

# FOIA Marker

This is not a textual record. This FOIA Marker indicates that material has been removed during FOIA processing by George W. Bush Presidential Library staff.

Records Management, White House Office of

Subject Files - FE010 (Records & Archives)

Stack:	Row:	Sect.:	Shelf:	Pos.:	FRC ID:	Location or Hollinger ID:	NARA Number:	OA Number:
W	10	6	4	2	11040	23903	11951	11813

Folder Title:

454095 [1]

# Withdrawn/Redacted Material

## The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Executive Order	Draft	5	11/01/2001	P5;
002	Executive Order	Draft	5	11/01/2001	P5;
003	Executive Order	Draft	5	11/01/2001	P5;
004	Executive Order	Draft	5	11/01/2001	P5;
005	Executive Order	Draft	5	11/01/2001	P5;
006	Memorandum	Proposed Presidential Records Act Executive Order - To: Brett Kavanaugh - From: Neil Patel	1	11/01/2001	P5;
007	Memorandum	Office of the Vice President - To: Alberto R. Gonzales - From: David S. Addington	1	10/31/2001	P5;

**COLLECTION TITLE:**

Records Management, White House Office of

**SERIES:**

Subject Files - FE010 (Records & Archives)

**FOLDER TITLE:**

454095 [1]

**FRC ID:**

11040

**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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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

**Deed of Gift Restrictions**

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

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

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**Records Not Subject to FOIA**

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008	Executive Order	Draft	5	11/01/2001	P5;
009	Executive Order	Draft	5	11/01/2001	P5;
010	Memorandum	Office of the Vice President - To: Neil Patel - From: David S. Addington	1	10/31/2001	P5;
011	Executive Order	Draft	5	11/01/2001	P5;
012	Executive Order	Draft	5	11/01/2001	P5;
013	Executive Order	Draft	5	10/29/2001	P5;

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DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
014	Memorandum	Proposed Executive Order Regarding Presidential Records Act - To: Mitch Daniels - From: Alberto R. Gonzales	2	10/30/2001	P5;
015	Memorandum	Proposed Executive Order [page 2] - From: Mac Reed	1	11/01/2001	P3/b3;
016	Executive Order	Draft	5	10/29/2001	P5;
017	Letter	Dear Mr. Attorney General - To: John Ashcroft - From: Jay P. Lefkowitz	2	11/01/2001	P5;
018	Letter	Dear Mr. Attorney General - To: John Ashcroft - From: Jay P. Lefkowitz	2	11/01/2001	P5;
019	Letter	Dear Mr. Attorney General - To: John Ashcroft - From: Jay P. Lefkowitz	2	11/01/2001	P5;

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DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
020	Executive Order	Executive Order	8	11/01/2001	P5;

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Records Management, White House Office of

### SERIES:

Subject Files - FE010 (Records & Archives)

### FOLDER TITLE:

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### FRC ID:

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EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

454095.55  
FEDID

THE DIRECTOR

November 1, 2001

MEMORANDUM FOR THE PRESIDENT

FROM: Mitchell E. Daniels, Jr. *medj*  
Director

SUBJECT: Proposed Executive Order Entitled "Further Implementation of the Presidential Records Act" *11-1-01*

*#13233* THE PRESIDENT HAS SEEN

SUMMARY: This memorandum forwards for your consideration a proposed executive order that was prepared by the White House Counsel's Office. The proposed order would further implement the Presidential Records Act of 1978 by establishing procedures to provide clear guidance to former Presidents and the Archivist about their rights and responsibilities and to protect the constitutional rights of former and current Presidents with respect to privileged records.

BACKGROUND: The Presidential Records Act of 1978 ("Act") applies to certain official documents created or received by the President and other White House Officials ("Presidential Records"). Under the Act, the United States owns Presidential Records. Before the Act took effect in 1981, the Presidents personally and individually owned their Presidential records and therefore had the authority to decide whether and when to make the records publically available. (An exception was made for President Nixon. In the wake of Watergate, Congress enacted certain laws directed specifically at his records.)

Presidential Records are not subject to the Freedom of Information Act ("FOIA") while a President is in office. However, under the Act, the Archivist of the United States takes possession of Presidential Records at the conclusion of a President's term. The Archivist must then open certain records for public release beginning 12 years after the end of the Presidency.

Nonetheless, even after the 12-year-period has elapsed, the Act provides that the Archivist may withhold certain records falling within certain FOIA exemptions. The Act also provides that it does not limit any constitutionally-based privilege which may be available to an incumbent and former President. Former and current Presidents have the authority to review records to decide whether to invoke a constitutional privilege. The available constitutional privileges subsume state secrets, presidential communications, attorney-client, attorney work product, and deliberative process privileges.

