

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. list	...Related Events Chronology (5 pages)	n.d.	P1/b(1)
002. list	FBI Chron [CIA Act] (2 pages)	n.d.	P1/b(1), P3/b(3)
003. schedule	Appointment Schedule Samuel Berger 04/13/96 - 04/21/96 [partial] (1 page)	03/11/1999	P6/b(6)
004. briefing paper	[Samuel Berger Conversation with NotraTrulock] [Atomic Energy Act] (1 page)	n.d.	P1/b(1), P3/b(3)
005. email	Tucker, Maureen E. to Samore, Gary S., re: State Position on Informed List... (4 pages)	06/04/1997	P1/b(1)
006. email	Baker, James to Hawkins, Ardenia R., re: hee haw [CIA Act] [partial] (1 page)	07/12/1997	P3/b(3)
007. email	Beers, Rand R. to Andreasen, Steven P., re: Trulock Brief (1 page)	07/04/1997	P1/b(1)
008. email	Andreasen to Bell, Robert G., re: Trulock Brief (2 pages)	07/10/1997	P1/b(1)
009. email	Andreasen to Bell, re: Chineses Visit to NTS (2 pages)	07/26/1997	P1/b(1)
010. memo	Beers to Berger, re: Your Briefing on China by DOE (1 page)	07/28/1997	P1/b(1)
011. notes	[Handwritten Notes] (2 pages)	08/02/1997	P1/b(1)
012. notes	[Handwritten Notes] (1 page)	08/04/1997	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
DAPNSA [Deputy Assistant to the President for National Security Affairs] - Donald Kerrick
OA/Box Number: 3648

FOLDER TITLE:

China-CI [Counterintelligence] [Department of Energy]

Eric Holzer
2006-1022-F
eh327

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]
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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.

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
013. notes	Gregory, Susan to Beers, re: [DOE CI/FBI Investigation] (3 pages)	08/21/1997	P1/b(1)
014. notes	[Handwritten Notes] (2 pages)	09/02/1997	P1/b(1)
015. briefing paper	Chinese Espionage and the DOE Labs (1 page)	n.d.	P1/b(1)
016. email	Samore to Beers, re: Berger-Freeh Pts (1 page)	09/10/1997	P1/b(1)
017a. email	Beers to Samore et al., re: China/DOE Labs (1 page)	09/10/1997	P1/b(1)
017b. email attachment	China/DOE Labs (1 page)	n.d.	P1/b(1)
018. memo	Gregory to Samore, re: [CI Problems within Labs] (2 pages)	09/19/1997	P1/b(1)
019. email	Beers to Cicio, Kristen K. et al., re: China/DOE Labs (2 pages)	09/19/1997	P1/b(1)
020. memo	Gregory to Berger, re: Department of Energy Counterintelligence (CI) Issues (2 pages)	09/22/1997	P1/b(1)
021. notes	Samore Mtg - CIA & DOE Analysis [Atomic Energy Act] (3 pages)	10/15/1997	P1/b(1), P3/b(3)
022. note	For Sandy Berger and Jim Steinberg (2 pages)	10/21/1997	P1/b(1)
023. memo	Gregory to Berger, re: Department of Energy - Restructuring of the Counterintelligence (CI) Element (2 pages)	10/24/1997	P1/b(1)

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024. email	Gregory to Beers, re: PDD/Call from Rick Bloodsworth (1 page)	12/10/1997	P1/b(1)
025. fax cover page	Bloodsworth, Ric to Gregory, Susan, re: Need for an independent office for foreign intelligence at DOE [partial] (1 page)	12/10/1997	b(2)
026. note	To Berger re: Regarding the case of possible... (1 page)	n.d.	P1/b(1)
027. email	Baker, James E. to Gregory & McCarthy, Mary O., re: Sandy's Mtg with Reno & Freeh (1 page)	01/16/1998	P1/b(1)
028a. memo	Gregory to McCarthy, re: Department of Energy (DOE) Counterintelligence Issues Draft PDD (1 page)	01/12/1998	P1/b(1)
028b. memo	Berger to POTUS, re: Department of Energy (DOE) Counterintelligence (CI) Issues Draft PDD (2 pages)	01/21/1998	P1/b(1)
028c. memo	Gregory to Berger, re: Department of Energy Counterintelligence (CI) Issues Draft PDD (2 pages)	12/18/1997	P1/b(1)
028d. memo	Presidential Decision Directive/NSC- re: U.S. Department of Energy Counterintelligence Program [draft] (4 pages)	n.d.	P1/b(1)
029. email	Samore to Gregory, re: DOE PDD (1 page)	01/30/1998	P1/b(1)
030. email	Gregory to McCarthy, re: Richardson - PDD 61 TPs (3 pages)	07/31/1998	P1/b(1)
031a. memo	Gregory to Berger, re: Telephone Call to ambassador Richardson re PDD-61 Department of Energy Counterintelligence Program (2 pages)	08/19/1998	P1/b(1)

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031b. talking points	Talking Points for Telephone Call to Bill Richardson (2 pages)	n.d.	P1/b(1)
032. email	McCarthy to Gregory, re: DOE Briefing on China (2 pages)	10/05/1998	P1/b(1)
033. email	McCarthy to Bartlett, L. June et al., re: DOE Briefing on China (2 pages)	10/05/1998	P1/b(1)
034. email	Gregory to Hawkins, Ardenia R., re: Suggested E-mail to Jim Steinberg (3 pages)	10/08/1998	P1/b(1)
035. email	Gregory to McCarthy, re: Meeting at OMB (2 pages)	10/08/1998	P1/b(1)
036a. email	Gregory to Steinberg, re: DOE Response to PDD-61/Counterintelligence Program (1 page)	10/08/1998	P1/b(1)
036b. ntoe	Note to Jim Steinberg on DOE/PDD-61 (3 pages)	n.d.	P1/b(1)
037. email	Samore to Gregory & McCarthy, re: 20951 - SRB Call to Richardson (2 pages)	11/03/1998	P1/b(1)
038a. email & attachment	Gregory to Samore et al., re: 20951 - SRB Call to Richardson (2 pages)	11/02/1998	P1/b(1)
038b. talking points	Talking Points for Call to Secretary Bill Richardson, re: DOE Counterintelligence Program (2 pages)	n.d.	P1/b(1)
039. email	Farrar, Jay C. to Gregory, re: Cox Hearing on DOE Counterintelligence [CIA Act] (1 page)	11/17/1998	P1/b(1), P3/b(3)

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040. email	Samore to Natl Security Advisor, re: DOE CI Assessment (1 page)	12/14/1998	P1/b(1)
041. email	Rudman, Mara E. to Gregroy, re: Cox Committee Issues (3 pages)	01/04/1999	P1/b(1)
042. memo	Presidential Decision Directive /NSC-61 [copy] (5 pages)	02/11/1998	P1/b(1)
043. email	Samore to Leavy, David C. et al., re: Cox Story [CIA Act] (2 pages)	02/20/1999	P3/b(3), P5
044. email	Crowley, Philip J. to Samore, Gary re: Cox Story (1 page)	02/19/1997	P5
045. notes	Los Alamos... (1 page)	03/17/1997	P1/b(1)
046. notes	[Handwritten notes] (1 page)	03/24/1997	P1/b(1)
047. briefing paper	[CIA Provided DOE with...] (3 pages)	09/08/1997	P1/b(1)
048. email	Baker to Helweg, M. Diana et al., re: AG Meeting for JS - Legal Input [handwritten notes on front & back of 1st page] (3 pages)	11/19/1997	P1/b(1), b(7)(A), b(7)(E)
049. email	Baker to Berger et al., re: Biweekly Mtg. with AG 12/4/97 [handwritten notes on front & back of page] (2 pages)	12/03/1997	P1/b(1)
050. email	Gregory to Baker, re: SRB Mtg with Reno/Freeh this afternoon (1 page)	12/04/1997	P1/b(1)
051. briefing paper	[Foreign Counterintelligence] (3 pages)	01/08/1998	P1/b(1)

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052. notes	[Handwritten notes] (6 pages)	n.d.	P1/b(1)
053. memo	Gregory to Berger & Steinberg, re: Update of FBI Investigations on... (1 page)	01/14/1998	P1/b(1)
054. memo	Baker to Berger, re: Meeting with Attorney General 2/9/98 (5 pages)	02/07/1998	P1/b(1)
055. note	Gregory to Berger & Steinberg, re: [FBI Provided Intel and Legal with a Comprehensive Briefing] (7 pages)	07/10/1998	P1/b(1)
056. briefing paper	[Intelligence Operations] [page 4 only] (1 page)	07/15/1998	P1/b(1)
057. briefing paper	[Intelligence Operations] [page 4 only] (1 page)	09/13/1998	P1/b(1)
058. note	Gregory to Berger & Steinberg, re: [Update on Investigation] (1 page)	12/28/1998	P1/b(1)
059a. memo	Gregory to Berger, re: Department of Energy Counterintelligence (CI) Issues - PDD (2 pages)	02/05/1998	P1/b(1)
059b. memo	Berger to POTUS, re: Proposed PDD to Enhance Counterintelligence (CI) at the Department of Energy (DOE) (2 pages)	02/07/1998	P1/b(1)
059c. memo	Presidential Decision Directive/NSC-61 (5 pages)	02/11/1998	P1/b(1)

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COPY

-----Original Message-----

From: Crowley,

Philip J.

Sent: Friday, February 19, 1999 7:16 PM

To: Samore,

Gary S.; Leavy, David C.

Cc: @PRESS - Public Affairs; Tucker, Maureen E.

Subject: RE: Cox Story [UNCLASSIFIED]

They are not writing for the weekend. Interview tracked as predicted in terms of why DoE took so long and missed these signals. One they raised from your interview was a suggestion that you Gary Samore asked for the CIA assessment in order to have something to debate with, in contrast to the DoE assessment. It was my impression from your talk yesterday that these two camps already existed when you got the full briefing. Do we need to push back? They seemed to see a conspiracy that I don't see.

PJ

-----Original Message-----

From: Samore, Gary

S.

Sent: Friday, February 19, 1999 6:47 PM

To: Leavy, David C.

Cc: @PRESS

- Public Affairs; Tucker, Maureen E.

Subject: Cox Story [UNCLASSIFIED]

If

it comes out on Sunday, we may need some quick guidance for POTUS.

Did

you call Brooke?

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001. notes	Note on Deutch Conversation with Lake 11/22/95 (1 page)	11/22/1995	P1/b(1), P5
002. notes	[Handwritten notes related to news stories involving Johnny Chung] (1 page)	04/06/1999	P5
003. notes	[Handwritten Notes Concerning an Investigation] (8 pages)	07/28/1997	P1/b(1)
004. notes	[Notes Concerning Berger/SSCI Closed-Door Session] (21 pages)	n.d.	P1/b(1)
005. talking points	Shelby-Kerry Q&A (7 pages)	n.d.	P1/b(1)
006a. talking points	Introductory Points (1 page)	n.d.	P1/b(1)
006b. talking points	Shelby- Kerry Q&A (7 pages)	n.d.	P1/b(1)
007. briefing paper	Sensitive Law Enforcement Information (1 page)	n.d.	P1/b(1), P6/b(6)
008. notes	[Handwritten notes re: Wen Ho Lee] (2 pages)	n.d.	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Legal Advisor - James Baker
OA/Box Number: 3278

FOLDER TITLE:

China Espionage Investigation [1]

Eric Holzer
2006-1022-F
eh337

RESTRICTION CODES

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4/15/99
PAC Brief Edge

23/4/6/99

No evidence other than

What change brief.

1. Met June 1996 with Lt Col.

only Hong Kong.

She offered money.

say is intended.

2. He received 300,000

less grant can be found

to political contribution.

35,000 money brief.

20,000 more likely.

Hit squads? No evidence.

Low enforcement example.

No evidence of PAC operations

is US trying to cause harm to

anyone. No evidence US is not

of alliance would qualify

video no credit.

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001. paper	[Response to recommendations derived from the Cox Report] (4 pages)	06/08/1999	P5
002. notes	[Opinion concerning a bill from the House Rules Committee re: security at the Department of Energy] [partial] (2 pages)	05/27/1999	P5
003. briefing paper	Case Names / Classified Overview (1 page)	n.d.	P1/b(1)
004. letter	Cox, Christopher & Dicks, Norm to Berger, Samuel, re: [Briefing to House Select Committee on U.S. National Security and Military] (1 page)	11/12/1998	P1/b(1)
005. email	Lackey, Miles M. to Sutphen, Mona K. et al. re: Legislative Update, May 25, 1999 (4 pages)	05/25/1999	P5

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Legal Advisor - James Baker
OA/Box Number: 3278

FOLDER TITLE:

China Espionage Investigation [4]

Eric Holzer
2006-1022-F
eh340

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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]
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COPY

6/8/99

Section 1407: Revise end-use verification system for HPC exports to China. If no agreement by 1/1/00, then "any HPC for which a license is sought" must be considered as going to military or wmd end-user.

Problem: It is highly unlikely that China will agree to such an intrusive regime, even if the USG has the resources to devote to it (which we do not). It is unlikely any U.S. ally would agree to such an intrusive regime. The USG specifically declined to accept such a provision in the context of the CWC protocol negotiations.

The current NDAA notification process requires exporters to notice the USG on any proposed HPC export between 2000 and 7000 MTOPS to China (and other Tier 3 countries). Agencies have 10 days to decide if a license should be required. If any agency requests it, the exporter must submit a license application - there is no appeal mechanism. All exports over 7,000 MTOPS require a license.

It is possible, therefore, that any "HPC for which a license is sought" could be all HPC exports to China -- those between 2000 and 7000 MTOPS requiring a license as a result of the NDAA notification process, and those over 7000 MTOPS.

Since current Administration policy is to deny dual-use items to the PLA and to PRC WMD programs, this language could very likely result in denying all HPC licenses to China.

Solution: Change language to a sense of Congress. Otherwise, senior advisors would recommend a veto.

Section 1408: DoD commodity classification review.

Problem: This is an extremely ill considered provision that is based on erroneous assumptions concerning the nature of a commodity classification. It is important to note the fundamental difference between commodity classifications and export license applications. The former are technical determinations that can and should be divorced from policy or politics.

Basically, a commodity classification determines what a product is and where it appears on the Commerce Control List. Whether or how an item appears on this list is an empirical judgment. These judgements are not associated with specific end users, end

COPY

uses, or countries of destination. Rather, they are solely determinations of what the product is and what it does. Accordingly, the type of analysis required by this section is not germane and would not be doable.

Export licensing determinations are policy decisions on whether a certain export should be approved to a specific end user for a specific end use in an identified country. These are fittingly interagency decisions as the perspectives of different agencies are important in these policy judgments. All agencies have full access to the review of export license applications as provided for in E.O. 12891.

The sharing of export license applications with other agencies makes sense, as these are the transactions that have been deemed by the USG and our allies in the multilateral control regimes to be sensitive and to warrant the close scrutiny by the interagency community. A commodity classification is simply a technical determination as to whether a license is needed at all.

In today's world, the major concern with export transactions has to do with the proposed end-use/end-user involved in sensitive transactions and the country of destination. Export licenses deal with this issue, not commodity classifications, which are not transaction specific.

Even if there were an analytical rationale for referring commodity classifications to other agencies (which there is not), the cost would be significant. The primary result will be that exporters will stop submitting classification requests and will rely on their own analysis or on the advice of outside consultants. There is no requirement for exporters to submit commodity classifications to the USG. It is a service provided by the Commerce Department to help exporters comply with our regulations. It is hard to see how this lack of consultation with the USG would benefit anyone.

The proposed escalation mechanism in this amendment is also unrealistic. It is hard to see what national interest would be served by forcing escalation of disputes to the President with one week of receipt of a request from an exporter.

Solution: This provision should be deleted. Otherwise, sr. advisors would recommend a veto.

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Section 1409: Requires the President to establish a process that will identify controlled technology (presumable dual-use and munitions items) of "greatest national security concern". Would lengthen the current processing times and permit any agency to veto exports of the identified items. Also requires the President to streamline the licensing process for items not deemed "of greatest NS concern".

Problems: The Administration has a process to identify items that are of special national security concern. Those items are subject to strict licensing requirements depending on the country of destination and proposed end-use. The interagency, including the Departments of Defense, State, Energy and Commerce, determine what those items are, and how strict the licensing requirements should be for those items. If agencies disagree, there is a clearly defined dispute resolution process that permits timely escalation to senior political levels.

The current licensing process works well - there is no need for extended timeframes for items of "greatest national security concern". Since the implementation of the Executive Order 12981 in 1995, all agencies generally have met the EO deadlines. In fact, agencies on average consistently conduct their reviews in less time than the EO permits them. When desired, any agency at the working level can -- and has -- "stopped the clock" on a license application in order, for example, to obtain more information about a license applications.

Requiring interagency consensus (unanimity) to approve exports of such items would hinder the deliberative process. This would constitute a return to the days when any participating agency could veto any proposed export, but agencies disagreeing with that veto had inadequate recourse to overriding it. Again, this was a situation that both the Executive Branch and Congress worked together to overcome. Current practice allows any agency to escalate decisions with which it does not agree to a series of political levels, including the President. This system has been working well, and no agency has expressed difficulty in having cases escalated in a timely fashion.

Solution: Delete section, or change to sense of Congress. Otherwise, sr. advisors would recommend a veto.

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Section 1410: Amends the DPA to require national security companies to notify POTUS of any merger, acquisition or takeover by a foreign company.

Problem: Defer to NEC or Treasury on this, but the comments on this recommendation when it appeared in the Cox report were (a) the current voluntary system does the job well, and (b) this will have a serious chilling effect on foreign direct investment in the US.

Section 1412: Establishes a DoD Office of Technology Security that will coordinate administration and implementation of USG efforts to establish a binding multilateral regime to control the transfer of important military technologies.

Problem: Although the requirement to establish a binding regime is just a sense of Congress, assume State will object to DoD being given coordination/negotiating responsibilities.

COPY

(b)(7)e

Policy issues:

subject to search.

could lead into contracts.

take it to end.

to level (a)

mtg.

(a)

OMB 120

support staff.

COPY

1 (c) DISCLOSURE OF RESTRICTED DATA.—Section
2 227 of the Atomic Energy Act of 1954 (42 U.S.C. 2277)
3 is amended by striking “\$2,500” and inserting “\$5,000”.

4 **SEC. 3190. CLARIFICATION OF PROCEDURES FOR SEARCH-**
5 **ING COMPUTERS USED IN THE ACTIVITIES**
6 **OF THE DEPARTMENT OF ENERGY.**

7 (a) SEARCH PROCEDURES.—Notwithstanding any
8 other provision of law, the Secretary of Energy has the
9 authority to search any computer used in the activities of
10 the Department (whether or not the computer is owned
11 by the Department)—

- 12 (1) at any time;
13 (2) without a warrant; and
14 (3) without providing notice of the search.

15 (b) NO DELEGATION.—The authority to order a
16 search under this section may not be delegated.

17 (c) NO CHANGE IN OTHER SEARCH AUTHORITY.—
18 This section shall not be construed to affect the authority
19 under any other provision of law of the Secretary or any
20 other person to search a computer used in the activities
21 of the Department.

O'Connor

Barry v. New York

State
Chances

Home. VC provisions.

Scope varies. Resolutions.

Content must part.

Warrant / Barriers.

When you are in work place.

Warrant execution. Content of warrant. Some so far.

Just wants for just reasons.

Barriers. Retaliatory.

Very fast execution. When have more for facts which will a court
decide.

nature of search.

Article III content execution

2701

Content. How. Open and edited results.

2702 2701

Scope of content. Manner - sign form / present form.

Keys. Special rules.

Content. Content with a view. Barriers letter. It's opinion.

Barriers = Content. User policy.

Can have personal space w/ a joint space

Resolutions:

Purpose / whether some
satisfies purposes.

- 1) Govt. prop. but not. Some
- 2) Personal prop but space
- 3) Govt. prop. Personal space
- 4) Private prop. Private space

COPY

1 SEC. 3191. CLARIFICATION OF PROCEDURES FOR SEARCH-
2 ING OFFICES, FACILITIES, OR OTHER LOCA-
3 TIONS USED IN THE ACTIVITIES OF THE DE-
4 PARTMENT OF ENERGY.

5 (a) SEARCH PROCEDURES.—Notwithstanding any
6 other provision of law, the Secretary of Energy has the
7 authority to search any office, facility, or other location
8 used in the activities of the Department (whether or not
9 the office, facility, or other location is owned by the De-
10 partment), and any materials in any such office, facility,
11 or other location—

- 12 (1) at any time;
13 (2) without a warrant; and
14 (3) without providing notice of the search.

15 (b) NO DELEGATION.—The authority to order a
16 search under this section may not be delegated.

17 (c) NO CHANGE IN OTHER SEARCH AUTHORITY.—
18 This section shall not be construed to affect the authority
19 under any other provision of law of the Secretary or any
20 other person to search an office, facility, or other location
21 used in the activities of the Department, or any materials
22 in any such office, facility, or other location.

Baker, James E.

From: Lackey, Miles M.
Sent: Tuesday, May 25, 1999 7:54 AM
To: Sutphen, Mona K.; Hachigian, Nina L.; @NSA - Natl Security Advisor; @VP - VP Natl Security Affairs; @EXECSEC - Executive Secretary; @PRESS - Public Affairs; @LEGAL - Legal Advisor; @KOSOVO; @NONPRO - Export Controls; @INTEL - Intelligence Programs; @DEFENSE - Defense Policy; @ASIA - Asian Affairs; Leary, William H.; @MULTILAT - Multilateral and Humanitarian Affairs; @EUROPE - European Affairs; @AFRICA - African Affairs; @RUSSIA - Russia/Ukraine
Cc: @LEGISLAT - Legislative Affairs
Subject: Legislative Update, May 25, 1999 [UNCLASSIFIED]

PLEASE PASS TO SANDY, JIM AND DON

**Legislative Update
May 25, 1999**

SRB Action

- SRB joins **Albright/Cohen/Shelton for all-Senate briefing** on Kosovo (4:00PM in S-407);
- SRB calls Rep. **Porter Goss** (pending clearance w/ Jim) on China. (I continue to believe this is a good idea -- the sooner the better -- Sandy is having breakfast with Goss and others on Thursday morning);
- SRB (and principals) makes decision on SAP on the House Defense Authorization -- the bill contains a provision which **cuts off all funds for Kosovo** at the end of the fiscal year (it states that we must request a supplemental if we want to continue the operation). We need to decide whether to issue a **veto threat** on the bill (as Gephardt strongly urges) or merely say that we would veto a conference report which contained the provision (which Skelton supports). The bill contains the military pay raise, which complicates the decision. Need to resolve this today -- if we are going to issue a veto threat, we need to give Democrats enough time to work the vote.

China/Espionage/Lab Security

- **The Cox Committee**
 - The Report will be formally released at a press conference today at 10:30AM. (Note today's NYT article on the report -- which contains the best-yet analysis of how murky this issue is).
- **Monday Staff Briefings on Cox**
 - Yesterday, Steve Ricchetti, Gary Samore, DOE (Moniz and Curran), and Commerce briefed House and Senate Democratic staff on the Cox report and Administration response. Most questions were factual, indicating that they were hearing much of this information for the first time. A Hollings staffer did not feel

satisfied by the answer he received to the question: "How have the Chinese been punished for what they have done?" After a basic outline was presented, discussion turned largely to tactics. Staff for Rep. Bobby Scott urged the Administration to make a strong PR push -- getting on TV to tell our story wherever possible.

- **China Legislation**

- Dicks staffer reported that Wilson and Thornberry have agreed to cosponsor their amendment to the DOD bill in the House making security improvements at the labs. They plan to offer this amendment regardless of whether Republicans offer stronger amendments. the bill is scheduled for floor consideration on Thursday;
- We expect the Republicans to offer some kind of China amendment(s) on the Defense Authorization in the Senate this week also. No intelligence yet on what they might come up with.
- Sen. Bob Smith took the floor for about 30 minutes to demand answers to the Chinese espionage story. He recited a timeline of events similar to that laid out by NY Times stories and Meet the Press. He introduced legislation calling for a Select Committee to investigate. This is probably a good sign -- if Lott were serious about a Select Committee, Bob Smith would not have been his choice to introduce it.

Kosovo

- **Kosovo Briefings and Meetings**

- The All-Senate briefing has been coordinated with DoD and State as per SRB outline. We are having scheduling difficulties with the House briefing -- basically Cohen, Shelton and Ralston will be unavailable for much of the remainder of the week. The Speaker's has told us that they would like to do the briefing on Wednesday afternoon -- but no high-level Defense or Joint Staff briefers are available. We are struggling to find a solution to the problem -- will make recommendation today.
- MKA meets with Baucus/Hagel group on Kosovo 9:00AM today;
- Cohen has breakfast with a dozen Senators to discuss Kosovo this morning;

- **Kosovo Legislation**

- The Senate is currently debating the Defense Authorization. Several Kosovo amendments are under consideration. Last night, the Senate adopted (90-0) a Landrieu/Specter amendment expressing the sense of the Congress regarding the need for vigorous prosecution of war crimes in FRY. The non-binding measure calls on the US in coordination with UN to provide sufficient resources for investigating allegations of war crimes in Kosovo. It also calls on the US

intelligence services to cooperate in the gathering of evidence to secure indictments of those responsible for war crimes; states that indictments for war crimes should be issued against suspects regardless of their positions in Serb leadership; and calls on NATO to not accept any diplomatic resolution to the Kosovo conflict that would bar the indictment or prosecution of war criminals for crimes committed during Kosovo operation;

- A second Kosovo Spector amendment is still pending -- the amendment states that none of the funds authorized or otherwise available to DOD may be obligated or expended for the deployment of US ground forces in Kosovo, except for peacekeeping personnel, unless authorized by a declaration of war or a joint resolution.
- Although these are the only two Kosovo amendments so far -- stay tuned for more.
- **Other Defense Authorization Amendments considered yesterday:**
 - The Roberts "Sense of Senate" amendment stating that the President should determine and certify to Senate whether or not the new **NATO's Strategic Concept** (SC) imposes any new obligations on the US. If President certifies that SC imposes new obligations on US, he should submit it to Senate as a treaty for the Senate's advice and consent. PENDING;
 - The Warner **second degree amendment to Roberts amendment** requiring a POTUS report analyzing the potential threat facing NATO in first decade of the next millennium, with particular reference to those threats facing a member nation where the commitment of NATO forces will be "out of area" or beyond the borders of member nations. PENDING;
 - Roth amendment to request President to advance the late Rear Admiral Kimmel on the retired list of the Navy to the highest grade held a Commander in Chief during WWII and to advance the late Maj General Short on the retired list of the Army to the highest grade held as Commanding General Hawaii dept. during WWII. PENDING;
 - Wellstone amendment which expands the list of diseases presumed to be **service-connected for radiation-exposed veterans**. SET ASIDE;
 - Wellstone amendment requiring SECDEF to provide information and technical guidance to certain foreign nations regarding **environmental contamination at US military installations** closed or being closed in such nations. SET ASIDE;
 - Wellstone amendment to require Sec. of HHS to provide Congress with information to evaluate the outcome of **welfare reform**. PENDING.
 - We also have been provided with a draft Lott amendment that would prohibit the use of funds to provide US assistance that would enhance the capabilities or

effectiveness of the People's Liberation Army of the PRC.

- The Senate will resume consideration of Defense authorization bill today.

Other Issues

- Feinstein staff and NSC staff (Pascual, Shapiro) spoke about an amendment she is considering offering to the DOD bill, which expresses sense of the Senate that the launch quota for Russia should be raised if Russia makes progress in export controls, and that it should not be raised if Russia does not make progress. Carlos told staff the second half of that formulation is problematic, and probably unnecessary since it is implied by the first. Staff will consult with the Senator, and we will revisit with them on Tuesday.
- NSC, State, AID, and DOD briefed SFRC staff on USG plans for Nigeria after the inauguration.

Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. notes	[Handwritten Notes] (6 pages)	n.d.	P1/b(1)
002. memo	Baker, James to Berger, Samuel R., re: Meeting with Attorney General 2/9/98 (5 pages)	02/07/1998	P1/b(1)
003. memo	Presidential Decision Directive/NSC-61 [copy] (5 pages)	02/11/1998	P1/b(1)
004. briefing paper	Gregory, Susan J. to Berger & Steinberg, James, re: [FBI provided Intel and Legal with a comprehensive briefing on...] (7 pages)	07/10/1998	P1/b(1)
005. briefing paper	[Counterintelligence] [page 4 only] (1 page)	07/15/1998	P1/b(1)
006. briefing paper	[Counterintelligence] [page 4 only] (1 page)	09/13/1998	P1/b(1)
007. email	Gregory to McCarthy, Mary O. & Hawkins, Ardenia R., re: Richardson-PDD 61 TPs (3 pages)	07/31/1998	P1/b(1)
008. memo	Gregory to Berger, re: Telephone Call to Ambassador Richardson re PDD-61 Department of Energy Counterintelligence Program (2 pages)	08/19/1998	P1/b(1)
009. talking points	Talking Points for Telephone Call to Bill Richardson (2 pages)	n.d.	P1/b(1)
010. email	McCarthy to Gregory, re: DOE Briefing on China (2 pages)	10/05/1998	P1/b(1)
011. email	McCarthy to Bartlett, L. June et al., re: DOE Briefing on China (2 pages)	10/05/1998	P1/b(1)
012. email	Gregory to Hawkins, re: Suggested E-mail to Jim Steinberg (3 pages)	10/08/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Legal Advisor - James Baker
OA/Box Number: 3278

FOLDER TITLE:

China PDD-61 [Presidential Decision Directive-61] [2]

Eric Holzer
2006-1022-F
eh331

RESTRICTION CODES

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

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

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013. email	Gregory to McCarthy, re: Meeting at OMB (2 pages)	10/08/1998	P1/b(1)
014. email attachment	Gregory to Steinberg, re: [DOE's Counterintelligence Program] [sender of attachment & date of note determined by email to which it was attached) (3 pages)	10/08/1998	P1/b(1)
015. email	Samore, Gary to Gregory & McCarthy, re: 20951 - SRB Call to Richardson (2 pages)	11/03/1998	P1/b(1)
016a. email	Gregory to Samore, re: 20951 - SRB Call to Richardson (2 pages)	11/02/1998	P1/b(1)
016b. email attachment	Talking Points for Call to Secretary Bill Richardson (2 pages)	11/02/1998	P1/b(1)
017. schedule	Appointment Schedule Samuel Berger 11/03/98 - 11/09/98 [partial] (3 pages)	03/11/1999	P6/b(6)
018. schedule	Appointment Schedule Samuel Berger 11/02/98 - 11/08/98 [partial] (5 pages)	03/11/1999	P6/b(6)
019. email	Farrar, Jay C. to Gregory, re: Cox Hearing on DOE Counterintelligence (1 page)	11/17/1998	P1/b(1)
020. email	Samore to Leary, William H. et al., re: DOE CI Assessment (1 page)	12/14/1998	P1/b(1)
021. note	Gregory to Berger & Steinberg, re: [Update on Investigation] (1 page)	12/28/1998	P1/b(1)
022. email	Rudman, Mara E. to Gregory, re: Cox Committee Issues (3 pages)	01/04/1999	P1/b(1)

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2006-1022-F
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023. email	Crowley, Philip J. to Samore & Leavy, David C. re: Cox Story (1 page)	02/19/1999	P5
024. email	Samore to Leavy et al. re: Cox Story (1 page)	02/20/1999	P5
025. email	McCarthy, Mary O. to Samore et al. re: Cox Story (1 page)	02/20/1999	P3/b(3), P5
026. letter	Berger to Cox, Christopher, re: [Briefing to the Cox Committee Concerning the President's Knowledge...] (2 pages)	12/21/1998	P1/b(1)
027. email	Baker, James E. to DeRosa, Mary B. et al. re: Point (1 page)	03/12/1999	P5
028. email	Samore to Beers, Rand R., re: Pena Points on China/DOE Labs (1 page)	09/12/1997	P1/b(1)
029. email	Baker, James E. to DeRosa, Mary B. et al. re: Point [duplicate of 027] (1 page)	03/12/1999	P5

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National Security Council
Legal Advisor - James Baker
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Eric Holzer
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RR. Document will be reviewed upon request.

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-----Original Message-----

From: Crowley,
Philip J.

Sent: Friday, February 19, 1999 7:16 PM

To: Samore,

Gary S.; Leavy, David C.

Cc: @PRESS - Public Affairs; Tucker, Maureen
E.

Subject: RE: Cox Story [UNCLASSIFIED]

They are not writing
for the weekend. Interview tracked as predicted in terms of why
DoE took so long and missed these signals. One they raised from
your interview was a suggestion that you Gary Samore asked for the
CIA assessment in order to have something to debate with, in contrast
to the DoE assessment. It was my impression from your talk yesterday
that these two camps already existed when you got the full briefing.

Do we need to push back? They seemed to see a conspiracy that I
don't see.

PJ

-----Original Message-----

From: Samore, Gary
S.

Sent: Friday, February 19, 1999 6:47 PM

To: Leavy, David C.

Cc: @PRESS

- Public Affairs; Tucker, Maureen E.

Subject: Cox Story [UNCLASSIFIED]

If

it comes out on Sunday, we may need some quick guidance for POTUS.

Did

you call Brooke?

COPY

CLASS: UNCLASSIFIED
DISPOSITION: RECORD
Transmission: 20-Feb-99 09:25 am
SENDER: Samore, Gary S.
SUBJECT: RE: Cox Story [UNCLASSIFIED]
TO: Leavy, David C.
McCarthy, Mary O.
Crowley, Philip J.

CC: Bobbitt, Philip C.
Crowley, Philip J.
Gobush, Matthew N.
Hammer, Michael A.
Hurwitz, Marc I.
Leavy, David C.
Wozniak, Natalie S.
Tucker, Maureen E.

we should all talk about this.

—Original Message—

From: Leavy,
David C.
Sent: Saturday, February 20, 1999 12:20 PM
To: Samore,
Gary S.; McCarthy, Mary O.; Crowley, Philip J.
Cc: @PRESS - Public
Affairs; Tucker, Maureen E.
Subject: RE: Cox Story [UNCLASSIFIED]

george's
call but my view is that CIA should engage on this story if they
can be constructive...

—Original Message—

From: Samore,
Gary S.
Sent: Saturday, February 20, 1999 12:19 PM
To: McCarthy,
Mary O.; Crowley, Philip J.; Leavy, David C.
Cc: @PRESS - Public
Affairs; Tucker, Maureen E.
Subject: RE: Cox Story [UNCLASSIFIED]

Mary's
right. As I also told Gerth/Risen, we've agreed to do the comprehensive
damage assessment, as Cox recommended. Need to await the results.
Should we tell the NYT that George has selected Walpole to head
the interagency team?

COPY

Baker, James E.

From: Baker, James E.
nt: Friday, March 12, 1999 3:57 PM
o: DeRosa, Mary B.; McCarthy, Mary O.; Hachigian, Nina L.
Subject: Point [UNCLASSIFIED]

The Director has cleared the following point for Sandy's use.

"When the DOE briefed me in April 1996 on the matters at the Los Alamos National Labratory the FBI had not yet opened a formal investigation, although it was assisting DOE in its own investigation. Shortly thereafter, after it obtained additional information from the DOE, the Bureau opened an investigation."

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Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	Preliminary Comments of Office of Legal Counsel on Constitutional Issues Raised by Department of Energy Reorganization Amendment to S. 1009 (2 pages)	06/25/1999	P5
002. paper	Changes to the Kyle-Domenici Amendment (3 pages)	n.d.	P5
003. memo	Burnim, John D. to Legislative Liaison Officer - Rabben, Bob et al., re: Revised Central Intelligence Agency Statement of Administrative Policy on S1009 Intelligence Authorizations, FY 2000 [partial] (1 page)	07/07/1999	b(2), P3/b(3)
004. email	WAVES Operations Center - ACO to Hunerwadel, Joan, re: WAVES Confirmation [partial] (2 pages)	05/27/1999	P6/b(6), b(7)(C)
005. fax	[Language on Congressional Notification of Classified Information Disclosure] (1 page)	05/21/1999	P5
006. fax	Colbon, Paul to Baker, James re: Whistleblower Protection Provision in Defense Authorization Bill (3 pages)	05/21/1999	P5

COLLECTION:

Clinton Presidential Records
National Security Council
Legal Advisor - Mary Derosa
OA/Box Number: 3391

FOLDER TITLE:

China Nuclear/CI/Energy Legislation

Eric Holzer
2006-1022-F
eh326

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]
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- 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]
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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
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COPY

CHANGES TO THE KYL-DOMENICI AMENDMENT

Elevate Intelligence, Counterintelligence, Safeguards & Security, and Environment, Safety, & Health to Secretarial Functions. These functions must remain secretarial functions, with responsibilities that stretch across the entire DOE complex. If the semi-autonomous Nuclear Weapons Agency (the "Agency") remains the preferred option, the Agency should implement Secretarial policy in these areas. But the policy and oversight functions for these issues should reside in Offices that report directly to the Secretary and that are NOT in the Agency.

Delete any Bypass of Secretarial or White House Review. Language requiring transmittal to the Congress of pre-Budget and other congressional-interaction documents, and any language that reduces the power of the President to oversee the Department and the Agency, is unconstitutional.

Keep Personnel, Inspector General, and General Counsel Functions in the Department. These functions (specified in sub-paragraphs (e)(13) and (e)(15)) should reside with the Secretary and not be duplicated in the Agency. However, the Secretary may dedicate sections of the relevant departmental Offices to support the Agency.

Clarify that Contractors are not Personnel of the Agency. Paragraph (t)(1) asserts that contractor employees are "personnel" of the Agency, even though they are not federal employees. This language must be changed for purposes of the government ethics program, conflict of interest, and other reasons.

Ensure that the Secretary Retains the Authority to Manage the Entire Department and the Agency. Two principles, that statutory power should not be divorced from political accountability and that the delegation of statutory power flows from the President, are basic and widely accepted principles of government. The amendment should reflect the principle that the Secretary retains full managerial and policy authority over the Agency, and the amendment should refrain from providing authorities to the Under Secretary that compete with those of the Secretary.

Clarify the DOE-Laboratory Interface. The legislation requires the lab directors to report to the Deputy Director for Defense Programs. However, such a reporting requirement is not appropriate for a contractor entity and should be deleted. Also, the legislation erects a potential barrier to the continued conduct of non-defense science at the weapons laboratories, which could hurt the Agency's ability to fulfill its weapons mission. Nevertheless, the issue of who has responsibility for oversight of the labs, and how, is the crux of the problem. The solution needs to provide clear "chains of command" between DOE and its contractor-operated Agency laboratories, while protecting the multi-mission nature of the science conducted at those laboratories.

Delete Requirement for Laboratories to Certify Compliance. The Labs are not the

COPY

appropriate authority to certify if they are in compliance with security safeguards. Certification should rest with the Office of Counterintelligence, because it can independently verify whether the labs are in compliance. Certification authority is also too much power for a contractor and, in the past, contractors have used such certifications to extract resources from their host agency.

Clarify the Distinction Between the Role and Responsibility of the Office of Counterintelligence and that of the Office of Security. In several instances, the draft amendment uses the word "security" when describing the activities of the Office of Counterintelligence. The Office of Security should be fully empowered to deal with all security issues.

