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MEMORANDUM FOR: Chief Legislative Division, OLL

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FROM:

Director of Security

SUBJECT: S. 1301 - National Security Protection Act
of 1985

REFERENCE: Office of Management and Budget Memorandum
dated 20 June 1985 (LL 85-1774)

Following are Office of Security comments on S. 1301:

1.   Section 2(3) and Section 4 refer only to members of the
Armed Forces and civilain employees of the Department of
Defense. It would appear that consultants, employees of
contractors and perhaps other categories of personnel should be
included also.

2.   While the intent of Section 6 to require polygraph
examinations for sensitive compartmental information (SCI)
access and to permit polygraph examinations for other accesses
is a step in the right direction, there are technical and
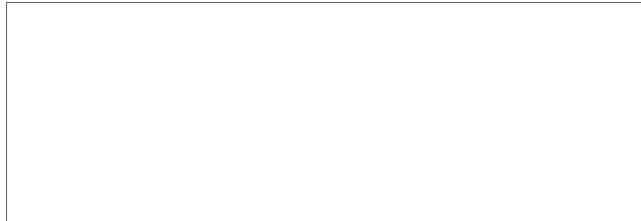procedural problems with some of the provisions.

° It is not clear whether polygraphs are required or
permitted for contractor employees or only for members of the
Armed Forces and civilians.

° Section 6(c) provides that the results of polygraph
shall not be used as the sole basis for denying eligibility for
clearance or access to any classified information. While other
investigative actions would undoubtedly be taken in every case,
it is conceivable that a person could admit to acts which make
him or her ineligible for access during a polygraph examination
and deny them in subsequent interviews. If other investigative
actions fail to substantiate the admissions, the admissions
themselves should be used as the basis for denial. Also, since
section 6(d) provides that refusal to submit to a polygraph may
be used as a reason for denial, it is not logical to state that
the results of a polygraph examination may not be so used.

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° Section 6(e) provides that polygraph examinations shall be restricted to relevant issue questions. Because the polygraph process may require other questions, it is suggested that the phrase <u>any actions taken as a result of</u> be inserted at the beginning of this section.

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cc: EO/DDA