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Staff Office-Individual:
Security Office-Hughes, Edward

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Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. note	[Notes on Background Investigation process; also Personally Identifiable Information] (2 pages)	00/00/1995	b(7)(C), b(7)(E), b(6)
002. list	Passes. (1 page)	00/00/0000	b(7)(E), b(7)(F)
003. note	[Initial Check by Waves] (1 page)	00/00/1995	b(7)(E), b(7)(F)

COLLECTION:

Clinton Presidential Records
Security Office
Edward Hughes
OA/Box Number: CF 1795A

FOLDER TITLE:

Office Procedures

2006-1066-F

vz3611

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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to empower individuals and families to help themselves, including our expansion of the earned-income tax cut for low- and moderate-income working families, and our proposals for injecting choice and competition into public and assisted housing and for a new G.I. Bill for America's Workers.

I am determined to end Federal budget deficits, and my balanced budget proposal shows that we can balance the budget without abandoning the investments that are vital to the security and prosperity of the country, now and in the future. I am confident that, working together, we can build common ground on an empowerment agenda while putting our fiscal house in order. I will do everything in my power to make sure this happens.

William J. Clinton

The White House,
August 3, 1995.

Executive Order 12968—Access to Classified Information

August 2, 1995

The national interest requires that certain information be maintained in confidence through a system of classification in order to protect our citizens, our democratic institutions, and our participation within the community of nations. The unauthorized disclosure of information classified in the national interest can cause irreparable damage to the national security and loss of human life.

Security policies designed to protect classified information must ensure consistent, cost effective, and efficient protection of our Nation's classified information, while providing fair and equitable treatment to those Americans upon whom we rely to guard our national security.

This order establishes a uniform Federal personnel security program for employees who will be considered for initial or continued access to classified information.

Now, Therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Part 1 Definitions, Access to Classified Information, Financial Disclosure, and Other Items

Section 1.1. Definitions. For the purposes of this order: (a) "Agency" means any "Executive agency," as defined in 5 U.S.C. 105, the "military departments," as defined in 5 U.S.C. 102, and any other entity within the executive branch that comes into the possession of classified information, including the Defense Intelligence Agency, National Security Agency, and the National Reconnaissance Office.

(b) "Applicant" means a person other than an employee who has received an authorized conditional offer of employment for a position that requires access to classified information.

(c) "Authorized investigative agency" means an agency authorized by law or regulation to conduct a counterintelligence investigation or investigation of persons who are proposed for access to classified information to ascertain whether such persons satisfy the criteria for obtaining and retaining access to such information.

(d) "Classified information" means information that has been determined pursuant to Executive Order No. 12958, or any successor order, Executive Order No. 12951, or any successor order, or the Atomic Energy Act of 1954 (42 U.S.C. 2011), to require protection against unauthorized disclosure.

(e) "Employee" means a person, other than the President and Vice President, employed by, detailed or assigned to, an agency, including members of the Armed Forces; an expert or consultant to an agency; an industrial or commercial contractor, licensee, certificate holder, or grantee of an agency, including all subcontractors; a personal services contractor; or any other category of person who acts for or on behalf of an agency as determined by the appropriate agency head.

(f) "Foreign power" and "agent of a foreign power" have the meaning provided in 50 U.S.C. 1801.

(g) "Need for access" means a determination that an employee requires access to a particular level of classified information in order to perform or assist in a lawful and authorized governmental function.

(h) "Need-to-know" means a determination made by an authorized holder of classified information that a prospective recipient requires access to specific classified information in order to perform or assist in a lawful and authorized governmental function.

(i) "Overseas Security Policy Board" means the Board established by the President to consider, develop, coordinate and promote policies, standards and agreements on overseas security operations, programs and projects that affect all United States Government agencies under the authority of a Chief of Mission.

(j) "Security Policy Board" means the Board established by the President to consider, coordinate, and recommend policy directives for U.S. security policies, procedures, and practices.

(k) "Special access program" has the meaning provided in section 4.1 of Executive Order No. 12958, or any successor order.

Sec. 1.2. Access to Classified Information.

(a) No employee shall be granted access to classified information unless that employee has been determined to be eligible in accordance with this order and to possess a need-to-know.

(b) Agency heads shall be responsible for establishing and maintaining an effective program to ensure that access to classified information by each employee is clearly consistent with the interests of the national security.

(c) Employees shall not be granted access to classified information unless they:

(1) have been determined to be eligible for access under section 3.1 of this order by agency heads or designated officials based upon a favorable adjudication of an appropriate investigation of the employee's background;

(2) have a demonstrated need-to-know; and

(3) have signed an approved nondisclosure agreement.

(d) All employees shall be subject to investigation by an appropriate government authority prior to being granted access to classified information and at any time during the period of access to ascertain whether they continue to meet the requirements for access.

(e)(1) All employees granted access to classified information shall be required as a condition of such access to provide to the employing agency written consent permitting access by an authorized investigative agency, for such time as access to classified information is maintained and for a period of 3 years thereafter, to:

(A) relevant financial records that are maintained by a financial institution as defined in 31 U.S.C. 5312(a) or by a holding company as defined in section 1101(6) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401);

(B) consumer reports pertaining to the employee under the Fair Credit Reporting Act (15 U.S.C. 1681a); and

(C) records maintained by commercial entities within the United States pertaining to any travel by the employee outside the United States.

(2) Information may be requested pursuant to employee consent under this section where:

(A) there are reasonable grounds to believe, based on credible information, that the employee or former employee is, or may be, disclosing classified information in an unauthorized manner to a foreign power or agent of a foreign power;

(B) information the employing agency deems credible indicates the employee or former employee has incurred excessive indebtedness or has acquired a level of affluence that cannot be explained by other information; or

(C) circumstances indicate the employee or former employee had the capability and opportunity to disclose classified information that is known to have been lost or compromised to a foreign power or an agent of a foreign power.

(3) Nothing in this section shall be construed to affect the authority of an investigating agency to obtain information pursuant to the Right to Financial Privacy Act, the Fair Credit Reporting Act or any other applicable law.

Sec. 1.3. Financial Disclosure. (a) Not later than 180 days after the effective date of this order, the head of each agency that originates, handles, transmits, or possesses

classified information shall designate each employee, by position or category where possible, who has a regular need for access to classified information that, in the discretion of the agency head, would reveal:

- (1) the identity of covert agents as defined in the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421);
 - (2) technical or specialized national intelligence collection and processing systems that, if disclosed in an unauthorized manner, would substantially negate or impair the effectiveness of the system;
 - (3) the details of:
 - (A) the nature, contents, algorithm, preparation, or use of any code, cipher, or cryptographic system or;
 - (B) the design, construction, functioning, maintenance, or repair of any cryptographic equipment; but not including information concerning the use of cryptographic equipment and services;
 - (4) particularly sensitive special access programs, the disclosure of which would substantially negate or impair the effectiveness of the information or activity involved; or
 - (5) especially sensitive nuclear weapons design information (but only for those positions that have been certified as being of a high degree of importance or sensitivity, as described in section 145(f) of the Atomic Energy Act of 1954, as amended).
- (b) An employee may not be granted access, or hold a position designated as requiring access, to information described in subsection (a) unless, as a condition of access to such information, the employee:
- (1) files with the head of the agency a financial disclosure report, including information with respect to the spouse and dependent children of the employee, as part of all background investigations or reinvestigations;
 - (2) is subject to annual financial disclosure requirements, if selected by the agency head; and
 - (3) files relevant information concerning foreign travel, as determined by the Security Policy Board.

(c) Not later than 180 days after the effective date of this order, the Security Policy Board shall develop procedures for the implementation of this section, including a standard financial disclosure form for use by employees under subsection (b) of this section, and agency heads shall identify certain employees, by position or category, who are subject to annual financial disclosure.

Sec. 1.4. Use of Automated Financial Record Data Bases. As part of all investigations and reinvestigations described in section 1.2(d) of this order, agencies may request the Department of the Treasury, under terms and conditions prescribed by the Secretary of the Treasury, to search automated data bases consisting of reports of currency transactions by financial institutions, international transportation of currency or monetary instruments, foreign bank and financial accounts, transactions under \$10,000 that are reported as possible money laundering violations, and records of foreign travel.

Sec. 1.5. Employee Education and Assistance. The head of each agency that grants access to classified information shall establish a program for employees with access to classified information to: (a) educate employees about individual responsibilities under this order; and

(b) inform employees about guidance and assistance available concerning issues that may affect their eligibility for access to classified information, including sources of assistance for employees who have questions or concerns about financial matters, mental health, or substance abuse.

Part 2 Access Eligibility Policy and Procedure

Sec. 2.1. Eligibility Determinations. (a) Determinations of eligibility for access to classified information shall be based on criteria established under this order. Such determinations are separate from suitability determinations with respect to the hiring or retention of persons for employment by the government or any other personnel actions.

(b) The number of employees that each agency determines are eligible for access to classified information shall be kept to the minimum required for the conduct of agency functions.

- (1) Eligibility for access to classified information shall not be requested or granted solely to permit entry to, or ease of movement within, controlled areas when the employee has no need for access and access to classified information may reasonably be prevented. Where circumstances indicate employees may be inadvertently exposed to classified information in the course of their duties, agencies are authorized to grant or deny, in their discretion, facility access approvals to such employees based on an appropriate level of investigation as determined by each agency.
- (2) Except in agencies where eligibility for access is a mandatory condition of employment, eligibility for access to classified information shall only be requested or granted based on a demonstrated, foreseeable need for access. Requesting or approving eligibility in excess of actual requirements is prohibited.
- (3) Eligibility for access to classified information may be granted where there is a temporary need for access, such as one-time participation in a classified project, provided the investigative standards established under this order have been satisfied. In such cases, a fixed date or event for expiration shall be identified and access to classified information shall be limited to information related to the particular project or assignment.
- (4) Access to classified information shall be terminated when an employee no longer has a need for access.

Sec. 2.2. Level of Access Approval. (a) The level at which an access approval is granted for an employee shall be limited, and relate directly, to the level of classified information for which there is a need for access. Eligibility for access to a higher level of classified information includes eligibility for access to information classified at a lower level.

(b) Access to classified information relating to a special access program shall be granted in accordance with procedures established by the head of the agency that created the program or, for programs pertaining to intelligence activities (including special activities but not including military operational, strate-

gic, and tactical programs) or intelligence sources and methods, by the Director of Central Intelligence. To the extent possible and consistent with the national security interests of the United States, such procedures shall be consistent with the standards and procedures established by and under this order.

Sec. 2.3 Temporary Access to Higher Levels. (a) An employee who has been determined to be eligible for access to classified information based on favorable adjudication of a completed investigation may be granted temporary access to a higher level where security personnel authorized by the agency head to make access eligibility determinations find that such access:

- (1) is necessary to meet operational or contractual exigencies not expected to be of a recurring nature;
- (2) will not exceed 180 days; and
- (3) is limited to specific, identifiable information that is made the subject of a written access record.

(b) Where the access granted under subsection (a) of this section involves another agency's classified information, that agency must concur before access to its information is granted.

Sec. 2.4. Reciprocal Acceptance of Access Eligibility Determinations. (a) Except when an agency has substantial information indicating that an employee may not satisfy the standards in section 3.1 of this order, background investigations and eligibility determinations conducted under this order shall be mutually and reciprocally accepted by all agencies.

(b) Except where there is substantial information indicating that the employee may not satisfy the standards in section 3.1 of this order, an employee with existing access to a special access program shall not be denied eligibility for access to another special access program at the same sensitivity level as determined personally by the agency head or deputy agency head, or have an existing access eligibility readjudicated, so long as the employee has a need for access to the information involved.

(c) This section shall not preclude agency heads from establishing additional, but not duplicative, investigative or adjudicative pro-

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(d) Where temporary eligibility for access is granted under sections 2.3 or 3.3 of this order or where the determination of eligibility for access is conditional, the fact of such temporary or conditional access shall be conveyed to any other agency that considers affording the employee access to its information.

Sec. 2.5. Specific Access Requirement. (a) Employees who have been determined to be eligible for access to classified information shall be given access to classified information only where there is a need-to-know that information.

(b) It is the responsibility of employees who are authorized holders of classified information to verify that a prospective recipient's eligibility for access has been granted by an authorized agency official and to ensure that a need-to-know exists prior to allowing such access, and to challenge requests for access that do not appear well-founded.

Sec. 2.6. Access by Non-United States Citizens. (a) Where there are compelling reasons in furtherance of an agency mission, immigrant alien and foreign national employees who possess a special expertise may, in the discretion of the agency, be granted limited access to classified information only for specific programs, projects, contracts, licenses, certificates, or grants for which there is a need for access. Such individuals shall not be eligible for access to any greater level of classified information than the United States Government has determined may be releasable to the country of which the subject is currently a citizen, and such limited access may be approved only if the prior 10 years of the subject's life can be appropriately investigated. If there are any doubts concerning granting access, additional lawful investigative procedures shall be fully pursued.

(b) Exceptions to these requirements may be permitted only by the agency head or the senior agency official designated under section 6.1 of this order to further substantial national security interests.

Part 3 Access Eligibility Standards

Sec. 3.1. Standards. (a) No employee shall be deemed to be eligible for access to classified information merely by reason of Federal service or contracting, licensee, certificate holder, or grantee status, or as a matter of right or privilege, or as a result of any particular title, rank, position, or affiliation.

(b) Except as provided in sections 2.6 and 3.3 of this order, eligibility for access to classified information shall be granted only to employees who are United States citizens for whom an appropriate investigation has been completed and whose personal and professional history affirmatively indicates loyalty to the United States, strength of character, trustworthiness, honesty, reliability, discretion, and sound judgment, as well as freedom from conflicting allegiances and potential for coercion, and willingness and ability to abide by regulations governing the use, handling, and protection of classified information. A determination of eligibility for access to such information is a discretionary security decision based on judgments by appropriately trained adjudicative personnel. Eligibility shall be granted only where facts and circumstances indicate access to classified information is clearly consistent with the national security interests of the United States, and any doubt shall be resolved in favor of the national security.

(c) The United States Government does not discriminate on the basis of race, color, religion, sex, national origin, disability, or sexual orientation in granting access to classified information.

(d) In determining eligibility for access under this order, agencies may investigate and consider any matter that relates to the determination of whether access is clearly consistent with the interests of national security. No inference concerning the standards in this section may be raised solely on the basis of the sexual orientation of the employee.

(e) No negative inference concerning the standards in this section may be raised solely on the basis of mental health counseling. Such counseling can be a positive factor in eligibility determinations. However, mental health counseling, where relevant to the adjudication of access to classified information,

may justify further inquiry to determine whether the standards of subsection (b) of this section are satisfied, and mental health may be considered where it directly relates to those standards.

(f) Not later than 180 days after the effective date of this order, the Security Policy Board shall develop a common set of adjudicative guidelines for determining eligibility for access to classified information, including access to special access programs.

Sec. 3.2. Basis for Eligibility Approval. (a) Eligibility determinations for access to classified information shall be based on information concerning the applicant or employee that is acquired through the investigation conducted pursuant to this order or otherwise available to security officials and shall be made part of the applicant's or employee's security record. Applicants or employees shall be required to provide relevant information pertaining to their background and character for use in investigating and adjudicating their eligibility for access.

(b) Not later than 180 days after the effective date of this order, the Security Policy Board shall develop a common set of investigative standards for background investigations for access to classified information. These standards may vary for the various levels of access.

(c) Nothing in this order shall prohibit an agency from utilizing any lawful investigative procedure in addition to the investigative requirements set forth in this order and its implementing regulations to resolve issues that may arise during the course of a background investigation or reinvestigation.

Sec. 3.3. Special Circumstances. (a) In exceptional circumstances where official functions must be performed prior to the completion of the investigative and adjudication process, temporary eligibility for access to classified information may be granted to an employee while the initial investigation is underway. When such eligibility is granted, the initial investigation shall be expedited.

(1) Temporary eligibility for access under this section shall include a justification, and the employee must be notified in writing that further access is expressly conditioned on the favorable completion of the investigation and issuance of an

access eligibility approval. Access will be immediately terminated, along with any assignment requiring an access eligibility approval, if such approval is not granted.

(2) Temporary eligibility for access may be granted only by security personnel authorized by the agency head to make access eligibility determinations and shall be based on minimum investigative standards developed by the Security Policy Board not later than 180 days after the effective date of this order.

(3) Temporary eligibility for access may be granted only to particular, identified categories of classified information necessary to perform the lawful and authorized functions that are the basis for the granting of temporary access.

(b) Nothing in subsection (a) shall be construed as altering the authority of an agency head to waive requirements for granting access to classified information pursuant to statutory authority.

(c) Where access has been terminated under section 2.1(b)(4) of this order and a new need for access arises, access eligibility up to the same level shall be reapproved without further investigation as to employees who were determined to be eligible based on a favorable adjudication of an investigation completed within the prior 5 years, provided they have remained employed by the same employer during the period in question, the employee certifies in writing that there has been no change in the relevant information provided by the employee for the last background investigation, and there is no information that would tend to indicate the employee may no longer satisfy the standards established by this order for access to classified information.

