

FOIA MARKER

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Folder Title:

FBI Files: Talking Points [1]

Staff Office-Individual:

Counsel's Office-Wallman, Kathleen

Original OA/ID Number:

CF 849

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Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. draft	memo. Security Procedures for the EOP Security Office [with attachments]. (19 pages)	08/01/1996	b(2), b(7)(E), b(7)(F)

COLLECTION:

Clinton Presidential Records
Counsel Office
Kathleen Wallman
OA/Box Number: CF 849

FOLDER TITLE:

FBI Files: Talking Points [1]

2006-1066-F

vz3602

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]



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

CC: ICAT+4
8.2

Kw

August 1, 1996

MEMORANDUM FOR DISTRIBUTION

FROM: NELSON W. CUNNINGHAM 
GENERAL COUNSEL

SUBJECT: Draft EOP Security Office Procedures

With the incorporation into the EOP Security Office of the former responsibilities of the White House Office of Personnel Security, we have drafted a uniform set of procedures for the EOP Security Office. Because these procedures will govern how security investigations for your staff will be conducted, and will govern your access to information, we are circulating the draft for your comments.

Please let me have your comments by Wednesday, August 7, 1996.

Distribution:

WHO - Jack Quinn, David Fein
OVP - Kumiki Gibson
CEA - Michele Jolin
CEQ - Dinah Bear
NSC - Alan Kreczko
OMB - Bob Damus
ONDCP - Ed Jurith
OSTP - Jonathan Foster
PFIAB - Frank Fountain
USTR - Jennifer Hillman
ExRes - Gary Walters

THE WHITE HOUSE
WASHINGTON

*file
compliance
memo
and FBI files
in letter.*

July 30, 1996

MEMORANDUM FOR LEON PANETTA
CHIEF OF STAFF

FROM: JACK QUINN
COUNSEL TO THE PRESIDENT

SUBJECT: ACCESS TO FBI BACKGROUND INVESTIGATIONS

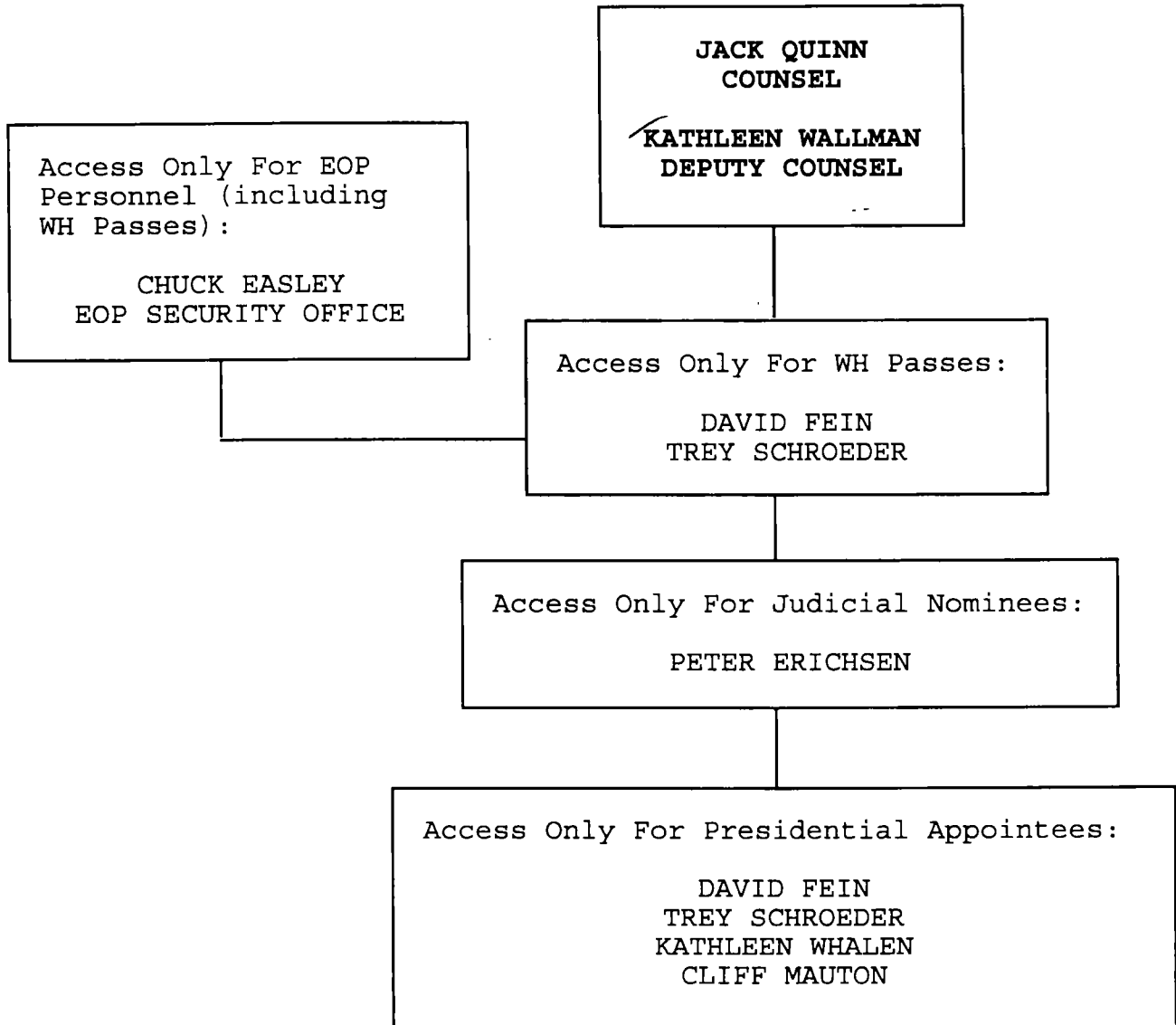
As outlined in my memorandum to you of June 14, 1996, our new procedures restrict access to FBI background investigation information to those White House employees who are authorized in writing by the Chief of Staff and the Counsel to the President and whose assigned duties require the review or processing of such information.

