

FOIA MARKER

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Series/Staff Member: Chris Cerf

Subseries:

OA/ID Number: 6975

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Folder Title:

Personnel Security Miscellaneous : Senate QFRs [Question for the Record] Drafts and Date [2]

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Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. list	re: Personnel (10 pages)	05/02/1994	b(6)
002. memo	Bruce Overton to Chris Cerf re: Retirement Issue (Personnel) (1 page)	04/28/1994	b(6)
003. note	Personal (1 page)	n.d.	b(7)(C), b(6)

COLLECTION:

Clinton Presidential Records
Counsel Office
Chris Cerf
OA/Box Number: 6975

FOLDER TITLE:

Personnel Security Miscellaneous: Senate QFRs [Question for the Record] Drafts and
Date [2]

2006-1066-F

jm1370

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]

Details only

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* JOB NAME:       EPMAA09A
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* SYSOUT CLASS:   N
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who, is in 1044?

~~ONDC~~

STP

187 on BOARD

CEA/CE

~~CEA/CE~~

(1) # Staff in Off, incl. delinquent; no volunteers; contractors

(2) # Perm Passes 178 ~~180~~ 180

(3) # Temp Passes 6 ~~11~~ 1100

1. who Backgrounds have been adjudicated and sent to S.S.

2. FBI has further Backgrounds but feds still at Counsel 4

3. # who have pending RTIS 4

4. # Awaits submission of paperwork < 30 days

LAWSON
Surgeon
SWAN

— Approx 180, and 190, ^{related to staff} staff

— Array approved by Senate

Similar changes were made
in prior committee.

Cop of Sewell

¹¹⁵
The Secret Service ^{informed} ^{each side} of the request
and will be notified in the event of any positive
test results.

13. Please provide (copies of any records maintained to show) the volume of calls received by the EOP system during the past six months.

Ans:

(incoming only)
The figures below for 1993 reflect the average number of calls received daily by the then on-complex C&P central office system.

1994	October	66,906
3	November	54,338
	December	44,658

(incoming, outgoing & intra system)
The figures below for 1994 reflect the average number of total calls processed daily by the new EOP system.

1994	January	120,739
	February	124,912
	March	128,603

Although the same statistics could be produced on the new EOP system, they are not. This is primarily due to a configuration (two way trunks) designed to maximize trunk utilization which makes the process of collecting the statistic more cumbersome.

DeCONCINI

1. **What type of security or ethics training is given to White House employees? Is this done when they are in a temporary position or permanent position?**

Every employee in the Executive Office of the President, whether permanent or temporary, is required to receive annual ethics training. Additionally, individuals who are detailed to the White House from other agencies are encouraged to attend the White House ethics training sessions.

The ethics briefings are one hour in length and cover the conflict of interest statutes, the Executive Branch standards of conduct regulations, and White House policies. Employees are given the opportunity to ask questions and are provided with written materials, including the names and telephone numbers of White House ethics officials.

In accordance with a regulatory requirement, the White House has an ethics training plan on file with the Office of Government Ethics.

Prior to the issuance of a permanent pass, all EOP employees (and detailees) are briefed on security procedures and the appropriate handling of classified information. Under current procedures, all EOP employees (receive a security briefing within 60 days of their start date. The same principles are reiterated in written materials distributed to all White House staff.

Compartmented/ one on one

Contractors attend same clearance as White House.

[Detailees temporary employees? EOP wide? Separate briefing before issuance of permanent pass. Special briefing for compartmented info? Code clearance?

2. **Is the NSC at all involved in overseeing the protection of classified documents at the White House?**

The NSC does not "oversee" any aspect of the White House, including practices and procedures for the protection of classified information. Pursuant to its responsibility to advise and assist the President in the area of national security, NSC staff are subject to, and observe, those rules pertaining to the safeguarding of national security information applicable to all government employees, including special restrictions on the handling of compartmented information. All NSC employees with permanent or temporary White House passes hold a TOP SECRET clearance with SCI access.

3. **With reference to the number of background investigations**

not yet completed on White House, Vice Presidential and Office of Policy Development employees, can you tell us:

-- How many have been fully investigated by the FBI?

There are 68 employees of the White House Office, Office of the Vice President and Office of Policy Development whose FBI background investigations have been completed but who have not yet received their permanent passes.

-- How many are at the White House pending transfer to the Secret Service for permanent past requests? How long have they been there.

There are 36 employees of the White House Office, Office of Vice President and Office of Policy Development whose FBI background investigation is complete, but whose file has not yet been forwarded to the Secret Service.

-- How many background investigations have not yet been initiated due to the paperwork not being complete?

Twenty nine employees of the WHO, OVP and OPD have not submitted the paperwork necessary to initiate the FBI background investigation. All such individuals began work within the last 30 days and are, therefore, in compliance with the Chief of Staff's directive that all security related paperwork be completed within 30 days of employment.

-- How many are not yet back from the FBI?

There are 77 employees of the WHO, OVP and OPD whose FBI investigations have been initiated by the FBI, but are not yet complete.

-- How many backgrounds have been requested by the White House which been at the FBI for longer than 45 days?

There are 23 individuals employed by the White House Office whose background investigation has been pending at the FBI for more than 45 days. There are three such individuals employed by the OPD and none employed by OVP.

-- What is the status of these investigations?

These investigations are pending.

-- Could you tell the Committee where this Administration is vis-a-vis the background investigations on its employees versus the previous Administrations?

The White House does not maintain records that would permit a precise comparison. In general, it appears that . . .

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~~[Ask Both]~~ It is our understanding that, at present, our passes are issued at a point in time from for issuing passes which require background investigation of rough equivalent

- What is your plan to eliminate the backlog of employees who have temporary passes?

As the result of a comprehensive review undertaken by White House Counsel's Office, the backlog has been substantially reduced. At present, ____ (or ____ %) of WHO, OVP, and OPD employees have received a permanent pass. Of these, ____ began work within the last 120 days. Under current procedures, which have eliminated certain operational inefficiencies, employees are expected to receive a permanent pass, on average, within 120 days of employment. While precise data is not available, issuing passes in that time frame compares favorably with the the record of past administrations.

ASIL
MAY
170 W
STOP

4. With reference to access to top-secret security information, it is my understanding that at the White House, once a favorable full-field background investigation has been completed by the FBI, that an individual has access to up to top-secret information on a "need-to-know" basis, which is determined by the White House Chief of Staff.

- Ms. Thomasson, can you tell us how the Chief of Staff makes a determination as to whether or not an individual has a "need-to-know" for access to classified information?

This determination is not made by the Chief of Staff. It is the responsibility of the person who wishes to share classified information with another individual to ascertain whether he or she (1) has the appropriate security clearance and (2) truly has a "need to know." All White House employees are advised that, when in doubt, they should contact the White House Personnel Security Office to verify the level of any given individual's security clearance.

- Which intelligence community agency, if any, reviews these full-field backgrounds prior to any individual being given access to classified information?

CONFER WITH JB

5. It seems to me that many people within the White House may have access to classified documents and briefings, which go well beyond the "top secret" classification.

- Do any individuals at the White House have security clearances which exceed top secret? Can you identify those individuals for me?

Some White House employees hold Top Secret clearances with access to Sensitive Compartmented Information (SCI). It would not be appropriate to identify such individuals.

- What process ensures that others who do not possess security clearances do not have access to classified information above the top secret level?

[CDC will add]

Security Briefing

- Do any individuals, who are not employed by the White House have access to classified information?

Some individuals detailed from other federal agencies (e.g. the Department of Defense) have access to classified information on a need to know basis. (All such individuals have an appropriate security clearance and ~~all receive a security briefing.~~) In addition, a limited number of contractors have been granted security clearances. All such individuals have (1) been the subject of a full field FBI background check and (2) received a security briefing.

- What system of controls do you have in place at the White House that ensures that sensitive classified information is secure?

[CDC will add]

Incorporate by reference

D'AMATO

6. How many detailees are in positions that would require security clearances? How many detailees have security clearances? Do any members of the First Lady's staff require security clearances?

*A sum, Detail com to the WH w/ Secur' Clearance
all her > 90 her FBI interest*

7. Chief of Staff Mack McLarty has referred to "non-governmental persons who render regular services to the Administration" that work in the White House. Please define a "non-governmental person" and provide a breakdown of how many there are, or have been since the Administration has taken office. How many of these "non-governmental persons" require security clearances, and how many have obtained them?