(d) Access eligibility shall be reapproved for individuals who were determined to be eligible based on a favorable adjudication of an investigation completed within the prior 5 years and who have been retired or otherwise separated from United States Government employment for not more than 2 years; provided there is no indication the individual may no longer satisfy the standards of this order, the individual certifies in writing that there has been no change in the relevant in-

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Access may be personnel authorized to make access determinations and shall not be more than 180 days after the date of this order.

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(a) shall be conducted by an agency or the Department of State or granting access pursuant to

When terminated in this order and an access eligibility determination is reapproved for employees eligible based on an investigation of 5 years, previously employed by the agency in question writing that the relevant employee for the period in question and there is no indication that the standards for access to classified

When reapproved, the determination is to be made by the adjudicator within the prior period or other period of more than 2 years; the individual standards of this order in writing that the relevant in-

formation provided by the individual for the last background investigation, and an appropriate record check reveals no unfavorable information.

Sec. 3.4. Reinvestigation Requirements.

(a) Because circumstances and characteristics may change dramatically over time and thereby alter the eligibility of employees for continued access to classified information, reinvestigations shall be conducted with the same priority and care as initial investigations.

(b) Employees who are eligible for access to classified information shall be the subject of periodic reinvestigations and may also be reinvestigated if, at any time, there is reason to believe that they may no longer meet the standards for access established in this order.

(c) Not later than 180 days after the effective date of this order, the Security Policy Board shall develop a common set of reinvestigative standards, including the frequency of reinvestigations.

Part 4 Investigations for Foreign Governments

Sec. 4. Authority. Agencies that conduct background investigations, including the Federal Bureau of Investigation and the Department of State, are authorized to conduct personnel security investigations in the United States when requested by a foreign government as part of its own personnel security program and with the consent of the individual.

Part 5 Review of Access Determinations

Sec. 5.1. Determinations of Need for Access. A determination under section 2.1(b)(4) of this order that an employee does not have, or no longer has, a need for access is a discretionary determination and shall be conclusive.

Sec. 5.2. Review Proceedings for Denials or Revocations of Eligibility for Access. (a) Applicants and employees who are determined to not meet the standards for access to classified information established in section 3.1 of this order shall be:

(1) provided as comprehensive and detailed a written explanation of the basis for that conclusion as the national security

interests of the United States and other applicable law permit;

(2) provided within 30 days, upon request and to the extent the documents would be provided if requested under the Freedom of Information Act (5 U.S.C. 552) or the Privacy Act (3 U.S.C. 552a), as applicable, any documents, records, and reports upon which a denial or revocation is based;

(3) informed of their right to be represented by counsel or other representative at their own expense; to request any documents, records, and reports as described in section 5.2(a)(2) upon which a denial or revocation is based; and to request the entire investigative file, as permitted by the national security and other applicable law, which, if requested, shall be promptly provided prior to the time set for a written reply;

(4) provided a reasonable opportunity to reply in writing to, and to request a review of, the determination;

(5) provided written notice of and reasons for the results of the review, the identity of the deciding authority, and written notice of the right to appeal;

(6) provided an opportunity to appeal in writing to a high level panel, appointed by the agency head, which shall be comprised of at least three members, two of whom shall be selected from outside the security field. Decisions of the panel shall be in writing, and final except as provided in subsection (b) of this section; and

(7) provided an opportunity to appear personally and to present relevant documents, materials, and information at some point in the process before an adjudicative or other authority, other than the investigating entity, as determined by the agency head. A written summary or recording of such appearance shall be made part of the applicant's or employee's security record, unless such appearance occurs in the presence of the appeals panel described in subsection (a)(6) of this section.

(b) Nothing in this section shall prohibit an agency head from personally exercising the appeal authority in subsection (a)(6) of

this section based upon recommendations from an appeals panel. In such case, the decision of the agency head shall be final.

(c) Agency heads shall promulgate regulations to implement this section and, at their sole discretion and as resources and national security considerations permit, may provide additional review proceedings beyond those required by subsection (a) of this section. This section does not require additional proceedings, however, and creates no procedural or substantive rights.

(d) When the head of an agency or principal deputy personally certifies that a procedure set forth in this section cannot be made available in a particular case without damaging the national security interests of the United States by revealing classified information, the particular procedure shall not be made available. This certification shall be conclusive.

(e) This section shall not be deemed to limit or affect the responsibility and power of an agency head pursuant to any law or other Executive order to deny or terminate access to classified information in the interests of national security. The power and responsibility to deny or terminate access to classified information pursuant to any law or other Executive order may be exercised only where the agency head determines that the procedures prescribed in subsection (a) of this section cannot be invoked in a manner that is consistent with national security. This determination shall be conclusive.

(f)(1) This section shall not be deemed to limit or affect the responsibility and power of an agency head to make determinations of suitability for employment.

(2) Nothing in this section shall require that an agency provide the procedures prescribed in subsection (a) of this section to an applicant where a conditional offer of employment is withdrawn for reasons of suitability or any other reason other than denial of eligibility for access to classified information.

(3) A suitability determination shall not be used for the purpose of denying an applicant or employee the review proceedings of this section where there has been a denial or revocation of eligibility for access to classified information.

Part 6 Implementation

Sec. 6.1. Agency Implementing Responsibilities. Heads of agencies that grant employees access to classified information shall: (a) designate a senior agency official to direct and administer the agency's personnel security program established by this order. All such programs shall include active oversight and continuing security education and awareness programs to ensure effective implementation of this order;

(b) cooperate, under the guidance of the Security Policy Board, with other agencies to achieve practical, consistent, and effective adjudicative training and guidelines; and

(c) conduct periodic evaluations of the agency's implementation and administration of this order, including the implementation of section 1.3(a) of this order. Copies of each report shall be provided to the Security Policy Board.

Sec. 6.2. Employee Responsibilities. (a) Employees who are granted eligibility for access to classified information shall:

(1) protect classified information in their custody from unauthorized disclosure;

(2) report all contacts with persons, including foreign nationals, who seek in any way to obtain unauthorized access to classified information;

(3) report all violations of security regulations to the appropriate security officials; and

(4) comply with all other security requirements set forth in this order and its implementing regulations.

(b) Employees are encouraged and expected to report any information that raises doubts as to whether another employee's continued eligibility for access to classified information is clearly consistent with the national security.

Sec. 6.3. Security Policy Board Responsibilities and Implementation. (a) With respect to actions taken by the Security Policy Board pursuant to sections 1.3(c), 3.1(f), 3.2(b), 3.3(a)(2), and 3.4(c) of this order, the Security Policy Board shall make recommendations to the President through the Assistant to the President for National Security Affairs for implementation.

(b) Any guidelines, standards, or procedures developed by the Security Policy Board

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standards, or proce-
dure Policy Board

pursuant to this order shall be consistent with those guidelines issued by the Federal Bureau of Investigation in March 1994 on Background Investigations Policy/Guidelines Regarding Sexual Orientation.

(c) In carrying out its responsibilities under this order, the Security Policy Board shall consult where appropriate with the Overseas Security Policy Board. In carrying out its responsibilities under section 1.3(c) of this order, the Security Policy Board shall obtain the concurrence of the Director of the Office of Management and Budget.

Sec. 6.4. Sanctions. Employees shall be subject to appropriate sanctions if they knowingly and willfully grant eligibility for, or allow access to, classified information in violation of this order or its implementing regulations. Sanctions may include reprimand, suspension without pay, removal, and other actions in accordance with applicable law and agency regulations.

Part 7 General Provisions

Sec. 7.1. Classified Information Procedures Act. Nothing in this order is intended to alter the procedures established under the Classified Information Procedures Act (18 U.S.C. App. 1).

Sec. 7.2. General. (a) Information obtained by an agency under sections 1.2(e) or 1.3 of this order may not be disseminated outside the agency, except to:

- (1) the agency employing the employee who is the subject of the records or information;
- (2) the Department of Justice for law enforcement or counterintelligence purposes; or
- (3) any agency if such information is clearly relevant to the authorized responsibilities of such agency.

(b) The Attorney General, at the request of the head of an agency, shall render an interpretation of this order with respect to any question arising in the course of its administration.

(c) No prior Executive orders are repealed by this order. To the extent that this order is inconsistent with any provision of any prior Executive order, this order shall control, except that this order shall not diminish or otherwise affect the requirements of Executive

Order No. 10450, the denial and revocation procedures provided to individuals covered by Executive Order No. 10865, as amended, or access by historical researchers and former presidential appointees under Executive Order No. 12958 or any successor order.

(d) If any provision of this order or the application of such provision is held to be invalid, the remainder of this order shall not be affected.

(e) This Executive order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right to administrative or judicial review, or any other right or benefit or trust responsibility, substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

(f) This order is effective immediately.

William J. Clinton

The White House,
August 2, 1995.

[Filed with the Office of the Federal Register,
12:18 p.m., August 4, 1995]

NOTE: This Executive order was released by the Office of the Press Secretary on August 4, and it was published in the *Federal Register* on August 7.

Memorandum on Assistance to the United Nations Rapid Reaction Force in Bosnia August 3, 1995

Presidential Determination No. 95-34

Memorandum for the Secretary of State and the Secretary of Defense

Subject: Determination to Authorize the Furnishing of Emergency Military Assistance to the United Nations for Purposes of Supporting the Rapid Reaction Force in Bosnia Under Section 506(a)(1) of the Foreign Assistance Act

Pursuant to the authority vested in me by section 506(a)(1) of the Foreign Assistance Act of 1961, as amended, 22 U.S.C.

M E M O R A N D U M

TO: JOHN M. QUINN
RE: OFFICE PROCEDURES
DATE: JUNE 17, 1996

The below listed individuals have been briefed with the understanding that the attached form must accompany any investigation and or request made of the FBI.

	<u>Initial</u>	<u>Date</u>
cc: David Fein		
Kathleen Whalen		
Robert William Schroeder		
Craig Livingstone	ce	6.17.96
George Saunders		
Cliff Mauton		
Ed Hughes	SA	6/17/96
Jonathan Denbo	SD	6/17/96
Office Procedures Handbook		

THE WHITE HOUSE
WASHINGTON

Date _____

To: Federal Bureau of Investigation
Attn: _____

From: The White House
☐ Office of Personnel Security
☐ White House Counsel's Office

Subject's Full Name _____

Other names used _____

Social Security Number _____ Date of Birth _____ Place of Birth _____

Permanent Address _____

Current Employer _____

☐ I hereby authorize the FBI to provide the information specified below to the White House.

(Signature)

(Date)

Request of FBI (Subject's consent or written explanation from White House Counsel is required for any request seeking copies of, or information from, FBI files.)

- ☐ Name/Indices check
- ☐ Expanded name check
- ☐ Copy of previous report
- ☐ Full field investigation ☐ Level 1 ☐ Level 2 ☐ Level 3
- ☐ Limited update investigation
- ☐ Other (specify) _____

The applicant is being considered for:

- ☐ Presidential appointment
- ☐ White House employee ☐ detailee ☐ intern ☐ volunteer
- ☐ Presidential recognition
- ☐ Other (specify) _____

Attachments: ☐ SF-86 ☐ SF-86 Supplement ☐ SF-87 Fingerprint Card

Remarks/special instructions: _____

I certify, subject to 18 U.S.C. Section 1001, that the above is sought for official purposes only and I understand that any unauthorized disclosure may be a violation of the Privacy Act, 5 U.S.C. Section 552a.

Requested by: _____

This request has been reviewed and approved by the White House Counsel's Office.

Approved by: _____

White House Counsel's Office

- 1 - Original - To FBI
- 2 - Canary - To FBI (Office of the General Counsel)
- 3 - Pink - To FBI (Return to White House)
- 4 - Gold - White House Copy

THE WHITE HOUSE
WASHINGTON

June 14, 1996

MEMORANDUM FOR LEON PANETTA
CHIEF OF STAFF

FROM: JACK QUINN
COUNSEL TO THE PRESIDENT

SUBJECT: WHITE HOUSE REQUESTS TO THE FBI

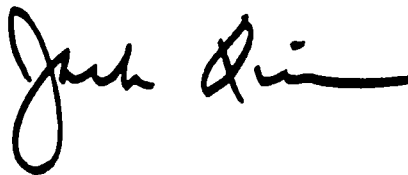
As you know, the White House has historically requested information from the FBI in order to evaluate the suitability of persons for Presidential appointments, nominations and recognition, employment at the White House, and access to the White House. In light of recent events, I have instituted the following rules and procedures to cover White House requests to the FBI for background investigation information, effective immediately:

1. White House requests to the FBI for background investigation information will be made only with the express written consent of the individual who is the subject of the investigation.
 - This rule applies to requests for any information beyond the type of computerized criminal history check required in the regular appointment clearance process at the White House complex.
 - The individual's consent must be current. Specifically, it must have been signed by the individual within thirty days of the White House request to the FBI.
 - The individual's express written consent must accompany the request made by the White House to the FBI for the information.
 - No information may be obtained without the individual's consent except in extraordinary circumstances set forth in a letter of justification to the General Counsel of the FBI signed by the Counsel to the President and concurred in by the Attorney General or the Deputy Attorney General.

2. Each request to the FBI must be approved and signed by the Counsel to the President or a specifically designated Counsel's Office attorney whose regular duties include the review of such information. Each request must also be signed by the security or vetting officer who initiates the request.
 - Signing for or in the name of another is prohibited.
 - The security or vetting officer who initiates the request must certify that the request is made for official purposes only.
 - The Counsel to the President will provide to the FBI the names of no more than three Counsel's Office attorneys who, in addition to the Counsel, are authorized to approve White House requests to the FBI for background information. No other persons may approve such requests.
3. Each request must identify the reason why the information is being requested (e.g., Presidential nomination, White House staff security clearance).
4. Only those White House employees authorized in writing by the Chief of Staff and the Counsel to the President whose assigned duties require the review or processing of such information will have access to FBI background investigations.

* * *

We communicated these changes, in proposed form, to the relevant officials of the FBI in order to make sure that our procedural reforms will be workable when taken together with changes the FBI is considering. These reforms were acceptable to the FBI and, so, we are now moving forward with them. In addition, I am requesting that the FBI assist us as promptly as possible in a thorough review of the background investigation files that we currently have to make sure that all of the files that were requested mistakenly have been returned to the FBI.

A handwritten signature in black ink, appearing to read "John Doe", is centered below the text.

THE WHITE HOUSE
WASHINGTON

March 14, 1994

MEMORANDUM FOR ALL EXECUTIVE OFFICE OF THE PRESIDENT STAFF

FROM: MACK McLARTY
CHIEF OF STAFF



SUBJECT: Completion of All Employment and Security Paperwork

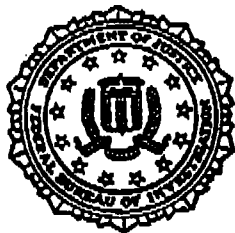
All staff who have joined the payroll of an EOP agency prior to March 1, 1994, should have completed their employment and security related paperwork, including the SF 86 -- Questionnaire for Sensitive Positions.

Any staff who have not completed the required paperwork have until this Friday, March 18, 1994, to complete and return all paperwork to the appropriate security or personnel office; White House staff should return their paperwork to the White House Office of Personnel Security, OEOB Room 84.

All staff who joined the EOP payroll between March 1 and March 14, 1994, have until March 31, 1994 to complete and return the required forms.

Effective immediately, all new staff have 30 days from their effective appointment date to complete all necessary paperwork.

No excuses from any level of personnel will be accepted; personnel who fail to comply will be separated from payroll on unpaid leave status.



FBI FACSIMILE COVERSHEET

CLASSIFICATION

PRECEDENCE

- ☒ Immediate
☐ Priority
☐ Routine

- ☐ Top Secret
☐ Secret
☐ Confidential
☐ Sensitive
☒ Unclassified

Time Transmitted: _____

Sender's Initials: _____

Number of Pages: _____

To: WHITE HOUSE
(Name of Office)Date: 3-20-96Facsimile number: 456-7029Attn: Ed Hughes, Room 84, DEOB, 456-2345
(Name) Room Telephone No.)From: FBI
(Name of Office)Subject: NAME CHECK INFOSpecial Handling Instructions: HAND CARRY/call Ed Hughes, above
(Ed - per your request 3/20/96)Originator's Name: Jim BourkeTelephone: 324-2568Originator's Facsimile Number: 324-2574Approved: [Signature]

FBI/DOJ

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. note	[Notes on Background Investigation process; also Personally Identifiable Information] (2 pages)	00/00/1995	b(7)(C), b(7)(E), b(6)

COLLECTION:

Clinton Presidential Records
Security Office
Edward Hughes
OA/Box Number: CF 1795A

FOLDER TITLE:

Office Procedures

2006-1066-F

vz3611

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

INTERNAL PROCEDURES FOR
ACCESS TO CLASSIFIED INFORMATION

In accordance with Executive Order (EO) 12968, dated August 4, 1995, the following procedures for granting access to classified information will be followed within the White House Complex:

PART 1

Section 1.1: Definitions: See EO 12968.

Section 1.2: Access to Classified Information.