I recommend, in addition, that access to background investigation information be compartmentalized. That is, employees whose assigned duties require the review or processing of background investigation information should have access only to those categories of background investigations that are necessary to perform their assigned duties. This approach is set forth more specifically on the attached chart.

The employees identified on this chart, if approved by you and me, shall have access to those FBI background investigations necessary to their duties. I recommend that you approve the access list set forth on this chart.

Jack Quinn

ACCESS TO FBI BACKGROUND INVESTIGATIONS



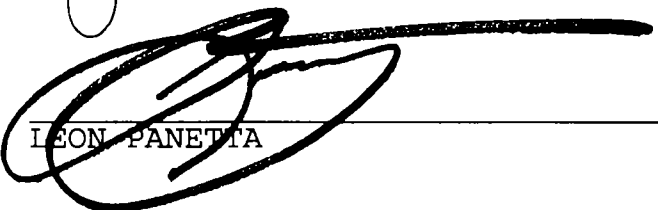
APPROVED BY:



JACK QUINN

7/30/96

DATE



LEON PANETTA

DATE



U.S. Department of Justice

Federal Bureau of Investigation

Office of the General Counsel

Washington, D.C. 20535

August 2, 1996

Mr. John M. Quinn
Counsel to the President
The White House
Washington, D.C.

Dear Mr. *Jack* Quinn:

Following Deputy Attorney General Gorelick's approval of revised procedures for dissemination of FBI file information to the White House, follow-up coordination among cognizant FBI and White House staffs identified a number of opportunities for improving and refining this process while continuing to scrupulously guard its integrity. This confirms the resulting resolutions.

The staff discussions indicated that it would be helpful to review the nature of the various FBI personnel investigations currently available to the White House. These are detailed in enclosure (1).

The new form by which White House components will request FBI personnel investigations will have two versions, one bearing a White House letterhead and one bearing an Executive Office of the President (EOP) letterhead. This will help maintain a clear demarkation between records of the White House Office and EOP records. Enclosures (2) and (3) are copies of these two versions.

The new forms embody a number of modifications to improve their accuracy and utility. A number of ancillary procedural clarifications have also been addressed. These are summarized in enclosure (4).

I have received your letter to Director Freeh of June 17, 1996, providing the names of attorneys in the White House Counsel's Office authorized to approve White House (but not EOP) requests. I request that the FBI be provided by official correspondence with specimen signatures of these attorneys for our comparison in reviewing requests, and that we further be apprised by official correspondence of any subsequent changes of approval authority.