Clarify Several Important Points.

Executive Pay Levels for Senior Officials should be stated in the bill.

Clarify the reference to the Chief of Intelligence being a "member of the intelligence community". While we agree with the intent of this language, the inclusion of the phrase must not imply that the person could not become a DOE employee.

To be consistent with existing requirements in the National Security Act, the Director of Central Intelligence should be consulted in the appointment of the heads of the Offices of Intelligence and Counterintelligence.

Add the Secretary of Defense to the list of organizations that should receive the annual report on the Agency's security and counterintelligence programs (section (p)(1)).

OTHER CONSTITUTIONAL ISSUES

Qualifications of the Under Secretary. Section (b) may be unconstitutional. The amendment must leave sufficient room for Presidential discretion in the choice of nominee.

Three Officers are Appointed by the Under Secretary. The amendment should be modified to require that the Secretary (or President) appoint these officers. Otherwise the legislation violates the appointments clause.

The Chief of Counterintelligence Must Be From FBI. This section raises constitutional concerns. While the Administration is supportive of the concept, adopting it in statute is problematic.

Annual Report. Paragraph (p)(2)(D) requires that the report include all violations of

COPY

law. However, to be consistent with current law, the reporting requirement must exclude criminal cases, so the word "any" should be deleted on p. 7, line 1. Also, the restrictions contained in paragraph (p)(2)(E) on foreign visitors may compromise national security powers of President.

Report of Potential Threats to National Security. Section (q) raises two problems. The first is whether it is constitutional to require a direct report to Congress. The second is that "immediately" dictates the timing and does not allow the President to delay the report, if needed, for national security or other reasons.

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The Department of Justice and the FBI strongly oppose Section 1032 and 3166. Section 502 of the National Security Act already requires heads of departments and agencies involved in intelligence activities to report to the congressional intelligence committees significant losses of classified intelligence information. Requiring the Secretaries of Defense and Energy also to report to the House and Senate Armed Services Committees any information that classified defense or nuclear energy information has been or is being passed to a foreign power within 30 days of their receipt of the information could seriously jeopardize the ability of the FBI and the Department to investigate and prosecute the perpetrators. The Department requests an opportunity to discuss these provisions with the Armed Services Committees before ~~this provision is enacted.~~

~~Hagard~~
this legislation
moves forward.

COPY

Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. cover sheet	Cover sheet for briefing paper (1 page)	n.d.	P1/b(1)
001b. briefing paper	[China's Nuclear Program] [Atomic Energy Act] (22 pages)	n.d.	P1/b(1), P3/b(3)
002. schedule	Appointment Schedule Samuel Berger 08/28/97 - 08/28/97 [partial] (1 page)	05/17/1999	P6/b(6)
003a. fax cover sheet	Trulock to Morrell, Michael et al. [partial] (1 page)	02/03/1999	b(2)
003b. memo	Trulock, Notra to The Secretary [of Energy], re: China Alternative Assessments: A Dubious Proposition (6 pages)	02/01/1999	P1/b(1)
004a. memo	Kenny, Kristie A. to Davies, Glyn T., re: Document Request... (1 page)	03/26/1999	P1/b(1)
004b. list	Chronology for DOE CI Issue (2 pages)	n.d.	P1/b(1)
005. briefing paper	SRB Briefing on China (4 pages)	n.d.	P1/b(1)
006. briefing paper	SRB Briefing on China [duplicate of 004] (4 pages)	n.d.	P1/b(1)
007a. briefing paper	SRB Briefing on China Q's and A's (3 pages)	03/18/1999	P1/b(1)
007b. list	Timeline (3 pages)	n.d.	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Legal Advisor - Mary Derosa
OA/Box Number: 3393

FOLDER TITLE:

China Nuclear Espionage Documents [1]

Eric Holzer
2006-1022-F
eh321

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
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PRM. Personal record misfile defined in accordance with 44 U.S.C.
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Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
008a. briefing paper	SRB Briefing on China Q's and A's [duplicate of 006a] (3 pages)	03/18/1999	P1/b(1)
008b. list	Timeline (3 pages)	n.d.	P1/b(1)
009. letter	Berger, Samuel R. to Dicks, Norman D., re: [Response to November 12 Letter] (2 pages)	12/21/1998	P1/b(1)
010. letter	Berger to Cox, Christopher, re: [Response to November 12 Letter] (2 pages)	12/21/1998	P1/b(1)
011. report	Insert (draft 3/17/99) (1 page)	03/17/1999	P1/b(1), P5
012. briefing paper	Senate Briefing [draft] [Atomic Energy Act] (3 pages)	n.d.	P1/b(1), P3/b(3)
013. briefing paper	SRB Briefing on China [draft] (4 pages)	n.d.	P1/b(1)
014. list	...Timeline (2 pages)	n.d.	P1/b(1)
015a. fax cover sheet	Richanbach, Paul to McCarthy, Mary [partial] (1 page)	10/05/1998	b(2)
015b. fax cover sheet	Richanbach to McCarthy [corrected remarks on cover sheet] [partial] (1 page)	10/05/1998	b(2)
015c. statement for the record	[Statement of Notra Trulock, III to the House National Security Committee, Subcommittee on Military Procurement] (7 pages)	10/06/1998	P1/b(1)

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FOLDER TITLE:

China Nuclear Espionage Documents [1]

Eric Holzer
2006-1022-F
eh321

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016. statement for the record	[Statement by Edward J. Curran to U.S. House of Representatives, Committee on National Security, Subcommittee on Military Procurement] (8 pages)	10/06/1998	P1/b(1)
017. notes	[1:00 Situation Room] [handwritten] (2 pages)	n.d.	P1/b(1)
018. email	Gregory, Susan J. to Samore, Gary S. re: DOE Press Release on CI Reorganization (2 pages)	02/11/1998	P5
019. fax	[page 2 only of classified fax] (1 page)	03/18/1999	P1/b(1)
020. email	Gregory to Sherman, David J. re: DOE-PDD on CI Reorganization (3 pages)	02/11/1998	P5, b(7)(E)
021. email	Baker, James E. to Malley, Robert, re: Biweekly with AG/DirFBI... (2 pages)	12/17/1997	P1/b(1)
022. email	Beers, Rand R. to Cicio, Kristen K. et al., re: [Consensus Document] (1 page)	12/17/1997	P1/b(1)
023. note	Berger to Steinberg, James re: [FBI Notified...] (2 pages)	12/05/1997	P1/b(1)
024. email	Gregory, Susan to Cicio et al., re: DOE Counterintelligence (1 page)	12/05/1997	P1/b(1)
025. email	Gregory to Baker, re: SRB Mtg with Reno/Freeh... (1 page)	12/04/1997	P1/b(1)
026. letter	Freeh, Louis J. & Tenet, George J. to Pena, Federico, re: [Steps to Develop an Effective Counterintelligence and Security Program at DOE] (3 pages)	11/06/1997	P1/b(1)

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Eric Holzer
2006-1022-F
eh321

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RR. Document will be reviewed upon request.

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
027a. memo	Gregory to Berger, re: Department of Energy Counterintelligence (CI) Issues (2 pages)	09/22/1997	P1/b(1)
027b. paper	Decision Points for DCI Tenet and Director Freeh to Consider [CIA Act] [partial] (1 page)	n.d.	P3/b(3), P6/b(6), b(7)(C)
027c. memo	Thompson, Robert C. to Chairman, National Counterintelligence Policy Board (3 pages)	09/02/1997	P1/b(1)
027d. paper	Impact of Chinese Acquisition of US Nuclear Weapons Design Information [Atomic Energy Act] (11 pages)	n.d.	P1/b(1), P3/b(3)
027e. report	[Summary from Investigations] (4 pages)	n.d.	P1/b(1)
027f. briefing paper	Assessing the Department of Energy's Counterintelligence Program - A Chronology of Recent Reports (1 page)	n.d.	P1/b(1)
027g. talking points	DCI Talking Points, Counterintelligence Issues at the Department of Energy (3 pages)	n.d.	P1/b(1)
027h. summary	Intelligence Threats to the National Laboratories: An Unrelenting Assault [page 1 only] (1 page)	n.d.	P1/b(1)

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Eric Holzer
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eh321

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RR. Document will be reviewed upon request.

CLASS: UNCLASSIFIED
DISPOSITION: NON RECORD
Transmission: 11-Feb-98 09:01 am
SENDER: Gregory, Susan J.
SUBJECT: RE: DOE Press Release on CI Reorganization [UNCLASSIFIED]
TO: Samore, Gary S.
McCarthy, Mary O.

CC:

Absolutely we can talk. No, Sandy didn't ask for this. But in consultation with Mary we thought he should know for a number of reasons --especially as he gave this effort his personal attention and support. I thought he should also understand the USA today article and any future press, especially in view of discussion(s) with him about talking with Eisler. However, despite my disbelief at DOE's handling, I have no personal need to provide this to Sandy and welcome your suggestion as to what he should know.

-----Original Message-----
From: Samore, Gary S.
Sent: Wednesday, February 11, 1998 11:56 AM
To: McCarthy, Mary O.; Gregory, Susan J.
Subject: RE: DOE Press Release on CI Reorganization [UNCLASSIFIED]

I'm not convinced that we need to give Sandy all this background on the ugly process and DOE's incompetence (unless he asked for it). Can we talk?

-----Original Message-----
From: McCarthy, Mary O.
Sent: Wednesday, February 11, 1998 11:34 AM
To: Gregory, Susan J.; Samore, Gary S.
Subject: RE: DOE Press Release on CI Reorganization [UNCLASSIFIED]

dem good from perspective!

-----Original Message-----
From: Gregory, Susan J.
Sent: Wednesday, February 11, 1998 11:23 AM
To: Samore, Gary S.; McCarthy, Mary O.
Subject: DOE Press Release on CI Reorganization [UNCLASSIFIED]

Gary - Mary asked that I send an E-mail to Sandy. Can you review this, especially since I quoted you (primarily your E-mails)? Mary is also reviewing my prose. Thanks!! (Still playing phone tag with Jay Farrar)

Please Pass to Sandy and Jim:

COPY

Yesterday

afternoon, DOE issued a press release announcing the Secretary's establishment of new offices of Counterintelligence (CI) and Intelligence.

They did this knowing that the PDD was not yet signed (the proposal went to the President's office on 2/7). Intel and Nonpro learned about the Press Release from the FBI. DOE (Rose Gottemoeller) thereafter advised Gary that Energy was going ahead with the reorganization whether POTUS signed the PDD or not. She also told him that DOE had made calls to the Hill in coordination with their press release.

The DOE TPs used to brief the Hill obviously highlighted the Secretary's actions and, in points 5 & 6, did note that the White House will be issuing a PDD and that "the strong White House support for this DOE reorganization is an important sign that the Clinton Administration places a primary emphasis on protecting weapon design information and other classified information...."

Gary had, in coordination with Press, been putting off returning calls to USA Today reporter Peter Eisler until the PDD was signed. After DOE's press release, Gary spoke with Eisler, whose article appeared in today's edition (pg 7). Despite Gary's efforts to put the best face on an easily discernible disparity between DOE's announcement and the not-yet-signed PDD, the article says that, "The unprecedented moves [overhauling intelligence programs and ceding some control to the FBI and other national security agencies] are a response to White House pressure....The changes reflect high-level concerns in the Clinton administration over" DOE's ability to protect nuclear weapons programs.

The original intention had been for a coordinated Hill briefings after the PDD was signed, including FBI, CIA, and NSC (Intel/Nonpro). We're presently regrouping but Intel believes we should stick with the plan and do it right on the Hill.

COPY

CLASS: UNCLASSIFIED
DISPOSITION: RECORD
Transmission: 11-Feb-98 07:44 am
SENDER: Gregory, Susan J.
SUBJECT: RE: DOE - PDD on CI Reorganization [UNCLASSIFIED]
TO: Sherman, David J.

CC:

Dave, thanks for your reply. I really am NOT in despair - my sarcasm is much more indicative of irritation and, frankly, stunned disbelief at how STUPID those people continue to be. Clearly didn't fool USA Today, and they're the McPaper. (Besides, I get to write a note to Sandy telling him all about their action.....(Happy Face Graphis here if I could do it)

—Original Message—

From: Sherman,
David J.
Sent: Wednesday, February 11, 1998 10:44 AM
To: Gregory,
Susan J.
Subject: RE: DOE - PDD on CI Reorganization [UNCLASSIFIED]

Despair
not. It ain't over until it's over, and I suspect we haven't heard the last word on this. I would be very surprised if DoE's action doesn't trigger some unintended or unexpected consequences. After all, I wouldn't think that what has happened is really going to fool anybody.

In short, keep your chin up but your nose to the grindstone (a rather contorted position, physically speaking, but sometimes the best one can do).

—Original Message—

From: Gregory,
Susan J.
Sent: Wednesday, February 11, 1998 10:14 AM
To: McCarthy,
Mary O.; Sherman, David J.
Subject: RE: DOE - PDD on CI Reorganization
[UNCLASSIFIED]

Gee, don't I feel stupid. All that time that was wasted in this office, and at the FBI and various other CI elements, not to mention Sandy's personal involvement. And you don't think the President has anything more pressing on his desk - like IRAQ - rather than approve and sign the PDD? And DOE meant to do it all along, in just the same way - if only we'd known.

—Original
Message—

From: McCarthy, Mary O.
Sent: Tuesday, February 10,
1998 6:43 PM
To: Samore, Gary S.; Gregory, Susan J.; Crowley, Philip
J.; Farrar, Jay C.; Sherman, David J.
Cc: @PRESS - Public Affairs;

COPY

@INTEL - Intelligence Programs; @LEGISLAT - Legislative Affairs
Subject:RE:
DOE - PDD on CI Reorganization [UNCLASSIFIED]

so it was their
idea all along to have the CI unit report to the Dep Sec. very clever.

—Original
Message—

From:Samore, Gary S.
Sent:Tuesday, February 10,
1998 5:04 PM
To:Gregory, Susan J.; Crowley, Philip J.; Farrar,
Jay C.; Sherman, David J.; McCarthy, Mary O.
Cc:@PRESS - Public
Affairs; @INTEL - Intelligence Programs; @LEGISLAT - Legislative
Affairs
Subject:RE: DOE - PDD on CI Reorganization [UNCLASSIFIED]

I
also talked to DOE (Rose). She says they're going ahead with reorganization
whether or not POTUS signs the PDD! (Why did we bother him?) She
also says they've already made their heads-up calls to the Hill.

—Original Message—

From:Gregory, Susan J.
Sent:Tuesday,
February 10, 1998 3:29 PM
To:Crowley, Philip J.; Samore, Gary S.;
Farrar, Jay C.; Sherman, David J.; McCarthy, Mary O.
Cc:@PRESS
- Public Affairs; @INTEL - Intelligence Programs; @LEGISLAT - Legislative
Affairs
Subject:DOE - PDD on CI Reorganization [UNCLASSIFIED]

The
FBI has been told that DOE plans to issue their press release on
intelligence reorganization today. (The DOE person who said that
was Larry Ottenburg, nfi.) The PDD that is directing DOE's reorganization
is still in the President's office and not signed, and nothing has
been set up to brief appropriate Hill committees as far as I am aware.

Intel got the draft DOE press release, which is supposedly being
coordinated with our Press, from FBI.



[020]

I am departing for the day - Dave Sherman's
got the press release and all background.

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Susan J.

Sent: Tuesday, February 10, 1998 3:29 PM

To: Crowley,

Philip J.; Samore, Gary S.; Farrar, Jay C.; Sherman, David J.; McCarthy, Mary O.

Cc: @PRESS - Public Affairs; @INTEL - Intelligence Programs;

@LEGISLAT - Legislative Affairs

Subject: DOE - PDD on CI Reorganization

[UNCLASSIFIED]

The FBI has been told that DOE plans to issue their press release on intelligence reorganization today. (The DOE person who said that was Larry Ottenburg, nfi.) The PDD that is directing DOE's reorganization is still in the President's office and not signed, and nothing has been set up to brief appropriate Hill committees as far as I am aware. Intel got the draft DOE press release, which is supposedly being coordinated with our Press, from FBI.



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Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. memo	Gregroy, Susan to Berger, Samuel, re: Department of Energy (DOE) Counterintelligence Issues Draft PDD (1 page)	01/12/1998	P1/b(1)
001b. memo	Berger to POTUS, re: Department of Energy (DOE) Counterintelligence Issues Draft PDD (2 pages)	n.d.	P1/b(1)
001c. memo	Gregory to Berger, re: Department of Energy (DOE) Counterintelligence Issues Draft PDD (2 pages)	12/18/1997	P1/b(1)
001d. memo	Presidential Decision Directive/NSC- [Draft] (4 pages)	n.d.	P1/b(1)
002. email	Samore, Gary S. to Gregory, re: DOE PDD (1 page)	01/30/1998	P1/b(1)
003. memo	Presidential Decision Directive/NSC-61 (5 pages)	02/11/1998	P1/b(1)
004a. memo	Gregory to Berger, re: Department of Energy Counterintelligence (CI) Issues - PDD (2 pages)	02/05/1998	P1/b(1)
004b. memo	Berger to POTUS, re: Proposed PDD to Enhance Counterintelligence (CI) at the Department of Energy (DOE) (2 pages)	02/07/1998	P1/b(1)
004c. memo	Presidential Decision Directive/NSC-61 (5 pages)	02/11/1998	P1/b(1)
005. email	Gregory to McCarthy, Mary O., re: Richardson - PDD 61 TPs (3 pages)	07/31/1998	P1/b(1)
006. memo	Gregory to Berger, re: Telephone Call to Ambassador Richardson re PDD-61 Department of Energy Counterintelligence Program (2 pages)	08/19/1998	P1/b(1)
007. talking points	Talking Points for Telephone Call to Bill Richardson (2 pages)	n.d.	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
-Legal Advisor - Mary Derosa
OA/Box Number: 3393

FOLDER TITLE:

China Nuclear Espionage Documents [3]

Eric Holzer
2006-1022-F
eh323

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]
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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).
RR. Document will be reviewed upon request.

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
008. email	McCarthy to Gregory, re: DOE Briefing on China (2 pages)	10/05/1998	P1/b(1)
009. email	McCarthy to Barlett, L. June et al., re: DOE Briefing on China (2 pages)	10/05/1998	P1/b(1)
010. email	Gregory to Hawkins, Ardenia R., re: Suggested E-mail to Jim Steinberg (3 pages)	10/08/1998	P1/b(1)
011. note	Note to Jim Steinberg on DOE/PDD-61 (3 pages)	n.d.	P1/b(1)
012. email	Gregory to McCarthy, re: Meeting at OMB (2 pages)	10/08/1998	P1/b(1)
013. email	Samore to Gregory, re: SRB Call to Richardson (2 pages)	11/03/1998	P1/b(1)
014a. email	Gregory to Samore et al., re: SRB Call to Richardson (2 pages)	11/02/1998	P1/b(1)
014b. email attachment	Talking Points for Call to Secretary Bill Richardson re: DOE Counterintelligence Program (2 pages)	n.d.	P1/b(1)
015. email	Gregory to Samore & McCarthy, re: SRB Call to Richardson (2 pages)	11/03/1998	P1/b(1)
016. list	[List of contents for SRB SSCI prep book] (2 pages)	n.d.	P1/b(1)
017a. email	Farrar, Jay C. to Gregory, re: Cox Hearing on DOE Counterintelligence (1 page)	11/17/1998	P1/b(1)
017b. email	Samore to Leary, William H. et al., re: DOE CI Assessment (1 page)	12/14/1998	P1/b(1)

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National Security Council
Legal Advisor - Mary Derosa
OA/Box Number: 3393

FOLDER TITLE:

China Nuclear Espionage Documents [3]

Eric Holzer
2006-1022-F
eh323

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
018. email	Rudman, Mara E. to Gregory, re: Cox Committee Issues (3 pages)	01/04/1999	P1/b(1)
019. email	Samore, Gary S. to Leavy, David C., et al., re: Cox Story (2 pages)	02/20/1999	P3/b(3), P5
020. email	Crowley, Philip J. to Samore, Gary S. & Leavy, David C. re: Cox Story (1 page)	02/19/1999	P5
021. notes	[Los Alamos] (1 page)	03/17/1997	P1/b(1)
022. notes	[Los Alamos] (1 page)	03/24/1997	P1/b(1)
023. report	[Albuquerque] (3 pages)	09/08/1997	P1/b(1)
024. note	Beers to Berger & Steinberg (2 pages)	10/21/97	P1/b(1)
025. email	Baker, James E. to Helwig, M. Diana & Beers, re: AG Meeting for JS - Legal Input (2 pages)	11/19/1997	P1/b(1)
026. email	Baker to Berger et al., re: Biweekly Mtg. with AG 12/4/97 (2 pages)	12/03/1997	P1/b(1)
027. email	Gregory to Baker, re: SRB Mtg with Reno/Freeh this Afternoon (1 page)	12/04/1997	P1/b(1)
028. report	[Foreign Counterintelligence] (3 pages)	01/08/1998	P1/b(1)
029. memo	Berger to Steinberg, re: Update on FBI Investigations... (1 page)	01/14/1998	P1/b(1)

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National Security Council
Legal Advisor - Mary Derosa
OA/Box Number: 3393

FOLDER TITLE:

China Nuclear Espionage Documents [3]

Eric Holzer
2006-1022-F
eh323

RESTRICTION CODES

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
030. notes	[Handwritten Notes] (6 pages)	01/15/1998	P1/b(1)
031. memo	Baker to Berger, re: Meeting with Attorney General 2/9/98 (5 pages)	02/07/1998	P1/b(1)
032. briefing paper	Gregory to Berger & Steinberg, re: [FBI Updates] (7 pages)	07/10/1998	P1/b(1)
033. briefing paper	[page 4 only] (1 page)	07/15/1998	P1/b(1)
034. briefing paper	[page 4 only] (1 page)	09/13/1998	P1/b(1)
035. note	Gregory to Berger & Steinberg, re: [Update on Investigation] (1 page)	12/28/1998	P1/b(1)
036. memo	Beers to Gregory, re: [Investigation] (3 pages)	08/21/1997	P1/b(1)

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National Security Council
Legal Advisor - Mary Derosa
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Eric Holzer
2006-1022-F
eh323

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COPY

—Original Message—

From: Crowley,

Philip J.

Sent: Friday, February 19, 1999 7:16 PM

To: Samore,

Gary S.; Leavy, David C.

Cc: @PRESS - Public Affairs; Tucker, Maureen

E.

Subject: RE: Cox Story [UNCLASSIFIED]

They are not writing for the weekend. Interview tracked as predicted in terms of why DoE took so long and missed these signals. One they raised from your interview was a suggestion that you Gary Samore asked for the CIA assessment in order to have something to debate with, in contrast to the DoE assessment. It was my impression from your talk yesterday that these two camps already existed when you got the full briefing.

Do we need to push back? They seemed to see a conspiracy that I don't see.

PJ

—Original Message—

From: Samore, Gary

S.

Sent: Friday, February 19, 1999 6:47 PM

To: Leavy, David C.

Cc: @PRESS

- Public Affairs; Tucker, Maureen E.

Subject: Cox Story [UNCLASSIFIED]

If

it comes out on Sunday, we may need some quick guidance for POTUS.

Did

you call Brooke?

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Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	Presidential Decision Directive/NSC-61 [Copy C] (5 pages)	02/11/1998	P1/b(1)
002. minutes	HASC Staff Briefing - Ryun Bill [handwritten notes] (3 pages)	03/07/1999	P1/b(1)
003. email	Shapiro, Daniel B. to Lackey, Miles M. re: China/Labs (1 page)	05/04/1999	P5
004. email	Caravelli, John M. to Segal, Jack D. re: HR 1348 (1 page)	04/28/1999	P5

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Clinton Presidential Records
National Security Council
Legal Advisor - Daniel Shapiro
OA/Box Number: 3525

FOLDER TITLE:

China/Labs/Espionage [1]

Eric Holzer
2006-1022-F
eh310

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
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RR. Document will be reviewed upon request.

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COPY

Shapiro, Daniel B.

From: Shapiro, Daniel B.
Sent: Tuesday, May 04, 1999 9:05 PM
To: Lackey, Miles M.
Cc: @LEGISLAT - Legislative Affairs
Subject: China/labs [UNCLASSIFIED]

Miles: a start on the China memo -- some is usable for leg update as well
I left Cox committee and Intel committee report for you. Are there other pieces?

China/Lab Security

Upcoming Legislation: Today, SSCI will mark up the Intelligence Authorization bill. Shelby may well include in the mark his bill to impose a moratorium on the Foreign Visitors Program at the national labs. He could be dissuaded if he believes he does not have the votes, which is possible. Lugar opposes the bill, and if Democrats stick together, they can defeat it (SSCI has a 9-8 split). The Intelligence bill may also include provisions or amendments to codify PDD-61; to give oversight of DOE counterintelligence to the FBI; to require tougher background checks of foreign visitors to the labs; or to deny U.S. exports of nuclear technology to any country conducting nuclear espionage against the United States.

Outlook for these provisions is uncertain, but if they are not included in the Intelligence bill, they will likely surface in the HASC and SASC mark-ups next week. In our meetings with staff on the Hill, they generally feel that these provisions will be difficult for many members to oppose. On the floor (especially in the House) they would probably win handily, although Sen. Domenici could mount a strong defense in the Senate. Democratic staff believe an important counter to the Shelby/Ryun bills and other strong measures would be to offer an alternative that would codify PDD-61. They are seeking guidance on legislative language that the Administration would agree is an accurate rendering of PDD-61 in legislative language, since they expect other versions to surface.

Upcoming Staff Briefing: We have arranged an interagency (DOE, State, DOD, possibly CIA) briefing for HASC staff on Friday, and are offering the same to SASC, to make them aware of the national security consequences of curtailing the foreign visitors program at the national labs. Sec. Richardson apparently wants to oppose Shelby/Ryun bills outright, and not seek any compromise. Without POTUS or SRB guidance on this question, our briefing will avoid discussion of alternatives and focus strictly on national security consequences.

Hearings: Today, the House Commerce Committee and the Senate Energy and Natural Resources Committee will each hold a hearing on the China espionage/lab security issue.

Shapiro, Daniel B.

From: Caravelli, John M.
Sent: Wednesday, April 28, 1999 3:18 PM
To: Segal, Jack D.
Cc: Pascual, Carlos E.; Tedstrom, John E.; Weiss, Andrew S.; Shapiro, Daniel B.
Subject: RE: HR 1348 [UNCLASSIFIED]

Your note points out exactly why we need to establish and coordinate an Administration position--and quickly. I can't of anything more devastating to our interests than for mixed messages to be sent by the Exec. branch. Also, because this issue is so politically charged we need to ensure that SRB is comfortable with whatever tack we take. Dan, under Leg. auspices can you get together a small group for perhaps next Monday? Jack Segal and I can identify the substantive folks from throughout the interagency that should be invited. Let me know. Thanks

-----Original Message-----

From: Segal, Jack D.
Sent: Wednesday, April 28, 1999 3:07 PM
To: Caravelli, John M.
Cc: Pascual, Carlos E.; Tedstrom, John E.; Weiss, Andrew S.
Subject: HR 1348 [UNCLASSIFIED]

I spoke to Debra Cagan about this bill. She is inclined to lay low and not try to change anything because the labs more involved in Russia programs are not mentioned in the bill, which is specific to the three best-known national labs (...and those most engaged with DOE). She thought any attempt to focus in on Chinese exchanges would only cast a spotlight on the Russia issue and perhaps lead to a broadening of the draft legislation. I am still trying to connect with Kim Savit and Anne Harrington whose views are likely to differ from Debra's. I also have a call in to Terri Lodge in State/Leg to see if there's an overall State position on the bill.

Note that today's LA Times carries reporting that the bill now has a senate sponsor -- Shelby. But also, Sen. Domenici indicated that the bill might be ill-conceived and that he would be talking to Shelby.

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Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. draft summary report	Overview [Summary of findings and judgements contained in the Select Committee's Classified Report, issued January 3, 1999] (34 pages)	04/26/1999	P1/b(1)
002. memo	Samore, Gary to Holum, John et al., re: Cox/Dicks Report Meeting [CIA Act] [partial] (1 page)	04/26/1999	P3/b(3), P6/b(6), b(7)(C)
003. fax cover sheet	Samore to Holum et al., re: Meeting, Wednesday, April 28, 3:30 - 5:00 p.m. in Room 324, Old Executive Office Building [CIA Act] [partial] (1 page)	n.d.	b(2), P3/b(3), P6/b(6), b(7)(C)
004. list	Cox-Dicks Report Agency Contacts for Copies [CIA Act] [partial] (1 page)	n.d.	b(2), P3/b(3), P6/b(6), b(7)(C)
005. email	McCarthy, Mary O. to Hachigian, Nina L. et al. re: GAO Testimony on Lab Security (1 page)	04/23/1999	P5
006. memo	Burnim, John D. to Legislative Liaison Officer, re: Energy Oversight Testimony on Security at DOE Laboratories [CIA Act] [partial] (1 page)	05/03/1999	b(2), P3/b(3), P6/b(6), b(7)(C)

COLLECTION:

Clinton Presidential Records
National Security Council
Legal Advisor - Daniel Shapiro
OA/Box Number: 3525

FOLDER TITLE:

China/Labs/Espionage [2]

Eric Holzer
2006-1022-F
eh311

RESTRICTION CODES

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

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

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COPY

Shapiro, Daniel B.

From: McCarthy, Mary O.
Sent: Friday, April 23, 1999 9:14 AM
To: Hachigian, Nina L.; Lackey, Miles M.; @NSA - Natl Security Advisor; @NONPRO - Export Controls; @INTEL - Intelligence Programs; @ASIA - Asian Affairs; @PRESS - Public Affairs
Cc: @LEGISLAT - Legislative Affairs
Subject: RE: GAO TESTIMONY ON LAB SECURITY [UNCLASSIFIED]

Scheduled for May 5th 11-1230. We will do a memo for Jim recommending attendees and agenda. (Clearly bulk of meeting should be discussion of implementation of the DOE Plan)

-----Original Message-----

From: Hachigian, Nina L.
Sent: Friday, April 23, 1999 9:08 AM
To: Lackey, Miles M.; @NSA - Natl Security Advisor; @NONPRO - Export Controls; @INTEL - Intelligence Programs; @ASIA - Asian Affairs; @PRESS - Public Affairs
Cc: @LEGISLAT - Legislative Affairs
Subject: RE: GAO TESTIMONY ON LAB SECURITY [UNCLASSIFIED]

Jim asks--Mary/Gary: Have we set up deputies review of PDD-61 implementation yet?

-----Original Message-----

From: Lackey, Miles M.
Sent: Tuesday, April 20, 1999 11:38 AM
To: Lackey, Miles M.; @NSA - Natl Security Advisor; @NONPRO - Export Controls; @INTEL - Intelligence Programs; @ASIA - Asian Affairs; @PRESS - Public Affairs
Cc: @LEGISLAT - Legislative Affairs
Subject: RE: GAO TESTIMONY ON LAB SECURITY [UNCLASSIFIED]

This GAO report is very good. Highlights:

"While recent incidents at Los Alamos have been receiving national attention, these are only the most recent examples of problems with DOE's security systems. For nearly 20 years, we have issued numerous reports on a wide range of DOE security programs designed to protect nuclear weapons-related and other sensitive information and material. These reports have included nearly 50 recommendations for improving programs for controlling foreign visitor access, protecting classified and sensitive information, maintaining physical security over facilities on property, ensuring the trustworthiness of employees, and accounting for nuclear materials. While DOE has often agreed to take corrective actions, we have found that the implementation has often not been successful and that problems recur over the years."

Leavy, do you think it would be helpful to put together a press/hill friendly one-pager in two parts: 1) GAO says problems 20 years old; 2) no one has taken more aggressive steps to fix problems than Clinton Administration? Don't know who could write best.

-----Original Message-----

From: Lackey, Miles M.
Sent: Tuesday, April 20, 1999 11:11 AM
To: @NSA - Natl Security Advisor; @NONPRO - Export Controls; @INTEL - Intelligence Programs; @ASIA - Asian Affairs; @PRESS - Public Affairs
Cc: @LEGISLAT - Legislative Affairs
Subject: GAO TESTIMONY ON LAB SECURITY [UNCLASSIFIED]

To: All

I have the GAO testimony for this afternoon's Commerce Committee hearing on lab security. It's too long to fax (about 22 pages) -- if you want it, let me know.

Miles

Withdrawal/Redaction Sheet

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. notes	[Handwritten Notes re: Public Opinion Concerning National Security and the Administration] (5 pages)	n.d.	P5
002. notes	[Handwritten Notes re: Possible Legislation] (1 page)	n.d.	P5
003. briefing paper	Compromise Options to Preserve the Foreign Visitors Program (1 page)	n.d.	P5
004. report	[Threat Assessment] (32 pages)	11/1998	P1/b(1)
005a. cover sheet	Stewart, Amy to Shapiro, Dan, re: Talking Points (1 page)	05/05/1999	P1/b(1)
005b. talking points	[Impact of H.R. 1348/S.877] (1 page)	05/05/1999	P1/b(1)
006a. cover sheet	Lodge, Terri to Shapiro, re: DOE Lab Provisions (1 page)	05/04/1999	P1/b(1)
006b. talking points	[Impact of H.R. 1348/S.877] (3 pages)	05/04/1999	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Legal Advisor - Daniel Shapiro/ Gina Abercrombie-Winstanley
OA/Box Number: 2864

FOLDER TITLE:

China Lab Security

Eric Holzer
2006-1022-F
eh344

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]
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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

COPY

Ellen Tauscher w/ Samore, Curran,
Moniz, Shapiro

- need to know no surprises coming
- NVT
- deflected bullet (already fired)
- mad at FBI - taught WHL
to spy
- weren't looking to protect
secrets - to build a case
on something else
- people expect easy to find
spy - walk out w/ 3 ring binder
- don't know what to look for

- encryption policy
much

- don't like declassification
gave away secrets
(CBS hunt us last night)
- need to take op. to reorganize a la Richardson
- if there was even question of priorities,
now safe secrets is #1 job

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- make it clear that ~~as~~ #1
mission - convince Am people
- or people will think no one
knows what they are doing
- GOP is right

- need to be saying these things

Byron is opp to say "not this,
but that"

who is leading to ~~NYT~~?

GS - ~~look~~?

- wants to see Nov. 1998 report

Cannon - first draft of 11/98 was not good
enough - didn't have comprehensive picture
of threat - so got raw data from
FBI + CIA

COPY

- devastating that it is in NVT
- person who gave that report is a traitor

ET - my political calculation

- no abortion votes this year
- they believe don't have to use normal tools
- they believe just drip-drip will kill us
- most people believe Admin ~~was~~ sold or was unaware of sale of secrets
- what Rick did yesterday is good
- shows clear responsibility
- this is political, not policy
- these are traitors - hate BC or something else - need to fight back

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- there is bipartisan group
 - pro-DoE, pro-lat, pro-program
 - hammer away as his #1 priority is protecting secrets

- need one party line next week
 - can't minimize what happened
 - clear up declassification issue
 - looks stupid - can't win
 - say what they got, what they can use it for - assume worst case
 - then move forward

- this is about floor time
 - speeches
 - that's why three chances
 - don't expect tomorrow - just talk
 - keep connecting dots
- make Clinton look like Keystone Kops or Thirties

COPY

Thorburn, Graham, Wilson, Bond(?)
Weldon(?)

Spratt, Tauscher, Snyder, Sussisby,
Dicks

Richardson must say my butt if we lose
our secrets - all we care about

address thefts - minimize value
time + place, what used for (context), relevance,
benefits

- discredit value/importance of thefts

- say yes horrible that stolen,
but loss not severe

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Possible Legislation

- curtail Foreign Visitors Program - with 10-day waiver
- aspects of PDD-61
- place Saf. Security under FBI control

Aspects

- This is leadership coordinated effort
- Very difficult to ask Dems. to vote against it
- Some of it will replicate Administration actions
 - some will only appear to

Strategy

- Talk to Domenici, Bingaman, Wilson, Skeen
 - their ideas
- Arrange staff briefings for HASC + SASC on Visitor Programs
- Be prepared at mark-ups with compromise ~~language~~ language
- Seek someone to offer it - Senate - Bingaman, Levin, Robt. Lieberman, Roberts House - Spratt
- Depending on mark-up outcome, may consider taking a pass on the Floor
- Plan conference strategy (veto threat?)

→ Try to ensure different versions, House + Senate

Amend - assess impact of these programs

Compromise Options to Preserve the Foreign Visitors Program

1. Oppose moratorium of any type. Propose that an assessment of the foreign visitors programs be conducted before any legislation is contemplated.

Who does assessment?

- Independent Commission
- SEAB
- Jeremiah recommendation
- PFIAB

- Agree that elements of our counterintelligence program be written into law.

2. Trigger off moratorium requirements when CI program implements the following (certified in a letter from Director Curran by early August):

- full indices checks for foreign visitors from sensitive countries
- CIO's debrief all employees with foreign interactions
- rescind and redo foreign visitors order
- complete unclassified sensitive technologies list
- more to come from CI

3. Maintain basic moratorium concept, but limit:

- Limit moratorium/waiver process to China visitors, or China and a select list of other sensitive countries
- Take the Secretary out of the waiver process and assign it to NN Assistant Secretary
- Send to Armed Services and Intelligence Committees a report listing foreign visitors on a monthly basis.
- Sunset moratorium after six months, a year.

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	Preliminary Comments of Office of Legal Counsel on Constitutional Issues Raised by Department of Energy Reorganization Amendment to S. 1009 (2 pages)	06/25/1999	P5
002. paper	Changes to the Kyl-Domenici Amendment (3 pages)	n.d.	P5
003. paper	Problems with Kyl-Domenici-Murkowski Amendment (7 pages)	06/25/1999	P5

COLLECTION:

Clinton Presidential Records
National Security Council
Legal Advisor (Daniel Shapiro/Gina Abercrombie-Winstanley)
OA/Box Number: 2864

FOLDER TITLE:

Espionage/DOE [Department of Energy] Fallout [1]

Eric Holzer
2006-1022-F
eh685

RESTRICTION CODES

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

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

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- C. Closed in accordance with restrictions contained in donor's deed of gift.
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- RR. Document will be reviewed upon request.

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Provided to
Warner & Levin

CHANGES TO THE KYL-DOMENICI AMENDMENT

Elevate Intelligence, Counterintelligence, Safeguards & Security, and Environment, Safety, & Health to Secretarial Functions. These functions must remain secretarial functions, with responsibilities that stretch across the entire DOE complex. If the semi-autonomous Nuclear Weapons Agency (the "Agency") remains the preferred option, the Agency should implement Secretarial policy in these areas. But the policy and oversight functions for these issues should reside in Offices that report directly to the Secretary and that are NOT in the Agency.

Delete any Bypass of Secretarial or White House Review. Language requiring transmittal to the Congress of pre-Budget and other congressional-interaction documents, and any language that reduces the power of the President to oversee the Department and the Agency, is unconstitutional.

Keep Personnel, Inspector General, and General Counsel Functions in the Department. These functions (specified in sub-paragraphs (e)(13) and (e)(15)) should reside with the Secretary and not be duplicated in the Agency. However, the Secretary may dedicate sections of the relevant departmental Offices to support the Agency.

