

FOIA MARKER

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Folder Title:

Chron File - May 1993 #1 [1]

Staff Office-Individual:

Defense Policy-Bell, Robert

Original OA/ID Number:

44

Row:	Section:	Shelf:	Position:	Stack:
31	3	1	3	V

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. memo	[Personally Identifiable Information] [partial] (1 page)	04/28/1993	b(6)
001b. memo	[Personally Identifiable Information] [partial] (1 page)	04/27/1993	b(6)
002. memo	Legislative Referral Memorandum. [CIA Act] [partial] (1 page)	04/30/1993	P3/b(3)
003. memo	For the President from Anthony Lake. Subject: Report to Congress Pursuant to the START Resolution. Record ID: 9302217. (2 pages)	04/09/1993	P1/b(1)
004. memo	Summary of Conclusions for Deputies Committee Meeting, April 30, 1993. Record ID: 9320453. (3 pages)	05/03/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 44

FOLDER TITLE:

Chron File - May 1993 #1 [1]

2016-0152-F

vz4393

RESTRICTION CODES

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

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

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]

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]
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b(7) Release would disclose information compiled for law enforcement purposes [(b)(7) of the FOIA]
b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

C. 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.

WHITE HOUSE STAFFING MEMORANDUM

DATE: 5/1/93 ACTION/CONCURRENCE/COMMENT DUE BY: Wednesday, May 5, 1993

SUBJECT: 2 nominations for air force generals

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☐	☐	PASTER	☐	☐
McLARTY	☐	☐	RASCO	☐	☐
GEARAN	☐	☐	RUBIN	☐	☐
PANETTA	☐	☐	SEGAL	☐	☐
EMANUEL	☐	☐	STEPHANOPOULOS	☐	☐
GIBBONS	☐	☐	VARNEY	☐	☐
HALE	☐	☐	WATKINS	☐	☐
HERMAN	☐	☐	WILLIAMS	☐	☐
LAKE	☐	☐	<u>Bob Bell</u>	☒	☐
LINDSEY	☐	☐		☐	☐
MONTOYA	☐	☐		☐	☐
NUSSBAUM	☐	☐		☐	☐

REMARKS:

RESPONSE:

The National Security Council staff concurs in the attached military nominations.

Anthony Lake

JOHN D. PODESTA
Assistant to the President
and Staff Secretary
Ext. 2702

THE WHITE HOUSE

WASHINGTON

April 30, 1993 30 APR 30 P5:20

MEMORANDUM FOR THE PRESIDENT

FROM: ~~John~~ A. GAUGHAN
DIRECTOR, WHITE HOUSE MILITARY OFFICE

SUBJECT: Air Force General Officer Nomination

Forwarded for your approval and signature is the nomination of General James B. Davis, United States Air Force, for appointment to the grade of general on the retired list.

This recommendation has been staffed by the Acting Secretary of the Air Force and approved by the Deputy Secretary of Defense.

Recommendation

That you approve and sign the attached.

Attachment



THE DEPUTY SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301-1000



28 APR 1993

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Air Force General Officer Nomination

On behalf of the Secretary of Defense, I recommend you nominate General James B. Davis, United States Air Force, for appointment to the grade of general on the retired list. General Davis, who is 57 years of age, is currently assigned as Chief of Staff, Supreme Headquarters, Allied Powers Europe.

William J. Perry

Attachments

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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)]

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b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

The White House

Washington

To the Senate of the United States:

I nominate:

The following named officer for appointment to the grade of General on the retired list pursuant to the provisions to Title 10, United States Code, Section 1370:

To be General

General James B. Davis, (b)(6)
United States Air Force

[001a]

THE WHITE HOUSE

WASHINGTON

April 29, 1993 83 APR 30 P5:20

MEMORANDUM FOR THE PRESIDENT

FROM:


~~JOHN A. GAUGHAN~~
DIRECTOR, WHITE HOUSE MILITARY OFFICE

SUBJECT:

Air Force General Officer Nomination ---

Forwarded for your approval and signature is the nomination of Lieutenant General Thomas A. Baker, United States Air Force, for appointment to the grade of lieutenant general on the retired list.

This recommendation has been staffed by the Acting Secretary of the Air Force and approved by the Deputy Secretary of Defense.

Recommendation

That you approve and sign the attached.

Attachment



THE DEPUTY SECRETARY OF DEFENSE
WASHINGTON, D.C. 20301-1000

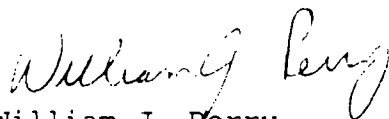


27 APR 1993

MEMORANDUM FOR THE PRESIDENT

SUBJECT: Air Force General Officer Nomination

On behalf of the Secretary of Defense, I recommend you nominate
Lieutenant General Thomas A. Baker, United States Air Force, for
appointment to the grade of lieutenant general on the retired list.
General Baker, who is 57 years of age, is currently assigned as
Commander, Twelfth Air Force, Air Combat Command, and Commander,
United States Southern Command Air Forces.


William J. Perry

Attachments

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001b. memo	[Personally Identifiable Information] [partial] (1 page)	04/27/1993	b(6)

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- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

The White House

Washington

To the Senate of the United States:

I nominate:

- The following named officer for appointment to the grade of lieutenant general on the retired list pursuant to the provisions to title 10, United States Code, section 1370:

To be Lieutenant General

Lieutenant General Thomas A. Baker,
United States Air Force

(b)(6)

[001b]

NATIONAL SECURITY COUNCIL
WASHINGTON, D C 20506

May 3, 1993

ACTION

MEMORANDUM FOR WILLIAM H. ITOH

THROUGH: ROBERT BELL *RGB*

FROM: KEITH HAHN *KH*

SUBJECT: Defense Proposed Testimony on Defense Policy
Regarding Notice and Appeal Procedures for DoD
Personnel (and Contractors) Who Have Had Their
Security Clearances Denied or Revoked

At Tab II are two draft testimonies prepared for DoD officials appearing before the May 5 joint session of the Subcommittee on Civil and Constitutional Rights of the House Judiciary Committee and the Subcommittee on the Civil Service of the House Post Office and Civil Service Committee. Ray W. Pollari, acting ASD for Counterintelligence and Security Countermeasures, and Maynard Anderson, ASD for Security Policy, will outline the different kinds of security classifications, qualification criteria and due process procedures for those who have their clearances revoked.

The hearings are in response to complaints that DoD arbitrarily revokes security clearances and does not provide adequate appeal opportunities. DoD cites a May 1992 GAO report on due process as their blueprint for implementing procedures for handling appeal policies, procedures, and costs. As this testimony notes, approximately half of all military, civilian and contractor personnel that are notified of a proposed denial or revocation of clearance or access do not respond to the notification. Of the half that do respond, about 40% of the replies lead to the reversal of the proposed action. Not a bad appeal percentage.

Concurrence by: *in draft*
Jeremy Rosner

RECOMMENDATION

That you sign the memorandum at Tab I approving the proposed testimony.

Attachments

Tab I Memorandum for Signature
Tab II Incoming Correspondence

NATIONAL SECURITY COUNCIL
WASHINGTON, D C 20506

MEMORANDUM FOR RONALD K. PETERSON

FROM: WILLIAM H. ITOH

SUBJECT: Defense Proposed Testimony on Defense Policy
Regarding Notice and Appeal Procedures for DoD
Personnel (and Contractors) Who Have Had Their
Security Clearances Denied or Revoked

The National Security Council staff concurs in the draft
testimonies.

Withdrawal/Redaction Marker

Clinton Library

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002. memo	Legislative Referral Memorandum. [CIA Act] [partial] (1 page)	04/30/1993	P3/b(3)
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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503

SPECIAL

April 30, 1993

LEGISLATIVE REFERRAL MEMORANDUM

LRM #M-221

TO: Legislative Liaison Officer -

ENERGY - Bob Rabben - (202)586-6718 - 209
JUSTICE - Faith Burton - (202)514-2141 - 217
STATE - Bill Keppler - (202)647-2137 - 225
OPM - James N. Woodruff - (202)606-1424 - 331
CIA - (b)(3) [002]
NSC - William H. Itoh - (202)395-3723 - 249

FROM: RONALD K. PETERSON (for) *Ronald K. Peterson*
Assistant Director for Legislative Reference

OMB CONTACT: Holly FITTER (395-3233)
Secretary's line (for simple responses): 395-6194

SUBJECT: DEFENSE Proposed Testimony on Defense Policy
regarding Notice and Appeal Procedures for
DOD Personnel (and Contractors) who have had
their Security Clearances Denied or Revoked

DEADLINE: 2:00 PM May 3, 1993

COMMENTS: If we have not heard from you within the proscribed time
we will assume that you have no objection to clearance of
this testimony as submitted.

OMB requests the views of your agency on the above subject before
advising on its relationship to the program of the President, in
accordance with OMB Circular A-19.

Please advise us if this item will affect direct spending or
receipts for purposes of the "Pay-As-You-Go" provisions of
Title XIII of the Omnibus Budget Reconciliation Act of 1990.

CC:
B. Sasser
R. Kogut
G. Bennethum
J. Schuhart
A. Donahue
B. Damas
V. Foster

FAX
15 PGS

APR 28 '93 16:13 FROM OSD-LRS

TO PETERSON

PAGE.002

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STATEMENT OF**RAY W. POLLARI****ACTING DEPUTY ASSISTANT SECRETARY OF DEFENSE
FOR COUNTERINTELLIGENCE & SECURITY COUNTERMEASURES****OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE
(COMMAND, CONTROL, COMMUNICATIONS & INTELLIGENCE)****BEFORE A JOINT SESSION OF****THE SUBCOMMITTEE ON CIVIL AND CONSTITUTIONAL RIGHTS****OF THE****HOUSE COMMITTEE ON THE JUDICIARY****AND****THE SUBCOMMITTEE ON THE CIVIL SERVICE****OF THE****HOUSE POST OFFICE AND CIVIL SERVICE COMMITTEE****U.S. HOUSE OF REPRESENTATIVES****5 MAY 1993****CLEARED
FOR OPEN PUBLICATION****APR 29 1993 3****(1100, 29 APRIL 1993 VERSION)****DIRECTORATE FOR FREEDOM OF INFORMATION
AND SECURITY REVIEW (OASD-PA)
DEPARTMENT OF DEFENSE***John Bolton 703 697-1306**93-419*

APR 29 '83 16:14 FROM OSD-LRS

TO PETERSON

PAGE.003

1

**STATEMENT FOR THE RECORD OF RAY W. POLLARI
ACTING DEPUTY ASSISTANT SECRETARY OF DEFENSE
(COUNTERINTELLIGENCE & SECURITY COUNTERMEASURES)**

MR. CHAIRMEN AND MEMBERS, THANK YOU FOR THE OPPORTUNITY TO APPEAR BEFORE A JOINT SESSION OF THE TWO SUBCOMMITTEES TODAY TO ADDRESS DEPARTMENT OF DEFENSE POLICY REGARDING NOTICE AND APPEAL PROCEDURES FOR DOD MILITARY, CIVILIAN, AND CONTRACTOR PERSONNEL WHO HAVE HAD THEIR SECURITY CLEARANCES OR SENSITIVE COMPARTMENTED INFORMATION (SCI) ACCESS DENIED OR REVOKED.

