by the Chief Security Officer of DEA.

We agree and will abide by this practice.

3. Scheduling of a quality assurance review of DEA's polygraph program by the Department of Defense Polygraph Institute (DoDPI) at least every two years, and requesting that DoDPI forward a copy of the results of these reviews to the OPM Federal Investigative Services Division and the DEA Office of Security Programs.

The DoDPI performed the most recent quality assurance review of the DEA's polygraph program in January 2009 and found that our policies and procedures met the standards developed for polygraph programs within the Federal Government. We forwarded a copy of the results of their review to OPM and to the DEA Office of Security Programs. The next scheduled quality assurance review will take place in January 2011.

In accordance with the above, I believe that DEA is in compliance with all applicable requirements. Therefore, I request that the polygraph authority which was granted to the DEA be renewed for another year. I certify that DEA's mission remains the same and that all the conditions noted therein remain the same. DEA's regulations and directives regarding polygraph screening will remain the same during the coming year.

I appreciate and thank you for your consideration of this request.

Sincerely,

Michele M. Leonhart
Acting Administrator

Enclosure
November 4, 2009

Ms. Michele M. Leonhart
Acting Administrator
Drug Enforcement Administration
700 Army Navy Drive
Arlington, VA 22202

Dear Ms. Leonhart:

This is in response to your letter of September 3, 2009, requesting renewed authorization to use polygraph examinations in screening applicants for Drug Enforcement Administration (DEA) Special Agent and Intelligence Research Specialist positions that are targeted for competitive service appointments.

OPM approves and annually renews the use of the polygraph under the authority of Executive Orders 10450 and 10577, as amended. In doing so, OPM follows the standards it formerly prescribed in FPM chapter 736, section 2-6, titled Use of the Polygraph in Personnel Investigations. Renewal requires the requesting agency to recertify that it continues to meet OPM's standards for use of the polygraph in employment screening and personnel investigations. In addition to meeting OPM's standards, an agency seeking renewal must meet the uniform personnel security community standards agreed to by the parties to SPB 058-99, the U.S. Security Policy Board Polygraph Memorandum of Agreement.

OPM initially approved DEA's use of the polygraph for employment screening and personnel investigations for Criminal Investigator (Special Agent) positions in the competitive service in November 1994, with annual renewals each succeeding year. In June 1998, OPM approved the additional use of the polygraph for employment screening and personnel investigations for Intelligence Research Specialist positions.

I am granting approval for renewal of DEA's polygraph authority through September 30, 2010. This approval is strictly for the polygraph screenings of candidates for Special Agent and Intelligence Research Specialist positions that are competitive service appointments and are not covered by any bargaining unit, contingent upon your continued compliance with the conditions described below. Your letter expressed your agreement to abide by these stipulations.

First, DEA must continue its compliance with uniform community polygraph standards. These standards include approval of the Federal Psychophysiological Detection of Deception Examiner's Handbook ("Handbook"). When the procedures currently in place are more stringent than these standards, you are encouraged to comply with the more stringent level.
Second, if an applicant is denied a clearance or employment as a result of an inconclusive ("No Opinion") polygraph examination, DEA must review the proposed denial and the decision must be approved by the Chief Security Officer of DEA.

Third, the Defense Academy for Credibility Assessment (DACA), formerly known as the Department of Defense Polygraph Institute (DoDPI), must conduct quality assurance reviews of the DEA polygraph programs pursuant to the procedures in the Handbook at least every two years. The results of the January 13-15, 2009, inspection of the DEA Psychophysiological Detection of Deception (PDD)/polygraph program are on file with OPM. The inspection report stated that the DEA polygraph program complies with its policies and procedures and met or exceeded the standards required of a federal government polygraph program. The next scheduled inspection of DEA’s polygraph program will be performed in January 2011. At that time, please forward a copy of the inspection report to OPM and the DEA Office of Security Programs.

If you or your staff has any questions about the conditions of this renewal, please contact Kathy L. Dillaman, Associate Director of the Federal Investigative Services Division at (724) 794-5612.

Sincerely,

[Signature]
John Berry
Director
The Honorable John Berry
Director
U. S. Office of Personnel Management
Theodore Roosevelt Building
1900 E Street, N.W.
Washington, D.C. 20415-0001

Dear Director Berry:

In your November 4, 2009 letter, you renewed authorization for the use of polygraph examinations for screening applicants for Drug Enforcement Administration (DEA) Special Agent and Intelligence Research Specialist positions that are targeted for competitive service appointments. This authority was granted through September 30, 2010. I request that this authority be renewed for another year.

The November 4th letter identified three stipulations that must be adhered to in order to ensure continuation of the polygraph authority. Below are the stipulations and our response to each.

1. **Continuation of full compliance with approved uniform personnel security community standards for the use of the polygraph, to include those contained in the Federal Psychophysiological Detection of Deception Examiner's Handbook** ("Handbook").