Clarify that Contractors are not Personnel of the Agency. Paragraph (t)(1) asserts that contractor employees are "personnel" of the Agency, even though they are not federal employees. This language must be changed for purposes of the government ethics program, conflict of interest, and other reasons.

Ensure that the Secretary Retains the Authority to Manage the Entire Department and the Agency. Two principles, that statutory power should not be divorced from political accountability and that the delegation of statutory power flows from the President, are basic and widely accepted principles of government. The amendment should reflect the principle that the Secretary retains full managerial and policy authority over the Agency, and the amendment should refrain from providing authorities to the Under Secretary that compete with those of the Secretary.

Clarify the DOE-Laboratory Interface. The legislation requires the lab directors to report to the Deputy Director for Defense Programs. However, such a reporting requirement is not appropriate for a contractor entity and should be deleted. Also, the legislation erects a potential barrier to the continued conduct of non-defense science at the weapons laboratories, which could hurt the Agency's ability to fulfill its weapons mission. Nevertheless, the issue of who has responsibility for oversight of the labs, and how, is the crux of the problem. The solution needs to provide clear "chains of command" between DOE and its contractor-operated Agency laboratories, while protecting the multi-mission nature of the science conducted at those laboratories.

Delete Requirement for Laboratories to Certify Compliance. The Labs are not the appropriate authority to certify if they are in compliance with security safeguards. Certification should rest with the Office of Counterintelligence, because it can independently verify whether the labs are in compliance. Certification authority is also too much power for a contractor and, in the

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past, contractors have used such certifications to extract resources from their host agency.

Clarify the Distinction Between the Role and Responsibility of the Office of Counterintelligence and that of the Office of Security. In several instances, the draft amendment uses the word "security" when describing the activities of the Office of Counterintelligence. The Office of Security should be fully empowered to deal with all security issues.

Clarify Several Important Points.

1. Executive Pay Levels for Senior Officials should be stated in the bill.
2. Clarify the reference to the Chief of Intelligence being a "member of the intelligence community". While we agree with the intent of this language, the inclusion of the phrase must not imply that the person could not become a DOE employee.
3. To be consistent with existing requirements in the National Security Act, the Director of Central Intelligence should be consulted in the appointment of the heads of the Offices of Intelligence and Counterintelligence.
4. Add the Secretary of Defense to the list of organizations that should receive the annual report on the Agency's security and counterintelligence programs (section (p)(1)).

OTHER CONSTITUTIONAL ISSUES

Qualifications of the Under Secretary. Section (b) may be unconstitutional. The amendment must leave sufficient room for Presidential discretion in the choice of nominee.

Three Officers are Appointed by the Under Secretary. The amendment should be modified to require that the Secretary (or President) appoint these officers. Otherwise the legislation violates the appointments clause.

The Chief of Counterintelligence Must Be From FBI. This section raises constitutional concerns. While the Administration is supportive of the concept, adopting it in statute is problematic.

Annual Report. Paragraph (p)(2)(D) requires that the report include all violations of law. However, to be consistent with current law, the reporting requirement must exclude criminal cases, so the word "any" should be deleted on p. 7, line 1. Also, the restrictions contained in paragraph (p)(2)(E) on foreign visitors may compromise national security powers of President.

Report of Potential Threats to National Security. Section (q) raises two problems. The first is whether it is constitutional to require a direct report to Congress. The second is that "immediately" dictates the timing and does not allow the President to delay the report, if needed,

for national security or other reasons.

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Problems with Kyl-Domenici-Murkowski Amendment

Sec. 213 Agency for Nuclear Stewardship

Impact on Executive and Secretarial Authorities

Secretary's Authority to run the Department of Energy eroded: The provision erodes the Secretary's authority to manage the proposed agency by exclusively vesting a large array of legal authorities directly and solely in the new Agency. This contradicts a basic and widely accepted principle of government organization that grew out of the report of the First Hoover commission some 50 years ago. The principle is that statutory powers should not be divorced from political accountability, and therefore statutory authorities exercised by executive departments should be placed in the Cabinet Secretaries who head them, with their subordinates' legal authority stemming from Secretarial delegations. The Hoover Commission report prompted Congress to largely abandon its prior practice of vesting statutory authorities directly in subordinate bureaus and their heads.

By vesting statutory authorities directly in the Under Secretary that would head the Agency for Nuclear Stewardship, the Kyl Amendment would violate the Hoover Commission principle of placing legal authorities in the head of DOE, rather than his subordinates. The particular approach of the Kyl Amendment would be even more problematic because the Secretary would remain statutorily responsible for the common defense and security objectives of the Atomic Energy Act, while the particular statutory functions necessary to fulfill that responsibility would be placed directly in the Secretary's subordinate. Under this legislation, no Secretary of Energy could be held accountable for the security, counterintelligence, and environmental, safety and health of the nuclear labs because the actual authorities for these functions are given to the Under Secretary.

While the Kyl Amendment does state (p. 2, line 5-8) that the Under Secretary of the Agency shall be subject to the supervision and direction of the Secretary, it later contradicts and undercuts the Secretary's managerial authority by giving explicit authorities to the Under Secretary that directly compete with the Secretary's. For example:

-- p. 2 line 5 says that "The Secretary shall be *responsible* for all policies of the Agency." But later (on p.2, lines 16- p.3 line 16) it says that the Secretary shall assign to the Under Secretary direct *authority over and responsibility for all* executive and administrative operations and functions of the Agency, including strategic management; policy development and guidance; budget formulation; legal matters; personnel; etc. In other words, it gives authority *and* responsibility to the Under Secretary, but only responsibility to the Secretary. This is a clear violation of the sound and established principle of not divorcing statutory powers from political accountability.

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-- on p. 3 line 16 it says that the Under Secretary shall have direct authority over, and responsibility for... *"relationships within the DOE and with other federal agencies, the Congress, State, tribal, and local governments, and the public."* This authority undermines and competes with the Secretary's fundamental responsibility to manage departmental relationships with these political and policy entities.

-- the Amendment mandates that the Under Secretary must bypass the Secretary and the President completely in writing and transmitting required reports to the Congress on the Agency's budget and security/counterintelligence programs. On p. 8, lines 9-14 it says that "The Under Secretary shall not be required to obtain the approval of any officer or employee of the Department of Energy or any other Federal agency or department for the preparation or delivery of any report required by this section." On pp. 9-10, lines 25-3, the bill requires the Under Secretary "concurrently" to transmit to Congress draft testimony and bill comments submitted to OMB. This exact procedure was expressly, held unconstitutional by the Justice Department during the Reagan Administration. By circumventing the Secretary's and President's review, this language clearly undercuts the Secretary's or President's authority to manage the agency.

In sum, this "Agency for Nuclear Stewardship" described in this Amendment has been vested with certain independent authorities, and as such does not appear to be a "semi-autonomous," but rather an independent agency immune from supervision or oversight by anyone.

Undermines the constitutional authority of the Executive Branch: The Amendment is also problematic in that it sets up a "bypass" of the Secretary's and, ultimately, the President's responsibilities to supervise the executive branch.

-- On p. 8, lines 9-14 it says that the "Under Secretary shall not be required to obtain the approval of any officer or employee of the DOE or any other Federal agency or department for the preparation or delivery of any report required by this section."

-- On p. 9 lines 20-25 it says that "Whenever the Under Secretary submits to the Secretary, the President, or the OMB any legislative recommendation or testimony [including authorization and appropriations requests]...the Under Secretary shall *concurrently* transmit a copy thereof to the appropriate committees of the Congress."

-- On p. 7 line 21 it says that "The Under Secretary shall report immediately to the Secretary, and [various Committees of the Congress] regarding any actual or potential significant threat to, or loss of, national security information, unless such information has already been reported to the Senate and House Intelligence Committees." This provision, as an "immediate" reporting requirement, would short-circuit the executive responsibility to evaluate and verify, through the resources of both the Department and other agencies

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such as the FBI and the CIA , any potential compromises before reporting them to the legislative branch.

The first two "bypass" provisions trench upon the President's responsibility under the Constitution to supervise the executive branch and to recommend to the congress only those measures (as the constitution says) that "he" - the President - "shall judge necessary and expedient." In 1982, during the Reagan Administration, then Assistant Attorney General Olson examined application of a nearly identical provision to the FAA and concluded it was unconstitutional as written. In 1989 his successor in the Bush Administration adhered to the same conclusion. More recently, then-Assistant AG Dellinger concluded that such "bypass" legislative mandates - also called "concurrent reporting requirements" - are most objectionable when directed to "the conduct of foreign affairs and for national defense." The functions contemplated for the Nuclear Stewardship Agency in the Kyl Amendment seem clearly to fall within the "national defense" category, and of course therefore are purely executive responsibilities.

Impact on Science at DOE Labs

Puts at risk the scientific "lifblood" of the nuclear weapons program by erecting barriers to DOE's basic science program. DOE's Stockpile Stewardship Program is a "Science-Based" program -- it depends upon cutting edge science in order to ensure the continued safety and reliability of the US nuclear deterrent. The Kyl Amendment creates bureaucratic barriers between the weapons labs and other DOE laboratories and programs that work with and fund the weapons labs, creating a risk that the quality of the science and the staff within the weapons labs will be eroded over time.

Under the current structure, DOE's Office of Science, and other agencies can put funding into the weapons labs, and national security elements within the Department (such as the Office of Nonproliferation) can put funding into DOE's science labs. Though there is clear vertical accountability under the Assistant Secretary for Defense Programs. It is unclear how such cross-funding would be administered, or how non-defense science now sponsored by other elements of the DOE would be placed at the weapons labs.

For example:

-- p. 2 line 14 says that the Under Secretary shall have direct authority and responsibility over "*all activities* at the Department's national security laboratories..."

-- p. 5 lines 9-13 says that "all personnel of the Agency [this is defined to include the Directors of the weapons laboratories as well as all lab employees]...*shall not be responsible to, or subject to the supervision or direction of, any other officer, employee,*

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or agent of any other part of the Department of Energy, except the Secretary." This passage seems to immunize the new Agency from input from other DOE research funding sources for the multi-program laboratories. Absent any ability to guide these activities, the over \$900 million of funding from non-defense sources will dry up.

While the above provisions do not exclude the continued conduct of non-defense related science at the national security labs, it makes the conduct and content of such work subject solely to the approval of the Under Secretary for Nuclear Stewardship, and creates a vulnerability that the funding and the work at those labs becomes increasingly defense focused, thus eroding over time the multi-mission nature of the labs.

Security and Counterintelligence Concerns

Over the past 18 months, beginning with PDD-61 in February of 1998, the Department has undertaken several reorganizations to establish independent offices for Counterintelligence, Intelligence and Security that report directly to the Secretary of Energy. These organizational changes were undertaken to 1) clarify the chain of command, 2) raise the visibility and access of these important programs, and 3) to eliminate the inherent conflict of interest between organizations that set security requirements and organizations that must live with and implement those requirements.

Demotes the Counterintelligence, Security and Intelligence functions of the Department:

(Page 4 lines 5-25) The Amendment would lower the visibility and clout of these offices which are key to addressing DOE's security and counterintelligence problems. It also contradicts Presidential Decision Directive-61, which required the Department to elevate the Offices of Counterintelligence and Intelligence to independent offices reporting directly to the Secretary. In addition, it would resubmerge the recently elevated Office of Security (which former Commander in Chief of Strategic Command General Habiger was recently hired to head as an independent office directly reporting to the Secretary) to a subordinate level in the Department.

Imbedding the Department's Security and Counterintelligence Offices within this new, apparently autonomous agency weakens and degrades security for the remainder of the Department. For example, the Security authorities granted on line 18, page 4 make clear that the Security Chief has responsibility for security functions of the new Agency. But DOE has special nuclear (weapons usable and weapons grade) materials, and highly classified information at a number of major sites not covered by the new Agency. Thus, the subjugation of the Department's security function to the new agency would appear to be an overly narrow prescription for solving DOE much broader security needs and weaknesses.

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Violates the basic principle of keeping security and counterintelligence policy development separate from the organizations that must implement those policies:

Resource competition has been a core problem of DOE security for decades, and we have seen firsthand that security and counterintelligence have suffered when the office that must devote resources to the security mission has a competing primary mission, such as Stockpile Stewardship. The best way to avoid this conflict is to set security and counterintelligence requirements outside of the organization that must implement those policies.

Blurs the assignment of responsibilities between the Offices of Counterintelligence and Security: This provision seriously confuses the roles and responsibilities of the Counterintelligence Office and the Security Office by giving basic security responsibilities to the new counterintelligence office. Within DOE, the Office of Safeguards and Security in the Department has basic responsibility for information security, physical security of nuclear materials, and for granting clearances. These responsibilities are quite different from those of the Office of Counterintelligence and its institutional expertise.

-- on p.4 line 10, it says the Chief of Counterintelligence shall be responsible for "the development and implementation of counterintelligence programs to prevent the disclosure or loss of classified or other sensitive information, and the development and administration of personnel assurance programs." These functions are a fundamental part of the Department's security program as distinguished from *counterintelligence*, which is primarily concerned with protecting information against espionage, sabotage, or activities conducted by or on behalf of foreign governments or organizations.

-- p.4 lines 15-19 appears to limit the authorities of the Security Chief to "the protection, control and accounting of materials, and the physical and cyber-security for all facilities in the Agency." It does not assign responsibility for *information* and personnel security, which is a core security function.

-- p. 2 line 11-14 "the Director [of counterintelligence] shall inform the Secretary, the DC, and the Director FBI...regarding the status and effectiveness of the *security* ...programs and activities at DOE facilities."

-- p.2 line 23 "The Director [of counterintelligence] shall submit to the Secretary, the DC, Director FBI, and the [Congress] a report on the status and effectiveness of *security* ...during the preceding year." Each report shall include the following: [a list is then provided which requires reporting on many security issues that are the responsibility of the Office of Security]. Again reporting on "security" is an Office of Security responsibility.

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Other Organizational and Legal Problems

Bloats rather than streamlines departmental bureaucracy by establishing duplicate staff organizations for functions such as General Counsel, Personnel, Comptroller, etc. within the Department: The Amendment gives the authority for (pps. 2-3), and staff for (p.5 lines 21-25), personnel, legal services, financial management, and various liaison functions to the Under Secretary, essentially creating duplicate General Counsels, Personnel Management Offices, etc within the Department of Energy -- one for the new ANS, and one for the rest of the Department. At best such a system is inefficient, at worst, it creates a situation where the Secretary of Energy must personally resolve disputes between the multiple offices performing the same function for different parts of the Department such as resolving competing legal views of two General Counsels. In addition, we note that it is unusual for the head of any agency to be responsible for legal matters per se. This responsibility is usually vested in the General Counsel, who performs an advisory function for the Secretary as head of the Department.

Subjugates the independent oversight functions for security, health and safety within the same organization responsible for implementing security, health and safety measures, thus creating a conflict of interest.

Management in the new organization will be primarily concerned about accomplishing their program mission -- stockpile stewardship for example -- as expeditiously as possible and at the lowest cost. Workers at these facilities would lose the only independent (non-mission) protection they have of their safety and health. As they are accountable to no one external to their organization, worker health and safety will surely suffer. And the Secretary would lose his only independent oversight over security and counterintelligence performance at the defense sites.

It is essential that oversight be conducted by an office that is independent from the office implementing operations at DOE sites in order to assure that the findings of any oversight reviews are unbiased, and that corrective actions take place.

Under DOE's reorganization, oversight offices report directly to the Secretary, thus ensuring that problems with implementing safety, security and health policies can be raised to the Secretary's attention quickly and easily, and that any problems can be addressed expeditiously.

Weakens the authority and leadership on nuclear weapons issues by effectively vesting the authority for the nation's nuclear weapons program in a sub-cabinet level official. A subcabinet member will not have the clout in the Administration to represent nuclear weapons issues as effectively. We should be seeking to **raise -- not lower** -- the profile and authority of the nuclear weapons program to overcome the systemic, and long-lived security problems identified by both Cox and Rudman. Demoting this responsibility only risks burying ongoing

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problems below the levels required to fix them.

Raises significant legal questions by putting federal officials in charge of private sector employees having no employment relationship with the Government:

For Example:

-- p. 8 line 16 says that the personnel of the Agency for Nuclear Stewardship who report to the Under Secretary includes "any officer or employee of any contractor of the Department" working for the Agency.

-- p. 5 line 18 says that "the directors of the national security laboratories, the nuclear production facilities [all of which are contractor operated facilities]...shall report directly to the Deputy Director for Defense Programs."

Each of these passages makes clear that the contractor employees supporting the Agency would report to federal officials -- a violation of the basic contractual mechanisms that cover the relationship between the federal government and its contractors.

Completely opposite the models of semi-autonomous agencies that the Rudman Commission proposed and this legislation purports to follow.

Neither the National Reconnaissance Office (NRO) nor the National Security Agency (NSA) was created by law, rather both were created by executive orders of the Secretary of Defense. Nowhere in these orders nor the entire onward body of law that governs the NSA or NRO is any authority - including the authority to delegate supervision - taken from the Secretary of Defense.

It is also noteworthy that the relationship between DOE and NRO and NSA is not subjected to anything resembling the draconian "fire walls" this draft legislation erects between the rest of the Department of Energy and the proposed Agency.

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. notes	[Handwritten Notes] (3 pages)	n.d.	P1/b(1), P5
002. background	[Re: "The Final Report of the Select Committee on U.S. National Security and Military/Commercial Concerns with the Peoples' Republic of China"] (1 page)	03/18/1999	P1/b(1)
003. fax	Secretary Richardson to Samore, Gary re: [Congressional Opinion Concerning Security Issues at the Department of Energy] (2 pages)	03/08/1999	P5
004. memo	Deitering, Randy to Leary, William, re: Initial Records Request for PFIAB Review of DOE Weapons Lab Security (1 page)	04/01/1999	P1/b(1)
005. talking points	Talking Points for Cox Committee Briefing on China's Nuclear Program [Atomic Energy Act] (4 pages)	n.d.	P1/b(1), P3/b(3)
006a. report	[Reports of Potential Compromises] [Atomic Energy Act] (3 pages)	03/26/1999	P1/b(1), P3/b(3)
006b. briefing paper	Sensitive Law Enforcement Information (1 page)	n.d.	P1/b(1)
007. notes	[Handwritten notes re: "The Final Report of the Select Committee on U.S. National Security and Military/Commercial Concerns with the Peoples' Republic of China"] (6 pages)	n.d.	P1/b(1)
008. memo	Samore, Gary to Berger, Samuel re: [Cox Report] (1 page)	03/04/1999	P5
009. report	China Committee Report (6 pages)	n.d.	P1/b(1)
010. report	Overview [Atomic Energy Act] (32 pages)	n.d.	P1/b(1), P3/b(3)

COLLECTION:

Clinton Presidential Records
National Security Council
Nonpro [Nonproliferation]/Export Controls - Gary Samore
OA/Box Number: 3859

FOLDER TITLE:

China Nuclear Espionage [1]

Eric Holzer
2006-1022-F
eh312

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]
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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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Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
011. memo	Berger, Samuel & Stein, Larry to POTUS, re: Response to the Cox-Dicks Committee Report on Technology Transfer to China (3 pages)	01/29/1999	P1/b(1)
012. briefing paper	Recommendations [Recommendations from the Select Committee and Response from the Administration] (32 pages)	n.d.	P1/b(1)

COLLECTION:

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MARCH 8, 1999

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COPY

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Ben Gilman -- (1) you're doing the right thing; (2) let me know if you want to bring the (Foreign Affairs) committee. In closed session.

COPY

3/4/99

Sandy,

Aside from a few technical inaccuracies, Dicks' "briefing document" on the Select Committee report is VERY good on substance.

Bill Leary thinks we could probably agree to declassify most of it.
(Problem area is the nuclear weapons section.)

If you agree, I'll talk to Miles about meeting with Dicks' staffer (Mike Sheehy) to suggest technical fixes and ideas for declassification.

Gary

cc: Jim Steinberg

COPY

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Leary, William H. to Crowley, Philip J. re: Cox Report (1 page)	03/09/1999	P5
002. fax -	[re: Congressional Opinions on Security Issues at the Department of Energy] (2 pages)	03/08/1999	P5
003. report	Characterization of the Zhu Rongji Visit (1 page)	n.d.	P5

COLLECTION:

Clinton Presidential Records
National Security Council
Press (Philip Crowley)
OA/Box Number: 4156

FOLDER TITLE:

DOE [Department of Energy] Labs [2]

Eric Holzer
2006-1022-F
eh686

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
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COPY

Crowley, Philip J.

From: Leary, William H.
Sent: Tuesday, March 09, 1999 4:31 PM
To: Crowley, Philip J.; @NSA - Natl Security Advisor
Cc: @NONPRO - Export Controls; @LEGAL - Legal Advisor; @LEGISLAT - Legislative Affairs;
@INTEL - Intelligence Programs; @PRESS - Public Affairs; @RECORDS & ACCESS MGMT
Subject: RE: Cox Report [UNCLASSIFIED]

PJ,

I think your general approach is the right one. I do think it is fair to say that my interagency group (including reps from CIA, State, DOE, DoD, FBI, and Commerce) has made an extraordinary effort to do a declassification review of a highly classified 800 to 900 page document in a timely manner.

- We met the Committee's requested deadline of March 1 for providing a complete marked-up copy of the report.
- In addition, at their request, 10 to 12 agency experts spent 2-3 hours daily last week -- a total of well over 100 staff hours -- explaining our redactions and suggesting ways they might rewrite the report to permit greater declassification.
- I informed the Staff Director, Dean McGrath, that we would be prepared to spend even more time with them if necessary, BUT we believe that they should first try to rewrite based on our discussions and then allow us to review their revisions. They agreed with that approach.
- Their real complaint, of course, is that we did not declassify more of their report. Most of our proposed redactions are indisputable, and the rest reflect the fact that the report cites only classified documents or briefings as the source of most of the report. We pointed out many places where information probably could be declassified if they can cite an unclassified source or make certain revisions. But, it is their job to find those unclassified sources and make those changes, not ours.

-----Original Message-----

From: Crowley, Philip J.
Sent: Tuesday, March 09, 1999 2:45 PM
To: @NSA - Natl Security Advisor
Cc: @NONPRO - Export Controls; @LEGAL - Legal Advisor; @LEGISLAT - Legislative Affairs; @INTEL - Intelligence Programs;
@PRESS - Public Affairs; @RECORDS & ACCESS MGMT
Subject: Cox Report [UNCLASSIFIED]

Eric Schmitt and Jeff Gerth are doing a piece for tomorrow on the Cox declass issue. They are hearing on the Hill some criticism that our mark up was intended to slow down the process, hide things, etc. They will be calling later to get comment on what we are doing to work through these issues with the Committee. With Gerth involved, I wouldn't be surprised if he gets some selective leaks from the Committee asking us to defend our mark up. My inclination is to simply respond to the broader point that we are working with the Committee through those agencies that are responsible for protecting intelligence information, sources and methods on what portions of the report can be publicly released. We share the Committee's goal to make as much of the report as possible public, consistent with our national security.

I'll talk to Miles and make sure the Committee is engaged.

PJ

- Highly CLASSIFIED Document
- WORKING HARD TO MEET COMMITTEE DECLASSIFY
AS MUCH AS POSSIBLE CONSISTENT
WITH THE NEED TO PROTECT INTELLIGENCE
SOURCES & METHODS

MARCH 8, 1999

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COPY

Characterization of the Zhu Rongji Visit

It is important for the Administration to adopt a consistent approach concerning the purpose and significance of the April 8 official visit of Zhu Rongji. This visit will come under attack from various critics of our China policy, and many will be primed to declare the visit a failure (and our policy misguided). I assume that SRB will give a speech between now and the Zhu visit that will articulate the framework for understanding our overall policy toward China. I recommend that we adopt the following framework for the visit itself.

We have sought to establish normal relations with China, whereby the two countries can deal seriously with each other on bilateral, regional, and global issues. Over much of the period since 1949 we have lacked the type of mutual understanding between our leaders that develops only through regular personal contact. This Administration has sought in recent years to remedy this serious problem.

Premier Zhu Rongji's visit is part of a process of regular consultation that we seek to hold with China's top leaders. Such consultation does not in itself mean that we are either friends or foes. Rather, it signifies our mutual commitment to working to resolve issues that confront us in a way that meets the vital needs of all concerned.

The two leaders will use this visit to discuss bilateral, regional, and global issues where our interests intersect. There may be one or more significant agreements that are concluded at the time of this visit, but that is neither the purpose of the visit nor the measure of its success. The consultative process that leads up to this visit – and the intensive discussions that comprise the visit itself – ensure that our two countries will be able to handle more effectively to challenges they confront, based on better mutual understanding of the reasons for and consequences of our actions.

The “normalization” of our consultative process at the highest levels itself is a measure of the progress we have made and of the success of this particular visit.

COPY

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Leary, William H. to Farrar, Jay C. et al. re: Draft Fact Sheet for PDD-61 (DOE Counterintelligence) (1 page)	02/27/1998	P5
002. memo	Burns, William J. to Davies, Glyn T., re: State Comments on Draft Presidential Decision Directive (PDD): DOE's Counterintelligence Program (CI) (3 pages)	01/15/1998	P1/b(1)
003. memo	Farrar, Jay C. to Berger, re: Letter from Senators Shelby and Kerrey Requesting a Briefing on PDD-61 (1 page)	03/04/1998	P1/b(1)
004a. memo	Gregory to Berger, re: Telephone Call to Ambassador Richardson re PDD-61/Department of Energy Counterintelligence Program (2 pages)	08/19/1998	P1/b(1)
004b. talking points	Talking Points for Telephone Call to Bill Richardson PDD-61/Department of Energy Counterintelligence (2 pages)	n.d.	P1/b(1)
005a. memo	Gregory to Berger, re: Implementation of PDD-61: Department of Energy Counterintelligence (CI) Action Plan (3 pages)	12/14/1998	P1/b(1)
005b. memo	Berger to Chairman National Counterintelligence Policy Board, re: Implementation of PDD-61: Department of Energy Counterintelligence (CI) Program (1 page)	12/28/1998	P1/b(1)
005c. report	Department of Energy Counterintelligence Action Plan (12 pages)	n.d.	P1/b(1)
005d. memo	From Waguespack re: Transmittal of First Annual DOE Threat Assessment Report (1 page)	11/27/1998	P1/b(1)
006. email	Gregory, Susan J. to Leary, William H. et al. re: Draft Fact Sheet for PDD-61 (DOE Counterintelligence) (1 page)	02/27/1998	P5

COLLECTION:

Clinton Presidential Records
National Security Council
Records Management
OA/Box Number: 4120

FOLDER TITLE:

PDD-61 [Presidential Decision Directive-61] DOE [Department of Energy]
Counterintelligence Program, February 11, 1998 [2]

Eric Holzer
2006-1022-F
eh308

RESTRICTION CODES

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

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

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DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
007. email	Farrar, Jay C. to Baker, James E. et al. re: Draft Fact Sheet for PDD-61 (DOE Counterintelligence) (2 pages)	02/27/1998	P5
008. email	Gregory to Farrar et al. re: Draft Fact Sheet for PDD-61... (2 pages)	02/27/1998	P5
009. email	Gregory to Baker, James E. et al. re: Draft Fact Sheet for PDD-61... (2 pages)	02/27/1998	P5
010. report	Department of Energy Counterintelligence Action Plan (10 pages)	n.d.	P1/b(1)
011a. memo	McCarthy, Mary O. to Waguespack, re: "Foreign Collection Against the Department of Energy: The Threat to U.S. Weapons and Technology (1 page)	12/29/1998	P1/b(1)
011b. email	Samore, Gary S. to Natl Security Advisor, re: DOE CI Assessment (1 page)	12/14/1998	P1/b(1)
011c. letter	Dicks, Norm to Berger, re: [Committee Requests for Report] (1 page)	12/07/1998	P1/b(1)
012a. draft	Presidential Decision Directive/NSC- (4 pages)	n.d.	P1/b(1)
012b. fax cover sheet	From NSC West Wing Desk, White House Situation Room, re: Draft PDD - DOE Counterintelligence Program [partial] (1 page)	n.d.	b(2)
012c. memo	Gregory to Berger, re: Department of Energy Counterintelligence (CI) Issues Draft PDD (2 pages)	12/18/1997	P1/b(1)
013. memo	Farrar to Berger, re: Letter from Representative Goss Requesting a Briefing on PDD-61 (1 page)	03/06/1998	P1/b(1)

COLLECTION:

Clinton Presidential Records
National Security Council
Records Management
OA/Box Number: 4120

FOLDER TITLE:

PDD-61 [Presidential Decision Directive-61] DOE [Department of Energy]
Counterintelligence Program, February 11, 1998 [2]

Eric Holzer
2006-1022-F
eh308

RESTRICTION CODES

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

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

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RR. Document will be reviewed upon request.

COPY

Merchant, Brian T.

From: Leary, William H.
Sent: Friday, February 27, 1998 11:11 AM
To: Farrar, Jay C.; Gregory, Susan J.; Samore, Gary S.; Baker, James E.
Cc: @INTEL - Intelligence Programs; @LEGAL - Legal Advisor; @NONPRO - Export Controls; @RECORDS & ACCESS MGMT; @LEGISLAT - Legislative Affairs
Subject: RE: Draft Fact Sheet for PDD-61 (DOE Counterintelligence) [UNCLASSIFIED]

Since Susan has prepared a public release version of this PDD, which includes all the substantive information, most of it word-for-word, his staff might be willing to live with a copy of that public release version. However, if not, we have almost no grounds for saying no to this request.

-----Original Message-----

From: Farrar, Jay C.
Sent: Friday, February 27, 1998 11:01 AM
To: Gregory, Susan J.; Samore, Gary S.; Leary, William H.; Baker, James E.
Cc: @INTEL - Intelligence Programs; @LEGAL - Legal Advisor; @NONPRO - Export Controls; @RECORDS & ACCESS MGMT; @LEGISLAT - Legislative Affairs
Subject: RE: Draft Fact Sheet for PDD-61 (DOE Counterintelligence) [UNCLASSIFIED]

I've received the Shelby letter asking that his staff be allowed to "review" the PDD. I'm preparing a written response to Shelby (for all to clear) and arranging a date/time for selected SSCI staff to come over here.

I welcome any thoughts/comments.

-----Original Message-----

From: Gregory, Susan J.
Sent: Friday, February 27, 1998 10:51 AM
To: Samore, Gary S.; Leary, William H.; Baker, James E.; Farrar, Jay C.
Cc: @INTEL - Intelligence Programs; @LEGAL - Legal Advisor; @NONPRO - Export Controls; @RECORDS & ACCESS MGMT; @LEGISLAT - Legislative Affairs
Subject: RE: Draft Fact Sheet for PDD-61 (DOE Counterintelligence) [UNCLASSIFIED]
Importance: High

DOE and FBI have cleared on fact sheet, as have Records and Nonpro - just waiting to hear from Legal.

-----Original Message-----

From: Samore, Gary S.
Sent: Wednesday, February 25, 1998 12:56 PM
To: Gregory, Susan J.; Leary, William H.; Baker, James E.; Farrar, Jay C.
Cc: @INTEL - Intelligence Programs; @LEGAL - Legal Advisor; @NONPRO - Export Controls; @RECORDS & ACCESS MGMT; @LEGISLAT - Legislative Affairs
Subject: RE: Draft Fact Sheet for PDD-61 (DOE Counterintelligence) [UNCLASSIFIED]

Looks good to me. I suggest you clear with appropriate agencies before we give to Congress so noone complains that we are distorting PDD.

-----Original Message-----

From: Gregory, Susan J.
Sent: Wednesday, February 25, 1998 11:25 AM
To: Samore, Gary S.; Leary, William H.; Baker, James E.; Farrar, Jay C.
Cc: @INTEL - Intelligence Programs; @LEGAL - Legal Advisor; @NONPRO - Export Controls; @RECORDS & ACCESS MGMT; @LEGISLAT - Legislative Affairs
Subject: Draft Fact Sheet for PDD-61 (DOE Counterintelligence) [UNCLASSIFIED]

Attached is my draft fact sheet for PDD -61, DOE Counterintelligence Program. I lifted the unclassified sections from the PDD, co-mingling some of the PDD's bullets and making some language changes mostly for form. I rewrote or edited out those portions that were classified Confidential. For your review and comment. Thanks. << File: FACT SHEET.doc >>

Merchant, Brian T.

From: Gregory, Susan J.
Sent: Friday, February 27, 1998 12:00 PM
To: Leary, William H.; Farrar, Jay C.; Samore, Gary S.; Baker, James E.
Cc: @INTEL - Intelligence Programs; @LEGAL - Legal Advisor; @NONPRO - Export Controls; @RECORDS & ACCESS MGMT; @LEGISLAT - Legislative Affairs
Subject: RE: Draft Fact Sheet for PDD-61 (DOE Counterintelligence) [UNCLASSIFIED]

Re Bill's comments, I am hoping that the specificity of the fact sheet - facts we definitely want them to have - will demonstrate our interest in sharing and may relieve further need for briefing. But Intel welcomes briefing if still requested - should only take about 5 minutes to add what's not in fact sheet.

-----Original Message-----

From: Leary, William H.
Sent: Friday, February 27, 1998 11:11 AM
To: Farrar, Jay C.; Gregory, Susan J.; Samore, Gary S.; Baker, James E.
Cc: @INTEL - Intelligence Programs; @LEGAL - Legal Advisor; @NONPRO - Export Controls; @RECORDS & ACCESS MGMT; @LEGISLAT - Legislative Affairs
Subject: RE: Draft Fact Sheet for PDD-61 (DOE Counterintelligence) [UNCLASSIFIED]

Since Susan has prepared a public release version of this PDD, which includes all the substantive information, most of it word-for-word, his staff might be willing to live with a copy of that public release version. However, if not, we have almost no grounds for saying no to this request.

-----Original Message-----

From: Farrar, Jay C.
Sent: Friday, February 27, 1998 11:01 AM
To: Gregory, Susan J.; Samore, Gary S.; Leary, William H.; Baker, James E.
Cc: @INTEL - Intelligence Programs; @LEGAL - Legal Advisor; @NONPRO - Export Controls; @RECORDS & ACCESS MGMT; @LEGISLAT - Legislative Affairs
Subject: RE: Draft Fact Sheet for PDD-61 (DOE Counterintelligence) [UNCLASSIFIED]

I've received the Shelby letter asking that his staff be allowed to "review" the PDD. I'm preparing a written response to Shelby (for all to clear) and arranging a date/time for selected SSCI staff to come over here.

I welcome any thoughts/comments.

-----Original Message-----

From: Gregory, Susan J.
Sent: Friday, February 27, 1998 10:51 AM
To: Samore, Gary S.; Leary, William H.; Baker, James E.; Farrar, Jay C.
Cc: @INTEL - Intelligence Programs; @LEGAL - Legal Advisor; @NONPRO - Export Controls; @RECORDS & ACCESS MGMT; @LEGISLAT - Legislative Affairs
Subject: RE: Draft Fact Sheet for PDD-61 (DOE Counterintelligence) [UNCLASSIFIED]
Importance: High

DOE and FBI have cleared on fact sheet, as have Records and Nonpro - just waiting to hear from Legal.

-----Original Message-----

From: Samore, Gary S.
Sent: Wednesday, February 25, 1998 12:56 PM
To: Gregory, Susan J.; Leary, William H.; Baker, James E.; Farrar, Jay C.
Cc: @INTEL - Intelligence Programs; @LEGAL - Legal Advisor; @NONPRO - Export Controls; @RECORDS & ACCESS MGMT; @LEGISLAT - Legislative Affairs
Subject: RE: Draft Fact Sheet for PDD-61 (DOE Counterintelligence) [UNCLASSIFIED]

Looks good to me. I suggest you clear with appropriate agencies before we give to Congress so noone complains that we are distorting PDD.

-----Original Message-----

From: Gregory, Susan J.
Sent: Wednesday, February 25, 1998 11:25 AM
To: Samore, Gary S.; Leary, William H.; Baker, James E.; Farrar, Jay C.
Cc: @INTEL - Intelligence Programs; @LEGAL - Legal Advisor; @NONPRO - Export Controls; @RECORDS & ACCESS MGMT; @LEGISLAT - Legislative Affairs
Subject: Draft Fact Sheet for PDD-61 (DOE Counterintelligence) [UNCLASSIFIED]

Attached is my draft fact sheet for PDD -61, DOE Counterintelligence Program. I lifted the unclassified sections from the PDD, co-mingling some of the PDD's bullets and making some language changes mostly for form. I rewrote or edited out those portions that were classified Confidential. For your review and comment. Thanks. << File: FACT SHEET.doc >>

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Crispin, Shawn W. to Wozniak, N., re: Dr. Lieberthal Quotes [partial] (1 page)	01/05/1999	P6/b(6)
002. email	Montgomery, Mark C. to Coyne, A. Heather re: CIP/Information Security (2 pages)	03/07/1999	P5
003. email	Nassif, Robert J. to DeRosa, Mary B. re: FYI - DOJ/OLC Comments on LRM-RJN109, Intell Auth Amdt on DOE Security (3 pages)	06/25/1999	P5
004. email	Peroff, Kathleen to Rudman, Mara E. re: Science at the DOE Labs (1 page)	07/15/1999	P5
005. email	Nassif to Erbach, Adrienne C. & Rudman, Mara E. re: Draft "principles" for the SAP if we go that way. (2 pages)	07/20/1999	P5
006. email	Nassif to Burnim, John D. et al. re: Urgent - Comments Due 1:00 PM, Revised Veto Paragraph for SAP on S. 1009 (2 pages)	07/20/1999	P5
007. email	Epstein, Gerald L. to Lane, Neal re: Quick Reaction to New HASC Proposal on DOE Reorganization (3 pages)	07/27/1999	P5
008. email	Rudman, Mara E. to Walldorf, Rebecca L. & Lackey, Miles M. re: Paragraph for a Larry Stein Letter Concerning Spence Language on DOE Reor (2 pages)	07/29/1999	P5

COLLECTION:

Clinton Presidential Records
Automated Records Management System [Email]
NSC ([Department of Energy and Security...])
OA/Box Number: 1200000

FOLDER TITLE:

[09/26/1996 - 08/03/1999]

Eric Holzer
2006-1022-F
eh347

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]

COPY

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Mark C. Montgomery (CN=Mark C. Montgomery/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME: 7-JUN-1999 10:25:12.00

SUBJECT: RE: FW: CIP / Information Security

TO: A. Heather Coyne (CN=A. Heather Coyne/OU=OMB/O=EOP@EOP [OMB])

READ:UNKNOWN

TEXT:

A.:

Judging from Dave Jones reply to this email , DOE does not "get" the guidance you all gave them about the lm for ISACs. Can you tell me how to direct him to the right answer??

Please keep this between us, thanks mark

----- Forwarded by Mark C. Montgomery/NSC/EOP on 06/07/99
10:25 AM -----

"Eddy, Randolph" <Randolph.Eddy@hq.doe.gov>

06/07/99 09:25:41 AM

Record Type: Record

To: "JONES, DAVID A" <DAVID.A.JONES@hq.doe.gov>, "Scalingi, Paula"
<Paula.Scalingi@hq.doe.gov>, Mark C. Montgomery/NSC/EOP

CC:

Subject: RE: FW: CIP / Information Security

Thanks Dave.