IN DOD, ACCESS TO CLASSIFIED INFORMATION OR EMPLOYMENT IN A SENSITIVE POSITION FALLS INTO FIVE BASIC CATEGORIES. THESE INCLUDE: 1) PERSONNEL SECURITY CLEARANCE (AT THE TOP SECRET, SECRET, OR CONFIDENTIAL LEVEL FOR MILITARY AND CIVILIAN PERSONNEL), 2) INDUSTRIAL SECURITY CLEARANCE FOR CONTRACTOR PERSONNEL AT THE SAME LEVELS, 3) SENSITIVE COMPARTMENTED (INTELLIGENCE) INFORMATION (SCI) ACCESS DETERMINATION FOR MILITARY, CIVILIAN, AND CONTRACTOR PERSONNEL, 4) SPECIAL ACCESS PROGRAM (SAP) ACCESS DETERMINATION, AND 5) EMPLOYMENT SUITABILITY DETERMINATION FOR A CIVILIAN EMPLOYEE FOR A PARTICULAR SENSITIVE POSITION. A DOD MILITARY, CIVILIAN OR CONTRACTOR EMPLOYEE COULD EASILY FALL INTO SEVERAL CATEGORIES AT THE SAME TIME, E.G. SECURITY CLEARANCE, SCI ACCESS, AND SAP ACCESS. MY REMARKS ARE CONFINED TO THE FIRST THREE AREAS BECAUSE THEY ARE THE ONES FOR WHICH MY OFFICE

APR 29 '93 16:14 FROM OSD-LRS

TO PETERSON

PAGE.004

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HAS PRIMARY POLICY RESPONSIBILITY. EACH IS GOVERNED BY DIFFERENT REGULATORY AUTHORITIES:

1) E.O 10450, "SECURITY REQUIREMENTS FOR GOVERNMENT EMPLOYMENT," SERVES AS THE AUTHORITY FOR SECURITY INVESTIGATIONS AND PERSONNEL SECURITY DETERMINATIONS FOR CIVILIAN EMPLOYEES OF THE FEDERAL GOVERNMENT. WHILE E.O. 10450 STATES THAT ALL PERSONS SHOULD RECEIVE FAIR AND IMPARTIAL TREATMENT, IT IS SILENT WITH REGARD TO SPECIFIC NOTICE AND APPEAL PROCEDURES. ALTHOUGH THERE IS NO SPECIFIC EXECUTIVE ORDER CONTAINING CLEARANCE REQUIREMENTS FOR MILITARY PERSONNEL, EXISTING DOD REGULATIONS DERIVE FROM THE AUTHORITY VESTED IN THE SECRETARY OF DEFENSE TO MAKE NECESSARY RULES AND REGULATIONS TO RUN THE DEPARTMENT. CLEARANCE PROCEDURES FOR DOD MILITARY AND CIVILIAN PERSONNEL ARE CONTAINED IN DOD REGULATION 5200.2-R AND REQUIRE 1) A WRITTEN NOTICE OF INTENT TO DENY OR REVOKE A CLEARANCE WITH DETAILED REASONS; 2) AN OPPORTUNITY TO RESPOND IN WRITING; 3) A WRITTEN DECISION BY THE ADJUDICATIVE AUTHORITY; AND 4) AN OPPORTUNITY TO APPEAL, IN WRITING, AN UNFAVORABLE DECISION TO THE NEXT HIGHER LEVEL OF AUTHORITY.

2) E.O 10865, "SAFEGUARDING CLASSIFIED INFORMATION WITHIN INDUSTRY," GOVERNS THE GRANTING OF CLASSIFIED ACCESS TO CONTRACTOR EMPLOYEES AND CONTAINS SPECIFIC NOTICE AND APPEAL PROCEDURES, TO INCLUDE A HEARING. PORTIONS OF DOD 5200.2-R WHICH DO NOT CONFLICT WITH E.O. 10865 APPLY TO CONTRACTOR EMPLOYEES.

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TO PETERSON

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3

3) THE NATIONAL SECURITY ACT OF 1947 AND E.O. 12333, "UNITED STATES INTELLIGENCE ACTIVITIES," PROVIDE THE AUTHORITY FOR THE DIRECTOR OF CENTRAL INTELLIGENCE TO PROTECT INTELLIGENCE SOURCES AND METHODS AND TO ESTABLISH STANDARDS GOVERNING ACCESS TO SENSITIVE COMPARTMENTED INFORMATION FOR MILITARY, CIVILIAN AND CONTRACTOR PERSONNEL. WHILE E.O 12333 DOES NOT CONTAIN SPECIFIC ACCESS ELIGIBILITY CRITERIA OR PROCEDURAL REQUIREMENTS, SUCH GUIDELINES ARE CONTAINED IN DIRECTOR OF CENTRAL INTELLIGENCE DIRECTIVE 1/14, "MINIMUM PERSONNEL SECURITY STANDARDS AND PROCEDURES GOVERNING ELIGIBILITY FOR ACCESS TO SENSITIVE COMPARTMENTED INFORMATION."

THE NOTICE AND APPEAL PROCEDURES FOR SCI ACCESS ARE SIMILAR TO THOSE FOR SECURITY CLEARANCES, BUT DIFFER IN ONE RESPECT. THE SCI DUE PROCESS PROCEDURE REQUIRES THAT THE INDIVIDUAL BE NOTIFIED IN WRITING THAT HIS OR HER SCI ACCESS HAS BEEN DENIED OR REVOKED AND DOES NOT REQUIRE A STATEMENT OF REASONS FOR THE ACTION, UNLESS SUBSEQUENTLY REQUESTED BY THE PERSON AFFECTED. DOD FAVORS A UNIFORM NOTICE AND APPEAL PROCESS FOR ALL UNFAVORABLE PERSONNEL SECURITY DETERMINATIONS THAT INCLUDES A STATEMENT OF REASONS FOR THE ACTION IN THE FIRST INSTANCE. HOWEVER, BOTH THE DCI DIRECTIVE AND THE DOD REGULATION CONTAIN SIMILAR PROVISIONS PERMITTING WAIVER OF THE NORMAL NOTICE AND APPEAL PROCEDURES IN THE INTERESTS OF NATIONAL SECURITY. THESE PROVISIONS ARE RARELY INVOKED BY DOD ADJUDICATION FACILITIES FOR SECURITY CLEARANCE OR SCI ACCESS DETERMINATIONS.

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TO PETERSON

PAGE. 006

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HAVING DESCRIBED THE REGULATORY BACKGROUND UNDERLYING THE DOD PERSONNEL SECURITY PROGRAM, I WILL BRIEFLY DESCRIBE THE PROGRAMMATIC AND ORGANIZATIONAL CONTEXT.

THE OFFICE OF THE DEPUTY ASSISTANT SECRETARY OF DEFENSE (COUNTERINTELLIGENCE & SECURITY COUNTERMEASURES), IN THE OFFICE OF THE ASSISTANT SECRETARY OF DEFENSE FOR COMMAND, CONTROL, COMMUNICATIONS AND INTELLIGENCE, IS RESPONSIBLE FOR THE DEVELOPMENT, COORDINATION, AND IMPLEMENTATION OF ALL POLICIES AND PROCEDURES RELATING TO THE CONDUCT OF PERSONNEL SECURITY BACKGROUND INVESTIGATIONS AND ISSUANCE, DENIAL AND REVOCATION OF DOD SECURITY CLEARANCES. WE ALSO ARE ACTIVE PARTICIPATANTS ON NUMEROUS INTERAGENCY GROUPS THAT DEVELOP POLICIES AND PROCEDURES RELATING TO OTHER PERSONNEL SECURITY PROGRAMS, SUCH AS THE INTELLIGENCE COMMUNITY'S PROGRAM FOR PROTECTION OF SENSITIVE COMPARTMENTED INFORMATION.

DOD CURRENTLY HAS 18 ADJUDICATION FACILITIES AUTHORIZED TO GRANT, DENY OR REVOKE SECURITY CLEARANCES AND SCI ACCESS FOR DOD MILITARY, CIVILIAN AND CONTRACTOR PERSONNEL. THESE INCLUDE ARMY (1), AIR FORCE (FORMERLY 2, NOW 1), NAVY (3, SOON TO BE 1), ONE FOR CONTRACTOR PERSONNEL, THE NATIONAL SECURITY AGENCY, AND ONE FOR EACH OF THE OTHER DEFENSE AGENCIES. THERE ARE MORE THAN 400 PERSONNEL INVOLVED IN MAKING PERSONNEL SECURITY CLEARANCE ELIGIBILITY DETERMINATIONS AT THESE FACILITIES. FOLLOWING A DENIAL OR REVOCATION OF CLEARANCE OR ACCESS BY ONE OF THE 18 ADJUDICATIVE FACILITIES,

APR 29 '93 16:16 FROM OBD-LRS

TO PETERSON

PAGE.007

THE PERSON AFFECTED HAS THE RIGHT TO APPEAL THE ACTION TO AN AUTHORITY AT THE NEXT HIGHER LEVEL. THIS APPELLATE AUTHORITY WILL DIFFER DEPENDING ON THE AGENCY. WHEREAS AN ARMY APPEAL WOULD GO TO A SENIOR OFFICIAL OF THE ARMY STAFF WHO IS OUTSIDE OF THE CHAIN OF COMMAND OF THE ADJUDICATION FACILITY, A DEFENSE AGENCY APPEAL WOULD NORMALLY BE DIRECTED TO THE COMMANDER OF THAT AGENCY. FOR NAVY, A THREE MEMBER PANEL OF SENIOR OFFICIALS IS CONVENED TO CONSIDER AND RULE ON THE APPEAL.

IN DECEMBER 1992, THE DEPUTY SECRETARY OF DEFENSE APPROVED THE CONSOLIDATION OF THE CURRENT 18 DOD ADJUDICATION FACILITIES INTO EIGHT BY FY 94. IN ADDITION TO REDUCING COSTS, THIS ACTION WILL HELP ENSURE A MORE UNIFORM APPLICATION OF BOTH THE DOD AND DCI (SCI) ADJUDICATION STANDARDS AS WELL AS THE NOTICE AND APPEAL PROCEDURES. DEFENSE AGENCY APPEALS WILL GO TO AUTHORITY OUTSIDE THE EMPLOYING AGENCY.

THERE ARE APPROXIMATELY 3 MILLION CLEARED MILITARY, CIVILIAN, AND CONTRACTOR PERSONNEL IN DOD. IN FY 92, DOD AUTHORITIES PROCESSED 700,000 ADJUDICATIVE ACTIONS FOR TOP SECRET, SECRET, CONFIDENTIAL, SCI, AND OTHER SENSITIVE DUTIES AND ACCESSES. ABOUT 2.5% OF THESE ACTIONS RESULTED IN AN UNFAVORABLE PERSONNEL SECURITY DETERMINATION. IN ADDITION TO DENIALS AND REVOCATIONS OF CLEARANCE OR ACCESS, THE TOTAL INCLUDES DETERMINATIONS FOR MILITARY AND CIVILIAN PERSONNEL WHO WERE DISCHARGED OR TERMINATED FROM EMPLOYMENT THROUGH OTHER ADMINISTRATIVE PROCEDURES BEFORE THE NOTICE AND APPEALS PROCESS HAD BEEN COMPLETED. DOD DOES NOT

APR 29 '93 16:16 FROM OSD-LRS

TO PETERSON

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PURSUE CLEARANCE DENIAL OR REVOCATION PROCEDURES ONCE AN EMPLOYEE HAS TERMINATED HIS OR HER AFFILIATION WITH THE DEPARTMENT.

