

STATEMENT FOR THE RECORD

OF

J. WILLIAM LEONARD

**ACTING DEPUTY ASSISTANT SECRETARY OF DEFENSE
(SECURITY & INFORMATION OPERATIONS)**

**OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
(COMMAND, CONTROL, COMMUNICATIONS AND INTELLIGENCE)**

ON

**THE DEFENSE DEPARTMENT PERSONNEL SECURITY ADJUDICATION
PROGRAM**

BEFORE THE

**ARMED SERVICES COMMITTEE OF THE
UNITED STATES SENATE**

ON

APRIL 6, 2000

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, I APPRECIATE THE OPPORTUNITY TO APPEAR BEFORE YOU TODAY TO PRESENT TESTIMONY CONCERNING:

- THE CONSISTENCY OF APPLICATION OF ADJUDICATION GUIDELINES BY DOD's ADJUDICATION FACILITIES, OTHER THAN DOHA; AND
- IMPLEMENTATION OF PEER REVIEW TO ASSURE CONSISTENT APPLICATION OF THE GUIDELINES THROUGHOUT THE DOD ADJUDICATION FACILITIES.

AS THE ACTING DASD (SECURITY & INFORMATION OPERATIONS), I AM RESPONSIBLE FOR DEVELOPING AND IMPLEMENTING THE POLICIES, PROCEDURES AND OVERSIGHT GOVERNING THE OPERATION OF THE DEPARTMENT'S PERSONNEL SECURITY PROGRAM.

MR. KWALWASSER OF THE DOD's OFFICE OF GENERAL COUNSEL HAS COVERED FOR YOU THE APPLICABLE EXECUTIVE ORDERS AND DIRECTIVES AS WELL AS PROVIDED AN OVERVIEW OF THE PERSONNEL SECURITY CLEARANCE PROCESS. I WOULD LIKE TO POINT OUT THAT IN ADDITION TO THOSE ELEMENTS OF THE PERSONNEL SECURITY PROGRAM, DOD SUPPORTS AN EMPIRICAL AND ANALYTICAL PERSONNEL SECURITY RESEARCH PROGRAM LOCATED AT THE DEFENSE SECURITY RESEARCH CENTER IN MONTEREY, CA. THE SRC WAS CHARTERED IN 1986 AND HAS BEEN PROVIDING VITAL SUPPORT TO DOD AND THE INTELLIGENCE COMMUNITY IN THE DEVELOPMENT OF PERSONNEL

SECURITY POLICIES. SINCE THEIR INCEPTION, SRC HAS BEEN RESPONSIBLE FOR HUNDREDS OF PROFESSIONAL STUDIES, MANY OF WHICH HAVE BEEN DIRECTLY TRANSLATED INTO IMPROVED PERSONNEL SECURITY PROGRAM POLICIES THAT HAVE ENHANCED THE PROGRAM AND REDUCED COSTS. THE COMMON INVESTIGATIVE STANDARDS AND ADJUDICATION GUIDELINES IMPLEMENTED IN MARCH 1997 WERE DUE LARGELY TO THE EFFORTS OF THE SRC. THE SRC ALSO WORKS CLOSELY WITH SIMILAR EFFORTS IN THE CIA AND DEPARTMENT OF ENERGY.

THE COMMITTEE HAS INQUIRED ABOUT WHAT MEASURES THE DOD HAS UNDERTAKEN TO IMPROVE THE CONSISTENT APPLICATION OF THE GUIDELINES, AND HAS SPECIFICALLY INQUIRED ABOUT THE SUGGESTION MADE IN A 1998 INSPECTOR GENERAL'S REPORT THAT THE DEPARTMENT INSTITUTE "PEER REVIEW."

WITH REGARD TO PEER REVIEW, IT SHOULD BE NOTED THAT THE IG'S REPORT DID NOT FOCUS ON THE CONSISTENCY OF THE APPLICATION OF THE GUIDELINES IN THE UNDERLYING AUDIT. THE DEPARTMENT AT THE TIME DID NOT OPPOSE THE IDEA, BUT NOTED THERE WERE BUDGETARY CONSTRAINTS. FURTHERMORE, THERE WAS CONSIDERABLE DIVERSITY OF OPINION ABOUT HOW TO INSTITUTE A USEFUL PEER REVIEW EXERCISE, A QUESTION THAT HAS SINCE BEEN THE SUBJECT OF FURTHER ANALYSIS BY THE SECURITY RESEARCH CENTER, WHICH IS ABOUT TO RELEASE A REPORT ON THE CONSISTENT APPLICATION OF THE GUIDELINES. NONETHELESS, IN LIGHT OF THE CURRENT CONCERN ABOUT CONSISTENCY, THE DEPARTMENT IS MOVING FORWARD TO