Paula, this answers the question I had for you.

Mark, FYI.

RPE

-----Original Message-----

From: JONES, DAVID A

Sent: Friday, June 04, 1999 12:22 PM

To: Eddy, Randolph; Scalingi, Paula

Subject: Re:FW: CIP / Information Security

RP,

During the FY 2000 budget exercise, I had heard that OMB would direct us to spend up to \$1 million on the development of ISAC(s). However, I never saw any formal guidance. Since we only ended up with \$3 million of the \$30 million requested, I didn't consider the "informal second hand" comments to be directive in nature.

Paula has the latest FY 2000 budget breakdown. There are funds directed toward

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ISAC development. I'm just not sure how much.

Dave

Reply Separator

Subject: FW: CIP / Information Security
Author: Randolph Eddy_at_HQ-EXCH
Date: 6/4/99 11:25 AM

Please see bottom of this note from NSC.
Did we get \$1M in ISAC money put into our FY2000 CIP Budget?

Thanks,
RPE

-----Original Message-----

From: Mark_C_Montgomery@nsc.eop.gov@INTERNET
[mailto:Mark_C_Montgomery@nsc.eop.gov]
Sent: Friday, June 04, 1999 10:22 AM
To: Eddy, Randolph
Subject: Re: CIP / Information Security

RP-

Thanks for you insights, I think I can answer most of your questions:

- We had not thought of having CyberCorps students working at the Labs, but had thought of them doing internships at agencies. I think your idea to internship at the labs would be great - I will add it on

- With regard to FIDNET, we (NSC/GSA/NIPC) to ensure that the new DOE IDS systems will be integrated

- Computer Security Teams - RAC is talking here about standardizing the Expert review Team process, in an agency as large as DOE, I think you guys are doing the right thing to have your own internal teams going on this issue, i wish other similar size agencies did the same

- Outreach - I THINK????? you all had \$1m in ISAC money foisted into your FY2000 Budget, please ask Bob Cystac/Dave Jones if that is still the case

Hope this answers the mail
Thanks Mark

COPY

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Robert J. Nassif (CN=Robert J. Nassif/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME: 25-JUN-1999 18:12:10.00

SUBJECT: FYI - DOJ/OLC comments on LRM-RJN109; Intell Auth Amdt on DOE Security

TO: Mary B. DeRosa (CN=Mary B. DeRosa/OU=NSC/O=EOP@EOP [NSC])

READ: UNKNOWN

TO: James E. Baker (CN=James E. Baker/OU=NSC/O=EOP@EOP [NSC])

READ: UNKNOWN

TEXT:

----- Forwarded by Robert J. Nassif/OMB/EOP on 06/25/99
06:14 PM -----

Silas Adrien <Adrien.Silas@usdoj.gov>

06/25/99 05:10:25 PM

Record Type: Record

To: Robert J. Nassif/OMB/EOP

cc:

Subject: LRM-RJN109, Intell Auth Amdt on DOE Security

- ATTACH00.TXT

===== ATTACHMENT 1 =====

ATT CREATION TIME/DATE: 0 00:00:00.00

TEXT:

We have written these comments as our preliminary assessment of this legislation for OMB and we would not include all these points in a bill comment for Congress or necessarily articulate the points the same way.

Subsection (b) of the proposed amendment would add a new section 213 to the Department of Energy Organization Act, creating an Agency for Nuclear Stewardship ("Agency") within the Department of Energy. It would provide for an Under Secretary for Nuclear Stewardship ("Under Secretary"), who would also serve as Director of the Agency. Section 213(b) provides that the Under Secretary "shall be a person who has an extensive background in national security, organizational management, and appropriate technical fields and is especially well qualified to manage the nuclear weapons, non-proliferation, and materials disposition programs of the Department in a manner that advances and protects the national security of the United States." This provision appears so significantly to limit the pool of individuals whom the President may select as Under Secretary that (depending on the factual question as to the extent of the limitation) it could raise concerns under the Appointments Clause of the Constitution.

Section 213(h) would create within the Agency a Chief of Counterintelligence, a Chief of Security, and a Chief of Intelligence, each appointed by the Under Secretary. We believe that each of these Chiefs would be an "officer of the United States" for purposes of the Appointments Clause because each would exercise significant government authority. Accordingly, the vesting of their appointme

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nt in the Under Secretary is inconsistent with the Appointments Clause. This constitutional defect could be cured by vesting the appointment of the Chiefs in the Secretary of Energy (who is the "Head of [a] Department") or, alternatively, in the President (with or without the advice and consent of the Senate).

Section 213(i) provides that the Chief of Counterintelligence shall be designated by the Under Secretary "with the approval of the Secretary and the Director of the Federal Bureau of Investigation . . . from among senior executive service employees of the [FBI] who have special expertise in counterintelligence." In addition to unconstitutionally vesting the appointment in the Under Secretary, this provision limits the range of potential appointees in a manner that is inconsistent with the Appointments Clause by requiring the approval of the FBI Director and requiring selection of an FBI employee. We suggest that these restrictions be deleted from the bill.

Section 213(p) provides that the Under Secretary shall submit an annual report to the Secretary, the Director of Central Intelligence, the FBI Director, the Senate, and the House of Representatives. The report "shall provide information on," among other things, "any violation of law, rule, regulation, or other requirement relating to security or counterintelligence at each nuclear weapons production facility and national security laboratory." In order to avoid an impermissible infringement on the Executive's constitutional authority to protect the confidentiality and integrity of ongoing criminal investigations, this provision will need to be construed in a fashion that does not require reporting to Congress where inconsistent with the ability of the executive branch to fulfill its constitutional duties. Such a construction would be facilitated by replacing "any violation" with "violations."

Section 213(q) states that the Under Secretary "shall report immediately to the Secretary" and to several congressional committees "regarding any actual or potential significant threat to, or loss of, national security information, unless such information has already been reported to" the Intelligence committees.

This provision raises separation of powers problems insofar as it precludes the opportunity for the President to review such reports prior to their submission to Congress and thus infringes upon his authority to supervise executive branch officials in executing the law. In addition, it potentially interferes with executive privilege by preventing the President from determining the time and manner of disclosure of sensitive national security information.

Section 213(s) provides that the Under Secretary "shall not be required to obtain the approval of any officer or employee of the Department of Energy or any other Federal agency or department for the preparation or delivery of any report required by this section." This provision does not present a constitutional problem because it does not prohibit either (a) a requirement that a report be approved by the President, or his White House or National Security Council staff, or (b) review of a report by any executive branch officer or employee. We note that such a broader prohibition would unconstitutionally infringe upon the President's authority to supervise executive officials in executing the law and to control the disclosure of national security and other privileged executive branch information.

Finally, subsection (d) of the bill provides that "[w]henever the Under Secretary . . . submits to the Secretary, the President, or the Office of Management and Budget any legislative recommendation or testimony, or comments on legislation prepared for submission to the Congress, the Under Secretary shall concurrently transmit a copy thereof to the appropriate committees of the Congress." This provision would interfere with the President's ability to receive confidential recommendations and other communications from his subordinates by requiring the transmission to Congress of confidential executive branch communications, and also would violate separation of powers principles by undermining the Presi

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dent's supervision of executive officials and interfering with the performance of his constitutionally assigned functions.

If the counterintelligence, security, and intelligence functions of the DOE are located within the proposed Agency for Nuclear Stewardship, functions and limited as described in the legislation, then the rest of the DOE may be deprived of vitally needed counterintelligence, security, and intelligence functions. For example, senior policymakers at DOE require intelligence on matters unrelated or only partly related to nuclear stewardship -- for example, counterterrorism and geopolitical intelligence, yet the proposed intelligence office would cover only the analysis and assessment of intelligence with respect to foreign nuclear weapons, materials, and other nuclear matters in foreign nations.

Similarly, although the offices of security and counterintelligence will report to the Undersecretary and will have direct access to the Secretary, how will those offices fulfill their department-wide responsibilities without having any command and control relationships over the rest of the department? These offices are not located in the Office of the Secretary of Energy. Instead, they are deep within the Agency, which is part of the Undersecretary for Nuclear Stewardship, who reports solely and directly to the Secretary.

We defer to the Director of Central Intelligence with respect to the provision directing the submission of a report that may have a classified annex to "the Senate and House of representatives. (pages 6-7).

===== END ATTACHMENT 1 =====

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RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Kathleen Peroff (CN=Kathleen Peroff/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME:15-JUL-1999 15:58:15.00

SUBJECT: Science at the DOE Labs

TO: Mara E. Rudman (CN=Mara E. Rudman/OU=NSC/O=EOP@EOP [NSC])
READ:UNKNOWN

TEXT:

You should know that Neal Lane is very concerned about the impact of all these recent events on the long-term scientific capability of the doe labs. His argument is that if we create an environment that undermines the scientific quality of the labs, it will hurt national security in the long run.

He raised this point with Sylvia and we had a meeting with him on it today at Sylvia's request to understand his concerns. I suggested he call you..

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RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Robert J. Nassif (CN=Robert J. Nassif/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME: 20-JUL-1999 11:36:25.00

SUBJECT: Re: Draft "principles" for the SAP if we go that way.

TO: Adrienne C. Erbach (CN=Adrienne C. Erbach/OU=OMB/O=EOP@EOP [OMB])
READ: UNKNOWN

TO: Mara E. Rudman (CN=Mara E. Rudman/OU=NSC/O=EOP@EOP [NSC])
READ: UNKNOWN

TEXT:

----- Forwarded by Robert J. Nassif/OMB/EOP on 07/20/99
11:39 AM -----

Robert L. Civiak
07/19/99 12:40:52 PM
Record Type: Record

To: Elizabeth M. Robinson/OMB/EOP@EOP
cc: kathleen peroff/omb/eop@eop, john d. burnim/omb/eop@eop, robert
j. nassif/omb/eop@eop, gary l. bennethum/omb/eop@eop
bcc:
Subject: Re: Draft "principles" for the SAP if we go that way.

Good job. I think that covers the big issues. I would edit the third
bullet to read:

□□ establishment of counterintelligence, security, intelligence, and
environment safety and health oversight functions at the Secretarial level
. to which the Agency is fully accountable;

The phrase on accountability is not needed if the first bullet is
achieved. It might make it seem like we want the Agency to answer
directly to the ES&H folks rather than have the authority flowing through
the Secretary. That would be a killer requirement, if the Administration
insisted on it..

Elizabeth M. Robinson
07/19/99 11:44:09 AM
Record Type: Record

To: Kathleen Peroff/OMB/EOP@EOP, John D. Burnim/OMB/EOP@EOP, Robert
J. Nassif/OMB/EOP@EOP
cc: Robert L. Civiak/OMB/EOP@EOP, Gary L. Bennethum/OMB/EOP@EOP
Subject: Draft "principles" for the SAP if we go that way.

If we end up going the way suggested by NSC to include a Secretarial veto
recommendation based on principles, we need to articulate the principles.

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To date, I know of no document that DOE has produced which includes a statement of principles. So I took a crack at it working from various critiques they (and we) have produced of the Kyl-Domenici language (see below). If we go this way, we will need to clear it with DOE, but it is at least a start. What do you think? Beth

"The amendment must provide for:

☐ full and complete Secretarial authority over the operation and management of the Agency for Nuclear Stewardship;

☐ full and complete Presidential supervision of the Agency, with no bypass language included in the amendment;

☐ establishment of counterintelligence, security, intelligence, and environment safety and health functions at the Secretarial level to which the Agency is fully accountable;

☐ a streamlined bureaucracy to produce one departmental legal opinion and one departmental budget (i.e., the Agency should not have a separate General Counsel or Comptroller from that of the Department); and

☐ effective procedures for non-Agency entities to use the tax-payer financed infrastructure at the weapons labs for science experiments or other activities."

COPY

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Robert J. Nassif (CN=Robert J. Nassif/OU=OMB/O=EOP [OMB])

CREATION DATE/TIME: 20-JUL-1999 12:34:18.00

SUBJECT: URGENT - Comments Due 1:00 PM, REVISED veto paragraph for SAP on S. 1009,

TO: John D. Burnim (CN=John D. Burnim/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

TO: Robert L. Civiak (CN=Robert L. Civiak/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

TO: Gary L. Bennethum (CN=Gary L. Bennethum/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

TO: Sandra Yamin (CN=Sandra Yamin/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

TO: Adrienne C. Erbach (CN=Adrienne C. Erbach/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

TO: Margaret E. Evans (CN=Margaret E. Evans/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

TO: James J. Jukes (CN=James J. Jukes/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

TO: Elizabeth M. Robinson (CN=Elizabeth M. Robinson/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

TO: Kathleen Peroff (CN=Kathleen Peroff/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

TO: Mara E. Rudman (CN=Mara E. Rudman/OU=NSC/O=EOP@EOP [NSC])

READ: UNKNOWN

TO: Sylvia M. Mathews (CN=Sylvia M. Mathews/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

TEXT:

The attached language is proposed as a substitute for the last paragraph in the SAP (6/9/99 draft) on S. 1009, the FY00 Intelligence Authorization bill. The position would remain a secretarial veto threat regarding the DOE reorganization provisions of the Kyl Amendment.

The bill is currently under consideration on the Senate floor, therefore your immediate attention to this matter is required. Please e-mail me your edits/sign-off or call ext. 5-7896.

Thank you.

Finally, the Administration is unsure of the final form of the language of Senator Kyl's revised amendment concerning the reorganization of the Department of Energy. If language is adopted that would undermine Secretary Richardson's ability to effectively manage the Department, including efforts to reorganize the Department's handling of counterintelligence and broader security matters, the Secretary of Energy would recommend that the President veto the bill. Any reorganization of

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the Department's activities needs to include:

☐ full and complete Presidential and Secretarial authority over the operation and management of the Agency for Nuclear Stewardship;

☐ establishment of counterintelligence, security, intelligence, and environment safety and health oversight functions at the Secretarial level, and retention of a single General Counsel and Comptroller ; and

☐ effective procedures for persons outside of the Agency to use infrastructure at the weapons labs for quality science.

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RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Gerald L. Epstein (CN=Gerald L. Epstein/OU=OSTP/O=EOP [OSTP])

CREATION DATE/TIME: 27-JUL-1999 13:47:18.00

SUBJECT: Quick reaction to new HASC Proposal on DOE Reorganization.

TO: neal lane (CN=neal lane/OU=ostp/O=eop@eop [OSTP])

READ: UNKNOWN

CC: miles m. lackey (CN=miles m. lackey/OU=nsc/O=eop@eop [NSC])

READ: UNKNOWN

CC: jeffrey m. smith (CN=jeffrey m. smith/OU=ostp/O=eop@eop [OSTP])

READ: UNKNOWN

CC: gerald j. hane (CN=gerald j. hane/OU=ostp/O=eop@eop [OSTP])

READ: UNKNOWN

CC: Bruce W. MacDonald (CN=Bruce W. MacDonald/OU=OSTP/O=EOP@EOP [OSTP])

READ: UNKNOWN

TEXT:

Unlike the bill that passed the Senate, this House bill makes specific reference to science and technology. Despite this reference, however, the Senate-passed bill is probably preferable in terms of its actual implications for keeping the labs engaged with the outside scientific and technical community.

Role of Science and Technology. This House bill explicitly states that one of the missions of the proposed National Nuclear Security Administration is "To support United States leadership in science and technology" -- but it does not explicitly tie this mission to the Nuclear Security Administration's national security mission. Therefore, this language leaves the bill open to the charge that S&T is not really a core mission -- after all, there is already a National Science Foundation charged with supporting U.S. leadership in S&T. It might be preferable to add the phrase "in those areas that are necessary to fulfill its national security mission" to this new Administration's S&T mission to avoid the appearance of overlap with other science agencies. It is not clear to me what effect such language would have on those DOE science programs that would NOT be transferred to the new Administration. If the new Administration is responsible for ensuring S&T leadership in those areas necessary for its national security mission, does it become harder to justify the S&T that is left in the rest of the Department?

Interaction across Agency boundaries. This bill has language, similar to that in early drafts of the Senate bill, stating that the agency Administrator shall "establish appropriate procedures" to provide capabilities of the weapons labs to other "appropriate" entities, including other DOE and federal programs. The final Senate bill, however, went further than this -- it said that the Secretary "shall ensure" that other programs "continue to use the capabilities" of the weapons labs, which would presumably have a greater effect at keeping the weapons labs involved in other technical activities. The Senate bill also has a provision -- not in the House draft -- stating that such "work-for-others" at the DOE weapons labs shall to be under the "direct programmatic control" of the funding program. These provisions provide a stronger basis than does the House bill for keeping the labs engaged.

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This House draft has a feature not in the Senate bill that requires nuclear security agency Administrator to "establish procedures and programs" to share technology, technical capacity, and expertise with the Department of Defense to further national security objectives. The House bill also has a provision enabling the agency Administrator to transfer funds to other Federal agencies, which presumably would help build ties to the broader national technology base.

Weapons of Mass Destruction. The House bill gives the new Administration an explicit mission "to reduce the global danger from weapons of mass destruction" and gives its Deputy Administrator for Nonproliferation and Arms Control the ability to work not only in "detecting the proliferation of weapons of mass destruction worldwide" but also in "responding to emergencies relating to weapons of mass destruction." I'm not sure I want the new Administration to "respond" to non-nuclear WMD emergencies, but it would be nice to ensure that the Administration has an explicit charge to continue to do R&D to support chemical and biological weapons preparedness. Although DOE is doing excellent work in these areas, the Deutch Commission nevertheless recommended taking that work out of DOE and giving it to another Department.

Other. The bill institutionalize a polygraph program along the lines I believe are already contained in the FY01 Defense Authorization Act, but that go beyond what I believe Secretary Richardson intends to do. It also states that funds appropriated to the Administration will be available for a limited number of years, in contrast to much of the current DOE appropriation which is "no-year" money. Furthermore, the bill establishes a formalized five-year planning process for the new Administration which looks like DoD's current Future Years Defense Plan process, but which is unlike anything DOE now does.

Bruce W. MacDonald
07/27/99 11:50:34 AM
Record Type: Record

To: Neal Lane/OSTP/EOP@EOP
cc: Jeffrey M. Smith/OSTP/EOP@EOP, Gerald L. Epstein/OSTP/EOP@EOP,
Gerald J. Hane/OSTP/EOP@EOP, Miles M. Lackey/NSC/EOP@EOP
Subject: New HASC Proposal on DOE Reorganization.

Neal,

I have a copy of the new House Armed Services Committee proposal on DOE reorganization. Key provisions are the Undersecretary for Nuclear Weapons Affairs would be appointed to a 5-year term (renewable), reports only to the Secretary or Deputy Secretary, and can only be removed with notification of Congress -- basically, this role becomes a J. Edgar Hoover/Hyman Rockover type of slot.

Apparently, two Democratic HASC staffers have negotiated this for Ike Skelton (Ranking Minority Member on HASC) without consulting with any other Democratic members or staff, despite repeated inquiries, except Skelton himself. Neither John Spratt nor John Dingell were consulted, and they both oppose it, hating in particular the idea that this

COPY

Undersecretary could be forced on future administrations of the opposite party by inheritance. They're also outraged that they have been shut out of the negotiations by their own ranking member. It's a Spence-Skelton proposal at this point. The staffer I spoke to said the Senate won't support it, either.

I've given it to Jerry to review more carefully -- he will get back to you with any further comments. I'm going to a Defense R&D luncheon on the House side, but am beepable. Back at 1:30 pm.

Bruce

COPY

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Mara E. Rudman (CN=Mara E. Rudman/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME: 29-JUL-1999 10:29:23.00

SUBJECT: Paragraph for a Larry Stein letter concerning Spence language on DOE Reorg

TO: Rebecca L. Walldorff (CN=Rebecca L. Walldorff/OU=WHO/O=EOP@EOP [WHO])

READ: UNKNOWN

TO: Miles M. Lackey (CN=Miles M. Lackey/OU=NSC/O=EOP@EOP [NSC])

READ: UNKNOWN

TEXT:

Attached is the draft language. OMB drafter (Beth Robinson) is sharing with Sylvia now, and they will also run it by Energy.

Rebecca-- can you make sure Steve is okay with this and Miles, can you do your checking? If Steve is okay with it -- I think he should flag to DOD that we are doing it; I would think/hope it's consistent with John's conversations last night with Hamre so they should be okay with Stein sending the letter...

----- Forwarded by Mara E. Rudman/NSC/EOP on 07/29/99
10:36 AM -----

Elizabeth M. Robinson
07/29/99 10:25:48 AM
Record Type: Record

To: Mara E. Rudman/NSC/EOP@EOP
cc: Kathleen Peroff/OMB/EOP@EOP, John D. Burnim/OMB/EOP@EOP, Robert J. Nassif/OMB/EOP@EOP
Subject: Paragraph for a Larry Stein letter concerning Spence language on DOE Reorg.

Mara--

Here is the paragraph. I will be in a meeting with Sylvia at 10:30, so if you need me, please call for me at her office 5-4742. The meeting should be over by 11:30. Good luck. Beth

P.S. Are you sharing this with DOE?

Paragraph for Larry Stein Letter Signaling
Senior Advisors, Veto Recommendation
on the Spence Language on DOE Reorganization

I understand that Representative Spence has proposed an amendment for the FY 2000 defense authorization bill conference concerning the creation of a National Nuclear Security Administration at the Department of Energy. The Administration strongly opposes this language because it does not provide sufficient authority to the Secretary of Energy to assure proper policy development for, and oversight of, the new organization at the Department of Energy. The language jeopardizes the creation of sound counterintelligence, intelligence, and security efforts, and

COPY

environmental, safety, and health compliance activities, at the new organization. If this legislation were presented to the President, his senior advisors would recommend that it be vetoed.

COPY

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	O'Keefe, Joe to Deitering, Randy W. re: NY Post Editorial (2 pages)	08/31/1999	P5
002. email	MacDonald, Bruce W. to Lackey, Miles M. & Rudman, Mara E. re: OSTP Comments on LRM RJN162 -- Energy Secretary Richardson Letter Opposing (8 pages)	09/14/1999	P5

COLLECTION:

Clinton Presidential Records
Automated Records Management System [Email]
NSC ([Department of Energy and Security...])
OA/Box Number: 1200000

FOLDER TITLE:

[08/04/1999-12/15/1999]

Eric Holzer
2006-1022-F
eh687

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]

COPY

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: "O'Keefe, Joe, CIV, OASD ("O'Keefe, Joe, CIV, OASD/PA" <joe.okeefe@osd.pen

CREATION DATE/TIME:31-AUG-1999 14:59:47.00

SUBJECT: RE: ny post editorial

TO: Randy W. Deitering (CN=Randy W. Deitering/OU=PFIAB/O=EOP [PFIAB])
READ:UNKNOWN

TEXT:

Randy ... here's a first cut. A little over 500 words, which could weigh in either as a long editorial letter or a short op-ed piece.

by Warren Rudman
Chairman of the President's Foreign Intelligence Advisory Board

I was disappointed but somewhat amused to read the New York Post's editorial of August 30 on the alleged "smearing" of Mr. Notra Trulock, the recently resigned counterintelligence official of Energy Department who has been at the center of the Chinese espionage scandal at Los Alamos.

One can only conclude that the Post editors who authored and approved the editorial never read the report of the President's Foreign Intelligence Advisory Board (PFIAB) to which they refer, nor did they pay much attention to the course of events since its publication.

Fact: the President asked the PFIAB to examine security and counterintelligence issues at the Energy Department's nuclear weapons laboratories over the past 20 years and make recommendations to address shortcomings at the departmental level. We abided by that charter. Thus the report never examined the performance of specific employees. Nor did it engage in a criminal investigation or a damage assessment of nuclear secrets lost to other nations.

Fact: the PFIAB report never "blasted" Mr. Trulock or singled him out for "smearing" or "sliming." In fact, the report never mentioned his name. Even if one were somehow to construe (mistakenly) every reference to "counterintelligence officials" in the report as a veiled reference to Mr. Trulock, no rational person would interpret our statements as calculated to vilify. To the contrary, the report commended "counterintelligence officials" for bringing security lapses to the attention of the Congress and the public.

Fact: far from being a partisan "shill" for the Clinton Administration, the report strongly criticizes the Clinton team for failing in its early years to appreciate the long, glaring, and persistent record of DOE mismanagement of nuclear secrecy. Further, the report says that the Clinton performance was in some ways worse than

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its predecessors; the evidence of DOE's systemic failures was already overwhelming by 1993 (which was, incidentally, before Mr. Trulock arrived on the scene), so the administration had greater reason to act. Read for yourself: page 30.

Isn't it odd that we could be accused of defending the President when none other than New York Times columnist William Safire--a vociferous conservative with no affection for the current administration--found the PFIAB report to be "the most damning excoriation any White House has ever delivered against itself"?[ck quote] Or when the main proposals arising from our report have been more widely and energetically endorsed by the Republican leadership on the Hill than by the White House itself?

The truth is that the oversight of the PFIAB report and the summation of its findings were done by an unpaid, bipartisan group of two Democrats and two Republicans who worked with the permanent and temporary PFIAB staff, which also contained both Democrats and Republicans. We dispassionately raised legitimate questions about the nature of a complex and still unfolding issue of utmost concern to the nation's national security. So I am disappointed by those who insist on casting this issue as a personal mudfight or partisan vendetta. And I am thoroughly amused by the irony of the fact that, in attempting to defend Mr. Trulock's baseless rants and juvenile name-calling, you have resorted to the same. If true, such statements would make for vivid history and high drama. In fact, they never rise above the level of a minor tragicomedy.

> -----Original Message-----
> From: Randy_W._Deitering@pfiab.eop.gov
> [SMTP:Randy_W._Deitering@pfiab.eop.gov]
> Sent: Tuesday, August 31, 1999 10:54 AM
> To: jokeefe@osd.pentagon.mil
> Subject: ny post editorial
>
>

COPY

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Bruce W. MacDonald (CN=Bruce W. MacDonald/OU=OSTP/O=EOP [OSTP])

CREATION DATE/TIME:14-SEP-1999 10:04:26.00

SUBJECT: OSTP Comments on LRM RJN162 - - ENERGY Secretary Richardson letter opposin

TO: Miles M. Lackey (CN=Miles M. Lackey/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

TO: Mara E. Rudman (CN=Mara E. Rudman/OU=NSC/O=EOP@EOP [NSC])

READ:UNKNOWN

CC: Jeffrey M. Smith (CN=Jeffrey M. Smith/OU=OSTP/O=EOP@EOP [OSTP])

READ:UNKNOWN

CC: Gerald L. Epstein (CN=Gerald L. Epstein/OU=OSTP/O=EOP@EOP [OSTP])

READ:UNKNOWN

TEXT:

Mara and Miles,

Here is OSTP's marked-up version of the Richardson letter, followed by the original version and OMB request. You both were listed on distribution.

Bruce

----- Forwarded by Bruce W. MacDonald/OSTP/EOP on
09/14/99 09:56 AM -----

Bruce W. MacDonald

09/13/99 08:20:01 PM

Record Type: Record

To: Robert J. Nassif/OMB/EOP@EOP

cc: Neal Lane/OSTP/EOP@EOP, Jeffrey M. Smith/OSTP/EOP@EOP, Gerald
L. Epstein/OSTP/EOP@EOP

Subject: OSTP Comments on LRM RJN162 - - ENERGY Secretary
Richardson letter opposing the conference report on S1059, National
Defense Authorization Act for Fiscal Year 2000

Rob,

OSTP has a number of comments on Secretary Richardson's proposed letter. Assuming the decision is made to send, we provide line-in/line-out comments following the general comments immediately below.

1. Delete the "headline" to the letter -- it makes the letter look like a Dear Colleague letter from a House member rather than a serious Administration communication.

2. This is a letter going to members of Congress who will be looking at this conference report from a national security perspective. Listing national security last or nearly last among the reasons why the bill should be opposed and citing environmental concerns first does not seem like a savvy way to organize the letter's contents.

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3. The letter is overly long and rambles in some places. We have suggested a few places where the length and language could be tightened up.

4. The element that the letter refers to under "Health and Safety" is technetium, element 43, and not "technicium," at least according to OSTP's periodic tables.

5. It would strengthen the credibility of the argument if the letter went into less detail on incidents under "Health and Safety" and provided at least a little detail on how the DOE reorganization proposal severely undermines DOE's ability to ensure basic health and safety protection for workers.

6. Given the Cox Report's many inaccuracies and unsupportable statements regarding Chinese espionage, and its lack of any independent or critical analysis, the Administration should be very reluctant to assert that the report provided any "proof." We have changed the language on this accordingly in the text below.

Rob, thanks for giving us the opportunity to comment. Call me if you have any questions.

Regards,

Bruce (x-66068)

September 14, 1999

VOTE AGAINST DEFENSE CONFERENCE REPORT

Dear Member of Congress:

The Department of Energy reorganization provisions in the conference agreement on the pending Defense Authorization bill will seriously damage undermine national security, environmental protection, and worker health and safety, and national security. In short, the conference report vests sweeping and unprecedented authorities in a new agency (the National Nuclear Security Administration) purportedly within the Department of Energy, which makes it impossible for any Secretary to run the Department.

While I have supported the concept of a semi-autonomous agency in the past, the provisions in the conference report go far beyond what constitutes a workable relationship between the Secretary of Energy and the new agency.

I hope you will vote against the conference report, which will to allow Congress and the Administration to work together to improve changes to be made in these reorganization proposals.

The reasons for this recommendation are: I am making this recommendation for the following reasons:

4.1. The bill would degrade national security by rolling-[no hyphen]back recent actions we have taken to identify and fix clear responsibility and accountability in all the Department's national security activities, including the counterintelligence functions that were strengthened according to Presidential Decision Directive 61 strengthened.

COPY

3.2. The bill would isolate the Department's national security components from meaningful Departmental oversight, thus adding further insularity to the institutional isolation and arrogance that were faulted on security grounds in the Rudman report.

1.3. As noted in a September 3rd letter from 46 State Attorneys General, the bill jeopardizes the environment at, and around, DOE facilities by potentially exempting the new agency from State environmental requirements.

2.4. The bill would degrade effective public health and safety regulation of the nuclear defense complex by weakening the Secretary's ability to direct its regulation independent of the program's internal direction.

5. The bill would lead to an erosion of the strong links between the weapons laboratories and the Department's science programs, making recruitment of top scientists more difficult and uncertain and making it harder for the laboratories to maintain their mastery of those scientific and technological disciplines needed to support the labs' national security mission. thereby Such an outcome would jeopardize the task of sustaining the nuclear deterrent without testing.

National Security

As you know, the Department of Energy is responsible for our nuclear weapons stockpile. A more profound responsibility you will not be found find in government. Yet the DOE reorganization proposal all but severs the connection between the Secretary of Energy and the program which oversees the stockpile. It is critical that there be a seamless policy and management connection between among the President, the Secretary of Energy and the program which develops nuclear weaponsthat ensures the continued safety and reliability of our nuclear deterrent. Weakening the links between the laboratories and Department science programs would damage our ability to maintain the high caliber of laboratory personnel, with serious repercussions for DOE security programs, and the health of our national scientific enterprise more generally.

The Environment

In the September 3, 1999, letter mentioned above, 46 State Attorneys General wrote the House leadership urging them to oppose DOE reorganization provisions, which "would impair State regulatory authority" and would "weaken the existing internal and external oversight structure for DOE's environmental, safety and health provisions." They claim that "under well-established Supreme Court jurisprudence, section 3261 could be interpreted as a very narrow waiver of sovereign immunity, leaving the [new agency] exempt from State environmental regulations, permits, orders, penalties, agreements, and 'non-substantive requirements'."

They go on to state that the provisions in the conference report will undercut the following reforms:

C the Federal Facility and Compliance Act, passed by Congress and President Bush in 1992, which clarified that states have regulatory authority over DOE's hazardous waste management and cleanup.

C creation of an internal oversight entity in DOE, the Office of Environment, Safety and Health.

COPY

C creation of DOE's Office of Environmental Management, whose mission is to safely manage DOE's wastes, surplus facilities and to remediate its environmental contamination.

No one now questions that the weapons complex during the years of the Cold War left an enormous legacy of environmental damage. DOE now oversees the largest environmental cleanup program in the world. The Secretary of Energy -- with direct accountability to the President and the public -- should not be constrained in his ability to direct actions through his experts to address that legacy. Yet the conference report places numerous barriers between the Secretary and the new agency, making it next to impossible for the Secretary to fulfill the environmental responsibilities of the Department of Energy.

Health and Safety

You may have read articles in the press over the past month about possible worker exposure and environmental damage at DOE's Paducah, Kentucky site, where enriched uranium for nuclear weapons has been produced. An issue there is whether thousands of workers unwittingly handled materials tainted with plutonium and other highly radioactive materials. This summer a container at Los Alamos lab blew up, spreading Technetium-99 all over a research room. Luckily the employees were on their lunch break and no one was contaminated. At DOE's Savannah River Site in late August plutonium contamination was detected on seven workers after a repackaging incident. And at DOE's Pantex plant in Texas a fire in a nuclear weapons disassembly facility led to a recent \$82,000 civil penalty for the DOE contractor.

The Secretary of Energy must be held responsible for investigating these incidents and preventing accidents in the future, yet the DOE reorganization proposal severely undermines my ability to ensure basic health and safety protection for workers. [How?]

National Security

As you know, the Department of Energy is responsible for our nuclear weapons stockpile. A more profound responsibility you will not find in government. Yet the DOE reorganization proposal all but severs the connection between the Secretary of Energy and the program which oversees the stockpile. It is critical that there be a seamless policy and management connection between the President, the Secretary of Energy and the program which develops nuclear weapons.

Counterintelligence and Security

Presidential Decision Directive 61, in which the President issued after being receiving extensively advised considered advice from by the intelligence community, determined directed that the nation's intelligence, counterintelligence and security responsibilities regarding nuclear matters must be consolidated directly under the Secretary of Energy. The report of the Select Committee led by Chairman Cox and Ranking Member Dicks on Chinese espionage provided further proof emphasized that these responsibilities must be placed at the highest level in the Department. The DOE reorganization proposal would overrule these judgments by establishing counterintelligence and security offices in both the Department of Energy and the new agency. These dual offices would inevitably create confused lines of authority, undermining an aggressive, professional counterintelligence and security effort.

COPY

Process

Finally these extensive reorganization provisions will be presented to the House for the first time in a conference report - no hearings, no floor debate during House passage and no conference debate. They were formulated and adopted behind closed doors by the conferees. House members deserve the opportunity for a serious review of such a serious issue, which they have not to date had.

I hope you will vote against the Defense Authorization conference report. If , and if you have any questions, please do not hesitate to call me.

Yours sincerely,

Bill Richardson

LRM ID: RJN162
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001

Monday, September 13, 1999

LEGISLATIVE REFERRAL MEMORANDUM

TO: Legislative Liaison Officer - See Distribution
below
FROM: John D. Burnim (for) Assistant Director for
Legislative Reference
OMB CONTACT: Robert J. Nassif
PHONE: (202) 395-7896 FAX: (202) 395-5691
SUBJECT: ENERGY Report on S1059 National Defense Authorization Act
for Fiscal Year 2000

DEADLINE: COB Monday, September 13, 1999
In accordance with OMB Circular A-19, OMB requests the views of your agency on the above subject before advising on its relationship to the program of the President. 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.

COMMENTS: Attached is a proposed letter from Secretary Richardson (DOE) to the Congress urging opposition to the conference report on S. 1059, the National Defense Authorization Act for FY2000 due to the proposed reorganization of the DOE's nuclear weapons and security functions.

House Rules is expected to consider the conference report on Tuesday, September 14th, with floor action to follow Thursday, September 16, 1999.

DISTRIBUTION LIST

AGENCIES:
29-DEFENSE - Samuel T. Brick Jr. - (703) 697-1305
83-National Security Council - Robert A. Bradtke - (202) 456-9221

COPY

95-Office of Science and Technology Policy - Jeff Smith - (202) 456-6047

EOP:

John Podesta
Steve Ricchetti
Sylvia M. Mathews
Mara E. Rudman
Miles M. Lackey
Adrienne C. Erbach
Sandra Yamin
Kathleen Peroff
Gary L. Bennethum
Elizabeth M. Robinson
Robert D. Kyle
David H. Morrison
Keri A. Eisenbeis
Margaret E. Evans
Mark Magee
Robert G. Damus
Gerald L. Epstein
James J. Jukes

September 14, 1999

VOTE AGAINST DEFENSE CONFERENCE REPORT

Dear Member of Congress

The Department of Energy reorganization provisions in the conference agreement on the pending Defense Authorization bill undermine environmental protection, worker health and safety, and national security. In short, the conference report vests sweeping and unprecedented authorities in a new agency (the National Nuclear Security Administration) purportedly within the Department of Energy, which makes it impossible for any Secretary to run the Department. While I have supported the concept of a semi-autonomous agency in the past, the provisions in the conference report go far beyond what constitutes a workable relationship between the Secretary of Energy and the new agency.

I hope you will vote against the conference report to allow changes to be made in these reorganization proposals.

The reasons for this recommendation are:

1. As noted in a September 3rd letter from 46 State Attorneys General, the bill jeopardizes the environment at, and around, DOE facilities by potentially exempting the new agency from State environmental requirements.
2. The bill would degrade effective public health and safety regulation of the nuclear defense complex by weakening the Secretary's ability to direct its regulation independent of the program's internal direction.
3. The bill would isolate the Department's national security components from meaningful Departmental oversight, thus adding further insularity to the institutional isolation and arrogance that were faulted on security grounds in the Rudman report.
4. The bill would degrade national security by rolling-back recent

COPY

actions we have taken to identify and fix clear responsibility and accountability in all the Department's national security activities, including the counterintelligence functions that were strengthened according to Presidential Decision Directive 61.

5. The bill would lead to an erosion of the strong links between the weapons laboratories and the Department's science programs, making recruitment of top scientists more difficult and uncertain, thereby jeopardizing the task of sustaining the nuclear deterrent without testing.

The Environment

In the September 3, 1999, letter mentioned above, 46 State Attorneys General wrote the House leadership urging them to oppose DOE reorganization provisions, which "would impair State regulatory authority" and would "weaken the existing internal and external oversight structure for DOE's environmental, safety and health provisions." They claim that "under well-established Supreme Court jurisprudence, section 3261 could be interpreted as a very narrow waiver of sovereign immunity, leaving the [new agency] exempt from State environmental regulations, permits, orders, penalties, agreements, and 'non-substantive requirements'."

They go on to state that the provisions in the conference report will undercut the following reforms:

C the Federal Facility and Compliance Act, passed by Congress and President Bush in 1992, which clarified that states have regulatory authority over DOE's hazardous waste management and cleanup.

C creation of an internal oversight entity in DOE, the Office of Environment, Safety and Health.

C creation of DOE's Office of Environmental Management, whose mission is to safely manage DOE's wastes, surplus facilities and to remediate its environmental contamination.

