FOIA Number: 2006-1066-F

FOIA MARKER

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Collection/Record Group: Clinton Presidential Records

Subgroup/Office of Origin: Counsel Office

Series/Staff Member: Chris Cerf

Subseries:

OA/ID Number: 6175

FolderID:

Folder Title:
Security Clearance & Vetting Project [4]

Stack:	Row:	Section:	Shelf:	Position:
S	107	3	3	2

Withdrawal/Redaction Sheet
Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	re: Pass Awaiting Access List (Personnel) (2 pages)	03/24/1994	b(6)
002. memo	re: SF-86s Pending Corrections (Personnel) (1 page)	03/29/1994	b(6)

COLLECTION:
Clinton Presidential Records
Counsel Office
Chris Cerf
OA/Box Number: 6175

FOLDER TITLE:
Security Clearance & Vetting Project [4]

2006-1066-F
jm1374

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]

Beth

March 31, 1994

MEMORANDUM FOR LLOYD N. CUTLER
COUNSEL TO THE PRESIDENT

JOEL I. KLEIN
DEPUTY COUNSEL TO THE PRESIDENT

FROM: BETH NOLAN
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: WHITE HOUSE PASSES AND SECURITY & WHITE HOUSE NOMINATION CLEARANCE PROCESS

The Office of Counsel to the President oversees both the White House Pass and Security Clearance Process (the "White House Clearance Process") and the White House Nomination Clearance Process (the "Nomination Clearance Process"). At your request, and with the assistance of Clarissa Cerda, I have undertaken a review of the White House Clearance Process and the Nomination Clearance Process. This memorandum outlines my preliminary conclusions, identifies the steps already taken to facilitate speedy clearances, and identifies future steps to ensure that both processes function efficiently.

WHITE HOUSE CLEARANCE PROCESS

The Counsel's Office is responsible for ensuring that all White House employees: (1) have undergone a name check by the FBI; (2) have undergone a security interview by the White House Personnel Security Office; (3) have attended a security briefing; (4) have submitted a personal data statement ("PDS"), FBI Questionnaire for Sensitive Positions ("SF 86"), and authorization to release IRS information ("tax check waiver"); and (5) have submitted any required financial forms (SF 278 or 450). Senior appointees in the White House are also vetted by the Counsel's Office (when they are identified to Counsel's Office in time to do so).[1] The Counsel's Office reviews completed

[1] Vetting should occur every time for senior White House appointees, but currently the Counsel's Office may not learn of an appointment until after the appointee begins work. I will recommend changes to this process. Pre-appointment vetting is critical to protect against immediate problems, including conflicts of interest.

IRS tax checks and FBI background investigations ("Bis").[2] Bis that are favorably adjudicated by the Counsel's Office are submitted to the Secret Service for their review and adjudication. After favorable adjudication by the Secret Service, an employee is issued an appropriate permanent pass.[3]

The Counsel's Office is also responsible for overseeing the maintenance of four temporary access lists: (1) the awaiting pass list; (2) the WW & OEOB volunteer list; (3) the EW volunteer list; and (4) the intern list. The total number of individuals on these lists changes frequently. However, the number is likely to be more than 3000 individuals at any given moment.

Improving the Process

The White House Clearance process requires the coordination of more than 20 employees throughout the EOP. The White House Personnel Security Office, headed by Craig Livingstone, and under the supervision of the Counsel's Office, has the central role. That Office has operated with three employees in this Administration, but had five employees in the past Administration. It is understaffed. The consequences of understaffing are unacceptable. The best solution is to authorize at least one additional employee immediately. The second-best solution is to detail someone to assist. Given the sensitive nature of this operation and the importance of consistency, I have some doubts about the appropriateness of detailees in this area, particularly if they are authorized only for a short time. It is critical to get more assistance in this area, however, on whatever basis. We have requested authorization from David Watkins for an additional employee.

The person in my role also needs much better clerical and administrative support than has been available, in order to keep track of all the paperwork. Edgar Bueno, our paralegal, has too much to do by himself. I am changing some assignments to effect changes.

I have some long-term changes in mind, but my number one priority is to get all remaining White House employees through the clearance process as quickly as possible. Consistent with recent directions to White House staff, all employees who have been here more than 30 days

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[2] The Office also reviews White House 278s and 450s. As Alternate Agency Ethics Official, I am responsible for certifying these forms. Certification is not a prerequisite to issuance of a pass.

[3] The Office of Management & Administration authorizes employees to work in the EOP, and OA monitors the drug-testing program.

have filed their paperwork[4] Currently, 253 out of 424 White House employees (including detailees) have their permanent passes. White House Personnel Security is responsible for 559 personnel, of whom 339 have permanent passes.[5] There are approximately 100 employees whose Bis have been completed, but who have not received their permanent pass. The majority of these cases are a result of the individual not yet attending the requisite security briefing or our not having received the results of the IRS tax check.

To facilitate clearances, Clarissa Cerda, Marvin Krislov, and I have focused first on senior staff. We identified all those who had not attended a security briefing, for example, and requested that they attend one today. Nearly all of them did so. White House Personnel Security sent notices to other staff, and we will follow up with any who have not attended this briefing. Of the approximately 100 who had not attending this briefing at the beginning of this week, about half have now done so. The Secret Service is prepared to adjudicate backgrounds quickly.

We will continue to push to ensure that this process is completed as quickly as possible consistent with our important security concerns. Craig Livingstone will provide updated status information every Tuesday so that we can monitor the process closely.

Recent changes to the process have also been made to restrict access to the complex, and to ensure efficient coordination among the various WHO and EOP agencies involved. A copy of these new guidelines is attached. Moreover, I have directed that all White House employees be interviewed by security personnel prior to or immediately upon appointment.

Access to Classified Information

An employee with a permanent pass is entitled to access to classified information (up to Top Secret) on a need-to-know basis. The vast majority of White House employees have no need to see classified information. Those employees whose background clearance is not yet completed may be granted access to classified information if access is requested by the head of the employee's department because necessary, and such access is authorized by the White House Personnel Security Office in conjunction with the Counsel's Office. This "interim access" is currently granted to only a few employees in the White House Office and should be provided only on an emergency basis.

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[4] Some detailees who have been here more than 30 days have not yet completed all paperwork, because they may not be required to do so for short-term details lasting less than 90 days.

[5] These numbers are not the same as authorized staff numbers. They reflect, for example, OVP staff on the Senate payroll, and some others.

Access to information above the Top Secret category requires special procedures, including authorization from the relevant agencies (e.g., DOD, CIA).

I have met with Alan Kreczko, Legal Adviser, NSC, and Jamie Baker, Deputy Legal Adviser, NSC, to discuss White House handling of classified materials. Next week, I will recommend, with their advice, how we should review our handling of this material over the past 14 months and develop proposals for any necessary changes.

We have also prepared draft responses to inquiries from members of Congress, which I can provide in a final proposed response tomorrow.

NOMINATION CLEARANCE PROCESS

The Counsel's Office has been responsible for ensuring that all potential nominees (including PASS, PAs and senior SESs): (1) are authorized by the Office of Presidential Personnel; (2) have undergone an FBI name check; (3) have submitted a PDS, SF 86, and tax check waiver; (4) have undergone a public record vet; (5) have been interviewed by the White House Counsel's Office; and (6) have submitted any required financial forms. A candidate whose vet is clear can be identified as a selected nominee or appointee. Only after receipt and approval of the BI, and clearance by the agency and the Office of Government Ethics on conflicts of interest, is the candidate nominated or appointed.[6]

This process has involved the coordination of more than 20 employees at any given time, including but not limited to the Deputy Chief of Staff, two Associate Counsels, three-five White House Vetters, three-five Financial Reviewers, two Researchers, three Presidential Personnel staff, three White House Security Office personnel, one Paralegal, three Volunteers, two Interns, and several secretaries, receptionists, and other support staff.

Improving the Process

In conducting this review, Clarissa Cerda interviewed personnel from all the appropriate offices and departments involved in the process. As a result, we have been able to identify potential problem areas in the process--areas where bottle necks are most likely to slow down the process.

Veronica Biggins and I have submitted a memorandum to Phil Lader recommending a limited clearance process for most members of Boards and Commissions that are not Senate confirmed, and moving the SES

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[6] The Counsel's Office is also responsible for overseeing the release and review of FBI background investigations to the agencies' security officers in order to permit them to grant the appropriate security clearance to the President's nominees.

vetting process out of the White House to the agencies. A copy of that memorandum is attached. These recommendations will be implemented through (a) identifying appropriate agency ethics officials for Boards and Commissions, (b) determining which Boards and Commissions will continue to need vetting, and (c) training agency officials in SES vetting. The Counsel's Office will continue to require that it review certain issues raised in an appointee's agency vet or background investigation.

These recommendations reflect our attempt to balance the need to speed the clearance process with the need to protect the President in the appointment process.

I will add at least three more detailed personnel to the vetting office and two more financial reviewers in the immediate future to facilitate the speedy clearance of any nominees now pending. I have begun identifying appropriate persons for these jobs.

Last week, Assistant Counsel Kathleen Whalen assumed some of the supervision for the ethics/conflicts aspect of the financial review process, which had fallen to me before. In addition, Assistant Counsels Clarissa Cerda and Marvin Krislov will also assist in the clearance process. For example, they will perform initial reviews of name checks and Bis. In addition, Vicki Divoll of our office will assist in other areas of the clearance process.