THE DOD PERSONNEL SECURITY PROGRAM HAS BEEN SUBJECT TO A NUMBER OF IMPORTANT CHANGES OVER THE PAST FEW YEARS AND IS IN THE PROCESS OF REVISING EXISTING POLICIES AND PROCEDURES THAT WILL SERVE TO FURTHER ENHANCE THE PROCEDURAL FAIRNESS FOR DOD EMPLOYEES. I WOULD LIKE TO UPDATE YOU ON DEVELOPMENTS IN THIS AREA AND ADVISE YOU OF OTHER ENHANCEMENTS THAT ARE UNDER CONSIDERATION.

A JOINT DOD/INTELLIGENCE COMMUNITY INITIATIVE WAS APPROVED BY THE PRESIDENT IN OCTOBER 1991 IN NATIONAL SECURITY DIRECTIVE 63 ENTITLED THE SINGLE SCOPE BACKGROUND INVESTIGATION. FOR THE FIRST TIME, A UNIFORM INVESTIGATIVE SCOPE FOR TOP SECRET CLEARANCE AND SCI ACCESS WAS IMPLEMENTED WITHIN THE EXECUTIVE BRANCH. THIS INITIATIVE WILL AVOID THE NEED FOR THE CONDUCT OF NEW INVESTIGATIONS WHEN AN EMPLOYEE MOVES FROM ONE POSITION REQUIRING CLASSIFIED ACCESS TO ANOTHER IN A DIFFERENT AGENCY, AND WILL GREATLY ENHANCE RECIPROCITY OF SECURITY CLEARANCES THROUGHOUT THE EXECUTIVE BRANCH.

ANOTHER INTERAGENCY EFFORT IS UNDERWAY TO IMPLEMENT A SINGLE SET OF ADJUDICATIVE STANDARDS FOR DETERMINING ELIGIBILITY FOR A SECURITY CLEARANCE AND ACCESS TO SCI THROUGHOUT THE EXECUTIVE BRANCH. IF ADOPTED, THE NEW SINGLE

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TO PETERSON

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STANDARD WILL SERVE NOT ONLY TO PROMOTE THE GOAL OF MORE CONSISTENT ADJUDICATIVE DECISIONS THROUGHOUT THE EXECUTIVE BRANCH BUT WILL ALSO ENHANCE THE RECIPROCAL ACCEPTANCE OF THOSE DECISIONS WITHIN AND BETWEEN AGENCIES. MUCH OF THE INITIAL WORK FOR THIS PROJECT WAS ACCOMPLISHED BY THE DEFENSE PERSONNEL SECURITY RESEARCH CENTER (PERSEREC) AND WAS BASED ON OUR CONTINUING DESIRE TO ENSURE THAT THE CLEARANCE ADJUDICATIVE STANDARDS ARE REASONABLE AND THAT A RATIONAL RELATIONSHIP EXISTS BETWEEN AN INDIVIDUAL'S CONDUCT AND THE ABILITY TO PROTECT CLASSIFIED INFORMATION.

IN 1988, DOD ESTABLISHED A TWO WEEK BASIC TRAINING COURSE FOR FOR DOD ADJUDICATORS AT THE DEPARTMENT OF DEFENSE SECURITY INSTITUTE IN RICHMOND, VIRGINIA. SINCE THAT TIME, HUNDREDS OF DOD AND NON-DOD ADJUDICATORS HAVE COMPLETED THE TRAINING. IT SUBSEQUENTLY BECAME APPARENT THAT THERE WAS A NEED FOR AN ADVANCED ADJUDICATOR COURSE FOR SENIOR ADJUDICATORS WHICH FOCUSED ON MORE COMPLEX CASES WITH DETAILED EMPHASIS ON PROPER IMPLEMENTATION OF DOD NOTICE AND APPEAL PROCEDURES. I AM PLEASED TO REPORT THAT THE FIRST ITERATION OF THIS COURSE WAS COMPLETED ON 30 APRIL 1993 AND WE LOOK FORWARD TO SENDING ALL DOD SENIOR ADJUDICATORS TO THIS COURSE OVER THE NEXT FEW YEARS. SUCH A COURSE, WHICH WE HOPE TO SHARE WITH OTHER EXECUTIVE BRANCH AGENCIES, WILL HELP ENSURE THE APPLICATION OF CONSISTENT AND FAIR NOTICE AND APPEAL PROCEDURES TO ALL DOD EMPLOYEES.

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TO PETERSON

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DOD SECURITY OFFICIALS FULLY APPRECIATE THE IMPACT THAT A DENIAL OR REVOCATION OF A SECURITY CLEARANCE CAN HAVE ON AN INDIVIDUAL'S LIFE, ESPECIALLY SINCE SUCH ACTIONS CAN ADVERSELY AFFECT ONE'S CONTINUED EMPLOYMENT. WHILE DOD DATA CONSISTENTLY SHOW THAT THE OVERALL ANNUAL RATE FOR SUCH UNFAVORABLE ACTIONS IS RELATIVELY LOW COMPARED TO THE NUMBER OF CLEARANCE ACTIONS TAKEN IN A YEAR, THIS STILL AMOUNTS TO SEVERAL THOUSAND UNFAVORABLE ACTIONS. THEREFORE, WHILE THE PRIMARY GOAL OF OF DOD'S PERSONNEL SECURITY PROGRAM MUST BE TO PROTECT THE NATIONAL SECURITY FROM PERSONS WHO ARE UNRELIABLE OR UNTRUSTWORTHY, WE REMAIN SENSITIVE TO THE NEED FOR FAIRNESS TO INDIVIDUALS AND ATTACH GREAT IMPORTANCE TO THE EQUITABLE TREATMENT OF PERSONS SUBJECT TO UNFAVORABLE PERSONNEL SECURITY DETERMINATIONS. ACCORDINGLY, IN ALL INSTANCES WE NOTIFY THEM OF THE INTENDED ACTION, APPRISE THEM OF THE REASONS BEHIND IT, AFFORD THEM THE OPPORTUNITY TO RESPOND, AND ALLOW APPEAL TO A HIGHER AUTHORITY.

THE DECISION TO DENY OR REVOKE A SECURITY CLEARANCE OR SCI ACCESS IS BASED ON ALL AVAILABLE INFORMATION AND APPLICATION OF ESTABLISHED ADJUDICATION CRITERIA. IT IS RARE FOR THERE TO BE A DISPUTE OVER THE FACTS. THIS IS BECAUSE DOD POLICY REQUIRES A THOROUGH INVESTIGATION TO RESOLVE OUTSTANDING ISSUES AND CONDUCT OF A PERSONAL INTERVIEW WITH THE SUBJECT BY A TRAINED INVESTIGATOR TO AMPLIFY, DENY OR REFUTE ANY SIGNIFICANT ADVERSE INFORMATION THAT HAS BEEN OBTAINED. IN MOST CASES, THE SUBJECT WILL USUALLY CONFIRM THE

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TO PETERSON

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FACTS SURROUNDING THE ISSUE IN QUESTION. ONCE THE INVESTIGATION HAS BEEN COMPLETED, IT BECOMES THE RESPONSIBILITY OF THE ADJUDICATOR TO APPLY THE APPROPRIATE STANDARDS TO THE ISSUES IN THE CASE AND DETERMINE IF THERE ARE ANY CIRCUMSTANCES OR INFORMATION PRESENT TO MITIGATE THE SERIOUSNESS OF THE CONDUCT. DOD POLICY PROVIDES FOR AT LEAST TWO LEVELS OF ADJUDICATIVE REVIEW BY TRAINED ADJUDICATORS BEFORE AN UNFAVORABLE CLEARANCE ACTION MAY BE INITIATED. ADDITIONAL LEVELS OF ADJUDICATIVE REVIEW ARE ADDED AS THE INDIVIDUAL APPEALS THE PROPOSED ACTION AND BEFORE A DECISION IS MADE TO DENY OR REVOKE THE CLEARANCE OR ACCESS.

THE MAY 1992 GAO REPORT ON DUE PROCESS MADE A NUMBER OF RECOMMENDATIONS, ALL OF WHICH DOD IS IN THE PROCESS OF IMPLEMENTING OR CONSIDERING FOR IMPLEMENTATION. ATTACHED IS A SUMMARY OF THE RECOMMENDATIONS AND THE SPECIFIC DOD ACTIONS UNDERWAY TO IMPLEMENT THEM. WITH REGARD TO THIS LAST RECOMMENDATION, DOD COMMISSIONED THE DEFENSE PERSONNEL SECURITY RESEARCH CENTER (PERSEREC) TO CONDUCT A STUDY OF DOD APPEAL POLICIES, PROCEDURES, AND COSTS. A DRAFT OF THAT STUDY HAS BEEN RECEIVED FOR REVIEW AND CONTAINS RECOMMENDATIONS FOR IMPROVING THE UNIFORMITY AND INDEPENDENCE OF DOD PRACTICES IN THIS REGARD. WHILE NO DECISIONS WILL BE MADE UNTIL THE FINAL REPORT HAS BEEN REVIEWED AND COORDINATED, I BELIEVE THAT POSITIVE STEPS CAN BE TAKEN TO IMPROVE UPON THE CURRENT APPEAL PROCEDURES WHICH WILL SATISFY THE INTENT OF GAO AND THE CONCERNS OF THE COMMITTEES.

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TO PETERSON

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THE DRAFT PERSEREC DUE PROCESS STUDY ALSO SHOWS THAT APPROXIMATELY HALF OF ALL MILITARY, CIVILIAN AND CONTRACTOR PERSONNEL THAT ARE NOTIFIED OF THE PROPOSED DENIAL OR REVOCATION OF CLEARANCE OR ACCESS DO NOT RESPOND. OF THE HALF THAT DO RESPOND, ABOUT 40% OF THE REPLIES LEAD TO THE REVERSAL OF THE PROPOSED ACTION. I BELIEVE THAT THIS RESULT IS A TESTIMONY TO THE QUALITY OF BOTH THE INVESTIGATIVE PRODUCT AND THE ADJUDICATIVE PROCESS, AS WELL AS TO THE ABILITY OF THE SYSTEM TO RESPOND TO NEW MITIGATING FACTORS RAISED AS A RESULT OF THE NOTICE AND APPEAL PROCEDURES.

MR. CHAIRMEN AND MEMBERS OF THE COMMITTEES, I CAN ASSURE YOU THAT MY STAFF AND I ARE SENSITIVE TO YOUR CONCERNS IN THIS IMPORTANT AREA. WE WILL WORK WITH YOU TO ENSURE THAT OUR SECURITY CLEARANCE DECISIONS CONTINUE TO BE RATIONAL AND FAIR TO THE INDIVIDUAL, WHILE AT THE SAME TIME PROTECTING THE INTERESTS OF NATIONAL SECURITY. I WOULD BE HAPPY TO RESPOND TO ANY QUESTIONS YOU MAY HAVE.

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FROM OSD-LRS

TO PETERSON

PAGE.013

1992 GAO DUE PROCESS REPORT RECOMMENDATIONS AND DOD PLANNED IMPLEMENTATION ACTIONS

1) REVISE SUSPENSION PROCEDURES TO REQUIRE DETAILED NOTIFICATION LETTERS TO INDIVIDUALS.

**DOD ACTION: CONCUR. ALL DOD COMPONENTS WILL BE REQUIRED TO
NOTIFY AN INDIVIDUAL IN WRITING, TO INCLUDE REASONS, WHEN
SUSPENSION OF ACCESS OCCURS.**

2) REPORT SUSPENSION ACTIONS PROMPTLY TO THE CENTRAL ADJUDICATION FACILITY.