No one now questions that the weapons complex during the years of the Cold War left an enormous legacy of environmental damage. DOE now oversees the largest environmental cleanup program in the world. The Secretary of Energy -- with direct accountability to the President and the public -- should not be constrained in his ability to direct actions through his experts to address that legacy. Yet the conference report places numerous barriers between the Secretary and the new agency, making it next to impossible for the Secretary to fulfill the environmental responsibilities of the Department of Energy.

Health and Safety

You may have read articles in the press over the past month about possible worker exposure and environmental damage at DOE's Paducah, Kentucky site, where enriched uranium for nuclear weapons has been produced. An issue there is whether thousands of workers unwittingly handled materials tainted with plutonium and other highly radioactive materials. This summer a container at Los Alamos lab blew up, spreading Technetium 99 all over a research room. Luckily the employees were on their lunch break and no one was contaminated. At DOE's Savannah River Site in late August plutonium contamination was detected on seven workers after a repackaging incident. And at DOE's Pantex plant in Texas a fire in a nuclear weapons disassembly facility led to a recent \$82,000 civil penalty for the DOE

COPY

contractor.

The Secretary of Energy must be held responsible for investigating these incidents and preventing accidents in the future, yet the DOE reorganization proposal severely undermines my ability to ensure basic health and safety protection for workers.

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Presidential Decision Directive 61, in which the President, after receiving extensively considered advice from the intelligence community, determined that the nation's intelligence, counterintelligence and security responsibilities regarding nuclear matters must be consolidated directly under the Secretary of Energy. The report of the Select Committee led by Chairman Cox and Ranking Member Dicks on Chinese espionage provided further proof that these responsibilities must be placed at the highest level in the Department. The DOE reorganization proposal would overrule these judgments by establishing counterintelligence and security offices in both the Department of Energy and the new agency. These dual offices would inevitably create confused lines of authority, undermining an aggressive, professional counterintelligence and security effort.

Process

Finally these extensive reorganization provisions will be presented to the House for the first time in a conference report - no hearings, no floor debate during House passage and no conference debate. They were formulated and adopted behind closed doors by the conferees.

I hope you will vote against the Defense conference report, and if you have any questions, please do not hesitate to call me.

Yours sincerely,

Bill Richardson

COPY

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	DeRosa, Mary B. to Nolan, Beth re: Draft Revised Paper for Asian Pacific Caucus Mtg (1 page)	10/04/2000	P5
002. email	Epstein, Gerald L. to Garcia, Michael, re: LRM MGG67 -- Signing Statement on HR4205 Floyd D. Spence National Defense [partial] (1 page)	10/18/2000	b(2), P3/b(3)
003. email	Epstein, Gerald L. to Garcia, Michael re: LRM MGG67 -- Signing Statement on HR4205 Floyd D. Spence National Defense (2 pages)	10/20/2000	P5
004. email	Jacobson, Dan to Almon, Timothy C. re: Hamre Study of DOE (1 page)	10/27/2000	P5

COLLECTION:

Clinton Presidential Records
Automated Records Management System [Email]
NSC ([Department of Energy and Security...])
OA/Box Number: 1200000

FOLDER TITLE:

[09/21/2000 - 11/01/2000]

Eric Holzer
2006-1022-F
eh297

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]
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- b(3) Release would violate a Federal statute [(b)(3) 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]

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Mary B. DeRosa (CN=Mary B. DeRosa/OU=NSC/O=EOP [NSC])

CREATION DATE/TIME: 4-OCT-2000 19:20:28.00

SUBJECT: Re: draft revised paper for asian pacific caucus mtg

TO: Beth Nolan (CN=Beth Nolan/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

CC: Benjamin M. Adams (CN=Benjamin M. Adams/OU=WHO/O=EOP@EOP [WHO])

READ:UNKNOWN

TEXT:

Here is a start on some possible replacement points on the Wen Ho Lee section:

I have talked with the Attorney General about the Wen Ho Lee case. As you know, I have expressed some concern about the denial of bail in Mr. Lee's case. The Attorney General has directed a review of how the case was handled.

We must remember, though, that Mr. Lee has pled guilty to a felony. He downloaded highly classified information to an unclassified computer. He did not agree, until the time of the plea, to tell prosecutors about what he did with that information. What he did posed a real threat to our national security.

I do not believe that Mr. Lee was the subject of racial profiling.

COPY

RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: Gerald L. Epstein (CN=Gerald L. Epstein/OU=OSTP/O=EOP [OSTP])

CREATION DATE/TIME: 20-OCT-2000 12:45:27.00

SUBJECT: LRM MGG67 - - Signing Statement on HR4205 Floyd D. Spence National Defense

TO: Michael Garcia (CN=Michael Garcia/OU=OMB/O=EOP@EOP [OMB])

READ: UNKNOWN

CC: Terrence K. Kelly (CN=Terrence K. Kelly/OU=OSTP/O=EOP@EOP [OSTP])

READ: UNKNOWN

CC: JoAnn Ward (CN=JoAnn Ward/OU=OSTP/O=EOP@EOP [OSTP])

READ: UNKNOWN

CC: Holly L. Gwin (CN=Holly L. Gwin/OU=OSTP/O=EOP@EOP [OSTP])

READ: UNKNOWN

CC: Jeffrey M. Smith (CN=Jeffrey M. Smith/OU=OSTP/O=EOP@EOP [OSTP])

READ: UNKNOWN

CC: Richard R. Beardsworth (CN=Richard R. Beardsworth/OU=NSC/O=EOP@EOP [NSC])

READ: UNKNOWN

CC: Mary O. McCarthy (CN=Mary O. McCarthy/OU=NSC/O=EOP@EOP [NSC])

READ: UNKNOWN

CC: Vigdor L. Teplitz (CN=Vigdor L. Teplitz/OU=OSTP/O=EOP@EOP [OSTP])

READ: UNKNOWN

TEXT:

FROM:

October 20, 2000

Gerald Epstein

Office of Science and Technology Policy

202-456-6061

OSTP has the following comments on the DoD signing statement:

We propose that the paragraph in the circulated draft on polygraph exams be replaced with the following, which includes text we believe is being submitted by DOE. We also believe the submission below tracks what is being submitted by the NSC, which had objected to one of the DOE sentences. That sentence is not included here.

Second, I am deeply disappointed that the Congress has taken upon itself to set greatly increased polygraph requirements that are unrealistic in scope, impractical in execution, and that would be strongly counterproductive in their impact on our national security. The bill also micromanages the Secretary of Energy's authority to grant temporary waivers to the polygraph requirement in a potentially damaging way, by explicitly directing him not to consider the scientific vitality of DOE laboratories. This directs the Secretary not to do his job, since maintaining the scientific vitality of DOE's national laboratories is essential to our national security and is one of the Secretary's most important responsibilities. I am therefore signing the bill with the understanding that it cannot supersede the Secretary's responsibility to

COPY

Other comments:

TO: Michael Garcia Phone: 395-7896 Fax: 395-5691
Office of Management and Budget
Branch-Wide Line (to reach legislative assistant):
395-6194

FROM: _____ (Date)
 _____ (Name)
 _____ (Agency)
 _____ (Telephone)

----- Forwarded by Gerald L. Epstein/OSTP/EOP on
10/20/2000 12:30 PM -----

Michael Garcia
10/18/2000 07:08:21 PM

Record Type: Record

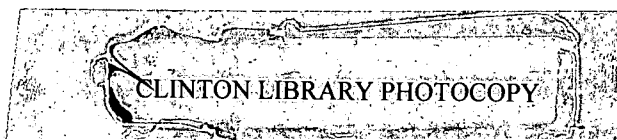
To: See the distribution list at the bottom of this message
cc:
Subject: LRM MGG67 - - Signing Statement on HR4205 Floyd D. Spence
National Defense Authorizations Act for FY 2001

Please provide comments to the attached DoD auth bill signing statement by 1:00 P.M. Thursday, October 19, 2000.

If you do not respond, this Office will assume you have no comments.

----- Forwarded by Michael Garcia/OMB/EOP on 10/18/2000
06:57 PM -----

LRM ID: MGG67
EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
Washington, D.C. 20503-0001



RECORD TYPE: FEDERAL (NOTES MAIL)

CREATOR: "Jacobson, Dan, CIV, SPB ("Jacobson, Dan, CIV, SPB/GOV" <Dan.Jacobson@spb.

CREATION DATE/TIME: 27-OCT-2000 16:46:52.00

SUBJECT: Hamre study of DOE

TO: Timothy C. Almon (CN=Timothy C. Almon/OU=NSC/O=EOP [NSC])

READ: UNKNOWN

TEXT:

Tim,

Regarding Dr. Hamre's involvement in a study of DOE, I was able to learn that the requirement for a study of the balance between security and science at DOE emanates from the Baker/Hamilton report," (so-called because the authors are Senator Baker and Senator Hamilton) that was recently issued on the Los Alamos hard drives incident. I have not been able to verify the requestor, but there is some indication that Secretary Richardson himself requested Hamre conduct the study.

I am concerned about this as Dr. Hamre deserves a lions share of the blame for the disaster that currently exists at DoD. He imposed horrendous cuts of DSS and security in general as the DoD Comptroller over the objections of senior C3I officials. Once confronted with the disaster he had wrought, he directed the services to cough up the money (sometime) and for it all to be fixed in a year. This direction was so unrealistic as to be bizarre. Other than CI, which, as you know, he beefed up, security in general only received lip service. He also refused to participate in the Security Policy Board.

There is little doubt in my mind as to what he will conclude from his review of DOE. The report is bound to be very critical of security. This may or may not be warranted, but the conclusions will have very little credibility with security professionals in general.

For your info.

dan

COPY

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Samore, Gary S. to Gregory, Susan J. & Baker, James E., re: Redo PDD... (1 page)	12/18/1997	P1/b(1)
002. email	Gregory to Baker, re: Update PDD... (2 pages)	01/14/1998	P1/b(1)
003. email	Gregory to McCarthy, Mary O., re: Update... (3 pages)	01/15/1998	P1/b(1)
004. email	Luzzatto, Anne R. to Davies, Glyn T. et al. re: Possible Press Story for Attn of SRB/JS (2 pages)	02/06/1998	P5
005. email	Gregory to Samore, Gary, re: Update... (5 pages)	02/09/1998	P1/b(1)
006. email	Gregory, Susan J. to Samore, Gary S. re: Your Question re: PDDs and Hill Access (5 pages)	02/19/1998	P5
007. email	Gregory to McCarthy, Mary O. re: DOE Briefing to SSCI (2 pages)	02/19/1998	P5
008. email	Samore, Gary S. to Gregory & McCarthy re: DOE Briefing to SSCI (2 pages)	02/19/1998	P5
009. email	Farrar, Jay C. to Gregory et al., re: HPSCI Reequst for PDD-61 Brief (4 pages)	03/04/1998	P1/b(1)
010. email	Farrar to Gregory et al., re: PDD Briefings (3 pages)	03/05/1998	P1/b(1)
011. email	Bobbitt, Philip C. to Bouchard, Joseph F. re: PDD-YY (3 pages)	03/05/1998	P5

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Record (Sept 97- Jan 01) ([Department of Energy and Security...])
OA/Box Number: 620000

FOLDER TITLE:

[11/28/1997 - 03/05/1998]

Eric Holzer
2006-1022-F
eh283

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)]

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- 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]

COPY

Exchange Mail

DATE-TIME 2/6/98 1:43:00 PM
FROM Luzzatto, Anne R.
CLASSIFICATION UNCLASSIFIED
SUBJECT Possible press story for attn of SRB/JS [UNCLASSIFIED]
TO Davies, Glyn T.
Dejban, Donna D.
Friedrich, Mary K.
Helweg, M. Diana
Kale, Dora A.
Kerrick, Donald L.
Malley, Robert
Millison, Cathy L.
Scott-Perez, Marilyn L.
Storey, Sharon V.

CARBON_COPY Crowley, Philip J.
Dehqanzada, Yahya A.
Luzzatto, Anne R.
Rubin, Eric S.
Wozniak, Natalie S.
Caravelli, John M.
Edwards, Joan K.
Harris, Elisa D.
Hill, Roseanne M.
Samore, Gary S.
Tucker, Maureen E.
Bobbitt, Philip C.
Gregory, Susan J.
Hawkins, Ardenia R.
Knepper, Charlotte
McCarthy, Mary O.
Merchant, Brian T.
Sherman, David J.

TEXT_BODY

ROB, PLEASE BRING TO SRB ATTN TODAY

Peter Eisler, a USA Today reporter, has been pursuing a story about information security associated with the DoE labs. He appears to have detailed knowledge of the PDD on DoE's reorganization of its intelligence operations.

COPY

DoE

believes Eisler may have talked to Notra Trulock in Rose Gottemoeller's office, and, indeed, some think Trulock may be the source of Eisler's information on the PDD. Notra Trulock has been critical of Energy's counterintelligence capability, and I gather that some think it's possible he's turned himself into a sort of whistleblower on the Agency's poor history of leaks and sensitive information flowing to the wrong parties or governments.

Gary Samore raises the possibility of our preemptively backgrounding on the PDD as a way of mitigating what could be a damaging story detailing past lab security troubles. Nobody is absolutely sure that Eisler is going to write, what he's going to write, or when, so it's not such an easy call.

I raise
this as an FYI and seek guidance.

COPY

Exchange Mail

DATE-TIME 2/19/98 1:29:33 PM
FROM Gregory, Susan J.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: DOE Briefing to SSCI [UNCLASSIFIED]
TO McCarthy, Mary O.

CARBON_COPY Baker, James E.
Samore, Gary S.
Leary, William H.

TEXT_BODY

Sorry to fill your inboxes. Confirmed with DOE that they will not be providing either a briefing on or a copy of the PDD to SSCI today. During previous budget discussions by DOE on Hill, the PDD not mentioned by DOE, but some staffers knew of it and requested briefings - were advised to submit written request.

-----Original Message-----

From: Gregory,
Susan J.
Sent: Thursday, February 19, 1998 1:16 PM
To: McCarthy,
Mary O.
Cc: Baker, James E.; Samore, Gary S.; Leary, William H.
Subject: DOE
Briefing to SSCI [UNCLASSIFIED]

As previously reported to you,
DOE was scheduled to brief SSCI & HPSCI staffers on their FY 99 intel budget this afternoon; the staffers wanted to be briefed on the CI/Intel reorganization as well. I was advised yesterday and we planned for an Intel/Leg NSC presence to show the unified flag on this successful effort.

In view of the guidance provided by Jamie,
Jay Farrar contacted SSCI staffer Don Mitchell to indicate that neither NSC or DOE can brief the PDD, the prerequisite requests and procedures not having been met. Mitchell was disturbed as he expected that to be the primary focus of the afternoon and claimed DOE was even going to bring a copy of the PDD to him. Jay will go to the briefing to observe, as "he knows nothing" (his quote); I'm now taking a pass so as to avoid being a lightning rod on this issue, when we'd really like them to concentrate on the good news of the reorganization and

COPY

enhanced CI/intel capabilities.

I had contacted DOE (Rose's office) this morning, to clarify that while discussing their reorganization -- which they announced independent of and before the PDD was signed -- they cannot brief the PDD itself. In view of Jay's conversation with SSCI, I've got another call in to reinforce and to ensure they don't provide a copy of the PDD. (I note that DOE has recently briefed their FY 99 budget to the Armed Service Committee, Appropriations, House National Security Committee --all of which they mentioned in arrears. I don't know what they might have offered in these briefings but will inquire.)

COPY

Exchange Mail

DATE-TIME 2/19/98 1:33:53 PM
FROM Samore, Gary S.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: DOE Briefing to SSCI [UNCLASSIFIED]
TO Gregory, Susan J.
McCarthy, Mary O.

CARBON_COPY Baker, James E.
Leary, William H.

TEXT_BODY This sounds fine to me. To avoid an unnecessary battle with Congress, should we expedite the necessary steps to brief the PDD? There's nothing in the PDD that we want to hide. In fact, it's all good news.

-----Original Message-----

From: Gregory, Susan J.
Sent: Thursday,
February 19, 1998 1:16 PM
To: McCarthy, Mary O.
Cc: Baker, James
E.; Samore, Gary S.; Leary, William H.
Subject: DOE Briefing to
SSCI [UNCLASSIFIED]

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COPY

Exchange Mail

DATE-TIME 3/5/98 3:32:58 PM
FROM Bobbitt, Philip C.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: PDD-YY [UNCLASSIFIED]
TO Bouchard, Joseph F.
CARBON_COPY Bell, Robert G.
Bobbitt, Philip C.

TEXT_BODY

Joe--

Thanks for the note. As far as the Advisory Committee goes, the one copy ever provided to them (of which I am aware) was given to Nunn and Gorelick only with many admonitions and I very much doubt they would share with others in such circumstances. My guess--and it is only that--is that Chuck Lee got it from someone at the Commission.

Your
action: Very heads-up ball

Your suggestion: I think you are right in concluding that, at this juncture, it will be difficult to rein in the copies that appear to be out: the many copies sent out by the Security Policy Board Staff alone make this unlikely. Because the entire PDD is going to be put on the White House Website in ten days time in any case, it probably is best to plow ahead. Announcing that it is being withdrawn for whatever reason will plunge us back into the inter-agency mire and imply to conspiracy theorists that there is something in the PDD that we are trying to hide from the public release.

Somehow I think this is not the last PDD Intel will be involved in and I will take your clever suggestions about a draft EO to the next project, if I may.

Thanks,

Philip

-----Original
Message-----
From: Bouchard, Joseph F.

COPY

Sent: Thursday, March 05,
1998 2:32 PM
To: Bobbitt, Philip C.
Cc: Bell, Robert G.
Subject: PDD-YY
[UNCLASSIFIED]

Phil,

George Mulligan mentioned to me in passing that Dick Clarke was concerned that PDD-YY had been compromised. I'm sure he's right. Here's what I know: Two members of the NSTAC Industry Executives Subcommittee provided me comments on the NSTAC view of how PDD-YY would interface with NSTAC (I incorporated some of their comments in the memo I sent to Will Wechsler on February 17). They told me that they were asked to review PDD-YY by Chuck Lee (NSTAC Chairman), who was given a copy as a member of the PCCIP Advisory Committee. Chuck told them it had been given to all the members of the Advisory Committee (I think in January). Chuck Lee provided comments on it to the Advisory Committee co-chairs for their consideration as they drafted their February 20 letter to Sandy Berger.

Also, John Davis briefed PDD-YY at the February 19 NSTISSC meeting. He did not hand out copies of PDD-YY, but all the members of NSTISSC know what is in it. I don't know if all 23 agencies that participate in NSTISSC would be on distribution for PDD-YY. John's brief was unclassified and he did not warn those present not to discuss his briefing with others, so the content of PDD-YY is probably being widely discussed. At that same meeting Ken Geidi gave an unclassified briefing on the IPC, which as you know is one of the organizations created by PDD-YY. So that information is also circulating freely.

As an aside, almost everyone at the Livermore conference -- government and industry alike -- seemed knowledgeable of the basic content of PDD-YY (the NC, NIAC, IPC, etc.). At least those bodies were being discussed freely. I don't recall anyone other than Transition Team members saying they had seen PDD-YY. I mentioned to Bob Giovagnoni at the conference that I thought PDD-YY had been given out to the Advisory Committee.

I have taken one action and offer one suggestion:

My action: As soon as George mentioned this to me I asked NSTAC to return any and all copies of PDD-YY they may have. At this point I only know of one copy (Assuming that Chuck Lee does indeed have a copy, rather than just having seen it at an Advisory Committee meeting). I will try to determine if there are more copies floating

COPY

around in NSTAC and retrieve them as well. I will report to you when this is complete.

My suggestion: If PDD-YY was handed out to any or all members of the Advisory Committee, there is a high probability NSC will never be able to get all the copies back. It may be simpler to announce that PDD-YY has been cancelled due to compromise and prepare a new draft. The substance need not change. You may also want to consider keeping the draft classified until it is approved to prevent a repeat (or at least putting a dissemination statement on the first page and a short warning of some sort at the top of each page). I would also recommend that in parallel with drafting the "new" PDD-YY you also draft the EO that will implement the "public" portions of the PDD and provide the draft EO (not the draft PDD) to the Advisory Committee for comments. That will help prevent a recurrence of what appears to have happened to PDD-YY.

Joe
Bouchard

COPY

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Wechsler, William F. to Bobbitt, Philip C. re: PDD-YY (3 pages)	03/05/1998	P5
002. email	Farrar, Jay C. to Burrell, Christina L., re: Memo and Response to Goss (4 pages)	03/06/1998	P1/b(1)
003. email	Gregory, Susan J. to McCarthy, Mary O., re: DOE CI Program (2 pages)	05/18/1998	P1/b(1)
004. email	Gregory to McCarthy, re: Letter to DOE/Ed Curran/Phyllis Oakley (2 pages)	06/17/1998	P1/b(1)
005. email	McCarthy to Paliokas, John J., re: Security Lapse (1 page)	10/02/1998	P1/b(1)
006. email	dnbarne to Icandin et al., re: Corporate Notes (3 pages)	12/24/1998	P1/b(1)
007. email	Rudman, Mara E. to Leavy, David C. et al. re: NSC Talking Points for David Leavy on Cox Committee Report (4 pages)	12/29/1998	P5
008. email	Edwards, Joan K. to Hasman, Thomas M., re: [Response to the Cox-Dicks Committee Report] (4 pages)	01/29/1999	P1/b(1), P5
009. email	Gobush, Matthew N. to Malinowski, Tomasz P. re: NSC Talking Points for David Leavy on Cox Committee Report (4 pages)	02/11/1999	P5
010. email	Tucker, Maureen E. to DeRosa, Mary B. re: China Op-Ed (5 pages)	03/08/1999	P5
011. email	Bader, Jeffrey A. to Bartlett, L. June et al., re: Talking Points for Stanley Roth to Use... (3 pages)	03/09/1999	P1/b(1)

COLLECTION:

Clinton Presidential Records
 NSC Emails
 Exchange-Record (Sept 97- Jan 01) ([Department of Energy and Security...])
 OA/Box Number: 620000

FOLDER TITLE:

[03/05/1998 - 03/16/1999]

Eric Holzer
 2006-1022-F
 eh284

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
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COPY

Exchange Mail

DATE-TIME 3/5/98 3:41:32 PM
FROM Wechsler, William F.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: PDD-YY [UNCLASSIFIED]
TO Bobbitt, Philip C.

CARBON_COPY

TEXT_BODY

good answer

-----Original Message-----

From: Bobbitt, Philip
C.

Sent: Thursday, March 05, 1998 3:34 PM

To: Wechsler, William
F.

Subject: FW: PDD-YY [UNCLASSIFIED]

-----Original Message-----

From: Bobbitt,
Philip C.

Sent: Thursday, March 05, 1998 3:33 PM

To: Bouchard,
Joseph F.

Cc: Bell, Robert G.; Bobbitt, Philip C.

Subject: RE:
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Subject: PDD-YY
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Joe
Bouchard

COPY

Exchange Mail

DATE-TIME 12/29/98 6:18:24 PM

FROM Rudman, Mara E.

CLASSIFICATION UNCLASSIFIED

SUBJECT FW: NSC Talking Points for David Leavy on Cox Committee Report
[UNCLASSIFIED]

TO Leavy, David C.
@SPEECH - NSC Speechwriters
Blinken, Antony J.
Gobush, Matthew N.
Gray, Wendy E.
Halperin, David E.
Malinowski, Tomasz P.
Widmer, Edward L. (Ted)

CARBON_COPY Crowley, Philip J.
Leavy, David C.
Wozniak, Natalie S.
Allen, Charles A.
Baker, James E.
DeRosa, Mary B.
Highsmith, Newell L.
Hunerwadel, Joan S.
Arvizu, Alexander A.
Bader, Jeffrey A.
Heitkotter, Karen R.
Lieberthal, Kenneth C.
Pritchard, Charles (Jack) L.
Caravelli, John M.
Edwards, Joan K.
Harris, Elisa D.
Langley, Janice M.
Mereish, Kay A.
Samore, Gary S.
Tucker, Maureen E.
Abercrombie-Winstanley, Gina K.
Burrell, Christina L.
Farrar, Jay C.
Rudman, Mara E.
Russ, Judith P.

TEXT_BODY See suggested changes.

I know that DOE is taking the lead on their

COPY

issue, but don't you think David also should have guidance on the timing connection the report may draw between DOE investigation and SRB/NSC briefs and supercomputer policy decisionmaking? Even though we know there's no there there, I expect some Committee Members may be saying otherwise, and David should be prepared.

Also -- Frank

Miller raised an important point that I think we need to be prepared to address directly here -- how to we answer the question of how seriously we take the broader tech transfer issue and China, when the last PDD done on the subject was in the Reagan Administration? Are we still working in a Soviet Union-China time warp with respect to tech transfers and China? If not, what proves our case? Gary probably should take the lead on it.

-----Original Message-----

From: Lieberthal,
Kenneth C.

Sent: Tuesday, December 29, 1998 5:23 PM

To: Leavy,

David C.; Rudman, Mara E.

Cc: @ASIA - Asian Affairs; Samore, Gary
S.

Subject: FW: NSC Talking Points for David Leavy on Cox
Committee
Report [UNCLASSIFIED]

The attached has been cleared (with red lined edits) by Jeff Bader and Gary Samore. Obviously, it may require additional work, depending on the press conference. Hope it is helpful for starters. Please let me know your thoughts on it. Thanks.

Ken

TRANSLATED_ATTACHMENT

Cox Committee Report tps_.doc
NSC Talking Points for David Leavy on Cox Committee Report
Submitted by Ken Lieberthal

[The following tps are based on the assumption that all we have to go

COPY

on is a
press conference and handout that essentially accuses the
Administration of being
too lax in protecting American technology, thereby producing an
increased Chinese
military threat.]

* The Administration fully shares the Committee's goals: we want to
ensure that
U.S. national security is not compromised by technology transfers and
exports to
China.

* We look forward to seeing the Committee's report and considering
its
recommendations. To date, we have not been provided with a copy.
Our comments,
therefore, are necessarily not informed by the details of the report.

* We are vigilant. We already have effective mechanisms in place to
protect
sensitive information and prevent the diversion of sensitive
technologies, and
we have been further improving those mechanisms over the past year.
These
mechanisms are more restrictive than are those of any other major
country with
regard to technology transfers to China. To our best knowledge,
moreover, no
approved U.S. technology transfers have resulted in [significant]
improvements in
China's strategic military capabilities. [This last sentence sounds
weak; has a
lot of built in wiggle room "approved" transfers; "significant"
improvements -
they will drive a truck thru those. Anything short of "significant" that
will
work? Am assuming you find need for some qualifier on
improvement?]

* We control all we can. [Don't think we want to acknowledge this -
whether or
not it's true, it will be viewed as a statement of weakness.] China is a
rapidly
growing country with nearly a quarter of the world's population, a
large
scientific community, and extensive economic relations with all the
major
countries of the world. We cannot prevent China's future military

COPY

development
through unilateral export controls, but we can and do control China's
access to
certain critical technologies that we alone currently possess.

* We should be smart. . China has long had and will inevitably retain
potential
military capabilities against the United States and our allies. It is in
our
interests both to maintain a strong military deterrence and develop the
type of
relationship with China that maximizes Beijing's interests in peaceful
ties
regionally and globally. We therefore pursue a policy of
comprehensive
engagement with China. [I think the preceding is unnecessarily
provocative and
will invite more argument than it is worth. Better to stick with the
constructive case.] Comprehensive engagement -- combined with
appropriate
vigilance and a continued strong US military presence in Asia -- best
realizes
our national interests and those of China, too.

* We need to avoid false inferences. . China has acquired and
developed high
performance computers, but these computers are not responsible for
the existence
of China's nuclear capability.

* We look forward to reviewing the Cox Committee report. We will
want to see the
issues the Report raises and then work diligently to address whatever
problems it
may highlight.

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2

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Exchange Mail

DATE-TIME 2/11/99 3:14:36 PM
FROM Gobush, Matthew N.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: NSC Talking Points for David Leavy on Cox Committee Report [UNCLASSIFIED]
TO Malinowski, Tomasz P.
CARBON_COPY
TEXT_BODY FYI. More to follow.

-----Original Message-----

From: Rudman,
Mara E.

Sent: Tuesday, December 29, 1998 6:18 PM

To: Leavy, David

C.; @PLANNING - Strat Plan & Comm

Cc: @PRESS - Public Affairs; @LEGAL

- Legal Advisor; @ASIA - Asian Affairs; @NONPRO - Export Controls;

@LEGISLAT - Legislative Affairs

Subject: FW: NSC Talking Points

for David Leavy on Cox Committee Report [UNCLASSIFIED]

Importance: High

See
suggested changes.

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COPY

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David C.; Rudman, Mara E.

Cc: @ASIA - Asian Affairs; Samore, Gary
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Committee

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* We need to avoid false inferences. . China has acquired and developed high performance computers, but these computers are not responsible for the existence of China's nuclear capability.

* We look forward to reviewing the Cox Committee report. We will want to see the issues the Report raises and then work diligently to address whatever problems it may highlight.

1

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COPY

Exchange Mail

DATE-TIME 3/8/99 4:29:45 PM
FROM Tucker, Maureen E.
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: China Op-Ed [UNCLASSIFIED]
TO DeRosa, Mary B.

CARBON_COPY**TEXT_BODY**

the latest

-----Original Message-----

From: Gladura, Timothy
L.

Sent: Monday, March 08, 1999 4:29 PM

To: McCarthy, Mary O.

Cc: Halperin,

David E.; Samore, Gary S.; Gobush, Matthew N.; Bader, Jeffrey A.;

Lackey, Miles M.; Lieberthal, Kenneth G.; Baker, James E.; Gray,

Wendy E.; Leavy, David C.; Tucker, Maureen E.

Subject: RE: China

Op-Ed [UNCLASSIFIED]

-----Original Message-----

From: McCarthy,
Mary O.

Sent: Monday, March 08, 1999 4:07 PM

To: Gladura, Timothy

L.

Subject: FW: China Op-Ed [UNCLASSIFIED]

The question is larger than identifying suspects. The magnitude of the compromise not may not only be due to particular potential criminal cases, but to lax security procedures, problematic Intel sharing, etc. DOE does not have the CI and investigative ability to identify suspects. Even though they may have a better ability now since the implementation of PDD61, this is work for the FBI. DOE flags problems and refers matters for FBI investigation. Better to leave out ref to thousands of nuclear scientists as suspects and to focus on the general problem. The positive note: DOE did begin an internal study to assess the magnitude of the loss. That's what we should say.

COPY

-----Original

Message-----

From: McCarthy, Mary O.

Sent: Monday, March 08, 1999

3:48 PM

To: Halperin, David E.; Samore, Gary S.; Gobush, Matthew N.; Bader, Jeffrey A.; Lackey, Miles M.; Lieberthal, Kenneth G.; Baker, James E.

Cc: Tucker, Maureen E.; Gray, Wendy E.; Leavy, David C.

Subject: RE: China Op-Ed [UNCLASSIFIED]

Tim?

-----Original

Message-----

From: Halperin, David E.

Sent: Monday, March 08,

1999 3:41 PM

To: McCarthy, Mary O.; Samore, Gary S.; Gobush, Matthew N.; Bader, Jeffrey A.; Lackey, Miles M.; Lieberthal, Kenneth G.; Baker, James E.

Cc: Tucker, Maureen E.; Gray, Wendy E.; Leavy, David C.

Subject: RE: China Op-Ed [UNCLASSIFIED]

In response to Mary's point -- DOE may, in fact, lack the expertise to identify suspects -- though they have some people with such expertise -- but if they, in fact, did try to identify suspects I don't see why we shouldn't say it. If they spent time on a damage assessment before calling the Bureau, it is probably better to say they also considered who did than to imply that they weren't concerned with that issue.

-----Original

Message-----

From: McCarthy, Mary O.

Sent: Monday, March 08, 1999

3:34 PM

To: Halperin, David E.; Samore, Gary S.; Gobush, Matthew N.; Bader, Jeffrey A.; Lackey, Miles M.; Lieberthal, Kenneth G.; Baker, James E.

Cc: Tucker, Maureen E.; Gray, Wendy E.; Leavy, David C.

Subject: RE: China Op-Ed [UNCLASSIFIED]

David, nonetheless,
I think this piece needs some presentational work. You know, the

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kind of thing you guys do that makes the reader think what we what the reader to think right from the beginning.

For example, beg.

of para 2 says leaks happened during previous administrations, but the talk out there is how it is still going on, spy not caught, suspect still on the job, etc. Our insistence that spies will be caught and prosecuted is open to attack. The NYT piece calls into question how vigorously we're proceeding here (and I won't tell you what Rush Limbaugh said; I made the cab driver turn him off anyway.)

I've

made some changes based on (1) just plain editing; and (2) substance

DOE

does not have the expertise to identify suspects (and anyway, it's not just the scientists who may be at fault); we should not say that the IC is still debating the judgments and then say that the info is fragmentary and inconclusive because the IC may conclude something. (I have a suggested fix.)

<< File: china op-ed3-8drft.doc
>>

-----Original Message-----

From: Halperin, David E.

Sent: Monday,

March 08, 1999 12:28 PM

To: Samore, Gary S.; Gobush, Matthew N.;

Bader, Jeffrey A.; McCarthy, Mary O.; Lackey, Miles M.; Lieberthal, Kenneth G.; Baker, James E.

Cc: Tucker, Maureen E.; Gray, Wendy

E.; Leavy, David C.

Subject: RE: China Op-Ed [UNCLASSIFIED]

Gary

& Maureen,

I'm glad to help, but if SRB has already edited, I'm not sure you need much from me. Maureen, please send to me after you work in Sandy's changes, and I'll be happy to take a look. I just discussed this with Matt, and one place I may be able to help is cutting the length a bit. How about Pena and Richardson as joint authors -- what we've done and what we plan to do.

-----Original
Message-----

From: Samore, Gary S.

Sent: Monday, March 08, 1999

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12:20 PM

To: Halperin, David E.; Gobush, Matthew N.; Bader, Jeffrey A.; McCarthy, Mary O.; Lackey, Miles M.; Lieberthal, Kenneth G.; Baker, James E.

Cc: Tucker, Maureen E.; Samore, Gary S.

Subject: China

Op-Ed [UNCLASSIFIED]

Importance: High

<< File: china op-ed_.doc

>>

Attached is draft op-ed. Maureen is putting in SRB's changes. Please send comments to Maureen.

-----Original Message-----

From: Gobush,

Matthew N.

Sent: Monday, March 08, 1999 12:16 PM

To: Samore, Gary

S.

Cc: Halperin, David E.

Subject: RE: China Op-Ed [UNCLASSIFIED]

Jeff

tells me you're currently working the draft? Perhaps Halperin can lead a hand?

-----Original Message-----

From: Samore, Gary S.

Sent: Monday, March 08, 1999 12:13 PM

To: Gobush, Matthew N.;

@NONPRO - Export Controls; @ASIA - Asian Affairs

Cc: @PRESS - Public

Affairs; Hachigian, Nina L.

Subject: RE: China Op-Ed [UNCLASSIFIED]

I

think Richardson would be better.

-----Original Message-----

From: Gobush,

Matthew N.

Sent: Monday, March 08, 1999 12:05 PM

To: Gobush, Matthew

N.; @NONPRO - Export Controls; @ASIA - Asian Affairs

Cc: @PRESS

- Public Affairs; Hachigian, Nina L.

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Subject: RE: China Op-Ed [UNCLASSIFIED]

Leavy
suggests this run under Pena's name. Thoughts?

-----Original

Message-----

From: Gobush, Matthew N.

Sent: Monday, March 08,
1999 9:08 AM

To: @NONPRO - Export Controls; @ASIA - Asian Affairs

Cc: @PRESS

- Public Affairs; Hachigian, Nina L.

Subject: China Op-Ed [UNCLASSIFIED]

Gary/Jeff

- Who has action on China op-ed for placement this Wednesday, per
Steinberg? Here to help take it across the finish line. Thanks.

COPY

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Edwards, Joan K. to Tucker, Maureen E., re: Action Memorandum to the President (2 pages)	03/18/1999	P1/b(1)
002. email	Hachigian, Nina L. to Joshi, M. Kay re: PFIAF (6 pages)	03/18/1999	P5
003. email	Samore, Gary S. to Baker, James E. re: PFIAF (7 pages)	03/18/1999	P5
004. email	Hachigian to Malinowski, Tomasz P. re: Pkg 1924 (7 pages)	03/18/1999	P5
005. email	Hachigian to Joshi et al. re: Final Memo (3 pages)	03/18/1999	P5
006. email	Gobush, Matthew N. to Samore re: Neutron Bomb Story (2 pages)	03/23/1999	P5
007. email	Dempsey, John M. to Lackey, Miles M. re: Notes from Today's Lab Security Meeting (1 page)	04/13/1999	P5
008. email	Joshi, M. Kay to Bartlett, L. June et al., re: Package 2710 - NYT Article on DOE Nuclear Facilities Computer Stand-down (4 pages)	04/19/1999	P1/b(1)
009. email	Epstein, Gerald L. to Hane, Gérald J., re: Sensitive Unclassified Technical Information (2 pages)	04/29/1999	P1/b(1)

COLLECTION:

Clinton Presidential Records
 NSC Emails
 Exchange-Record (Sept 97- Jan 01) ([Department of Energy and Security...])
 OA/Box Number: 620000

FOLDER TITLE:

[03/17/1999 - 04/30/1999]

Eric Holzer
 2006-1022-F
 eh285

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]
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 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]
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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]

COPY

Exchange Mail

DATE-TIME 3/18/99 3:57:42 PM
FROM Hachigian, Nina L.
CLASSIFICATION UNCLASSIFIED
SUBJECT FINAL MEMO [UNCLASSIFIED]
TO Joshi, M. Kay
Baker, James E.
McCarthy, Mary O.
Leavy, David C.
Malinowski, Tomasz P.
Allen, Charles A.
Baker, James E.
DeRosa, Mary B.
Hunerwadel, Joan S.
Krass, Caroline D.

CARBON_COPY

TEXT_BODY

TRANSLATED_ATTACHMENT PFIABtordraft_.doc

DATE

MEMORANDUM FOR WARREN G. RUDMAN
Chairman
President's Foreign Intelligence Advisory Board

SUBJECT: Department of Energy Labs

Protecting the security of the national weapons labs is one of the most important responsibilities of any Administration. As you know, in light of information concerning the possible compromise of sensitive information in the 1980's and continuing efforts by foreign governments to acquire sensitive lab information, last year I issued PDD-61 designed to strengthen security at our labs. Because of the priority I attach to making sure all that is necessary is being

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done, I believe it would be invaluable for the PFIAB to review the evolution of the threat and the adequacy of measures that have been taken to address it.

The President's Foreign Intelligence Advisory Board (PFIAB) is a bipartisan, independent advisory board responsible to the President for assessing, among other things, the quality and adequacy of counterintelligence.

Members of the PFIAB are appointed from private life and include a diverse area of expertise, including background in intelligence, the military, science, and the law.

Pursuant to executive order, "the heads of departments and agencies of the

Federal government, to the extent permitted by law, shall provide the PFIAB

access to all information that the PFIAB deems necessary to carry out its responsibilities."

With this background in mind, I am requesting that the PFIAB address the following questions:

What is the nature of the present counterintelligence security threat at the DOE labs and how has it evolved over the past two decades? What steps have the Labs, DOE, and more broadly, the United States Government taken to counter that threat during this period? Are these measures adequate? Is there more that should be done?