CONCLUSION

I have reviewed both the White House Clearance Process and the Nomination Clearance Process. Upon review, we have spotted areas where potential problems could occur with the current structure. As a result, we have identified both short-term and long-term changes to the process. I intend to focus first on short-term solutions, to move as many clearances through as quickly as possible.

Cross-Cutting and Policy Issues

Issue: White House Passes

Summary

The White House and the Executive Office of the President have recently come under criticism for delays in issuing permanent passes. The White House has thoroughly investigated the issue and has already implemented procedures:

(1) to reinforce existing guidelines for insuring 100% compliance by all personnel; and

(2) to streamline and accelerate the process for completing full security checks.

Even before these steps were taken, existing practices and procedures insured that White House personnel would not have access to the Complex until they had passed a preliminary security check. That check, which occurs before issuance of even a temporary pass, satisfies one of the principal objectives of a background investigation: minimizing the risk that dangerous or unstable individuals would have access to the White House Complex.

Current Statistics

White House

Of the 503 individuals (employees and detailees) in the White House (defined for these purposes to include OVP and OPD):

263 have permanent passes; Of the remaining:
111 have favorably adjudicated background investigations (BIs);
105 have BI's pending;
24 have not yet completed the paperwork

All of the employees who have not completed their preliminary paperwork are now in compliance with the Chief of Staff's directive that all staff must complete the requisite forms within 30 days of beginning work.

The NSC

Of the 149 individuals working for the NSC:

86 have permanent passes;
51 have favorably adjudicated BIs;
1 has a BI pending;
4 have not yet completed paperwork

All of the individuals who have not submitted the required paperwork are in compliance with the Chief of Staff's thirty-day rule.

Other Components of the EOP (Excluding OMB and USTR)

Attachment 1, prepared by Chuck Easley, summarizes the status of other EOP components. Note that all employees have submitted the necessary paperwork.

Statistical Overview

1. Of the over 1000 employees working in the White House or one of the EOP components detailed above, all but 29 have completed the necessary paperwork.

2. All of these 29 individuals have been employed for less than 30 days and are therefore in compliance with the COS's directive.

3. All current employees have been the subject of -- and passed -- a preliminary background check, which includes an FBI (NCIC) computer search for criminal history and a review of any existing intelligence files previously maintained on the individual.

4. With no or virtually no exceptions, all employees who have been in the complex for 30 days or more have also been fingerprinted. The prints are immediately submitted to the FBI for further analysis and computer checks.

General Procedures:

The White House and EOP follow a rigorous, multi-step process before issuing a permanent pass. Under current procedures, it takes, on average, four to five months to complete all phases of the process. The majority of that time (60 to 90 days) consists of a full field background check conducted by the FBI. In virtually every detail, the procedures followed by the Clinton Administration are identical to those followed by previous administrations.

While these procedures are not new, it would be fair to say that the Administration has achieved **greater operational efficiencies** over the last six months. As a result, the bottlenecks that previously delayed issuance of passes have been corrected, and we anticipate that the White House will be able to continue to process passes in approximately four months.

In general, the current procedures are as follows:

1. Applicants participate in a security interview and provide preliminary background information.

2. Every applicant's name and DOB is then forwarded to the FBI and checked on the National Crime Indicator Center (NCIC) computer. Simultaneously, the same information is used to ascertain whether any intelligence files are maintained on the individual.

3. OA Personnel Management Division arranges to have the applicant tested for illegal drug use.

4. If the results of the above inquiries and procedures do not indicate a problem, 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 form in 30 days, he or she will be put on leave without pay status and access to the complex will be revoked. (See attached McClarty Memo.)

5. Upon receipt of the forms, a security officer reviews them to insure completeness, and then forwards them to the FBI and other relevant authorities.

6. 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.

7. Within 60 to 90 days of receiving the forms, the FBI submits the results of its background check. The security officer (in consultation with White House Counsel's office where appropriate) then reviews the file and addresses any concerns that may have been identified. If there are no concerns (or after any concerns have been resolved), the file is sent to the Secret Service for its review and issuance of a permanent pass.

Volunteers are subject to the initial computer name check only. In unusual cases where volunteers stay an extended period of time, they are asked to submit the comprehensive SF-86 form. If the submission raises any concerns, the agency security officer addresses them and takes action as appropriate.

Special Non-Government Service ("NGS") hard passes are issued on a very limited basis. All such individuals are subject to the NCIC computer check as well as the FBI fingerprint check.

In this Administration, there have been no instances in which a political appointee has overridden the FBI, the Secret Service, or other security officer concerning the issuance of a pass.

Access to Classified Material

In the White House, as in the rest of Government, disclosure of classified material is strictly on a "need to know" basis. Thus, it is the responsibilty of the person who wishes to share a classified document to ascertain whether the individual in question has the necessary clearance.

Although that general principle is applicable throughout the Executive Office of the President, the procedures for obtaining a clearance differs depending on whether the individual is in the White House or another component of the EOP. (The NSC's procedures, presumably, are unique to it.)

Once a WHO employee has a permanent pass, he or she is eligible to see classified documents (up to "top secret") on a need-to-know basis. An employee of another EOP component may not be shown classified material until he or she has submitted an additional form, which has been reviewed and cleared by the appropriate security officer.

With only one possible exception, we are aware of no instances when these procedures were violated. (There is no reason to believe that the individual in question is a security risk). Nonetheless, steps are being taken to ensure full compliance in the future. **[PT, would it be appropriate to have Craig, Bill or Mack issue a memo on this].**

Privacy Issues

It would be inappropriate, and in fact illegal, to comment on the background investigation of any particular individual.

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

1. The Administrative Contact for employing department submits the following completed forms to the Office of Management and Administration. These forms are available from Room 145:

   a. *Pre-employment Form*, completed by administrative contact and signed by the Assistant to the President for that department;
   b. *Drug Testing Form*, completed and signed by the prospective employee and
   c. *Supplemental Personnel Form ("blue form")* with appropriate sections completed by the administrative contact and the prospective employee and signed by the department head and the prospective employee.

2. Management and Administration coordinates with White House Personnel Security (WHPS) to schedule and conduct security interview. *Blue forms* for new employees or OGEs will be stamped "SECURITY INTERVIEW REQUIRED."

3. Management and Administration coordinates with the Office of Administration (OA), Personnel Management Division (PMD) to have prospective employee tested for illegal drug use.

4. Upon conclusion of security interview and favorable recommendation from WHPS, Management and Administration approves *Pre-employment Form* and notifies administrative contact for employing department accordingly. WHPS will notify Management and Administration by telephone.

5. OA, PMD conducts new employee orientation every Monday at 9:00 a.m. Management and Administration will advise new employees that they should attend the next scheduled Monday session. During orientation, the new employee reads and signs the oath of office, fills out tax forms, and receives information regarding health care, retirement, and life insurance. Also during this time, the new employee receives a copy of the Standards of Conduct and views a video from the Office on Government Ethics. In addition, annual ethics training is conducted for all employees.

6. Management and Administration sends security packet to administrative contact for prospective employee's department for completion by prospective employee. NOTE: Additional filings may be required of a new employee depending on the rate of pay, and/or the nature of their responsibilities. Management and Administration will work with White House Counsel's office to identify new employees who may be required to file additional forms. In addition, new OGEs may be asked to submit copies of similar forms filed at their parent agencies.

7. Management and Administration approves the *Supplemental Personnel Form* [1] and sends it to WHPS for action. **Effective date of hire** is noted as "Effective Date" on *the blue form*. Management and Administration may make changes to *the blue form* regarding personnel status, or effective date, if necessary.

8. WHPS initiates the FBI name check and other investigatory procedures. Individual's name is placed on the "access list." This means the individual must present positive identification each time he or she enters the Complex. The extent of the individual's access (e.g, White House or Old Executive Office Building) is determined by the type of badge requested on the *blue form*.

9. New employee has 30 days from **effective date of hire** to submit completed[2] security forms (SF-86, FBI consent, tax check waiver, personal data statement questionnaire, and other required forms[3]) to WHPS.

10. If the FBI name check is concluded without negative consequences and a badge was requested on the *blue form*, the new employee receives a TEMPORARY picture badge with a "T" on it and a 30-day expiration date. The individual is also fingerprinted by the United States Secret Service (USSS). The fingerprints are then sent through the national database and afterwards kept on file by the USSS. In the event additional negative information is revealed when the fingerprints are checked, this information is brought to WHPS.

11. If the FBI name check or the USSS fingerprint review reveals negative information not previously reported in the security interview or other preliminary investigations, WHPS will interview the individual and determine whether continued employment is appropriate.

12. Approximately 5-6 days before the 30-day expiration date is reached, the USSS notifies WHPS, in writing.

    a. WHPS will review the individual's security file to determine whether all necessary forms have been turned in.