Mr. John M. Quinn

I would like to express my appreciation for your and your staff's outstanding effort, cooperation, and assistance in this endeavor. Please don't hesitate to let me know if my office can be of assistance in resolving future issues which may surface. For staff coordination, my points of contact are Pat Kelley, Chief of our Administrative Law Unit, and Bill Miller of that unit. Either may be reached at (202) 324-4523.

Sincerely,



Howard M. Shapiro
General Counsel

Enclosures (4)

**SUMMARY OF FBI PERSONNEL INVESTIGATIONS
CURRENTLY PROVIDED TO THE WHITE HOUSE / EOP**

Rev. 8/02/96

Requests Under EADSU Cognizance

The Executive Agencies Dissemination Subunit (EADSU) (known colloquially as the "Name Check Unit") processes requests which only require a file search of existing FBI records accessible from FBI Headquarters. EADSU handles two types of requests:

1. **Name Checks.** These entail name searches of pertinent components of three main FBI file systems. Requestors will be apprised of the search results and provided appropriate summaries or extracts of any relevant information located. The three file systems searched are:

a. **FBI Central Records System (CRS).** This system includes individuals who relate in any manner to official FBI investigations (both closed and open) including subjects, suspects, and close relatives and associates who are relevant to an investigation. This search is conducted against FBI Headquarters central indices and information management applications in which these individuals are indexed by name.¹

b. **National Crime Information Center (NCIC) "wanted persons" files.** This search encompasses data entered by authorized officials of the Federal Government, the States, territories/possessions, local jurisdictions, and certain foreign governments relating to wanted persons and certain other persons of interest to law enforcement authorities as follows--

- individuals for whom Federal warrants are outstanding;

- individuals for whom a felony or serious misdemeanor State/local warrant has been issued;

- probation and parole violators meeting the foregoing criteria;

- individuals for whom a "Temporary Felony Want" has been entered under circumstances precluding the immediate procurement of a felony warrant;

¹ It should be noted, however, that the FBI does not index all individuals who furnish information or all names developed during the course of an investigation; only those names considered pertinent, relevant, or essential for future retrieval are indexed. Moreover, in some instances Headquarters indices may not reveal information available in FBI field offices but not forwarded to FBI Headquarters.

- juveniles who have fled after being charged with commission of a delinquent act that would be a crime if committed by an adult or who have been adjudicated delinquent and who have escaped or absconded from custody, even though no arrest warrants were issued;

- individuals who have committed or have been identified with an offense committed in a foreign country, which would be a felony if committed in the United States, and for whom a warrant of arrest is outstanding and for which act an extradition treaty exists between the United States and that country;

- missing persons;

- individuals designated by the U.S. Secret Service as posing a potential danger to the President and/or other authorized protectees; and

- individuals about whom investigation has developed sufficient information to establish membership in a particular violent criminal gang or in a particular terrorist organization.

c. **Interstate Identification Index (III).** This system (which is a separate component of NCIC) encompasses individuals who have been fingerprinted and whose automated criminal history record information ("rap sheets") have been entered into the system by Federal, State, or local criminal justice authorities. This system is searched using the full biographical identification information (name, date of birth, social security number, etc.) provided by the requestor.²

2. **Requests for Copies of Reports of Prior FBI Background Investigations (BIs).** EADSU locates any prior FBI BI reports and provides the requestor a copy of each such report (except for outdated non-derogatory reports). However, no new or supplemental investigative efforts are undertaken.

Requests Under SIGBIU Cognizance

The Special Inquiry and General Background Investigation Unit (SIGBIU) processes those requests which will require use of and coordination with FBI field resources. SIGBIU

² Since simple name checks are submitted without fingerprint cards, no manual check of FBI fingerprint records is possible, and without fingerprint confirmation, search results based only on biographical data can never be absolutely validated as relating to the actual subject. However, when name checks are conducted in connection with an inquiry which includes fingerprint cards (e.g., background investigation), the search will also include an actual comparison against FBI criminal fingerprint files.

tasks FBI field resources as warranted and combines resulting inputs with the results of SIGBIU's own inquiries into a report summarizing information developed. SIGBIU handles five main types of requests:

1. **Full Field Investigations (FFI) (Levels I, II, or III).** An FFI is a BI which encompasses personal interviews and a wide range of records checks (including all those involved in an expanded name check, discussed below). The scope of the investigation will depend on the position involved and whether or not there has been a previous BI concerning the subject. In all cases, however, the investigation will thoroughly and completely address any unfavorable information or issues developed. The three FFI levels³ are:

- Level I. Covers the extent of the subject's adult life. (Primarily utilized on all cabinet-level, inspector-general, judicial, and senior White House staff appointments.)