The Department of Defense Polygraph Institute (DoDPI) performed an inspection of the DEA polygraph program in January 2009. Their inspection found that our polygraph program policies and procedures met the standards developed for polygraph programs within the Federal Government. A copy of the inspection report is enclosed. The next scheduled inspection of DEA's polygraph program will be performed in January 2011 by the Defense Academy for Credibility Assessment (DACA), formerly known as DoDPI, at which time a copy of the inspection report will be forwarded to the Office of Personnel Management (OPM).
2. **Continuation to use procedures by which, if an applicant is denied a clearance or employment as a result of an inconclusive ("No Opinion") polygraph examination, DEA must review the proposed denial and the decision must be approved by the Chief Security Officer of DEA.**

   We agree and will abide by this practice.

3. **Scheduling of a quality assurance review of DEA's polygraph program by DACA at least every two years, and requesting that DACA forward a copy of the results of these reviews to the OPM Federal Investigative Services Division and the DEA Office of Security Programs.**

   The next scheduled quality assurance review will take place in January 2011.

   In accordance with the above, DEA is in compliance with all applicable requirements. Therefore, I request that the polygraph authority which was granted to the DEA be renewed for another year. I certify that DEA's mission remains the same and that all the conditions noted therein remain the same. DEA's regulations and directives regarding polygraph screening will remain the same during the coming year.

   I appreciate and thank you for your consideration of this request.

   Sincerely,

   [Signature]

   Michele M. Leonhart
   Acting Administrator

Enclosure
Ms. Michele M. Leonhart  
Acting Administrator  
Drug Enforcement Administration  
700 Army Navy Drive  
Arlington, VA 22202

Dear Ms. Leonhart:

This is in response to your agency's letter of August 18, 2010, requesting renewed authorization to use polygraph examinations in screening applicants for Drug Enforcement Administration (DEA) Special Agent and Intelligence Research Specialist positions that are targeted for competitive service appointments.

The U.S. Office of Personnel Management (OPM) approves and annually renews the use of the polygraph under the authority of Executive Orders 10450 and 10577, as amended. In doing so, OPM follows the standards it formerly prescribed in FPM chapter 736, section 2-6, titled Use of the Polygraph in Personnel Investigations. Renewal requires the requesting agency to recertify that it continues to meet OPM's standards for use of the polygraph in employment screening and personnel investigations. In addition to meeting OPM's standards, an agency seeking renewal must meet the uniform personnel security community standards agreed to by the parties to SPB 058-99, the U.S. Security Policy Board Polygraph Memorandum of Agreement.

OPM initially approved DEA's use of the polygraph for employment screening and personnel investigations for Criminal Investigator (Special Agent) positions in the competitive service in November 1994, with annual renewals each succeeding year. In June 1998, OPM approved the additional use of the polygraph for employment screening and personnel investigations for Intelligence Research Specialist positions.

I am granting approval for renewal of DEA's polygraph authority through September 30, 2011. This approval is strictly for the polygraph screenings of candidates for Special Agent and Intelligence Research Specialist positions that are competitive service appointments and are not covered by any bargaining unit, contingent upon your continued compliance with the conditions described below. Your letter expressed your agreement to abide by these stipulations.

First, DEA must continue its compliance with uniform community polygraph standards. These standards include approval of the Federal Psychophysiological Detection of Deception Examiner's Handbook ("Handbook"). When the procedures currently in place are more stringent than these standards, you are encouraged to comply with the more stringent level.

Second, if an applicant is denied a clearance or employment as a result of an inconclusive ("No Opinion") polygraph examination, DEA must review the proposed denial and the decision must be approved by the Chief Security Officer of DEA.
Third, the Defense Academy for Credibility Assessment (DACA) must conduct quality assurance reviews of the DEA polygraph programs pursuant to the procedures in the Handbook at least every two years. The results of such reviews are to be provided to OPM and to the Office of Security, DEA. The results of the January 13-15, 2009, inspection of the DEA Psychophysiological Detection of Deception (PDD)/polygraph program are on file with OPM. The inspection report stated that the DEA polygraph program complies with its policies and procedures and met or exceeded the standards required of a federal government polygraph program. The next scheduled inspection of DEA's polygraph program will be performed in January 2011. At that time, please forward a copy of the inspection report to OPM and the DEA Office of Security Programs.

If you or your staff has any questions about the conditions of this renewal, please contact Kathy L. Dillaman, Associate Director of Federal Investigative Services at (724) 794-5612.

Sincerely,

[Signature]
John Berry
Director
Dear Director Berry:

In your October 28, 2010, letter, you renewed authorization for the use of polygraph examinations for screening applicants for Drug Enforcement Administration (DEA) Special Agent and Intelligence Research Specialist positions that are targeted for competitive service appointments. This authority was granted through September 30, 2011. I request that this authority be renewed for another year.