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

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

[3] See Item 6 above.

b. If forms have **not** been turned in, the individual's supervisor will be notified by WHPS that appropriate forms have not been turned in and asked to take necessary action.

c. If by the end of the 30-day period, completed forms have **still** not been turned in,

   i. USSS will be advised not to renew the individual's access (i.e., issue a new expiration date).

   ii. WHPS will issue a memorandum to the file that access has been revoked. A copy of this memorandum will be sent to Management and Administration and to the White House Division/Access Control Branch (ACB) of the USSS.

   iii. Management and Administration will take the necessary steps to place the individual in a Leave Without Pay status.

d. Once completed forms are returned to WHPS,

   i. WHPS will notify USSS, in writing, to restore access to the Complex. A copy of this notification will be sent to Management and Administration and the ACB/USSS.

   ii. Management and Administration will take the necessary steps to restore the individual to a pay-receiving status.

13. Once all necessary, completed forms are returned to WHPS, they are distributed to the appropriate agencies and departments for action:

    a. The SF-86 is sent to the FBI to initiate a full-field background investigation.

    b. The Tax Check Waiver is sent to the Internal Revenue Service to initiate a review of the individual's tax records.

    c. The Personnel Data Statement Questionnaire is reviewed by WHPS and, as appropriate, White House Counsel.

    d. Financial disclosure forms and other forms, as necessary, are reviewed by White House Counsel.

14. During this time, the individual is required to attend a security briefing. Attendance is mandatory and the individual's presence is noted and included in his or her security file. A notice about attendance at these briefings is included in the security packet. In addition, a post card is sent to the individual approximately 30 days after they enter on duty. The security briefings are held on the last Thursday of each month at 10:00 a.m. in Room 450. Arrangements may be made with WHPS to view a video briefing.

15. As each agency or department concludes its investigations, the findings are returned to WHPS for inclusion in the individual's security file. WHPS keeps a record of these findings as they are returned.

16. As findings are returned from agencies and departments, they are reviewed within **five days** by the WHPS director and the White House Counsel's Office. In the event specific issues are revealed during this review, action in accord with appropriate security procedures will be initiated immediately.

17. Upon conclusion of all investigations and review and if a badge was requested on the *blue form,* WHPS makes a recommendation to the USSS to issue a PERMANENT picture badge. The USSS may accept or reject the recommendation.

    a. If the recommendation is accepted, the individual is issued a permanent badge.
    b. If the recommendation is rejected,
        i. WHPS may work with USSS and the individual to resolve outstanding issues.
        ii. In the event outstanding issues cannot be resolved:
            (1) a permanent badge may not be issued, but the individual may be placed on restricted access; or
            (2) continued employment may be deemed inappropriate and WHPS will advise Management and Administration to initiate a Separation Action.

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.

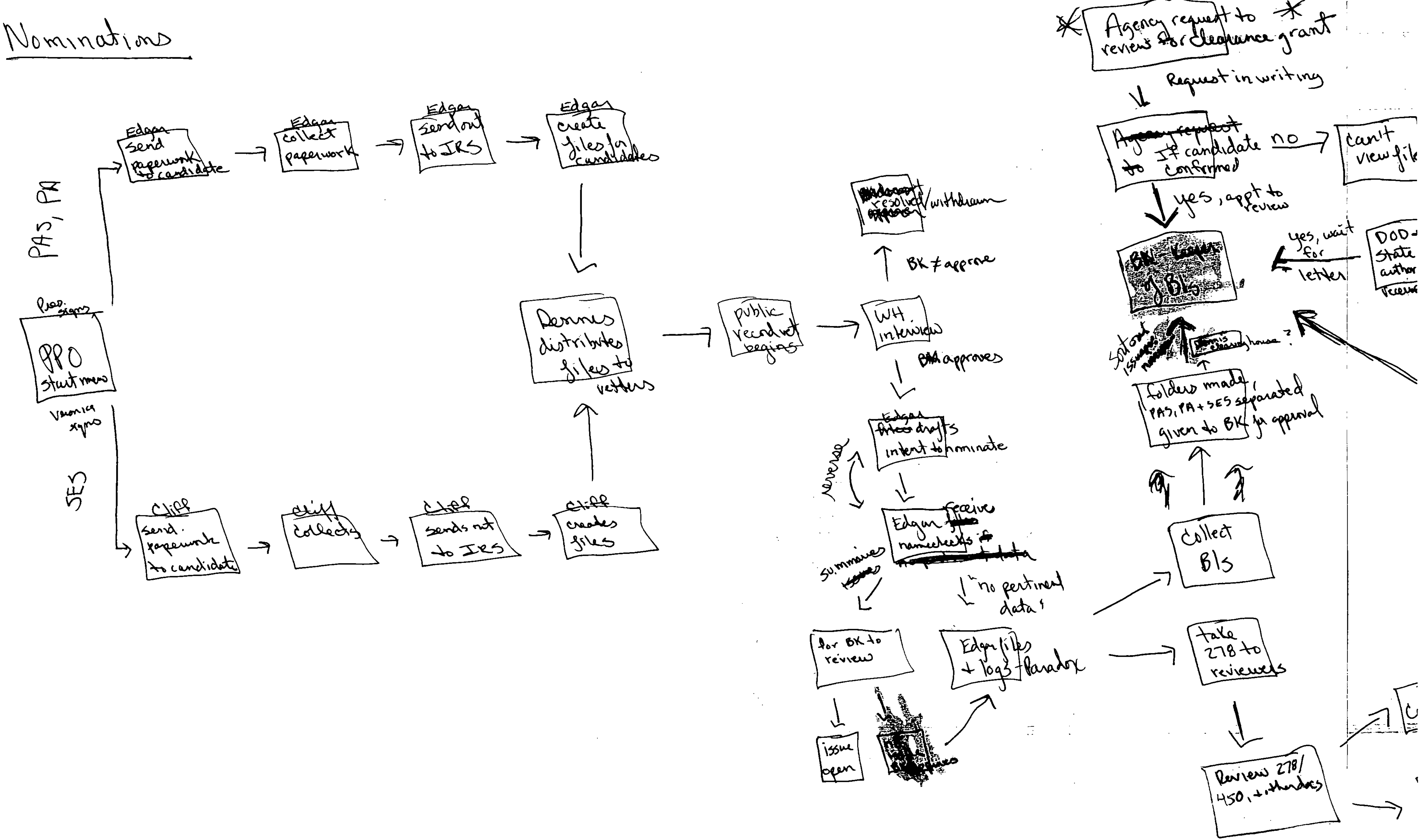
—Intentional, unauthorized disclosure to any person of security information, or of other information disclosure of which is prohibited by law, or willful violation or disregard of security regulations.

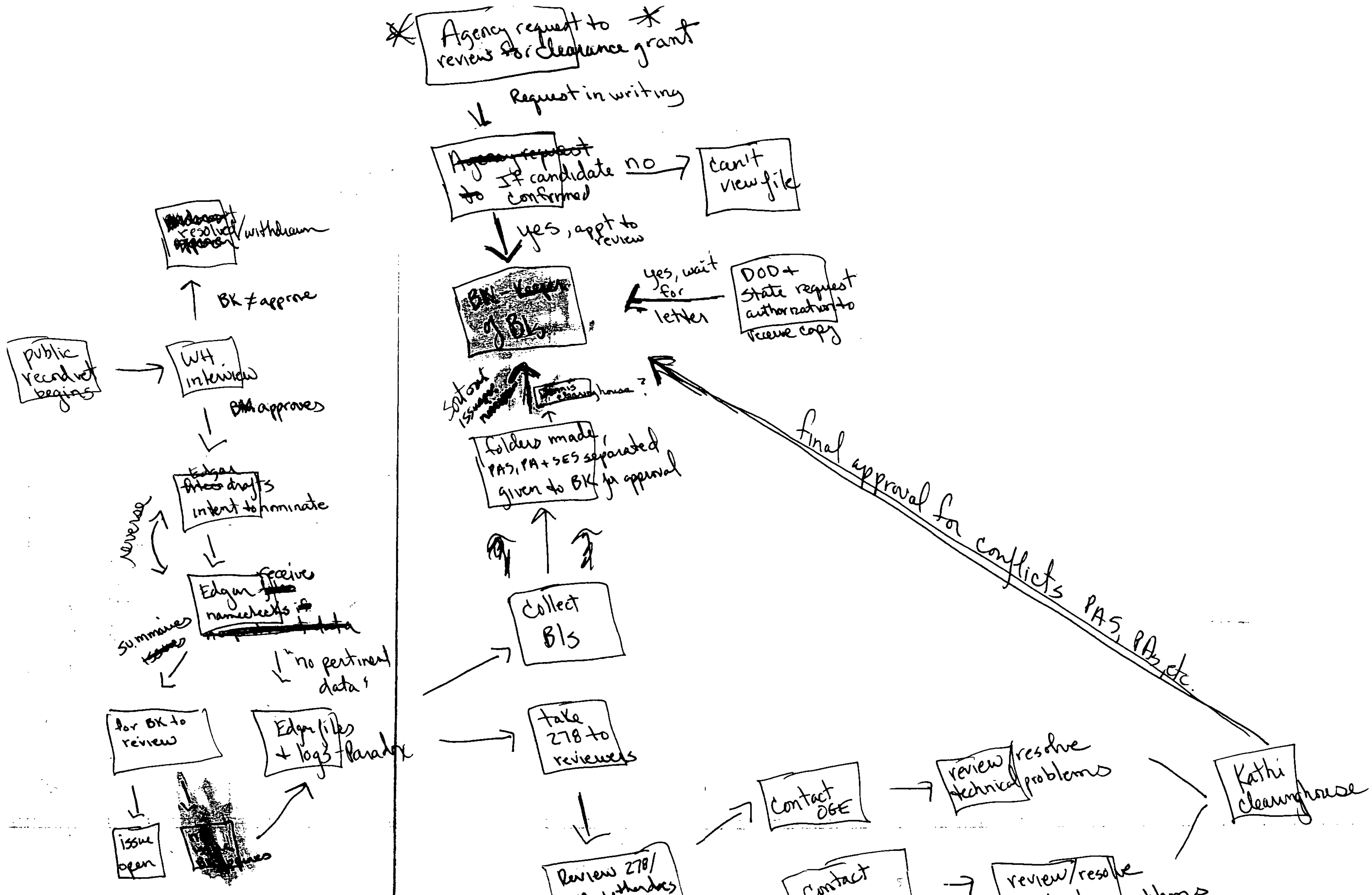
—Performing or attempting to perform duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States.