- Level II. Covers the past 15 years of the subject's life, or since age 18, or at least the last 2 years. (Primarily utilized for other full-time presidential appointments and White House and National Security Council staff/access positions.)

- Level III. Covers the past 10 years of the subject's life, or since age 18, or at least the last 2 years. (Primarily utilized for support, access, and maintenance positions at the White House, and part-time presidential appointments.)

2. **5-Year Reinvestigation (90-Day Update) (Levels II or III).** Covers the period of the person's life since a previous BI conducted by the FBI when the person has had continuous employment since the last BI. (Full Field BI's should be updated every 5 years; "90-day" refers to the FBI's target for completing such updates.) The scope of items addressed is more extensive for Level II.

³ These levels reflect unique categories which since at least 1990 have defined the scope of background investigations conducted by the FBI for the White House/EOP. In 1995, however, the Administration approved new background-investigation questionnaire forms (SF-86, SF-85P, and SF-85), and OMB has required that the new forms be used government-wide by 9/1/95. The new SF-86 limits the scope of questioning on most sensitive issues to seven years. Even the least comprehensive of the White House levels thus exceeds the new OMB limits, and the OMB limits also conflict with certain existing national security standards. Agencies may, however, use different forms (and different time limits) with prior approval from OMB, and it may be that the White House (though not the EOP) is not constrained by the OMB limitations in the first place. Whether or not these levels will continue to be utilized is the subject of ongoing discussions between the White House/EOP and the FBI.

3. **Expanded Name Checks.** In addition to the same searches conducted for regular name checks (as indicated above), an expanded name check also includes checks of local indices in FBI field offices where the subject works and resides, and checks of the civil and criminal files of the United States Attorneys' offices at these same locations.

4. **Limited Updates.** Conducted at White House request when a Full Field BI has been completed within the last 5 years. Limited Updates are limited to: an interview of the subject; interviews of persons who are familiar with the subject in a professional capacity; appropriate records checks, i.e., FBI Headquarters and pertinent field office indices, law enforcement agencies, pertinent United States Attorneys' offices, and appropriate state and/or Federal agencies; and any issues identified on the Standard Form 86 or developed during the course of the Limited Update that have not been previously explored.

5. **Limited Inquiries.** These would encompass other inquiries appropriate under the circumstances of particular cases. Examples would include follow-up inquiries conducted to resolve particular issue(s) or question(s) usually arising from a regular or extended name check or after the completion of a full field background investigation.

(8-02-96)

THE WHITE HOUSE
WASHINGTON

Date _____

To: Federal Bureau of Investigation

Attn: ☐ EADSU (Room 4965)☐ SIGBIU (Room 4371)

From: The White House

☐ EOP Security Office☐ White House Counsel's Office

Subject's full name _____

Other names used (including birth, prior married, and nicknames) _____

Social Security Number _____ Date of birth _____ Place of birth _____

Permanent address

(also current residence, if different) _____

Current employer(s) _____

SUBJECT'S CONSENT: I hereby authorize the FBI to provide the information specified below to the White House.

(Subject's Signature)_____
(Date)

Request of FBI (Use of this form to request information developed by the FBI or contained in FBI files requires the subject's consent. Exceptions will only be permitted as authorized by the Attorney General/Deputy Attorney General.)

- ☐ Name check (EADSU) ☐ Copy of previous report (EADSU)
☐ Expanded name check (SIGBIU)
☐ Full field investigation (SIGBIU) ☐ Level 1 ☐ Level 2 ☐ Level 3
☐ 5-year reinvestigation (SIGBIU) ☐ Level 2 ☐ Level 3
☐ Limited update investigation (SIGBIU)
☐ Other (specify) _____

The applicant is being considered for:

- ☐ Presidential appointment ☐ Position requiring Senate confirmation
☐ White House staff position
☐ Access: ☐ Detailee/other government employee ☐ Contractor ☐ 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. § 1001, that the above is sought for official purposes only and I understand that obtaining this information under false pretenses or any unauthorized disclosure may be a violation of the Privacy Act, 5 U.S.C. § 552a.