Since the Act took effect in 1981, this is the first time that the 12-year period from the end of a Presidency has lapsed. After a thorough legal and policy review, and with assistance from the Department of Justice and the National Archives and Records Administration, White House Counsel's Office has determined that a new executive order establishing procedures for review of Presidential Records after the 12-year period is necessary both (i) to provide clear guidance to

*11/1/01: Signed/dtd/announced*  
*11/2/01: Archives*

THE WHITE HOUSE

WASHINGTON

November 1, 2001

MEMORANDUM FOR HARRIET MIERS

FROM: ALBERTO R. GONZALES *my*

SUBJECT: PROPOSED PRESIDENTIAL RECORDS EXECUTIVE ORDER

Attached is a proposed executive order entitled "Further Implementation of the Presidential Records Act," prepared by my office.

Please staff this to the appropriate individuals with a deadline for comment as soon as possible today.

Thank you.

**WHITE HOUSE STAFFING MEMORANDUM**

Date: 11-01-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-01-01 2:00 PM

Subject: PROPOSED PRESIDENTIAL RECORDS EXECUTIVE ORDER

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HUBBARD	<input type="checkbox"/>	<input type="checkbox"/>
CARD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HUGHES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BLAKEMAN	<input type="checkbox"/>	<input type="checkbox"/>	IRASTORZA	<input type="checkbox"/>	<input type="checkbox"/>
BOLTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	JOHNSON	<input type="checkbox"/>	<input type="checkbox"/>
CALIO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	LINDSEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CONNAUGHTON	<input type="checkbox"/>	<input type="checkbox"/>	MIERS	<input type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RICE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FLEISCHER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RIDGE	<input type="checkbox"/>	<input type="checkbox"/>
GERSON	<input type="checkbox"/>	<input type="checkbox"/>	ROVE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
GONZALES	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SPELLINGS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HAGIN	<input type="checkbox"/>	<input type="checkbox"/>	CLERK	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HAWKINS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

**REMARKS:**

Please forward comments directly to Brett Kavanaugh, x67900, no later than 2:00 p.m. today, with a cc to us. Thanks.

**RESPONSE:**

Harriet E. Miers  
 Assistant to the President  
 and Staff Secretary  
 Ext. 62702



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**FRC ID:**

11040

**FOIA IDs and Segments:**

2018-0011-P

**OA Num.:**

11813

**NARA Num.:**

11951

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## WHITE HOUSE STAFFING MEMORANDUM

Date: 11-01-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-01-01 2:00 PMSubject: PROPOSED PRESIDENTIAL RECORDS EXECUTIVE ORDER

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HUBBARD	<input type="checkbox"/>	<input type="checkbox"/>
CARD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HUGHES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BLAKEMAN	<input type="checkbox"/>	<input type="checkbox"/>	IRASTORZA	<input type="checkbox"/>	<input type="checkbox"/>
BOLTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	JOHNSON	<input type="checkbox"/>	<input type="checkbox"/>
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FLEISCHER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RIDGE	<input type="checkbox"/>	<input type="checkbox"/>
GERSON	<input type="checkbox"/>	<input type="checkbox"/>	ROVE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
GONZALES	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SPELLINGS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HAGIN	<input type="checkbox"/>	<input type="checkbox"/>	CLERK	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HAWKINS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

## REMARKS:

Please forward comments directly to Brett Kavanaugh, x67900, no later than 2:00 p.m. today, with a cc to us. Thanks.

## RESPONSE: \_\_\_\_\_

Harriet E. Miers  
Assistant to the President  
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Ext. 62702

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\*\*\*\*\*  
 \*\*\* TX REPORT \*\*\*  
 \*\*\*\*\*

TRANSMISSION OK

TX/RX NO 0651  
 CONNECTION TEL 66212  
 CONNECTION ID  
 ST. TIME 11/01 11:07  
 USAGE T 02'51  
 PGS. SENT 6  
 RESULT OK

SS/ RM NO. \_\_\_\_\_

**WHITE HOUSE STAFFING MEMORANDUM**

Date: 11-01-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-01-01 2:00 PM

Subject: PROPOSED PRESIDENTIAL RECORDS EXECUTIVE ORDER

	ACTION	FYI		ACTION	FYI
<del>VICE PRESIDENT</del>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HUBBARD	<input type="checkbox"/>	<input type="checkbox"/>
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REMARKS:

Please forward comments directly to Brett Kavanaugh, x67900, no later than 2:00 p.m. today, with a cc to us. Thanks.