But supply

*First Lady (staff subject to the same clearance process as other WH staff)
One the process
how successfully complete BI
seen on the Basis have access to
TS mat one need to know BOD
note have*

is complete, he or she is
entitled to access to entry class
or a need to know

THE WHITE HOUSE

WASHINGTON

April __, 1994

Dear Senator _____:

This is a response to your letter of March 22, 1994, requesting information about White House passes and other matters. Below please find answers to the specific questions you have raised.

1. Have any temporary passes been issued to personnel even though their Background Investigations have already been completed?

Yes. Before White House personnel may obtain permanent passes, they must satisfy numerous criteria including the satisfactory completion of the background investigation as well as a suitability review. This suitability review goes beyond that required for a security clearance and includes, among other areas, a review of an employee's tax records, financial holdings and memberships in social organizations. Portions of a suitability review may not have been completed at the time the background investigation has been favorably adjudicated. Thus, it is quite possible that personnel may hold temporary passes even though ~~they have met the requirements for a background investigation~~ *are complete.* their
FBI

2. Are personnel holding temporary passes receiving classified briefings, being allowed access to classified information, including the National Intelligence Daily (NID)?

Yes, but only under certain conditions. In the White House, as in the rest of government, disclosure of classified information is provided strictly on a "need to know" basis. This principle is explicitly reaffirmed in the White House Staff Manual which states that, "Classified information may only be disclosed to persons who hold security clearances for the particular level of classification and have a need to know the information." In some instances, White House personnel holding temporary passes who have been cleared for national security purposes have been allowed access to classified briefings or classified information. As discussed above, a staff member may hold a temporary pass even though a background investigation has

been adjudicated favorably, because other determinations have not been completed. However, personnel who have not received appropriate security clearances may not have access to classified briefings or information.

3. How many personnel continue to hold temporary passes, even though their Background Investigations have been completed?

INSERT
As of April 26, 1994, ~~53 staff members~~ *for approximately 12 per cent of* White House personnel hold temporary passes, even though their Background Investigations have been completed. Of this number, ~~over~~ half have been approved for permanent passes by the White House Counsel's Office and are awaiting final action by the Secret Service.

nearby
Other employees holding temporary passes may be awaiting completion of elements of their requisite briefings or paperwork. For instance, an employee may have a completed background investigation if he or she had been working in the federal government. Nevertheless, a federal government employee who has transferred to the White House will still need to undergo the suitability review necessary for the issuance of a permanent pass.

4. How many individuals have been issued permanent passes?

539
As of April 26, 1994, ~~532~~ individuals *in the TOP approximately 42* of] White House personnel have been issued permanent passes.

5. What criteria constitute disqualification from receiving a permanent pass to the White House?

The White House adheres to the basic security criteria found in Executive Order 10450 and published in the Federal Personnel Manual (see attached). These criteria form the basis of judgments concerning permanent passes, and unfavorable evidence would provide the basis for any disqualification.

6. Have any temporary passes been issued for personnel assigned to work for the National Security Council (NSC), or who frequent work spaces occupied by the staff of the NSC?

employed by (including date)
Yes. As of April 26, there were 144 persons *detailed to, or* employed by the National Security Council. Of this number, 112 have permanent passes and 32 have temporary passes.

All NSC employees with permanent or temporary White House passes hold a TOP SECRET clearance with SCI access. NSC employees awaiting security clearances may not access the NSC computer system or enter secure areas unaccompanied. In addition, the White House Situation Room receives certification

As of April 26, 1994
179 ^{approximately 100} ^{of the President's staff}
of the President's staff
(including the White
House offices, office
of Policy Development,
Executive Residence,
office of the Vice
President, and the
National Security Council)

of clearances before permitting NSC employees access to national security information they have a need to know.

Because White House employees are subject to security and suitability reviews beyond those required of other executive branch employees, there are occasions where NSC staff may hold a TOP SECRET clearance with SCI access, but not yet be eligible for a permanent pass. This would occur, for example, when an NSC employee has not had a background investigation within one year of joining the ~~Executive Office of the President~~ (EOP). Agencies typically require updated background investigations every five years; however, the White House requires that a background investigation have been completed within one year of an employee joining the EOP. ✓

In addition, NSC employees are also subject to the suitability review required of all EOP employees as discussed above. Until such time as a suitability review and updated background investigation is completed (if necessary), a permanent pass will not be issued to NSC employees.

7. Have all personnel assigned to the NSC, or who frequent the work spaces occupied by the staff of the NSC, completed their background investigations?

As noted above, all personnel assigned to the NSC who have access to classified information or work spaces containing classified information hold TOP SECRET clearances with SCI access. In instances where an employee holds such a clearance, but is required to undergo an updated background investigation for the purpose of complying with the EOP's one-year rule, an employee will continue to be given access to classified information while this updated background investigation is pending. This procedure permits the work of the NSC to continue unabated while safeguarding national security information.

Subchapter 5. Security Adjudication

5-1. BASIC SECURITY CRITERIA

Executive Order 10450 specifies security factors that should be considered when determining whether the employment, or retention in employment, of individuals in the Federal service is clearly consistent with the interests of the national security. The specified security criteria are:

- Any behavior, activities, or associations which tend to show that the individual is not reliable or trustworthy.
- Any deliberate misrepresentations, falsifications, or omission of material facts.
- Any criminal, infamous, dishonest, immoral, or notoriously disgraceful conduct, habitual use of intoxicants to excess, drug addiction, or sexual perversion.
- 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.
- Any facts which furnish reason to believe that the individual may be subjected to coercion, influence, or pressure which may cause the person to act contrary to the best interests of the national security.
- Commission of any act of sabotage, espionage, treason, terrorism 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, terrorism or sedition.
- Establishing or continuing a sympathetic association with a saboteur, spy, traitor, seditionist, anarchist, terrorist or revolutionist, or with an espionage or other secret agent or 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.
- 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.
- Knowing membership, with 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.
- 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.
- Performing or attempting to perform duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States.
- Refusal by the individual, upon the ground of constitutional privilege against self-incrimination, to testify before a congressional committee regarding charges of alleged disloyalty or other misconduct.

NOTE: Because of Federal court decisions which have narrowed the grounds upon which an individual can be denied employment, the extent to which these factors can lead to disqualification is unclear.

0 57544m

United States Senate

WASHINGTON, DC 20510

94 MAR 25 9:26

March 22, 1994

The Honorable Lloyd Cutler
Counsel To The President
The White House
Washington, DC 20500

Dear Mr. Cutler:

We are writing about a potential flaw in the process for granting security clearances at the White House. Over the last several weeks numerous news sources have reported that large numbers of White House personnel have not received permanent access passes to the White House. These reports allege that many employees have failed to submit appropriate forms to initiate background investigations. In other cases, background investigations reportedly revealed derogatory information on potential employees, resulting in issuance of temporary passes rather than asking the Secret Service to grant permanent passes.

Given the sensitivity of information which flows into the White House, much of which addresses U.S. national security interests, we are writing to express our concern that these allegations, if true, could risk information security. Specifically our concerns are:

- Have any temporary passes been issued to personnel even though their Background Investigations have already been completed? *yes*
- Are personnel holding temporary passes receiving classified briefings, being allowed access to classified information, including the National Intelligence Daily (NID)?
- How many personnel continue to hold temporary passes, even though their Background Investigations have been completed? *93*
- How many individuals have been issued permanent passes? *253*
- What criteria constitute disqualification from receiving a permanent pass to the White House? *ch - none*
- Have any temporary passes been issued for personnel assigned to work for the National Security Council (NSC), or who frequent work spaces occupied by the staff of the NSC?

The Honorable Lloyd Cutler
March 22, 1994
Page two

- Have all personnel assigned to the NSC, or who frequent the work spaces occupied by the staff of the NSC, completed their background investigations?

Thank you for your assistance in allaying our concerns regarding information security in the White House. Please provide us with responses to these questions as soon as possible.

Sincerely,

<u>John McCain</u>	<u>William A. Miller</u>
<u>Bob Smith</u>	<u>Long Chang</u>
<u>Frank Jett</u>	<u>Don Hahn</u>
<u>Jesse Helms</u>	<u>Cornie Mack</u>
<u>James R. ...</u>	<u>Frank Brown</u>
<u>Michael M. ...</u>	<u>Jack Stevens</u>
<u>Dirk Kempthorn</u>	<u>Don Cook</u>

27

a.

~~The number of~~

Those White House, OVP, & OPD employees whose FBI background investigation have been completed but who have not yet received their permanent passes is 68 (or approximately 13 per cent). Of this number, nearly half have ~~been~~ been approved for permanent passes by the White House Counsel's Office and are awaiting final action by the Secret Service.

e.