**DOD ACTION: CONCUR. ALL DOD COMPONENTS WILL BE REQUIRED TO
PROMPTLY REPORT ALL SUSPENSION ACTIONS TO THE CENTRAL
ADJUDICATION FACILITY, BUT NOT LATER THAN 10 DAYS FROM THE
DATE OF THE SUSPENSION ACTION.**

3) REVISE SUSPENSION PROCEDURES TO REQUIRE TIME LIMITS FOR SUBSEQUENT ACTIONS.

**DOD ACTION: DOD COMPONENTS MUST MAKE EVERY EFFORT TO
RESOLVE SUSPENSION CASES AS EXPEDITIOUSLY AS POSSIBLE.
SUSPENSION CASES EXCEEDING 180 DAYS SHALL BE CLOSELY
MONITORED AND MANAGED UNTIL FINALLY RESOLVED. SUSPENSION
CASES PENDING IN EXCESS OF 12 MONTHS WILL BE REPORTED TO OSD
FOR REVIEW AND APPROPRIATE ACTION.**

4) REVISE SUSPENSION PROCEDURES TO ENSURE A FINAL RESOLUTION OF ALL CLEARANCE SUSPENSION ACTIONS.

**DOD ACTION: CONCUR. DOD COMPONENTS WILL BE REMINDED TO
COMPLY WITH EXISTING POLICY WHICH PROVIDES FOR CONTINUATION
OF NOTICE AND APPEAL ACTION EVEN WHILE A PERSON MAY BE
UNDERGOING PROCESSING FOR DISCHARGE OR TERMINATION.**

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TO PETERSON

PAGE.002

STATEMENT OF
MR. MAYNARD C. ANDERSON
ASSISTANT DEPUTY UNDER SECRETARY OF DEFENSE
FOR SECURITY POLICY
OFFICE OF THE UNDER SECRETARY OF DEFENSE FOR POLICY
BEFORE A JOINT SESSION OF
THE SUBCOMMITTEE ON THE CIVIL SERVICE
OF THE HOUSE POST OFFICE AND CIVIL SERVICE COMMITTEE
AND
THE SUBCOMMITTEE ON CIVIL AND CONSTITUTIONAL RIGHTS
OF THE HOUSE COMMITTEE ON THE JUDICIARY
U.S. HOUSE OF REPRESENTATIVES

5 MAY 1993

CLEARED
FOR OPEN PUBLICATION

APR 30 1993 3

DIRECTORATE FOR FREEDOM OF INFORMATION
AND SECURITY REVIEW (OSD-PA)
DEPARTMENT OF DEFENSE

82-6-427

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TO PETERSON

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**STATEMENT FOR THE RECORD OF MR. MAYNARD C. ANDERSON
ASSISTANT DEPUTY UNDER-SECRETARY OF DEFENSE FOR SECURITY POLICY**

MR. CHAIRMEN, THANK YOU FOR THE OPPORTUNITY TO APPEAR BEFORE THIS JOINT SESSION OF THE TWO SUBCOMMITTEES TO ADDRESS DEPARTMENT OF DEFENSE POLICY REGARDING THE IMPLEMENTATION OF ADMINISTRATIVE DUE PROCESS AND APPEAL PROCEDURES FOR DOD MILITARY, CIVILIAN, AND CONTRACTOR PERSONNEL WHO HAVE BEEN CONSIDERED FOR OR GRANTED ACCESS TO DOD SPECIAL ACCESS PROGRAM INFORMATION. SPECIFICALLY, I WOULD LIKE TO ADDRESS CHANGES TO OUR PROCEDURE THAT HAVE TAKEN PLACE WITHIN THE PAST THREE YEARS, AS WELL AS SEVERAL ONGOING INITIATIVES DESIGNED TO SATISFY THE DOD'S INTENTION TO PROVIDE FAIR TREATMENT TO INDIVIDUALS TO THE FULLEST EXTENT POSSIBLE, LIMITED ONLY WHEN NECESSARY TO PROTECT CLASSIFIED INFORMATION FROM UNAUTHORIZED DISCLOSURE.

DOD IS COMMITTED TO AFFORDING DUE PROCESS AND APPEAL RIGHTS TO THOSE INDIVIDUALS WHO, FOR WHATEVER REASON, HAVE BEEN DENIED A SECURITY CLEARANCE, OR HAVE HAD A SECURITY CLEARANCE REVOKED. MR. POLLARI, THE ACTING DEPUTY ASSISTANT SECRETARY OF DEFENSE FOR COUNTERINTELLIGENCE AND SECURITY COUNTERMEASURES WILL DISCUSS IN DETAIL THOSE PROCEDURES WHICH APPLY TO THE DOD SECURITY CLEARANCE PROCESS.

IN THAT REGARD, LET ME FIRST DIFFERENTIATE BETWEEN A PERSONNEL SECURITY CLEARANCE DETERMINATION, AND THE GRANTING OF ACCESS TO A SPECIAL ACCESS PROGRAM. A SECURITY CLEARANCE IS AN

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ADMINISTRATIVE DETERMINATION THAT AN INDIVIDUAL IS ELIGIBLE FOR ACCESS TO A GIVEN RANGE OR CATEGORY (I.E., TOP SECRET, SECRET, OR CONFIDENTIAL) OF CLASSIFIED INFORMATION. ACCESS TO SPECIAL ACCESS PROGRAM INFORMATION IS GRANTED ONLY WHEN AN INDIVIDUAL IS DETERMINED TO HAVE A NEED-TO-KNOW, AND THEN IS DETERMINED TO BE ELIGIBLE FOR ACCESS ON THE BASIS OF A PARTICULAR PROGRAM'S REQUIREMENTS. WHETHER AN INDIVIDUAL IS BEING CONSIDERED FOR A SECURITY CLEARANCE, OR FOR ACCESS TO INFORMATION PROTECTED BY A SPECIAL ACCESS PROGRAM, THERE IS A BASIC SECURITY STANDARD ON WHICH ALL OF OUR PERSONNEL SECURITY POLICIES ARE PREDICATED:

"THE PERSONNEL SECURITY STANDARD THAT MUST BE APPLIED TO DETERMINE WHETHER A PERSON IS ELIGIBLE FOR ACCESS TO CLASSIFIED INFORMATION OR ASSIGNMENT TO SENSITIVE DUTIES IS WHETHER, BASED ON ALL AVAILABLE INFORMATION, THE PERSON'S LOYALTY, RELIABILITY, AND TRUSTWORTHINESS ARE SUCH THAT ENTRUSTING THE PERSON WITH CLASSIFIED INFORMATION OR ASSIGNING THE PERSON TO SENSITIVE DUTIES IS CLEARLY CONSISTENT WITH THE INTERESTS OF NATIONAL SECURITY." (PARAGRAPH 2-101, DOD 5200.2-R)

THE ESTABLISHMENT OF SPECIAL ACCESS PROGRAMS IS AUTHORIZED BY SECTION 4.2(a) OF EXECUTIVE ORDER 12356, "NATIONAL SECURITY INFORMATION". IN DOD, SPECIAL ACCESS PROGRAMS MAY BE CREATED OR CONTINUED ONLY ON A SPECIFIC SHOWING THAT NORMAL MANAGEMENT AND SAFEGUARDING PROCEDURES ARE NOT SUFFICIENT TO LIMIT NEED-TO-KNOW OR ACCESS, AND THE NUMBER OF PERSONS WHO WILL NEED ACCESS WILL BE

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REASONABLY SMALL, COMMENSURATE WITH THE OBJECTIVE OF PROVIDING EXTRA PROTECTION FOR THE INFORMATION INVOLVED. FUNDAMENTAL TO SPECIAL ACCESS PROGRAM MANAGEMENT IS THE USE OF VARIOUS SECURITY ENHANCEMENTS, TO INCLUDE PERSONNEL SECURITY SELECTION AND RETENTION CRITERIA WHICH ARE OFTEN MORE STRINGENT THAN THOSE USED FOR PROGRAMS REQUIRING ACCESS TO CLASSIFIED INFORMATION. SECURITY ENHANCEMENTS ARE DEVELOPED FOR EACH PROGRAM BASED ON ITS SIGNIFICANCE TO THE NATIONAL SECURITY, AND THE PERCEIVED INTELLIGENCE THREAT AGAINST PROGRAM INFORMATION. DEPARTMENT OF DEFENSE ELEMENTS ATTEMPT TO TAKE A COMMON SENSE APPROACH TO GRANTING ACCESS AND PROVIDING A SPECIFIED PROCESS FOR REVIEW AND APPEAL FOR THOSE PROGRAMS WHICH APPLY UPGRADED PERSONNEL SECURITY STANDARDS.

FOR PROGRAMS USING ONLY CLASSIFIED INFORMATION, THE DUE PROCESS AND APPEAL PROCEDURES SET FORTH IN PARAGRAPH 8-201 OF DOD 5200.2-R, "DOD PERSONNEL SECURITY PROGRAM", ARE UTILIZED FOR MILITARY AND CIVILIAN EMPLOYEES OF THE DEPARTMENT WHOSE SECURITY CLEARANCES HAVE BEEN DENIED OR REVOKED. FOR CONTRACTOR EMPLOYEES, THE PROVISIONS OF EXECUTIVE ORDER 10865, "SAFEGUARDING CLASSIFIED INFORMATION WITHIN INDUSTRY", ARE USED AS IMPLEMENTED WITHIN THE DEPARTMENT BY DOD DIRECTIVE 5220.6, "DEFENSE INDUSTRIAL PERSONNEL SECURITY CLEARANCE REVIEW PROGRAM."

SPECIAL ACCESS PROGRAMS ALSO USE THE PROVISIONS OF DOD 5200.2-R, UNLESS AN UPGRADE OF ACCESS CRITERIA HAS BEEN

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AUTHORIZED BY THE DEPUTY SECRETARY OR SECRETARY OF DEFENSE, IN WHICH CASE, THE PROVISIONS OF ANNEX B, DIRECTOR OF CENTRAL INTELLIGENCE DIRECTIVE (DCID) 1/14 ARE OFTEN USED AS THE BASELINE REQUIREMENT. THE REQUIREMENTS OF DCID 1/14 ARE USED BECAUSE SPECIAL ACCESS PROGRAM SECURITY MEASURES ARE USUALLY QUITE SIMILAR TO THOSE APPLIED TO INTELLIGENCE PROGRAMS.

A COMPARISON OF THE ADMINISTRATIVE DUE PROCESS AND APPEAL PROVISIONS OF DCID 1/14 TO DOD 5200.2-R REVEAL SOME DIFFERENCES: FIRST, THE DCID 1/14 PROVISIONS REQUIRE THAT INDIVIDUALS BE NOTIFIED OF THE DENIAL OR REVOCATION SUBSEQUENT TO THE ACTION BEING TAKEN, WHILE THE DOD 5200.2-R REQUIRES THAT THE INDIVIDUAL BE NOTIFIED BEFORE THE DENIAL OR REVOCATION IS TO TAKE PLACE. THE SECOND DISTINCTION IS THAT WHILE BOTH DOD 5200.2-R AND DCID 1/14 INCLUDE PROVISIONS TO ENSURE THAT THE APPLICANT IS PROVIDED REASONS FOR THE DENIAL OR REVOCATION, UNDER THE DCID PROCEDURES, THE INDIVIDUAL MUST FIRST REQUEST THAT THE REASONS BE PROVIDED. BOTH THE DOD 5200.2-R AND THE DCID 1/14 PROVIDE AN EXEMPTION FROM THE REQUIRED APPEAL PROCEDURES IF THEIR APPLICATION WOULD BE INCONSISTENT WITH NATIONAL SECURITY.