Requested by: _____
(Signature)

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

Approved by: _____
Signature (White House Counsel's Office)

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

(8-02-96)

EXECUTIVE OFFICE OF THE PRESIDENT
WASHINGTON

Date _____

To: Federal Bureau of Investigation

Attn: ☐ EADSU (Room 4965)☐ SIGBIU (Room 4371)

From: Security Office, Office of Administration, Executive Office of the President (EOP)

(for following EOP organization: _____)

Subject's full name _____

Other names used (including birth, prior married, and nicknames) _____

Social Security Number _____ Date of birth _____ Place of birth _____

Permanent address
(also current residence, if different) _____

Current employer(s) _____

SUBJECT'S CONSENT: I hereby authorize the FBI to provide the information specified below to the EOP.

(Subject's Signature)_____
(Date)

Request of FBI (Use of this form to request information developed by the FBI or contained in FBI files requires the subject's consent. Exceptions will only be permitted as authorized by the Attorney General/Deputy Attorney General.)

- ☐ Name check (EADSU) ☐ Copy of previous report (EADSU)
☐ Expanded name check (SIGBIU)
☐ Full field investigation (SIGBIU) ☐ Level 1 ☐ Level 2 ☐ Level 3
☐ 5-year reinvestigation (SIGBIU) ☐ Level 2 ☐ Level 3
☐ Limited update investigation (SIGBIU)
☐ Other (specify) _____

The applicant is being considered for:

- ☐ EOP staff position
☐ Access: ☐ Detainee/other government employee ☐ Contractor ☐ Intern ☐ Volunteer
☐ Presidential recognition
☐ Other (specify) _____

Attachments: ☐ SF-86 ☐ SF-86 Supplement ☐ SF-87 Fingerprint CardRemarks/
special instructions: _____

I certify, subject to 18 U.S.C. § 1001, that the above is sought for official purposes only and I understand that obtaining this information under false pretenses or any unauthorized disclosure may be a violation of the Privacy Act, 5 U.S.C. § 552a.

Requested by: _____
(Signature)

This request has been reviewed and approved by an authorized official of the cognizant EOP organization.

Approved by: _____
(Signature)

- 1 - Original - To FBI
 2 - Pink - To FBI (Return to EOP Security Office)
 3 - Canary - To FBI (Office of the General Counsel)
 4 - Gold - EOP Administration Group

Name: _____

Title/Organization: _____

**IMPLEMENTATION OF REVISED PROCEDURES
FOR DISSEMINATION OF FBI FILE INFORMATION TO THE WHITE HOUSE/EOP
August 2, 1996**

Following Deputy Attorney General Gorelick's approval of revised procedures for dissemination of FBI file information to the White House/EOP, follow-up coordination among cognizant FBI and White House/EOP staffs identified a number of opportunities for improving and refining this process while continuing to scrupulously guard its integrity. This confirms the resulting resolutions.

I. Revised Request Forms

The new form by which White House/EOP components will request FBI personnel investigations will have two versions, one bearing a White House letterhead and one bearing an Executive Office of the President (EOP) letterhead. (This will help maintain a clear demarkation between records of the White House Office and EOP records.) The new forms embody a number of modifications to improve their accuracy and utility. These include:

1. A specific space has been added on the EOP version for indicating which EOP component has cognizance over the request.

2. More check-blocks have been added to better cover items often addressed in typical requests (e.g., 5-year reinvestigations, contractors, other government employees (in addition to detailees), positions requiring Senate confirmation, and reinvestigation levels).

3. The subject's consent statement has been bolded to enhance its conspicuousness (but the check-block in front of the consent statement has been deleted as being redundant with the subject's signature).

4. The lead-in of the "Request of FBI" portion has been revised to delete reference to the option that a written explanation of the cognizant White House/EOP component counsel may substitute for the subject's consent. As to this form, this reference is irrelevant and could be misleading. White House/EOP components do have an option to request information even without the subject's consent, but such requests are to be limited to extraordinary circumstances set forth in a letter of justification to the General Counsel of the FBI, signed by the cognizant component counsel, and concurred in by the Attorney

General or the Deputy Attorney General.¹ Thus this routine request form would not be the appropriate vehicle for making a request without the subject's consent.²

5. Reminders as to EADSU's and SIGBIU's areas of responsibility have been added.

6. The "official use" certification has been expanded to also acknowledge that obtaining information under false pretenses is a violation of the Privacy Act.