- (a) No employee shall be granted access to classified information unless that employee has been determined to be eligible in accordance with EO 12968, and to possess a valid need-to-know to perform one's official White House Duties.
- (b) The Security Officer, Executive Office of the President, in coordination with each agency, shall establish and maintain an effective program to ensure that access to classified information is consistent with the interest of national security.
- (c) Access to classified information shall be limited to employees who:
 - (1) are citizens of the United States;
 - (2) have been determined to be eligible for access under section 3.1(b), by the Security Officer, Executive Office of the President upon a favorable adjudication of an appropriate investigation of the employee's background;
 - (3) have a demonstrated need-to-know; and
 - (4) have signed an approved non-disclosure agreement.
- (d) All employees shall be subject to an investigation by the FBI, or other authorized investigative agencies, prior to being granted access to classified information. Reinvestigations will be completed at five year intervals, or at any time an issue regarding an individuals suitability for continuing access to classified information is raised.
- (e) All individuals, upon selection for employment/volunteer/intern/detailee/fellow/consultant to The Executive Office of the President shall submit to the EOP Security Office, or the White House Personnel Security

Office,

- (1) completed Standard Form 86,
 - (2) IRS Tax Wavier form,
 - (3) file a financial disclosure report, including information with respect to the spouse and dependent children of the employee,
 - (4) for those employees undergoing a five year re-investigation, file an annual financial disclosure report,
 - (5) file relevant information concerning foreign travel as determined by the Security Policy Board, and
 - (6) provide written consent to the employing agency permitting access by an authorized investigative agency, for such time as access to classified information is maintained and for a period of three years thereafter,
 - (a) relevant financial records that are maintained by a financial institution as defined in 31 U.S.C. 5312(a)d or by a holding company as defined in section 1101(6) of the Right to Financial Privacy Act of 1978 (12 U.S.C. 3401);
 - (b) consumer reports pertaining to the employee under the Fair Credit Reporting Act (15 U.S.C. 1681a); and
 - (c) records maintained by commercial entities within the United States pertaining to any travel by the employee outside the United States.
- (2) Information may be requested pursuant to employment if:
- (a) there are reasonable grounds to believe, based on credible information, that the employee or former employee is, or may be, disclosing classified information in an unauthorized manner to a foreign power or agent of a foreign power;
 - (b) information that the employing agency deems credible indicates the employee or former employee has incurred excessive indebtedness or has acquired a level of affluence which cannot be explained by other information; or
 - (c) circumstances indicate the employee or former employee had the capability and opportunity to

disclose classified information which is known to have been lost or compromised to a foreign power or an agency of a foreign power.

(3) Nothing in this section shall be construed to affect the authority of an investigating agency to obtain information pursuant to the Right to Financial Privacy Act, the Fair Credit Reporting Act or any other applicable law.

(4) Upon receipt of the completed security forms the EOP Security Office or White House Personnel Security Office, will:

- (a) initiate the appropriate background investigation,
- (b) initiate the tax check report with the IRS,
- (c) coordinate, with the appropriate counsel's office, for a review of the financial disclosure statements.

Section 1.3 Financial Disclosure:

(a) Each agency within the EOP that originates, handles, or transmits, or possesses classified information shall identify in writing to the EOP Security Office, each employee, by position or category where possible, who requires access to information that, at the discretion of the agency head, would reveal:

(1) the identity of a covert agent as defined in the Intelligence Identities Protection Act of 1982 (50 U.S.C. 421);

(2) technical or specialized national intelligence collection and processing systems that, if disclosed in an unauthorized manner, would substantially negate or impair the effectiveness of the system;

(3) the details of (a) the nature, contents, algorithm preparation, or use of any code, cipher, or cryptographic system or (b) the design, construction, functioning, maintenance, or repair of any cryptographic equipment; but not including information concerning the use of cryptographic equipment and services;

(4) particularly sensitive special access programs, the disclosure of which would substantially negate or impair the effectiveness of the information activity involved, or

(5) especially sensitive nuclear weapons design

information (but only for those positions that have been certified as being of a high degree of importance or sensitivity, as described in section 145(f) of the Atomic Energy Act of 1954, as amended).

(b) An employee will not be granted access, or hold a position designated as requiring access to classified information unless, as a condition of access to such information, the employee:

- (1) has on file a financial disclosure report, including information with respect to the spouse and dependent children of the employee, as part of all background investigations or reinvestigations;
- (2) is subject to annual financial disclosure requirements, is selected by the agency head, and
- (3) files relevant information concerning foreign travel as determined by the Security Policy Board.

Section 1.4 Use of Automated Financial Record Data Bases.

As part of all investigations and reinvestigations described in section 1.2(d), the security officer may request the Department of the Treasury, under terms prescribed by the Secretary of the Treasury, to search automated data bases consisting of reports of currency transactions by financial institutions, international transportation of currency or monetary instruments, foreign bank and financial accounts, transactions under \$10,000 that are reported as possible money laundering violations, and records of foreign travel.

Section 1.5 Employee Education and Assistance.

The EOP Security Officer will establish and maintain an ongoing security education program consisting of the following:

- (a) a monthly security briefing for all new employees.
- (b) annual security refresher briefing for all employees who have been granted access to classified information.
- (c) provide specialized security training or briefings as required.
- (d) provide a security indoctrination that covers the handling, transmittal and storage of classified information to each employee upon granting of a security clearance.
- (e) provide guidance and assistance to individuals

concerning issues that may affect their eligibility for access or continuing access to classified information.

Individuals who have questions or concerns about financial matters, mental health, or substance abuse will be referred to the EOP Employee Assistance Program (EAP), and/or to a consumer counselling service.

Part 2

Access Eligibility Policy and Procedures

Section 2.1 Eligibility Determinations.

(a) Determinations of eligibility for access to classified information shall be based on the adjudication of a favorable background investigation, and a clearly defined need-to-know to perform one's official assigned duties within the White House Complex. Such determinations are separate from suitability determinations with respect to the hiring or retention of persons for employment within the EOP.

(b) The number of employees granted access to classified information will be kept to an absolute minimum consistent with the operational requirements of each office or agency within the EOP.

(1) Security clearance request will be submitted to the appropriate security office, using the format in enclosure 1.

(2) Eligibility for access to classified information will not be requested or granted solely to permit entry to, or ease of movement within the White House Complex. Special consideration may be given when circumstances indicate employees may be inadvertently exposed to classified information in the course of their duties. Request for special consideration will be handled on a case by case basis after coordination between the EOP Security Office, White House Counsel, and the office of employment.

(3) Request for access to classified information may be granted where there is a temporary need for access, such as a one-time participation in a classified project, and provided the investigative standards established under EO 12968 have been satisfied. Such request will be forwarded to the EOP Security Officer, with a fixed date or event for expiration. If approved, access to classified information will be limited to information

related to the particular project or assignment.

(4) In all cases, access to classified information shall be terminated when an employee no longer has a need for access.

Section 2.2 Level of Access Approval.

(a) The level at which access approval is granted for an employee shall be limited, and relate directly, to the level of classified information for which there is a need for access. Request for a security clearance will be submitted to the appropriate security office using the format shown in enclosure 1. This request must be signed by a senior manager. The number and level of clearances will be kept to an absolute minimum consistent with operational requirements. Upon approval the security clearance will be granted using the format in Enclosure _____. A copy of the clearance approval will be given the individual, placed in the individual's official personnel file and security file, and to the office or agency of employment.

(b) Request for access to special access programs (SAP) (Intelligence or Department of Energy activities) will be submitted in writing, with a brief justification, to the appropriate security office. Once a clearly defined need-to-know has been established, and a determination made that the individual meets the security requirements to the SAP, the request will be forwarded to the agency for consideration. The number of employees granted access to SAP will be kept to an absolute minimum consistent with operational requirements.

Section 2.3 Temporary Access to Higher Levels.

(a) An employee who has been determined to be eligible for access to classified information based on favorable adjudication of a completed investigation may be granted temporary access to a higher level upon written request to the appropriate security office, where such access:

- (1) is necessary to meet operational or contractual exigencies not expected to be of a recurring nature,
- (2) will not exceed 180 days; and
- (3) is limited to specific, identifiable information that is made the subject of a written access record.

(b) Where the access granted under subsection (a) involves another agency's classified information, that agency must concur before access is granted to its information.

Section 2.4 Reciprocal Acceptance of Access Eligibility Determinations.

(a) Except when an agency has substantial information indicating that an employee may not satisfy the standards in section 3.1, background investigations and eligibility determinations conducted under EO 12968 shall be mutually and reciprocally accepted by all agencies.

(b) Except where there is substantial information indicating that the employee may not satisfy the standards in section 3.1, an employee with existing access to a special access program at the same sensitivity level as determined personally by the agency head or deputy agency head, or have an existing access eligibility readjudicated, so long as the employee has a need for access to the information involved.

(c) Agency heads may establish additional, but not duplicative investigative or adjudicative procedures for a special access program or for candidates for detail or a assignment to their agencies, where such procedures are required in exceptional circumstances to protect the national security.

(d) Where temporary eligibility for access is granted under sections 2.3 or 3.3, or where the determination of eligibility for access is conditional, the fact of such temporary or conditional access shall be conveyed to any other agency that considers affording the employee access to its information.

Section 2.5. Specific Access Requirements.

(a) Employees who have been determined to be eligible for access to classified information shall be given access to classified information only where there is a need-to-know that information.

(b) It is the responsibility of any employee who has been authorized to maintain classified information to verify that prospective recipient's eligibility for access has been granted by an authorized agency official and to ensure that need-to-know exists prior to allowing such access, and to challenge requests for access that do not appear well-founded. The EOP Security Office can verify security clearances for all personnel within the White House Complex.

Section 2.6 Access by Non-United States Citizens.

(a) Where there are compelling reasons in furtherance of an agency mission, immigrant alien and foreign national employees who possess a special expertise may, in the discretion of the agency, be granted limited access to classified information only for specific programs, projects,

contracts, licenses, certificates, or grants for which there is a need for access. Such individuals shall not be eligible for access to any greater level of classified information than the United States Government has determined may be releasable to the country of which the subject is currently a citizen, and such limited access may be approved only if the prior 10 years of the subject's life can be appropriately investigated. If there any any doubts concerning granting access, additional lawful investigative procedures shall be fully pursued.

(b) Exceptions to these requirements may be permitted only by the agency head or the senior agency official designated under section 6.1.

PART 3

Access Eligibility Standards

Section 1. Standards.

The EOP will follow the adjudication guidelines to be established by the Security Policy Board.

Section 3.2 Basis for Eligibility Approval.

(a) Eligibility determinations for access to classified information shall be based the following:

- (1) favorable adjudication of a completed background investigation.
- (2) favorable review of appropriate financial disclosures records by the agency's General Counsel.
- (3) if required, favorable checks with other financial and travel institutions.

(b) The EOP Security Officer will conduct personal interviews, if needed, to clarify information or to help resolve any issues developed by the investigation. Additional investigations will be initiated if required.

Section 3.3 Special Circumstances.

(a) Temporary eligibility can be granted in special cases when it is determined by an agency head that the mission of the agency would be adversely affected if an individual is not granted immediate access to classified information.

- (1) Request for temporary eligibility for access must

include a justification, and be submitted in writing to the EOP Security Officer.

(b) Temporary eligibility for access will only be granted after:

- (1) completion of a pre-employment interview.
- (2) completion of a favorable FBI name check.
- (3) review of the completed security forms; and
- (4) initiation of the appropriate background investigation.
- (5) attendance of the White House Security Briefing for new employees.

(c) Temporary eligibility will be granted in writing (Enclosure ____). A copy of this determination will be placed in the individual's official personnel file, security file, and copy provided to the agency concerned.

(d) Where access has been terminated, and a new need arises, access eligibility can be reapproved without further investigations provided the investigation was completed within the last five years, and they have remained employed by the EOP. The employee will be required to review the latest Standard Form (SF) 86, and make changes as appropriate.

(e) Access eligibility can be approved for former government employees provided they have not been outside government service for more than two years, and the background investigation was completed within the last five years. The individual must provide a copy of the latest SF-86, and make changes as appropriate.

Section 3.4. Reinvestigation Requirements.

(a) All employees within the White House Complex will be the subject of a periodic reinvestigation every five years. A reinvestigation may also be requested at any time there is reason to believe the individual may no longer meet the standards for access to classified information, or to the White House Complex.

(b) The EOP will follow the reinvestigation standards to be established by the Security Policy Board.

(c) Information that raises doubts as to whether an employee's continued eligibility for access to classified information should be forwarded immediately to the EOP Security Office.

is it EOP or Federal Govt.

PART 5

Review of Access Determinations.

Section 5.1. Determinations of Need for Access.

The determination of a need for access will be made by the agency in which the individual is employed. The agency will advise the EOP Security Officer using the format shown in Enclosure _____, of the employees need for access to classified information.

Section 5.2. Determinations of Eligibility for Access.

(a) The EOP Security Officer, in coordination with White House Counsel, and the appropriate agency General Counsel will make the determination eligibility for access to classified information. If it is determined that an individual is not eligible for access to classified information:

- (1) The EOP Security Officer will provide a comprehensive and detailed written explanation of the basis for that conclusion as the national security interests of the United States and other applicable laws permit.
- (2) The individual has the right to be represented by counsel, at their own expense.
- (3) The individual will have 10 working days to reply in writing, and to request a review of the determination.
- (4) Provide the employee with written results of the review, and identify the deciding authority.
- (5) Provide the individual with the opportunity to appeal in writing to a high level panel. This panel will be appointed by the agency head, or in case of a White House employee the White House Counsel. The panel shall be comprised of at least three members, two of whom must be selected from outside the security field. Decisions of the panel shall be final.
- (6) The individual will be provided with an opportunity to appear personally before the panel.

PART 6

Implementation

Section 6.1 Agency Implementing Responsibilities.

(a) The EOP Security Officer will be responsible for administering the personnel security program within the White House Complex which shall include:

- (1) Active oversight and continuing security awareness program.
- (2) Coordination with the US Secret Service in the conduct of after hours security inspections of offices in the West and East Wings, Old Executive Office and New Executive Office Buildings and Federal Protective Service for office space in the Winder Building.
- (3) Maintain liaison with the Security Policy Board.
- (4) Maintain liaison with the Information Security Oversight Office.
- (5) Conduct periodic evaluations of each agency's procedures for handling and processing classified information.

Section 6.2 Employee Responsibilities.

Employees who have been granted access to classified information will receive a security indoctrination at the same time they are granted access. At the same time they will be provided with a hand out (Enclosure ____) explaining some of their responsibilities.

Section 6.3 Sanctions.

Employees shall be subject to appropriate sanctions if they knowingly and willfully grant eligibility for, or allow access to, classified information in violation of EO 12968, or its implementing regulations. Sanctions may include reprimand, suspension without pay, removal, and other actions in accordance with applicable law and agency regulations.

PART 7

General Provisions

Section 7.1. Classified Information Procedures Act.

Nothing in this implementing instructions is intended to alter the procedures established under the Classified Information Procedures Act (18 U.S.C. App. 1).

Section 7.2. General.

- (a) Information obtained under sections 1.2(e) or 1.3 will not be disseminated outside the White House Complex, except

to:

(1) the agency employing the employee who is the subject of the records or information;

(2) the Department of Justice for law enforcement or counterintelligence purposes; or

(3) any agency if such information is clearly relevant to the authorized responsibilities of such agency.

(b) This implementing instruction is intended only to establish and manage a uniform personnel security program within the White House Complex for initial and/or continued access to classified information.

S- A- M- P- L- E

MEMORANDUM FOR THE EOP SECURITY OFFICER

FROM: _____

SUBJECT: Access to Classified Information

I have determined that _____ an employee
of _____ (Name)
_____ (Office/Agency) will require access
to classified information at the _____
(SECRET or TOP SECRET)

level.

Upon favorably adjudication of the individual's background investigation, I understand that the EOP Security Officer will:

1. Have the individual complete an SF-312 (Non-Disclosure Agreement).
2. Provide appropriate security indoctrination to insure the individual is knowledgeable of procedures for handling and storage of classified documents.
3. Provide my office with the date and level of the security clearance granted.

(Signature)

(Title/Position)

(Date)

January 31, 1996

SECURITY DETERMINATION

NAME: *DOE, John Joeph*

DPOB: *00-00-00, Hometown, USA*

POSITION: Staff Assistant

AGENCY: *Agency/Division*

INVESTIGATION

TYPE: *Background Investigation*

COMPLETED BY: *FBI*

DATE COMPLETED: *09-24-93*

CLEARANCE GRANTED: *01-31-96*

The above named individual has been granted security approval by the Executive Office of the President and is authorized to have access to classified information through **TOP SECRET**. This is granted under the standards of Executive Order 12968.

CHARLES C. EASLEY
EOP SECURITY OFFICER

CERTIFICATION

I certify that I have been briefed on the procedures for handling, storage and transmission of classified information in accordance with Executive Order 12958, and that I have read and completed a non-disclosure agreement Standard Form-312.

(DATE)

(SIGNATURE)

DISTRIBUTION:

- 1 - Official Personnel File
- 1 - Security file
- 1 - Office of assignment
- 1 - Individual

December 29, 1995

SECURITY DETERMINATION

NAME: DOE, John Joseph
DPOB: 00-00-00, Hometown, USA
POSITION: Deputy Staff Secretary
AGENCY: Agency/Division

INVESTIGATION

TYPE: Background Investigation **COMPLETED BY:** FBI
DATE INITIATED: 12-08-95 **CLEARANCE GRANTED:** 12-29-95

THE ABOVE NAMED INDIVIDUAL HAS BEEN GRANTED TEMPORARY SECURITY APPROVAL BY THE EXECUTIVE OFFICE OF THE PRESIDENT AND IS AUTHORIZED TO HAVE ACCESS TO CLASSIFIED INFORMATION THROUGH **TOP SECRET.** THIS IS GRANTED UNDER THE STANDARDS OF EXECUTIVE ORDER 12968.