**WHITE HOUSE STAFFING MEMORANDUM**

Date: 11-01-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-01-01 2:00 PM

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VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HUBBARD	<input type="checkbox"/>	<input type="checkbox"/>
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Withdrawal/Redaction Sheet at the front of the folder.**

#### COLLECTION:

Records Management, White House Office of

#### SERIES:

Subject Files - FE010 (Records & Archives)

#### FOLDER TITLE:

454095 [1]

#### FRC ID:

11040

#### OA Num.:

11813

#### NARA Num.:

11951

#### FOIA IDs and Segments:

2018-0011-P

#### 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]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

##### Deed of Gift Restrictions

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- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

##### 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]
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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]

##### Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

**WHITE HOUSE STAFFING MEMORANDUM**

Date: 11-01-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-01-01 2:00 PM

Subject: PROPOSED PRESIDENTIAL RECORDS EXECUTIVE ORDER

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HUBBARD	<input type="checkbox"/>	<input type="checkbox"/>
CARD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HUGHES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BLAKEMAN	<input type="checkbox"/>	<input type="checkbox"/>	IRASTORZA	<input type="checkbox"/>	<input type="checkbox"/>
BOLTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	JOHNSON	<input type="checkbox"/>	<input type="checkbox"/>
CALIO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	LINDSEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CONNAUGHTON	<input type="checkbox"/>	<input type="checkbox"/>	MIERS	<input type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RICE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FLEISCHER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RIDGE	<input type="checkbox"/>	<input type="checkbox"/>
GERSON	<input type="checkbox"/>	<input type="checkbox"/>	ROVE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
GONZALES	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SPELLINGS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HAGIN	<input type="checkbox"/>	<input type="checkbox"/>	CLERK	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HAWKINS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

Please forward comments directly to Brett Kavanaugh, x67900, no later than 2:00 p.m. today, with a cc to us. Thanks.

RESPONSE:

Harriet E. Miers  
 Assistant to the President  
 and Staff Secretary  
 Ext. 62702

# Withdrawal Marker

## The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Executive Order	Draft	5	11/01/2001	P5;

**This marker identifies the original location of the withdrawn item listed above.  
For a complete list of items withdrawn from this folder, see the  
Withdrawal/Redaction Sheet at the front of the folder.**

**COLLECTION:**

Records Management, White House Office of

**SERIES:**

Subject Files - FE010 (Records &amp; Archives)

**FOLDER TITLE:**

454095 [1]

**FRC ID:**

11040

**FOIA IDs and Segments:**

2018-0011-P

**OA Num.:**

11813

**NARA Num.:**

11951

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

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

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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- C. Closed in accordance with restrictions contained in donor's deed of gift.

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

**Records Not Subject to FOIA**

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.



\*\*\*\*\*  
 \*\*\* TX REPORT \*\*\*  
 \*\*\*\*\*

TRANSMISSION OK

TX/RX NO. 0652  
 CONNECTION TEL 51005  
 CONNECTION ID  
 ST. TIME 11/01 11:10  
 USAGE T 02'51  
 PGS. SENT 6  
 RESULT OK

SS/ RM NO. \_\_\_\_\_

**WHITE HOUSE STAFFING MEMORANDUM**

Date: 11-01-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-01-01 2:00 PM

Subject: PROPOSED PRESIDENTIAL RECORDS EXECUTIVE ORDER

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HUBBARD	<input type="checkbox"/>	<input type="checkbox"/>
CARD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HUGHES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BLAKEMAN	<input type="checkbox"/>	<input type="checkbox"/>	IRASTORZA	<input type="checkbox"/>	<input type="checkbox"/>
BOLTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	JOHNSON	<input type="checkbox"/>	<input type="checkbox"/>
CALIO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	LINDSEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CONNAUGHTON	<input type="checkbox"/>	<input type="checkbox"/>	MIERS	<input type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RICE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FLEISCHER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RIDGE	<input type="checkbox"/>	<input type="checkbox"/>
GERSON	<input type="checkbox"/>	<input type="checkbox"/>	ROVE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
GONZALES	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SPELLINGS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HAGIN	<input type="checkbox"/>	<input type="checkbox"/>	CLERK	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HAWKINS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

Please forward comments directly to Brett Kavanaugh, x67900, no later than 2:00 p.m. today, with a cc to us. Thanks.