① Travel Account

② Jeff BABCA

③ House QFB

① What does Regal
do; who do TC
net with

② 17000 may people
~~from 0000~~
work in HC from
force when employee
by Bond

DeCONCINI

25. What type of security or ethics training is given to White House employees? Is this done when they are in a temporary position or permanent position?

26. Is the NSC at all involved in overseeing the protection of classified documents at the White House?

27. With reference to the number of background investigations not yet completed on White House, Vice Presidential and Office of Policy Development employees, can you tell us:

b -- How many have been fully investigated by the FBI?

WH = 344 = 80%

ODP = 377 = 71%

VP = 25 = 96%

[-- How many are at the White House pending transfer to the Secret Service for permanent past requests? How long have they been there?

WH = 25 = 100%

ODP = 71 = 25%

VP = 3 = 11%

-- How many background investigations have not yet been initiated due to the paperwork not being complete?

WH = 23 = 100%

ODP = 5 = 27%

VP = 1 = 4%

-- How many are not yet back from the FBI? 67

-- How many backgrounds have been requested by the White House which have been at the FBI for longer than 45 days?

105 of 241 = 44%

-- What is the status of these investigations?

per 6-12

-- Could you tell the Committee where this Administration is vis-a-vis the background investigations on its employees versus the previous Administrations?

ity or ethics training is given to White
Is this done when they are in a temporary
ment position?

involved in overseeing the protection of
ts at the White House?

the number of background investigations
on White House, Vice Presidential and
development employees, can you tell us:

been fully investigated by the FBI?

59%
46%
ODP = 37 = 71%

at the White House pending transfer to the
e for permanent past requests? How long
n there?

60%
11%
ODP = 7 = 13%

ground investigations have not yet been
to the paperwork not being complete?

69%
7%
ODP = 5 = 9%

not yet back from the FBI? 67

grounds have been requested by the White
een at the FBI for longer than 45 days?

71 = 44%

tatus of these investigations?

l the Committee where this Administration
the background investigations on its
sus the previous Administrations?

B. These
#s match
what they're
given JS.

FBI category
next is
explanatory
NM



67 = WH

OPD = 10

OVP = 0

-- What is your plan to eliminate the backlog of employees who have temporary passes?

31. With reference to access to top-secret security information, it is my understanding that at the White House, once a favorable full-field background investigation has been completed by the FBI, that an individual has access to up to top-secret information on a "need-to-know" basis, which is determined by the White House Chief of Staff.

-- Ms. Thomasson, can you tell us how the Chief of Staff makes a determination as to whether or not an individual has a "need-to-know" for access to classified information?

-- Which intelligence community agency, if any, reviews these full-field backgrounds prior to any individual being given access to classified information?

CIA For SCI & DOE Sec. 1.5

32. It seems to me that many people within the White House may have access to classified documents and briefings, which go well beyond the "top secret" classification.

-- Do any individuals at the White House have security clearances which exceed top secret? Can you identify those individuals for me?

-- What process ensures that others who do not possess security clearances do not have access to classified information above the top secret level?

-- Do any individuals, who are not employed by the White House have access to classified information?

-- What system of controls do you have in place at the White House that ensures that sensitive classified information is secure?

D'AMATO

33. How many detailees are in positions that would require security clearances? How many detailees have security clearances? Do any members of the First Lady's staff require security clearances?

20 detailees on WH Roles, total
each office makes determination if a higher level
is needed

34. Chief of Staff Mack McLarty has referred to "non-governmental persons who render regular services to the Administration" that work in the White House. Please define a "non-governmental person" and provide a breakdown of how many there are, or have been since the Administration has taken office. How many of these "non-governmental persons" require security clearances, and how many have obtained them?

White House Personnel Security
Pass Statistics

27-Apr-94
11:26:10 AM

AGENCY	NUMBER OF STATE PASS REQUESTS	NUMBER OF PER MANENT PASS	ADDITIONAL BACKGROUND	SPENDING BACKGROUND	GRADING BACKGROUND	SPENDING BACKGROUND
			BACKGROUND	BACKGROUND	BACKGROUND	BACKGROUND
WHITE HOUSE OFFICES	432	291	27	26	67	23
OFFICE OF POLICY DEVELOPMENT	52	26	4	7	10	5
EXECUTIVE RESIDENCE	89	89	0	0	0	0
OFFICE OF THE VICE PRESIDENT	26	21	1	3	0	1
NATIONAL SECURITY COUNCIL	144	112	2	8	21	0
TOTAL	743	539	35	44	98	29
PERCENTAGES OF TOTALS	---	72.54%	4.71%	5.92%	13.19%	3.90%

DeCONCINI

1. **What type of security or ethics training is given to White House employees? Is this done when they are in a temporary position or permanent position?**

Every employee in the Executive Office of the President, whether permanent or temporary, is required to receive annual ethics training. Additionally, individuals who are detailed to the White House from other agencies are encouraged to attend the White House ethics training sessions.

The ethics briefings are one hour in length and cover the conflict of interest statutes, the Executive Branch standards of conduct regulations, and White House policies. Employees are given the opportunity to ask questions and are provided with written materials, including the names and telephone numbers of White House ethics officials.

In accordance with a regulatory requirement, the White House has an ethics training plan on file with the Office of Government Ethics.

Under current procedures, all White House employees are briefed on security procedures and the appropriate handling of classified information before they go on the payroll. The same principles are reiterated in written materials distributed to all White House staff.

[Detailees temporary employees? EOP wide? Separate briefing before issuance of permanent pass. Special briefing for compartmented info? Code clearance?

2. **Is the NSC at all involved in overseeing the protection of classified documents at the White House?**

The NSC does not "oversee" any aspect of the White House, including practices and procedures for the protection of classified information. Pursuant to its responsibility to advise and assist the President in the area of national security, NSC staff are subject to, and observe, those rules pertaining to the safeguarding of national security information applicable to all government employees, including special restrictions on the handling of compartmented information. All NSC employees with permanent or temporary White House passes hold a TOP SECRET clearance with SCI access.

3. **With reference to the number of background investigations not yet completed on White House, Vice Presidential and Office of Policy Development employees, can you tell us:**

-- How many have been fully investigated by the FBI?

5162

There are 68 employees of the White House Office, Office of the Vice President and Office of Policy Development whose FBI background investigations have been completed but who have not yet received their permanent passes.

- How many are at the White House pending transfer to the Secret Service for permanent past requests? How long have they been there.

There are 36 employees of the White House Office, Office of Vice President and Office of Policy Development whose FBI background investigation is complete, but whose file has not yet been forwarded to the Secret Service.

- How many background investigations have not yet been initiated due to the paperwork not being complete?

Twenty nine employees of the WHO, OVP and OPD have not submitted the paperwork necessary to initiate the FBI background investigation. All such individuals began work within the last 30 days and are, therefore, in compliance with the Chief of Staff's directive that all security related paperwork be completed within 30 days of employment.

- How many are not yet back from the FBI?

There are 77 employees of the WHO, OVP and OPD whose FBI investigations have been initiated by the FBI, but are not yet complete.

- How many backgrounds have been requested by the White House which been at the FBI for longer than 45 days?

There are 23 individuals employed by the White House Office whose background investigation has been pending at the FBI for more than 45 days. There are three such individuals employed by the OPD and none employed by OVP.

- What is the status of these investigations?

These investigations are pending.

- Could you tell the Committee where this Administration is vis-a-vis the background investigations on its employees versus the previous Administrations?

The White House does not maintain records that would permit a precise comparison. In general, it appears that . . .

[Ask Beth]

- What is your plan to eliminate the backlog of employees

who have temporary passes?

As the result of a comprehensive review undertaken by White House Counsel's Office, the backlog has been substantially reduced. At present, ____ (or ____ %) of WHO, OVP, and OPD employees have received a permanent pass. Of these, ____ began work within the last 120 days. Under current procedures, which have eliminated certain operational inefficiencies, employees are expected to receive a permanent pass, on average, within 120 days of employment. While precise data is not available, issuing passes in that time frame compares favorably with the the record of past administrations.

C.L.

4. With reference to access to top-secret security information, it is my understanding that at the White House, once a favorable full-field background investigation has been completed by the FBI, that an individual has access to up to top-secret information on a "need-to-know" basis, which is determined by the White House Chief of Staff.

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J.B.

5. It seems to me that many people within the White House may have access to classified documents and briefings, which go well beyond the "top secret" classification.

-- Do any individuals at the White House have security clearances which exceed top secret? Can you identify those individuals for me?

Some White House employees hold Top Secret clearances with access to Sensitive Compartmented Information (SCI). It would not be appropriate to identify such individuals.