Process: Given the particularized interest of the Congress in this matter, I would ask that you consult with appropriate Members of Congress before undertaking your review.

I understand that in light of its Presidential status that the PFIAB reports directly to me and does not ordinarily provide its reports outside the immediate Office of the President; however, it is my intention that your report be provided

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to the Congress at the conclusion of your review, and to the fullest extent consistent with national security, as much information be provided concurrently to the public in an unclassified report.

Given the extraordinary sensitivity of these matters, I would ask that you limit participation in your review to no more than five members of the PFIAB, drawing on the special expertise and background that your members bring to the Board.

Finally, I would ask that you conclude your review in no later than 60 days.

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DRAFT DRAFT

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Exchange Mail

DATE-TIME 3/23/99 1:57:03 PM
FROM Gobush, Matthew N.
CLASSIFICATION UNCLASSIFIED
SUBJECT Neutron Bomb Story [UNCLASSIFIED]
TO Samore, Gary S.

CARBON_COPY Leavy, David C.

TEXT_BODY Gary - With Dave's suggested edits. Thought it better to lead with NYT reference, drop neutron bomb description, make clear that this is old news, and note that this was handled in the appropriate way. Thoughts? Thanks.

TRANSLATED_ATTACHMENT Neutron Bomb Story.doc
Neutron Bomb Story

The New York Times will report tomorrow that China obtained additional information from the U.S. on the neutron bomb in 1995, possibly from a classified Los Alamos paper discussing techniques to increase the efficiency of radiation production in the neutron bomb.

The FBI did receive a single report suggesting that China may have obtained U.S. information on the neutron bomb in 1995 through a variety of foreign intermediaries.

The FBI often receives such reports concerning possible espionage and compromises of sensitive military information.

After thoroughly investigating the matter, the FBI concluded that the report was not credible and that no further action was required.

Alleged Chinese acquisition of neutron bomb technologies is old news, and was widely reported nine years ago. According to press reports in November 1990, a

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scientist at Lawrence Livermore National Laboratory was suspected of providing information to China in the early 1980s related to the "neutron bomb."¹

According to these November 1990 press reports, the head of the counterintelligence in the FBI's San Francisco office confirmed that the Bureau had investigated possible espionage at Livermore Laboratory. However, no arrests were made, and the case remains open.

As we often said, the Administration pursued this case through the proper channels. The FBI conducted a thorough investigation, DOE agreed to further assess possible security breeches, and Congress was regularly briefed.

The press reports also claim that information obtained from the U.S. helped China to test a neutron bomb in September 1988. Although it is publicly known that China has tested enhanced radiation weapons, it is not known to what extent, if any, U.S. information assisted Chinese efforts. This question is being examined by the U.S. damage assessment team under DCI George Tenet.

¹ "Report: Stolen Secrets may have helped China Build Neutron Bomb", Associated Press, November 22, 1990; "Chinese Atom Arms Spying in U.S. reported", New York Times, November 22, 1990.

Exchange Mail

DATE-TIME 4/13/99 4:33:18 PM
FROM Dempsey, John M. (Jack)
CLASSIFICATION UNCLASSIFIED
SUBJECT Notes From Today's Lab Security Meeting [UNCLASSIFIED]
TO Lackey, Miles M.

CARBON_COPY Burrell, Christina L.
Dempsey, John M. (Jack)
Lackey, Miles M.
Tavlarides, Mark J.

TEXT_BODY

Miles --

This afternoon's meeting was chaired by Steve Ricchetti.
(Thank God for favors great and small.)

As you would expect,
there was a lot of talk about yesterday's hearing and where we go
from here. Two actions for LEGIS:

* Gary Samore was hoping you
could provide him ASAP with some friendly Hill contacts he could
use to seed questions for the remaining lab security sessions on
the Hill. (The next Hill lab business is tomorrow at Senate Energy
Committee and HASC. A DOE 'Q' clearance is required which -- according
to Jack Paliokas -- takes a couple of weeks. My recommendation is
that two of the LEGIS bodies should have a 'Q' clearance.)

* Your
name was mentioned as someone who was putting together a list of
China Friendly Republicans that could be used to further Administration
goals.

Jack

COPY

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Samore to Gladura, Timothy L. & Bell, Robert G., re: 93+2 Enhanced Protocols for the Nuclear Nonproliferation Treaty CI Assessment (2 pages)	05/04/1999	P1/b(1)
002. email	Gobush, Matthew N. to Bobbitt, Philip C. et al. re: Draft Cox-Dicks Comms Strategy (2 pages)	05/07/1999	P5
003. email	Shapiro, Daniel B. to Lackey, Miles M. re: Leg. Update (2 pages)	05/12/1999	P5
004. email	Gladura to Samore, re: China Press Guidance (3 pages)	05/14/1999	P1/b(1)
005. email	Lackey to Samore & Tucker, Maureen E., re: Cox Mem for POTUS (7 pages)	05/15/1999	P1/b(1)
006. email	Gladura to Rudman, Mara E., et al., re: Short List Answers to Questions (3 pages)	05/21/1999	P1/b(1)
007. email	Rudman to Burrell, Christiana L. et al., re: Case Information - Request for Clearance (6 pages)	05/24/1999	P1/b(1)
008. email	Clarke, Richard A. to Davies, Glyn T. et al. re: For SRB: DOE Security Czar (2 pages)	06/01/1999	P5

COLLECTION:

Clinton Presidential Records
 NSC Emails
 Exchange-Record (Sept 97- Jan 01) ([Department of Energy and Security...])
 OA/Box Number: 620000

FOLDER TITLE:

[05/03/1999 - 06/01/1999]

Eric Holzer
 2006-1022-F
 eh286

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

COPY

Exchange Mail

DATE-TIME 5/7/99 7:41:16 PM
FROM Gobush, Matthew N.
CLASSIFICATION UNCLASSIFIED
SUBJECT DRAFT Cox-Dicks Comms Strategy [UNCLASSIFIED]
TO Bobbitt, Philip C.
Crowley, Philip J.
Gobush, Matthew N.
Gray, Wendy E.
Greenberg, Brenda L.
Hammer, Michael A.
Leavy, David C.
Wozniak, Natalie S.

CARBON_COPY**TEXT_BODY**

Dave - First cut. Hack away.

COX-DICKS COMMUNICATIONS STRATEGY

We
propose a two stage strategy for handling public release of Cox-Dix
report, revolving around next Thursday (May 13), the anticipated
release date:

* Pre-buttal (Monday-Wednesday): Go on offense in
advance of report release by emphasizing strong counter-measures
this Administration has taken and is continuing to take, while minimizing
news value of release by previewing key areas of disagreement

* Roll-out
(Thursday-Friday): Seize the high ground by praising work of Cox
Committee; embrace report's general conclusions while reaffirming
commitment to address allegations

Monday, May 10

* Outreach
to Opinion Leaders - Kennedy to preview Administration objections
to report for key commentators, esp. John Diamond.

* Outreach
to Experts - Samore to call John Pike and other experts the whom
the press is likely to hound for commentary. Goal to put allegations

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in perspective without understating significance.

Tuesday, May
11

* DOE Security Reform Announcement - Sec. Richardson plans to announce a package of new DOE reorganization measures designed to strengthen internal security, including cyber security and declassification measures. DOE is planning a press briefing

Wednesday, May 12

* DOE
Briefing on PDD-61 Implementation - On-the-record briefing reporting on quantifiable progress DOE has made towards implementation of the President's Directive.

Thursday May 13:

* Statement by the
President - Release SBTP embracing work of Cox-Dicks and reaffirming commitment to continue addressing the crisis in a strong, bipartisan fashion

* Press Briefing - Will arm Lockhart with opening statement and key points consistent with SBTP.

* Press Backgrounder - Steinberg
and/or Samore should brief press on background after Lockhart's briefing Thursday.

COPY

Exchange Mail

DATE-TIME 5/12/99 7:17:32 PM
FROM Shapiro, Daniel B.
CLASSIFICATION UNCLASSIFIED
SUBJECT leg. update [UNCLASSIFIED]
TO Lackey, Miles M.

CARBON_COPY Burrell, Christina L.
Lackey, Miles M.
Shapiro, Daniel B.
Tavlarides, Mark J.

TEXT_BODY

Rep. Norm Dicks is working with a bipartisan group including Republicans Mac Thornberry, Lindsey Graham, and Heather Wilson (Mary Bono and Curt Weldon also possible), and Democrats John Spratt, Ellen Tauscher, Vic Snyder, and Norm Sisisky on constructive alternatives to the Ryun and similar bills on security at the DOE labs. The Dicks draft requires background checks for foreign visitors to the labs, requires increased polygraphs, broadens authorities to search government computers, and some steps toward implementation of PDD-61. The draft is subject to change, pending consultations with NSC and affected agencies, and among Congressional staff.

NSC staff and DOE officials (Ernie Moniz and Ed Curran) briefed Rep. Ellen Tauscher on the state of play of the Cox report, relevant legislation, and PDD-61 implementation. Tauscher made clear that she needs to know that there will be no more surprises coming on the front page of the New York Times. She expressed dissatisfaction with the FBI, who she said did not have protecting secrets as their top priority in the Wen Ho Lee case and do not know what to look for in modern espionage. She believes the Ryun bill is essentially irrelevant because the Republicans have a political goal: to make as many speeches on the lab security problems as possible on the House floor on as many vehicles as possible, to gain maximum media coverage and convince the public that the Administration either sold secrets or was asleep at the switch. Tauscher wants to be able to say the following: 1) espionage and serious breaches of security did occur; 2) the value of what was stolen by the Chinese has been overstated (Note: she needs information to back this up); 3) rather than fixing problems that don't exist (i.e., foreign visitors), let's fix the real problems (with Dicks' or other alternative). She is pleased by Richardson's reforms announced yesterday, because she wanted someone to say "From now on, protecting secrets is my

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top priority, and the buck stops here."

Senate Energy and Natural

Resources held a hearing on the Wen Ho Lee investigation with an open and closed session, and witnesses from DOE, FBI, and DOJ. Murkowski was furious that at 8:30 Tuesday night, FBI and DOJ informed him that they would not testify in open session. The only open witness was Marianne Sullivan, DOE's General Counsel, who said FBI told DOE not to search Lee's computer to avoid tainting evidence, despite DOE's belief that it had the authority. In closed session, FBI (Gallagher) and DOJ (Baker) reportedly pointed the finger back at DOE. Sen. Murkowski is apparently determined to find someone to blame, and very frustrated that so far it has proved difficult to do so. He may hold more hearings with the same agencies.

SSCI held a closed hearing with Janet Reno. No read out available so far.

Republican

staff contacts suggest that Sen. Lott is considering appointing a Select Committee on China, but that no decisions have been made. So far, there has no consultation with Senate Democrats on this idea.

HIRC Asia/Pacific Subcommittee held a hearing on Indonesia with Stanley Roth. It was largely uneventful, with Bereuter asking general questions about preparations for the elections.

At Bob

Nash's request, State/H called SFRC staff to report that the President intends to nominate Adm. Prueher to be Ambassador to China. We expect a profile of Prueher in the Times today or tomorrow.

COPY

Exchange Mail

DATE-TIME 6/1/99 1:32:17 PM
FROM Clarke, Richard A.
CLASSIFICATION UNCLASSIFIED
SUBJECT FOR SRB: DOE SECURITY CZAR [UNCLASSIFIED]
TO Davies, Glyn T.
Dejban, Donna D.
Hachigian, Nina L.
Kerrick, Donald L.
Millison, Cathy L.
Mitchell, Rebecca (Julie) J.
Moretz, Sheila K.
O'Brien, Penelope R.
Rice, Edward A.
Rudman, Mara E.
Scott-Perez, Marilyn L.
Storey, Sharon V.
Sutphen, Mona K.

CARBON_COPY

TEXT_BODY

Sandy,

The DOE Security Czar was a good idea, but the press will eventually note that the job hasn't been filled. The portfolio, in addition to counter-intelligence, is terrorism and WMD, critical infrastructure, and security of our WMD....or PDD-62/63.

Richardson
is attempting to get an active duty three star general, but DOD is resisting ("Get a retiree.") Richardson is right. This is a VERY important set of issues and justifies changing the rules to get someone impressive, someone on active duty. Given the heavily DOD nature of the job, its also in DOD's interest to have their guy doing it.

Finally,
the best way to stop the Senate push to transfer all of this to DOD, is to show that it is unnecessary to do so: you can have an active duty three star running this area of DOE without breaking the crockery and moving the operation to DOD.

You may want to coordinate with
Richardson for you to place a call to Cohen, laying out the need for an active duty three star in policy and political terms.

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RAC

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Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Millison, Cathy L. to Sutphen, Mona K. re: PFIAB (2 pages)	06/14/1999	P5
002. email	Malionowski, Tomasz P. to Gray, Wendy E. & Rudman, Mara E. re: The White House (2 pages)	06/14/1999	P5
003. email	Hunker, Jeffrey A. to Clarke, Richard A., re: Material for Podesta Meeting on Monday (4 pages)	06/26/1999	P1/b(1)
004. email	Saunders, Richard M. to Babbitt, James F. et al., re: Sandy Berger's Staff Meeting (2 pages)	07/27/1999	P1/b(1)
005. email	Epstein, Gerald L. to MacDonald, Bruce W. re: Pending Conference Text on DOE Reorganization -- Going the Wrong Way (5 pages)	08/04/1999	P5
006. email	MacDonald to Burrell, Christina L. et al. re: Pending Conference Text on DOE Reorganization -- Going the Wrong Way (5 pages)	08/05/1999	P5
007. email	Harris, Elisa D. to Segal, Jack D. et al. re: Press Guidance: Energy Department Security (3 pages)	12/02/1999	P5
008. email	McCarthy, Mary O. to Lackey, Miles M. re: Press Guidance: Energy Department Security (3 pages)	12/03/1999	P5
009. email	Segal to Tavarides, Mark J. & Lackey, Miles M. re: New Press Guidance: Energy Department Security (3 pages)	12/03/1999	P5
010. email	Gobush, Matthew N. to Andreasen, Steven P. et al. re: Draft Stockpile Stewardship Review Roll-Out (2 pages)	12/08/1999	P5

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Record (Sept 97- Jan 01) ([Department of Energy and Security...])
OA/Box Number: 620000

FOLDER TITLE:

[06/01/1999 - 12/08/1999]

Eric Holzer
2006-1002-F
eh287

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]

COPY

Exchange Mail

DATE-TIME 6/14/99 9:25:43 AM
FROM Millison, Cathy L.
CLASSIFICATION UNCLASSIFIED
SUBJECT PFIAB [UNCLASSIFIED]
TO Sutphen, Mona K.

CARBON_COPY

TEXT_BODY Here they are:

TRANSLATED_ATTACHMENT

30164pts.doc

POINTS FOR MEETING WITH WARREN RUDMAN
PFIAB REPORT ON SECURITY IN THE DOE LABS

Background: You asked the PFIAB to undertake this study to assess the status of counterintelligence and security matters in the DOE Labs in the wake of PDD-61. The report is very hard-hitting; it describes a DOE culture that has produced brilliant scientific achievements but is permeated with a total disregard for authority, even presidential authority. Therefore, the Board argues that the vulnerabilities of our nuclear secrets cannot be eliminated without reorganizing the lines of authority. The centerpiece of the PFIAB report is a presentation of two alternative reorganization schemes.

You had asked Warren to deliver the report to Congress and to release it to the public. He intends to do both, probably today.

Points

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* Appreciate the very hard work you and your staff performed; cannot imagine a more important counterintelligence issue than protecting our most valuable weapons secrets.

* Your report is very tough, and very candid. Appreciate that as well.

* What you are proposing in the way of restructuring to create a semi-autonomous agency, or alternatively, an independent agency, to manage the labs is far-reaching.

* Understand your premise for this recommendation; we will want to engage in further dialogue on this within the Administration and with Congress.

* Know you will be briefing Congress on this report. Hope the leadership will be willing to approach this issue, which is fundamental to our national security, in a bipartisan way.

* Once again, thank you very much for this fine work.

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30164

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Exchange Mail

DATE-TIME 6/14/99 5:27:01 PM
FROM Malinowski, Tomasz P.
CLASSIFICATION UNCLASSIFIED
SUBJECT THE WHITE HOUSE [UNCLASSIFIED]
TO Gray, Wendy E.
Rudman, Mara E.

CARBON_COPY

TEXT_BODY A few suggestions.

TRANSLATED_ATTACHMENT

PFIAB_.doc
THE WHITE HOUSE

Office of the Press Secretary

June 14, 1999

STATEMENT BY THE PRESIDENT

On March 18, 1999, I asked my Foreign Intelligence Advisory Board, the PFIAB, to undertake a review of the security threat at the Department of Energy's weapons labs and the measures that have been taken to address it. PFIAB Chairman Warren B. Rudman presented the Board's findings to me today. I have asked the PFIAB to make the report available to Congress and to the public.

I would like to thank Senator Rudman and the Board members who undertook this important study over a 90-day period, reviewing hundreds of documents and conducting dozens of interviews. As the report recognizes, the Department of

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Energy represents the best of America's scientific talent and expertise. Our security depends on our ability to make the most of that talent and expertise, while instituting the best possible measures to protect our nation's most valuable secrets at Department facilities.

My Administration already has taken unprecedented steps to reduce the vulnerability of our secrets at the labs. Over a year ago I issued a sweeping Directive to strengthen counterintelligence across the board at the Department of Energy, and Secretary Richardson has aggressively instituted new rules and procedures for counterintelligence and security at DOE facilities. The PFIAB's review suggests that more must be done. [You conspicuously leave vague whether we're going to act on its recommendations] We remain committed to taking the necessary steps to safeguard our nation's secrets.

As these vital national security issues are addressed in the coming days, we will be most successful if we move ahead in a bipartisan manner with close cooperation between the Executive and Legislative branches of Government.

Exchange Mail

DATE-TIME 8/4/99 7:16:20 PM
FROM Epstein, Gerald L. (OSTP)
CLASSIFICATION UNCLASSIFIED
SUBJECT Pending conference text on DOE reorganization -- going the wrong way
[UNCLASSIFIED]
TO MacDonald, Bruce W. (OSTP)
CARBON_COPY Hane, Gerald J. (OSTP)

TEXT_BODY

[Gerald - I am copying this to you in case Bruce isn't available and there is no other way to get this message]

The DOE reorganization issue is being handled in the Defense Authorization conference. Starting with Spence's bill, the Senate has made a counter-offer and the House has made a counter-counter offer; I have a copy of that from Beth Robinson at OMB.

I have two serious concerns about this text. First, it drops language that Senator Bingaman had inserted on the Senate floor requiring that the labs continue to do work for other DOE and federal offices. Second, it fails to establish a clear mission for DOE to continue doing R&D to support domestic preparedness for chemical or biological attack -- and could be taken to question that mission.

Beth says that the time is now for us to weigh in with the conference committee; the way the Administration has been working this is through Senator Levin's office. At one time, there was great concern that different agencies might be making uncoordinated calls to the Hill on this, so I tried to reach Miles Lackey to see what the game plan is. (NSC has been working consistently with Levin's staff.) Miles wasn't in.

Here are the points we should make.
I don't know if we should do that staff-to-staff, or if Neal should call Senator Levin -- was hoping Miles could suggest.

I have the latest text on my chair, with yellow flags marking the sections I refer to below.

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I. USE OF THE LABS BY OTHERS

This version

is missing the language that Bingaman had inserted into the original Senate text stating that "The Secretary shall ensure that other programs of the Department, other Federal agencies, and other appropriate entities continue to use the capabilities of the national security laboratories," and that the labs shall be made available for such purposes in a manner "that continues to provide direct programmatic control" by the sponsor of the work.

Instead, this version has

the much weaker language stating that "the Administrator [of the new National Nuclear Security Administration"] shall establish appropriate procedures to provide for the use, in a manner consistent with the national security mission of the Administration under section 3211(b) of this title, of the capabilities of the national security laboratories by elements of the Department of Energy not within the Administration, other Federal agencies, and other appropriate entities." This language creates no obligation or preference to let others use the labs, and it implies that the new Agency -- and not the sponsor of the work -- would have control over the activity (since elsewhere, the bill states that contractor employees shall take no direction from anyone who is not in the new Administration).

Our concern is that unless

the labs maintain an active program in the full range of S&T disciplines necessary to fulfill their national security mission, they will lose capability in vital areas. On the Senate floor, Bingaman defended his amendment by pointing out that the stockpile stewardship cannot work unless the labs are fully engaged in the wider S&T community, and that therefore it is essential to make sure -- not just to allow -- that they do that. Furthermore, he argued that programmatic control of this "work-for-others" was essential, because no program will transfer resources to the labs for work that they don't have any say over.

In Section 3211, this draft now has language giving

this new Administration a mission "to support United States leadership in science and technology." Although on the surface it would appear we shouldn't argue with this, I actually don't like it, since it is so broad it could be dismissed. (We already have an NSF with that as its mission.) On the other hand, if this language is all we get -- and the other changes I propose here get killed -- we can point to it and say that therefore the labs have to maintain their technical capabilities.

What to propose

The best approach on

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the "use of the labs" issue is to have the Bingaman language restored. I have copied Bingaman's relevant floor remarks for you; his justification is excellent. Making changes to his original language to conform as much as possible to the draft's current language, Bingaman's amendment would replace Section 3265 of the draft with

(1) The Secretary shall ensure that other programs of the Department, other Federal agencies, and other appropriate entities continue to use the capabilities of the national security laboratories.

(2) The Administrator shall establish appropriate procedures to provide for the use, in a manner consistent with the national security mission of the Administration under section 3211(b) of this title, of the capabilities of the national security laboratories by entities in paragraph (1) in a manner that continues to provide direct programmatic control by such entities.

If we can't get paragraph (1), with "shall ensure," the second best option would be to get the "programmatic control" language, along with language I had suggested to OMB with respect to an earlier version. The combination of these would reword the existing section 3265 by adding the italicized language:

The Administrator shall establish appropriate procedures to provide for the use, in a manner consistent with the national security mission of the Administration under section 3211(b) of this title, of the capabilities of the national security laboratories by elements of the Department of Energy not within the Administration, other Federal agencies, and other appropriate entities in a manner that continues to provide direct programmatic control by such entities. The national security laboratories shall be encouraged to perform work for these other entities when such work will develop, maintain, or enhance scientific and technological capabilities that support the performance of their national security mission.

If we can't even get the the Bingaman language on "programmatic control," we should at least retain language that had been in the original Senate version, which said "Program agencies or entities that fund activities at [Administration] laboratories or facilities may oversee those activities to evaluate their quality, relevance to program mission, and effectiveness."

II. CHEM/BIO DEFENSE RESEARCH AT DOE

Given all the difficulties we have with DoD adopting the

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domestic preparedness mission, and given DOE's excellent work in that area, it is essential that DOE continue to have a mission doing R&D in domestic preparedness for chemical and biological incidents. It's not clear whether the current text gives DOE this mission, and there are some troubling indications. Whereas the original House bill had language giving the new Administration a response mission for mass destruction weapons incidents, this has been dropped. That is appropriate, since DOE shouldn't have a response role in chem or bio. But phrases in this section that had once said "Nonproliferation and Arms Control" now say "Defense Nuclear Nonproliferation," which look like they are intended to exclude chem/bio (and even arms control).

Language

remains in the current draft that the new National Nuclear Security Administration has a mission "to reduce global danger from weapons of mass destruction," that it should work to prevent "the spread of materials, technology, and expertise relating to weapons of mass destruction" and to detect "the proliferation of weapons of mass destruction worldwide." This appear to cover chem/bio -- but not necessarily in the domestic context.

This will be a harder point to fix than the one about the labs, since Congress is skittish about giving DOE an explicit role in chem/bio. I'd be happy if we made sure that chem/bio R&D wasn't ruled out -- I don't need it ruled in. Maybe that's indeed the case with the current draft. It would be nice to check in with DOE on this point.

What to propose

Best

would be an explicit reference in the Administration's mission, section 3211 by adding language to the "global danger from weapons of mass destruction" bullet as shown in italics:

(5) To reduce global danger from weapons of mass destruction, including the development of technologies to bolster domestic preparedness for incidents involving such weapons.

This doesn't have the mission of "responding" to an attack and makes clear the role is limited to technology.

Also,

there is existing language (sec. 3264) stating that "The Administrator shall, in cooperation with the Secretary of Defense, establish procedures and programs to provide for the sharing of technology, technical capability, and expertise between the Administrator and the Department of Defense to further national security objectives." It would be nice to amend this as follows; however, this would be quite a bit

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to swallow

The Administrator shall, in cooperation with the Secretary of Defense and those other Cabinet Secretaries that the Administrator deems appropriate, establish procedures and programs to provide for the sharing of technology, technical capability, and expertise between the Administrator and the those Departments to further national security and domestic preparedness objectives."

The relevant additional departments I would like to include are Justice and HHS.

COPY

Exchange Mail

DATE-TIME 8/5/99 4:22:00 PM

FROM MacDonald, Bruce W. (OSTP)

CLASSIFICATION UNCLASSIFIED

SUBJECT Pending conference text on DOE reorganization -- going the wrong way
[UNCLASSIFIED]

TO Burrell, Christina L. (LEGIS)
Lackey, Miles M. (LEGIS)
Shapiro, Daniel B. (LEGIS)
Tavlarides, Mark J. (LEGIS)

CARBON_COPY Epstein, Gerald L. (OSTP)
Hane, Gerald J. (OSTP)
MacDonald, Bruce W. (OSTP)
Rinaldi, Steven M. (OSTP)
Ward, JoAnn (OSTP)
Caravelli, John M. (NONPRO)
Edwards, Joan K. (NONPRO)
Harris, Elisa D. (NONPRO)
Samore, Gary S. (NONPRO)
Segal, Jack D. (RUE)
Tucker, Maureen E. (NONPRO)
Binnendijk, Johannes A. (Hans) (DEFENSE)

TEXT_BODY Miles and Dan,

OSTP has two serious concerns about the DOE reorganization text in the latest draft Defense Authorization conference text that we have seen. We understand that, starting with Spence's draft, the Senate has made a counter-offer and the House has made a counter-counter offer. We have a copy of that counter-counter offer from Beth Robinson at OMB.

Briefly, we are concerned that the current draft:

I.
drops language that Senator Bingaman had inserted on the Senate floor (7/21/99, p. S8919 in the Record) requiring that the labs continue to do work for other DOE and federal offices.

II. fails to
establish a clear mission for DOE to continue performing R&D to support domestic preparedness for chemical/biological attack -- and could

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be taken to question that mission.

I have spoken with Wayne Glass in Bingaman's office, who tells me that Bingaman is going to fight for his language and is threatening not to sign any final conference agreement. It would be great if we could weigh in on this.

OSTP's concerns are spelled out in a little more detail below.

I.
USE OF THE LABS BY OTHERS (Bingaman language)

This version is missing the language that Bingaman had inserted into the original Senate text stating that "The Secretary shall ensure that other programs of the Department, other Federal agencies, and other appropriate entities continue to use the capabilities of the national security laboratories," and that the labs shall be made available for such purposes in a manner "that continues to provide direct programmatic control" by the sponsor of the work.

Instead, this version has the much weaker language stating that "the Administrator [of the new National Nuclear Security Administration] shall establish appropriate procedures to provide for the use, in a manner consistent with the national security mission of the Administration under section 3211(b) of this title, of the capabilities of the national security laboratories by elements of the Department of Energy not within the Administration, other Federal agencies, and other appropriate entities."

This language creates no obligation or preference to let others use the labs, and it implies that the new Agency -- and not the sponsor of the work -- would have control over the activity (since elsewhere, the bill states that contractor employees shall take no direction from anyone who is not in the new Administration).

Our concern is that unless the labs maintain an active program in the full range of science and technology (S&T) disciplines necessary to fulfill their national security mission, they will lose capability in vital areas. On the Senate floor, Bingaman defended his amendment by pointing out that the stockpile stewardship program cannot work unless the labs are fully engaged in the wider S&T community, and that therefore it is essential to make sure -- not just to allow -- that they do that. Furthermore, he argued that programmatic control of this "work-for-others"

was essential, because no program will transfer resources to the

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labs for work that they don't have any say over.

In Section 3211, the current draft now has language giving this new Administration a mission "to support United States leadership in science and technology." Although on the surface it would appear we shouldn't argue with this, it is so broad it could be dismissed -- and is no substitute for the Bingaman language. (We already have an NSF with that as its mission.)

What to propose

The best approach on the "use of the labs" issue is to have the Bingaman language restored. Making changes to his original language to conform as much as possible to the draft's current language, Bingaman's amendment would replace Section 3265 of the draft with

(1) The Secretary shall ensure that other programs of the Department, other Federal agencies, and other appropriate entities continue to use the capabilities of the national security laboratories.

(2) The Administrator shall establish appropriate procedures to provide for the use, in a manner consistent with the national security mission of the Administration under section 3211(b) of this title, of the capabilities of the national security laboratories by entities in paragraph (1) in a manner that continues to provide direct programmatic control by such entities.

If we can't get paragraph (1), with "shall ensure," the second best option would be to get the "programmatic control" language, along with language OSTP had suggested to OMB on an earlier version. The combination of these would reword the existing section 3265 by adding the italicized language:

The Administrator shall establish appropriate procedures to provide for the use, in a manner consistent with the national security mission of the Administration under section 3211(b) of this title, of the capabilities of the national security laboratories by elements of the Department of Energy not within the Administration, other Federal agencies, and other appropriate entities in a manner that continues to provide direct programmatic control by such entities. The national security laboratories shall be encouraged to perform work for these other entities when such work will develop, maintain, or enhance scientific and technological capabilities that support the performance of their national security mission.

If we can't

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even get the Bingaman language on "programmatic control," we should at least retain language that had been in the original Senate version, which said "Program agencies or entities that fund activities at [Administration] laboratories or facilities may oversee those activities to evaluate their quality, relevance to program mission, and effectiveness."

II. CHEM/BIO DEFENSE RESEARCH AT DOE

Given all the difficulties we have with DoD adopting the domestic preparedness mission, and given DOE's excellent work in that area, it is essential that DOE continue to have a mission doing R&D in domestic preparedness for chemical and biological incidents. It's not clear whether the current text gives DOE this mission, and there are some troubling indications. Whereas the original House bill had language giving the new Administration a response mission for mass destruction weapons incidents, this has been dropped. That is appropriate, since DOE shouldn't have a response role in chem or bio. But phrases in this section that had once said "Nonproliferation and Arms Control" now say "Defense Nuclear Nonproliferation," which look like they are intended to exclude chem/bio (and even arms control).

Language remains in the current draft that the new National Nuclear Security Administration has a mission "to reduce global danger from weapons of mass destruction," that it should work to prevent "the spread of materials, technology, and expertise relating to weapons of mass destruction" and to detect "the proliferation of weapons of mass destruction worldwide." This appear to cover chem/bio, but not in the domestic context.

What to propose

Best would be an explicit reference in the Administration's mission, section 3211 by adding the language in italics to the "global danger from weapons of mass destruction" bullet, as shown below:

(5) To reduce global danger from weapons of mass destruction, including the development of technologies to bolster domestic preparedness for incidents involving such weapons.

This doesn't have the mission of "responding" to an attack and makes clear the role is limited to technology.

Also,

COPY

there is existing language (sec. 3264) stating that "The Administrator shall, in cooperation with the Secretary of Defense, establish procedures and programs to provide for the sharing of technology, technical capability, and expertise between the Administrator and the Department of Defense to further national security objectives." It would be useful to amend this as follows:

The Administrator shall, in cooperation with the Secretary of Defense and those other Cabinet Secretaries that the Administrator deems appropriate, establish procedures and programs to provide for the sharing of technology, technical capability, and expertise between the Administrator and the those Departments to further national security and domestic preparedness objectives."

The relevant additional departments OSTP would like to include are Justice and HHS.

Please contact me (x-66068) or Jerry Epstein (x-66061) if you have any questions. Thanks for your help. I would be willing to talk to Madelyn C. on the SASC if that would help.

COPY

Exchange Mail

DATE-TIME 12/2/99 11:27:25 AM
FROM Harris, Elisa D. (NONPRO)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Press guidance: ENERGY DEPARTMENT SECURITY [UNCLASSIFIED]
TO

Segal, Jack D. (NONPRO)
McCarthy, Mary O. (INTEL)
Lackey, Miles M. (LEGIS)
Tavlarides, Mark J. (LEGIS)
Benjamin, Daniel (TNT)
Clarke, Richard A. (TNT)
Cressey, Roger W. (TNT)
Gordon-Hagerty, Lisa E. (TNT)
Green, Charles A. (TNT)
Hunker, Jeffrey A. (TNT)
Liberatore, Joseph W. (TNT/INTERN)
Lieberson, Donna P. (TNT)
Montgomery, Mark C. (TNT)
Noss, Heather L. (TNT/INTERN)
Robinson, Jack A. (TNT)
Rosa, Frederick M. (TNT)
Roundtree, Beverly (TNT)
Wechsler, William F. (TNT)
Curts, Brenda E. (INTEL)
Gladura, Timothy L. (INTEL)
Howerton, Barbara E. (INTEL)
Knepper, Charlotte (INTEL)
McCarthy, Mary O. (INTEL)
Merchant, Brian T. (RECORDS/INTEL)
Mitchell, Donald A. (INTEL)
Smith, James A. (WHSR)
Brackman, Stella S. (DEFENSE)
Edwards, Joan K. (NONPRO)
Harris, Elisa D. (NONPRO)
Samore, Gary S. (NONPRO)
Segal, Jack D. (NONPRO)
Tucker, Maureen E. (NONPRO)
Andreasen, Steven P. (DEFENSE)
Binnendijk, Johannes A. (Hans) (DEFENSE)
Bouchard, Joseph F. (DEFENSE)
Brackman, Stella S. (DEFENSE)
Kelly, Sandra L. (DEFENSE)
Mitchell, Rebecca (Julie) J. (DEFENSE)
Mulligan, George D. (DEFENSE)

COPY

Peterman, David (Brian) (DEFENSE)
Pimentel, Betsy J. (DEFENSE)
Witkowsky, Anne A. (DEFENSE)
Burrell, Christina L. (LEGIS)
Lackey, Miles M. (LEGIS)
Shapiro, Daniel B. (LEGIS)
Tavlarides, Mark J. (LEGIS)

CARBON_COPY

Fallin, James (PRESS)
Gobush, Matthew N. (PRESS)
Hammer, Michael A. (PRESS)
Hoelzer, Jennifer I. (PRESS/INTERN)
Huff, Lindsey E. (PRESS)
Leavy, David C. (PRESS)
Williams, Mary C. (ADMIN)
Wozniak, Natalie S. (PRESS)

TEXT_BODY

don't know enuf about the budget negotiations. can leg advise us????

-----Original

Message-----

From: Segal, Jack D. (NONPRO)

Sent: Thursday, December
02, 1999 11:24 AM

To: Harris, Elisa D. (NONPRO); McCarthy, Mary

O. (INTEL); Lackey, Miles M. (LEGIS); Tavlarides, Mark J. (LEGIS);

@TRANSNATIONAL - Transnational Threats; @INTEL - Intelligence
Programs;

@NONPRO - Export Controls; @DEFENSE - Defense Policy; @LEGISLAT -
Legislative Affairs

Cc: @PRESS - Public Affairs

Subject: RE: Press

guidance: ENERGY DEPARTMENT SECURITY [UNCLASSIFIED]

Actually,

I left that out mainly because we signed onto the \$10m appropriated
even though Habiger had asked for \$75m. I didn't want to highlight
that when the budget deal chips were down, we accepted the Congressional
cuts. What do you think? JS

-----Original Message-----

From: Harris,

Elisa D. (NONPRO)

Sent: Thursday, December 02, 1999 11:15 AM

To: Segal,

Jack D. (NONPRO); McCarthy, Mary O. (INTEL); Lackey, Miles M.

(LEGIS); Tavlarides, Mark J. (LEGIS); @TRANSNATIONAL - Transnational
Threats; @INTEL - Intelligence Programs; @NONPRO - Export Controls;

@DEFENSE - Defense Policy; @LEGISLAT - Legislative Affairs

COPY

Cc: @PRESS
- Public Affairs
Subject: RE: Press guidance: ENERGY DEPARTMENT
SECURITY [UNCLASSIFIED]

after all the controversy over the labs,
i find it amazing that doe has not done any guidance on this. it
says a lot. thanks jack for taking this on. only suggestion is adding
something about what our budget request was, assuming it was more
than was appropriated, as habiger is charging. thanks!!

-----Original

Message-----

From: Segal, Jack D. (NONPRO)

Sent: Thursday, December

02, 1999 11:11 AM

To: Harris, Elisa D. (NONPRO); McCarthy, Mary

O. (INTEL); Lackey, Miles M. (LEGIS); Tavlarides, Mark J. (LEGIS);

@TRANSNATIONAL - Transnational Threats; @INTEL - Intelligence
Programs;

@NONPRO - Export Controls; @DEFENSE - Defense Policy; @LEGISLAT -
Legislative Affairs

Cc: @PRESS - Public Affairs

Subject: Press

guidance: ENERGY DEPARTMENT SECURITY [UNCLASSIFIED]

<< File:

120299 1115 PG ENERGY DEPARTMENT SECURITY.doc >>

This is unsolicited

guidance for immediate clearance. DOE was not working on anything
and will not have anything ready in time to be useful today. JS

COPY

Exchange Mail

DATE-TIME 12/3/99 8:18:00 AM
FROM McCarthy, Mary O. (INTEL)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Press guidance: ENERGY DEPARTMENT SECURITY [UNCLASSIFIED]
TO Lackey, Miles M. (LEGIS)

CARBON_COPY

TEXT_BODY

ah

-----Original Message-----

From: Lackey, Miles M. (LEGIS)

Sent: Friday, December 03, 1999 7:37 AM

To: McCarthy, Mary O.
(INTEL)Subject: RE: Press guidance: ENERGY DEPARTMENT SECURITY
[UNCLASSIFIED]

they believe the real action was on appropriations.

-----Original
Message-----

From: McCarthy, Mary O. (INTEL)

Sent: Thursday,
December 02, 1999 3:16 PM

To: Lackey, Miles M. (LEGIS)

Subject: RE:

Press guidance: ENERGY DEPARTMENT SECURITY [UNCLASSIFIED]

this

is really going to annoy people

-----Original Message-----

From: Lackey,

Miles M. (LEGIS)

Sent: Thursday, December 02, 1999 1:15 PM

To: Segal,

Jack D. (NONPRO); McCarthy, Mary O. (INTEL)

Cc: @LEGISLAT - Legislative

Affairs; @NONPRO - Export Controls; @PRESS - Public Affairs

Subject: RE:

Press guidance: ENERGY DEPARTMENT SECURITY [UNCLASSIFIED]

COPY

I spoke
with DOE leg -- and they plan to go full throttle in criticising the
Hill for cutting their request. Richardson does not seem the least
bit concerned about whatever conversations took place.