—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.

Nominations





Agency request to review for ~~clearance~~ grant
Request in writing
~~Agency request to~~ If candidate confirmed
no
can't view file
yes, appt to review
BK [redacted] of BIs
yes, wait for letter
DOD + State request authorization to receive copy
sort out issues
[redacted] clearinghouse ?
folders made, PAS, PA + SES separated given to BK for approval
Collect BIs
take 278 to reviewers
Review 278/450, + others
Contact OGE
review/resolve technical problems
Contact agency
review/resolve substantive problems
Kathi clearinghouse
final approval for conflicts PAS, PAs, etc.
resolved/withdrawn
BK ≠ approve
public record vet begins
WH interview
BK approves
Edgar drafts intent to nominate
reverse
Edgar receive namechecks
summaries
no pertinent data
for BK to review
Edgar files + logs - Paradox
issue open
[redacted]

Clarissa

(A) → Get ## from Craig:

→ How many people could we
(1) get passes finished on
THIS WEEK?

↓

if you and Marvin help him,
(2) how many?

(LNC's big interest) ↑

(B) Ask Craig:

Why does Skip Rutherford have
a pass? Access List / Skip said

(C) Get List of Commissioned Officers
from KW if can't find elsewhere)

↓

Give me ~~[illegible]~~ status of
~~[illegible]~~ each one w/o permanent badge

White House Office
Supplemental Information Sheet for Personnel Action

(To be completed by all persons tentatively selected for employment)

Date:

Name: | Social Security Number:

Date of Birth: | Place of Birth:

Local Address: | Last Permanent Address:

In case of emergency notify: Phone Number:

Marital Status: ☐ Single ☐ Married ☐ Widowed ☐ Separated ☐ Divorced

Spouse's Name: Spouse's Employer:

Department/Office/Agency:

Reporting to: Office Phone Number:

Personnel Status: ☐ White House Employee ☐ Other Government Employee (please specify):

☐ Reimbursable Detail ☐ Non-reimbursable detail ☐ Volunteer

☐ Assignee ☐ White House Fellow ☐ Presidential Management Intern

☐ Historically Provided Service ☐ Intergovernmental Personnel Agreement ☐ Intern

Other:

(For all Other Government Employees, please attach a brief description of the individual's role and responsibilities)

Effective Date: Ending Date (If applicable):

Current or Most Recent Place of Employment:

Address:

Supervisor: Phone Number:

Military Service: ☐ Yes ☐ No Service Branch: Date of Discharge:

Prior EOP Service: ☐ Yes ☐ No Agency: Dates of Employment:

Have you ever been fired from any job for any reason, quit after being told you would be fired, or left by mutual agreement because of specific problems? ☐ Yes ☐ No (If yes, please explain on the back of this form.)

Are you now under any charge, or have you ever been convicted of, or forfeited collateral for any violation of law?
☐ Yes ☐ No (If yes, please explain on the back of this form.)

To Be Completed By Requesting Official:

Type of Pass or access requested:

☐ WH Badge ☐ WH Vol ☐ WH Access ☐ Other (OGA, NGS, CON)

☐ EOP Badge ☐ EOP Vol ☐ EOP Access

Signature of Requesting Office Approving Official

To be completed by all regular Employees and Other Government Employees:

I acknowledge that the information provided herein is true and correct to the best of my knowledge and further acknowledge that this information may be used to initiate a preliminary background investigation in preparation for my employment in the White House and the Executive Office of the President.

Signature Date

To be Completed by Volunteers Only:

I acknowledge that the personnel data is correct and I am volunteering my services without compensation or promise of such.

Signature Date

Revised 1/94

Explanation of any answers given on front

NSC

Change

Political

Change

All forms

THE WHITE HOUSE

WASHINGTON

PERSONAL DATA STATEMENT QUESTIONNAIRE

FROM: BERNARD W. NUSSBAUM
COUNSEL TO THE PRESIDENT

As part of the clearance procedures for your prospective position, please answer all of the following questions (**please do not respond "not applicable" or "N/A" if your response is "no" or "none")**. In responding to the questions, please supply any information regarding your spouse or relatives that you deem to be relevant. Your responses to this questionnaire, which is not subject to public disclosure, are confidential.

You can type your responses in memorandum form on a separate sheet of paper with each answer corresponding to the number of the question. You do not need to retype the questions, but please sign and date the response.

Because your appointment cannot be finalized until all necessary reviews have been completed, please supply this information within **24 hours** to **Edgar Bueno** of my staff. **(Old Executive Office Building, Room 136, Washington, D.C. 20500; fax number: (202) 456-2146).**

If you have any questions or need assistance in responding to this questionnaire, please do not hesitate to contact this office at 202-456-6229. Thank you for your cooperation.

Personal and Family Background

1. Please list your full name; home address and telephone number; office address and telephone number; date and place of birth; citizenship; and social security number.

2. Please identify your current marital status; spouse's name, citizenship, occupation, and current employer; and the names and ages of your children.

3. Do you have any medical conditions that could interfere with your ability to fulfill your duties? Please explain.

Professional and Educational Background

4. Please list each high school, college, and graduate school you attended; the dates of your attendance; and degrees awarded.

5. Please furnish a copy of your resume and a brief biographical statement.

6. Please chronologically list activities, other than those listed on your resume, from which you have derived earned income (e.g., self-employment, consulting activities, writing, speaking, royalties, and honoraria) since age 21.

7. Please list each book, article, or publication you have authored, individually or with others.

8. Identify each instance in which you have testified before Congress in a non-governmental capacity and specify the subject matter of each testimony.

9. Please list all corporations, partnerships, trusts, or other business entities with which you have ever been affiliated as an officer, director, trustee, partner, or holder of a significant equity or financial interest (i.e., any ownership interest of more than 5%), or whose decisions you had the ability to influence.

10. Please provide the names of all corporations, firms, partnerships, trusts, or other business enterprises, and all non-profit organizations and other institutions with which you are now, or during the past five years have been, affiliated as an advisor, attorney or consultant. It is only necessary to provide the names of major clients and any client matter in which you and your firm are involved that might present a potential conflict of interest with your proposed assignment. Please identify the clients by name unless it would breach a confidential relationship or duty respecting a privileged matter. In addition, please provide the names of any other organizations with which you were associated which might present a potential conflict or the appearance of conflict of interest with your prospective appointment.

11. Please describe any contractual or informal arrangement you may have made with any person or any business enterprise in regard to future employment or termination payments or financial benefits that will be provided you if you enter government employment.

12. If you are a member of any licensed profession or occupation (such as lawyer, doctor, accountant, insurance or real estate broker, etc.), please specify: the present status of each license; and whether any such license has ever been withdrawn, suspended, or revoked, and the reason therefor.

13. Does your spouse or any family member or business in which you, your spouse or any family members have a significant interest have any relationship with the federal government through contracts, consulting services, grants, loans or guarantees? If yes, please provide details.

14. If you have performed any work for and/or received any payments from any foreign government, business, or individual in the past 10 years, please describe the circumstances, and identify the source and amount.

15. Please list any registration as an agent for a foreign principal, or any exemption from such registration.

16. Have you ever registered as a lobbyist or other legislative agent to influence federal or state legislation or administrative acts? If yes, please supply details.

Tax and Financial Information

17. As of the date of this questionnaire, please list all assets and liabilities with a fair market value in excess of $5,000 for you and your spouse and provide a good faith estimate of value. As to liabilities, please list the name and address of the creditor, the amount owed to the nearest thousand dollar, a brief description of the nature of the obligation, the interest rate (if any), and the date on which due.

18. Please describe all real estate held in your name or in your spouse's name during the last six years, including any real estate held in combination with others or on your or your spouse's behalf in trust, by a nominee, or through any other title-holding entity.

19. Have you and your spouse filed all federal, state and local income tax returns?

20. Have you or your spouse ever filed a late income tax return without a valid extension? If so, describe the circumstances and the resolution of the matter.

21. Have you or your spouse ever paid any tax penalties? If so, describe the circumstances and the resolution of the matter.

22. Has a tax lien or other collection procedure ever been instituted against your or your spouse by federal, state or local authorities? If so, describe the circumstances and the resolution of the matter.

Public and Organizational Activities

23. Please list current and past political party affiliations.

24. Please list each membership you have had with any civic, social, charitable, educational, professional, fraternal, benevolent or religious organization, private club, or other membership organization (including any tax-exempt organization) during the past 10 years.