## WHITE HOUSE STAFFING MEMORANDUM

Date: 11-01-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-01-01 4:00 PMSubject: UNITED SERVICE ORGANIZATIONS EVENT (NOVEMBER 2, 2001)

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HUBBARD	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CARD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HUGHES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BLAKEMAN	<input type="checkbox"/>	<input type="checkbox"/>	IRASTORZA	<input type="checkbox"/>	<input type="checkbox"/>
BOLTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	JOHNSON	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CALIO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	LINDSEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CONNAUGHTON	<input type="checkbox"/>	<input type="checkbox"/>	MIERS	<input type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RICE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FLEISCHER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RIDGE	<input type="checkbox"/>	<input type="checkbox"/>
GERSON	<input type="checkbox"/>	<input checked="" type="checkbox"/>	ROVE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
GONZALES	<input checked="" type="checkbox"/>	<input type="checkbox"/>	SPELLINGS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HAGIN	<input type="checkbox"/>	<input type="checkbox"/>	CLERK	<input type="checkbox"/>	<input type="checkbox"/>
HAWKINS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

## REMARKS:

Please forward comments directly to Krista Ritacco, x60170, no later than 4:30 p.m., TODAY, with a cc to us. Thanks.

## RESPONSE:

Harriet E. Miers  
Assistant to the President  
and Staff Secretary  
Ext. 62702

United Service Organizations Event  
November 2, 2001  
Draft #4

01 NOV 1 10:59

Good afternoon, and welcome to the White House. I want to thank all of you working for and with the U.S.O. Soon you will be on your way to military installations in different parts of the world, where you will be a welcome sight to young Americans serving far from home. Before we let you go, I understand you're going to give us a little preview of what the troops can expect.

I'm pleased Wayne Newton is here. He has agreed to lead the U.S.O. as goodwill ambassador, stepping into the shoes of the great Bob Hope. Wayne, I know Bob Hope is honored to have you as his successor – and I hope he explained that your term will be up in about 60 years.

### **Acknowledgments**

- John Gottschalk [GOTS-chalk], Chairman, U.S.O.
- General John Tilelli [till-EL-ee] (Ret.), President and CEO, U.S.O.
- General Dick Myers, Chairman of the Joint Chiefs of Staff
- General Pete Pace, Vice Chairman of the Joint Chiefs
- Senator Harry Reid (D-NV)
- Congressman Chet Edwards (D-TX)
- Jessica Simpson (Singer)
- Rob Schneider (Comedian)

Next week, when the U.S.O. tour begins, these entertainers will travel to points around the globe. There they will find young men and women of the highest caliber, many of whom will face extreme danger in the months and years to come. The Nation is grateful for their service. And in our war against terrorism, we can be thankful that we are defended by men and women of character and courage.

Our U.S.O. performers are all a part of a very special American institution. For six decades, the U.S.O. has brought a touch of home to young Americans in distant places. Millions of veterans, including my father, still cherish memories of U.S.O. shows and hospitality centers – and the good people who traveled thousands of miles to show their support. The U.S.O. brought more than entertainment to the troops. As President

Harry Truman said, "The U.S.O. lets our servicemen and women know that the people of the United States are behind them."

This is still true at the beginning of a new century, and in a very different kind of war. It is a war we are fighting on many fronts – from the crucial work of homeland security, to the relentless efforts of law enforcement, to the fields of battle. We face an enemy that is determined to destroy our country and our way of life. Across the world, our soldiers, Marines, sailors, airmen, and coast guardsmen are the defenders of the United States and the cause of freedom. And the people of the United States are behind them.

That is the message you take with you. It will have even more meaning as we near Thanksgiving and Christmas, with so many troops serving abroad. Tell them that they are greatly needed where they are – and they are greatly missed back home.

Thank you very much for your own service – to America, and to our armed forces. God bless you all.