CHARLES C. EASLEY
EOP SECURITY OFFICER

CERTIFICATION

I CERTIFY THAT HAVE BEEN BRIEFED ON THE PROCEDURES FOR HANDLING, STORAGE AND TRANSMISSION OF CLASSIFIED INFORMATION IN ACCORDANCE WITH EO 12958, AND THAT I HAVE READ AND COMPLETED A NON-DISCLOSURE AGREEMENT (SF-312). I ALSO UNDERSTAND THAT FURTHER ACCESS IS EXPRESSLY CONDITIONED ON THE FAVORABLE COMPLETION OF THE BACKGROUND INVESTIGATION AND ISSUANCE OF AN ACCESS ELIGIBILITY APPROVAL, AND THAT ACCESS WILL BE IMMEDIATELY TERMINATED, ALONG WITH ANY ASSIGNMENT REQUIRING AN ACCESS ELIGIBILITY APPROVAL, IF SUCH ELIGIBILITY IS NOT GRANTED.

(DATE)

(SIGNATURE)

DISTRIBUTION:

- 1 - OFFICIAL PERSONNEL FILE
- 1 - SECURITY FILE
- 1 - OFFICE OF ASSIGNMENT
- 1 - INDIVIDUAL

(DATE)

I understand that by granting me access to classified information the Executive Office of the President (EOP) has placed a special trust in me. By accepting this responsibility I agree to the following:

- a. I will protect all classified information in my custody from unauthorized disclosure.
- b. I will ensure that all classified information in my custody is locked in an approved security container or approved vaulted area when unattended.
- c. I will report all contacts with persons, including foreign nationals, who seek in any way to obtain unauthorized access to classified information
- d. I will report all violations of security regulations and/or procedures to the appropriate security official.
- e. I realize that classified information is the sole property of the United States Government, and cannot be used for personal gain.
- f. I understand that classified information must be stored in approved containers and cannot be taken to my home.
- g. I will comply with all security requirements set forth by the Executive Office of the President, and all rules and regulations governing the protection of classified information.

Date)

(Signature)

September 28, 1993

NOTE TO CRAIG LIVINGSTONE:

Here is a copy of the notes which I gave to Jennifer O'Connor on my brief review of the WH and EOP security operations. As you well know, this is not a subject which should be learned superficially or quickly, so I hope that I did justice to all you shared with me. Thanks again for your time and your help.



Judith L. Carpenter

BRIEFING - WHITE HOUSE SECURITY OPERATIONS

Very brief review, not based on detailed or in-depth assessments.

Focus: Clearances of employees who work in the White House Complex. This excludes:

- o Secret Security - physical security
- o Press office - press security
- o National Park Service - Grounds and Residence
- o Information system security - IRMD

Interviewed: Executive Office of the President Security Officer - Mr. Chuck Easley (TAB)

White House Personnel Security Officer - Mr. Craig Livingstone (TAB)

Drug testing program director - Ms. Mary Beck (TAB)

Summary initial impressions:

Perspectives very different:

- o White House - very intense personal dedication, to protect the President. Focus is on "suitability for employment" in the White House. Perspective is political..not just a matter of physical, or national security.
- o EOP/SO - very professional. Has years of experience in military security. Developed many creative approaches to responsibilities, like pre-employment interview and computerized records. He is the only person in EOP authorized to provide security indoctrination as may be required by CIA.

Relationships among various security operations

- o Division of labor confusing. Attached chart displays very brief overview of which security activities are performed by which office.
- o White House - OA handles job well, but is limited in perspective. Baseline roster full of errors. Not sure what happens to OA files. Not sure why Secret Service needs to keep personal background files. He doesn't get cooperation in filling out supplemental security information sheet. He doesn't get timely information from Personnel that drug tests have been completed.
- o EOP/SO - WH has to give top priority to political concerns, but should trust his office to handle other ongoing security activities, e.g. he should be able to deal directly with the FBI on name checks and field investigations. Serious backlogs are building up.

No established guidelines or manuals.

- o White House records are all considered to be Presidential documents, and therefore are retired and must be regenerated with each new Administration. (This involves records

on all 6700 EOP employees, including long time permanent employees). He had to learn his job by talking to others...no established procedures or guides. Some would be helpful, but shouldn't lose flexibility with detailed bureaucratic procedures.

- o EOP/SO follows OPM standard procedures on security, but there are no separate manuals for EOP/WH. A "standard operating procedure" would be helpful, but is unlikely. Personnel Office does have a handbook on the drug testing program.

Levels of security clearance required

- o White House - Increasing requirements for FBI clearance add to workload. Security clearance not required for holders of WH pass, who are granted top secret clearance.
- o EOP/SO can handle all OPM clearances directly. If he could also work directly with FBI, keeping WHPSO informed, this would facilitate/speed up the process. Is concerned that decision that WH pass holders do not require a separate security clearance means that there is no non-disclosure agreement (312), one of the requirements for granting access to classified information.

Separate drug testing program no problem

- o Separate function in Personnel to protect confidentiality. Only connection to WH security is testing of WH employees. Has established procedures that are working. Works closely with OA security officer...both in personnel office which is unusual.
- o Confidentiality highest priority. Results of testing communicated only with WH Physician, who deals with employee as necessary.
- o Staffed as a collateral duty.....would be no savings of FTE if moved/consolidated with other security operations.

Staffing

- o White House staff reduced from five to three staff, all paid less than predecessors.
- o EOP/SO reduced from four to two staff, separate from drug testing program.

Areas of concern/opportunities for improvement for possible follow-up:

1. Revisit question of which positions require FBI/OPM clearance.
2. Review options for EOP/SO dealing directly with FBI on non-political clearances.
3. Assure that appropriate authority available for waiving security clearance
4. Potential for consolidation, to eliminate duplication and facilitate transitions, should be very carefully considered. Necessary political ramifications of WH operations may not

serve agencies well. Perhaps alternative is to clarify roles, limiting WH to that which is clearly political:

- o Establish baseline policies, procedures, data base for all EOP, to be maintained in EOP/SO, not WHPSO. Document SOP.
- o Identify minimal add-on or exceptional requirements for "political" security, and develop basic "how-to" guidance.

SECURITY PROCEDURES PERFORMED FOR GROUPS OF EOP EMPLOYEES

PROCEDURE	CAREER & SCH. C OMB, OA, CEA, CEQ, OSTP, USTR, ONDCP ALL OLD & NEW EOB CONTRACTOR STAFF FOOD SERVICE	CAREER AND SCH. C NSC AND OVP	POLITICAL CAREER STAFF WHO, NEC, OPD
Identify candidate	Agency	Agency	Agency
Request FBI name check	EOP/SO	Agency	WHPSO
Pre-employment interview	EOP/SO	Agency	WHPSO
Advise agency - proceed or wait	EOP/SO	NA	WHPSO
Tentative job offer	Agency/Personnel	Agency/Personnel	Agency/Personnel
SF86: (application, request full field investigation, tax check): OPM investigation ¹	Applicant to EOP/SO to OPM	NA	NA
SF86:(application, request full field investigation, tax check): FBI investigation	Applicant to EOP/SO to WHPSO to FBI and back same route ²	Applicant to Agency to WHPSO to FBI and back same route	Applicant to WHPSO to FBI and back same route
Drug test ³	OA/PMD	OA/PMD	OA/PMD
Security briefing for all new employees	EOP/SO	EOP/SO	EOP/SO
Building pass - OA, NEOB, and contractors for OEOB ⁴	EOP/SO approval	NA	NA
Building pass - OEOB, WH	EOP/SO request, WHPSO process, APMA approve	Agency request, WHPSO process, APMA approve	APMA approve
Issue building pass	USSS	USSS	USSS
Grant security clearance	EOP/SO	Agency	NA ⁵
Initiate special clearances ⁶	EOP/SO	Agency	WHPSO
Files: Personal background	EOP/SO and WHPSO	Agency and WHPSO	WHPSO
Roster of clearances	EOP/SO	Agency	WHPSO
Safe combinations - OA, WH, West Wing	EOP/SO	EOP/SO	EOP/SO
Safe combinations - all other	Contractors	NA	NA
Keys	USSS/GSA	USSS/GSA	USSS/GSA

Acronyms:

EOP/SO - Executive Office of the President Security Officer

WHPSO - White House Personnel Security Office

APMA - Assistant to the President for Management and Administration

USSS - U.S. Secret Service

GSA - General Services Administration

Endnotes:

1. In the past, most EOP employees required only a OPM, or minimal investigation. Now this is only some USTR and ONDCP staff (stay-in-school, contractors, interns). (Last year was CEQ as well). All the rest require FBI investigation. Historically, most Note: FBI investigation all run through WHPSO. Done at no charge. Beginning 10/1/93, OPM will be charging \$3425.00 per investigation: FBI done at no cost.
2. FBI investigations all handled through the WHPSO, but workload is increasing. Backlog is developing. As of 9/27, EOP/SO has 209 FBI investigations pending through the process, some since January. In years past this numbered around 70 - 90 in process. FBI usually completes in 60-90 days.
3. Testing at time of selection or at random for all "testing designated positions". Previously defined as those with WH pass, top secret and secret clearances. A court case is pending, and it may be defined to cover all EOP employees.
4. Various passes: pending check for 30 days; temporary after SF 86 submitted for 90 days. Permanent only after investigation and drug test completed and security clearance determined.
5. All holders of WH pass are considered to have top secret clearance on a need to know basis, and do not require a separate security clearance. EOP/SO concerned with EO and National Security directive which requires submission of a non-disclosure agreement as a condition for access to secured information.
6. Special clearances as may be required by other agencies, e.g. CIA, Department of Energy and FEMA. Also, EOP/SO is the only official in EOP who is authorized to provide indoctrination required by CIA if they are unable to do so.

To: Cray
FYI

Copies - Cert
Whalen
FYI - ML



U. S. Department of Justice
Office of the Deputy Attorney General

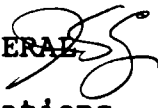
The Deputy Attorney General

Washington, D.C. 20530

February 9, 1996

MEMORANDUM

TO: THE COUNSEL TO THE PRESIDENT
THE ASSISTANT ATTORNEY GENERAL, OFFICE OF POLICY
DEVELOPMENT
THE ASSISTANT ATTORNEY GENERAL, OFFICE OF LEGISLATIVE
AFFAIRS
THE ACTING ASSISTANT ATTORNEY GENERAL, CRIMINAL DIVISION

FROM: THE DEPUTY ATTORNEY GENERAL 

RE: **FBI Background Investigations**

Over the past two years, there has been some confusion regarding the process for background investigations (BI's) conducted by the Federal Bureau of Investigation, including uncertainty as to what material is included in the summary as compared to the body of the report, the extent to which the FBI confronts a candidate with negative information learned during the investigation, and the circumstances under which the Bureau discontinues a BI. In order to clarify these and other issues, I asked the Director for a memorandum describing the BI process.

The FBI's memorandum is attached. I thought it would be useful for all of you involved in the process to have a copy.

Attachment



U.S. Department of Justice

Federal Bureau of Investigation

Washington, D.C. 20535

To: The Deputy Attorney General Date: February 7, 1996
From: Director, FBI
Subject: FBI BACKGROUND INVESTIGATIONS

INFORMATION MEMORANDUM

In addition to conducting BIs on its own employees, the FBI is also responsible for conducting BIs for certain other Government entities (hereinafter referred to as "clients"). These clients are the White House, Department of Justice (DOJ), Department of Energy (DOE), Nuclear Regulatory Commission (NRC), the Administrative Office of the United States Courts, Office of the Pardon Attorney, Office of Personnel Management (OPM) and certain Congressional committees, i.e., Senate and House Appropriations Committees, Senate and House Judiciary Committees, Senate Foreign Relations Committee, Senate and House Intelligence Committees, and Senate Ethics Committee.

The BI is a comprehensive inquiry designed to verify background data provided by the subject of the BI (hereinafter referred to as the "candidate") and gather information to assist the client (and others, as necessary) in the decision-making process concerning the candidate's suitability for Federal employment and/or access to classified national security information. The FBI's goal is to provide its clients complete, thorough, and impartial BIs within established time frames.

All BIs have a projected completion date (deadline), that is, a date in which the results of the BI are expected to be furnished to the client. Flexible time frames for the completion of BIs have been negotiated which each client, depending upon the nature and priority of the particular position. These time frames range from 30 to 90 calendar days, e.g., 30 days for Presidential appointment BIs and 90 days for reinvestigations. Occasionally, the standard deadlines may be shorter to accommodate the needs of the client. Although the FBI makes every effort to provide the results of BIs to the client within the established time frames, there are occasions when circumstances prevent the FBI from doing so, e.g., significant unfavorable information, unavailability of records that must be reviewed and/or persons that must be interviewed. While timeliness is a concern, it is never allowed to overshadow the primary importance of thoroughness.

Before the investigation begins, the candidate completes a Standard Form (SF-86), "Questionnaire for National Security Positions," or a Standard Form 85P (SF-85P), "Questionnaire for Public Trust Positions." The SF-86 or SF-85P is forwarded to the FBI by the client with a request for a BI. Utilizing the information provided, the FBI initiates a BI. At the outset of the investigation, the candidate is interviewed by the FBI to ensure that information provided on the SF-86 is complete and accurate. The interview also seeks to identify any information known to the candidate that could have a bearing on his or her suitability for Government employment and/or access to national security information, such as potential conflicts of interest.

The scope of a BI will vary depending upon the nature of the position for which the candidate is being considered; however, all BIs consist of personal interviews and a wide variety of records checks. Depending on the position involved, the scope of the BI can range from three years (e.g., DOJ reinvestigations) to the candidate's entire adult life (e.g., all lifetime Federal judicial appointments and Cabinet-level Presidential appointment BIs).

Areas addressed during the BIs include education, residences, military service, employments, and credit; records checks are conducted at appropriate Federal, state and local law enforcement and regulatory agencies and licensing authorities. Inquiries are also conducted to verify birth, naturalization, and divorce information, and address any issues which may develop during the BI, i.e., illegal drug use and alcohol prescription drug abuse; financial responsibility; involvement in civil suits; existence of any type bias or prejudice; psychological or psychiatric counseling (excluding marital or grief counseling); contact with foreign nationals; and any other circumstances that could have a bearing on the candidate's suitability for Federal employment and/or access to national security information.

In addressing the areas mentioned above, persons who are knowledgeable of the candidate are interviewed. These interviews typically include references, associates, superiors, colleagues, neighbors, etc. Information obtained through personal interviews may be the opinion, hearsay or personal knowledge of the person interviewed. The principal areas to be addressed when conducting interviews relate to the candidate's character, a person's general attitude and possession of characteristics such as trustworthiness, reliability, and discretion or lack thereof; associates, types of persons, groups, or organizations with which a person has been associated, with particular concern as to whether any of these associations have been of a disreputable or disloyal nature; reputation, the individual's general standing in the community; and loyalty, the person's attitude and allegiance toward the United States.

Certain BIs also address the candidate's substantive ability in the area of the prospective appointment, e.g., judicial appointees, and persons affiliated with the DOJ and the U. S. Courts.

If the BI develops information of alleged misconduct or any other type of unfavorable information about the candidate, all aspects of the allegation are thoroughly explored. Both sides of the allegation are fully reported.

If unfavorable information developed is of a serious nature, the client is notified immediately. If requested to do so, the FBI will provide the client with an interim report containing the unfavorable information while completing the remainder of the investigation. If, during the course of a BI, information is developed about the candidate which may constitute a violation of Federal law within the FBI's investigative jurisdiction, the FBI will consult with the DOJ to determine if any type of criminal investigation should be initiated. Pending that decision, any further investigation of the information which may constitute the violation of law will be held in abeyance; however, the remainder of the BI will be completed. After obtaining the decision as to whether or not a criminal investigation should be initiated, the client will be notified. If a criminal investigation is initiated, the remainder of the BI will be completed, except for inquiries addressing the criminal allegation, and the results reported to the client. If no criminal investigation is to be conducted, inquiries will be conducted, within the parameters of the BI, in an effort to substantiate or refute the information. It should be noted that the FBI does not discontinue BIs or reopen BIs unless specifically requested by the client. Also, pursuant to a recent request of the Deputy Attorney General, on high visibility DOJ BIs wherein the client has instructed the FBI to discontinue the BI, the FBI will notify the Deputy Attorney General of the discontinuance.

The FBI arranges for an interview with the candidate in an attempt to resolve the issue and/or to make as part of an official record the candidate's response to any allegations. The FBI does not adjudicate, nor does it render opinions on, the BI results provided to the client. Furthermore, the FBI does not assess the reliability or credibility of the source of the information. The FBI's function is purely fact finding.

Once the investigation is completed, the results are reviewed at FBIHQ to ensure that all facets of the investigation have been completely addressed. The results are furnished to client entities only (unless otherwise instructed by the client) in the form of actual investigative reports (referred to as "raw data") and/or summary memoranda. It is the client's responsibility to disseminate the results of the FBI's completed

BI to those involved in the appointment process. The format (investigative reports or summary memoranda) is determined by the needs and requests of each client.