SPECIAL ACCESS PROGRAM SECURITY ENHANCEMENTS, TO INCLUDE THE USE OF DCID 1/14 ACCESS CRITERIA WHEN NECESSARY, ARE ESTABLISHED AS PART OF THE PROGRAM'S OVERALL SECURITY PROCEDURES. PRIOR TO 1992, SUCH PROCEDURES WERE APPROVED BY THE SECRETARY OF THE MILITARY DEPARTMENT INVOLVED, OR FOR OTHER DOD COMPONENTS, BY THE

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DEPUTY UNDER SECRETARY OF DEFENSE FOR SECURITY POLICY. IN JANUARY, 1992, IN AN EFFORT TO STRENGTHEN OVERSIGHT AND CONTROL OVER DOD SPECIAL ACCESS PROGRAMS, THE DEPUTY SECRETARY OF DEFENSE REQUIRED THAT ALL SPECIAL ACCESS PROGRAMS BE APPROVED AND REVALIDATED ON A YEARLY BASIS BY THE SECRETARY OR DEPUTY SECRETARY OF DEFENSE. THIS APPROVAL PROCESS INCLUDES A REVIEW AND AUTHORIZATION OF THE PROGRAM SECURITY PLAN.

THE EFFECT OF THIS POLICY HAS BEEN TO ENSURE THAT THE PROVISIONS OF ANNEX B, DCID 1/14 ARE UTILIZED AS THE BASELINE REQUIREMENT FOR SPECIAL ACCESS PROGRAM ADMINISTRATIVE DUE PROCESS AND APPEALS. FURTHER, DOD COMPONENTS ARE ALLOWED TO INVOKE THE NATIONAL SECURITY EXEMPTION PERMITTED BY DCID 1/14 ONLY IF AUTHORIZED AT THE HIGHEST LEVELS OF THE DEPARTMENT.

WITHIN THE PAST SEVERAL YEARS, THE DEPARTMENT OF DEFENSE HAS ALSO ATTEMPTED TO INCREASE OVERSIGHT OF THE MANAGEMENT OF SPECIAL ACCESS PROGRAMS, TO INCLUDE THE IMPLEMENTATION OF DOD SECURITY POLICIES AS THEY APPLY TO PROGRAMS ADMINISTERED FOR BOTH GOVERNMENT AND INDUSTRY. THE OFFICE OF THE DEPUTY UNDER SECRETARY OF DEFENSE FOR SECURITY POLICY CONDUCTS NUMEROUS OVERSIGHT VISITS OF GOVERNMENT AND INDUSTRIAL FACILITIES INVOLVED WITH SPECIAL ACCESS PROGRAMS EACH YEAR. A DETAILED METHODOLOGY HAS BEEN DEVELOPED TO DETERMINE THE PRIORITY OF OVERSIGHT VISITS, ACTIVITIES TO BE VISITED, AN ACTIVITY'S LEVEL OF SPECIAL ACCESS PROGRAM INVOLVEMENT, AND THOSE ORGANIZATIONS WITH IDENTIFIED

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PROBLEM AREAS.

WHEN VISITING SPECIAL ACCESS PROGRAM ACTIVITIES, A THOROUGH REVIEW OF ALL PROGRAM ACTIVITY IS CONDUCTED. ACTIVITIES ARE REVIEWED TO ENSURE COMPLIANCE WITH THEIR APPROVED SECURITY PLANS, ADMINISTRATIVE DUE PROCESS, AND THE APPEALS PROCEDURES IN USE. THIS INCREASED OVERSIGHT HAS, IN OUR VIEW, SIGNIFICANTLY IMPROVED THE EFFICIENCY, EFFECTIVENESS, AND SECURITY OF DOD SPECIAL ACCESS PROGRAMS. BEGINNING IN LATE 1992, OVERSIGHT OF SPECIAL ACCESS PROGRAMS CONDUCTED BY THE OFFICE OF THE DEPUTY UNDER SECRETARY OF DEFENSE FOR SECURITY POLICY, WAS INCREASED BY APPROXIMATELY 50% COMPARED TO 1992. WE ANTICIPATE THAT THE LONG TERM IMPACT OF THIS INCREASED OVERSIGHT EFFORT WILL BE TO FURTHER IMPROVE THE FIELD IMPLEMENTATION OF ALL SPECIAL ACCESS PROGRAM SECURITY POLICIES, INCLUDING HOW PERSONNEL SECURITY IS MANAGED IN GOVERNMENT AND CONTRACTOR FACILITIES.

WITHIN THE PAST YEAR BOTH THE AIR FORCE AND THE NAVY HAVE DEVELOPED NEW, IMPROVED ADMINISTRATIVE DUE PROCESS AND APPEAL PROCEDURES. THE AIR FORCE PROCEDURES WERE IMPLEMENTED IN OCTOBER 1992. THE NAVY ANTICIPATES ITS PROCEDURE TO BE FULLY IMPLEMENTED BY JUNE 1, 1993.

IN SUMMARY, OVERSIGHT AND CONTROL OF SPECIAL ACCESS PROGRAMS HAVE BEEN STRENGTHENED BY ELEVATING THE APPROVAL AUTHORITY TO THE DEPARTMENT'S HIGHEST LEVELS, WITH EVERY DOD SPECIAL ACCESS

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PROGRAM NOW REQUIRING APPROVAL BY EITHER THE SECRETARY OR DEPUTY SECRETARY OF DEFENSE. THE INCREASED OVERSIGHT VISITS TO SPECIAL ACCESS PROGRAM INSTALLATIONS AND FACILITIES HAVE PROVIDED EDUCATION TO MANAGERS IN THE FIELD, AND SERVED AS A DETERRENT TO ANYONE TRYING TO CIRCUMVENT PRESCRIBED PROCEDURES.

AS THE SUBCOMMITTEES ARE AWARE, ESPIONAGE OVER THE PAST SEVERAL YEARS HAS DONE ^{some} SIGNIFICANT DAMAGE TO OUR NATION'S SECURITY. OUR PROCEDURES FOR ACCESS TO SPECIAL ACCESS PROGRAMS HELP MINIMIZE THE PROBABILITY OF SUCCESSFUL ESPIONAGE DIRECTED AGAINST INFORMATION OF GREAT VALUE TO THE NATION. FOR THIS REASON, ACCESSES ARE DENIED OR REVOKED IN CASES WHERE THE INDIVIDUALS SEEM TO BE POTENTIAL CANDIDATES FOR RECRUITMENT BY FOREIGN INTELLIGENCE ORGANIZATIONS, OR WHOSE BEHAVIOR DOES NOT DEMONSTRATE THE STANDARDS FOR TRUSTWORTHINESS AND RELIABILITY NECESSARY TO PROTECT THE NATION'S MOST SENSITIVE INFORMATION.

THE ADMINISTRATIVE DUE PROCESS AND APPEAL PROCEDURES FOR DOD SPECIAL ACCESS PROGRAMS CONTINUE TO BE IMPROVED, ALONG WITH OTHER AREAS OF DOD SECURITY. ~~THOSE~~ THOSE IMPROVEMENTS ARE ALWAYS AIDED BY RECOMMENDATIONS RECEIVED FROM INTERESTED PARTIES LIKE THE GENERAL ACCOUNTING OFFICE, AND YOUR SUBCOMMITTEES.

MR. CHAIRMAN AND MEMBERS OF THE COMMITTEE, I AND THE MEMBERS OF MY STAFF WILL WORK WITH YOU IN ANY WAY WE CAN TO ENSURE THAT SPECIAL ACCESS PROGRAM ACCESS DECISIONS CONTINUE TO BE

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REASONABLE, AND CHARACTERIZED BY A FAIR ADMINISTRATIVE PROCESS
PROCEDURE. I WILL BE PLEASED TO RESPOND TO ANY QUESTIONS YOU MAY
HAVE.

UNCLASSIFIED
NSC/RMO PROFILE

RECORD ID: 9303295
RECEIVED: 11 MAY 93 08

TO: BROWN, R

FROM: FEINSTEIN, DIANNE

DOC DATE: 03 MAY 93
SOURCE REF:

KEYWORDS: RUSSIA
EXPORT CONTROLS

CONGRESSIONAL

PERSONS:

SUBJECT: LTR FM SEN FEINSTEIN TO SEC BROWN OF COMMERCE RE EXPORT CONTROL
SYSTEM

ACTION: FOR RECORD PURPOSES

DUE DATE: 14 MAY 93 STATUS: C.

STAFF OFFICER: NONE

LOGREF:

FILES: WH

NSCP:

CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO

BARTH
BELL
BERGER
BURNS
GATI
GOTTEMOELLER
GROSS
ITO
KENNEY
LAKE
PONEMAN
ROSNER
SODERBERG

COMMENTS:

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSJDA

CLOSED BY: NSJDA

DOC 1 OF 1

UNCLASSIFIED

DIANNE FEINSTEIN
CALIFORNIA

3295

United States Senate

WASHINGTON, DC 20510-0504

May 3, 1993

The Honorable Ronald H. Brown
United States Department of Commerce
Herbert C. Hoover Building
14th and Constitution Avenue, N.W.
Room #5422
Washington, D.C. 20230

Dear Mr. Secretary:

I am writing to express my concern about the current state of our export control system. With the demise of the Soviet Union and the rapid technological advances in the computer industry, the existing regulations on computer exports are, in my view, unnecessarily restrictive.

Export control reform is a critical issue affecting many California companies. In particular, computer companies including Sun Microsystems, Hewlett-Packard, Apple, Silicon Graphics, Tandem and IBM, have expressed to me their strong concern about the Export Administration Act's definition of a "supercomputer." As you may already be aware, the current definition of a "supercomputer" is 195 million theoretical operations per second (Mtops). This definition is imprecise because it captures such systems as work stations that operate at speeds that do not even come close to the levels of genuine supercomputers. Most work station systems, for instance, operate at rates below 1,000 Mtops. The state of the art supercomputers, on the other hand, operate at levels between 15,000 and 20,000 Mtops. Hence, the current regime imposes many of the same restrictions and regulations on systems that have little in common. This makes it exceedingly difficult for many firms to sell their most competitive computers abroad.

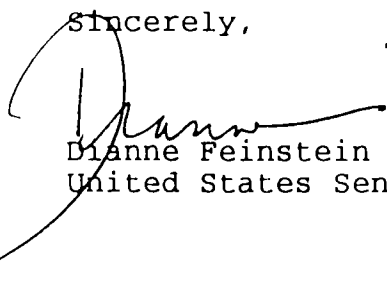
I am not asking that the export control system be eliminated. There remains a strong national security rationale for export controls. I would hope, however, that this system would take into account the computer industry's rapid rate of technological innovation. If it does not, we could significantly damage one of California's, and our nation's, most dynamic industries.

I plan to introduce legislation to change the Export Administration Act's "supercomputer" definition. I believe that the definition should be indexed to the performance capability of the industry's top supercomputers. In the interim, however, I would strongly urge the Administration to take the appropriate action to raise the definition as quickly as possible. I believe that even a modest increase in the definition would be

beneficial, in the short-run, until Congress and the Administration can further review and correct this problem. At a minimum, I would hope that the definition could be raised to a range between 650 and 750 Mtops to avoid capturing work stations. Such a solution is essential to maintaining the competitiveness of the U.S. computer industry.

I look forward to working with you on this and other matters in the future. If you have any questions or comments about my proposal, please feel free to contact me.

Sincerely,


Dianne Feinstein
United States Senator

cc: Mr. William Perry
Mr. Samuel R. Berger ✓

P.S. Ron,

With the demise of the Soviet
agreement there, it seems
to me that there is
little justification for continuation
of these export restrictions. Besides
U.S. companies just lose the sale
to a foreign country who sells
to them. Best,

Chen *221/*
REDO
NATIONAL SECURITY COUNCIL

May 3, 1993

Nancy,

We have modified this
correspondence to respond to
the concerns that you and Tony
raised.