-- What process ensures that others who do not possess security clearances do not have access to classified information above the top secret level?

15. Please describe the process followed from the time an employee's FBI background is completed to the time he or she is issued a permanent pass. Include the identity of the individuals who are responsible for reviewing background investigations and determining whether an employee should be issued a White House pass?

In general, the information provided by the FBI is reviewed by White House Counsel's Office and the White House Personnel Security Office (WHPS). On the basis of that review -- and its review of other potentially relevant information concerning the individual's background -- Counsel's office (1) determines whether it is appropriate (or inappropriate) to recommend issuance of a permanent pass and (2) forwards that recommendation to the Secret Service. The recommendation that a permanent pass be issued can be accepted or rejected by the Secret Service. While White House Counsel staff conduct the day-to-day operation of the security office, Mr. Cutler is ultimately responsible for the process.

16. Please describe the procedure that is used to prevent unauthorized persons (employees and other individuals who do not hold a permanent pass and security clearance) from accessing classified information that may be present in a variety of offices within the White House and other buildings of the EOP complex. Please describe the procedure followed to ensure that these persons are not permitted to attend meetings where classified information is discussed.

A number of procedures and policies guard against the unauthorized disclosure of classified information. Most significantly, it is the responsibility of the person who wishes to share classified information with another individual to ascertain whether he or she (1) has the appropriate security clearance and (2) truly has a "need to know." This fundamental principle is explained in detail in the security briefing all White House employees are required to attend. In addition, all White House staff are advised that disclosure of classified information to unauthorized persons may result in criminal prosecution and that, when in doubt, they should contact the White House Personnel Security Office to verify the level of any given individual's security clearance.

17. Has the Secret Service been asked to issue any passes in any individual cases even though they have not been permitted to review the FBI background investigative file? Have there been occasions when only a partial file has been forwarded to the Secret Service rather than the full file? If so, why was this done and what was the outcome?

The Secret Service has never been asked to issue a pass without being provided the individual's complete FBI background investigation report. (The only exception is for positions requiring Senate confirmation; in such instances the Senate has already had an opportunity to review the file.) Counsel's Office does forward a partial file to the Secret Service in one limited circumstance: when, in the course of its investigation, the FBI discovers a matter of such concern that it warrants immediate attention. In such instances, the FBI informs Counsel's Office of the concern and the partial file is forwarded immediately to the Secret Service for its consideration. On all such occasions, Counsel's office has followed the Secret Service's determination as to whether to restrict the individual's access to the Complex.

18. Ms. Thomasson has explained that Mack McLarty's background file was "adjudicated" on January 22, 1993 and that Bill Kennedy's file was "adjudicated" in March of 1993. Why was there then a lengthy delay in forwarding these files to Secret Service? What was done with the files in the time in between? Who "adjudicated" their files? How did they receive their security clearance?

Mr. McLarty's file was adjudicated by the White House Personnel Security Office and verified by Mr. Kennedy after his arrival. Mr. Kennedy's file was adjudicated by the Director of White House Personnel Security. Both individuals received their security clearances on the basis of their favorably adjudicated background investigations. Between the time of their favorable adjudications and the date their files were forwarded to the Secret Service, the files remained in White House Counsel's Office. The delay was attributable solely to an operational inefficiency in Counsel's Office that has since been corrected.

HOYER

19. What is the current process by which employees of the Executive Office receive both temporary and permanent passes to the White House?

In general, the procedures are as follows:

- Applicants participate in a security interview and provide preliminary background information.
- Every applicant's name and date of birth are forwarded to the FBI and checked on the National Crime Indicator Center (NCIC) computer in order to identify any prior criminal history.
- The Office of Administration's Personnel Management division arranges to have the applicant tested for illegal drug use.
- The new employee has 30 days from the "effective date of hire" to complete the necessary forms for a full background check. If the employee does not complete the forms in 30 days, he or she will be placed on leave without pay status.
- Upon receipt of the forms, a security officer reviews them for completeness and then forwards them to the FBI and other relevant authorities.
- At that point, the employee is eligible for a temporary hard pass. To obtain the pass, the employee must be fingerprinted. The prints are forwarded immediately to the FBI for another computer check. If any problems are identified, the appropriate security officer is notified.
- Within approximately 90 days of receiving the forms, the FBI submits the results of its background check. The Security Office, in consultation with White House Counsel's Office, then reviews the complete file and addresses any concerns that may have been identified.
- Counsel's Office forwards its recommendation, together with the FBI file, to the Secret Service, which then determines whether or not to issue a permanent pass.

20. What is the current policy regarding the issuance of passes to people who are not Federal Employees?

Absent exceptional circumstances (to be determined by the Chief of Staff's Office in consultation with White House Counsel's Office), White House permanent passes are issued only to employees of the Federal government, with the sole exception of (i) family members of the First Family and (ii) individuals employed or retained by the DNC whose duties require regular consultation with the President and his staff. (The term "employee" includes regular employees of the EOP, Cabinet Members and their staff, detailees, special government employees, interns, full time volunteers and volunteers approved by the Volunteer Office to provide full time administrative assistance.) In addition, passes are issued to some contractors (such as AT&T employees) who have an identified need for regular access to the Complex. Finally, members of the press are issued passes pursuant to procedures different from those set out above.

21. What is the current process by which these people who are not federal employees receive passes to the White House?

Contractors and other non-federal employees are granted permanent passes for the appropriate area of the White House complex solely on an "as needed" basis. In order to be granted a pass, such individuals (with the exception of members of the First Family) must: (1) complete the SF 86 and other security-related paperwork, (2) undergo a full-field FBI background check, and (3) be favorably adjudicated for access on the basis of that check. Separate procedures govern issuance of passes to members of the press and volunteers. Volunteers who are expected to be at the White House for more than 90 days fill out a SF 86.

22. How many executive office employees hired prior to January 1 of this year who should have access to the White House compound do not have permanent passes?

One hundred thirteen White House employees who joined the staff prior to January 1, 1994 do not yet have a permanent pass. All are expected to have a permanent pass in the near future.

23. Why haven't White House employees been required to complete the paperwork on a timely basis to obtain permanent passes?

Most employees did submit the required paperwork on a timely basis. To correct any deficiencies in that regard, the Chief of Staff issued a directive on March 14, 1993 providing as follows: (1) Staff who joined the payroll before March 1, 1994 were

required to submit their paperwork by March 18, 1994; (2) all staff who joined the EOP between March 1 and March 14, 1994 were required to submit their paperwork by March 31; and (3) all new staff were required to submit their paperwork within 30 days of their appointment date. Failure to comply with these deadlines will result in being placed on leave without pay status.

24. What action are you taking to insure that the necessary paper work is completed on a timely basis and what consequences will the employee face if they fail to comply?

On March 14, 1994, the Chief of Staff issued a memorandum directing all staff to complete their security related paperwork as follows: (1) Staff who joined the payroll before March 1, 1994 were required to submit their paperwork by March 18, 1994; (2) all staff who joined the EOP between March 1 and March 14, 1994 were required to submit their paperwork by March 31; and (3) all new staff were required to submit their paperwork within 30 days of their appointment date. Failure to comply with these deadlines will result in being placed on leave without pay status.

WOLFE

INSERT: Provide a statement concerning White House Counsel's Office ability to override the decision of the Secret Service not to issue a pass.

During this Administration, White House Counsel's Office has never overridden the decision of the Secret Service not to issue a pass.

QUESTION: The July 2 White House Management Review conducted by the Chief of Staff and the OMB Director stated:

"When private persons are granted regular access to the White House to undertake White House assignments, without analysis of their employment status or possible conflicts of interest and without explanation to them of their ethical responsibilities, problems may arise."

What management and administrative changes have been made to

prevent these problems?

A new policy on White House Access was adopted on September 16, 1993. That policy is as follows: Absent exceptional circumstances (to be determined by the Chief of Staff's Office in Consultation with White House Counsel's Office), White House permanent passes are issued only to employees of the Federal government, with the sole exception of (i) family members of the First Family and (ii) individuals employed or retained by the DNC whose duties require regular consultation with the President and his staff. The term "employee" includes regular employees of the EOP, Cabinet Members and their staff, detailees, special government employees, interns, full time volunteers and volunteers approved by the Volunteer Office to provide full time administrative assistance.

Q: The White House Travel Office Management Report stated that non-government employees who work at the White House have to be approved by a senior individual at the White House. Who has sponsored or signed off on Mr. Carville, Begala, etc.?

Under current policy, special individualized approval is not required for individuals employed or retained by the DNC whose duties require regular consultation with the President or his staff. Both Mr. Begala and Mr. Carville fall into that category.