When summary memoranda are prepared, they are organized into sections addressing the areas of the background investigation, e.g., birth, education, employment, interviews, agency checks, etc. If unfavorable information is developed, all pertinent information is reported within the appropriate category. For example, if a colleague of the candidate is interviewed and he or she alleges that the candidate uses illegal drugs, then that colleague's comments are summarized and reported under the Interviews section. Also, any investigation that was conducted to credit or disprove his or her statements are also included. For example, if the colleague provided the names of individuals who supposedly witnessed the candidate's illegal drug use, those individuals would be interviewed and the results reported in the summary memorandum. Lastly, the results of the interview conducted with the candidate in an attempt to resolve the issue are also reported in the summary memorandum.

Set forth below is a list of client entities, the positions for which the FBI conducts BIs, and how the results of the BIs are reported (summary memoranda or investigative reports):

<u>Client</u>	<u>Position</u>	<u>Reporting Format</u>
The White House	Presidential appointments requiring Senate confirmation (Except Ambassadorships, which are handled by the Department of State)	Summary memoranda only, except for those cases requiring Senate Judiciary Committee review. ¹ Summary memoranda and investigative reports are prepared for those cases.

¹Those that require Judiciary Committee review are: U.S. Supreme Court Justices, U.S. Court of Appeals Judges, Court of International Trade Judges, U.S. Claims Court Judges, Court of Military Appeals Judges, Court of Veterans Appeals Judges, Attorney General, FBI Director, DEA Administrator and Assistant Administrator, Deputy Attorney General, Assistant Attorney General, other Department of Justice Executives.

<u>Client</u>	<u>Position</u>	<u>Reporting Format</u>
The White House	White House staff and access employees	Summary memor- anda ²
DOJ	Presidential appointments requiring Senate confirmation, i.e., U.S. District Court Judges U.S. Attorneys U.S. Marshals	Summary memor- anda and investigative reports
	Schedule C appointees DOJ Headquarters personnel (attorneys, honor recruits, staff members and paralegals) U.S. Attorney's Office staff	Investigative reports Investiga- tive reports
	U.S. and Assistant U.S. Trustees Chapter 13 Trustee Administrative Law Judge Immigration Law Judge Foreign Intelligence Surveil- lance Court Judges Individuals applying for a Presidential pardon after completion of their sentence	
Administrative Office of the U.S. Courts	U.S. Bankruptcy Judge U.S. Magistrate U.S. Public Defender U.S. Circuit or District Court Executive	Investiga- tive reports

²When only summary memoranda are prepared for the White House, portions of the investigative reports may be provided in addition to the summary memorandum. The portions which are sent include results of interviews addressing matters which may impact upon the candidate's suitability for a position of trust or access to classified information. As indicated above, this format is used at the request of the client.

<u>Client</u>	<u>Position</u>	<u>Reporting Format</u>
Administrative Office of the U.S. Courts	U.S. Bankruptcy Court Trustee U.S. Probation Officer U.S. Pretrial Services Officer	Investigative reports
Congressional Committees	Staff personnel requiring access to national security information	Summary memoranda (Except for the Senate Judiciary Committee, which receives investiga- tive reports)
DOE	Select employees requiring a high-level security clearance	Investiga- tive reports
NRC	Select employees requiring a high-level security clearance	Investiga- tive reports
OPM	Key Government employees and other cases referred to the FBI by OPM as a result of a security concern	Investiga- tive reports

MEMO TO: EDWARD FRANCIS HUGHES
FROM: LISA SUSANNE WETZL
RE: Procedures

I will try, as concisely as possible, to sketch out basic directions for procedures that you'll be dealing with. It will probably be in your best interest to call me at work for additional help if there is any confusion; mistakes tend to snowball. Above all, be consistent and organized.

NEW PERSONNEL PROCEDURES

The following is what typically happens, although there will be cases where alterations need to be made.

1. Receive *unsigned* copy of blue sheet from Management. Set up a security interview and begin an FBI Namecheck. Create an appropriate folder and place in *PENDING NC & AUTH* (we have yet to receive either).
2. When the security interview has been successfully completed, E-Mail Management (Kelli McClure).
3. When a blue sheet/memo with an *original signature* (i.e. Jodie Torkelson) has been received, the individual can be placed on ACCESS, provided that a security check has been completed, i.e. the Namecheck or, if that's still pending, an NCIC with WAVES. A new hire/detailee is placed on access for the maximum of 30 days from the start date indicated on the blue sheet.
4. Once the authorizing blue sheet/memo has been received and the FBI namecheck has been successfully completed, the folder should be placed in *PENDING SF-86*.
5. A new hire/detailee has 30 days to complete the SF-86 and related papers before administrative action is taken (dropped from access and off payroll). Once they are turned in, the individual is ready to receive a *temporary photo pass*.
6. Type up form (usually 90-day pass). Paperclip original and copy to front of file. Give to Craig to sign. Original goes to USSS/Rm. 23.
7. Enter file information into Security Tracking. Place in regular files.

INFORMATION RECEIVED FROM THE FBI

The package received from the FBI generally consists of two things: 1)NAMECHECKS and 2)NOTICE OF RELEASE OF BI INFORMATION.

1) NAMECHECKS should be logged alphabetically in a green log book. There will be namechecks completed on one of the following:

- Staff/Detailees (marked as White House Staff Position)
- Volunteers (marked as ACCESS (C))
- Interns (marked as ACCESS (I))
- Residence/NPS employees (marked as ACCESS (R))
- GSA employees (marked as ACCESS (G))
- Individuals on access (marked as ACCESS)
- Miscellaneous individuals

A list of the favorable Volunteer Namechecks should be E-mailed to the Director of the Volunteers (C. Taylor). He will generate a request to put these individuals on the Volunteer access list. Have Craig sign the request and fax it to WAVES (x55349). Put a copy in the Volunteer binder.

A list of the favorable Intern Namechecks should be E-mailed to the Director of the Interns (K. Abramson). She will generate a request to put these individuals on the Intern Access List. Have Craig sign it and fax it to WAVES (x55349). Put a copy in the Intern binder.

A favorable namecheck is required to receive a temporary photo pass (unless we have a copy of a current BI).

2) NOTICE OF THE RELEASE OF BI INFORMATION is basically a receipt telling us that the FBI released a copy of an investigation to another government agency at our request. Place this receipt in the binder labeled RELEASE OF REPORTS REQUESTS COMPLETED 1995 alphabetically.

ACCESS LIST - Access Ext. do not need DOB/SS#

Every week the access list must be combed through for individuals who should be extended or dropped. There are two basic groups of people on access: 1)New hires/detailees who have 30 days on access to turn in their SF-86, and 2)Individuals authorized for access only, whether for a specific amount of time or indefinitely.

I have found that the easiest way to tackle the access list is the following:

1. Always try to do it as early in the week as possible.

2. Make a worksheet copy of the original list. Go thru the names and make a mark next to those who are expiring by the following Wednesday.

3. There are staffmembers who have large continuous lists under their names. These people should be sent Lotus printouts of their lists. They include:

Jodie Torkelson (every month)
Kitty Higgins (every 3 months)
Jim Dorskind (every 3 months)
Harold Ickes (before 12/31/95)

4. Simply go thru files and find out who should be extended. Staff members who owe us paperwork should get a telephone call.

PASS EXTENSION LIST

-Work from the large green printout that USSS gives you.

-Date the list for the following Monday. Pull all the names from that Tuesday thru and including the Monday after that.

-Only worry about names that are employees of offices we are responsible for.

-Create a worksheet of the names that looks like this:

HUGHES, Edward F.

09/08/95

TWHS

-Figure out, by using Security tracking and the files, who needs to be extended. Find out how close they are to permanent passes and what needs to be done to get them one.

-A list of the volunteers who have passes expiring should be sent to Claude for confirmation that they are still here.

-Do a pass extension memo to USSS that looks like the many examples you have. There is a disk labeled PASS EXTENSIONS. You can merge your worksheet (with corrections) with an old list.

-Make a copy of the new memo for Craig.

-Print out two originals, one for USSS and one for our yellow files.

-Make a copy for each individual's file. Make a copy for each individual's USSS file and send them to USSS.

PROCESSING PRESIDENTIAL AWARDS OR MEDALS

1. Must have full name, SS#, DOB, POB, and home address. Begin FBI namechecks.
2. Once the namechecks are received, Craig must review any information returned.
3. Memo (sample on disks) with a list of those cleared is signed by Associate Counsel (Chris Cerf) and released to the originating office. Copy is kept with namechecks and placed in AWARDS bins.

PROCESSING THE SF-86

Everyone who has been approved for a pass or is on access for an indefinite amount of time without clearances from another agency, must turn in an SF-86 within 30 Days of starting.

Make sure everyone who has a pass is updated **every 5 years**.

PHASE I:

-Process IRS forms.

- | | |
|----|---|
| a. | Check all information completed. |
| b. | Handwrite a "W" in lower lefthand corner of original |
| c. | and copy. |
| d. | Stamp date in upper righthand corner of our copy. |
| | Original goes in IRS box. At least once a week red dot courier a batch to the IRS through the mailroom. |

PHASE II:

-Review SF-86 and mark mistakes.

-Call individuals to correct mistakes, or have them send an addendum with the missing information. Addendum must be signed and dated, with SS#.

PHASE III:

- Type Full Field Request (see Appendix A)
- | | |
|----|---|
| a. | full name, ss#, DOB, POB, current address |
| b. | Mark Full Field Investigation (WH Staff=Level II, employees=Level III). Underneath ^{above} type in "2 copies, please". |
- #

c.
i.e. WH Staff position, Access.
d.
indicate acronym of office (WHO,
RESIDENCE) at bottom of sheet and type
it.

Mark employment type,
If a five-year update,
GSA, ATT, NPS,
"90-Day Update" after

-Staple an original Full Field Request form, a Counsel consent form, and the SF-86 + addendums. Put in an envelope marked FBI/SPIN UNIT.

-Staple a copy of the Full Field Request form, a Counsel consent form, and a copy of the SF-86 + addendums. Put necessary info. into Security Tracking and place in file. Put pencil checkmark on label.

-Third copy of SF-86 + ^{addendums} ~~identomas~~ put in the FBI LIAISON OFFICE box.

-Seal FBI/SPIN UNIT envelope and paperclip to it an FBI COURIER LOG sheet with a list of the cases you are submitting.

-Place in FBI-HQ box.

NATIONAL SECURITY COUNCIL

We must receive authorization from Management and a copy of a Namecheck from the NSC Security Officer (G. Yorkdale) in order to give an NSC person a pass or put them on access.

The NSC staff is comprised mostly of employees of other government agencies. If new hires/detailees have had BI's within one year at DIS, STATE, or the CIA, order a copy for our files (form letter on disk). A permanent pass can be issued from that.

The NSC Security Office will run an updated BI with the FBI if one is needed.

AUTHORIZATIONS

In some cases, requests for passes are sent directly to us and we send an authorization slip to Management. The offices that typically do this are:

EOP employees (Chuck Easley people)
GSA
ATT
Military Office Civilians

Type up an authorization sheet. Make copies of both the auth. and the requesting memo. Send the originals to Management (A.

Rutledge, Rm.1). Management DOES NOT get namechecks, BI's, clearance paperwork, etc.

The copies should be put in a file and placed in *PENDING NC & AUTH*.

When we get Authorizations back for Chuck Easley people, simply copy the signed auth. sheet and put the copy in Chuck's box. File the original sheets and the file in regular files.

When we get Authorizations back for WHMO or WHCA civilians, make sure the SSBI is within one year and then type up a permanent pass request. Get Craig to review the file and to sign off on the SSBI and the pass request. Make copies of the pass request memo and the derogatory information sheet. Send the originals to USSS (Rm 23). The copies should be put in a yellow file with a blue (WHCA) or red (WHMO) label.

Authorizations for all other passes should be processed accordingly. Make sure all security paperwork is in and release the pass.

SCI REQUESTS

See directions in safe.

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"(B) WAIVER AUTHORITY.—In the case of a particular position in an agency, subparagraph (A) may be waived upon a determination by the head of the agency that the performance of a critical agency mission requires the waiver.

"(C) RELATION TO OTHER LAW.—No law may be construed as suspending or modifying this paragraph unless such law specifically amends this paragraph."

SEC. 632. (a) IN GENERAL.—Hereafter, the employment of any individual within the Executive Office of the President shall be placed on leave without pay status if the individual—

(1) has not, within 30 days of commencing such employment or by October 31, 1994 (whichever occurs later), submitted a completed questionnaire for sensitive positions (SF-86) or equivalent form; or

(2) has not, within 6 months of commencing such employment or by October 31, 1994 (whichever occurs later), had his or her background investigation, if completed, forwarded by the counsel to the President to the United States Secret Service for issuance of the appropriate access pass.

(b) EXEMPTION.—Subsection (a) shall not apply to any individual specifically exempted from such subsection by the President or his designee.

SEC. 633. LAW ENFORCEMENT AVAILABILITY PAY.

(a) SHORT TITLE.—This section may be cited as the "Law Enforcement Availability Pay Act of 1994".

(b) LAW ENFORCEMENT AVAILABILITY PAY.—

(1) IN GENERAL.—Chapter 55 of title 5, United States Code, is amended by inserting after section 5545 the following new section:

"5545a. Availability pay for criminal investigators

"(a) For purposes of this section—

"(1) the term 'available' refers to the availability of a criminal investigator and means that an investigator shall be considered generally and reasonably accessible by the agency employing such investigator to perform unscheduled duty based on the needs of an agency;

"(2) the term 'criminal investigator' means a law enforcement officer as defined under section 5541(3) (other than an officer occupying a position under title II of Public Law 99-399) is required to—

"(A) possess a knowledge of investigative techniques, laws of evidence, rules of criminal procedure, and precedent court decisions concerning admissibility of evidence, constitutional rights, search and seizure, and related issues;

"(B) recognize, develop, and present evidence that reconstructs events, sequences and time elements for presentation in various legal hearings and court proceedings;

"(C) demonstrate skills in applying surveillance techniques, undercover work, and advising and assisting the United States Attorney in and out of court;

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3 USC note prec. 101.

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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF ADMINISTRATION
WASHINGTON, D.C. 20503

September 26, 1995

MEMORANDUM FOR

FROM: CHARLES C. EASLEY

SUBJECT: White House Security Briefing for New Employees

In reviewing your security file I found that you have not attended the White House Security Briefing for New Employees. Current White House policy requires attendance at a security briefing before a permanent pass can be issued.

The 103d Congress passed H.R. 4539 on June 22, 1994, which reads in part:

Hereafter the employment of any individual within the Executive Office of the President shall be placed on leave without pay status if the individual has not, within six months of commencing such employment or by October 31, 1994 (whichever occurs later), had his or her background investigations, if completed, forwarded by the counsel to the President to the United States Secret Service for issuance of the appropriate access pass.

Your background investigation has been completed by the FBI, and a permanent OEOB Pass can be issued once you have attended this briefing.

The next briefing is scheduled for Thursday, September 28, 1995, at 10:15am in Room 450, Old Executive Office Building.

Thank you.

THE WHITE HOUSE

WASHINGTON

July 25, 1995

MEMORANDUM FOR WHITE HOUSE OFFICE EMPLOYEES
OFFICE OF POLICY DEVELOPMENT EMPLOYEES
OFFICE OF THE VICE PRESIDENT EMPLOYEES

FROM: LEON PANETTA
CHIEF OF STAFF



SUBJECT: Security and Access for Volunteers

Given that summer is a time when many new volunteers are available for assignments in the White House Office, I believe it is important to reiterate policies related to bringing volunteers into our offices. It is extremely important that all volunteers be registered and screened by the Volunteer Office **before** they are permitted to begin working in the Complex. It is equally important that if you need the assistance of volunteers, you contact the Volunteer Office to make the appropriate arrangements.

The following guidelines are to be followed with respect to all persons desiring to volunteer on the Complex.

1. Any person expressing interest in volunteering should be directed to Mr. Claude Taylor, Director of the Volunteer Office, Room 22 OEOB, (202) 456-5455.
2. Under no circumstances should volunteers be cleared as appointments in order to work in your offices. All volunteers are cleared through the Volunteer Office.
3. All requests for badges or building access for volunteers should be sent to Mr. Taylor. For security reasons, badges and building access for volunteers is strictly controlled. Under no circumstances should staff submit such requests directly to White House Personnel Security or Management and Administration. They will be denied.
4. In the event a staff member brings volunteers into the Complex without authorization from the Volunteer Office, the volunteer may be asked to leave and the staff member will be cited for a security violation.

THE WHITE HOUSE
WASHINGTON

March 14, 1994

MEMORANDUM FOR ALL EXECUTIVE OFFICE OF THE PRESIDENT STAFF

FROM:

MACK McLARTY
CHIEF OF STAFF



SUBJECT:

Completion of All Employment and Security Paperwork

All staff who have joined the payroll of an EOP agency prior to March 1, 1994, should have completed their employment and security related paperwork, including the SF 86 -- Questionnaire for Sensitive Positions.

Any staff who have not completed the required paperwork have until this Friday, March 18, 1994, to complete and return all paperwork to the appropriate security or personnel office; White House staff should return their paperwork to the White House Office of Personnel Security, OEOB Room 84.