Bob

4/18

Bob -

Tony thinks the letters
should let people know
whether we are reviewing
these issues (i.e. why we are
forwarding previous views)
+ when we can expect results
etc.

MS

~~SECRET~~

~~SECRET~~
NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

2217
REDO

April 9, 1993

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: ROBERT G. BELL *RGB*
FROM: STEVEN ANDREASEN *SAA*
SUBJECT: Report to Congress Pursuant to the START
Resolution of Ratification on Treaty Compliance

Condition 7 of the START Resolution of Ratification calls for an updated and expanded Presidential Report to the Senate on Treaty Compliance. This Report was prepared by the U.S. Arms Control and Disarmament Agency and has been cleared by the Departments of State, Defense, and Energy, by the Joint Staff and the Director of Central Intelligence's Arms Control Intelligence Staff.

The memorandum from you to the President describes the Report, and includes a recommendation that the President sign letters to the President of the Senate and Chairman of the Senate Foreign Relations Committee transmitting the Report to Congress.

Concurrences by: Rose Gottemoeller *RG* and Don Gross *DG*

RECOMMENDATION

That you sign the memorandum for the President at Tab I.

Attachments

Tab I Memorandum for the President
Tab A Letter to the President of the Senate
Tab B Letter to the Chairman of the Senate Foreign
Relations Committee
Tab C Report on Treaty Compliance

~~SECRET~~

Declassify on: OADR

~~SECRET~~

DECLASSIFIED

E.O. 13526

White House Guidelines, September 11, 2006
By *VZ* NARA, Date *8/23/2016*
716 -0152-6

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
003. memo	For the President from Anthony Lake. Subject: Report to Congress Pursuant to the START Resolution. Record ID: 9302217. (2 pages)	04/09/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 44

FOLDER TITLE:

Chron File - May 1993 #1 [1]

2016-0152-F
vz4393

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]

UNCLASSIFIED WITH
~~SECRET ATTACHMENT~~

~~SECRET~~

THE WHITE HOUSE

WASHINGTON

Dear Mr. President:

Enclosed are classified and unclassified copies of the report on Soviet Treaty Compliance required under condition 7 of the Resolution of Ratification for the Strategic Arms Reduction Treaty (START).

The judgments included in this report are drawn from reports prepared by the Arms Control and Disarmament Agency and submitted to Congress under the provisions of PL 99-145, as amended, and Section 52 of the Arms Control and Disarmament Act.

Under the terms set forth in the Resolution of Ratification, this report addresses actions of the former Soviet Union which were violations or probable violations of the obligations of the SALT I Interim Agreement, SALT II, ABM, INF and START Treaties, and the ultimate resolution of these issues. This report does not address the actions of the newly independent states which have succeeded the Soviet Union. In contrast to the Soviet Union, the newly independent states have demonstrated a substantially improved willingness to adhere to arms control obligations and to work with us to resolve problems.

Sincerely,

Enclosures

The Honorable Albert Gore, Jr.
President
United States Senate
Washington, D. C. 20510

UNCLASSIFIED WITH REMOVAL
~~OF SECRET ATTACHMENT~~

~~SECRET~~

UNCLASSIFIED WITH
~~SECRET ATTACHMENT~~

~~SECRET~~

THE WHITE HOUSE

WASHINGTON

Dear Mr. Chairman:

Enclosed are classified and unclassified copies of the report on Soviet Treaty Compliance required under condition 7 of the Resolution of Ratification for the Strategic Arms Reduction Treaty (START).

The judgments included in this report are drawn from reports prepared by the Arms Control and Disarmament Agency and submitted to Congress under the provisions of PL 99-145, as amended, and Section 52 of the Arms Control and Disarmament Act.

Under the terms set forth in the Resolution of Ratification, this report addresses actions of the former Soviet Union which were violations or probable violations of the obligations of the SALT I Interim Agreement, SALT II, ABM, INF and START Treaties, and the ultimate resolution of these issues. This report does not address the actions of the newly independent states which have succeeded the Soviet Union. In contrast to the Soviet Union, the newly independent states have demonstrated a substantially improved willingness to adhere to arms control obligations and to work with us to resolve problems.

Sincerely,

Enclosures

The Honorable Claiborne Pell
Chairman
Foreign Relations Committee
United States Senate
Washington, D. C. 20510

UNCLASSIFIED WITH REMOVAL
~~OF SECRET ATTACHMENT~~

~~SECRET~~

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

Washington, D.C. 20451

OFFICE OF
THE DIRECTOR

APR 5 1993

MEMORANDUM FOR WILLIAM H. ITOH
EXECUTIVE SECRETARY, NATIONAL SECURITY COUNCILSUBJECT: Presidential Report to Congress Prepared Pursuant
to the START Resolution of Ratification (U)

The Acting Director is forwarding to the President herewith both the classified and unclassified versions of the "Report to Congress on Treaty Compliance." The President would formally transmit this Report to the Senate. As we understand, the NSC staff is preparing the transmittal letters for the President's signature. (U)

Attached are two sets of original copies of the classified and unclassified versions of this Report for the President's transmittal to the President of the Senate and the Chairman of the Senate Foreign Relations Committee. The Report was prepared by the U.S. Arms Control and Disarmament Agency and has been cleared at the Deputy Assistant Secretary level by the Departments of State, Defense, and Energy, by the Joint Staff and the Arms Control Intelligence Staff. (U)

Barbara Starr
Barbara Starr
Executive Secretary

Attachments:
As statedTHIS MEMORANDUM IS
UNCLASSIFIED WHEN
SEPARATE FROM
ATTACHMENT

UNITED STATES ARMS CONTROL AND DISARMAMENT AGENCY

Washington, D.C. 20451

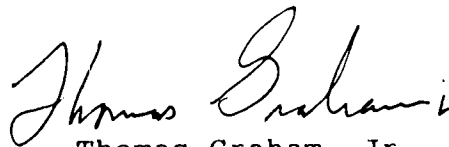
THE DIRECTOR

APR 5 1993

Dear Mr. President:

As Acting Director of the U.S. Arms Control and Disarmament Agency, I am forwarding herewith the report required by Condition 7 of the Senate Resolution of Ratification entitled "Report to Congress on Treaty Compliance." Condition 7 of the START Resolution of Ratification calls for an updated and expanded Presidential Report to the Senate on Treaty Compliance. This Report addresses actions which are violations or probable violations of the obligations of the SALT I Interim Agreement, SALT II, ABM, INF and START Treaties, and the ultimate resolution of these issues. Further, the Report delineates the actions which are in compliance with those same agreements and provides a comparison of the military significance of those actions.

This Report was prepared by the U.S. Arms Control and Disarmament Agency and has been cleared by the Departments of State, Defense, and Energy, by the Joint Staff and the Director of Central Intelligence's Arms Control Intelligence Staff.



Thomas Graham, Jr.
Acting

Enclosure

The President
The White House

THIS MEMORANDUM IS
UNCLASSIFIED WHEN
SEPARATE FROM
ATTACHMENT

REPORT TO CONGRESS ON TREATY COMPLIANCE

March 31, 1993

Prepared by
the U.S. Arms Control and Disarmament Agency
Pursuant to
Condition 7 of the START Resolution of Ratification

UNCLASSIFIED UPON REMOVAL
OF CLASSIFIED ATTACHMENTS
Initials: V7 Date: 9/1/2016

NATIONAL SECURITY COUNCIL
WASHINGTON, D C. 20506

Chron

2768



May 3, 1993

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: ROBERT BELL *RB*
FROM: ANNE WITKOWSKY *AW*
SUBJECT: Letter from Dante Fascell

Attached at Tab I is a memorandum to the President asking that he respond to the letter at Tab B from Dante Fascell. Former Congressman Fascell has written to advocate the preservation and strengthening of ACDA. ACDA's future is now the subject of a Presidential Review.

Concurrences by: *by phone* Rose Gottemoeller, *in draft* Jeremy Rosher and Dan Poneman *in draft*

RECOMMENDATION

That you sign the memorandum to the President at Tab I.

Attachments

Tab I Memorandum for the President
Tab A Letter to Dante Fascell
Tab B Incoming Correspondence from Dante Fascell

THE WHITE HOUSE
WASHINGTON

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: ANTHONY LAKE
HOWARD PASTER

SUBJECT: Letter from Dante Fascell

Purpose

To respond to a letter to you from Dante Fascell regarding the future of the Arms Control and Disarmament Agency (ACDA).

Background

Former Congressman Fascell has written to you asking that we preserve and strengthen ACDA in order to maintain an independent agency for arms control and nonproliferation.

ACDA's future is now the subject of a Presidential Review, which we hope to complete shortly.

RECOMMENDATION

That you sign the letter to Dante Fascell at Tab A.

Attachments

Tab A Letter to Dante Fascell
Tab B Letter from Dante Fascell

cc: Vice President
Chief of Staff

THE WHITE HOUSE

WASHINGTON

Dear Dante:

Thank you for sending me your thoughtful letter on the important role of the Arms Control and Disarmament Agency.

As you know, we now are engaged in a thorough review of ACDA's future to assess how to address most effectively the full range of arms control issues. The review is concentrating on ways to restructure the agency's work in order to respond to the high priority that I place on arms control and nonproliferation. I can assure you that the points you raise will be given full consideration.

I appreciate the time you have taken to share your views with me.

Sincerely,

The Honorable Dante Fascell
Fine, Jacobson, Schwartz,
Nash and Block
Suite 3500
100 Southeast Second Street
Miami, FL 33131-2130

Wash. D.C.
22 April 1993

Mr. President -

Every new hour brings with it the necessity of making another major decision on the running of this country.

By now, you realize that the challenges are constant and daunting - but you have faced your responsibilities extremely well. Keep your faith in ^{and} with the American people.

In the next 48 hours one of the decisions confronting you will be whether ACDA (the Arms Control Agency) should continue as an independent advisor to you. May I respectfully suggest that you retain the independent advisor in this area.

There is absolutely nothing wrong with the responsibilities of advice coming from DoD, State, NSC etc. but their views are always necessarily

(over)

influenced by their own charter and responsibility - DoD - military - State - with immediate & long range policy etc. etc. Only ACDA has the single-minded purpose of arms control and disarmament - no other influence or coloration.

This gives you the best possible vantage point for measuring options and decisions.

I respectfully suggest that this option for you should be strengthened and not merged. This would give you four primary pillars for decision making - State - DoD - Security - ACDA - especially necessary if there is a major difference of opinion between DoD and STATE.

All the best
Monte Farrell

Chen

2433

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

May 3, 1993

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: ROBERT BELL *RGB*
FROM: ANNE WITKOWSKI *AW*
SUBJECT: Letter from Senator Hatfield

Attached at Tab I is a memorandum to the President asking that he respond to the letter at Tab B from Senator Hatfield. Senator Hatfield has written to advocate the preservation and strengthening of ACDA. ACDA's future is now the subject of a Presidential Review.

Concurrences by: *by phone* Rose Gottemoeller, *by phone* Jeremy Rosner and Dan Poneman *in draft*

RECOMMENDATION

That you sign the memorandum to the President at Tab I.

Attachments

Tab I Memorandum for the President
Tab A Letter to Senator Hatfield
Tab B Incoming Correspondence from Senator Hatfield

THE WHITE HOUSE
WASHINGTON

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: ANTHONY LAKE
HOWARD PASTER

SUBJECT: Letter from Senator Hatfield

Purpose

To respond to a letter to you from Senator Hatfield regarding the future of the Arms Control and Disarmament Agency (ACDA).