25. Have you or your spouse at any time belonged to any membership organization, including but not limited to those described in the preceding paragraph, that as a matter of policy or practice denied or restricted affiliation (as a matter of either policy or practice) based on race, sex, ethnic background, religious or sexual preference?

Legal and Administrative Proceedings and Filings

26. Please list any lawsuits you have brought as a plaintiff or which were brought against you as a defendant or third party. Include in this response any contested divorce proceedings or other domestic relations matters.

27. Please list and describe any administrative agency proceeding in which you have been involved as a party.

28. Please list any bankruptcy proceeding in which you or your spouse have been involved as a debtor.

29. Have you or your spouse ever been investigated by any federal, state, military or local law enforcement agency, or arrested for, charged with, or convicted of violating any federal, state or local law, regulation or ordinance (excluding traffic offenses for which the fine was less than $100)? If so, please identify each such instance and supply details, including: date; place; law enforcement agency; and court.

30. Please list any complaint ever made against you or by any administrative agency, professional association or organization, or federal, state or local ethics agency, committee, or official.

Miscellaneous

31. Have you ever had any association with any person, group or business venture that could be used, even unfairly, to impugn or attack your character and qualifications for a government position?

32. Do you know anyone or any organization that might take any steps, overtly or covertly, fairly or unfairly, to criticize your appointment, including any news organization? If so, please identify and explain the basis for the potential criticism.

33. Please provide any other information, including information about other members of your family, that could suggest a conflict of interest or be a possible source of embarrassment to you, your family or the President.

Withdrawal/Redaction Marker
Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	re: Pass Awaiting Access List (Personnel) (2 pages)	03/24/1994	b(6)

COLLECTION:

Clinton Presidential Records
Counsel Office
Chris Cerf
OA/Box Number: 6175

FOLDER TITLE:

Security Clearance & Vetting Project [4]

2006-1066-F
jm1374

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]

Any Changes?

THE WHITE HOUSE

WASHINGTON

MEMORANDUM

TO: BETH NOLAN
ASSOCIATE COUNSEL TO THE PRESIDENT

FROM: GEORGE SAUNDERS/CRAIG LIVINGSTONE

RE: **SECURITY INTERVIEW**

On ____________________, _______________________ was afforded a security interview. The following subject matter was covered. This memo will be filed in the security file maintained by Craig Livingstone.

Current address and identity of members of the immediate family and/or household.

U.S. Citizen? Yes ______ No ________ List foreign-born relatives, with INS number.

Any employment not listed on the SF-86.

Any use of marijuana or other controlled substances.

Use of alcohol - past or present. Any arrests for DW Impaired or DW Intoxicated.

Males, 18 years of age: draft registration. (Born after 12/31/59)

College graduate: any outstanding loans.

Discuss question 23, SF-86. (Have you ever been arrested, taken in to custody, held for investigation, or charged by any law enforcement authority or the military; have you ever been the subject of an administrative, disciplinary, or other enforcement action by any governmental agency or other entity?)

Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by, or been the subject of a complaint to any court, administrative agency, professional association, disciplinary committee, or other entity?

Have you or any firm, company, or other entity with which you have been associated ever been convicted of a violation of any Federal, state, county or municipal law, regulation, or ordinance?

Have you ever been involved in civil or criminal litigation or in administrative or legislative proceedings of any kind, either as a plaintiff, defendant, respondent, target, witness, or party in interest?

Has a tax lien or other tax collection procedure ever been instituted against you by Federal, state, or local authorities? Are you current with all jurisdictions?

Current monthly financial status: any judgments filed or collection actions undertaken by any person or entity regarding unpaid obligations?

Have you or any members in your immediate family, including in-laws, ever had any contact with foreign diplomatic establishments or their representatives in the U.S. or abroad (includes commercial, consular, news media, and trade or travel organizations), or have you or any member of your family ever represented any foreign government, corporation, agency, partnership, or entity?

To your knowledge, have you ever been the subject of a full field or personal background investigation by any agency of the Federal Government? Have you ever been denied a security clearance, or had one revoked?

Please provide any other information that could be a possible source of embarrassment to you or the White House, if publicly known.

Withdrawal/Redaction Marker
Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
002. memo	re: SF-86s Pending Corrections (Personnel) (1 page)	03/29/1994	b(6)

COLLECTION:
Clinton Presidential Records
Counsel Office
Chris Cerf
OA/Box Number: 6175

FOLDER TITLE:
Security Clearance & Vetting Project [4]

2006-1066-F
jm1374

RESTRICTION CODES

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

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P6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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DETERMINED TO BE AN
ADMINISTRATIVE MARKING
INITIALS: JAM DATE: 2/9/15
2006-1066-F

Attorney Work Product
Privileged & ~~Confidential~~

Drew G. Peel
____/____/____

NOMINEE FILE QUESTIONS

I. POINTS OF CONTACT

A. Agency: ____________________
B. OGE: ____________________

II. SF 278

A. Technical

B. Conflicts

1. Affiliations
   a. Current
   b. Past

2. Financial Interests
   a. Conflicts with Position
   b. Divestiture/Recusal Plans

3. Ethics Agreements ????

III. OTHER ISSUES

A. SF 86
   1. Foreign Activities (Q. 14)
   2. Military History (Q. 16)
   3. Persons Living With (Q. 19)
   4. Selective Service Registration (Q. 20)
   5. Military Record (Q. 21)
   6. Employment Record (Q. 22)
   7. Police Record (Q. 23)
   8. Medical Record (Q. 24)
   9. Illegal Drugs & Alcohol (Q. 25)
   10. Investigations Record (Q. 26)
   11. Financial Record (Q. 27)
   12. Association Record (Q. 28)
   13. Supplement
       a. Convictions (Q. 3s)
       b. Criminal Investigations (Q. 4s)
       c. Involvement in Litigation (Q. 5s)
       d. Disciplind or Citd for Breach Ethics (Q. 6s)
       e. Campaign Involvement & Complaints (Q. 7s)
       f. Membership in Exclusive Clubs (Q. 8s)
       g. Persons Living With (Q. 9s)
       h. Personal Details (Q. 10s)

B. WH PDS
   1. Medical Conditions (Q. 3)
   2. Past Lobbying Activities (Qs. 8, 16)
   3. Affiliations (Qs.9, 10, 23, 24, 25)
   4. Future Arrangements (Q. 11)
   5. Professional Licensure (Q. 12)
   6. Other Family Involvement with Gov't (Q. 13)
   7. Work for Foreign Gov't (Qs. 14, 15)
   8. Financial & Property Interests (Qs. 17, 18)
   9. Tax Matters (Qs. 19, 20, 21, 22)
   10. Involvement in Litigation (Qs 26, 27, 28)
   11. Investigation (Q. 29)
   12. Complaints Against (Q. 30)
   13. Other Information (Q. 31, 32, 33)

C. IRS Memorandum

D. Interview Form
   1. Domestic Help
   2. Other Issues

EXECUTIVE OFFICE OF THE PRESIDENT
SECURITY CLEARANCE / PASS STATISTICS
23-Mar-94 08:38

AGENCY	Number of Staff incl. detailees	No. of Perm. Passes Issued	No of Temp. WH Passes/ WH Access List	No. of Temp. OEOB Passes/ OEOB Access Ls	Adjudicated Backgrounds Completed	Pending Background Investigations	Awaiting Paperwork
White House Office	424	243	151	30	96	71	14
Office of Policy Development	53	17	26	10	20	11	5
Council on Environmental Quality	6	5	0	1	0	1	0
Executive Residence	89	89	0	0	0	0	0
Office of the Vice President	26	13	11	2	11	0	1
National Security Council	149	86	49	14	51	1	4
Office of Nat'l Drug Control Policy	23	18	1	4	1	4	0
Office of Science & Tech Policy	41	25	10	6	10	6	0
Council of Economic Advisers	34	28	3	3	3	3	0
Office of Administration	186	177	5	4	5	4	0
TOTAL	1031	701	256	74	197	101	24

Various Totals of Statistics

	No. of Staff	No. of Passes (all types)	No. of Temp. Passes/Access	No. of BIs and Awaiting BIs/No Paper	Total Pending or Await. Paper
White House Office	424	424	181	181	85
Office of Policy Development	53	53	36	36	16
Council on Environmental Quality	6	6	1	1	1
Executive Residence	89	89	0	0	0
Office of the Vice President	26	26	13	12	1
National Security Council	149	149	63	56	5
Office of Nat'l Drug Control Policy	23	23	5	5	4
Office of Science & Tech Policy	41	41	16	16	6
Council of Economic Advisers	34	34	6	6	3
Office of Administration	186	186	9	9	4
TOTAL	1031	1031	330	322	125

DETERMINED TO BE AN ADMINISTRATIVE MARKING
INITIALS: JAM DATE: 2/9/15
2006-1066-F

Privileged and ~~Confidential~~

OFFICE OF COUNSEL TO THE PRESIDENT
INTERVIEW OF PROPOSED PRESIDENTIAL SUB-CABINET APPOINTEE

Name: Tel. No.:

Position:

Date of Interview: Attorney in Charge:

RECOMMENDATION:

Additional Notes and Comments:

1. Do you have any medical problems that might interfere with your ability to fulfill your duties?

____
____
____
____

2. Have you ever experienced problems on or off the job because of any emotional or mental condition (i.e., problems that could interfere with your ability to fulfill your responsibilities to the Administration)?