-----Original

Message-----

From: Segal, Jack D. (NONPRO)

Sent: Thursday, December

02, 1999 12:01 PM

To: McCarthy, Mary O. (INTEL)

Cc: @LEGISLAT

- Legislative Affairs; @NONPRO - Export Controls; @PRESS - Public
Affairs

Subject: RE: Press guidance: ENERGY DEPARTMENT SECURITY
[UNCLASSIFIED]

GEN. Habiger's folks are clueless about any deal
made by Richardson but also don't rule it out. They're checking
with Richardson's staff.

I think the guidance should be an "if
asked" placeholder until we clear this up. As drafted, the guidance
dances around the money issue without endorsing Habiger's public
complaints that Congress shortchanged him. JS

-----Original

Message-----

From: McCarthy, Mary O. (INTEL)

Sent: Thursday,

December 02, 1999 11:44 AM

To: Segal, Jack D. (NONPRO)

Subject: RE:

Press guidance: ENERGY DEPARTMENT SECURITY [UNCLASSIFIED]

acc.

to my contacts on the Hill, Ed Curran asked for \$30m and the Sec.
then told the Committee he didn't need it. It was in the Senate
version of the Intell bill, but because of the Sec's statement, they
lost out in conference. Need to clear whatever with DOE.

-----Original

Message-----

From: Segal, Jack D. (NONPRO)

Sent: Thursday, December

02, 1999 11:11 AM

To: Harris, Elisa D. (NONPRO); McCarthy, Mary

O. (INTEL); Lackey, Miles M. (LEGIS); Tavlarides, Mark J. (LEGIS);

COPY

@TRANSNATIONAL - Transnational Threats; @INTEL - Intelligence Programs;

@NONPRO - Export Controls; @DEFENSE - Defense Policy; @LEGISLAT - Legislative Affairs

Cc: @PRESS - Public Affairs

Subject: Press

guidance: ENERGY DEPARTMENT SECURITY [UNCLASSIFIED]

<< File:

120299 1115 PG ENERGY DEPARTMENT SECURITY.doc >>

This is unsolicited

guidance for immediate clearance. DOE was not working on anything and will not have anything ready in time to be useful today. JS

COPY

Exchange Mail

DATE-TIME 12/3/99 11:06:09 AM
FROM Segal, Jack D. (NONPRO)
CLASSIFICATION UNCLASSIFIED
SUBJECT New Press Guidance: ENERGY DEPARTMENT SECURITY
[UNCLASSIFIED]
TO Tavlarides, Mark J. (LEGIS)
Lackey, Miles M. (LEGIS)

CARBON_COPY

TEXT_BODY This revised version reflects changes by Sec. Richardson. Yesterday.
Miles indicated he was OK with pointing the finger at Congress for
failing to fund DOE's requirements. OK? JS

TRANSLATED_ATTACHMENT

120399 1105 PG ENERGY DEPARTMENT SECURITY.doc
ENERGY DEPARTMENT SECURITY
December 1, 1999

BACKGROUND: According to a Washington Post article, December 1, in a public forum November 30, Energy Department "Security Czar" GEN (Ret.) Eugene Habiger complained that DOE's plans to protect the national laboratories from espionage have fallen behind schedule due to Congress' failure to appropriate sufficient funds in the new budget. Congressional Republicans reportedly disputed this claim, countering that the Administration failed to produce a coherent plan to resolve the security failings at the labs.

POLICY:

* Administration determined to strengthen security at DOE's national labs.

* GEN Habiger appointed specifically to provide leadership and managerial talents

COPY

needed to ensure that U.S. secrets are being protected and culture of security is strengthened at the labs.

* DOE provided Congress a plan to strengthen security at our national laboratories on July 14, 1999. DOE has also been briefing Congress in detail on our cyber security initiatives.

Comments on Washington Post report (December 1) that DOE's "security Czar" General Habiger now says plans to protect nuclear weapons labs have fallen behind schedule?

* The security of nuclear weapons information is a paramount obligation of government that must be adequately supported.

* Administration determined to carrying out a sweeping review of security at the national nuclear weapons laboratories. This is underway.

* Selection of retired Air Force General Eugene Habiger ensures that our effort will have the necessary leadership and managerial talent behind it to get it done right.

Funding adequate to do the job?

No.

* We should address this problem in a manner that reflects a careful approach based on facts, rather than conjecture. Solutions must also protect the ability of the labs to do their work.

* The budget just passed has an additional \$10 million to begin the process of which \$7 million is for cyber security and \$3 million is for physical security

* We will work closely with Congress in the next session to come to address unmet needs for cyber security, protective equipment and staffing .

COPY

* We certainly hope that the Congress will support a subsequent Administration request for additional funding.

2

COPY

Exchange Mail

DATE-TIME 12/8/99 9:52:31 AM

FROM Gobush, Matthew N. (PRESS)

CLASSIFICATION UNCLASSIFIED

SUBJECT DRAFT Stockpile Stewardship Review Roll-Out [UNCLASSIFIED]

TO Andreasen, Steven P. (DEFENSE)
Binnendijk, Johannes A. (Hans) (DEFENSE)
Bouchard, Joseph F. (DEFENSE)
Brackman, Stella S. (DEFENSE)
Kelly, Sandra L. (DEFENSE)
Mitchell, Rebecca (Julie) J. (DEFENSE)
Mulligan, George D. (DEFENSE)
Peterman, David (Brian) (DEFENSE)
Pimentel, Betsy J. (DEFENSE)
Witkowski, Anne A. (DEFENSE)
Fallin, James (PRESS)
Gobush, Matthew N. (PRESS)
Hammer, Michael A. (PRESS)
Hoelzer, Jennifer I. (PRESS/INTERN)
Huff, Lindsey E. (PRESS)
Leavy, David C. (PRESS)
Williams, Mary C. (ADMIN)
Wozniak, Natalie S. (PRESS)
Burrell, Christina L. (LEGIS)
Lackey, Miles M. (LEGIS)
Shapiro, Daniel B. (LEGIS)
Tavlarides, Mark J. (LEGIS)

CARBON_COPY

TEXT_BODY

Hans/Steve/Dave - First cut at note to Sandy and Jim re. Friday's planned release. Please OK. Need Miles' input as well.

FOR SRB/JS

DOE

hopes to release its Stockpile Stewardship Program (SSP) internal review this Friday. We believe the timing is right, and propose a roll-out plan below, for your approval.

In our judgement, the SSP internal review can be a net positive if the roll-out is managed properly. The bottom line is that the SSP is on track and working, and that, for a fourth consecutive year, the SSP will be certified

COPY

as able to assure the safety, security, and reliability of our nuclear weapons without testing. The assessment does mention a number of program shortcomings - too few personnel, too little program flexibility - but these are not inherent flaws, are squarely addressed by Richardson's 15-point action plan (which is to be released concurrently), and ultimately point to lack of resources which could be addressed with more funding. Supportive statements from the 3 lab directors, which are being drafted now and should be ready by Thursday, and critical to pushing back on these points.

Thursday, December 9

- * U/S
- Moniz briefs NGO, calls validators
- * DOE briefs Walter Pincus (Washington Post)
- * DOE briefs key Hill staffers

Friday, December 10

- * DOE
- SSP Internal Review released (a.m.)
- * DOE releases 3 supporting documents:
 1. Statement from Richardson
 2. SSP accomplishments Fact Sheet
 3. 15-Point Action Plan addressing SSP challenges
- * DOE
- releases letters of support from Lab Directors and plant managers

One curve ball: Richardson want to release a statement on DOE-wide polygraph testing on Friday morning as well. Doing so would minimize coverage, and assuming Pincus runs a positive piece Friday, we should be able to preserve the news value of the SSP internal review and prevent the polygraph statement from overwhelming it. Any negative fallout from the polygraph statement would be left to Saturday.

Please
approve, after which we will coordinate with Lockhart.

_____ Approve

_____ See
changes

COPY

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Binnendijk, Johannes A. to Gobush, Matthew N. re: Draft Stockpile Stewardship Review Roll-Out (3 pages)	12/08/1999	P5
002. email	DeRosa, Mary B. to Gladura, Timothy L. et al. re: Def Auth Bill (3 pages)	01/05/2000	P5
003. email	Tucker, Maureen E. to Gladura, Timothy L., re: DC Discussion Paper (6 pages)	02/02/2000	P1/b(1)
004. email	Pimentel, Betsy J. to Cullom, Phillip H. & Binnendijk, Johannes A. (Hans), re: Draft of Memo on Paducah Plant (5 pages)	02/14/2000	P1/b(1)
005. email	Gladura to Tucker, re: DC Meeting, Background Paper for Jim (4 pages)	02/15/2000	P1/b(1), P5
006. email	Tucker to Gladura & Baker, James E., re: DC Meeting, Background Paper for Jim (5 pages)	02/17/2000	P1/b(1), P5
007. email	Tucker to DeRosa, Mary B., re: DC Meeting, Background Paper for Jim (7 pages)	02/22/2000	P1/b(1), P5
008. email	Gladura to Shapiro, Daniel B. re: Request for Concurrence, Delegation of Presidential Authority (2 pages)	03/07/2000	P5
009. email	Almon, Timothy C. to Burrell, Christina L. re: Request for Concurrence, Delegation of Presidential Authority (2 pages)	06/05/2000	P5
010. email	Langley, Janice M. to McCarthy, Mary O., re: [Foreign Collection Against the Department of Energy Review] (3 pages)	06/20/2000	P1/b(1)
011. email	Langley to Baker, re: [Foreign Collection Against the Department of Energy Review] (4 pages)	06/23/2000	P1/b(1)

COLLECTION:

Clinton Presidential Records
 NSC Emails
 Exchange-Record (Sept 97- Jan 01) ([Department of Energy and Security...])
 OA/Box Number: 620000

FOLDER TITLE:

[12/08/1999 - 06/26/2000]

Eric Holzer
 2006-1022-F
 eh288

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]

COPY

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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012. email	Almon, Timothy C. to Mitchell, Donald A., re: DOE (3 pages)	06/26/2000	P1/b(1)
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COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Record (Sept 97- Jan 01) ([Department of Energy and Security...])
OA/Box Number: 620000

FOLDER TITLE:

[12/08/1999 - 06/26/2000]

Eric Holzer
2006-1022-F
eh288

RESTRICTION CODES

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b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

COPY

Exchange Mail

DATE-TIME 12/8/99 11:19:11 AM
FROM Binnendijk, Johannes A. (Hans) (DEFENSE)
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: DRAFT Stockpile Stewardship Review Roll-Out [UNCLASSIFIED]
TO Gobush, Matthew N. (PRESS)

CARBON_COPY Andreasen, Steven P. (DEFENSE)

TEXT_BODY

Matt, i made a few small changes below in your text. I still am not as optimistic that this story will spin the right way. Hans

-----Original

Message-----

From: Leavy, David C. (PRESS)

Sent: Wednesday, December

08, 1999 10:48 AM

To: Lackey, Miles M. (LEGIS); Gobush, Matthew

N. (PRESS); @DEFENSE - Defense Policy; @PRESS - Public Affairs;

@LEGISLAT - Legislative Affairs

Subject: RE: DRAFT Stockpile Stewardship

Review Roll-Out [UNCLASSIFIED]

good job matt...looks right on...

-----Original

Message-----

From: Lackey, Miles M. (LEGIS)

Sent: Wednesday,

December 08, 1999 10:47 AM

To: Gobush, Matthew N. (PRESS); @DEFENSE

- Defense Policy; @PRESS - Public Affairs; @LEGISLAT - Legislative Affairs

Subject: RE: DRAFT Stockpile Stewardship Review Roll-Out

[UNCLASSIFIED]

this plan looks fine to me
miles

-----Original

Message-----

From: Gobush, Matthew N. (PRESS)

Sent: Wednesday,

COPY

December 08, 1999 9:53 AM

To: @DEFENSE - Defense Policy; @PRESS

- Public Affairs; @LEGISLAT - Legislative Affairs

Subject: DRAFT

Stockpile Stewardship Review Roll-Out [UNCLASSIFIED]

Hans/Steve/Dave

- First cut at note to Sandy and Jim re. Friday's planned release.

Please OK. Need Miles' input as well.

FOR SRB/JS

DOE hopes

to release its Stockpile Stewardship Program (SSP) internal review this Friday. We believe the timing is right, and propose a roll-out plan below, for your approval.

In our judgement, the SSP internal review can be a net positive if the roll-out is managed properly. The bottom line is that the SSP is on track and working, and that, for a fourth consecutive year, the SSP will be certified as able to assure the safety, security, and reliability of our nuclear weapons without testing. The assessment does mention a number of program shortcomings - too few personnel, too little program flexibility - but these are not inherent flaws, are squarely addressed by Richardson's 15-point action plan (which is to be released concurrently), and ultimately point to lack of resources which could be addressed with more funding. Supportive statements from the 3 lab directors (deleted words) are being drafted now and should be ready by Thursday, and critical to pushing back on these points. There is a risk that some journalists will focus on the shortcomings and criticize the SSP, placing it in the context of the CTBT vote, but we are working to minimize that risk.

Thursday, December 9

- * U/S Moniz briefs

- NGO, calls validators

- * DOE briefs Walter Pincus (Washington Post)

- for exclusive story on Friday

- * DOE briefs key Hill staffers

Friday,

December 10

- * DOE SSP Internal Review released (a.m.)

- * DOE releases

- 3 supporting documents:

- 1. Statement from Richardson

- 2. SSP accomplishments

COPY

Fact Sheet

3. 15-Point Action Plan addressing SSP challenges

* DOE

releases letters of support from Lab Directors and plant managers

One

curve ball: Richardson want to release a statement on DOE-wide polygraph testing on Friday morning as well. Doing so would minimize coverage, and assuming Pincus runs a positive piece Friday, we should be able to preserve the news value of the SSP internal review and prevent the polygraph statement from overwhelming it. Any negative fallout from the polygraph statement would be left to Saturday.

Please

approve, after which we will coordinate with Lockhart.

_____ Approve

_____ See
changes

COPY

Exchange Mail

DATE-TIME .03/07/2000 9:23:10 AM
FROM Gladura, Timothy L. (INTEL)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Request for Concurrence, Delegation of Presidential Authority
[UNCLASSIFIED]
TO Shapiro, Daniel B. (LEGIS)

CARBON_COPY

TEXT_BODY

Thanks

-----Original Message-----

From: Shapiro, Daniel B. (LEGIS)

Sent: Tuesday, March 07, 2000 9:21 AM

To: Gladura, Timothy L.

(INTEL); @LEGAL - Legal Advisor; @LEGISLAT - Legislative Affairs;

@NONPRO - Export Controls

Subject: RE: Request for Concurrence,
Delegation of Presidential Authority [UNCLASSIFIED]

OK here.

-----Original

Message-----

From: Gladura, Timothy L. (INTEL)

Sent: Tuesday,

March 07, 2000 8:35 AM

To: @LEGAL - Legal Advisor; @LEGISLAT - Legislative
Affairs; @NONPRO - Export Controls

Subject: FW: Request for Concurrence,
Delegation of Presidential Authority [UNCLASSIFIED]

I've only

received comments from Maureen. Has anyone else had a chance to
look?

Thanks,

Tim

-----Original Message-----

From: Gladura,

Timothy L. (INTEL)

Sent: Wednesday, March 01, 2000 2:53 PM

COPY

To: Samore,
Gary S. (NONPRO); @NONPRO - Export Controls; Baker, James E. (LEGAL);
@LEGAL - Legal Advisor; Lackey, Miles M. (LEGIS); @LEGISLAT -
Legislative
Affairs
Cc: McCarthy, Mary O. (INTEL)
Subject: Request for Concurrence,
Delegation of Presidential Authority [UNCLASSIFIED]

The Community

Management Staff called us this week to inform us that the unclassified version of the National Defense Auth Act for FY 2000, Section 3151, contains a requirement for an annual report to Congress to be submitted by POTUS concerning espionage and other intelligence activities by the PRC with respect to:

1. theft of U.S. nuclear weapons design info, and
2. targeting by the PRC of U.S. nuclear weapons codes and other national security information of strategic concerns.

The
1st report is due March 1, 2000. (today)

This is the same tasking we are responding to in Cox Report recommendation #1. (The language is almost verbatim) The NACIC is the action agency for this report, and has been designated by CMS to action the new report required under the law. The last submission of the Cox Report version went to Congress was on December 21, 1999. The NACIC would submit this report with the appropriate cover letter as the first submission under the statute requirement. In order to do this a delegation of Presidential authority is required. CMS attorneys "assure" us there are no provisions in the law to preclude a delegation.

Thanks,

Tim

<< File: 1445.doc >> << File: 1445nacic.doc >> << File: 1445POTUS.doc >>

COPY

Exchange Mail

DATE-TIME 06/05/2000 8:33:42 AM
FROM Almon, Timothy C. (INTEL)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Request for Concurrence, Delegation of Presidential Authority
[UNCLASSIFIED]
TO Burrell, Christina L. (LEGIS)

CARBON_COPY Burrell, Christina L. (LEGIS)
Lackey, Miles M. (LEGIS)
Shapiro, Daniel B. (LEGIS)
Tavlarides, Mark J. (LEGIS)
Walldorff, Rebecca L. (LEGIS)

TEXT_BODY Will call NACIC this morning

-----Original Message-----

From: Burrell,
Christina L. (LEGIS)
Sent: Friday, June 02, 2000 12:17 PM
To: Almon,
Timothy C. (INTEL)
Cc: @LEGISLAT - Legislative Affairs
Subject: FW:
Request for Concurrence, Delegation of Presidential Authority
[UNCLASSIFIED]

We
had a call from the Hill inquiring as to whether or not report to
Congress noted below has been sent. Do you know if the NACIC
has
submitted it? Thanks.

-----Original Message-----

From: Gladura,
Timothy L. (INTEL)
Sent: Wednesday, March 01, 2000 2:53 PM
To: Samore,
Gary S. (NONPRO); @NONPRO - Export Controls; Baker, James E. (LEGAL);
@LEGAL - Legal Advisor; Lackey, Miles M. (LEGIS); @LEGISLAT -
Legislative
Affairs
Cc: McCarthy, Mary O. (INTEL)
Subject: Request for Concurrence,

COPY

Delegation of Presidential Authority [UNCLASSIFIED]

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Tim

<< File: 1445.doc >> << File: 1445nacic.doc >> << File: 1445POTUS.doc >>

COPY

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Almon, Timothy C. to Baker, James E. & Lackey, Miles M., re: DOE Views on HR 3906 [partial] (1 page)	06/30/2000	P6/b(6)
002. email	Andreasen, Steven P. to Gordon-Hagerty, Lisa B. re: Baker-Hamilton Review (3 pages)	07/20/2000	P5
003. email	Gordon-Hagerty to Baker, James E. & DeRosa, Mary B. re: Baker-Hamilton Review (2 pages)	07/31/2000	P5
004. email	Langley, Janice M. to Baker & Mitchell, Donald A., re: [Foreign Collection Against the Department of Energy Review] (4 pages)	07/10/2000	P1/b(1)
005. email	Kurtz, Paul B. to Montgomery, Mark C., re: POTUS Memo (3 pages)	08/07/2000	P1/b(1)
006. email	Tucker, Maureen E. to Almon, re: Action Memorandum for NSC (4 pages)	08/23/2000	P1/b(1)
007. email	Almon to Tucker, re: Action Memorandum for NSC (4 pages)	08/29/2000	P1/b(1)
008. email	Tucker to Almon, re: Action Memorandum for NSC (5 pages)	09/07/2000	P1/b(1)
009. email	Tucker to Almon, re: Action Memorandum for NSC (5 pages)	09/07/2000	P1/b(1)
010. email	Almon to Langley, re: Action Memorandum for NSC (5 pages)	09/07/2000	P1/b(1)
011. email	Tucker to Almon & Samore, Gary S., re: Action Memorandum for NSC/Bellows Report (6 pages)	09/18/2000	P1/b(1)
012. email	Naplan, Steven J. to Shea, Dorothy C. & Schwartz, Eric P., re: Cox Report/Daily Guidance Update (2 pages)	09/21/2000	P1/b(1)

COLLECTION:

Clinton Presidential Records
 NSC Emails
 Exchange-Record (Sept 97- Jan 01) ([Department of Energy and Security...])
 OA/Box Number: 620000

FOLDER TITLE:

[06/27/2000 - 10/16/2000]

Eric Holzer
 2006-1022-F
 eh289

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]

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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

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.

COPY

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
--------------------------	---------------	------	-------------

013. email	DeRosa to DeVine, Stephen re: DOD Authorization Act Draft Views Letter (3 pages)	10/16/2000	P5
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COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Record (Sept 97- Jan 01) ([Department of Energy and Security...])
OA/Box Number: 620000

FOLDER TITLE:

[06/27/2000 - 10/16/2000]

Eric Holzer
2006-1022-F
ch289

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COPY

Exchange Mail

DATE-TIME 10/16/2000 11:05:18 AM
FROM DeRosa, Mary B. (LEGAL)
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: DOD Authorization Act draft views letter [UNCLASSIFIED]
TO DeVine, Stephen (Legal)

CARBON_COPY DeRosa, Mary B. (LEGAL)
DeVine, Stephen (Legal)
Hunerwadel, Joan S. (LEGAL)
Scharfen, Jonathan R. (LEGAL)
Wiegmann, John B. "Brad" (LEGAL)
Williams, Mary C. (ADMIN)

TEXT_BODY Steve -- can you follow up with Intel on this? I haven't seen the provision. We'll need to get a copy and see whether we need to go to OLC about constitutionality.

-----Original Message-----

From: DeRosa,
Mary B. (LEGAL)
Sent: Monday, October 16, 2000 11:04 AM
To: @INTEL
- Intelligence Programs
Cc: Beardsworth, Richard R. (Randy) (DEFENSE);
@LEGAL - Legal Advisor; @LEGISLAT - Legislative Affairs
Subject: FW:
DOD Authorization Act draft views letter [UNCLASSIFIED]

Mary/Tim

-- Gerry Epstein called from OSTP concerned about the polygraph provisions for DOE in this bill. Apparently, the bill provides for a 120 day waiver, and requires the President to establish waiver criteria, but the President is prohibited from considering the scientific viability

of the labs as a criteria. Have you been following this? Do we have a view? Epstein thinks it's unconstitutional. We'll have to check with OLC.

-----Original Message-----

From: Beardsworth,
Richard R. (Randy) (DEFENSE)
Sent: Monday, October 16, 2000 10:43

COPY

AM

To: Tavlarides, Mark J. (LEGIS); Scharfen, Jonathan R. (LEGAL)

Cc: @LEGISLAT

- Legislative Affairs; @LEGAL - Legal Advisor; @DEFENSE -
Defense

Policy

Subject: DOD Authorization Act draft views letter [UNCLASSIFIED]

Mark

and Jock,

I've attached the draft wording for a short views letter
that OMB asked for. I've only put in 2-3 issues. Please give me
substantive comments as this is only a skeleton. I'd like to get
this to Mara by 1 pm so I can get it back to OMB by COB. Thanks,
Randy

TRANSLATED_ATTACHMENT

views ltr on 2001 DOD Auth.doc

This letter informs you of the National Security Council views on the
FY2001

Department of Defense Authorization Act. Overall the Act contains a
number of

highly desirable provisions including nearly \$310 billion in budget
authority,

and a 3.7 percent increase in pay for military personnel. The generous
lifetime

healthcare benefits for military retirees and their eligible family
members

fulfills a longstanding promise to our military men and women, but in
a costly
manner.

Unfortunately, the Act contains inadequate language concerning
Vieques which

transfers the title to a portion of the "western lands" to the Interior
Department rather than providing all of it to Puerto Rican authorities
as called

for in the agreement with the Governor of Puerto Rico.

Unfortunately too, the Act did not include important Hate Crimes
provisions.

Nonetheless, the National Security Council recommends that the
president sign the
Act.

COPY

COPY

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	McCarthy, Mary O. to Gordon-Hagerty, Lisa E. re: Signing Statement Defense Auth Act [11:16 AM] (4 pages)	10/19/2000	P5
002. email	McCarthy, Mary O. to Gordon-Hagerty, Lisa E. re: Signing Statement Defense Auth Act [3:00 PM] (4 pages)	10/19/2000	P5
003. email	Epstein, Gerald L. to DeRosa, Mary B. et al. re: Signing Statement Defense Auth Act (4 pages)	10/19/2000	P5
004. email	Epstein to Maertens, Thomas R. re: Signing Statement Defense Auth Act (3 pages)	10/19/2000	P5

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Record (Sept 97-Jan 01) ([Department of Energy and Security...])
OA/Box Number: 620000

FOLDER TITLE:

[10/19/2000]

Eric Holzer
2006-1022-F
eh688

RESTRICTION CODES

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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

COPY

Exchange Mail

DATE-TIME 10/19/2000 11:16:38 AM
FROM McCarthy, Mary O. (INTEL)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Signing Statement Defense Auth Act [UNCLASSIFIED]
TO Gordon-Hagerty, Lisa E. (TNT)

CARBON_COPY

TEXT_BODY

well, shut my mouth!

-----Original Message-----

From: Gordon-Hagerty,
Lisa E. (TNT)
Sent: Thursday, October 19, 2000 10:37 AM
To: McCarthy,
Mary O. (INTEL)
Subject: FW: Signing Statement Defense Auth Act
[UNCLASSIFIED]

well, I guess he told you...

-----Original
Message-----

From: Maertens, Thomas R. (NONPRO)
Sent: Thursday,
October 19, 2000 10:17 AM
To: McCarthy, Mary O. (INTEL); Almon,
Timothy C. (INTEL); Beardsworth, Richard R. (Randy) (DEFENSE);
@DEFENSE
- Defense Policy; @LEGISLAT - Legislative Affairs; @LEGAL - Legal
Advisor; @INTEL - Intelligence Programs; @NONPRO - Export Controls;
@MULTILAT - Multilateral and Humanitarian Affairs; @TRANSNATIONAL
- Transnational Threats; @ENVIRON - Environmental; @RUDMAN
Subject: RE:
Signing Statement Defense Auth Act [UNCLASSIFIED]

I think I was
the one who reported that the Sec was not in a mood...etc.

I just
spoke to his senior advisor who wasn't aware we were working language
on three DOE topics in the signing statement.

COPY

Who has been coordinating
with DOE? Has anybody sent copies over there?

Thanks

-----Original
Message-----

From: McCarthy, Mary O. (INTEL)

Sent: Thursday,

October 19, 2000 10:14 AM

To: Maertens, Thomas R. (NONPRO); Almon,

Timothy C. (INTEL); Beardsworth, Richard R. (Randy) (DEFENSE);

@DEFENSE

- Defense Policy; @LEGISLAT - Legislative Affairs; @LEGAL - Legal
Advisor; @INTEL - Intelligence Programs; @NONPRO - Export Controls;

@MULTILAT - Multilateral and Humanitarian Affairs; @TRANSNATIONAL

- Transnational Threats; @ENVIRON - Environmental; @RUDMAN

Subject: RE:

Signing Statement Defense Auth Act [UNCLASSIFIED]

Tom, your change
on the DOE polygraph issue must be coordinated with DOE. We are
told that the Sec. is in a mood not to make a wave on this.

-----Original Message-----

From: Maertens, Thomas R. (NONPRO)

Sent: Thursday, October 19, 2000 9:39 AM

To: McCarthy, Mary O.

(INTEL); Almon, Timothy C. (INTEL); Beardsworth, Richard R. (Randy)

(DEFENSE); @DEFENSE - Defense Policy; @LEGISLAT - Legislative Affairs;

@LEGAL - Legal Advisor; @INTEL - Intelligence Programs; @NONPRO -
Export Controls; @MULTILAT - Multilateral and Humanitarian Affairs;

@TRANSNATIONAL - Transnational Threats; @ENVIRON - Environmental;

@RUDMAN

Subject: RE: Signing Statement Defense Auth Act [UNCLASSIFIED]

Two
points:

On the section dealing with DOE employees' compensation,
there is a statement that the "Congress cannot require the President
to submit specific legislation...." It doesn't seem to fit in the
context.

Second, I think the polygraph language should point out

COPY

that extending the requirement to the entire DOE complex, when it was originally intended to deal with a security problem at one weapons lab, is unwarranted. There has been no allegations of security lapses at either DOE HQ or at the other (10 or so) national labs that would call for this sweeping kind of measure.

-----Original Message-----

From: McCarthy,
Mary O. (INTEL)
Sent: Thursday, October 19, 2000 8:59 AM
To: Almon,
Timothy C. (INTEL); Beardsworth, Richard R. (Randy) (DEFENSE);
@DEFENSE
- Defense Policy; @LEGISLAT - Legislative Affairs; @LEGAL - Legal
Advisor; @INTEL - Intelligence Programs; @NONPRO - Export Controls;
@MULTILAT - Multilateral and Humanitarian Affairs; @TRANSNATIONAL
- Transnational Threats; @ENVIRON - Environmental; @RUDMAN
Subject: RE:
Signing Statement Defense Auth Act [UNCLASSIFIED]

Polygraph lang.
is good.

-----Original Message-----

From: Almon, Timothy C.
(INTEL)
Sent: Thursday, October 19, 2000 8:35 AM
To: Beardsworth,
Richard R. (Randy) (DEFENSE); @DEFENSE - Defense Policy; @LEGISLAT
- Legislative Affairs; @LEGAL - Legal Advisor; @INTEL - Intelligence
Programs; @NONPRO - Export Controls; @MULTILAT - Multilateral and
Humanitarian Affairs; @TRANSNATIONAL - Transnational Threats;
@ENVIRON
- Environmental; @RUDMAN
Subject: RE: Signing Statement Defense
Auth Act [UNCLASSIFIED]

Randy, thanks for your help on the security
reform issue.

Mary, please take a look at the polygraph language,
its fine with me.

-----Original Message-----

From: Beardsworth,
Richard R. (Randy) (DEFENSE)
Sent: Thursday, October 19, 2000 8:16
AM
To: @DEFENSE - Defense Policy; @LEGISLAT - Legislative Affairs;
@LEGAL - Legal Advisor; @INTEL - Intelligence Programs; @NONPRO -

COPY

Export Controls; @MULTILAT - Multilateral and Humanitarian Affairs;
@TRANSNATIONAL - Transnational Threats; @ENVIRON - Environmental;
@RUDMAN
Subject: Signing Statement Defense Auth Act [UNCLASSIFIED]

I
have sent the Signing statement around on the unclas side. OMB needs
comments back by 1 pm today. Please send any comments to both Phil
Cullom and me by noon if at all possible.

- * Personnel
 - * equipment
 - * BRAC
 - * DOE
 - compensation, polygraph, Under Secretary
 - * Vieques
 - * Government
- Information Security Reform

Thank you, Randy

COPY

Exchange Mail

DATE-TIME 10/19/2000 3:00:24 PM
FROM McCarthy, Mary O. (INTEL)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Signing Statement Defense Auth Act [UNCLASSIFIED]
TO Gordon-Hagerty, Lisa E. (TNT)

CARBON_COPY

TEXT_BODY

geesh...(thanks)

-----Original Message-----

From: Gordon-Hagerty,
Lisa E. (TNT)
Sent: Thursday, October 19, 2000 2:51 PM
To: McCarthy,
Mary O. (INTEL)
Subject: RE: Signing Statement Defense Auth Act
[UNCLASSIFIED]

you go girl...

-----Original Message-----

From:
McCarthy, Mary O. (INTEL)
Sent: Thursday, October 19, 2000 1:59
PM
To: Almon, Timothy C. (INTEL); Maertens, Thomas R. (NONPRO);
Beardsworth, Richard R. (Randy) (DEFENSE); @DEFENSE - Defense Policy;
@LEGISLAT - Legislative Affairs; @LEGAL - Legal Advisor; @INTEL -
Intelligence Programs; @NONPRO - Export Controls; @MULTILAT -
Multilateral
and Humanitarian Affairs; @TRANSNATIONAL - Transnational Threats;
@ENVIRON - Environmental; @RUDMAN
Cc: Epstein, Gerald L. (OSTP)
Subject: RE:
Signing Statement Defense Auth Act [UNCLASSIFIED]

We'll see what
Gerry Epstein has to say. But Intel clears on original language,
way below.

(FYI, the DOE polygraph program, which developed out
of an interagency process, involving PC and National Counterintelligence

COPY

Policy Board oversight, was stood up as part of an overall program to address issues at the national laboratories generally, not just ONE laboratory.)

-----Original Message-----

From: Almon, Timothy

C. (INTEL)

Sent: Thursday, October 19, 2000 1:37 PM

To: Maertens,

Thomas R. (NONPRO); McCarthy, Mary O. (INTEL); Beardsworth, Richard R. (Randy) (DEFENSE); @DEFENSE - Defense Policy; @LEGISLAT -

Legislative

Affairs; @LEGAL - Legal Advisor; @INTEL - Intelligence Programs;

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Affairs; @TRANSNATIONAL - Transnational Threats; @ENVIRON -

Environmental;

@RUDMAN

Cc: Epstein, Gerald L. (OSTP); Almon, Timothy C. (INTEL)

Subject: RE:

Signing Statement Defense Auth Act [UNCLASSIFIED]

All, just spoke

with Ed Curran he has suggested language that would point out that the number of polygraphs recommended by the legislation greatly exceeds those recommended by DOE. DOE's intention was to polygraph only those personnel in the most sensitive positions, a much smaller universe.

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(NONPRO)

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Mary O. (INTEL); Almon, Timothy C. (INTEL); Beardsworth, Richard

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points:

On the section dealing with DOE employees' compensation, there is a statement that the "Congress cannot require the President to submit specific legislation...." It doesn't seem to fit in the context.

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Subject: RE: Signing Statement Defense
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From: Beardsworth,
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Sent: Thursday, October 19, 2000 8:16
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To: @DEFENSE - Defense Policy; @LEGISLAT - Legislative Affairs;

COPY

@LEGAL - Legal Advisor; @INTEL - Intelligence Programs; @NONPRO -
Export Controls; @MULTILAT - Multilateral and Humanitarian Affairs;
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Subject: Signing Statement Defense Auth Act [UNCLASSIFIED]

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- Information Security Reform

Thank you, Randy

COPY

Exchange Mail

DATE-TIME 10/19/2000 3:53:57 PM
FROM Epstein, Gerald L. (OSTP)
CLASSIFICATION UNCLASSIFIED
SUBJECT FW: Signing Statement Defense Auth Act [UNCLASSIFIED]
TO DeRosa, Mary B. (LEGAL)
DeVine, Stephen (Legal)
Hunerwadel, Joan S. (LEGAL)
Scharfen, Jonathan R. (LEGAL)
Wiegmann, John B. "Brad" (LEGAL)
Williams, Mary C. (ADMIN)

CARBON_COPY

TEXT_BODY

Still need to close the loop with DOE, which I will be doing later today -- but I wanted to make sure you had seen the polygraph language in the signing statement. The draft now includes a sentence which OSTP had originally suggested that says "I am therefore signing the bill with the understanding that it cannot supersede the Secretary's responsibility to fulfill his national security obligations....". This refers specifically to a provision prohibiting the Secretary from using the "scientific vitality" of the labs" as a waiver condition.

Wanted to make sure this language passed legal muster. I assume that Justice OLC will be reviewing this statement? If this particular choice of words is a problem, please contact me so we can work out something that doesn't pose legal issues but makes the same general point.

-----Original Message-----

From: McCarthy, Mary O. (INTEL)

Sent: Thursday, October 19, 2000 1:59 PM

To: Almon, Timothy C.

(INTEL); Maertens, Thomas R. (NONPRO); Beardsworth, Richard R. (Randy) (DEFENSE); @DEFENSE - Defense Policy; @LEGISLAT - Legislative

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Cc: Epstein, Gerald L. (OSTP)

Subject: RE: Signing Statement

COPY

Defense Auth Act [UNCLASSIFIED]

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Subject: RE: Signing

Statement Defense Auth Act [UNCLASSIFIED]

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@MULTILAT - Multilateral and Humanitarian Affairs; @TRANSNATIONAL
- Transnational Threats; @ENVIRON - Environmental; @RUDMAN
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have sent the Signing statement around on the unclas side. OMB needs
comments back by 1 pm today. Please send any comments to both Phil
Cullom and me by noon if at all possible.

- * Personnel
- * equipment
- * BRAC
- * DOE
- compensation, polygraph, Under Secretary
- * Vieques
- * Government

Information Security Reform

Thank you, Randy

COPY

Exchange Mail

DATE-TIME 10/19/2000 6:36:31 PM
FROM Epstein, Gerald L. (OSTP)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Signing Statement Defense Auth Act [UNCLASSIFIED]
TO Maertens, Thomas R. (NONPRO)

CARBON_COPY

TEXT_BODY

Actually, I think it would be inappropriate to single out a single lab. Right now, the language refers to categories of employees (SCI cleared, SAPs, etc.) without regard to location -- which, if you have to do it at all, is the right way to do it.

-----Original

Message-----

From: Maertens, Thomas R. (NONPRO)

Sent: Thursday,

October 19, 2000 9:59 AM

To: Epstein, Gerald L. (OSTP)

Subject: FW:

Signing Statement Defense Auth Act [UNCLASSIFIED]

FYI

-----Original

Message-----

From: Maertens, Thomas R. (NONPRO)

Sent: Thursday,

October 19, 2000 9:39 AM

To: McCarthy, Mary O. (INTEL); Almon,

Timothy C. (INTEL); Beardsworth, Richard R. (Randy) (DEFENSE);

@DEFENSE

- Defense Policy; @LEGISLAT - Legislative Affairs; @LEGAL - Legal

Advisor; @INTEL - Intelligence Programs; @NONPRO - Export Controls;

@MULTILAT - Multilateral and Humanitarian Affairs; @TRANSNATIONAL

- Transnational Threats; @ENVIRON - Environmental; @RUDMAN

Subject: RE:

Signing Statement Defense Auth Act [UNCLASSIFIED]

Two points:

COPY

On the section dealing with DOE employees' compensation, there is a statement that the "Congress cannot require the President to submit specific legislation...." It doesn't seem to fit in the context.

Second,

I think the polygraph language should point out that extending the requirement to the entire DOE complex, when it was originally intended to deal with a security problem at one weapons lab, is unwarranted. There has been no allegations of security lapses at either DOE HQ or at the other (10 or so) national labs that would call for this sweeping kind of measure.

-----Original Message-----

From: McCarthy,

Mary O. (INTEL)

Sent: Thursday, October 19, 2000 8:59 AM

To: Almon,

Timothy C. (INTEL); Beardsworth, Richard R. (Randy) (DEFENSE);

@DEFENSE

- Defense Policy; @LEGISLAT - Legislative Affairs; @LEGAL - Legal

Advisor; @INTEL - Intelligence Programs; @NONPRO - Export Controls;

@MULTILAT - Multilateral and Humanitarian Affairs; @TRANSNATIONAL

- Transnational Threats; @ENVIRON - Environmental; @RUDMAN

Subject: RE:

Signing Statement Defense Auth Act [UNCLASSIFIED]

Polygraph lang.

is good.

-----Original Message-----

From: Almon, Timothy C.