Background

Senator Hatfield has written to you asking that we preserve and strengthen ACDA in order to maintain an independent agency for arms control and nonproliferation.

ACDA's future is now the subject of a Presidential Review, which we hope to complete shortly.

RECOMMENDATION

That you sign the letter to Senator Hatfield at Tab A.

Attachments

Tab A Letter to Senator Hatfield
Tab B Letter from Senator Hatfield

cc: Vice President
Chief of Staff

THE WHITE HOUSE

WASHINGTON

Dear Senator Hatfield:

Thank you for your thoughtful letter on the need to preserve and strengthen the Arms Control and Disarmament Agency.

As you know, we now are engaged in a thorough review of ACDA's future to assess how to address most effectively the full range of arms control issues. The review is concentrating on ways to restructure the agency's work in order to respond to the high priority that I place on arms control and nonproliferation. Meanwhile, ACDA continues to play an important role in our interagency deliberations.

I appreciate the time you have taken to share your views with me and I can assure you that the points you raise will be given full consideration.

Sincerely,

The Honorable Mark O. Hatfield
United States Senate
Washington, D. C. 20510

United States Senate

WASHINGTON, DC

April 8, 1993

The President
The White House
Washington, D.C. 20500

Dear Mr. President:

As the review of its mission continues, I write to you today to express my view that the Arms Control and Disarmament Agency should be retained and strengthened.

Arms control and non-proliferation have renewed prominence in our national security agenda. In light of this, I believe that our government should retain ACDA as an independent group of experts charged with analyzing the proliferation threat. ACDA is unique in its ability to make recommendations for minimizing that threat without the fog of politics or foreign relations clouding the facts. Additionally, it makes sense that the government should have an assembled team in charge of the highly-technical treaty negotiation process.

It is true that ACDA has slipped from its leading role in arms control advocacy. But as an interested observer, I view ACDA not as having failed in its mission but rather as an agency without proper direction. This dilemma ought to be resolved by the selection of an aggressive director who is prominent enough to convey ACDA's analysis to you and your policy advisors as well as Congress.

I am confident that your review will encompass all points of view and appreciate the opportunity to share my thoughts on this important matter.

Sincerely,


Mark O. Hatfield
United States Senator

MOH:jm

THE WHITE HOUSE

WASHINGTON

April 12, 1993

MEMORANDUM FOR WILLIAM ITOH
NSC Executive Secretariat

FROM: HOWARD G. PASTER 

SUBJECT: Presidential Correspondence

Attached are copies of letters that were sent to the President from various members of Congress.

Since these letters address National Security issues, we would appreciate your assistance in having drafts written.

Thank you very much for your assistance. If you have any questions, please feel free to call LeeAnn Inadomi at x7500.

The following is a brief description of the letters:

- 1) Max Baucus (D-MT), concerning meeting with Prime Minister Miyazawa;
- 2) Mark Hatfield (R-OR), concerning the Arms Control and Disarmament Agency.

Attachments

THE WHITE HOUSE
CORRESPONDENCE TRACKING WORKSHEET

INCOMING

DATE RECEIVED: APRIL 12, 1993

NAME OF CORRESPONDENT: THE HONORABLE MARK HATFIELD

SUBJECT: SUPPORTS RETAINING THE ARMS CONTROL AND
DISARMAMENT AGENCY

ROUTE TO: OFFICE/AGENCY	(STAFF NAME)	ACTION		DISPOSITION	
		ACT CODE	DATE YY/MM/DD	TYPE RESP	C D
HOWARD PASTER		ORG	93/04/12	NANC	93/04/14
REFERRAL NOTE:		A			
REFERRAL NOTE:					
REFERRAL NOTE:					
REFERRAL NOTE:					
REFERRAL NOTE:					

COMMENTS:

ADDITIONAL CORRESPONDENTS: MEDIA:L INDIVIDUAL CODES: 1220 _____

MAIL USER CODES: (A)R OR _____ (B) _____ (C) _____

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*ACTION CODES:      *DISPOSITION      *OUTGOING      *
*                  *                  *CORRESPONDENCE: *
*A-APPROPRIATE ACTION *A-ANSWERED      *TYPE RESP=INITIALS *
*C-COMMENT/RECOM      *B-NON-SPEC-REFERRAL *OF SIGNER      *
*D-DRAFT RESPONSE      *C-COMPLETED      *CODE = A        *
*F-FURNISH FACT SHEET *S-SUSPENDED      *COMPLETED = DATE OF *
*I-INFO COPY/NO ACT NEC*                  *OUTGOING      *
*R-DIRECT REPLY W/COPY *                  *                  *
*S-FOR-SIGNATURE      *                  *                  *
*X-INTERIM REPLY      *                  *                  *
*****

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REFER QUESTIONS AND ROUTING UPDATES TO CENTRAL REFERENCE
(ROOM 75, OEOB) EXT-2590
KEEP THIS WORKSHEET ATTACHED TO THE ORIGINAL INCOMING
LETTER AT ALL TIMES AND SEND COMPLETED RECORD TO RECORDS
MANAGEMENT.

SCANNED

THE WHITE HOUSE
WASHINGTON

April 13, 1993

Dear Senator Hatfield:

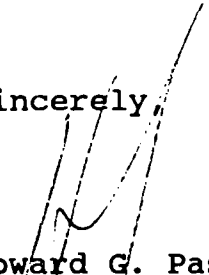
Thank you very much for your letter to President Clinton concerning the Arms Control and Disarmament Agency.

The President will be advised of your concerns and you should be hearing directly from him in the near future.

Please do not hesitate to contact me if I can be of further assistance.

With best wishes,

Sincerely,



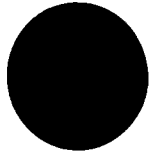
Howard G. Paster
Assistant to the President
for Legislative Affairs

The Honorable Mark O. Hatfield
United States Senate
Washington, D.C. 20510

NATIONAL SECURITY COUNCIL
WASHINGTON, D C. 20506

2775

Chen



May 3, 1993

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: ROBERT BELL *RB*
FROM: ANNE WITKOWSKY *AW*
SUBJECT: Letter from Senator Dorgan

Attached at Tab I is a memorandum to the President asking that he respond to the letter at Tab B from Senator Dorgan. Senator Dorgan has written to advocate the preservation and strengthening of ACDA. ACDA's future is now the subject of a Presidential Review.

Concurrences by: *by phone* Rose Gottemoeller, *in draft* Jeremy Rosner and Dan Poneman *in draft*

RECOMMENDATION

That you sign the memorandum to the President at Tab I.

Attachments

Tab I Memorandum for the President
Tab A Letter to Senator Dorgan
Tab B Incoming Correspondence from Senator Dorgan

THE WHITE HOUSE
WASHINGTON

2775

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: ANTHONY LAKE
HOWARD PASTER

SUBJECT: Letter from Senator Dorgan

Purpose

To respond to a letter to you from Senator Dorgan regarding the future of the Arms Control and Disarmament Agency (ACDA).

Background

Senator Dorgan has written to you asking that we preserve and strengthen ACDA in order to maintain an independent agency for arms control and nonproliferation.

ACDA's future is now the subject of a Presidential Review, which we hope to complete shortly.

RECOMMENDATION

That you sign the letter to Senator Dorgan at Tab A.

Attachments

Tab A Letter to Senator Dorgan
Tab B Letter from Senator Dorgan

cc: Vice President
Chief of Staff

THE WHITE HOUSE

WASHINGTON

Dear Byron:

Thank you for your timely letter on the need to preserve and strengthen the Arms Control and Disarmament Agency.

As you note, we are now engaged in a thorough review of ACDA's future. The review is concentrating on ways to restructure the agency's work in order to respond to the high priority that I place on arms control and nonproliferation. Meanwhile, ACDA continues to play an important role in our interagency deliberations.

I appreciate the time you have taken to write and I can assure you that the points you raise will be given full consideration.

Sincerely,

The Honorable Byron L. Dorgan
United States Senate
Washington, DC 20510-3405

United States Senate

WASHINGTON, DC 20510-3405

April 19, 1993 93 APR 23 P12 : 29

The President
The White House
Washington, DC 20500

Dear Mr. President:

I understand that you will soon decide what to do with the Arms Control and Disarmament Agency (ACDA). I most strongly urge that you preserve and strengthen its independence.

As nuclear proliferation becomes ever more troubling, and now that we have a magnificent opportunity to conclude a nuclear test ban treaty, arms control is arguably more important than ever. ACDA is the only government agency you can count on to present you with a case for arms control undistorted by the competing agendas of other interests. I respect the role of the State Department, but its business is creating smooth government-to-government relations, and sometimes this conflicts with sound arms control.

Two recent reports on the management of our arms control policy echo this position. The Office of the Inspector General and the nonprofit, nonpartisan Stimson Center both conclude that the best way to develop a coordinated arms control and nonproliferation policy is to revitalize ACDA.

You may not always choose to place arms control above competing national concerns. But I believe it is critical for you to hear the case for arms control before you make your national security decisions.

Thank you for your consideration.

Sincerely,



Byron L. Dorgan
U.S. Senator

BLD:dnj

THE WHITE HOUSE

WASHINGTON

April 23, 1993

MEMORANDUM FOR WILLIAM ITOH
NSC Executive Secretariat

FROM: HOWARD G. PASTER *HP*
SUBJECT: Presidential Correspondence

Attached are copies of letters that were sent to the President from various members of Congress.

Since these letters address National Security issues, we would appreciate your assistance in having drafts written.

Thank you very much for your assistance. If you have any questions, please feel free to call LeeAnn Inadomi at x7500.

The following is a brief description of the letters:

- 1) Byron Dorgan (D-ND), concerning the Arms Control and Disarmament Agency;
- 2) Bob Borski (D-PA), concerning Macedonia;
- 3) Ileana Ros-Lehtinen (R-FL), concerning Nicaraguan family;
- 4) Dave Camp (D-MI), concerning Russian Aid package.

Attachments

~~SECRET~~

~~SECRET~~

Chrom
20453

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

May 3, 1993

ACTION

MEMORANDUM FOR SAMUEL R. BERGER

THROUGH: ROBERT G. BELL *RGB*

FROM: STEVEN ANDREASEN *SAB*

SUBJECT: Summary of Conclusions of April 30, 1993
DC Meeting on U.S. Policy on Nuclear Testing
and a Comprehensive Test Ban

Attached for your review is the "Summary of Conclusions" from the April 30, 1993, DC meeting on U.S. Policy on Nuclear Testing and a Comprehensive Test Ban.

RECOMMENDATION

That you review the attached Summary of Conclusions at Tab A.

Attachment
Tab A Summary of Conclusions

~~SECRET~~

Declassify on: OADR

DECLASSIFIED
E.O. 13526
White House Guidelines, September 11, 2006
By *VZ* NARA, Date *8/23/06*
2016-0152-f

~~SECRET~~

Withdrawal/Redaction Marker

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
004. memo	Summary of Conclusions for Deputies Committee Meeting, April 30, 1993. Record ID: 9320453. (3 pages)	05/03/1993	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Defense Policy and Arms Control (Robert Bell)
OA/Box Number: 44

FOLDER TITLE:

Chron File - May 1993 #1 [1]

2016-0152-F
vz4393

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.

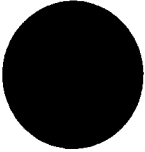
Freedom of Information Act - [5 U.S.C. 552(b)]

- 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]

Chen

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

2748



May 3, 1993

ACTION

MEMORANDUM FOR ANTHONY LAKE

THROUGH: ROBERT BELL *RGB*

FROM: ANNE WITKOWSKY *AW*

SUBJECT: Letter from Congressman Markey et al.