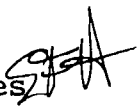
All staff who joined the EOP payroll between March 1 and March 14, 1994, have until March 31, 1994 to complete and return the required forms.

Effective immediately, all new staff have 30 days from their effective appointment date to complete all necessary paperwork.

No excuses from any level of personnel will be accepted; personnel who fail to comply will be separated from payroll on unpaid leave status.

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

24-Apr-1995 11:41am

TO: Edward F. Hughes 
TO: Lisa S. Wetzl

FROM: D. Craig Livingstone
 Office of the Counsel

SUBJECT: procedural reminder -- sf-86

This memo serves to remind WHS staff as to the procedures regarding dissemination of completed BI's.

1. All completed BI's should be submitted for review by USSS/WHd within 30 days of receipt.
2. If it is noted that there are pending issues please inform me as to particular concerns. Our office will then inform USSS/TSD that we are submitting BI for REVIEW only and that pass request may follow.

Please print out this reminder and initial it. Return initialed copy to me for filing.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. list	Passes. (1 page)	00/00/0000	b(7)(E), b(7)(F)

COLLECTION:

Clinton Presidential Records
Security Office
Edward Hughes
OA/Box Number: CF 1795A

FOLDER TITLE:

Office Procedures

2006-1066-F

vz3611

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

E X E C U T I V E O F F I C E O F T H E P R E S I D E N T

28-Jul-1995 05:00pm

TO: Kathleen M. Whalen
FROM: D. Craig Livingstone
Office of the Counsel
CC: Christopher D. Cerf
SUBJECT: Responding to your request

Mandy Grunwald 3/2/03 Temp WH Pass
 6/15/93 Temp NGS Pass
 2/13/95 Pass deleted
 3/31/94 SF-86 signed
 6/1/94 BI completed

Stanley Greenberg 1/25/93 Temp WH Pass
 9/16/93 T/NGS Pass
 2/13/95 Pass deleted
 3/21/95-to present WH Access list
 3/29/94 SF-86 signed
 6/15/94 BI completed

James Carville 3/10/93 Temp WH Pass
 6/7/93 Temp NGS Pass
 2/13/95 Pass deleted
 3/21/95-to present WH Access list
 3/30/94 SF-86 signed
 6/2/94 BI completed

Paul Begala 1/23/93 EOB Access list
 1/26/93 Temp WH pass
 6/7/93 Temp NGS Pass
 2/13/95 Pass deleted
 3/21/95-to present WH Access list
 3/29/94 SF-86 signed
 6/16/94 BI completed

Susan Thomases 1/18/93 Temp WH Pass

1/26/93 Temp Residence Pass
10/18/93 Pass deleted
4/9/93 SF-86 signed
7/6/93 BI completed

Harry Thomason

3/23/93 Temp WH Pass
9/14/93 Pass deleted

FEBRUARY 24 - MARCH 3

BLUE SHEETS

- STAMP IN.
- Make xerox for George.
- If signed by Jodie, do the following:
 - NCIC
 - ADD TO ACCESS
 - NC
 - FOLDER
 - PUT IN PENDING NC/AUTH BIN
- If **not** signed by Jodie, do the following:
 - NCIC
 - NC
 - AUTHORIZATION SLIP TO ANDREA
 - FOLDER
 - PUT IN PENDING NC/AUTH BIN

MAR 9 1986

MAR 9 1986

CHUCK STUFF

- STAMP IN.
- Give pass requests to Chris Allen (authorizations)
- Give tax checks to Devon.
- Give Permanent White House requests to Ed.
- Everything else gets filed.

NAMECHECKS

- Each day, open the envelope and STAMP IN the cover, receipt page. Put in my IN Box.
- Have Devon (good handwriting) log them in in the appropriate long green book.
- Paperclip each day's bundle and put in my box.

SF-86'S

- ED, GO OVER THEM WHEN PEOPLE TURN THEM IN FOR MISTAKES.
- Make sure that once the person has turned in their paperwork, their access is extended until I can do the pass. (Call Margaret).

MISCELLANEOUS

- STAMP IN all other crap and put in my IN Box.
- Remember, all requests for access can be referred to Management.

SF-86 PROCESS

PHASE I:

- Post form with date received.
- Process IRS forms. If none, post form with "No IRS".
 - A. Check 5 points.
 - B. Stamp copy with date. 'Put dash stamp on Grant copy'.
 - C. Put original in IRS folder.
- Process Full Field Request
 - A. No date.
 - B. Mark full field request. (Most WH Staff level II; utilities, etc. level III.) Underneath above type (2 copies, please) unless one of Chuck Easley's people. (3 copies, please).
 - C. Mark staff or access.
 - D. Mark SF-86 and look for supplement.
 - E. Mark acronym for office at bottom if not WH staff proper.
 - F. If marked "re-investigation", type 90 Day Update after the acronym.
 - G. If done by F.B.I., type (We do need copy of previous reports.)
 - H. Xerox and stamp "copy".
- Place on Craig's ledge.

PHASE II:

- Review mistakes marked by Craig.
- Call people to come correct and initial mistakes, or type up an addendum, signed and dated with the #SS.
- Once corrected, put in "OK to send" pile.

PHASE III:

- Stamp full field request original and copy with the date.
- Staple original request form, the Counsel consent^{*}, and the SF-86 + addendums.
- Do the same for the File copy. Mark at bottom the initials D.S.
- Third copy send to Dennis in blue folder (with current extension & RM).
- Make copy of top page, highlight name, date stamp, put in Mari's book.
- Put pencil sticky on file copy, file with check mark on file. Extra papers also go in file.
- Originals go in F.B.I. brown folder.
- *Chuck's people have no Counsel consent form.

SECURITY BRIEFING

- I. Introduction and Overview
- II. Passes
 - ▶ When to Wear
 - ▶ Loss of Pass
 - ▶ Termination of Employment
- III. WAVES
 - ▶ Appointments
 - ▶ Appointments with a Principal
 - ▶ Work Orders
- IV. Classified Documents
 - ▶ 3 Categories - Confidential, Secret, Top Secret
 - ▶ Storage
 - ▶ Destruction
 - ▶ When and Where to Discuss Information
 - ▶ Electronic Security
 - ▶ Press
- V. Office and Personal Security
 - ▶ Locks and Alarms
 - ▶ Missing Items
 - ▶ Fire or Medical Emergency Procedures
 - ▶ Threats
 - ▶ Escort Service
- VI. Mail Security
 - ▶ Normal Procedures
 - ▶ Urgent Packages
 - ▶ Mailing Classified Documents
 - ▶ Suspicious Packages
 - ▶ Letterhead
- VII. Computer Security
 - ▶ Passwords
 - ▶ Unauthorized Software
 - ▶ Internet
- VIII. Summary & Questions

SECURITY REMINDERS

- ▶ Display your pass at all times when inside the complex. Remove your pass when exiting the complex.
- ▶ Volunteers and Interns are not allowed to clear appointments of any type, nor should they be asked to do so.
- ▶ All appointments with a Principal require both a date of birth and social security number. This information must be sent to the WAVES Center AT LEAST 48 hours in advance.
- ▶ Do not leave any classified materials unsecured and/or unattended at any time. Be sure to secure all classified materials at the close of business.
- ▶ Do not load unauthorized software onto your computer.
- ▶ Make sure all packages, bags, mail, etc. are screened by the USSS.
- ▶ Letterhead is only to be used for official business.
- ▶ Do not give out your computer passwords to anyone. Also, change your passwords every month. Do not use obvious selections such as birthdates, addresses, etc.
- ▶ The Internet is for official and authorized purposes only and available only through OASIS.
- ▶ Never discuss classified or sensitive information over an unsecured phone line or cellular phone. Never transmit a message containing classified or sensitive information over a pager system.
- ▶ The White House Communications Agency (WHCA) can provide users with secure phone and fax information.

IMPORTANT PHONE NUMBERS

Emergency (WH, OEOB, NEOB) — DO NOT DIAL 9911 or O
Emergency (Winder, 750 17th, Jackson Pl.)708-1111
USSS Command Center (WH & OEOB)5-4467
USSS Command center (NEOB)5-4466
USSS Escort Service5-4366
WHCA Customer Service7-1234
IS&T Help Desk5-7370

Press Office6-2100
OEOB Health Unit5-6024
NEOB Health Unit5-5064
Employee Assistance Program (24 Hours a Day)(800) 545-1221
EOP Security Office5-6206
WH Personnel Security6-2345

Chapter 5—Federal Civilian Personnel

PART V—UNHEALTHFUL POSTS

[Part V revoked by EO 10903 of Jan. 9, 1961, 26 FR 217, 3 CFR, 1959-1963 Comp., p. 433]

PART VI—GENERAL PROVISIONS

SEC. 601. *Publication.* This order, and the places designated, the rates fixed, and the regulations prescribed by the Secretary of State and the Office of Personnel Management pursuant to Parts I and II of this order, shall be published in the FEDERAL REGISTER.

[Sec. 601 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

Executive Order 10450—Security requirements for Government employment

SOURCE: The provisions of Executive Order 10450 of Apr. 27, 1953, appear at 18 FR 2489, 3 CFR, 1949-1953 Comp., p. 936, unless otherwise noted.

WHEREAS the interests of the national security require that all persons privileged to be employed in the departments and agencies of the Government, shall be reliable, trustworthy, of good conduct and character, and of complete and unswerving loyalty to the United States; and

WHEREAS the American tradition that all persons should receive fair, impartial, and equitable treatment at the hands of the Government requires that all persons seeking the privilege of employment or privileged to be employed in the departments and agencies of the Government be adjudged by mutually consistent and no less than minimum standards and procedures among the departments and agencies governing the employment and retention in employment of persons in the Federal service:

NOW, THEREFORE, by virtue of the authority vested in me by the Constitution and statutes of the United States, including section 1753 of the Revised Statutes of the United States (5 U.S.C. 631); the Civil Service Act of 1883 (22 Stat. 403; 5 U.S.C. 632, *et seq.*); section 9A of the act of August 2, 1939, 53 Stat. 1148 (5 U.S.C. 118j); and the act of August 26, 1950, 64 Stat. 476 (5 U.S.C. 22-1, *et seq.*), and as President of the United States, and deeming such action necessary in the best interests of the national security, it is hereby ordered as follows:

SECTION 1. In addition to the departments and agencies specified in the said act of August 26, 1950, and Executive Order No. 10237 of April 26, 1951, the provisions of that act shall apply to all other departments and agencies of the Government.¹

SEC. 2. The head of each department and agency of the Government shall be responsible for establishing and maintaining within his department or agency an effective program to insure that the employment and retention in employment of any civilian officer or employee within the department or agency is clearly consistent with the interests of the national security.

¹ EDITORIAL NOTE: In *Cole v. Young*, 76 S.Ct. 861 (1955), section 1 of EO 10450 was held to be invalid if applied to every department and agency.

Codification of Presidential Proclamations and Executive Orders

SEC. 3. (a) The appointment of each civilian officer or employee in any department or agency of the Government shall be made subject to investigation. The scope of the investigation shall be determined in the first instance according to the degree of adverse effect the occupant of the position sought to be filled could bring about, by virtue of the nature of the position, on the national security, but in no event shall the investigation include less than a national agency check (including a check of the fingerprint files of the Federal Bureau of Investigation); and written inquiries to appropriate local law-enforcement agencies, former employers and supervisors, references, and schools attended by the person under investigation: *Provided*, that upon request of the head of the department or agency concerned, the Office of Personnel Management may, in its discretion, authorize such less investigation as may meet the requirements of the national security with respect to per-diem, intermittent, temporary, or seasonal employees, or aliens employed outside the United States. Should there develop at any stage of investigation information indicating that the employment of any such person may not be clearly consistent with the interests of the national security, there shall be conducted with respect to such person a full field investigation, or such less investigation as shall be sufficient to enable the head of the department or agency concerned to determine whether retention of such person is clearly consistent with the interests of the national security.

(b) The head of any department or agency shall designate, or cause to be designated, any position within his department or agency the occupant of which could bring about, by virtue of the nature of the position, a material adverse effect on the national security as a sensitive position. Any position so designated shall be filled or occupied only by a person with respect to whom a full field investigation has been conducted: *Provided*, that a person occupying a sensitive position at the time it is designated as such may continue to occupy such position pending the completion of a full field investigation, subject to the other provisions of this order: *And provided further*, that in case of emergency a sensitive position may be filled for a limited period by a person with respect to whom a full field pre-appointment investigation has not been completed if the head of the department or agency concerned finds that such action is necessary in the national interest, which finding shall be made a part of the records of such department or agency.

[Sec. 3 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264].

SEC. 4. The head of each department and agency shall review, or cause to be reviewed, the cases of all civilian officers and employees with respect to whom there has been conducted a full field investigation under Executive Order No. 9835 of March 21, 1947, and, after such further investigation as may be appropriate, shall re-adjudicate, or cause to be re-adjudicated, in accordance with the said act of August 26, 1950, such of those cases as have not been adjudicated under a security standard commensurate with that established under this order.

SEC. 5. Whenever there is developed or received by any department or agency information indicating that the retention in employment of any officer or employee of the Government may not be clearly consistent with the interests of the national security, such information shall be forwarded to the head of the employing department or agency or his

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representative, who, after such investigation as may be appropriate, shall review, or cause to be reviewed, and, where necessary, re-adjudicate, or cause to be re-adjudicated, in accordance with the said act of August 26, 1950, the case of such officer or employee.

SEC. 6. Should there develop at any stage of investigation information indicating that the employment of any officer or employee of the Government may not be clearly consistent with the interests of the national security, the head of the department or agency concerned or his representative shall immediately suspend the employment of the person involved if he deems such suspension necessary in the interests of the national security and, following such investigation and review as he deems necessary, the head of the department or agency concerned shall terminate the employment of such suspended officer or employee whenever he shall determine such termination necessary or advisable in the interests of the national security, in accordance with the said act of August 26, 1950.

SEC. 7. Any person whose employment is suspended or terminated under the authority granted to heads of departments and agencies by or in accordance with the said act of August 26, 1950, or pursuant to the said Executive Order No. 9835 or any other security or loyalty program relating to officers or employees of the Government, shall not be reinstated or restored to duty or reemployed in the same department or agency and shall not be reemployed in any other department or agency, unless the head of the department or agency concerned finds that such reinstatement, restoration, or reemployment is clearly consistent with the interests of the national security, which finding shall be made a part of the records of such department or agency: *Provided*, that no person whose employment has been terminated under such authority thereafter may be employed by any other department or agency except after a determination by the Office of Personnel Management that such person is eligible for such employment.

[Sec. 7 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 8. (a) The investigations conducted pursuant to this order shall be designed to develop information as to whether the employment or retention in employment in the Federal service of the person being investigated is clearly consistent with the interests of the national security. Such information shall relate, but shall not be limited, to the following:

(1) Depending on the relation of the Government employment to the national security:

(i) Any behavior, activities, or associations which tend to show that the individual is not reliable or trustworthy.

(ii) Any deliberate misrepresentations, falsifications, or omissions of material facts.

(iii) Any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction, sexual perversion.

(iv) Any illness, including any mental condition, of a nature which in the opinion of competent medical authority may cause significant defect in the judgment or reliability of the employee, with due regard to the transient or continuing effect of the illness and the medical findings in such case.

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(v) Any facts which furnish reason to believe that the individual may be subjected to coercion, influence, or pressure which may cause him to act contrary to the best interests of the national security.

(2) Commission of any act of sabotage, espionage, treason, or sedition, or attempts thereat or preparation therefor, or conspiring with, or aiding or abetting, another to commit or attempt to commit any act of sabotage, espionage, treason, or sedition.

(3) Establishing or continuing a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, or revolutionist, or with an espionage or other secret agent or representative of a foreign nation, or any representative of a foreign nation whose interests may be inimical to the interests of the United States, or with any person who advocates the use of force or violence to overthrow the government of the United States or the alteration of the form of government of the United States by unconstitutional means.

(4) Advocacy of use of force or violence to overthrow the government of the United States, or of the alteration of the form of government of the United States by unconstitutional means.

(5) Knowing membership with the specific intent of furthering the aims of, or adherence to and active participation in, any foreign or domestic organization, association, movement, group, or combination of persons (hereinafter referred to as organizations) which unlawfully advocates or practices the commission of acts of force or violence to prevent others from exercising their rights under the Constitution or laws of the United States or of any State, or which seeks to overthrow the Government of the United States or any State or subdivision thereof by unlawful means.

(6) Intentional, unauthorized disclosure to any person of security information, or of other information disclosure of which is prohibited by law, or willful violation or disregard of security regulations.

(7) Performing or attempting to perform his duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States.

(8) Refusal by the individual, upon the ground of constitutional privilege against self-incrimination, to testify before a congressional committee regarding charges of his alleged disloyalty or other misconduct.

(b) The investigation of persons entering or employed in the competitive service shall primarily be the responsibility of the Office of Personnel Management, except in cases in which the head of a department or agency assumes that responsibility pursuant to law or by agreement with the Office. The Office shall furnish a full investigative report to the department or agency concerned.