IMPLEMENT THIS IDEA AND WILL MAKE EVERY EFFORT TO FIND THE RESOURCES FOR A USEFUL PEER REVIEW PROGRAM. AT THE SAME TIME, THE DOD HAS UNDERTAKEN OTHER MEASURES THAT HAVE AN IMPACT ON THE CONSISTENT APPLICATION OF THE GUIDELINES:

- THE DEPARTMENT HAS DEVELOPED AND PROMULGATED AN ADJUDICATOR DESK REFERENCE THAT PROVIDES GUIDANCE ON A WIDE VARIETY OF SPECIFIC FACTUAL SITUATIONS FOR ADJUDICATORS AND ADMINISTRATIVE JUDGES. THIS PUBLICATION HAS BECOME THE DEFACTO STANDARD FOR THE ADJUDICATOR COMMUNITY GOVERNMENT-WIDE.
- DOHA ADMINISTRATIVE JUDGES AND SECURITY SPECIALISTS MEET PERIODICALLY TO DISCUSS MAJOR ISSUES IN ADJUDICATION. LIKEWISE, SOME OF THE DOD CAFs MEET INFORMALLY TO DISCUSS SIMILAR ISSUES. THE PURPOSE OF THESE MEETINGS IS TO ASSURE THAT EVERYONE IS ADDRESSING THE SAME FACTS IN SIMILAR FASHION. COMMENCING IN THE NEXT FEW MONTHS, WE PLAN TO HAVE ADJUDICATORS, SECURITY SPECIALISTS AND JUDGES FROM ALL THE CAFs AND DOHA MEET AT LEAST BI-ANNUALLY TO DISCUSS MAJOR ISSUES IN ADJUDICATION.
- THERE IS BOTH A BASIC AND AN ADVANCED COURSE FOR ADJUDICATORS, AND WE PLAN IN THE NEXT SEVERAL MONTHS TO PROMULGATE PROFESSIONAL DEVELOPMENT STANDARDS THAT WILL REQUIRE ALL ADJUDICATORS AND ADMINISTRATIVE JUDGES TO ATTEND THESE OR EQUIVALENT COURSES. IN ADDITION, MY ORGANIZATION ALSO CHAIRS

AN ADJUDICATOR TRAINING WORKING GROUP CONSISTING OF CAF REPRESENTATIVES, WHICH MEETS PERIODICALLY.

- THE SECURITY POLICY BOARD ADJUDICATOR TRAINING WORKING GROUP, WITH C3I PARTICIPATION, HAS SPONSORED THE DEVELOPMENT AND IMPLEMENTATION IN 1998 OF A ONE WEEK ADVANCED ADJUDICATORS' SEMINAR WHICH IS GEARED TO THE EXPERIENCED ADJUDICATOR AND PROVIDES BOTH LECTURES ON SALIENT SUBJECT MATTER AS WELL AS DISCUSSIONS OF COMPLEX CASES RELATING TO THESE SUBJECTS. THIS COURSE IS OPEN TO ADJUDICATORS FROM ALL FEDERAL AGENCIES.
- IN JANUARY 2000, DUE LARGELY TO FUNDING PROVIDED BY MY ORGANIZATION, THE SECURITY POLICY BOARD ADJUDICATOR TRAINING WORKING GROUP SUCCESSFULLY DEPLOYED A CONTRACTOR DEVELOPED CD-ROM ENTITLED "MISSION: ADJUDICATION." THIS IS AN INTERACTIVE TOOL FOR NEW ADJUDICATORS TO USE IN TESTING THEIR BASIC KNOWLEDGE OF THE PROGRAM PRIOR TO ATTENDING THE TWO-WEEK BASIC COURSE. IT WILL REPLACE THE NEED FOR THE CUMBERSOME PAPERWORK ASSOCIATED WITH THE EXISTING CORRESPONDENCE COURSE.
- THE SECURITY RESEARCH CENTER AND MY OFFICE ROUTINELY STUDIES PARTICULAR PROBLEMS, SUCH AS ISSUES SURROUNDING DUAL CITIZENSHIP, AND PROVIDE WRITTEN GUIDANCE TO THE CAFS AND DOHA TO ASSIST THEM IN REACHING THE SAME CONCLUSIONS ABOUT NEW OR NOVEL ISSUES.

- THE DEPARTMENT IS CONSIDERING STRUCTURAL REFORMS THAT MAY FURTHER STREAMLINE THE PROCESS AND CONSOLIDATE SOME DECISION-MAKING, TO INCLUDE THE PROMULGATION OF THE JOINT PERSONNEL ADJUDICATION SYSTEM, SO THAT CONSISTENCY IS FURTHER ENHANCED.

I APPRECIATE THIS OPPORTUNITY TO ADDRESS DOD'S ADJUDICATION PROGRAM AND THE COMMITTEE'S INTEREST IN THIS ISSUE.