QUESTIONS SUBMITTED FOR THE RECORD BY CONGRESSMAN WOLF

Drug Testing

In Senate testimony you stated that this Administration has made it a policy of drug "testing of all new employees, as well as a random test of at least 12 percent--a minimum of 12 percent of those employees who are in a testing designated position."

Question: Who conducted such tests on new employees? Please discuss who handles each step -- collection, analysis, and review? Who receives the final results? Who takes action if a positive test occurs? Who is conducting the random drug tests now? How often are "random" tests done? How was this process developed? Please provide a copy of the EOP Drug-Free Workplace Plan.

Answer. The collection facility for all drug tests (new employees and random) is American Medical Laboratories, 1145 19th Street N.W., Suite 620, Washington, DC. The analysis is done by the Navy Drug Screening Lab in Norfolk, VA. The review is conducted by the Medical Review Official (MRO) who is a White House physician from the military. The final laboratory results are received by the MRO. Each EOP agency has identified in the Appendix to the Drug Free Workplace Plan the official of their agency designated to receive positive drug test results. The Personnel Management Division of the Office of Administration determines who will be randomly drug tested through a computer driven random selection program. A total of 12% of the testing designated positions must be randomly tested on an annual basis. Generally, 2% of the pool are tested 6 times a year. The process of random testing was developed in response to the Executive Order 12564. The EOP adopted the model agency plan developed by a Federal Interagency Coordinating Group. The EOP's Drug Free Workplace Plan mirrored the model agency Plan and was approved by the Department of Justice.

Question. What records have been kept of this testing at each step in the process? Do you have records of the dates testing was done for each individual employee?

Answer. The Office of Administration's Personnel Management Division maintains drug testing appointment books indicating the dates individuals were scheduled for testing. Records relating to drug testing are maintained in accordance with Section XI of the Plan.

Question. What records are being kept of the random drug testing? Who is in charge of this process? Is this individual a political or career appointee? If an outside agency or company is used, how was it selected and please describe such.

Answer. Records of random listing selections are maintained. The individual in charge of the Drug Free Workplace Plan is the Director of the Personnel Management Division who serves as the Drug Plan Coordinator. This position is filled by a career civil service employee. American Medical Laboratories, the collection facility, was selected through the full and open competitive procurement process.

Question. When you say that all individuals had tests before they began work at the White House does this mean that the full analysis had come back or that the individuals had reported to the collection point of contact?

Answer. All employees of the White House either reported to work after full analysis negative drug test results were received or after signing an acknowledgement indicating that their appointment would be terminated if a positive drug test result was received.

Question. How was this process handled at the beginning of the Administration? Had all the individuals who started work on January 10, 1993 had drug test analysis completed?

Answer. Due to the large number of people assuming positions at the EOP during a change in administration, it is impractical to test all of them prior to appointment. The Plan recognizes this fact and makes special provisions as set forth in Section IX.C. Most individuals who started on January 20, 1993 were drug tested after they reported to work and signed an appointment subject to drug testing acknowledgement. The EOP Drug Free Workplace Plan allows for testing of employees at a later date during times of transition.

Question. For those individuals who were retroactively put on the payroll, when did they have their drug testing done?

Answer. Any retroactive appointee who had not already been drug tested, was tested in accordance with Section IX.C of the Plan as indicated above.

In regard to instances where individuals, who because of extensive and/or recent drug use found in their backgrounds, have been requested to be subject to a program of random drug testing of the individual in order to issue them a permanent pass and if they fail any test they are to be fired immediately according to the policy:

Question. How many employees in the White House Office, Office of Policy Development, Office of Administration, Vice President's Office (Special Assistance to the President), Office of the First Lady, and office of National Drug Control Policy have been requested to be part of such an individual random drug testing program in order to have a pass? Please update as the 200 or more yet uncompleted background files are forwarded to the Secret Service.

Answer. Approximately 1% of the 1044 employees of the in the Executive Office of the President, including senior staff, have been requested to be part of an individual drug testing program. The Secret Service is informed of each such request and would be notified in the event of any positive test results. A similar individual drug testing program was in place in the prior administration.

Question. Of the 125 jobs designated as most senior jobs at the White House, how many have been requested to be subject to this random testing? Please update as the 200 or more as yet uncompleted background files are forwarded to the Secret Service.

Answer. Please see prior response.

Question. Who is in charge of this program of randomly testing the individuals involved? How was such individual or company, firm, etc., selected?

Answer. The employees are tested under the same conditions as the program for routine drug testing in the Executive Office of the President. The individual in charge of the Plan is the Director of the Personnel Management Division who serves as the Drug Plan Coordinator. This position is filled by a career civil service employee. This individual is designated by the Director of the Office of Administration to carry out the provisions of the Plan.

Question. If an individual fails a drug test who is notified and what is the process in relieving the individual of their duties? Are individuals in these instances suspended or fired?

Answer. The Plan requires that individuals who test positive through applicant drug testing must not be hired, or must be fired if already on the rolls. Individuals who test positive through random drug testing must be afforded the opportunity to seek rehabilitation and their continued retention is subject to completion of rehabilitation and remaining drug free. If an individual tests positive pursuant to an individual drug testing program, the Secret Service is notified, and the individual is subject to immediate dismissal.

Question. Does the minimum 12 percent of employees to be tested as part of the general drug free workplace plan for the Executive Office of the President include the individuals designated to be randomly drug tested due to concerns with their drug history?

Answer. No.

Question. How is the random testing done? How often? How much notice is given to an individual before testing is done? Is an individual allowed to postpone a "random" test? Has this occurred on any occasion?

Answer. The Personnel Management Division of the Office of Administration determines who will be randomly drug tested through a computer driven random selection program. A total of 12% of the testing designated positions must be randomly tested on an annual basis. Generally, 2% of the pool are tested 6 times a year. An individual is notified in writing the day they must report for random testing. A follow up phone call is placed the same day. The Drug Free Workplace Plan does allow for deferral of random testing but only for specific situations, for example, when the employee is on leave or on official travel. There is also a provision whereby the designated official of the agency may authorize a deferral for an employee whose immediate work demands require uninterrupted continuation. These are granted only in very rare instances. Deferrals are automatically included in the next round of random testing. Individual testing occurs twice a year, at unannounced times, as an additional component of the random drug testing program.

Question. Have you or anyone in the Office of Administration participated in meetings regarding White House passes to discuss the delay in sending forward the background files in order to issue permanent passes? If so, how many such meetings occurred? Which meetings did you attend? With whom have you discussed the drug testing program? What is your role in this process? Does anybody report to you on this matter?

Answer. In order to prepare for my testimony before the Committee, my staff and I participated in several meetings on the subject of White House passes. The purpose of these meetings was to gain a better understanding of the process as a whole. As well, OA's General Counsel and Security Officer have participated in meetings to determine the general reasons for the delays. Similarly, in the course of preparing responses to these Questions for the Record, my staff and I have participated in several meetings concerning the pass issuance process.

Because the Drug Testing Program is administered by the Office of Administration, Personnel Management Division (PMD), there have been general discussions related to the program with the Director of PMD, the OA General Counsel, and the Assistant Director of OA. In addition, there have been conversations with White House Counsel's Office regarding the operation and administration of the Drug Testing Program. Finally, while the Director of PMD ultimately reports to me, I do not have any day-to-day involvement in the drug testing program.

Question. How is funding for the drug testing allocated? From which office? What has been the cost since January 10, 1993 for drug testing?

Answer. Funds for the EOP Drug Free Workplace Plan are centrally budgeted in the Office of Administration account. Costs are as follows:

Fiscal Year 1993	\$29,539
Fiscal Year 1994	\$24,756 (projected)

-- Do any individuals, who are not employed by the White House have access to classified information?

C.L.

-- What system of controls do you have in place at the White House that ensures that sensitive classified information is secure?

D'AMATO

6. How many detailees are in positions that would require security clearances? How many detailees have security clearances? Do any members of the First Lady's staff require security clearances?

7. Chief of Staff Mack McLarty has referred to "non-governmental persons who render regular services to the Administration" that work in the White House. Please define a "non-governmental person" and provide a breakdown of how many there are, or have been since the Administration has taken office. How many of these "non-governmental persons" require security clearances, and how many have obtained them?

Every employee in the Executive Office of the President, whether permanent or temporary, is required to receive annual ethics training. Additionally, individuals who are detailed to the White House from other agencies are encouraged to attend the White House ethics training sessions.

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5233

*Thursday
10/21/81*

DeCONCINI

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D'AMATO

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NATIONAL SECURITY COUNCIL

EDT 100 Perm.