(c) The investigation of persons (including consultants, however employed), entering employment of, or employed by, the Government other than in the competitive service shall primarily be the responsibility of the employing department or agency. Departments and agencies without investigative facilities may use the investigative facilities of the Office of Personnel Management, and other departments and agencies may use such facilities under agreement with the Office.

(d) There shall be referred promptly to the Federal Bureau of Investigation all investigations being conducted by any other agencies which develop information indicating that an individual may have been subjected to coercion, influence, or pressure to act contrary to the interests

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of the national security, or information relating to any of the matters described in subdivisions (2) through (8) of subsection (a) of this section. In cases so referred to it, the Federal Bureau of Investigation shall make a full field investigation.

[Sec. 8 amended by EO 10491 of Oct. 13, 1953, 18 FR 6583, 3 CFR, 1949-1953 Comp., p. 973; EO 10531 of May 27, 1954, 19 FR 3069, 3 CFR, 1954-1958 Comp., p. 193; EO 10548 of Aug. 2, 1954, 19 FR 4871, 3 CFR, 1954-1958 Comp., p. 200; EO 11785 of June 4, 1974, 39 FR 20053, 3 CFR, 1971-1975 Comp., p. 874; EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 9. (a) There shall be established and maintained in the Office of Personnel Management a security-investigations index covering all persons as to whom security investigations have been conducted by any department or agency of the Government under this order. The central index established and maintained by the Office under Executive Order No. 9835 of March 21, 1947, shall be made a part of the security-investigations index. The security-investigations index shall contain the name of each person investigated, adequate identifying information concerning each such person, and a reference to each department and agency which has conducted an investigation concerning the person involved or has suspended or terminated the employment of such person under the authority granted to heads of departments and agencies by or in accordance with the said act of August 26, 1950.

(b) The heads of all departments and agencies shall furnish promptly to the Office of Personnel Management information appropriate for the establishment and maintenance of the security-investigations index.

(c) The reports and other investigative material and information developed by investigations conducted pursuant to any statute, order, or program described in section 7 of this order shall remain the property of the investigative agencies conducting the investigations, but may, subject to considerations of the national security, be retained by the department or agency concerned. Such reports and other investigative material and information shall be maintained in confidence, and no access shall be given thereto except, with the consent of the investigative agency concerned, to other departments and agencies conducting security programs under the authority granted by or in accordance with the said act of August 26, 1950, as may be required for the efficient conduct of Government business.

[Sec. 9 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 10. Nothing in this order shall be construed as eliminating or modifying in any way the requirement for any investigation or any determination as to security which may be required by law.

SEC. 11. On and after the effective date of this order the Loyalty Review Board established by Executive Order No. 9835 of March 21, 1947, shall not accept agency findings for review, upon appeal or otherwise. Appeals pending before the Loyalty Review Board on such date shall be heard to final determination in accordance with the provisions of the said Executive Order No. 9835, as amended. Agency determinations favorable to the officer or employee concerned pending before the Loyalty Review Board on such date shall be acted upon by such Board, and whenever the Board is not in agreement with such favorable determination the case shall be remanded to the department or agency concerned for determination in accordance with the standards

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and procedures established pursuant to this order. Cases pending before the regional loyalty boards of the Office of Personnel Management on which hearings have not been initiated on such date shall be referred to the department or agency concerned. Cases being heard by regional loyalty boards on such date shall be heard to conclusion and the determination of the board shall be forwarded to the head of the department or agency concerned: *Provided*, that if no specific department or agency is involved, the case shall be dismissed without prejudice to the applicant. Investigations pending in the Federal Bureau of Investigation or the Office of Personnel Management on such date shall be completed, and the reports thereon shall be made to the appropriate department or agency.

[Sec. 11 amended by EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 12. Executive Order No. 9835 of March 21, 1947, as amended, is hereby revoked.

[Sec. 12 amended by EO 11785 of June 4, 1974, 39 FR 20053, 3 CFR, 1971-1975 Comp., p. 874]

SEC. 13. The Attorney General is requested to render to the heads of departments and agencies such advice as may be requisite to enable them to establish and maintain an appropriate employee-security program.

SEC. 14. (a) The Office of Personnel Management, with the continuing advice and collaboration of representatives of such departments and agencies as the National Security Council may designate, shall make a continuing study of the manner in which this order is being implemented by the departments and agencies of the Government for the purpose of determining:

(1) Deficiencies in the department and agency security programs established under this order which are inconsistent with the interests of, or directly or indirectly weaken, the national security.

(2) Tendencies in such programs to deny to individual employees fair, impartial, and equitable treatment at the hands of the Government, or rights under the Constitution and laws of the United States or this order.

Information affecting any department or agency developed or received during the course of such continuing study shall be furnished immediately to the head of the department or agency concerned. The Office of Personnel Management shall report to the National Security Council, at least semiannually, on the results of such study, shall recommend means to correct any such deficiencies or tendencies, and shall inform the National Security Council immediately of any deficiency which is deemed to be of major importance.

(b) All departments and agencies of the Government are directed to cooperate with the Office of Personnel Management to facilitate the accomplishment of the responsibilities assigned to it by subsection (a) of this section.

(c) To assist the Office of Personnel Management in discharging its responsibilities under this order, the head of each department and agency shall, as soon as possible and in no event later than ninety days after receipt of the final investigative report on a civilian officer or employee subject to a full field investigation under the provisions of this

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order, advise the Office as to the action taken with respect to such officer or employee. The information furnished by the heads of departments and agencies pursuant to this section shall be included in the reports which the Office of Personnel Management is required to submit to the National Security Council in accordance with subsection (a) of this section. Such reports shall set forth any deficiencies on the part of the heads of departments and agencies in taking timely action under this order, and shall mention specifically any instances of noncompliance with this subsection.

[Sec. 14 amended by EO 10550 of Aug. 5, 1954, 19 FR 4981, 3 CFR, 1954-1958 Comp., p. 200; EO 12107 of Dec. 28, 1978, 44 FR 1055, 3 CFR, 1978 Comp., p. 264]

SEC. 15. This order shall become effective thirty days after the date hereof.

Executive Order 10471—Authorizing the heads of departments and agencies to grant leaves of absence to certain persons

SOURCE: The provisions of Executive Order 10471 of July 17, 1953, appear at 18 FR 4231, 3 CFR, 1949-1953 Comp., p. 952, unless otherwise noted.

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, and as President of the United States, it is ordered as follows:

1. The heads of the several departments and agencies of the Government are hereby authorized and empowered, without the approval, ratification, or other action of the President, to exercise, with respect to personnel in their respective department or agency, the authority conferred upon the President by section 6305(b) of title 5 of the United States Code, to authorize leaves of absence in accordance with the said section 6305(b) to persons who receive compensation in accordance with section 401 of the Foreign Service Act of 1980 (22 U.S.C. 3961).

[Sec. 1 amended by EO 12292 of Feb. 23, 1981, 46 FR 13967, 3 CFR, 1981 Comp., p. 134]

2. This order shall be effective as of July 5, 1953.

Executive Order 10552—Delegating to the Office of Personnel Management the authority of the President to promulgate regulations under which certain Government employees may be prevented or relieved from working by administrative order

SOURCE: The provisions of Executive Order 10552 of Aug. 10, 1954, appear at 19 FR 5079, 3 CFR, 1954-1958 Comp., p. 201, unless otherwise noted.

By virtue of the authority vested in me by section 301 of title 3 of the United States Code, 65 Stat. 713, it is declared that the Office of Personnel Management be, and it is hereby, designated and empowered to exercise, without the approval, ratification, or other action of the President, the authority vested in the President by the joint resolution of June 29, 1938, 52 Stat. 1246, as amended by the act of June 11, 1954, 68 Stat. 249 (5 U.S.C. 86a), to promulgate regulations under which certain employees of the Government may be prevented or relieved from working by administrative order.

This report covers people highlighted in green

TYPES OF PERSONNEL

NOTE: All categories marked with a * are included in the EOP internal personnel calculations. Determinations as to which Other Government Employee category a particular individual might be assigned are made on a case-by-case basis and take into account the length of the detail, as well as the responsibilities, work location, and supervision of the individual.

■ EXECUTIVE OFFICE OF THE PRESIDENT EMPLOYEES*

Full-time, part-time, or intermittent staff paid from funds appropriated to Executive Office of the President agencies, including the White House Office.

■ DETAILEE*

REIMBURSABLE* An individual temporarily assigned to a job different from his or her normal duties at his or her employing agency, for a specified period of time. The individual is performing functions that would normally be performed by an EOP employee and that are not in support of the mission of their parent agency, thus the EOP agency reimburses the employing agency.¹

NON-REIMBURSABLE* An individual temporarily assigned to a job different from his or her normal duties, for a specified period of time. The detail is not reimbursable because the employee is supporting matters similar or related to matters ordinarily handled by the parent/loaning agency and will aid the loaning agency in accomplishing a purpose for which its appropriations are provided. The detail is also not reimbursable when necessary services cannot be obtained by other means and the costs involved are minimal.

■ ASSIGNEE*

An employee from any agency assigned to perform the normal duties of his or her official position while permanently, or temporarily physically located on the EOP Complex.

¹Reimbursement is determined by several factors including the length of the detail, the receiving agency's authorizing legislation and/or the terms of the annual appropriations act for that agency.

■ PRESIDENTIAL MANAGEMENT INTERNS*

The Office of Personnel Management (OPM) manages this program in which graduate degree recipients are given assignments in different federal agencies. Participants in this program may have rotational assignments within or between agencies. *NOTE: Only those Presidential Management Interns assigned to the EOP Complex are included in the personnel calculations.*

■ WHITE HOUSE FELLOWS*

These are candidates from the private sector or uniformed services who are given temporary appointments throughout the federal government through the President's Commission on White House Fellows. *NOTE: Only those White House Fellows assigned to the EOP Complex are included in the personnel calculations.*

■ HISTORICALLY PROVIDED SERVICES

These individuals are performing functions that have been historically provided by their agencies to the EOP.

■ SENATE EMPLOYEES

These are individuals who support the Vice President in his role as President of the Senate.

■ OTHER PROFESSIONAL GOVERNMENT EMPLOYEES

These are employees who do not fit into any other category. Included are federal government employees participating in career development programs sponsored by OPM (e.g., the Executive Potential Program or the Women's Executive Program). Under such programs, professional federal employees are rotated into different federal agencies to enhance their careers and to expand their experience. Program participants solicit their own rotations.

■ INTERGOVERNMENTAL PERSONNEL AGREEMENTS

Under the terms of the Intergovernmental Personnel Act (IPA), through arrangements with state and local governments, tribal governments, government organizations and associations, colleges and universities, and OPM-certified non-profit organizations, the EOP

can accept professors and employees of these organizations for periods of up to two years. Payment is determined on a case-by-case basis taking into account the nature of the assignment and the individual's employing organization.

■ **AGENCY REPRESENTATIVES**

Individuals who, as a part of the regular responsibilities of their agency position are assigned to represent their employing agency as a member of an interagency task force, board, council, or committee.

■ **VOLUNTEERS**

Individuals who volunteer their time and talent to assist the EOP. Volunteers working on discretionary policy issues will be asked to meet certain financial disclosure and conflict of interest requirements.

■ **WHITE HOUSE INTERNS**

This program is managed by the White House Intern Office. Students who have volunteered to participate as interns are selected and placed throughout the WHO.

■ **STUDENT VOLUNTEERS**

Graduate and undergraduate students who volunteer their time to an EOP agency under the terms of an agreement between the agency and the matriculating university or college.

THE WHITE HOUSE

WASHINGTON

MEMO TO: CHRISTOPHER CERF
ASSOCIATE COUNSEL TO THE PRESIDENT

FROM: CRAIG LIVINGSTONE *CL*
DIRECTOR, WHITE HOUSE PERSONNEL SECURITY

DATE: January 18, 1995

RE: Adverse Information

White House Personnel Security will not authorize a security clearance for any individual who has a history of unresolved drug and alcohol problems without an assessment completed by a professional competent in addiction assessments. If, as a result of this assessment, there is an indication of an unresolved problem that could compromise or bring discredit to the White House, the individual will not have access until such time as a competent authority, as determined by White House Personnel Security, deems that the individual is successfully participating in a treatment regimen.

This policy supports the Administration's commitment to a drug-free work place and the value of Employee Assistance Programs.

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THE WHITE HOUSE

WASHINGTON
January 9, 1995

MEMORANDUM FOR ALL STAFF

FROM: LEON E. PANETTA
CHIEF OF STAFF



SUBJECT: Security Reminder

This memorandum is to remind everyone of the importance of security in the White House complex. Violation of White House security guidelines may result in personnel actions, to include suspension without pay and dismissal. In particular, I wish to call your attention to the following:

PASSES All staff, with the sole exception of Assistants to the President, must wear their passes at all times while in the White House complex.

A pass, whether belonging to an employee or issued temporarily for an appointment, may be used only by the person to whom it is issued and only for the purposes for which it is issued. You are responsible for making sure that your guests turn in their passes when leaving the complex. If a pass is inadvertently retained, it should be returned immediately to the Uniformed Division of the Secret Service.

Staff should not wear their passes outside the complex.

ACCESS Only employees or full-time detailees with a picture badge may WAVE in guests or appointments.

Volunteers and Interns may not WAVE in appointments or guests, and they may not conduct tours. Staff should not ask volunteers or interns to do so.

Staff should not send non-blue passholders to run errands in the West Wing unless they have been cleared in advance into the West Wing through WAVES.

**CLASSI-
FIED
MATERIAL** Classified material must be properly handled and stored at all times.

It is each employee's responsibility to determine if a recipient has the appropriate security clearance before delivering any classified documents, or otherwise imparting classified information. Please call Craig Livingstone, WH Security Officer (x6-2345), or Chuck Easley, EOP Security Officer (x5-6206) for assistance.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. note	[Initial Check by Waves] (1 page)	00/00/1995	b(7)(E), b(7)(F)

COLLECTION:

Clinton Presidential Records
Security Office
Edward Hughes
OA/Box Number: CF 1795A

FOLDER TITLE:

Office Procedures

2006-1066-F

vz3611

RESTRICTION CODES

Presidential Records Act - [44 U.S.C. 2204(a)]

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

C. Closed in accordance with restrictions contained in donor's deed of gift.

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

Freedom of Information Act - [5 U.S.C. 552(b)]

- b(1) National security classified information [(b)(1) of the FOIA]
- b(2) Release would disclose internal personnel rules and practices of an agency [(b)(2) of the FOIA]
- b(3) Release would violate a Federal statute [(b)(3) of the FOIA]
- b(4) Release would disclose trade secrets or confidential or financial information [(b)(4) of the FOIA]
- b(6) Release would constitute a clearly unwarranted invasion of personal privacy [(b)(6) of the FOIA]
- b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

"(c) Definitions. For purposes of this section, the terms 'officer', 'employee', and 'Member of Congress' have the meanings given those terms in sections 2104, 2105, and 2106, respectively, of title 5, United States Code [5 USCS §§ 2104, 2105, 2106]."

Drug-free Federal workplace. Ex. Or. No. 12564 of Sept. 17, 1986, 51 Fed. Reg. 32889, provides:

"I, RONALD REAGAN, President of the United States of America, find that:

"Drug use is having serious adverse effects upon a significant proportion of the national work force and results in billions of dollars of lost productivity each year;

"The Federal government, as an employer, is concerned with the well-being of its employees, the successful accomplishment of agency missions, and the need to maintain employee productivity;

"The Federal government, as the largest employer in the Nation, can and should show the way towards achieving drug-free workplaces through a program designed to offer drug users a helping hand and, at the same time, demonstrating to drug users and potential drug users that drugs will not be tolerated in the Federal workplace;

"The profits from illegal drugs provide the single greatest source of income for organized crime, fuel violent street crime, and otherwise contribute to the breakdown of our society;

"The use of illegal drugs, on or off duty, by Federal employees is inconsistent not only with the law-abiding behavior expected of all citizens, but also with the special trust placed in such employees as servants of the public;

"Federal employees who use illegal drugs, on or off duty, tend to be less productive, less reliable, and prone to greater absenteeism than their fellow employees who do not use illegal drugs;

"The use of illegal drugs, on or off duty, by Federal employees impairs the efficiency of Federal departments and agencies, undermines public confidence in them, and makes it more difficult for other employees who do not use illegal drugs to perform their jobs effectively. The use of illegal drugs, on or off duty, by Federal employees also can pose a serious health and safety threat to members of the public and to other Federal employees;

"The use of illegal drugs, on or off duty, by Federal employees in certain positions evidences less than the complete reliability, stability, and good judgment that is consistent with access to sensitive information and creates the possibility of coercion, influence, and irresponsible action under pressure that may pose a serious risk to national security, the public safety, and the effective enforcement of the law; and

"Federal employees who use illegal drugs must themselves be primarily responsible for changing their behavior and, if necessary, begin the process of rehabilitating themselves.

"By the authority vested in me as President by the Constitution and laws of the United States of America, including section 3301(2) of Title 5 of the United States Code [5 USCS § 3301(2)], section 7301 of Title 5 of the United States Code [this section], section 290ee-1 of Title 42 of the United States Code [42 USCS § 290ee-1], deeming such action in

the best interests of national security, public health and safety, law enforcement and the efficiency of the Federal service, and in order to establish standards and procedures to ensure fairness in achieving a drug-free Federal workplace and to protect the privacy of Federal employees, it is hereby ordered as follows:

"Section 1. Drug-Free Workplace.