The October 28th letter identified three stipulations that must be adhered to in order to ensure continuation of the polygraph authority. Below are the stipulations and our response to each.

1. Continuation of full compliance with approved uniform personnel security community standards for the use of the polygraph, to include those contained in the Federal Psychophysiological Detection of Deception Examiner's Handbook ("Handbook").

The Department of Defense National Center for Credibility Assessment (NCCA) performed an inspection of the DEA polygraph program in January 2011. Their inspection found that our polygraph program policies and procedures met the standards developed for polygraph programs within the Federal Government. A copy of the inspection report is enclosed. The next scheduled inspection of DEA's polygraph program will be performed in January 2013 by NCCA, at which time a copy of the inspection report will be forwarded to the Office of Personnel Management (OPM).
2. Continuation to use procedures by which, if an applicant is denied a clearance or employment as a result of an inconclusive ("No Opinion") polygraph examination, DEA must review the proposed denial and the decision must be approved by the Chief Security Officer of DEA.

We agree and will abide by this practice.

3. Scheduling of a quality assurance review of DEA's polygraph program by NCCA at least every two years, and requesting that NCCA forward a copy of the results of these reviews to the OPM Federal Investigative Services Division and the DEA Office of Security Programs.

The next scheduled quality assurance review will take place in January 2013.

In accordance with the above, DEA is in compliance with all applicable requirements. Therefore, I request that the polygraph authority which was granted to the DEA be renewed for another year. I certify that DEA's mission remains the same and that all the conditions noted therein remain the same. DEA's regulations and directives regarding polygraph screening will remain the same during the coming year.

I appreciate and thank you for your consideration of this request.

Sincerely,

Michele M. Leonhart
Administrator

Enclosure
Ms. Michele M. Leonhart  
Administrator  
Drug Enforcement Administration  
700 Army Navy Drive  
Arlington, VA 22202  

Dear Ms. Leonhart:  

This is in response to your agency’s letter of September 14, 2011, requesting renewed authorization to use polygraph examinations in screening applicants for Drug Enforcement Administration (DEA) Special Agent and Intelligence Research Specialist positions that are targeted for competitive service appointments.  

The U.S. Office of Personnel Management (OPM) approves and annually renews the use of the polygraph under the authority of Executive Orders 10450 and 10577, as amended. In doing so, OPM follows the standards it formerly prescribed in FPM chapter 736, section 2-6, titled Use of the Polygraph in Personnel Investigations. Renewal requires the requesting agency to recertify that it continues to meet OPM’s standards for use of the polygraph in employment screening and personnel investigations. In addition to meeting OPM’s standards, an agency seeking renewal must meet the uniform personnel security community standards agreed to by the parties to SPB 058-99, the U.S. Security Policy Board Polygraph Memorandum of Agreement.  

OPM initially approved DEA’s use of the polygraph for employment screening and personnel investigations for Criminal Investigator (Special Agent) positions in the competitive service in November 1994, with annual renewals each succeeding year. In June 1998, OPM approved the additional use of the polygraph for employment screening and personnel investigations for Intelligence Research Specialist positions.  

I am granting approval for renewal of DEA’s polygraph authority through September 30, 2012. This approval is strictly for the polygraph screenings of candidates for Special Agent and Intelligence Research Specialist positions that are competitive service appointments and are not covered by any bargaining unit, contingent upon your continued compliance with the conditions described below. Your letter expressed your agreement to abide by these stipulations.  

First, DEA must continue its compliance with uniform community polygraph standards. These standards include approval of the Federal Psychophysiological Detection of Deception Examiner’s Handbook ("Handbook"). When the procedures currently in place are more stringent than these standards, you are encouraged to comply with the more stringent level.  

Second, if an applicant is denied a clearance or employment as a result of an inconclusive ("No Opinion") polygraph examination, DEA must review the proposed denial and the decision must be approved by the Chief Security Officer of DEA.
Third, the National Center for Credibility Assessment (NCCA), formerly known as the Defense Academy for Credibility Assessment (DACA) must conduct quality assurance reviews of the DEA polygraph programs pursuant to the procedures in the Handbook at least every two years. The results of such reviews are to be provided to OPM and to the Office of Security, DEA. The results of the January 25-27, 2011, inspection of the DEA Psychophysiological Detection of Deception (PDD)/polygraph program were provided to OPM. The inspection report stated that the DEA polygraph program complies with its policies and procedures and met or exceeded the standards required of a federal government polygraph program. The next scheduled inspection of DEA's polygraph program will be performed in January 2013. At that time, please forward a copy of the inspection report to OPM and the DEA Office of Security Programs.

If you or your staff has any questions about the conditions of this renewal, please contact Merton W. Miller, Associate Director of Federal Investigative Services at (724) 794-5612.

Sincerely,

John Berry
Director