April 14
148 Staff
48 Temp.

UNCLASSIFIED

MEMORANDUM FOR:

James E. Baker

(BAKERE) 111

FROM:

James E. Baker
(BAKERE)

TS / SCI

SUBJECT:

Draft WH Security

^{staff}
The NSC does not oversee the White House, including the protection of classified documents at the White House. Pursuant to its responsibility to advise and assist the President in the area of national security, the NSC staff are subject to, and observe, those rules pertaining to the safeguarding of national security information applicable to all government employees, including special restrictions on the handling of compartmented information where applicable.

CC: Non Records

(NONRECORD)

DeCONCINI

25. What type of security or ethics training is given to White House employees? Is this done when they are in a temporary position or permanent position?
26. Is the NSC at all involved in overseeing the protection of classified documents at the White House?
27. With reference to the number of background investigations not yet completed on White House, Vice Presidential and Office of Policy Development employees, can you tell us:
- How many have been fully investigated by the FBI?
 - How many are at the White House pending transfer to the Secret Service for permanent past requests? How long have they been there?
 - How many background investigations have not yet been initiated due to the paperwork not being complete?
 - How many are not yet back from the FBI?
 - How many backgrounds have been requested by the White House which been at the FBI for longer than 45 days?
WH - 67 / 23
ODP - 10 / 3
 - What is the status of these investigations?
 - Could you tell the Committee where this Administration is vis-a-vis the background investigations on its employees versus the previous Administrations?

- What is your plan to eliminate the backlog of employees who have temporary passes?
31. With reference to access to top-secret security information, it is my understanding that at the White House, once a favorable full-field background investigation has been completed by the FBI, that an individual has access to up to top-secret information on a "need-to-know" basis, which is determined by the White House Chief of Staff.
- Ms. Thomasson, can you tell us how the Chief of Staff makes a determination as to whether or not an individual has a "need-to-know" for access to classified information?
- Which intelligence community agency, if any, reviews these full-field backgrounds prior to any individual being given access to classified information?
32. It seems to me that many people within the White House may have access to classified documents and briefings, which go well beyond the "top secret" classification.
- Do any individuals at the White House have security clearances which exceed top secret? Can you identify those individuals for me?
- What process ensures that others who do not possess security clearances do not have access to classified information above the top secret level?
- Do any individuals, who are not employed by the White House have access to classified information?
- What system of controls do you have in place at the White House that ensures that sensitive classified information is secure?

D'AMATO

33. How many detailees are in positions that would require security clearances? How many detailees have security clearances? Do any members of the First Lady's staff require security clearances?

34. Chief of Staff Mack McLarty has referred to "non-governmental persons who render regular services to the Administration" that work in the White House. Please define a "non-governmental person" and provide a breakdown of how many there are, or have been since the Administration has taken office. How many of these "non-governmental persons" require security clearances, and how many have obtained them?

BABCR Letter

DeCONCINI

1. **What type of security or ethics training is given to White House employees? Is this done when they are in a temporary position or permanent position?**

Every employee in the Executive Office of the President, whether permanent or temporary, is required to receive annual ethics training. Additionally, individuals who are detailed to the White House from other agencies are encouraged to attend the White House ethics training sessions.

The ethics briefings are one hour in length and cover the conflict of interest statutes, the Executive Branch standards of conduct regulations, and White House policies. Employees are given the opportunity to ask questions and are provided with written materials, including the names and telephone numbers of White House ethics officials.

In accordance with a regulatory requirement, the White House has an ethics training plan on file with the Office of Government Ethics.

Prior to the issuance of a permanent pass, all EOP employees (and detailees) are briefed on security procedures and the appropriate handling of classified information. Under current procedures, all EOP employees receive the briefing within 60 days of their start date. The same principles are reiterated in written materials distributed to all White House staff. Every individual who is cleared for access to compartmented information receives an additional one-on-one security briefing.

2. **Is the NSC at all involved in overseeing the protection of classified documents at the White House?**

The NSC does not "oversee" any aspect of the White House, including practices and procedures for the protection of classified information. Pursuant to its responsibility to advise and assist the President in the area of national security, NSC staff are subject to, and observe, those rules pertaining to the safeguarding of national security information applicable to all government employees, including special restrictions on the handling of compartmented information. All NSC employees with permanent or temporary White House passes hold a TOP SECRET clearance with SCI access.

3. **With reference to the number of background investigations not yet completed on White House, Vice Presidential and Office of Policy Development employees, can you tell us:**

-- How many have been fully investigated by the FBI?

There are 68 employees of the White House Office, Office of the Vice President and Office of Policy Development whose FBI background investigations have been completed but who have not yet received their permanent passes.

-- How many are at the White House pending transfer to the Secret Service for permanent past requests? How long have they been there.

There are 36 employees of the White House Office, Office of Vice President and Office of Policy Development whose FBI background investigation is complete, but whose file has not yet been forwarded to the Secret Service.

-- How many background investigations have not yet been initiated due to the paperwork not being complete?

Twenty nine employees of the WHO, OVP and OPD have not submitted the paperwork necessary to initiate the FBI background investigation. All such individuals began work within the last 30 days and are, therefore, in compliance with the Chief of Staff's directive that all security related paperwork be completed within 30 days of employment.

-- How many are not yet back from the FBI?

There are 77 employees of the WHO, OVP and OPD whose FBI investigations have been initiated by the FBI, but are not yet complete.

-- How many backgrounds have been requested by the White House which been at the FBI for longer than 45 days?

There are 23 individuals employed by the White House Office whose background investigation has been pending at the FBI for more than 45 days. There are three such individuals employed by the OPD and none employed by OVP.

-- What is the status of these investigations?

These investigations are pending.

-- Could you tell the Committee where this Administration is vis-a-vis the background investigations on its employees versus the previous Administrations?

The White House does not maintain records that would permit a precise comparison. In general, it appears that . . .

[Ask Beth]

611

- What is your plan to eliminate the backlog of employees who have temporary passes?

#2
As the result of a comprehensive review undertaken by White House Counsel's Office, the backlog has been substantially reduced. At present, ____ (or ____ %) of WHO, OVP, and OPD employees have received a permanent pass. Of these, ____ began work within the last 120 days. Under current procedures, which have eliminated certain operational inefficiencies, employees are expected to receive a permanent pass, on average, within 120 days of employment. While precise data is not available, issuing passes in that time frame compares favorably with the the record of past administrations.

4. With reference to access to top-secret security information, it is my understanding that at the White House, once a favorable full-field background investigation has been completed by the FBI, that an individual has access to up to top-secret information on a "need-to-know" basis, which is determined by the White House Chief of Staff.

- Ms. Thomasson, can you tell us how the Chief of Staff makes a determination as to whether or not an individual has a "need-to-know" for access to classified information?

This determination is not made by the Chief of Staff. It is the responsibility of the person who wishes to share classified information with another individual to ascertain whether he or she (1) has the appropriate security clearance and (2) truly has a "need to know." All White House employees are advised that, when in doubt, they should contact the White House Personnel Security Office to verify the level of any given individual's security clearance.

- Which intelligence community agency, if any, reviews these full-field backgrounds prior to any individual being given access to classified information?

CONFER WITH JB

5. It seems to me that many people within the White House may have access to classified documents and briefings, which go well beyond the "top secret" classification.

- Do any individuals at the White House have security clearances which exceed top secret? Can you identify those individuals for me?

Some White House employees hold Top Secret clearances with access to Sensitive Compartmented Information (SCI). It would not be appropriate to identify such individuals.

- What process ensures that others who do not possess security clearances do not have access to classified information above the top secret level?

[CDC will add]

- Do any individuals, who are not employed by the White House have access to classified information?

Some individuals detailed from other federal agencies (e.g. the Department of Defense) have access to classified information on a need to know basis. (All such individuals have an appropriate security clearance ~~and all receive a security briefing.~~) In addition, a limited number of contractors have been granted security clearances. All such individuals have (1) been the subject of a full field FBI background check and (2) received a security briefing.

- What system of controls do you have in place at the White House that ensures that sensitive classified information is secure?

[CDC will add]

D'AMATO

6. How many detailees are in positions that would require security clearances? How many detailees have security clearances? Do any members of the First Lady's staff require security clearances?
7. Chief of Staff Mack McLarty has referred to "non-governmental persons who render regular services to the Administration" that work in the White House. Please define a "non-governmental person" and provide a breakdown of how many there are, or have been since the Administration has taken office. How many of these "non-governmental persons" require security clearances, and how many have obtained them?

