

THE WHITE HOUSE**Office of the Press Secretary**

For Immediate Release

January 6, 1995

DRAFT PRESS RELEASE**PRESIDENT NAMES JOHN M. DEUTCH AND JOHN D. PODESTA TO THE
COMMISSION ON PROTECTING AND REDUCING GOVERNMENT SECRECY**

The President today announced his appointment of John M. Deutch and John D. Podesta to the Commission on Protecting and Reducing Government Secrecy.

John M. Deutch, of Massachusetts, is the Deputy Secretary of Defense, and is the senior official under the Secretary of Defense with responsibility for overseeing the government's largest federal system of classification and security clearances. The system includes the Pentagon and the service branches, as well as the extensive classification and clearances required of the defense contractor community.

John D. Podesta, of the District of Columbia, serves as Assistant to the President and Staff Secretary. Mr. Podesta has responsibility for the management of all Presidential records and oversees the President's information policy including security and access issues. Formerly, Mr. Podesta served as Counsel to the U.S. Senate Judiciary Committee where his areas of expertise included the Freedom of Information Act.

The Commission on Protecting and Reducing Government Secrecy is authorized for two years to conduct an investigation into all matters pertaining to legislation, executive order, regulation, practice or procedure, regarding classified national security information or the granting of security clearances.

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Foreign Relations
Authorization Act, Fiscal
Years 1994 and 1995
P.L. 103-236
Approved 4/30/94

file
Secrecy
Commission

H. R. 2333—144

(5) the term "the Treaty" means the Treaty on the Non-Proliferation of Nuclear Weapons, signed at Washington, London, and Moscow on July 1, 1968; and

(6) the terms "IAEA safeguards", "non-nuclear-weapon state", "nuclear explosive device", and "special nuclear material" have the meanings given those terms in section 830 of this Act.

PART D—TERMINATION

SEC. 851. TERMINATION UPON ENACTMENT OF NEXT FOREIGN RELATIONS ACT.

On the date of enactment of the first Foreign Relations Authorization Act that is enacted after the enactment of this Act, the provisions of parts A and B of this title shall cease to be effective, the amendments made by those parts shall be repealed, and any provision of law repealed by those parts shall be reenacted.

TITLE IX—COMMISSION ON PROTECTING AND REDUCING GOVERNMENT SECRECY

SEC. 901. SHORT TITLE.

This title may be cited as the "Protection and Reduction of Government Secrecy Act".

SEC. 902. FINDINGS.

The Congress makes the following findings:

(1) During the Cold War an extensive secrecy system developed which limited public access to information and reduced the ability of the public to participate with full knowledge in the process of governmental decisionmaking.

(2) In 1992 alone 6,349,532 documents were classified and approximately three million persons held some form of security clearance.

(3) The burden of managing more than 6 million newly classified documents every year has led to tremendous administrative expense, reduced communication within the government and within the scientific community, reduced communication between the government and the people of the United States, and the selective and unauthorized public disclosure of classified information.

(4) It has been estimated that private businesses spend more than \$14 billion each year implementing government mandated regulations for protecting classified information.

(5) If a smaller amount of truly sensitive information were classified the information could be held more securely.

(6) In 1970 a Task Force organized by the Defense Science Board and headed by Dr. Frederick Seitz concluded that "more might be gained than lost if our Nation were to adopt—unilaterally, if necessary—a policy of complete openness in all areas of information".

(7) The procedures for granting security clearances have themselves become an expensive and inefficient part of the secrecy system and should be closely examined.

(8) A bipartisan study commission specially constituted for the purpose of examining the consequences of the secrecy system will be able to offer comprehensive proposals for reform.

SEC. 903. PURPOSE.

It is the purpose of this title to establish for a two-year period a Commission on Protecting and Reducing Government Secrecy—

(1) to examine the implications of the extensive classification of information and to make recommendations to reduce the volume of information classified and thereby to strengthen the protection of legitimately classified information; and

(2) to examine and make recommendations concerning current procedures relating to the granting of security clearances.

SEC. 904. COMPOSITION OF THE COMMISSION.

(a) **ESTABLISHMENT.**—To carry out the purpose of this title, there is established a Commission on Protecting and Reducing Government Secrecy (in this title referred to as the "Commission").

(b) **COMPOSITION.**—The Commission shall be composed of twelve members, as follows:

(1) Four members appointed by the President, of whom two shall be appointed from the executive branch of the Government and two shall be appointed from private life.