"(a) Federal employees are required to refrain from the use of illegal drugs.

"(b) The use of illegal drugs by Federal employees, whether on duty or off duty, is contrary to the efficiency of the service.

"(c) Persons who use illegal drugs are not suitable for Federal employment.

"Sec. 2. Agency Responsibilities.

"(a) The head of each Executive agency shall develop a plan for achieving the objective of a drug-free workplace with due consideration of the rights of the government, the employee, and the general public.

"(b) Each agency plan shall include:

"(1) A statement of policy setting forth the agency's expectations regarding drug use and the action to be anticipated in response to identified drug use;

"(2) Employee Assistance Programs emphasizing high level direction, education, counseling, referral to rehabilitation, and coordination with available community resources;

"(3) Supervisory training to assist in identifying and addressing illegal drug use by agency employees;

"(4) Provision for self-referrals as well as supervisory referrals to treatment with maximum respect for individual confidentiality consistent with safety and security issues; and

"(5) Provision for identifying illegal drug users, including testing on a controlled and carefully monitored basis in accordance with this Order [this note].

"Sec. 3. Drug Testing Programs.

"(a) The head of each Executive agency shall establish a program to test for the use of illegal drugs by employees in sensitive positions. The extent to which such employees are tested and the criteria for such testing shall be determined by the head of each agency, based upon the nature of the agency's mission and its employees' duties, the efficient use of agency resources, and the danger to the public health and safety or national security that could result from the failure of an employee adequately to discharge his or her position.

"(b) The head of each Executive agency shall establish a program for voluntary employee drug testing.

"(c) In addition to the testing authorized in subsections (a) and (b) of this section [this note], the head of each Executive agency is authorized to test an employee for illegal drug use under the following circumstances:

"(1) When there is a reasonable suspicion that any employee uses illegal drugs;

"(2) In an examination authorized by the agency regarding an accident or unsafe practice; or

"(3) As part of or as a follow-up to counseling or rehabilitation for illegal drug use through an Employee Assistance Program.

"(d) The head of each Executive agency is authorized to test any applicant for illegal drug use.

"Sec. 4. Drug Testing Procedures.

"(a) Sixty days prior to the implementation of a drug testing program pursuant to this Order [this note], agencies shall notify employees that testing for use of illegal drugs is to be conducted and that they may seek counseling and rehabilitation and inform them of the procedures for obtaining such assistance through the agency's Employee Assistance Program. Agency drug testing programs already ongoing are exempted from the 60-day notice requirement. Agencies may take action under section 3(c) of this Order [this note] without reference to the 60-day notice period.

"(b) Before conducting a drug test, the agency shall inform the employee to be tested of the opportunity to submit medical documentation that may support a legitimate use for a specific drug.

"(c) Drug testing programs shall contain procedures for timely submission of requests for retention of records and specimens; procedures for retesting; and procedures, consistent with applicable law, to protect the confidentiality of test results and related medical and rehabilitation records. Procedures for providing urine specimens must allow individual privacy, unless the agency has reason to believe that a particular individual may alter or substitute the specimen to be provided.

"(d) The Secretary of Health and Human Services is authorized to promulgate scientific and technical guidelines for drug testing programs, and agencies shall conduct their drug testing programs in accordance with these guidelines once promulgated.

"Sec. 5. Personnel Actions.

"(a) Agencies shall, in addition to any appropriate personnel actions, refer any employee who is found to use illegal drugs to an Employee Assistance Program for assessment, counseling, and referral for treatment or rehabilitation as appropriate.

"(b) Agencies shall initiate action to discipline any employee who is found to use illegal drugs, provided that such action is not required for an employee who:

"(1) Voluntarily identifies himself as a user of illegal drugs or who volunteers for drug testing pursuant to section 3(b) of this Order [this note], prior to being identified through other means;

"(2) Obtains counseling or rehabilitation through an Employee Assistance Program; and

"(3) Thereafter refrains from using illegal drugs.

"(c) Agencies shall not allow any employee to remain on duty in a sensitive position who is found to use illegal drugs, prior to successful completion of rehabilitation through an Employee Assistance Program. However, as part of a rehabilitation or counseling program, the head of an Executive agency may, in his or her discretion, allow an employee to return to duty in a sensitive position if it is determined that this action would not pose a danger to public health or safety or the national security.

“(d) Agencies shall initiate action to remove from the service any employee who is found to use illegal drugs and:

“(1) Refuses to obtain counseling or rehabilitation through an Employee Assistance Program; or

“(2) Does not thereafter refrain from using illegal drugs.

“(e) The results of a drug test and information developed by the agency in the course of the drug testing of the employee may be considered in processing any adverse action against the employee or for other administrative purposes. Preliminary test results may not be used in an administrative proceeding unless they are confirmed by a second analysis of the same sample or unless the employee confirms the accuracy of the initial test by admitting the use of illegal drugs.

“(f) The determination of an agency that an employee uses illegal drugs can be made on the basis of any appropriate evidence, including direct observation, a criminal conviction, administrative inquiry, or the results of an authorized testing program. Positive drug test results may be rebutted by other evidence that an employee has not used illegal drugs.

“(g) Any action to discipline an employee who is using illegal drugs (including removal from the service, if appropriate) shall be taken in compliance with otherwise applicable procedures, including the Civil Service Reform Act [5 USCS §§ 1101 note].

“(h) Drug testing shall not be conducted pursuant to this Order [this note] for the purpose of gathering evidence for use in criminal proceedings. Agencies are not required to report to the Attorney General for investigation or prosecution any information, allegation, or evidence relating to violations of Title 21 of the United States Code [21 USCS §§ 1 et seq.] received as a result of the operation of drug testing programs established pursuant to this Order [this note].

“Sec. 6. Coordination of Agency Programs.

“(a) The Director of the Office of Personnel Management shall:

“(1) Issue government-wide guidance to agencies on the implementation of the terms of this Order [this note];

“(2) Ensure that appropriate coverage for drug abuse is maintained for employees and their families under the Federal Employees Health Benefits Program;

“(3) Develop a model Employee Assistance Program for Federal agencies and assist the agencies in putting programs in place;

“(4) In consultation with the Secretary of Health and Human Services, develop and improve training programs for Federal supervisors and managers on illegal drug use; and

“(5) In cooperation with the Secretary of Health and Human Services and heads of Executive agencies, mount an intensive drug awareness campaign throughout the Federal work force.

“(b) The Attorney General shall render legal advice regarding the implementation of this Order [this note] and shall be consulted with regard to all guidelines, regulations, and policies proposed to be adopted pursuant to this Order [this note].

“(c) Nothing in this Order [this note] shall be deemed to limit the authorities of the Director of Central Intelligence under the National Security Act of 1947 [50 USCS §§ 401 et seq.] as amended, or the

statutory authorities of the National Security Agency or the Defense Intelligence Agency. Implementation of this Order [this note] within the Intelligence Community, as defined in Executive Order No. 12333 [50 USCS § 401 note], shall be subject to the approval of the head of the affected agency.

"Sec. 7. Definitions.

"(a) This Order applies to all agencies of the Executive Branch.

"(b) For purposes of this Order, the term 'agency' means an Executive agency, as defined in 5 U.S.C. 105 [5 USCS § 105]; the Uniformed Services, as defined in 5 U.S.C. 2101(3) [5 USCS § 2101(3)] (but excluding the armed forces as defined by 5 U.S.C. 2101(2) [5 USCS § 2101(2)]); or any other employing unit or authority of the Federal government, except the United States Postal Service, the Postal Rate Commission, and employing units or authorities in the Judicial and Legislative Branches.

"(c) For purposes of this Order [this note] the term 'illegal drugs' means a controlled substance included in Schedule I or II, as defined by section 802(6) of Title 21 of the United States Code [21 USCS § 802(8)], the possession of which is unlawful under chapter 13 of that Title [21 USCS §§ 801 et seq.]. The term 'illegal drugs' does not mean the use of a controlled substance pursuant to a valid prescription or other uses authorized by law.

"(d) For purposes of this Order [this note], the term 'employee in a sensitive position' refers to:

"(1) An employee in a position that an agency head designates Special Sensitive, Critical-Sensitive, or Noncritical-Sensitive under Chapter 731 of the Federal Personnel Manual or an employee in a position that an agency head designates as sensitive in accordance with Executive Order No. 10450 [5 USCS § 7311 note], as amended;

"(2) An employee who has been granted access to classified information or may be granted access to classified information pursuant to a determination of trustworthiness by an agency head under Section 4 of Executive Order No. 12356 [50 USCS § 401 note].

"(3) Individuals serving under Presidential appointments;

"(4) Law enforcement officers as defined in 5 U.S.C. 8331(20) [5 USCS § 8331(20)]; and

"(5) Other positions that the agency head determines involve law enforcement, national security, the protection of life and property, public health or safety, or other functions requiring a high degree of trust and confidence.

"(e) For purposes of this Order [this note], the term 'employee' means all persons appointed in the Civil Service as described in 5 U.S.C. 2105 [5 USCS § 2105] (but excluding persons appointed in the armed services as defined in 5 U.S.C. 2102(2)) [5 USCS § 2102(2)].

"(f) For purposes of this Order [this note], the term 'Employee Assistance Program' means agency-based counseling programs that offer assessment, short-term counseling, and referral services to employees for a wide range of drug, alcohol, and mental health programs that affect employee job performance. Employee Assistance Programs are responsible for referring drug-using employees for rehabilitation and for monitoring employees' progress while in treatment.

"Sec. 8. Effective Date. This Order is effective immediately."

Procedures for Obtaining Building Passes
for New Employees or Other Government Employees

1. The Administrative Contact for employing department submits the following completed forms to the Office of Management and Administration. These forms are available from Room 145:
 - a. *Pre-employment Form*, completed by administrative contact and signed by the Assistant to the President for that department;
 - b. *Drug Testing Form*, completed and signed by the prospective employee and
 - c. *Supplemental Personnel Form ("blue form")* with appropriate sections completed by the administrative contact and the prospective employee and signed by the department head and the prospective employee.
2. Management and Administration coordinates with White House Personnel Security (WHPS) to schedule and conduct security interview. *Blue forms* for new employees or OGEs will be stamped "SECURITY INTERVIEW REQUIRED."
3. Management and Administration coordinates with the Office of Administration (OA), Personnel Management Division (PMD) to have prospective employee tested for illegal drug use.
4. Upon conclusion of security interview and favorable recommendation from WHPS, Management and Administration approves *Pre-employment Form* and notifies administrative contact for employing department accordingly. WHPS will notify Management and Administration by telephone.
5. OA, PMD conducts new employee orientation every Monday at 9:00 a.m. Management and Administration will advise new employees that they should attend the next scheduled Monday session. During orientation, the new employee reads and signs the oath of office, fills out tax forms, and receives information regarding health care, retirement, and life insurance. Also during this time, the new employee receives a copy of the Standards of Conduct and views a video from the Office on Government Ethics. In addition, annual ethics training is conducted for all employees.
6. Management and Administration sends security packet to administrative contact for prospective employee's department for completion by prospective employee. NOTE: Additional filings may be required of a new employee depending on the rate of pay, and/or the nature of their responsibilities. Management and Administration will work with White House Counsel's office to identify new employees who may be required to file additional forms. In addition, new OGEs may be asked to submit copies of similar forms filed at their parent agencies.

7. Management and Administration approves the *Supplemental Personnel Form*¹ and sends it to WHPS for action. **Effective date of hire** is noted as "Effective Date" on *the blue form*. Management and Administration may make changes to *the blue form* regarding personnel status, or effective date, if necessary.
8. WHPS initiates the FBI name check and other investigatory procedures. Individual's name is placed on the "access list." This means the individual must present positive identification each time he or she enters the Complex. The extent of the individual's access (e.g, White House or Old Executive Office Building) is determined by the type of badge requested on the *blue form*.
9. New employee has 30 days from **effective date of hire** to submit completed² security forms (SF-86, FBI consent, tax check waiver, personal data statement questionnaire, and other required forms³) to WHPS.
10. If the FBI name check is concluded without negative consequences and a badge was requested on the *blue form*, the new employee receives a TEMPORARY picture badge with a "T" on it and a 30-day expiration date. The individual is also fingerprinted by the United States Secret Service (USSS). The fingerprints are then sent through the national database and afterwards kept on file by the USSS. In the event additional negative information is revealed when the fingerprints are checked, this information is brought to WHPS.
11. If the FBI name check or the USSS fingerprint review reveals negative information not previously reported in the security interview or other preliminary investigations, WHPS will interview the individual and determine whether continued employment is appropriate.
12. Approximately 5-6 days before the 30-day expiration date is reached, the USSS notifies WHPS, in writing.
 - a. WHPS will review the individual's security file to determine whether all necessary forms have been turned in.

¹Approval by White House Management and Administration indicates only that the individual has been selected for employment and authorizes White House Personnel Security to initiate an FBI name check and other investigatory procedures.

²"Completed forms or completed paperwork" are defined to mean that all necessary forms are typed, filled out correctly, and signed and dated by the individual. WHPS may ask individuals to make changes or corrections to paperwork before it will be considered "complete."

³See Item 6 above.

- b. If forms have **not** been turned in, the individual's supervisor will be notified by WHPS that appropriate forms have not been turned in and asked to take necessary action.
 - c. If by the end of the 30-day period, completed forms have **still** not been turned in,
 - i. USSS will be advised not to renew the individual's access (i.e., issue a new expiration date).
 - ii. WHPS will issue a memorandum to the file that access has been revoked. A copy of this memorandum will be sent to Management and Administration and to the White House Division/Access Control Branch (ACB) of the USSS.
 - iii. Management and Administration will take the necessary steps to place the individual in a Leave Without Pay status.
 - d. Once completed forms are returned to WHPS,
 - i. WHPS will notify USSS, in writing, to restore access to the Complex. A copy of this notification will be sent to Management and Administration and the ACB/USSS.
 - ii. Management and Administration will take the necessary steps to restore the individual to a pay-receiving status.
13. Once all necessary, completed forms are returned to WHPS, they are distributed to the appropriate agencies and departments for action:
- a. The SF-86 is sent to the FBI to initiate a full-field background investigation.
 - b. The Tax Check Waiver is sent to the Internal Revenue Service to initiate a review of the individual's tax records.
 - c. The Personnel Data Statement Questionnaire is reviewed by WHPS and, as appropriate, White House Counsel.
 - d. Financial disclosure forms and other forms, as necessary, are reviewed by White House Counsel.
14. During this time, the individual is required to attend a security briefing. Attendance is mandatory and the individual's presence is noted and included in his or her security file. A notice about attendance at these briefings is included in the security packet. In addition, a post card is sent to the individual approximately 30 days after they enter on duty. The security briefings are held on the last Thursday of each month at 10:00 a.m. in Room 450. Arrangements may be made with WHPS to view a video briefing.
15. As each agency or department concludes its investigations, the findings are returned to WHPS for inclusion in the individual's security file. WHPS keeps a record of these findings as they are returned.

16. As findings are returned from agencies and departments, they are reviewed within **five days** by the WHPS director and the White House Counsel's Office. In the event specific issues are revealed during this review, action in accord with appropriate security procedures will be initiated immediately.
17. Upon conclusion of all investigations and review and if a badge was requested on the *blue form*, WHPS makes a recommendation to the USSS to issue a **PERMANENT** picture badge. The USSS may accept or reject the recommendation.
 - a. If the recommendation is accepted, the individual is issued a permanent badge.
 - b. If the recommendation is rejected,
 - i. WHPS may work with USSS and the individual to resolve outstanding issues.
 - ii. In the event outstanding issues cannot be resolved:
 - (1) a permanent badge may not be issued, but the individual may be placed on restricted access; or
 - (2) continued employment may be deemed inappropriate and WHPS will advise Management and Administration to initiate a Separation Action.

THE WHITE HOUSE

WASHINGTON

File System

FILES:

Orange File - Those people who receive an orange folders are: White House Staff, National Security Council, Office of Administration, Office of Management and Budget, Council Economic Advisors, Council on Economic Quality, Office of Science and Technology Policy, United States Trade Representative, Office on National Drug Control Policy, National Space Council (NSP). Also falling under orange category will be the Office of Executive Residence which includes but is not limited to the Ushers Office and White House chefs.

Blue File -Those people who receive a blue file are:
General Service Administration, AT&T,
C&P, Diversified Reporting.

Buff Files - Those people receiving a buff file are:
Comments Office Volunteers, Central Intelligence Agency (CIA), Federal Bureau of Investigation (FBI), White House Federal Credit Union, State Department, Democratic National Committee Staffers, and any special Task Force or Special Group here for periods of time. Also included are any Presidential Medals awarded or anything associated with the office of President but these will receive a Green label and not the normal.

Pink Files - Those people who receive a Pink file are:
Office of Vice President - all members of office including all volunteers. (ALL volunteers to have a -V- placed on Label)

Red Files - Those people receiving a red file are:
White House Staff Volunteers. (a -S- to be on label)

Green Files - those people who will receive a green file will be Presidential appointments.

LABELS: All labels will correspond to the file color
except Pink and Buff they will use a white label.
i.e. Orange Labels on Orange Files, Red on red, Blue on blue, Green on green.

**any previous mentioned exception also is included.