DeCONCINI

25. What type of security or ethics training is given to White House employees? Is this done when they are in a temporary position or permanent position?

all UH staff attend a Security Brief before beginning a permanent position

26. Is the NSC at all involved in overseeing the protection of classified documents at the White House?

Conduct of career employees accept professional responsibility

27. With reference to the number of background investigations not yet completed on White House, Vice Presidential and Office of Policy Development employees, can you tell us:

C. L. Issues

-- How many have been fully investigated by the FBI?

As individuals

all employees w/ details w/ Sec

-- How many are at the White House pending transfer to the Secret Service for permanent past requests? How long have they been there?

all w/ details

To be go at times

-- How many background investigations have not yet been initiated due to the paperwork not being complete?

hiring

-- How many are not yet back from the FBI?

all UH staff

STARTED JAN 1

-- How many backgrounds have been requested by the White House which been at the FBI for longer than 45 days?

have had

WFO = 25/67 OUP = 0/0 OAD 3/10

Second

-- What is the status of these investigations?

brief

-- Could you tell the Committee where this Administration is vis-a-vis the background investigations on its employees versus the previous Administrations?

True for DeConcini

-- What is your plan to eliminate the backlog of employees who have temporary passes?

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-- Ms. Thomasson, can you tell us how the Chief of Staff makes a determination as to whether or not an individual has a "need-to-know" for access to classified information?

Cont. security

-- Which intelligence community agency, if any, reviews these full-field backgrounds prior to any individual being given access to classified information?

32. It seems to me that many people within the White House may have access to classified documents and briefings, which go well beyond the "top secret" classification.

-- Do any individuals at the White House have security clearances which exceed top secret? Can you identify those individuals for me?

Cont

-- What process ensures that others who do not possess security clearances do not have access to classified information above the top secret level?

-- Do any individuals, who are not employed by the White House have access to classified information?

-- What system of controls do you have in place at the White House that ensures that sensitive classified information is secure?

D'AMATO

33. How many detailees are in positions that would require security clearances? How many detailees have security clearances? Do any members of the First Lady's staff require security clearances? C.L.
34. Chief of Staff Mack McLarty has referred to "non-governmental persons who render regular services to the Administration" that work in the White House. Please define a "non-governmental person" and provide a breakdown of how many there are, or have been since the Administration has taken office. How many of these "non-governmental persons" require security clearances, and how many have obtained them? R.L.

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. memo	Bruce Overton to Chris Cerf re: Retirement Issue (Personnel) (1 page)	04/28/1994	b(6)

COLLECTION:

Clinton Presidential Records
Counsel Office
Chris Cerf
OA/Box Number: 6975

FOLDER TITLE:

Personnel Security Miscellaneous: Senate QFRs [Question for the Record] Drafts and
Date [2]

2006-1066-F

jm1370

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. Personnel 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]

These inserts should be included where indicated on The QFRS.

- #1 21 employees have been requested to be part of an individual drug testing program.
- #2 One employee. [confirm]
- #3 The employees are tested under the program for routine drug testing in the Executive Office of the President.
- #4 If an individual tests positive pursuant to an individual drug testing program, the Secret Service is notified, and the individual is subject to immediate dismissal.
- #5 No.
- #6 Individual testing occurs twice a year, at unannounced times, as an additional component of the random drug testing program.
- #7 , although I have discussed the individual drug testing program with lawyers in the White House Counsel's Office.

Answer. Records of random listing selections are maintained. The individual in charge of the Drug Free Workplace Plan is the Director of the Personnel Management Division who serves as the Drug Plan Coordinator. This position is filled by a career civil service employee. American Medical Laboratories, the collection facility, was selected through the full and open competitive procurement process.

Question. When you say that all individuals had tests before they began work at the White House does this mean that the full analysis had come back or that the individuals had reported to the collection point of contact?

Answer. All employees of the White House either reported to work after full analysis negative drug test results were received or after signing an acknowledgement indicating that their appointment would be terminated if a positive drug test result was received.

Question. How was this process handled at the beginning of the Administration? Had all the individuals who started work on January 10, 1993 had drug test analysis completed?

Answer. Due to the large number of people assuming positions at the EOP during a change in administration, it is impractical to test all of them prior to appointment. The Plan recognizes this fact and makes special provisions as set forth in Section IX.C. Most individuals who started on January 20, 1993 were drug tested after they reported to work and signed an appointment subject to drug testing acknowledgement. The EOP Drug Free Workplace Plan allows for testing of employees at a later date during times of transition.

Question. For those individuals who were retroactively put on the payroll, when did they have their drug testing done?

Answer. Any retroactive appointee who had not already been drug tested, was tested in accordance with Section IX.C of the Plan as indicated above.

In regard to instances where individuals, who because of extensive and/or recent drug use found in their backgrounds, have been requested to be subject to a program of random drug testing of the individual in order to issue them a permanent pass and if they fail any test they are to be fired immediately according to the policy:

Question. How many employees in the White House Office, Office of Policy Development, Office of Administration, Vice President's Office (Special Assistance to the President), Office of the First Lady, and office of National Drug Control Policy have been requested to be part of such an individual random drug testing

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. note	Personal (1 page)	n.d.	b(7)(C), b(6)

COLLECTION:

Clinton Presidential Records
Counsel Office
Chris Cerf
OA/Box Number: 6975

FOLDER TITLE:

Personnel Security Miscellaneous: Senate QFRs [Question for the Record] Drafts and
Date [2]

2006-1066-F
jm1370

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]
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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]
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- 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]

WOLF

3. Please provide the following:

a. The date of your appointment to the White House;

March 1, 1993.

b. The date you signed your SF-86, Questionnaire for Sensitive Positions;

September 3, 1993

c. The date your SF-86 was given to the FBI,

As a general rule, it is inappropriate to release any information concerning the contents or timing of any individual's background investigation. In my own case, however, I am prepared to disclose that my SF-86 was given to the FBI on September 10, 1993.

d. The date your background investigation was given to the White House Counsel's office.

As a general rule, it is inappropriate to release any information concerning the contents or timing of any individual's background investigation. In my own case, however, I am prepared to disclose that the FBI forwarded my background investigation to White House Counsel's Office on November 3, 1993.

e. The date you received your permanent White House Pass.

March 5, 1994.

f. Could you explain the delay in getting your pass?

The initial delay was attributable to the time frame in which I submitted the requisite paperwork. Beyond that, I have no information concerning the particulars of my background investigation. Other than my initial interview, however, at no point did the FBI or anyone from White House Counsel's Office contact me concerning the investigation. I thus assume that the balance of the delay can be traced to operational inefficiencies within Counsel's Office.

- **Did you provide the FBI with information on your former employment with Lasater and Company?**

The FBI was fully informed of my entire employment history since graduation from college -- including the names of three companies owned by or otherwise associated with Mr. Lasater. I also identified Mr. Lasater as my supervisor at each such place of employment.

In the process of your background check was there any discrepancy between the information you provided to the FBI and the information they obtained? If so, were these brought to your attention or to the attention of the White House Counsel's office?

I am not aware of any such discrepancy.

- **Did Mr. Nussbaum become involved with issuing your pass?**

While the White House Personnel Security Office reports to White House Counsel's Office, I have no reason to believe that Mr. Nussbaum was personally involved in any way in the process that led to the issuance of my pass.

- **In your biography that you provided for the committee, you failed to include your employment with Lasater and Company, could you explain why? Please provide a chronological listing of your past employment from college forward.**

The biography provided to the committee fully discloses that I served as President and Vice President of the Phoenix Group, Inc. Lasater and Co. was one of many subsidiaries held by the Phoenix Group, Inc. My employment history since graduation from college is as follows:

6/69 to 8/72: Office of Wilbur Mills, MC
9/71 to 5/72: University of Missouri
9/72 to 4/75: Office of Wilbur Mills, MC
4/75 to 12/78: Doctors Hospital
12/78 to 5/83: Southern Management Assn.

5/83 to 11/83: Collins, Locke & Lasater, Inc.
11/83 to 1/87: LFI Corporation
1/87 to 8/92: The Phoenix Group, Inc.
8/92 to 3/93: The Democratic Party of Arkansas
3/93 to ____: The White House

For the record, let me note that Collins, Locke & Lasater, LFI Corp. and the Phoenix Group, Inc. were all owned by or otherwise associated with Mr. Lasater. In addition, the above reflects my best recollection of the precise dates on which my employer changed from Collins, Locke and Lasater, Inc. to LFI and from LFI to the Phoenix Group, Inc. I will supplement the record to the extent more precise information becomes available.