____
____
____
____

3. Have you ever had any problems with alcohol or any incidents of public drunkenness?

____
____
____
____

4. Have you ever been charged with or convicted of any felony offense?

____
____
____
____

5. Are there currently any charges pending against you for any criminal offense?

____
____
____
____

6. To the best of your knowledge, are you currently the subject of any criminal investigation?

____
____

Name: ______________________________

7. Have you ever been a defendant in a lawsuit?

8. Have you paid all federal, state or local taxes when due?

9. Have you ever been the subject of an audit by the Internal Revenue Service or a state or local agency responsible for tax collection?

10. Have you used any illegal drugs, including marijuana, since age 18? Have you ever sold or purchased drugs?

11. Do you currently have outstanding debts that exceed your assets?

12. Is there anything in your personal, professional or political background that you think might be used by others to either compromise or embarrass the President or yourself?

Name: ______________________________

13. Are there any individuals or organizations that you believe might oppose your appointment?

____

14. Have you ever been disciplined or cited for, or been the subject of a complaint regarding a breach of ethics or unprofessional conduct?

____

15. Are you now or have you ever been a registered agent for any foreign country, government or political party or organization?

____

16. Do you currently have any foreign clients that could create a potential or perceived conflict of interest?

____

17. Is there any possibility that any of your current or prior work or clients could create an actual or perceived financial or other conflict of interest in your new position in government?

____

18. Are you married? _____ Is your spouse a U.S. citizen? _______

Name: ____________________

19. Do you now, or have you in the past, employed individuals in your household on a part-time or full-time basis? _______
Do you comply with the following laws:

- Immigration laws (post-1986 bar on hiring individuals who do not have authorization to work in the U.S.; I-9 forms): ____________________

- FICA requirements: ____________________

- Federal Unemployment Tax requirements: ____________________

- Worker's Compensation: ____________________

- Fair Labor Standards Act: ____________________

- State and local tax and employment laws: ____________________

Name: ______________________________

20. Have you ever had any problems with employees, including any allegations of racial discrimination or sexual harassment?

____
____
____
____

21. Have you reviewed the package fully, and specifically the ethics forms? _______
Are you fully comfortable with the requirements set forth therein?

____
____
____
____

22. At this time, a full review of your financial disclosure, as set forth on Form SF-278, has not yet occurred. Is there anything that you own or have an interest in, or from which you receive income, that you would not be willing to divest as a condition of employment with the federal government?

____
____
____
____

23. Is there anything that I have not asked that you think we should know before you are appointed by the President?

____
____
____
____

name: Edgar D. Bueno

title: Paralegal, Office of Counsel to the President

job duties: track all paperwork for Presidential Appointees;
answer questions of appointees regarding paperwork and the nomination process;
track the status of Presidential Appointees in the White House Counsel's clearance review process;
work with the FBI, IRS, and OGE in the clearance review process;
assist security officers at the agencies in obtaining security clearances for appointees;
convey FBI background investigations of appointees to members of the U.S. Senate

overall job description: assist with the White House Counsel's clearance review process of Presidential Appointees

immediate supervisor: William H. Kennedy III

March 31, 1994 **DRAFT**

MEMORANDUM FOR LLOYD N. CUTLER
COUNSEL TO THE PRESIDENT

JOEL KLEIN
DEPUTY COUNSEL TO THE PRESIDENT

FROM: BETH NOLAN
ASSOCIATE COUNSEL TO THE PRESIDENT

SUBJECT: WHITE HOUSE PASSES AND SECURITY & WHITE HOUSE NOMINATION CLEARANCE PROCESS

Currently, the Office of Counsel to the President oversees both the White House Pass and Security Clearance Process (the "Security Clearance Process"), as well as the White House Nomination Clearance Process ("WHNCP"). At your request, and with the assistance of Clarissa Cerda, I have undertaken a review of the Security Clearance Process and the Nomination Clearance Process. This memorandum outlines my preliminary conclusions, identifies the steps already taken to facilitate speedy clearances, and indicates where future steps can be taken to ensure that both processes function efficiently.

Security Clearance Process

As overseers of the Security Clearance Process, the Counsel's Office is responsible for ensuring that all WHO and EOP employees: (1) have undergone a namecheck by the Secret Service; (2) are drug-tested by the Office of Administration; (3) are authorized by the Office of Management & Administration; (4) have attended a security briefing; (5) have submitted a personal data statement; (6) have submitted any required financial forms; (7) have undergone an FBI background investigation; and have been reviewed by the IRS; (8) are adjudicated by the USSS; and (9) receive an appropriate permanent pass.

In addition to the above, the White House Counsel's Office is also responsible for overseeing the maintenance of four temporary access lists: (1) the awaiting pass list; (2) the WW & OEOB volunteer list; (3) the EW volunteer list; and (4) the intern list. The total number of individuals on these lists changes frequently. However, the number is likely to be more than 3000 individuals at any given moment.

These two aspects of the Security Clearance Process require the coordination of more than 20 employees throughout the EOP. Recent changes to the process have been made to restrict access and to ensure efficient coordination amongst the various WHO and EOP agencies involved. Additional work will be completed this week and next at the direction of the White House Counsel's Office in order to bring the process into compliance with these newly adopted guidelines. Hereinafter, strict enforcement of the new guidelines should ensure that the Security Clearance Process runs smoothly and swiftly. [A copy of the new guidelines is attached at the end of this memorandum.]

Nomination Clearance Process

As overseers of the Nomination Clearance Process, the Counsel's Office is responsible for ensuring that all potential nominees (including PASs, PAs and SESs): (1) are authorized by the Office of Presidential Personnel; (2) have undergone a namecheck by the Secret Service; (3) have submitted a Personal Data Questionaire; (have submitted any required financial forms; (4) have undergone a public record vet; (5) have been interviewed by the White House Counsel's Office; (6) have undergone an FBI background investigation; (7) have been reviewed by the IRS; (8) have been interviewed by the White House Counsel's Office financial reviewers for conflicts of interest; (9) have been reviewed by their agencies for conflicts of interest; and (10) have received final adjudication from the White House Counsel's Office in both the ethics/conflicts area and the security/clearance area.

In addition to the above, the White House Counsel's Office is also responsible for overseeing the release and review of FBI background investigations to the agencies' security officers in order to allow them to grant the appropriate security clearance to the President's nominees. This process has involved the coordination of more than 20 employees at any given time, including but not limited to 1 Deputy Chief of Staff, 2 Associate Counsels, 3 White House Vetters, 3 Financial Reviewers, 2 Researchers, 3 Presidential Personnel staff, 4 White House Security Office personnel, 1 Paralegal, 3 Volunteers, 1 Intern and several secretaries, receptionists and other support staff.

In conducting this review, Clarissa Cerda interviewed personnel from all the appropriate offices and departments involved in the process. As a result, we have been able to identify potential problem areas in the process--areas where bottlenecking and slowing down are likely to occur due to the current structure of the Nomination Clearance Process.

Upon review of this structure, the following changes will be implemented to eliminate any potential barriers to efficiency or impediments to the continuous flow of the process. First, Veronica Biggins and I submitted a memorandum to Phil Lader this week recommending a limited vet for all members of Boards or Commissions, except for those with fiduciary or otherwise sensitive responsibilities. [A copy of the abovementioned memorandum is attached at the end of this memorandum.] Second, the Counsel's Office will add at least three more vetters and two more financial reviewers in the immediate future to facilitate the speedy clearance of any nominees now pending. Third, structural changes in the process have and will be implemented to ensure the swift clearance of any future nominees. Last week, Assistant Counsel to the President Kathleen Whalen assumed some of the supervision for the ethics/conflicts aspect of the financial review process. In addition, Assistant Counsels to the President Clarissa Cerda and Marvin Krislov will be added to the clearance process in an attempt to expedite some of the more routine and voluminous aspects of the Security Clearance Process--preventing bottlenecking and stoppage where it otherwise would be likely to occur.

Conclusion

The Office of Counsel to the President has reviewed both the Security Clearance Process and the Nomination Clearance Process. Upon review, we have spotted areas where potential problems could occur with the current structure. As a result, we have identified both short-term and long-term changes to the process. We will implement these changes as soon as is feasible in order to ensure that the White House maintains a swift and efficient clearance system.

Tues 5:00 pm

Clarissa - will you track down all things press office has said on passes & security. Lisa can do this if you give her direction.

There were some "Fast Facts" issued last Weds. I'd like those tonight (~~today~~) if at all possible.

B.

Dave Leavy
x 2673

Susan Thomases has never been issued a temporary hard pass. At one time, she did have a temporary residence pass; she voluntary turned it in last year.

Mark Grobemyer (Little Rock lawyer) has never had a temporary hard pass.

Other Passes/Waiting Passholders

There are approximately 150 people who have received a pass which grants access to the West Wing. These passholders are referred to as "waiting passholders." The majority of the passholders include new employees (like Ginny Terzano) and chiefs of staff and special assistants from the departments and agencies -- individuals who attend regular meetings and briefings at the White House.

The issuance of these passes is comparable to previous administrations including the Bush administration.

Mark Grobemyer was issued such a pass; he turned in the pass last week. He has never had a West Wing office.