*Drafted by: Matthew Scully & John McConnell, Office of Speechwriting  
Office: 202/456-7289 or 202/456-2816*

**WHITE HOUSE STAFFING MEMORANDUM**

Date: 11-01-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-01-01 2:00 PM

Subject: PROPOSED PRESIDENTIAL RECORDS EXECUTIVE ORDER

~~CONFIDENTIAL~~ 11/01/01 PM 1:43

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HUBBARD	<input type="checkbox"/>	<input type="checkbox"/>
CARD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HUGHES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BLAKEMAN	<input type="checkbox"/>	<input type="checkbox"/>	IRASTORZA	<input type="checkbox"/>	<input type="checkbox"/>
BOLTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	JOHNSON	<input type="checkbox"/>	<input type="checkbox"/>
CALIO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	LINDSEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CONNAUGHTON	<input type="checkbox"/>	<input type="checkbox"/>	MIERS	<input type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RICE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FLEISCHER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RIDGE	<input type="checkbox"/>	<input type="checkbox"/>
GERSON	<input type="checkbox"/>	<input type="checkbox"/>	ROVE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
GONZALES	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SPELLINGS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HAGIN	<input type="checkbox"/>	<input type="checkbox"/>	CLERK	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HAWKINS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

Please forward comments directly to Brett Kavanaugh, x67900, no later than 2:00 p.m. today, with a cc to us. Thanks.

*OK with NEC- EI*

RESPONSE:

Harriet E. Miers  
 Assistant to the President  
 and Staff Secretary  
 Ext. 62702

# Withdrawal Marker

## The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Executive Order	Draft	5	11/01/2001	P5;

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**COLLECTION:**

Records Management, White House Office of

**SERIES:**

Subject Files - FE010 (Records &amp; Archives)

**FOLDER TITLE:**

454095 [1]

**FRC ID:**

11040

**FOIA IDs and Segments:**

2018-0011-P

**OA Num.:**

11813

**NARA Num.:**

11951

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

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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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**Records Not Subject to FOIA**

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

# Withdrawal Marker

## The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Proposed Presidential Records Act Executive Order - To: Brett Kavanaugh - From: Neil Patel	1	11/01/2001	P5;

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Records Management, White House Office of

**SERIES:**

Subject Files - FE010 (Records & Archives)

**FOLDER TITLE:**

454095 [1]

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11951

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# Withdrawal Marker

## The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Office of the Vice President - To: Alberto R. Gonzales - From: David S. Addington	1	10/31/2001	P5;

**This marker identifies the original location of the withdrawn item listed above.  
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WHITE HOUSE STAFFING MEMORANDUM

01 NOV 11

Date: 11-01-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-01-01 2:00 PM

Subject: PROPOSED PRESIDENTIAL RECORDS EXECUTIVE ORDER

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HUBBARD	<input type="checkbox"/>	<input type="checkbox"/>
CARD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HUGHES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BLAKEMAN	<input type="checkbox"/>	<input type="checkbox"/>	IRASTORZA	<input type="checkbox"/>	<input type="checkbox"/>
BOLTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	JOHNSON	<input type="checkbox"/>	<input type="checkbox"/>
CALIO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	LINDSEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
CONNAUGHTON	<input type="checkbox"/>	<input type="checkbox"/>	MIERS	<input type="checkbox"/>	<input type="checkbox"/>
DANIELS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RICE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
FLEISCHER	<input checked="" type="checkbox"/>	<input type="checkbox"/>	RIDGE	<input type="checkbox"/>	<input type="checkbox"/>
GERSON	<input type="checkbox"/>	<input type="checkbox"/>	ROVE	<input checked="" type="checkbox"/>	<input type="checkbox"/>
GONZALES	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SPELLINGS	<input checked="" type="checkbox"/>	<input type="checkbox"/>
HAGIN	<input type="checkbox"/>	<input type="checkbox"/>	CLERK	<input type="checkbox"/>	<input checked="" type="checkbox"/>
HAWKINS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

Please forward comments directly to Brett Kavanaugh, x67900, no later than 2:00 p.m. today, with a cc to us. Thanks.

*OK*

RESPONSE:

*CC: Bridge*

Harriet E. Miers  
 Assistant to the President  
 and Staff Secretary  
 Ext. 62702

# Withdrawal Marker

## The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Executive Order	Draft	5	11/01/2001	P5;

**This marker identifies the original location of the withdrawn item listed above.  
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**COLLECTION:**

Records Management, White House Office of

**SERIES:**

Subject Files - FE010 (Records & Archives)

**FOLDER TITLE:**

454095 [1]

**FRC ID:**

11040

**FOIA IDs and Segments:**

2018-0011-P

**OA Num.:**

11813

**NARA Num.:**

11951

**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).

**Deed of Gift Restrictions**

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Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.



OFFICE OF THE VICE PRESIDENT  
WASHINGTON

'01 NOV 1 PM 5:55

November 1, 2001

**MEMORANDUM FOR:** Harriet Miers  
Assistant to the President and Staff Secretary  
Stuart Bowen  
Deputy Assistant to the President and Deputy Staff Secretary

**FROM:** Neil Patel *NSP*  
Assistant to the Vice President and Staff Secretary

**SUBJECT:** Draft Presidential Records Act Order

Please find attached proposed language for insertion in the Presidential Records Act Executive Order. It is my understanding, per David Addington's note, that this language should already be in the revised drafts.