Attached at Tab I is a memorandum to the President asking that he respond to the letter at Tab B from U.S. Representatives Markey, Olver, Evans, Durbin, Bryant, Kennedy, Frank, Miller, Meehan, Pelosi, Schroeder, and Long. They have written to advocate the preservation and strengthening of ACDA. ACDA's future is now the subject of a Presidential Review.

Note that Congresswoman Long has co-signed a second, very similar letter to the President (Record ID 3037). The attached draft is a response to both letters.

Concurrences by: *by phone* Rose Gottemoeller, *in draft* Jeremy Rosner and Dan Poneman *in draft*

RECOMMENDATION

That you sign the memorandum to the President at Tab I.

Attachments

Tab I Memorandum for the President
Tab A Letters to Congressman Markey et al.
Tab B Incoming Correspondence from Congressman Markey et al.

THE WHITE HOUSE
WASHINGTON

ACTION

MEMORANDUM FOR THE PRESIDENT

FROM: ANTHONY LAKE
HOWARD PASTER

SUBJECT: Letter from Congressman Markey et al.

Purpose

To respond to a letter to you from U.S. Representatives Markey, Olver, Evans, Durbin, Bryant, Kennedy, Frank, Miller, Meehan, Pelosi, Schroeder, and Long regarding the future of the Arms Control and Disarmament Agency (ACDA).

Background

Congressman Markey and eleven of his House colleagues have written to you asking that we preserve and strengthen ACDA in order to maintain an independent agency for arms control and nonproliferation issues. They may be reacting to news reports that we plan to dissolve ACDA and that the State Department will absorb its functions, as necessary.

ACDA's future is now the subject of a Presidential Review, which we hope to complete shortly.

Note that Congresswoman Long has just co-signed a second, very similar letter. Your response to her has been modified accordingly.

RECOMMENDATION

That you sign the letters to Congressman Markey et al. at Tab A.

Attachments

Tab A Letters to Congressman Markey et al.
Tab B Letter from Congressman Markey et al.

cc: Vice President
Chief of Staff

THE WHITE HOUSE

WASHINGTON

Dear Ed:

Thank you for sending me your timely letter on the need to preserve and strengthen the Arms Control and Disarmament Agency.

We now are engaged in a thorough review of ACDA's future. The review is concentrating on ways to restructure the agency's work in order to respond to the high priority that I place on arms control and nonproliferation. Meanwhile, ACDA continues to play an important role in our interagency deliberations.

I share your view that the end of the Cold War has presented us with many new challenges, as well as opportunities. I can assure you that the points you raise will be given full consideration.

Sincerely,

The Honorable Edward J. Markey
House of Representatives
Washington, DC 20515

THE WHITE HOUSE

WASHINGTON

Dear John:

Thank you for sending me your timely letter on the need to preserve and strengthen the Arms Control and Disarmament Agency.

We now are engaged in a thorough review of ACDA's future. The review is concentrating on ways to restructure the agency's work in order to respond to the high priority that I place on arms control and nonproliferation. Meanwhile, ACDA continues to play an important role in our interagency deliberations.

I share your view that the end of the Cold War has presented us with many new challenges, as well as opportunities. I can assure you that the points you raise will be given full consideration.

Sincerely,

The Honorable John W. Olver
House of Representatives
Washington, DC 20515

THE WHITE HOUSE

WASHINGTON

Dear Lane:

Thank you for sending me your timely letter on the need to preserve and strengthen the Arms Control and Disarmament Agency.

We now are engaged in a thorough review of ACDA's future. The review is concentrating on ways to restructure the agency's work in order to respond to the high priority that I place on arms control and nonproliferation. Meanwhile, ACDA continues to play an important role in our interagency deliberations.

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Sincerely,

The Honorable Lane Evans
House of Representatives
Washington, DC 20515

THE WHITE HOUSE

WASHINGTON

Dear Dick:

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Sincerely,

The Honorable Richard J. Durbin
House of Representatives
Washington, DC 20515

THE WHITE HOUSE

WASHINGTON

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Sincerely,

The Honorable John Bryant
House of Representatives
Washington, DC 20515

THE WHITE HOUSE

WASHINGTON

Dear Joe:

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Sincerely,

The Honorable Joseph P. Kennedy III
House of Representatives
Washington, DC 20515

THE WHITE HOUSE

WASHINGTON

Dear Barney:

Thank you for sending me your timely letter on the need to preserve and strengthen the Arms Control and Disarmament Agency.

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Sincerely,

The Honorable Barney Frank
House of Representatives
Washington, DC 20515

THE WHITE HOUSE

WASHINGTON

Dear Nancy:

Thank you for sending me your timely letter on the need to preserve and strengthen the Arms Control and Disarmament Agency.

We now are engaged in a thorough review of ACDA's future. The review is concentrating on ways to restructure the agency's work in order to respond to the high priority that I place on arms control and nonproliferation. Meanwhile, ACDA continues to play an important role in our interagency deliberations.

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Sincerely,

The Honorable Nancy Pelosi
House of Representatives
Washington, DC 20515

THE WHITE HOUSE

WASHINGTON

Dear Pat:

Thank you for sending me your timely letter on the need to preserve and strengthen the Arms Control and Disarmament Agency.

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Sincerely,

The Honorable Patricia Schroeder
House of Representatives
Washington, DC 20515

THE WHITE HOUSE

WASHINGTON

Dear Mr. Chairman:

Thank you for sending me your timely letter on the need to preserve and strengthen the Arms Control and Disarmament Agency.

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Sincerely,

The Honorable George Miller
Chairman
Natural Resources Committee
House of Representatives
Washington, DC 20515

THE WHITE HOUSE

WASHINGTON

Dear Marty:

Thank you for sending me your timely letter on the need to preserve and strengthen the Arms Control and Disarmament Agency.

We now are engaged in a thorough review of ACDA's future. The review is concentrating on ways to restructure the agency's work in order to respond to the high priority that I place on arms control and nonproliferation. Meanwhile, ACDA continues to play an important role in our interagency deliberations.

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Sincerely,

The Honorable Martin T. Meehan
House of Representatives
Washington, DC 20515

THE WHITE HOUSE

WASHINGTON

Dear Jill:

Thank you for sending me your timely letters on the need to preserve and strengthen the Arms Control and Disarmament Agency.

We now are engaged in a thorough review of ACDA's future. The review is concentrating on ways to restructure the agency's work in order to respond to the high priority that I place on arms control and nonproliferation. Meanwhile, ACDA continues to play an important role in our interagency deliberations.

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Sincerely,

The Honorable Jill L. Long
House of Representatives
Washington, DC 20515

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Congress of the United States
Washington, DC 20515

April 22, 1993

President William J. Clinton
The White House
1600 Pennsylvania Avenue, N.W.
Washington, D.C. 20500

Dear Mr. President:

It has come to our attention that some consideration is currently being given to absorbing the Arms Control and Disarmament Agency (ACDA) into the State Department. We are writing to express our opposition to any such proposal and our very strong view that there remains a need for a separate agency dedicated to promoting your arms control and disarmament agenda.

When President Kennedy signed the legislation that created ACDA in 1961 he stated that:

The creation for the first time by act of Congress of a special organization to deal with arms control and disarmament matters emphasizes the high priority that attaches to our efforts in this direction. Our ultimate goal, as the act points out, is a world free from war and free from the dangers and burdens of armaments, in which the use of force is subordinated to the rule of law and in which the international adjustments to a changing world are achieved peacefully. It is a complex and difficult task to reconcile through negotiation the many security interests of all nations to achieve disarmament, but the establishment of this Agency will provide new and better tools for this effort.

We believe that the collapse of the Soviet Union and the end of the Cold War have created new challenges and opportunities for advancing President Kennedy's goal of achieving a world "free from war and free from the dangers and burdens of armaments." Today America has an opportunity to make dramatic progress in further reducing the size of nuclear and conventional arsenals, ending nuclear testing, and halting the proliferation of weapons of mass destruction. A strong ACDA can and should continue to provide "new and better tools" to promote disarmament efforts.

Without an agency dedicated to the coordinating and promoting arms control and disarmament policy within the

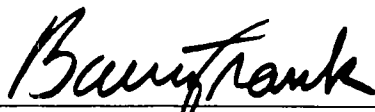
President William J. Clinton
April 22, 1993
Page 2

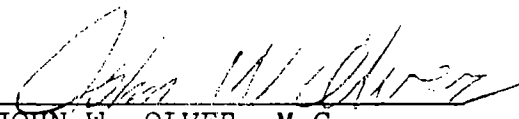
government, the diverse bureaucratic interests of the State Department, the Defense Department, the Commerce Department and other agencies can sometimes interfere with the advancement of our nation's broader disarmament interests. It would be ironic if, after 12 years of unsuccessful attempts by two Republican Administrations to weaken ACDA as an independent voice for arms control, the agency's functions were now to be absorbed by the State Department at the beginning of your Administration. Instead of pursuing such a course of action, we would strongly urge you to preserve ACDA and strengthen its role in arms control policymaking.

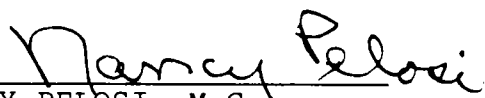
Thank you for your consideration of our views on this matter.

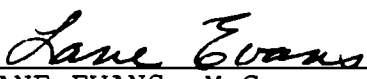
Sincerely,


EDWARD J. MARKEY, M.C.

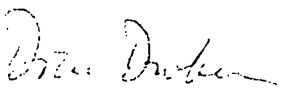

BARNEY FRANK, M.C.

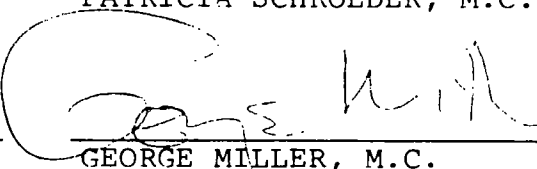

JOHN W. OLVER, M.C.

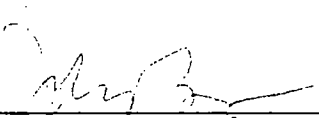

NANCY PELOSI, M.C.


LANE EVANS, M.C.

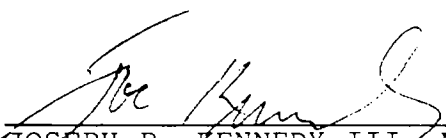

PATRICIA SCHROEDER, M.C.

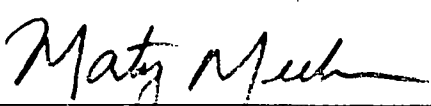

RICHARD J. DURBIN, M.C.


GEORGE MILLER, M.C.


JOHN BRYANT, M.C.


JILL L. LONG, M.C.


JOSEPH P. KENNEDY III, M.C.


MARTIN T. MEEHAN, M.C.

2 748

THE WHITE HOUSE
WASHINGTON

April 22, 1993

MEMORANDUM FOR WILLIAM ITOH
NSC Executive Secretariat
FROM: HOWARD G. PASTER *HP*
SUBJECT: Presidential Correspondence

Attached is a copy of a letter that was sent to the President from various members concerning the Arms Control and Disarmament Agency.

Since this letter addresses a National Security issue, we would appreciate your assistance in having a draft written.

Thank you very much for your assistance. If you have any questions, please feel free to call LeeAnn Inadomi at x7500.

Attachments