Conclusion

Over the last several weeks, the Chief of Staff has taken appropriate steps to tighten the issuance of passes and to tighten the guidelines of filling out the proper paperwork. He is currently reviewing all procedures. The White House has taken swift and positive steps to decrease the lag period for pass approval, and to ensure that there is not even the appearance of conflict or impropriety which could cause embarrassment to the President.

File

PASSES
Tuesday, March 22, 1994

Per Craig Livingstone:

There are about 1030 staff in the Executive Office of the President. Nearly 700 have permanent hard passes. (About 300 people have temporary hard passes because either their FBI check has not been adjudicated or final approval from the appropriate WH office has not yet been issued).

All EOP staff are within compliance of the Chief of Staff guidelines for new employees which requires employees to complete all security paperwork within 30 days of employment. This includes Dee Dee Myers and all senior staff.

Despite news reports, the Administration has never ordered the Secret Service to issue a pass. Despite news reports, there are not any "Friends of Bill" with a permanent hard pass. Various advisors have been issued temporary hard passes -- not unlike previous White House administrations.

Non Government Service Pass Holders/Temporary Hard Passes

There are under 20 non government service (NGS) temporary passholders. The majority of NGS passholders include contractors who have regular business at the White House such as AT&T workers.

Advisors of the President such as Paul Begala, Stan Greenberg, Mandy Grunwald, James Carville have been issued "non government service" temporary passes. Upon receiving these passes at the beginning of the President's term, these advisors were given an ethics briefing by Beth Nolan of the counsel's office.

These advisors have agreed to submit to a full FBI background security check -- an unprecedented step for any WH administration. This is a positive voluntary step to avoid any appearance of conflict or impropriety, or embarrassment to the President. These advisors never have access to classified material.

Under previous WH administrations, NGS temporary passes have been issued to presidential advisors. Unlike this administration, full FBI security background checks were conducted on these passholders.

Betsy Wright has never had a permanent pass or temporary pass of any kind.

-more-

3/28/94

Clarissa -
As discussed, here is a draft.

[signature]

DRAFT -- March 28, 1994
BLATCH/ a:procedur.mem log disk

Note: A uniform system of labeling disks and documents is suggested throughout the memo. It does not really matter what the system is, so long as everyone uses the same general system.

March __, 1994

MEMORANDUM FOR ALL DETAILEE'S (?) ASSIGNED TO CONFLICTS REVIEW

FROM: Beth Nolan, Associate Counsel to the President

SUBJECT: Office Procedures

The purpose of this memorandum is to provide standardized procedures for all professional staff detailed to the White House Counsel's Office to perform conflicts reviews. The objectives are to achieve some degree of uniformity in the work product of the Office, and to have a computerized data base permitting quick searches to locate information about prior actions or counseling matters. To this end, please ensure that all issues, and all final resolutions are recorded in one of the four standardized formats described below. The rule of thumb is anything worth saving should be saved on disk. If you are reluctant to throw out a handwritten note, it should be on disk.

The work of this office has been divided into two broad categories; (1) nominations, and (2) review of SF 278 and SF 450 disclosure forms and all other counseling matters. Upon your arrival, please request two computer 3 1/2 inch disks. Use one disk for everything relating to nominations, and the other disk for review of SF 278/450 and all other counseling matters. Write your name and the date on each disk. Label one "Nominee Reports", and the other, "SF 278/450 Review". When you leave the White House, give both disks to Kathi Whalen [? -- along with a status report of all pending matters assigned to you].

It is preferable to save all documents on the 3 1/2 inch disks, rather than the hard drive. If you do use your hard drive, to prevent inadvertent disclosure of confidential or personal information, please make certain that prior to your departure from this Office, all documents that were saved on your hard drive are also saved on a 3 1/2 inch disk, and deleted from the hard drive of your computer. Ask for assistance if you need it. Do not use "Date Code" on final documents since each time the document is recalled and saved, a new date will appear. Use "Date Text", or type in the date on all final documents.

Attached to this memorandum are hard copies and samples, and a computer disk with four standardized formats for use during your tenure with this Office: (1) the format for reports on nominees to the position of ambassador and presidential appointees not subject to Senate confirmation, (2) the format for reports on all other nominees, (3) the format for review of SF 278 and SF 450 disclosure forms, and (3) a log note format that can be used for anything else when the other standardized formats are not appropriate.

1. Reports on Nominees for the Position of Ambassador and Nominees Not Subject to Senate Confirmation.

Sample reports are attached. While minor variations in format to suit your individual style are appropriate, we ask that you generally adhere to this format.

The 3 1/2 inch computer disk that accompanies this memo contains a document labeled A: NOMINEE.NW. This is the shell nominee report document for reports addressed to both Beth Nolan and Kathi Whalen, i.e., nominees for the position of ambassador and nominees for positions that are not subject to Senate confirmation. Please save all such nominee report documents under the first eight digits of the nominee's name, followed by the suffix "NW", for example: A: WENTWORT.NW (for Wentworth). If it is a very common name, include as much of the first name as possible; for example A: JONES-JO.NW (for John Jones).

2. Reports on All Other Nominees.

The 3 1/2 inch computer disk that accompanies this memo contains a document labeled A: NOMINEE.REP. This is the shell nominee report document for all other nominations. Please save all such nominee report documents under the first eight digits of the nominee's name, followed by the suffix "REP", for example: A: WENTWORT.REP (for Wentworth). If it is a very common name, include as much of the first name as possible; for example A: JONES-JO.REP (for John Jones). Sample reports are attached.

3. Review of SF 278 Reports and SF 450 Reports.

The Office uses the same standardized form for review of all public (SF 278) and confidential (SF 450) disclosure reports. The 3 1/2 inch computer disk that accompanies this memo contains a shell document labeled A: FILER.278. This form is meant to serve as a checklist of issues, and may be varied to suit the issues encountered, but the final report should show that each issue listed was considered. The footnotes included on the shell document are there for your convenience. They may be deleted from the final document. Samples of a completed forms are attached.

The report on each filer should be saved using the first eight digits of the filer's name and as many letters as possible in the first name, followed by a period, and either "278" or "450"; for example: A: JONES-JO.278, or A: WENTWORT.450.

4. Log Note.

The 3 1/2 inch computer disk attached to this memo also contains a shell log note document labeled A: LOG. This log note format may be used for everything else that merits recording. The rule of thumb is anything worth saving is worth saving on disk. Log notes may be as informal as handwritten notes, no need to spend time on grammar or punctuation. The intent is simply to permit easy searches for information. That is, instead of manually searching files for notes, or asking those who may have been involved what they remember, the disks can be searched quickly by computer. Log notes can be saved in a variety of ways, but please use the word "log" somewhere in the document title. Each log note may be saved separately under the name of the subject of the note, e.g. A: JONES-JO.LOG, or all log notes can be combined into one log document using your name or dates, e.g. A: DETAILEE.LOG, or A: MARCH.LOG. Please print out a hard copy of each log note and include it in the file of the subject of the note.

Usually, log notes are not needed on nominations or on reviews of SF 278 or SF 450. The final report should already contain relevant information on all significant issues. However, if significant information should be recorded and it is easier to use the log note format, that format may be used. A sample is attached. If you counsel White House staff or others outside of, or apart from the nomination process or the SF 278/450 review process, a log note should be made of each counseling matter. [? -- When you leave the White House, please print out a hard copy of your log document and give it to Kathi Whalen.]

[At the Commission, we have implemented a key word system which we use as the foundation of several office systems. We have found these key words very useful. My sense for this Office, however, is that you are too busy to implement a key word system at this time. Accordingly, I have included them below for your information, but have not included them in the sample documents. If you do think key words, these or others, would be useful, it is easy to add a line for that on the log note. We print them out and tape them to our computers for quick reference. They are as follows:

GIFTS (Includes invitations)
HOST PAID TRAVEL
NEGOTIATING (Includes seeking employment)
CONFIDENTIAL INFO

OUTSIDE EMPLOY/ACTIV
POST EMPLOYMENT
FINANCIAL CONFLICTS (18 USE 208)
PERSONAL CONFLICTS (Impartiality, 502)
CONFIDENTIAL DISCLOSURE
PUBLIC DISCLOSURE
MISCONDUCT
OTHER (Please indicate issue)]

DATE

MEMORANDUM FOR BETH NOLAN
ASSOCIATE COUNSEL TO THE PRESIDENT

KATHI WHALEN
ASSISTANT COUNSEL TO THE PRESIDENT

FROM: Detailee's name

SUBJECT: SF 278 Review of Presidential Appointment

CANDIDATE: **(Name of nominee)**

POSITION:

CONCLUSION: Assuming that all other background checks prove positive, this nomination is ready to proceed.

DISCUSSION:

OF NOTE:

DATE

MEMORANDUM FOR BETH NOLAN
ASSOCIATE COUNSEL TO THE PRESIDENT

FROM: Detailee's name

SUBJECT: SF 278 Review of Presidential Appointment

CANDIDATE: **(Name of nominee)**

POSITION:

CONCLUSION: Assuming that all other background checks prove positive, this nomination is ready to proceed.