Please let me know if you have any questions and thank you for your assistance with this matter.

**Attachment**

# Withdrawal Marker

## The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Office of the Vice President - To: Neil Patel - From: David S. Addington	1	10/31/2001	P5;

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#### FRC ID:

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WHITE HOUSE STAFFING MEMORANDUM

Date: 11-01-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-01-01 2:00 PM

Subject: PROPOSED PRESIDENTIAL RECORDS EXECUTIVE ORDER

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HUBBARD	<input type="checkbox"/>	<input type="checkbox"/>
CARD	<input checked="" type="checkbox"/>	<input type="checkbox"/>	HUGHES	<input checked="" type="checkbox"/>	<input type="checkbox"/>
BLAKEMAN	<input type="checkbox"/>	<input type="checkbox"/>	IRASTORZA	<input type="checkbox"/>	<input type="checkbox"/>
BOLTEN	<input checked="" type="checkbox"/>	<input type="checkbox"/>	JOHNSON	<input type="checkbox"/>	<input type="checkbox"/>
CALIO	<input checked="" type="checkbox"/>	<input type="checkbox"/>	LINDSEY	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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HAWKINS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

REMARKS:

Please forward comments directly to Brett Kavanaugh, x67900, no later than 2:00 p.m. today, with a cc to us. Thanks.

RESPONSE:

*Handwritten signature*

Harriet E. Miers  
 Assistant to the President  
 and Staff Secretary  
 Ext. 62702

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
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**SERIES:**

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**FRC ID:**

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**OA Num.:**

11813

**NARA Num.:**

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**FOIA IDs and Segments:**

2018-0011-P

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**Records Not Subject to FOIA**

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**WHITE HOUSE STAFFING MEMORANDUM**

Date: 11-01-01 ACTION / CONCURRENCE / COMMENT DUE BY: 11-01-01 2:00 PM

Subject: PROPOSED PRESIDENTIAL RECORDS EXECUTIVE ORDER

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HAWKINS	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

**REMARKS:**

Please forward comments directly to Brett Kavanaugh, x67900, no later than 2:00 p.m. today, with a cc to us. Thanks.

**RESPONSE:**

Harriet E. Miers  
 Assistant to the President  
 and Staff Secretary  
 Ext. 62702



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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Executive Order	Draft	5	11/01/2001	P5;

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Records Management, White House Office of

#### SERIES:

Subject Files - FE010 (Records & Archives)

#### FOLDER TITLE:

454095 [1]

#### FRC ID:

11040

#### FOIA IDs and Segments:

2018-0011-P

#### OA Num.:

11813

#### NARA Num.:

11951

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

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EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D. C. 20503

November 1, 2001

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

FROM: Mitchell E. Daniels, Jr. *MEJ*  
Director

SUBJECT: Proposed Executive Order Entitled "Further Implementation of the  
Presidential Records Act"

**SUMMARY:** This memorandum forwards for your consideration a proposed executive order that was prepared by the White House Counsel's Office. The proposed order would further implement the Presidential Records Act of 1978 by establishing procedures to provide clear guidance to former Presidents and the Archivist about their rights and responsibilities and to protect the constitutional rights of former and current Presidents with respect to privileged records.

**BACKGROUND:** The Presidential Records Act of 1978 ("Act") applies to certain official documents created or received by the President and other White House Officials ("Presidential Records"). Under the Act, the United States owns Presidential Records. Before the Act took effect in 1981, the Presidents personally and individually owned their Presidential records and therefore had the authority to decide whether and when to make the records publically available. (An exception was made for President Nixon. In the wake of Watergate, Congress enacted certain laws directed specifically at his records.)

Presidential Records are not subject to the Freedom of Information Act ("FOIA") while a President is in office. However, under the Act, the Archivist of the United States takes possession of Presidential Records at the conclusion of a President's term. The Archivist must then open certain records for public release beginning 12 years after the end of the Presidency.

Nonetheless, even after the 12-year-period has elapsed, the Act provides that the Archivist may withhold certain records falling within certain FOIA exemptions. The Act also provides that it does not limit any constitutionally-based privilege which may be available to an incumbent and former President. Former and current Presidents have the authority to review records to decide whether to invoke a constitutional privilege. The available constitutional privileges subsume state secrets, presidential communications, attorney-client, attorney work product, and deliberative process privileges.