7. As indicated in the Counsel to the President's memorandum for Mr. Panetta of June 14, 1996, the provision that FBI personnel investigations will only be predicated upon the subject's consent (or the Deputy Attorney General's approval) does not apply to "computerized criminal history check[s]." The referenced checks only encompass searches of the National Crime Information Center's (NCIC) files of "wanted persons" and criminal history record information ("rap sheets") on individuals who have been criminally fingerprinted. Thus as can be seen, reliance on these checks alone would fail to reveal such crucial information as on-going criminal investigations, national security concerns, suspect associations, and so forth. Moreover, these checks can also be conducted by the Secret Service. In view of the foregoing, the FBI understands that at this time White House/EOP components do not anticipate seeking such limited criminal history checks from the FBI. Accordingly, they are not specifically addressed on the new forms.

8. The order of copies in the form package will be rearranged to match the order that copies are detached in processing.

II. Resolution of Staff Questions and Clarification of Procedures

1. White House/EOP records requests must be accompanied by the appropriate version of the new FBI records request form properly completed and with all three of the required signatures (subject's consent, requestor, and component approval). This includes not only requests for the White House Office, but also requests for EOP components.

¹ See ¶1a, FBI General Counsel H. M. Shapiro's memo of 6/14/96 (approved same date by Deputy Attorney General Gorelick); ¶1, 4th bullet, Counsel to the President Jack Quinn's memo of 6/14/96.

² As a limited exception, neither consent nor a written explanation would be required to obtain computerized criminal history checks of NCIC files of wanted persons and criminal histories. As discussed at ¶ 1.7 infra, however, use of this limited exception is not currently anticipated.

June 24, 1996

MEMORANDUM FOR JODIE TORKELSON
MARTHA FOLEY
JIM WEBER

CC: JACK QUINN

FROM: DAVID FEIN

SUBJECT: "FBI FILES" AMENDMENTS TO BUDGET BILL

Pursuant to your request, I am attaching talking points on the defects in the proposed Republican amendments to the Treasury-Postal appropriations bill and revised draft alternative language. Please let me know if I can be of any further assistance.

Alternative Language

"None of the funds made available in this Act shall be used by the White House to request Federal Bureau of Investigation (FBI) background investigation reports unless the White House provides the FBI with the express written consent of the person who is the subject of the investigation, except in extraordinary circumstances set forth in a letter of justification involving national security or a criminal investigation signed by the Counsel to the President and concurred in by the Attorney General or the Deputy Attorney General. The person's consent must be current, meaning that it must have been signed within six months of the date of the request to the FBI and during the same Administration."

THE WHITE HOUSE
WASHINGTON

June 25, 1996

MEMORANDUM FOR WHITE HOUSE COUNSEL'S OFFICE STAFF

FROM: JACK QUINN
COUNSEL TO THE PRESIDENT

SUBJECT: BACKGROUND INVESTIGATIONS

I think it is important for everyone in the Counsel's Office to be familiar with the reforms we have made regarding requests to the Federal Bureau of Investigation for background investigations. I have attached two memoranda that explain these new procedures. In particular, you should make special note of the rule that no one on our staff except those authorized in writing by the Chief of Staff and me have any access to background investigation files.

A handwritten signature in black ink, appearing to read "Jack Quinn", with a large loop at the start and a horizontal line extending to the right.