DISCUSSION:

OF NOTE:

WHITE HOUSE PERSONNEL 278 450 REVIEW

Name of Filer:

Position:

Description of Duties:

Date Due: **Date Filed:** **Extension?** Yes or No **Date:**

Date Must Be Made Public:

Date OCP Review Due:

Possible Financial Conflicts (208):

Former Employer, Clients, Spousal Matters (502):

Memberships, Agreements, Continuing Relationships:

Other:

REVIEW/TELEPHONE NOTES:

ADVICE PROVIDED:

Reviewer and Date:

DETAILEE LOG Today's Date

SUBJECT:

PERSON(S) CONSULTED:

LOG ENTRY:

from the desk of
Lyn Blatch

April 1, 1994

Clarissa --

Attached is a copy of the "Alert List" memo you asked for. If you want copies of anything from our SEC binders (e.g., that statutes or regulations) just give me a call. My card is attached. I will be out next week, but in after that.

Also attached FYI are copies of the pages from our office manual which describes our log and key word system, the ERS system which uses key words to identify documents in our files, permitting computer searches for the info.

United States
Securities and Exchange Commission

Lyn Blatch
Ethics Counsel
Office of the General Counsel
(202) 291-8597 (H)

Stop 6-6
450 Fifth Street, N.W.
Washington, DC 20549

(202) 272-2437

MEMORANDUM

July 29, 1993

TO: ALL EMPLOYEES

FROM: Lyn Blatch, Ethics Counsel LB
Virginia Canter, Assistant Ethics Counsel VC
Office of the General Counsel

RE: Commission's Ethics Regulations -- Alert List

It is important that each Commission employee maintain the highest standards of ethical conduct. Employees are expected to be familiar with the rules governing their ethical conduct and are held accountable for violations. The purpose of this memorandum is to alert you to some of the issues that most frequently arise. These issues are briefly summarized below. Additional information is contained in the Employee Ethics Handbook, a burgundy looseleaf binder that each employee receives upon reporting for duty which includes:

- A copy of the Commission's Conduct Regulation,1/ and the new government-wide Standards issued by the U.S. Office of Government Ethics ("OGE");2/
- Explanatory memoranda and material concerning the rules;
- A list of Ethics Liaison Officers and Deputies for each division and office who are available for consultation when questions arise; and
- Sample forms.

To avoid pitfalls that can result from lack of knowledge or understanding, it is recommended that you become acquainted with the rules and the contents of your Ethics Handbook, and consult with the Ethics Liaison Officer or Deputy for your division or office if you have a question. Issues which frequently arise include:

1/ The copy of the Commission's Conduct Regulation has been annotated to show which provisions have been superseded by the new government-wide Standards, and which provisions will not expire until replaced by separate Commission regulations or supplemental regulations.

2/ Standards of Ethical Conduct for Employees of the Executive Branch ("Standards"), effective February 3, 1993, 5 C.F.R. 2635.

4. Employment of Family Members

Rule 4-3, 17 C.F.R. 200.735-4(b)(2); and
Subpart E of the Standards, 5 C.F.R. 2635.501-502.

Employment by an employee's spouse or members of an employee's household may, in some circumstances, give rise to a real or apparent conflict of interest. Such matters should be discussed with the Ethics Liaison Officer or Deputy for the division or office prior to entrance on duty or change in assignments.

5. Financial Interests

Subpart D of the Standards, 5 C.F.R. 2635.401-403; and
18 U.S.C. 208.

Employees may not work on a matter in which they, their spouse, their dependent children, or anyone whose interest is imputed to the employee, has a financial interest. Each assignment should be screened at the outset for compliance with these provisions. Consult your Ethics Handbook for further information. Questions should be discussed with the Ethics Liaison Officer or Deputy for your division or office.

6. Personal Interests (Impartiality in Performing Official Duties)

Subpart E of the Standards, 5 C.F.R. 2635.501-503.

Employees who are assigned to a matter in which they may have a personal interest (e.g. the matter involves the employee's former employer or client, the employee's spouse, or spouse's employer) which could cause a reasonable person with knowledge of the relevant facts to question the employee's impartiality in the matter, should either disqualify themselves from participation in the matter, or consult with the Ethics Liaison Officer or Deputy for their division or office prior to their participation. Each assignment should be screened at the outset for compliance with these provisions. Questions should be discussed with the Ethics Liaison Officer or Deputy for your division or office.

11. Political Activities – Hatch Act

5 U.S.C. 7321 - 7328.

Federal employees are prohibited by the Hatch Act from engaging in certain political activities. Consult the pamphlets in the Ethics Handbook for further information. Violations can lead to suspension or discharge. Questions may be directed to the Ethics Liaison Officer or Deputy for your division or office, or to the Office of the Special Counsel of the U.S. Merit Systems Protection Board.

12. Other Relevant Issues

Employees should be aware that the Handbook also contains memoranda and articles that give a practical explanation of the **Host Paid Travel** restrictions, **the Procurement Integrity Act, Public and Confidential Disclosure** requirements, and other relevant items.

The foregoing is, of course, only a summary of the major areas of activity that are specifically addressed in the Standards, the Conduct Regulation, and applicable laws and regulations. Consult the Standards and the Conduct Regulation themselves, and the material in your Ethics Handbook for more information.

SECURITIES AND EXCHANGE COMMISSION

OFFICE OF THE GENERAL COUNSEL

ETHICS COUNSEL

OFFICE MANUAL

This document is for the use of government ethics officers only and may not be released to any other without SEC consent.

December 1993

SEC/OGC/Ethics

CHAPTER ONE -- LOG NOTES

1.1 **Purpose.** Every attorney and ethics specialist who responds to ethics counseling inquiries should make a computerized record of the consultation. This record is called a "log note." The purpose of log notes is to provide a brief contemporaneous summary of the inquiry and of the response that is capable of being retrieved through a computer search. The amount of detail to be included is determined by the complexity and/or sensitivity of the inquiry, and the amount of time available to complete a contemporaneous note. Accuracy and promptness are of highest importance. Spelling and grammar are of secondary importance, however, names must be spelled correctly to perform accurate word searches. Log notes are an informal summary only, and do not constitute a formal opinion or exhaustive discussion of the issues.

1.2 **Required Contents.** A log note should include: the name of the person creating the record; the date of the consultation; subject matter of consultation; Key Word; name of persons consulted; and, a narrative description of consultation.

1.3 **Optional Contents.** In addition, each note may contain the following information: the title, division, or office of the subject; whether the subject is a present or former commissioner or member of the SES; whether the matter is new, or a followup to an earlier consultation; the name of the individual's ethics liaison or deputy ethics liaison; the name of the caller; the name of the matter, if the consultation refers to a specific case or investigation; and the amount of time spent on consultation.

1.4 **Sample.** A Wordperfect macro setting out the elements of a proper log note follows:

LENOX LOG
JULY 20, 1993

SUBJECT: Commissioner Example
KEYWORD: Gifts
PERSON(S) CONSULTED:Ethics Counsel, Liaison

SUBJECT'S TITLE/DIV or OFFICE:Commissioner
COMMISSIONER or SES:Yes
NEW or FOLLOW-UP:New
LIAISON or DEPUTY:Larry Liaison

NAME OF CALLER:Larry Liaison
NAME OF MATTER:
TIME SPENT:1.5 Hours

LOG ENTRY: **Liaison called with question re Commissioner Example. An old friend of the Commissioner's, Barton Broker, has invited her to the opera. Broker is president of a regulated entity, but will be paying for the ticket himself. The tickets cost $100 each. Thus, under the standards of conduct, 5 C.F.R. 2635.204(b) this might be an exception to the gift rule as a gift based on a personal relationship. After further consultation with ethics counsel, we agreed that, because of the respective positions of Example and Broker, the most prudent course of action would be for the Commissioner to decline the invitation or pay the market value of the ticket herself.**

In this example of a log note macro, those items marked in bold are required; the remainder are optional. Each person required to maintain log notes may tailor the format as he or she sees appropriate, so long as the mandatory information is recorded.

1.5 **Storage.** Log notes should be stored on a computer disk, and should be backed up on another disk. It is useful, but not required, to store all log notes for a particular week in one wordperfect document.

1.6 **Retrieval.** All log notes should be available for examination by all other attorneys and ethics specialists in the office. Therefore, every person keeping log notes should provide the Ethics Counsel and the Ethics Program Assistant a record of the following: 1) his or her home phone number; 2) the location within his or her office where the computer disk of his or her log notes may be found; 3) the location of his or her backup disks.

CHAPTER TWO -- ETHICS RESEARCH SYSTEM

2.1 **Purpose.** The Ethics Research System ("ERS") is a computerized index record of Ethics Counsel office files, organized by keyword. The purpose of the system is to enable computerized research and easier retrieval of Office hardcopy files.

2.2 **Entry.** To enter a document into the ERS, the attorney or ethics specialist should fill out a form giving the name of the file, the keyword(s) involved, and an explanatory entry. For most memoranda, the entry may consist of the caption to the memo: "To: From: Date: Re:" In some circumstances, additional information may be added, or, when circumstances dictate the entry may consist of a digest of the document. The ERS form should be attached to the document and given to the support staff for entry of the information on the form into the ERS system and for filing and storage of the hardcopy document.

2.3 **Sample.** A sample routine ERS entry form follows:

===

FILE NAME: Branchchief, Betty

KEYWORD(S): Personal Conflict

ENTRY: Memorandum dated August 10, 1993
To: Donald Director
From: Betty Branchchief
Re: Request for Authorization to Proceed in the Matter of XYZ Corp.

Note: Only write something in the "entry" line if its different or more detailed than the "Re" line.

===