Since the Act took effect in 1981, this is the first time that the 12-year period from the end of a Presidency has lapsed. After a thorough legal and policy review, and with assistance from the Department of Justice and the National Archives and Records Administration, White House Counsel's Office has determined that a new executive order establishing procedures for review of Presidential Records after the 12-year period is necessary both (i) to provide clear guidance to

former Presidents and the Archivist about their rights and responsibilities; and (ii) to protect the constitutional rights of former and current Presidents with respect to privileged records. The proposed order accomplishes these goals by: (a) setting out clear procedures by which current and former Presidents can assert their rights over records; and (b) establishing that a current President generally will defer to and support the decision of a former President to disclose or withhold the former President's privileged records.

None of the affected agencies objects to the proposed executive order.

RECOMMENDATION: I recommend that you sign the proposed executive order.

Attachments



## U.S. Department of Justice

Office of Legal Counsel

Office of the Assistant Attorney General

Washington, D.C. 20530

November 1, 2001

The President,

The White House.

My dear Mr. President:

I am herewith transmitting a proposed Executive order entitled "Further Implementation of the Presidential Records Act." This proposed Executive order was prepared by the White House Counsel's Office. The Office of Management and Budget, with the approval of the Director, has forwarded it to this Department for review with respect to form and legality.

The proposed Executive order is approved with respect to form and legality.

Respectfully,

A handwritten signature in cursive script that reads "M. Edward Whelan III".

M. Edward Whelan III  
Acting Assistant Attorney General



U.S. Department of Justice

Office of Legal Counsel

Office of the Assistant Attorney General

Washington, D.C. 20530

November 1, 2001

MEMORANDUM

Re: Proposed Executive Order Entitled "Further  
Implementation of the Presidential Records Act"

The attached proposed Executive order was prepared by the White House Counsel's Office. The Office of Management and Budget, with the approval of the Director, has forwarded it to this Department for review with respect to its form and legality.

The proposed Executive order concerns implementation of the Presidential Records Act of 1978, 44 U.S.C. § 2201 et seq. It would establish policies and procedures implementing 44 U.S.C. § 2204 with respect to constitutionally based privileges.

The proposed Executive order is approved with respect to form and legality.

*M. Edward Whelan III*

M. Edward Whelan III  
Acting Assistant Attorney General



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

October 30, 2001

MEMORANDUM FOR DESIGNATED AGENCY HEADS  
(SEE ATTACHED DISTRIBUTION LIST)

FROM: Jay P. Lefkowitz  
General Counsel

SUBJECT: Proposed Executive Order Entitled "Further Implementation of the  
Presidential Records Act"

010010016:30

Attached is a proposed executive order entitled "Further Implementation of the  
Presidential Records Act," that was prepared by the White House Counsel's Office.

On behalf of the Director of the Office of Management and Budget, I would appreciate  
receiving any comments you may have concerning these proposals. If you have any comments or  
objections, they should be received no later than 2:00 p.m., Thursday, November 1, 2001. Please  
be advised that agencies that do not respond by the deadline will be recorded as not objecting to  
the proposal.

Comments or inquiries may be submitted by telephone to Mr. Mac Reed (202-395-3563)  
of this office or fax to 202-395-7294.

Thank you.

Attachments - Distribution List  
Proposed Executive Order

cc:	Mitch Daniels	Dick Emery	Angela Styles
	Sean O'Keefe	Mark Forman	Chris Ullman
	Austin Smythe	John Graham	
	Lloyd Blanchard	Marcus Peacock	
	Jim Capretta	Eric Pelletier	
	Robin Cleveland	Amy Smith	

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Department of State

Honorable Paul H. O'Neill  
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Secretary  
Department of Agriculture

Honorable Mel Martinez  
Secretary  
Department of Housing and Urban Development

Honorable John Ashcroft  
United States Attorney General

Honorable Donald L. Evans  
Secretary  
Department of Commerce

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Secretary  
Department of Transportation

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Department of Veterans Affairs

Honorable Christine Todd Whitman  
Administrator  
Environmental Protection Agency

Honorable George Tenet  
Director  
Central Intelligence Agency

Honorable Kay Coles James  
Director  
Office of Personnel Management

Honorable Daniel S. Golden  
Administrator  
National Aeronautics and Space Administration

Honorable Stephen A. Perry  
Administrator  
General Services Administration

Honorable John W. Carlin  
Archivist of the United States  
National Archives and Records Administration