(INTEL)

Sent: Thursday, October 19, 2000 8:35 AM

To: Beardsworth,

Richard R. (Randy) (DEFENSE); @DEFENSE - Defense Policy; @LEGISLAT

- Legislative Affairs; @LEGAL - Legal Advisor; @INTEL - Intelligence

Programs; @NONPRO - Export Controls; @MULTILAT - Multilateral and

Humanitarian Affairs; @TRANSNATIONAL - Transnational Threats;

@ENVIRON

- Environmental; @RUDMAN

Subject: RE: Signing Statement Defense

Auth Act [UNCLASSIFIED]

Randy, thanks for your help on the security reform issue.

Mary, please take a look at the polygraph language, its fine with me.

-----Original Message-----

COPY

From: Beardsworth,
Richard R. (Randy) (DEFENSE)
Sent: Thursday, October 19, 2000 8:16
AM

To: @DEFENSE - Defense Policy; @LEGISLAT - Legislative Affairs;
@LEGAL - Legal Advisor; @INTEL - Intelligence Programs; @NONPRO -
Export Controls; @MULTILAT - Multilateral and Humanitarian Affairs;
@TRANSNATIONAL - Transnational Threats; @ENVIRON - Environmental;
@RUDMAN
Subject: Signing Statement Defense Auth Act [UNCLASSIFIED]

I
have sent the Signing statement around on the unclas side. OMB needs
comments back by 1 pm today. Please send any comments to both Phil
Cullom and me by noon if at all possible.

- * Personnel
- * equipment
- * BRAC
- * DOE
- compensation, polygraph, Under Secretary
- * Vieques
- * Government
Information Security Reform

Thank you, Randy

COPY

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Cicio, Kristen K. to Hawkins Ardenia R., re: SRB Request for Meeting in His Office (2 pages)	08/27/1997	P1/b(1)
002. email	Farrar, Jay C. to Rudman, Mara E., re: Berger Memo/Ltr on PDD-61 (5 pages)	03/03/1998	P1/b(1)
003. email	Gregory, Susan J. to Farrar, re: National Security Committee/DOE FVA (1 page)	09/08/1998	P1/b(1)
004. email	Gregory to Farrar, re: Kathy Eberwine (3 pages)	10/26/1998	P1/b(1)
005. email	Gregory to McCarthy, Mary O., re: Berger Call to Richardson (2 pages)	10/30/1998	P1/b(1)
006. email	Gregory to DeRosa, Mary B., re: Letter to Cox (1 page)	12/21/1998	P1/b(1)
007. email	Tucker, Maureen E. to Tucker et al., re: POTUS Letter Transmitting Response to Cox Report (7 pages)	01/27/1999	P1/b(1)
008. email	Tucker to Hammonds, D. Holly, re: Paper on Cox Report - for DKerrick Legislative Priorities Mtg. (4 pages)	02/09/1999	P1/b(1)
009. email	Tucker, Maureen E. to Gladura, Timothy L. et al. re: NYT Piece on Cox Report/DOE Lab Issues (3 pages)	02/19/1999	P5

COLLECTION:

Clinton Presidential Records

NSC Emails

Exchange-Non-Record (Mar 97-Jan 01) ([Department of Energy and Security...])

OA/Box Number: 630000

FOLDER TITLE:

[08/27/1997 - 02/19/1999]

Eric Holzer
2006-1022-F
eh290

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]
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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]

COPY

Exchange Mail

DATE-TIME 2/19/99 4:24:29 PM
FROM Tucker, Maureen E.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: NYT piece on Cox Report/DOE lab issue [UNCLASSIFIED]
TO Gladura, Timothy L.
McCarthy, Mary O.
Samore, Gary S.

CARBON_COPY**TEXT_BODY**

You are much taller too.

-----Original Message-----

From: Gladura,
Timothy L.
Sent: Friday, February 19, 1999 4:02 PM
To: McCarthy,
Mary O.; Samore, Gary S.; Tucker, Maureen E.
Subject: RE: NYT piece
on Cox Report/DOE lab issue [UNCLASSIFIED]

I have more hair than
Danny DeVito....

-----Original Message-----

From: McCarthy, Mary
O.
Sent: Friday, February 19, 1999 12:50 PM
To: Samore, Gary S.;
Tucker, Maureen E.; Gladura, Timothy L.
Subject: RE: NYT piece on
Cox Report/DOE lab issue [UNCLASSIFIED]

hmmm. how about Steve
Martin?

-----Original Message-----

From: Samore, Gary S.
Sent: Friday,
February 19, 1999 12:47 PM
To: McCarthy, Mary O.; Tucker, Maureen
E.; Gladura, Timothy L.
Subject: RE: NYT piece on Cox Report/DOE

COPY

lab issue [UNCLASSIFIED]

who will play the Chinese spy?

-----Original

Message-----

From: McCarthy, Mary O.

Sent: Friday, February 19,
1999 12:12 PM

To: Tucker, Maureen E.; Gladura, Timothy L.

Cc: Samore,
Gary S.

Subject: RE: NYT piece on Cox Report/DOE lab issue [UNCLASSIFIED]

Think

we should try to get people that look the most like us:

Maureen:

Meg Ryan

Gary: Mel Gibson

Tim: Danny DeVito

Mary:

Ann Margaret

Special guest apperances by: Red Buttons

as Randy Beers, Clint Eastwood as Sandy Berger, and Arnold Schwarzenager
as Notra.

-----Original Message-----

From: Tucker, Maureen E.

Sent: Friday, February 19, 1999 11:59 AM

To: McCarthy, Mary O.;

Gladura, Timothy L.

Cc: Samore, Gary S.

Subject: RE: NYT piece
on Cox Report/DOE lab issue [UNCLASSIFIED]

I wonder who will play
us in the movie?

-----Original Message-----

From: McCarthy, Mary
O.

Sent: Friday, February 19, 1999 11:57 AM

To: Tucker, Maureen

E.; Gladura, Timothy L.

Cc: Samore, Gary S.

Subject: RE: NYT piece
on Cox Report/DOE lab issue [UNCLASSIFIED]

COPY

we talked about that, and they seemed to understand the sequencing. i.e., 1996, picture still fragmentary and incomplete. July 1997, the Notral brief put together. FBI study on CI weaknesses completed earlier. Now it was clearer that this was big. Right away the CI Policy Board sprung into action. Did the study that formed the basis of the PDD. Of course, to make it a story they need to highlight conflict, dereliction (if only marginal) and villains.

Let's look at our old press guidance and see what we've got.

-----Original Message-----

From: Tucker,
Maureen E.

Sent: Friday, February 19, 1999 11:44 AM

To: McCarthy,
Mary O.; Gladura, Timothy L.

Cc: Samore, Gary S.; Tucker, Maureen
E.

Subject: NYT piece on Cox Report/DOE lab issue [UNCLASSIFIED]

Mary/Tim:

Gary's impression from his meeting w/the NYT yesterday is that their piece (expected Sunday) will slam the Administration (maybe even Sandy specifically), for taking so long to get its act together on improving security and CI measures at the labs. It may may question why PDD-61 took so long to get done. What do you think?

Anyway, while there is one q/a in the DOE press guidance earlier this week (pt. 4) that sort of addresses the broad issue of DOE delay on responding, would you all take point on doing guidance that would speak to the PDD delay issue and how the specific issue of the Chinese incidents was dealt w/by the NSC?

Thanks - Maureen

COPY

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Bader, Jeffrey A. to Curts, Brenda E. et al., re: Cleared version of points on China nuclear for Stanlely Roth's use with Chinese (3 pages)	03/09/1999	P1/b(1)
002. email	Crowley, Philip J. to Barlett, L. June et al. re: Cox Report (2 pages)	03/09/1999	P5
003. email	Samore, Gary S. to Saunders, Richard M., re: Briefing for Leon Regarding Chinese Nuclear Security Issues (2 pages)	03/10/1999	P1/b(1)
004. email	Gladura, Timothy L. to Tucker, Maureen E. re: Presidential National Security Affairs Guidance (3 pages)	03/11/1999	P5
005. email	Tucker to Bobbitt, Phillip C. et al., re: Additional Guidance from DOE on Lab Issues (3 pages)	03/15/1999	P1/b(1)
006. email	Tucker, Maureen E. to Andreasen, Steven P. et al., re: Urgent: clearance request for pkg. 1501 - DOE report to Congress on security at the labs (5 pages)	03/16/1999	P1/b(1)
007. email	Gordon-Hagerty, Lisa E. to Gordon-Hagerty, Lisa E., re: Urgent: clearance request for pkg. 1501 - DOE report to Congress on security at the labs (2 pages)	03/16/1999	P1/b(1)
008. email	Tavalarides, Mark J. to Lackey, Miles M., re: Leg. Update (2 pages)	03/16/1999	P1/b(1)
009. email	Gordon-Hagerty to Tucker, re: Pkg. Question [sent 11:02:31 AM] (5 pages)	03/17/1999	P1/b(1)
010. email	Gordon-Hagerty to Tucker, re: Pkg. Question [sent 12:35:47 PM] (5 pages)	03/17/1999	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Non-Record (Mar 97-Jan 01) ([Department of Energy and Security...])
OA/Box Number: 630000

FOLDER TITLE:

[03/02/1999 - 03/17/1999]

Eric Holzer
2006-1022-F
eh291

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]
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- 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]
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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]

COPY

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
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011. email	Tucker to Gobush, Matthew N., re: Additional Guidance from DOE on Lab Issues (3 pages)	03/17/1999	P1/b(1)
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COLLECTION:

Clinton Presidential Records

NSC Emails

Exchange-Non-Record (Mar 97-Jan 01) ([Department of Energy and Security...])

OA/Box Number: 630000

FOLDER TITLE:

[03/02/1999 - 03/17/1999]

Eric Hölzer

2006-1022-F

eh291

RESTRICTION CODES

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COPY

Exchange Mail

DATE-TIME 3/9/99 2:45:22 PM
FROM Crowley, Philip J.
CLASSIFICATION UNCLASSIFIED
SUBJECT Cox Report [UNCLASSIFIED]
TO Bartlett, L. June
Davies, Glyn T.
Dejban, Donna D.
Hachigian, Nina L.
Joshi, M. Kay
Kerrick, Donald L.
Millison, Cathy L.
Moretz, Sheila K.
O'Brien, Penelope R.
Rice, Edward A.
Scott-Perez, Marilyn L.
Storey, Sharon V.
Sutphen, Mona K.

CARBON_COPY Caravelli, John M.
Edwards, Joan K.
Harris, Elisa D.
Samore, Gary S.
Tucker, Maureen E.
Allen, Charles A.
Baker, James E.
DeRosa, Mary B.
Hunerwadel, Joan S.
Krass, Caroline D.
Burrell, Christina L.
Lackey, Miles M.
Tavlarides, Mark J.
Curts, Brenda E.
Gladura, Timothy L.
Howerton, Barbara E.
Knepper, Charlotte
McCarthy, Mary O.
Merchant, Brian T.
Sherman, David J.
Ward, Steven R.
Bobbitt, Philip C.
Crowley, Philip J.
Gobush, Matthew N.
Greenberg, Brenda L.

COPY

Hammer, Michael A.
Leavy, David C.
Williams, Mary C.
Wozniak, Natalie S.
Ahmed, Sarah
Bellamy, Ralph C.
Bolinski, Charlene C.
Darnes, Victoria J.
Ficklin, John W.
George, Christopher L.
Kaplan, Dean M.
Leary, William H.
Marsh, Thomas S.
McIntyre, Stuart H.
Merchant, Brian T.
Porter, Pete
Prise, Edith M.
Salvetti, Lisa M.
Sanborn, Daniel R. K.
Smith, Michael P.
Soubers, Richard R.
Starks, Tali T.

TEXT_BODY

Eric Schmitt and Jeff Gerth are doing a piece for tomorrow on the Cox declass issue. They are hearing on the Hill some criticism that our mark up was intended to slow down the process, hide things, etc. They will be calling later to get comment on what we are doing to work through these issues with the Committee. With Gerth involved, I wouldn't be surprised if he gets some selective leaks from the Committee asking us to defend our mark up. My inclination is to simply respond to the broader point that we are working with the Committee through those agencies that are responsible for protecting intelligence information, sources and methods on what portions of the report can be publicly released. We share the Committee's goal to make as much of the report as possible public, consistent with our national security.

I'll talk to Miles and make sure the Committee is engaged.

PJ

COPY

Exchange Mail

DATE-TIME 3/11/99 1:42:15 PM
FROM Gladura, Timothy L.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: PRESIDENTIAL NATIONAL SECURITY AFFAIRS GUIDANCE
[UNCLASSIFIED]
TO Tucker, Maureen E.

CARBON_COPY**TEXT_BODY**

In light of my past computer competency problems, thanks for the catch, as you know, I'm fully capable of messing up even the simplest task...

-----Original Message-----

From: Tucker, Maureen E.
Sent: Thursday,
March 11, 1999 1:39 PM
To: Gladura, Timothy L.
Subject: RE: PRESIDENTIAL
NATIONAL SECURITY AFFAIRS GUIDANCE [UNCLASSIFIED]

Well, ok then
Mr. Man.

-----Original Message-----

From: Gladura, Timothy L.

Sent: Thursday, March 11, 1999 1:31 PM
To: Tucker, Maureen E.
Subject: RE:
PRESIDENTIAL NATIONAL SECURITY AFFAIRS GUIDANCE
[UNCLASSIFIED]

I
sent a copy independently to Matt

-----Original Message-----

From: Tucker,
Maureen E.
Sent: Thursday, March 11, 1999 11:26 AM
To: Gobush,
Matthew N.
Cc: Gladura, Timothy L.; Tucker, Maureen E.

COPY

Subject: FW:
PRESIDENTIAL NATIONAL SECURITY AFFAIRS GUIDANCE
[UNCLASSIFIED]
Importance: High

Matt
- just saw this - don't know if it's too late. Maureen

-----Original

Message-----

From: Gladura, Timothy L.

Sent: Thursday, March 11,
1999 11:10 AM

To: Tucker, Maureen E.; Crowley, Philip J.

Subject: RE:

PRESIDENTIAL NATIONAL SECURITY AFFAIRS GUIDANCE
[UNCLASSIFIED]

The

only comment I have is with regard to the question concerning Why
DOE waited so long to fire the suspect. I don't think FBI will
concur with the characterization that DOE held Lee in place for their
investigation. FBI has stated it was up to DOE to determine if and
when they would fire/remove him from his position. Maybe change
to DOE allowed the employee to remain in his position.

Also

they may still balk at any reference to an active investigation.

-----Original

Message-----

From: Tucker, Maureen E.

Sent: Thursday, March 11,
1999 10:50 AM

To: Gladura, Timothy L.

Subject: FW: PRESIDENTIAL

NATIONAL SECURITY AFFAIRS GUIDANCE [UNCLASSIFIED]

Importance: High

tim

- if you didn't review this, you should. Press is combining my pints
(with your changes) with what PJ did below. MT

-----Original

Message-----

From: Crowley, Philip J.

Sent: Thursday, March 11,
1999 10:17 AM

To: @NONPRO - Export Controls; @LEGAL - Legal Advisor;

COPY

@LEGISLAT - Legislative Affairs; @KOSOVO; @ASIA - Asian Affairs;
@INTEL - Intelligence Programs
Cc: @PRESS - Public Affairs; @UP
- APNSA Special Assistants
Subject: PRESIDENTIAL NATIONAL SECURITY
AFFAIRS GUIDANCE [UNCLASSIFIED]

Please review the attached ASAP.
Add and subtract as appropriate and get back to Matt. Thanks.

PJ

<< File: POTUS3-11.doc >>

COPY

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Tucker, Maureen E. to Edwards, Joan K., re: Letter for Gary's Review (2 pages)	03/18/1999	P1/b(1)
002. email	Lackey, Miles M. to Ward, Steven R. et al. re: Response to Shelby-Kerrey Letter (2 pages)	03/19/1999	P5
003. email	Samore, Gary S. to Lackey, Miles M. et al. re: Response to Shelby-Kerrey Letter (2 pages)	03/19/1999	P5
004. email	Lackey to Samore & Ward re: Response to Shelby-Kerrey Letter (4 pages)	03/19/1999	P5
005. email	Andreasen, Steven P. to Bell Robert G., re: Draft Note (2 pages)	03/23/1999	P1/b(1)
006. email	DeRosa, Mary B. to Tucker, re: Clearance Request for POTUS Query (4 pages)	03/23/1999	P1/b(1)
007. email	Tucker to DeRosa, re: Clearance Request on POTUS Query (4 pages)	03/24/1999	P1/b(1)
008. email	Gladura, Timothy L. to Samore, Gary S., re: DOE/Lab Security: NYT Op-Ed on White House/NSC Role (3 pages)	04/09/1999	P1/b(1)

COLLECTION:

Clinton Presidential Records

NSC Emails

Exchange-Non-Record (Mar 97-Jan 01) ([Department of Energy and Security...])

OA/Box Number: 630000

FOLDER TITLE:

[03/18/1999 - 04/09/1999]

Eric Holzer
2006-1022-F
eh292

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

RR. Document will be reviewed upon request.

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- b(8) Release would disclose information concerning the regulation of financial institutions [(b)(8) of the FOIA]
- b(9) Release would disclose geological or geophysical information concerning wells [(b)(9) of the FOIA]

COPY

Exchange Mail

DATE-TIME 3/19/99 9:59:57 AM
FROM Lackey, Miles M.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Response to Shelby-Kerrey Letter [UNCLASSIFIED]
TO Ward, Steven R.
DeRosa, Mary B.
Samore, Gary S.

CARBON_COPY

TEXT_BODY

I don't care so much about whether we were working together -- I mean that we should find a way to say something good about what they have done -- to give them ownership of the problem and the solution.

by
the way, I think this point small aside -- not the main thrust of the letter.

-----Original Message-----

From: Ward, Steven R.

Sent: Friday, March 19, 1999 9:56 AM

To: Lackey, Miles M.

Cc: @LEGISLAT

- Legislative Affairs

Subject: RE: Response to Shelby-Kerrey Letter
[UNCLASSIFIED]

Can someone in your office check with Jay Farrar on this? Susan Gregory recommended him as a good source of institutional memory, because he dealt most closely with the committees over the past few years on counterintelligence and security matters.

-----Original
Message-----

From: Lackey, Miles M.

Sent: Friday, March 19, 1999
9:16 AM

To: Ward, Steven R.; DeRosa, Mary B.; Samore, Gary S.

Subject: RE:
Response to Shelby-Kerrey Letter [UNCLASSIFIED]

If we can say

COPY

it credibly, I would like to find a way to point out the things the Committee has done -- in partnership with us -- to improve security at the labs (increase the budget, etc.). We don't want to criticize the Committee -- but to point out that the consultation process resulted in improvements.

-----Original Message-----

From: Ward, Steven

R.

Sent: Friday, March 19, 1999 8:54 AM

To: Lackey, Miles M.;

DeRosa, Mary B.; Samore, Gary S.

Subject: Response to Shelby-Kerrey
Letter [UNCLASSIFIED]

I am preparing the response to Shelby and Kerrey regarding their complaints that Sandy's comments about 16 briefings on the DOE labs were given to the Hill. Any suggestions on the tone of the letter would be appreciated. I intend to just restate the facts regarding the briefings and express regret that anyone might have misinterpreted the comments as suggesting the "anyone" was passive about responding to these serious concerns. Thoughts?

Thanks.

COPY

Exchange Mail

DATE-TIME 3/19/99 10:22:29 AM
FROM Samore, Gary S.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Response to Shelby-Kerrey Letter [UNCLASSIFIED]
TO Lackey, Miles M.
Ward, Steven R.
DeRosa, Mary B.

CARBON_COPY

TEXT_BODY

Miles has an excellent point. As I understand it, SSCI was very supportive of increasing CI funding in response to the briefings they got from DOE/FBI. We should definitely give Congress due credit for helping to fix this problem.

-----Original Message-----

From: Lackey,
Miles M.
Sent: Friday, March 19, 1999 9:16 AM
To: Ward, Steven
R.; DeRosa, Mary B.; Samore, Gary S.
Subject: RE: Response to Shelby-Kerrey
Letter [UNCLASSIFIED]

If we can say it credibly, I would like to find a way to point out the things the Committee has done -- in partnership with us -- to improve security at the labs (increase the budget, etc.). We don't want to criticize the Committee -- but to point out that the consultation process resulted in improvements.

-----Original
Message-----

From: Ward, Steven R.
Sent: Friday, March 19, 1999
8:54 AM
To: Lackey, Miles M.; DeRosa, Mary B.; Samore, Gary S.
Subject: Response
to Shelby-Kerrey Letter [UNCLASSIFIED]

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COPY

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Thanks.

COPY

Exchange Mail

DATE-TIME 3/19/99 3:31:27 PM
FROM Lackey, Miles M.
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: Response to Shelby-Kerrey Letter [UNCLASSIFIED]
TO Samore, Gary S.
Ward, Steven R.

CARBON_COPY DeRosa, Mary B.
Caravelli, John M.
Edwards, Joan K.
Harris, Elisa D.
Samore, Gary S.
Tucker, Maureen E.
Allen, Charles A.
Baker, James E.
DeRosa, Mary B.
Hunerwadel, Joan S.
Krass, Caroline D.

TEXT_BODY

looks good,
miles

-----Original Message-----

From: Samore, Gary S.
Sent: Friday, March 19, 1999 1:54 PM
To: Ward, Steven R.
Cc: Samore, Gary S.; DeRosa, Mary B.; Lackey, Miles M.; @NONPRO - Export Controls; @LEGAL - Legal Advisor
Subject: FW: Response to Shelby-Kerrey Letter [UNCLASSIFIED]

Good work. One suggestion.

-----Original Message-----

From: Ward, Steven R.
Sent: Friday, March 19, 1999 1:03 PM
To:
Subject: RE: Response to Shelby-Kerrey Letter [UNCLASSIFIED]

COPY

Here is the first
draft:

<< File: 1947 ltr.doc >> << File: 1947 srb.doc >>

-----Original

Message-----

From: Samore, Gary S.

Sent: Friday, March 19, 1999

10:25 AM

To: Ward, Steven R.; DeRosa, Mary B.; Lackey, Miles M.

Cc: @NONPRO

- Export Controls; @LEGAL - Legal Advisor

Subject: RE: Response

to Shelby-Kerrey Letter [UNCLASSIFIED]

Steve, the point is that

SSCI acted in a responsible way after they got the briefings to help
strengthen DOE CI capabilities. We should recognize and acknowledge
that. Give credit where it is due.

-----Original Message-----

From: Ward,

Steven R.

Sent: Friday, March 19, 1999 9:47 AM

To: DeRosa, Mary

B.; Lackey, Miles M.; Samore, Gary S.

Cc: @NONPRO - Export Controls;

@LEGAL - Legal Advisor

Subject: RE: Response to Shelby-Kerrey Letter

[UNCLASSIFIED]

Shelby and Kerrey do claim in the letter that SSCI
has supported CI budget increases for DOE. I spoke to Susan and
she said that we can't really claim to have been proactive in those
increases (i.e. we didn't propose them, but accepted them). I don't
we can say much about a collaborative effort, unless somehow has
some other examples.

-----Original Message-----

From: DeRosa,

Mary B.

Sent: Friday, March 19, 1999 9:37 AM

To: Ward, Steven

R.; Lackey, Miles M.; Samore, Gary S.

Cc: @NONPRO - Export Controls;

@LEGAL - Legal Advisor

Subject: RE: Response to Shelby-Kerrey Letter

[UNCLASSIFIED]

COPY

I think the SSCI asked the GAO to look into security at the labs in 1996 or 1997. Don't know about budget, but I thought I heard that Kerry was claiming they had worked to increase the CI budget for DOE. You might give Susan Gregory a call, she would know.

-----Original

Message-----

From: Ward, Steven R.

Sent: Friday, March 19, 1999

9:32 AM

To: Lackey, Miles M.; DeRosa, Mary B.; Samore, Gary S.

Cc: @NONPRO

- Export Controls; @LEGAL - Legal Advisor

Subject: RE: Response

to Shelby-Kerrey Letter [UNCLASSIFIED]

I'm subbing for Tim and am not aware of anything the Committee has done with us recently. Any thoughts from NONPRO?

-----Original Message-----

From: Lackey,

Miles M.

Sent: Friday, March 19, 1999 9:16 AM

To: Ward, Steven

R.; DeRosa, Mary B.; Samore, Gary S.

Subject: RE: Response to Shelby-Kerrey Letter [UNCLASSIFIED]

If we can say it credibly, I would like to find a way to point out the things the Committee has done -- in partnership with us -- to improve security at the labs (increase the budget, etc.). We don't want to criticize the Committee -- but to point out that the consultation process resulted in improvements.

-----Original

Message-----

From: Ward, Steven R.

Sent: Friday, March 19, 1999

8:54 AM

To: Lackey, Miles M.; DeRosa, Mary B.; Samore, Gary S.

Subject: Response

to Shelby-Kerrey Letter [UNCLASSIFIED]

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COPY

the "anyone" was passive about responding to these serious concerns.
Thoughts?

Thanks.

COPY

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. email	Binnendijk, Johannes A. to Andreassen, Steven P. re: DOE Defense Programs Budget (4 pages)	12/19/1999	P5
002. email	Gladura, Timothy L. to Leavy, David C. et al. re: Sunday Pincus Article Page 15 Wash. Post DOE NNSA Implementation Plan (2 pages)	01/10/2000	P5
003. email	Tucker, Maureen E. to DeRosa, Mary B., re: Urgent Clearance Request: Response to PFIAB Ltr on DOE Reorg (5 pages)	02/23/2000	P1/b(1)
004. email	DeRosa to Tucker, re: Urgent Clearance Request: Response to PFIAB Ltr on DOE Reorg (6 pages)	02/23/2000	P1/b(1)
005. email	Tucker to Gladura, Timothy L. & DeRosa, re: Maybe this will help? (2 pages)	02/24/2000	P1/b(1)
006. email	DeRosa to Tucker & Gladura, re: Maybe this will help? (2 pages)	02/24/2000	P1/b(1)

COLLECTION:

Clinton Presidential Records
NSC Emails
Exchange-Non-Record (Mar 97-Jan 01) ([Department of Energy and Security...])
OA/Box Number: 630000

FOLDER TITLE:

[06/09/1999 - 11/01/2000]

Eric Holzer
2006-1022-F
eh295

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]
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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]

COPY

Exchange Mail

DATE-TIME 12/19/1999 3:49:53 PM
FROM Binnendijk, Johannes A. (Hans) (DEFENSE)
CLASSIFICATION UNCLASSIFIED
SUBJECT RE: DOE Defense Programs Budget [UNCLASSIFIED]
TO Andreasen, Steven P. (DEFENSE)

CARBON_COPY

TEXT_BODY

too late to help ctbt but needed nonetheless. Hans

-----Original

Message-----

From: Andreasen, Steven P. (DEFENSE)

Sent: Friday,

December 17, 1999 8:47 PM

To: @RUDMAN

Cc: @DEFENSE - Defense Policy;

@NONPRO - Export Controls

Subject: FW: DOE Defense Programs Budget
[UNCLASSIFIED]

Importance: High

Colleagues --

Here's the

latest, as per Ernie Moniz circa 6:30 p.m. this evening ...

* OMB's

response to DOE's appeal is a \$215 million plus up in FY 01 -- close to the \$225-\$250 million Ernie told me yesterday he thought he needed to solve the FY 01 problem (and a distinct improvement from the package OMB was considering yesterday on the order of \$30 - \$50 million).

* Second, Ernie reports that Jack Lew has told Richardson he would support an FY 00 supplemental on the order of \$200 million to help with "a bunch of things." This would include Ernie's first priority (i.e., the \$93 million for production readiness) and third priority (i.e., safeguards and security).

I've not confirmed

this with OMB, but if this holds, I think Ernie will indeed be able to argue that we have a plan that meets the "critical needs" identified

COPY

in his 30-day study.

Steve

-----Original Message-----

From: Andreassen,

Steven P. (DEFENSE)

Sent: Thursday, December 16, 1999 4:15 PM

To: @DEFENSE

- Defense Policy; @NONPRO - Export Controls; @RUDMAN

Subject: FW:

DOE Defense Programs Budget [UNCLASSIFIED]

Importance: High

Colleagues

--

Here's an update on the DOE budget picture, as of this afternoon, based on both high-level and low-level recon.

* First, in terms

of "prioritizing" the three funding "baskets" below, it is clear to me that DOE would rank first the \$93 million FY 00 supplemental; second, the FY 01 plus up to \$4.739 billion; and third, the \$695 million supplementals in FY 00 and 01 for safeguards and security.

* Second, OMB appears dead set against any "supplementals" going up for FY 00. Thus, in their view, only the FY 01 budget is at issue. Thus, the only way to address DOE's "first order" concern (i.e., the \$93 million needed in FY 00 for production readiness to, inter-alia, avoid layoffs at a number of plants in interesting states) is a reprogramming. This will not be welcome news in DOE.

* Third, OMB is only considering a "mild" plus up in the FY 01 budget (on the order of \$30 - \$50 million), and would expect this money to go to safeguards and security (that is, DOE's third and last priority), leaving unaddressed the original concerns stated by DOE in justifying a rebaselining of the program at \$4.739 billion.

* In short, that "choo-choo" sound you hear in the background is a potential train wreck in the making. I don't see how the OMB solution will in any way allow Ernie to claim that his "critical needs" identified in the recently concluded 30-day study have been addressed.

* My own view is that we need to do better than a simple \$30-50 million plus up in FY 01. Unfortunately, this is not

COPY

because I can attest to the validity of each line in Ernie's 30-day study. Rather, I view Ernie's 30 day study -- and the supportive statements issued by the three lab directors after its conclusion -- as a necessary spring board for underscoring next year that we have a stewardship program that is on track (which is a necessary springboard for any effort to revive CTBT). The fastest way to cast doubt on that assertion is for the Administration to be perceived as "stiffing" the Moniz report.

* Ernie is looking at FY 01 offsets in DP that would help solve the FY 01 problem -- but, in his view, even with these offsets, OMB would still need to kick-in around \$225-\$250 million in FY 01. Also, this assumes the \$93 million FY 00 supplemental -- which, as I said, OMB appears dead-set against.

* Finally, Ernie has spoken with Hamre, who may put in a word with Jack Lew.

Steve

-----Original Message-----

From: Andreassen,
Steven P. (DEFENSE)
Sent: Wednesday, December 15, 1999 1:10 PM
To: @DEFENSE
- Defense Policy
Cc: @NONPRO - Export Controls; @RUDMAN
Subject: DOE
Defense Programs Budget [UNCLASSIFIED]
Importance: High

Colleagues

--

Just received a fax of a memo from Ernie Moniz regarding their stockpile stewardship budget request. The memo summarizes the "appeal package" they have put together following the recently completed 30 day review. Here's the highlights:

* A \$93 million FY 00 supplemental budget request for production readiness.

* Supplemental budget requests for both conventional safeguards and security measures (for protecting nuclear weapons and materials) (roughly \$195 million in FY 00) and cyber security improvements (about \$400 million spread over FY 00 and 01).

* A DOE appeal to the OMB passback funding

COPY

level for FY 01 to \$4.739 billion (\$350 million over the target). Money would be principally directed at meeting requirements for production readiness and directed stockpile workload arising from the Stockpile Life Extension Program.

According to Ernie, the above figures were provided to OMB last night (Richardson, who has been on travel, endorsed the "ballpark" estimates, and will be briefed this afternoon on the specifics). No reaction yet from OMB. Ernie also believes Richardson will meet with Jack Lew and Podesta tonight to discuss DOE's budget writ large.

COPY

Exchange Mail

DATE-TIME 01/10/2000 9:10:28 AM
FROM Gladura, Timothy L. (INTEL)
CLASSIFICATION UNCLASSIFIED
SUBJECT Sunday Pincus article page 15 Wash. Post DOE NNSA Implementation Plan
[UNCLASSIFIED]
TO Leavy, David C. (PRESS)
Gobush, Matthew N. (PRESS)
Hammer, Michael A. (PRESS)
Hoelzer, Jennifer I. (PRESS/INTERN)
Huff, Lindsey E. (PRESS)
Leavy, David C. (PRESS)
Thinakaran, Prabhath (PRESS/INTERN)
Wozniak, Natalie S. (PRESS)
McCarthy, Mary O. (INTEL)
Samore, Gary S. (NONPRO)
Curts, Brenda E. (INTEL)
Gladura, Timothy L. (INTEL)
Howerton, Barbara E. (INTEL)
Knepper, Charlotte (INTEL)
McCarthy, Mary O. (INTEL)
Merchant, Brian T. (RECORDS/INTEL)
Mitchell, Donald A. (INTEL)
Smith, James A. (WHSR)

CARBON_COPY

TEXT_BODY

David,
Although this article reflects the Secretary's plan for implementation of the NNSA, it is misleading regarding the facts about the CI Chief, Ed Curran. It states both Habiger (Security Czar) and Curren were appointed after concerns were raised of spying at the labs. Curran in fact was put at Energy as a direct result of PDD-61. This of course was due to the initial concerns raised about possible spying, but well before the Cox report and the media hype that occurred last spring and summer. Also, Ed Curran is an FBI employee who is detailed to Energy (in accordance with PDD-61). The article infers he is on the DOE payroll.

Relevance: We need to ensure the principals of PDD-61 (DOE CI PROGRAM) are maintained even though we have a new law mandating the NNSA. Lumping CI and security together may cause an even more adverse reaction from Congress.

COPY

I know you have contact with Pincus and he has been fairly reasonable in the past on representing things correctly. It may be worthwhile to let him know the order of things.

Tim

COPY

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001a. memo	Berger, Samuel to the President re: PFIAB Review of DOE Lab Security (2 pages)	03/18/1999	P5
001b. talking points	Points to be Made for Telephone Conversation with Senator Rudman (1 page)	n.d.	P5
002. memo	For Rudman, Warren G. re: Department of Energy Labs [draft] (2 pages)	n.d.	P5
003a. memo	Berger, Samuel to the President re: PFIAB Review of DOE Lab Security [draft] (2 pages)	n.d.	P5
003b. talking points	Points to be Made for Telephone Conversation with Senator Rudman [draft] (1 page)	n.d.	P5

COLLECTION:

Clinton Presidential Records
NSC Records Management
([Department of Energy and Security...])
OA/Box Number: 2717

FOLDER TITLE:

9901924

Eric Holzer
2006-1022-F
eh689

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

COPY

DRAFT

DRAFT

THE WHITE HOUSE

WASHINGTON
DATE

MEMORANDUM FOR WARREN G. RUDMAN

Chairman

President's Foreign Intelligence Advisory Board

SUBJECT: Department of Energy Labs

Protecting the security of the national weapons labs is one of the most important responsibilities of any Administration. As you know, in light of information concerning the possible compromise of sensitive information in the 1980's and continuing efforts by foreign governments to acquire sensitive lab information, last year I issued PDD-61 designed to strengthen security at our labs. Because of the priority I attach to making sure all that is necessary is being done, I believe it would be invaluable for the PFIAB to review the evolution of the threat and the adequacy of measures that have been taken to address it.

The President's Foreign Intelligence Advisory Board (PFIAB) is a bipartisan, independent advisory board responsible to the President for assessing, among other things, the quality and adequacy of counterintelligence. Members of the PFIAB are appointed from private life and include a diverse area of expertise, including background in intelligence, the military, science, and the law. Pursuant to executive order, "the heads of departments and agencies of the Federal government, to the extent permitted by law, shall provide the PFIAB access to all information that the PFIAB deems necessary to carry out its responsibilities."

With this background in mind, I am requesting that the PFIAB address the following questions:

What is the nature of the present counterintelligence security threat at the DOE labs and how has it evolved over the past two decades? What steps have the Labs, DOE, and more broadly, the United States Government taken to counter that threat during this period? Are these measures adequate? Is there more that should be done?

DRAFT

DRAFT
COPY

Process: Given the particularized interest of the Congress in this matter, I would ask that you consult with appropriate Members of Congress before undertaking your review.

I understand that in light of its Presidential status that the PFIAB reports directly to me and does not ordinarily provide its reports outside the immediate Office of the President; however, it is my intention that your report be provided to the Congress at the conclusion of your review, and to the fullest extent consistent with national security, as much information be provided concurrently to the public in an unclassified report.

Given the extraordinary sensitivity of these matters, I would ask that you limit participation in your review to no more than five members of the PFIAB, drawing on the special expertise and background that your members bring to the Board.

Finally, I would ask that you conclude your review in no later than 60 days.

Withdrawal/Redaction Sheet

Clinton Library

DOCUMENT NO. AND TYPE	SUBJECT/TITLE	DATE	RESTRICTION
001. memo	McCarthy, Mary O., to Steinberg, James B., re: National Counterintelligence Policy Board View on DOE Restructuring in H.R. 106-301 (2 pages)	09/03/1999	P1/b(1), P5
002. letter	Gallagher, Neil J. to Berger, Samuel R. re: [Establishment of the National Nuclear Security Administration and Its Impact on PDD-61] (2 pages)	08/30/1999	P5

COLLECTION:

Clinton Presidential Records
NSC Records Management
([Department of Energy and Security...])
OA/Box Number: 2748

FOLDER TITLE:

9906551

Eric Holzer
2006-1022-F
eh303

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
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COPY



NATIONAL COUNTERINTELLIGENCE POLICY BOARD

WASHINGTON, DC 20505

NACIPB-028-99

30 August 1999

The Honorable Samuel R. Berger
Assistant to the President for
National Security Affairs
The White House
Washington, D.C.

Dear Mr. Berger:

The purpose of this communication is to provide a coordinated National Counterintelligence Policy Board (NACIPB) response to the proposed provisions of House Report 106-301, Title XXXII, regarding the establishment of the National Nuclear Security Administration and its impact on PDD-61.

As you will recall, the President signed PDD-61 on 11 February 1998 and established a new US Department of Energy (DOE) Counterintelligence (CI) program. The guiding principles of the DOE CI program, as articulated in PDD-61, included effective coordination of the activities of CI, foreign intelligence (FI) and security; the consistent application of the directive to address and reduce the foreign intelligence threat; and effective oversight of the CI environment by the involved principals. Key to effective implementation of these principles is the need for the centralized authority of the Director of the Office of Counterintelligence (OCI) for the entire DOE CI program and the need for the Director, OCI, to have direct access to the Secretary of Energy.

The Policy Board does not in any way want to interfere with either the legislative process or internal DOE management. However, it is concerned that this legislation and/or an interpretation of its intent will unnecessarily bifurcate the Department of Energy's counterintelligence program as established by PDD-61. PDD-61 mandated a centralized structure of the DOE CI program under the direction of the Director, OCI, who reports directly to the Secretary of Energy. The creation of a separate Chief of Defense Nuclear Counterintelligence with parallel functions

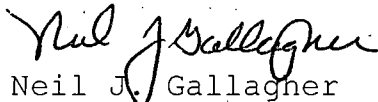
COPY

The Honorable Samuel R. Berger

to that of OCI would undermine the significant progress already made under PDD-61.

The NACIPB recommends that appropriate action be taken to ensure that the provisions of PDD-61 to establish an effective, centralized CI program within DOE are not undermined by the creation of the Chief of Defense Nuclear Counterintelligence within the National Nuclear Security Administration. In the Board's view, such appropriate action could include the issuance of a follow-on PDD to affirm oversight responsibilities by the National Security Principals and to make clear the line of authority for CI policy and implementation within DOE.

Very truly yours,


Neil J. Gallagher
Chairman