Attachments

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

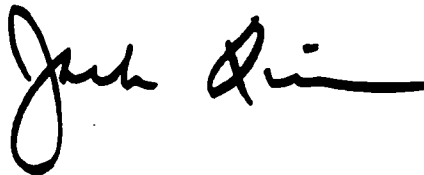
As you know, the White House has historically requested information from the FBI in order to evaluate the suitability of persons for Presidential appointments, nominations and recognition, employment at the White House, and access to the White House. In light of recent events, I have instituted the following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

June 18, 1996

MEMORANDUM FOR LEON PANETTA
CHIEF OF STAFF

FROM: JACK QUINN
COUNSEL TO THE PRESIDENT

SUBJECT: WHITE HOUSE OFFICE OF PERSONNEL SECURITY

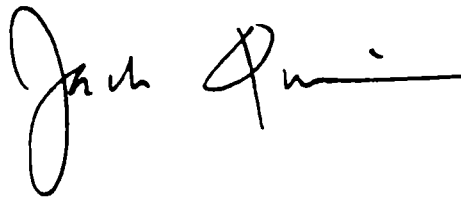
At present, the White House Office of Personnel Security conducts personnel security operations for the White House Office, the Office of the Vice President, the Office of Policy Development, and the Executive Residence. The Executive Office of the President (EOP) Security Office conducts personnel security functions for all other EOP offices except for the National Security Council (NSC), which conducts its own personnel security review in coordination with the White House Office of Personnel Security. Specifically, the EOP Security Office, which is part of the Human Resources Management Division of the Office of Administration, currently provides personnel security services to the following EOP agencies: Council of Economic Advisers, Council on Environmental Quality, Office of Administration, Office of Management and Budget, Office of National Drug Control Policy, Office of Science and Technology Policy, and the United States Trade Representative.

As you know from my memorandum to you of June 14, 1996, I have instituted a number of reforms to govern the procedures for White House requests to the Federal Bureau of Investigation (FBI) for background investigation material. In addition to those reforms, I recommend that the administrative personnel security functions currently performed by both the White House Office of Personnel Security and the NSC be incorporated into the EOP Security Office. In effect, this would mean that the EOP Security Office would serve on behalf of the White House in performing these functions with regard to White House Office, the Office of the Vice President, the Office of Policy Development, the Executive Residence, and NSC personnel. I believe that the reforms I instituted last week -- such as requiring the current, signed consent of the individual about whom information is sought to accompany White House requests of the FBI -- will be implemented most effectively and efficiently by merging the several existing security operations into the administrative office that currently performs security functions for the EOP.

The EOP Security Office is currently supervised by Charles "Chuck" Easley, who is a career employee hired during the Reagan Administration and who has served for ten years as the EOP Security Officer. Mr. Easley retired from the U.S. Army after 20 years. He served for 12 years as a Counterintelligence Special Agent in the Army, and for eight of those years, he served as the Technical Security Advisor to the Security Officer of the Joint Chiefs of Staff. Mr. Easley, heads a career staff at the EOP Security Office, will continue to report to the Associate Director for Human Resources Management of the Office of Administration, a career personnel specialist, who, in turn, reports to the Director of the Office of Administration.

If you approve this recommendation, the EOP Security Office will conduct its work on White House personnel in accordance with the procedures established by the Counsel to the President. As always, suitability decisions will remain the responsibility of Counsel to the President. In addition, all background investigation material regarding White House personnel will remain under the control of the Counsel to the President and will be maintained separate and apart from EOP personnel security files.

Under the new procedures I established last week, requests to the FBI for background investigation information on White House personnel will require -- in addition to the current, signed consent of the individual -- the approval of the Counsel to the President or specifically designated attorneys in the Counsel's Office. Furthermore, under the proposed plan, access to FBI background investigations would be limited to those White House and EOP 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.

A handwritten signature in black ink, appearing to read "Jack Quinn". The signature is written in a cursive, flowing style with a long horizontal line extending to the right.

12/5/94

**EFFORTS TO MAINTAIN THE WHITE HOUSE
AS A DRUG FREE WORKPLACE**

- This Administration is committed to assuring that the government in general and the White House in particular is drug free. Towards that end, the Administration has implemented a comprehensive Drug Free Workplace Plan.
- In all important respects, the Plan is identical to the one that was adopted during the prior Administration.
- Under the Drug Free Workplace Plan, all employees are tested as a condition of their initial employment. Any individual who tests positively automatically ceases to be eligible for employment.
- Since the beginning of this Administration, over seven hundred applicant tests have been conducted for WH employees. In only one instance has a test come back positive. Pursuant to the terms of the Plan, that individual was separated.
- The Drug Free Workplace Plan also mandates random testing of existing White House employees. Approximately 12% of White House staff are subject to random testing each year.
- The Plan sets out several options for dealing with an employee whose random drug test is positive, ranging from dismissal to mandatory participation in a rehabilitation and testing program. In this respect as well, the Plan is identical to the Plan that was in place during the Bush Administration.
- Since the beginning of this Administration, only one White House employee has failed a random drug test. That individual was a career employee in a non-policy making position who had been with the White House for over a decade. Pursuant to the Plan, she was required to participate in a comprehensive rehabilitation program.
- In addition to the applicant and random testing described above, approximately 1% of the more than one thousand employees of the EOP agree to participate in an individualized drug testing program. Participation in this program is based on a history of relatively recent drug use. These individuals are automatically included in the pool of employees who are called for a random drug test.
- All such tests have been negative.