(2) Two members appointed by the Majority Leader of the Senate, of whom one shall be a Member of the Senate and one shall be appointed from private life.

(3) Two members appointed by the Minority Leader of the Senate, of whom one shall be a Member of the Senate and one shall be appointed from private life.

(4) Two members appointed by the Speaker of the House of Representatives, of whom one shall be a Member of the House and one shall be appointed from private life.

(5) Two members appointed by the Minority Leader of the House of Representatives, of whom one shall be a Member of the House and one shall be appointed from private life.

(c) **CHAIRMAN.**—The Commission shall elect a Chairman from among its members.

(d) **QUORUM; VACANCIES.**—After its initial meeting, the Commission shall meet upon the call of the Chairman or a majority of its members. Seven members of the Commission shall constitute a quorum. Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

(e) **APPOINTMENT OF MEMBERS; INITIAL MEETING.**—(1) It is the sense of the Congress that members of the Commission should be appointed not later than 60 days after the date of enactment of this title.

(2) If after 60 days from the date of enactment of this Act seven or more members of the Commission have been appointed, those members who have been appointed may meet and select a Chairman who thereafter shall have authority to begin the operations of the Commission, including the hiring of staff.

SEC. 905. FUNCTIONS OF THE COMMISSION.

The functions of the Commission shall be—

(1) to conduct, for a period of 2 years from the date of its first meeting, an investigation into all matters in any way related to any legislation, executive order, regulation, practice,

or procedure relating to classified information or granting security clearances; and

(2) to submit to the Congress a final report containing such recommendations concerning the classification of national security information and the granting of security clearances as the Commission shall determine, including proposing new procedures, rules, regulations, or legislation.

SEC. 906. POWERS OF THE COMMISSION.

(a) **IN GENERAL.**—(1) The Commission or, on the authorization of the Commission, any subcommittee or member thereof, may, for the purpose of carrying out the provisions of this title—

(A) hold such hearings and sit and act at such times and places, take such testimony, receive such evidence, administer such oaths, and

(B) require, by subpoena or otherwise, the attendance and testimony of such witnesses and the production of such books, records, correspondence, memoranda, papers, and documents, as the Commission or such designated subcommittee or designated member may deem advisable.

(2) Subpoenas issued under paragraph (1)(B) may be issued under the signature of the Chairman of the Commission, the chairman of any designated subcommittee, or any designated member, and may be served by any person designated by such Chairman, subcommittee chairman, or member. The provisions of sections 102 through 104 of the Revised Statutes of the United States (2 U.S.C. 192-194) shall apply in the case of any failure of any witness to comply with any subpoena or to testify when summoned under authority of this section.

(b) **CONTRACTING.**—The Commission may, to such extent and in such amounts as are provided in appropriation Acts, enter into contracts to enable the Commission to discharge its duties under this title.

(c) **INFORMATION FROM FEDERAL AGENCIES.**—The Commission is authorized to secure directly from any executive department, bureau, agency, board, commission, office, independent establishment, or instrumentality of the Government information, suggestions, estimates, and statistics for the purposes of this title. Each such department, bureau, agency, board, commission, office, establishment, or instrumentality shall, to the extent authorized by law, furnish such information, suggestions, estimates, and statistics directly to the Commission, upon request made by the Chairman.

(d) **ASSISTANCE FROM FEDERAL AGENCIES.**—(1) The Secretary of State is authorized on a reimbursable or non-reimbursable basis to provide the Commission with administrative services, funds, facilities, staff, and other support services for the performance of the Commission's functions.

(2) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(3) In addition to the assistance set forth in paragraphs (1) and (2), departments and agencies of the United States are authorized to provide to the Commission such services, funds, facilities, staff, and other support services as they may deem advisable and as may be authorized by law.

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(e) GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(f) POSTAL SERVICES.—The Commission may use the United States mails in the same manner and under the same conditions as departments and agencies of the United States.

SEC. 907. STAFF OF THE COMMISSION.

(a) IN GENERAL.—The Chairman, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other personnel as may be necessary to enable the Commission to carry out its functions, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates, except that no rate of pay fixed under this subsection may exceed the equivalent of that payable to a person occupying a position at level V of the Executive Schedule under section 5316 of title 5, United States Code. Any Federal Government employee may be detailed to the Commission without reimbursement from the Commission, and such detailee shall retain the rights, status, and privileges of his or her regular employment without interruption.