4. Please provide answers for questions (1) a-f above for Mr. McLarty and Mr. William Kennedy who have overseen the process in obtaining White House passes. I understand that Mr. McLarty only received his pass in the past several weeks and Mr. Kennedy received his pass several months ago. This means that both individuals in charge of these important matters did not have their own permanent passes for almost a year or more. Why was there such a delay even for the people who were in charge of these matters?

As a general rule, it is inappropriate to disclose any information concerning the substance or timing of an individual's background investigation. In the particular case of Messrs. McLarty and Kennedy, however, it is already a matter of public record that they were appointed on January 20, 1993 and February 10, 1993, respectively, and that they received a favorable background adjudication, which entitled them to access to top secret information, on January 22, 1993 and March 5, 1993 respectively. Since it is also a matter of public record, Mr. McLarty was approved for his permanent pass on March 1, 1994 and Mr. Kennedy was approved for his permanent pass on November 22, 1993. As reflected by the promptness with which each received a favorable background adjudication, the delay was occasioned solely by operational inefficiencies, which have since been corrected. In addition, it should be noted that the Chief of Staff's Office does not have day-to-day operational involvement in the process that leads to the issuance of White House passes.

5. On February 24, Mr. McLarty wrote in a letter to me that these matters were being handled "both in a timely manner and in accordance with the procedures of previous Administrations." At the time that Mr. McLarty wrote this letter he either had only recently received his own pass or may not have even have received his own pass. What was the basis for his claim that these matters were being handled in a "timely manner?" Did Mr. McLarty not know that up to 1/3 of senior staff did not have their permanent passes? When did Mr. McLarty become aware of this matter?

The Chief of Staff's response was based solely on information he had received from White House Counsel's Office. Upon learning earlier this year that a substantial number of senior staff were still awaiting permanent passes, the Chief of Staff (1) issued a directive mandating accelerated submission of security-related paperwork and (2) directed Counsel's office to review its procedures with the objective of expediting the process.

6. Please provide answers to the same question in (1)a-f above for the 125 senior staff, one third of whom did not have their permanent passes as of mid-March.

Over 80% of senior staff members who have been at the White House more than 60 days have received a permanent pass. Most of the remainder are expected to receive permanent passes shortly, and all are in compliance with the Chief of Staff's directive that all employees must submit the requisite paperwork within 30 days of their employment. For the most part, the delays were occasioned by the limited availability of resources in Counsel's Office, which compromised its ability to move the process more efficiently. That problem has since been corrected. In addition, there were some individuals whose background investigation raised issues that required further clarification and inquiry, a process that necessarily takes some time. All such issues that are still pending are expected to be resolved shortly. It should be noted that no individual has received even a temporary pass over the objection of the Secret Service. Providing other information called for by the question would require disclosure of information concerning specific individuals and, therefore, would be inappropriate.

7. Could you please describe your duties in the following areas:

- Computers at the White House

The Information Management Division (IMD) of the Office of Administration is responsible for the maintenance and operation of computers on the White House Complex. The Deputy Assistant Director of IMD ultimately reports to me in my capacity as Director of the Office of Administration.

- Personnel matters

The Personnel Management Division (PMD) of the Office of Administration ultimately reports to me. PMD has a general responsibility for most personnel matters in the Executive Office of the President, such as overseeing performance reviews, maintaining appropriate records, and handling benefits questions.

- Office security and document security (including safes, safe combinations or locked file cabinet access or control)

Within PMD is a small security office headed by Chuck Easley, a career employee. Mr. Easley is responsible for security issues within many components of the EOP, including OA, OMB and USTR. In addition, he is responsible for safes found in the White House Complex (with the exception of those in the NSC).

- Phone system and phone records

Both in my capacity as Director of OA and as Special Assistant to the President for Management and Administration, I have managerial responsibility over many aspects of the EOP telecommunications system. However, I do not have free access to the more sensitive elements of the system.

8. You have told my staff that you did not get your security briefings until January of this year and that you did not have a need for access to secured documents. Given your control over computers, phones, safes, etc. didn't you have direct access to many secure documents prior to your receiving your security briefings?

While my official security briefing was not given until January, I had received comprehensive instructions on appropriate security procedures many months previously. In any event, I do not have "access" to secure documents in the sense the question implies. The fact that I have managerial responsibilities over these areas does not suggest that I have free access to the data or documents maintained in them. For example, even to enter the data center requires a special access code, which I do not have. Similarly, I have never asked for, nor have I been given, the combination to any safe in the White House Complex. Although the security officer responsible for safes ultimately reports to me, under no circumstances would he grant me access to a safe unless he had independently determined that doing so was both legal and appropriate.

9. Who provided Harry Thomason with his pass and access to the White House? What was Harry Thomason's role during his tenure at the White House? What kind of space was he provided with and where was it located? Why did Mr. McLarty call Mr. Thomason before the release of the Travel Office review to discuss the review with him? What matters were discussed?

Mr. Thomason's pass was provided to him by the White House Office of Personnel Security. Mr. Thomason had been asked to consult on the staging of presidential events. He was provided temporary use of an office on the second floor of the East Wing of the White House. The Chief of Staff called Mr. Thomason the day before the Management Review was released to notify Mr. Thomason of its release. The Chief of Staff told Mr. Thomason that the report was objectively critical of Mr. Thomason's involvement. The Chief of Staff provided similar notice to others who had been involved in the travel office matter.

10. As of January 20, 1994, how many White House Office employees had temporary passes? Of these, how many were employed for more than 120 days at the time?

As of January 20, 1994, 156 White House Office employees who had been employed for more than 120 days had a temporary pass.

11. Since the start of the Administration, how many White House employees held temporary passes for more than 120 days? How many of these were senior staff? (E.g., Special Assistant to the President, or the equivalent, and above). Please provide a list of the senior White House staff holding temporary passes as of January 20, 1994 and provide the date they were first employed in the White House. Please provide the date on which senior staff obtained their permanent passes.

At the beginning of the Administration, the entire process for obtaining a permanent pass typically took more than 120 days. Thus, while precise figures on this question are not compiled, most White House staff held temporary passes for 120 days or more. Since January 1994, however, the average period of time from date of employment to issuance of a permanent pass is expected to be approximately four months. The identities of individual pass holders are not appropriate for disclosure.

12. For calendar year 1993, what was the average time between:

A. an employee's appointment date and the date the employee's completed SF-86 was submitted to the FBI;

In 1993, the average period of time between an employee's appointment date and submission of his or her SF-86 was 90 days. Under current procedures, all employees must complete their SF-86 within 30 days. The form is submitted to the FBI within a matter of days after it is completed.

B. the submission of the SF-86 to the FBI and the completion of the FBI background investigation;

Approximately 60-90 days.

C. the completion of the FBI background investigation and the date the Secret Service was authorized to issue a permanent pass?

Seven months. Now that the initial backlog has been resolved and additional resources have been committed, White House Counsel's Office forwards its recommendation to the Secret Service on a significantly accelerated basis, typically within a matter of weeks.

- 13. How many non-federal employees currently hold White House passes? Are these persons required to submit SF-86's and undergo FBI background investigations? Do any of these persons have office space assigned to them in the White House or New or Old Executive Office Buildings? please provide a list of all such persons and provide a reason why they hold a White House pass.**

Excluding members of the press, volunteers and interns, approximately [200] non-federal employees currently have a White House pass. In general, they fall into two categories: (1) a small number of political advisors and (2) contractors who require access to perform duties under various contracts related to the operation and maintenance of the Complex. (Providing a list of all such passholders and the precise reason each requires access would not be appropriate.) Under current procedures, all such individuals are required to submit an SF 86 and to undergo a full field FBI background check. While most of these individuals do not have office space in the White House Complex, a small number do. (None, however, are political advisors.) For example, several AT&T employees have office space on the OEOb to enable them to better perform their duties with respect to the White House telecommunications system.

- 14. Is it possible for an individual to be granted a security clearance without completing an FBI background investigation? If so, please explain what kind of security clearance process is being done and who are the parties who are handling security clearances,**

There are various levels of classified information. Clearance for access to compartmented information requires approval by the CIA. White House Counsel's Office on occasion approves access to lesser-levels of classified information prior to final issuance of a permanent pass. In general, individuals who have not yet been issued a permanent pass but who do have a favorably adjudicated background investigation are entitled to review such information on a need to know basis. In rare instances, Counsel's Office also may grant interim access to individuals whose background investigation is still pending. In assessing the appropriateness of granting such access, Counsel's Office may rely on the background investigation conducted during the course of prior federal employment, review of the completed SF-86, and other relevant information available to it.