- The existence and scope of the individualized drug testing program was disclosed long ago. In particular, the White House addressed this issue fully in response to a question for the record submitted this spring by Congressman Frank Wolf.
- As these figures suggest, there is absolutely no evidence to support the irresponsible allegation that a substantial percentage of White House employees either use drugs or have used drugs in the recent past.
- Nor is there any evidence to support the equally irresponsible allegation that White House passes and security clearances were delayed because of the need to "work out" drug-related or other background issues.
- As has already been fully explained, delays in issuing passes in the first year of the administration were solely attributable to certain operational inefficiencies. Those inefficiencies have since been corrected, and employees now receive a permanent pass, on average, within 120 days of their start date.
- While precise data are not available, issuing passes in this time frame compares favorably with the record of past administrations. This time frame also compares well with other parts of the Executive Branch, such as the Department of State.

THE WHITE HOUSE

WASHINGTON

MEMORANDUM

TO: Jack Quinn
Kathy Wallman

CC: Jodie Torkelson
Chuck Easley
Nelson Cunningham

FROM: David Fein *DF*
Trey Schroeder *TS*

RE: White House Personnel Security Review

DATE: July 12, 1996

In light of the recent restructuring of the White House Personnel Security Office, we thought it would be useful to describe what we understand our roles to be in the area of White House personnel security.

First, in accordance with your June 14, 1996 memorandum to Mr. Panetta, we will approve and sign requests to the FBI for background investigation information for persons seeking employment or access to the White House. These requests will be initiated by Chuck Easley, the EOP security officer, who will himself sign the request and attach the individual's express written consent. We will review the request to ensure that the individual's consent is provided, that it is current, and that Mr. Easley has signed the request.

Second, we will continue to participate in evaluating the suitability of persons for employment or access to the White House. In accordance with your June 18, 1996 memorandum to Mr. Panetta, the administrative functions formerly performed by the White House Office of Personnel Security have been incorporated into the EOP Security Office, and we will not supervise or oversee those functions. We will review any issues of suitability that Mr. Easley brings to our attention after he receives and reads the background investigation information from the FBI.

**Talking Points on White House Reforms
On Obtaining FBI Background Information**

** The White House has put in place a series of procedures governing the obtaining and use of FBI background information that is, by all accounts, above and beyond the procedures in place in all prior Administrations.

** Four aspects of these procedures are apparently unprecedented. They are as follows:

1. Individual's current, written consent is required in almost all cases before any request goes to FBI for individual's background investigation, and the consent must accompany the request to FBI.
2. White House Counsel or a designated attorney in his office must personally approve and sign all requests.
3. The security or vetting officer who initiates the request must certify that the request is made for official purposes only.
4. The Chief of Staff and Counsel to the President must designate in writing those White House employees who may have any access to FBI files.

** These procedures ensure that the mistakes that happened in 1993 could not happen again.

- Before the White House requests background information from the FBI, it first must obtain the signed, written consent from the individual whose file is sought, and second must provide that consent to the FBI.
- If that procedure were in place in December 1993, the White House would have had to seek the consent of the individuals before requesting their files.
- The only occasion when consent is not required is when the White House Counsel and the Attorney General (or Deputy Attorney General) provide a letter of justification to the FBI.

** The White House Security Personnel Office is being restructured to restore confidence in the integrity of the handling of these files.

- The White House Counsel intends to put the handling of the files under the control of a senior employee with a background in personnel security.

- Craig Livingstone, the head of the White House's personnel security office, requested and received permission to be placed on paid administrative leave.
- Mr. Livingstone will not return until such time as the matter is clarified to the satisfaction of the Chief of Staff.