(b) CONSULTANT SERVICES.—The Commission is authorized to procure the services of experts and consultants in accordance with section 3109 of title 5, United States Code, but at rates not to exceed the daily rate paid a person occupying a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 908. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—(1) Except as provided in paragraph (2), each member of the Commission may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day during which that member is engaged in the actual performance of the duties of the Commission. *pay*

(2) Members of the Commission who are officers or employees of the United States or Members of Congress shall receive no additional pay on account of their service on the Commission. *11*

(b) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as persons employed intermittently in the Government service are allowed expenses under section 5703(b) of title 5, United States Code. *11*

SEC. 909. SECURITY CLEARANCES FOR COMMISSION MEMBERS AND STAFF.

The appropriate executive departments and agencies shall cooperate with the Commission in expeditiously providing to the Commission members and staff appropriate security clearances in a manner consistent with existing procedures and requirements, except that no person shall be provided with access to classified information pursuant to this section who would not otherwise qualify for such security clearance.

SEC. 910. FINAL REPORT OF COMMISSION; TERMINATION.

(a) **FINAL REPORT.**—Not later than two years after the date of the first meeting of the Commission, the Commission shall submit to the Congress its final report, as described in section 905(2).

(b) **TERMINATION.**—(1) The Commission, and all the authorities of this title, shall terminate on the date which is 60 days after the date on which a final report is required to be transmitted under subsection (a).

(2) The Commission may use the 60-day period referred to in paragraph (1) for the purpose of concluding its activities, including providing testimony to committees of Congress concerning its final report and disseminating that report.

Speaker of the House of Representatives.

*Vice President of the United States and
President of the Senate.*

COMMISSION ON PROTECTING AND REDUCING GOVERNMENT SECRECY

Independent

AUTHORITY: P.L. 103-236, Title IX, Sec. 904, 107 Stat. ____, of April 30, 1994 (establishes)

METHOD: Appointed by the President

MEMBERS: TWELVE, as follows:

Four appointed by the President, of whom two shall be from the executive branch and two from private life;

Two appointed by the Majority Leader of the Senate, of whom one shall be a Member of the Senate and one from private life;

Two appointed by the Minority Leader of the Senate, of whom one shall be a Member of the Senate and one from private life;

Two appointed by the Speaker of the House of Representatives, of whom one shall be a Member of the House and one from private life;

Two appointed by the Minority Leader of the House of Representatives, of whom one shall be a Member of the House and one from private life.

Any vacancy in the Commission shall not affect its powers but shall be filled in the same manner in which the original appointment was made.

It is the sense of the Congress that appointments should be made not later than 60 days after the date of enactment (not later than June 29, 1994).

If 7 or more members have been appointed 60 days after enactment (by 6/29/94), then those members appointed may meet and select a Chairman who thereafter shall have authority to begin operations of the Commission.

CHAIRMAN: Elected by the Commission from among its members.

TERM: Members appointed by the President shall serve at the Pleasure of the President

COMMISSION ON PROTECTING AND REDUCING GOVERNMENT SECRECYIndependentSALARY:

Members who are officers or employees of the United States or Members of Congress shall receive no compensation; however, Member from private life may be compensated at not to exceed the daily equivalent of the annual rate of basic pay in effect for a position at level IV of the Executive Schedule under 5 U.S.C. 5315 for each day during which that member is engaged in the actual performance of the duties of the Commission.

While away from their homes or regular places of business in the performance of services for the Commission, members shall be allowed travel expenses, including per diem in lieu of subsistence, in the same manner as person employed intermittently in the Government service are allowed expenses under 5 U.S.C. 5703(b).

PURPOSE:

To conduct, for a period of 2 years from the date of its first meeting, an investigation into all matters in any way related to any legislation, executive order, regulation, practice, or procedure relating to classified information or granting security clearances. And to submit to the Congress not later than 2 years after the date of its first meeting, a final report containing such recommendations concerning the classified of national security information and the granting of security clearances as the Commission shall determine, including proposing new procedures, rules, regulations, or legislation.

ADMINISTRATIVE:

The Secretary of State is authorized on a reimbursable or non-reimbursable basis to provide the Commission with administrative services, fund, facilities, staff, and other support services, and the Administrator of GSA shall provide on a reimbursable basis such administrative support as the Commission may request.

TERMINATION:

Shall terminate 60 days after the date on which a final report is submitted to the Congress.