Honorable Joe Allbaugh  
Director  
Federal Emergency Management Agency

Honorable Condoleezza Rice  
Assistant to the President  
for National Security Affairs



Honorable Cliff Gabriel  
Acting Director  
Office of Science and Technology Policy

Honorable Margaret Spellings  
Assistant to the President  
for Domestic Policy

Honorable R. Glenn Hubbard  
Chairman  
Council of Economic Advisers

Honorable Alberto R. Gonzales  
Counsel to the President

Honorable Lewis Libby  
Chief of Staff to the Vice President and  
Assistant to the Vice President for National Security Affairs

Honorable Harriet Miers  
Staff Secretary to the President

Honorable Clay Johnson  
Director of Presidential Personnel

Honorable Larry Lindsey  
Director  
National Economic Council

Honorable Karen Hughes  
Counselor to the President

Honorable Karl Rove  
Senior Advisor to the President

Honorable Nick Calio  
Assistant to the President and  
Director of Legislative Affairs

Honorable Albert Hawkins  
Assistant to the President and  
Cabinet Secretary

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Executive Order	Draft	5	10/29/2001	P5;

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Proposed Executive Order Regarding Presidential Records Act - To: Mitch Daniels - From: Alberto R. Gonzales	2	10/30/2001	P5;

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**Records Not Subject to FOIA**

**Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.**

November 1, 2001

MEMORANDUM FOR THE FILE

FROM: Mac Reed *no2*  
Assistant General Counsel

SUBJECT: Proposed Executive Order Entitled "Further Implementation of the  
Presidential Records Act"

The following executive departments and agencies do not object to the proposed executive order:

1. Department of State ..... P. Rademacher (647-4463)
2. Department of the Treasury ..... R. Carro (622-1146)
3. Department of Defense ..... S. Brick (703-697-1305)
4. Department of Agriculture ..... G. Broadway (720-1272)
5. Department of Housing and Urban Development ..... M. Moran (708-1793)
6. Department of Justice ..... R. Hart (514-2027)
7. Department of Commerce ..... M. Levitt (482-3151)
8. Department of Transportation ..... T. Herlihy (366-4687)
9. Department of the Interior ..... H. Wilson (208-6193)
10. Department of Labor ..... W. Lesser (219-8065)
11. Department of Education ..... P. Riddle (401-6269)
12. Department of Health and Human Services ..... L. Clune (619-0178)
13. Department of Energy ..... S. Beard (586-1522)
14. Department of Veterans Affairs ..... P. Hagle (273-6666)
15. Environmental Protection Agency ..... J. Nelson (564-5532)

(b3) 50 USC 403g, Section 6

17. General Services Administration ..... W. Simms (501-3956)
18. National Aeronautics and Space Administration ..... E. Frankle (358-2450)
19. Office of Personnel Management ..... H. Wolf (606-1424)
20. Domestic Policy Council.....M. Spellings (456-6262)
21. Council of Economic Advisers.....R. Glenn Hubbard (395-5042)
22. Office of Science and Technology Policy.....Richard Russell (456-7116)
23. National Security Affairs ..... C. Rice (456-9491)
24. White House Counsel's Office ..... A. Gonzalez (456-2632)
25. Office of the Vice President ..... L. Libby (456-9000)
26. White House Staff Secretary's Office ..... H. Miers (456-2702)
27. National Economic Council.....L. Lindsay (456-2807)
28. Communications and Speechwriting.....K. Hughes (456-7910)



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

October 30, 2001

MEMORANDUM FOR DESIGNATED AGENCY HEADS  
(SEE ATTACHED DISTRIBUTION LIST)

FROM: Jay P. Lefkowitz *JPL*  
General Counsel

SUBJECT: Proposed Executive Order Entitled "Further Implementation of the  
Presidential Records Act"

Attached is a proposed executive order entitled "Further Implementation of the Presidential Records Act," that was prepared by the White House Counsel's Office.

On behalf of the Director of the Office of Management and Budget, I would appreciate receiving any comments you may have concerning these proposals. If you have any comments or objections, they should be received no later than 2:00 p.m., Thursday, November 1, 2001. Please be advised that agencies that do not respond by the deadline will be recorded as not objecting to the proposal.

Comments or inquiries may be submitted by telephone to Mr. Mac Reed (202-395-3563) of this office or fax to 202-395-7294.

Thank you.

Attachments - Distribution List  
Proposed Executive Order

cc:	Mitch Daniels	Dick Emery	Angela Styles
	Sean O'Keefe	Mark Forman	Chris Ullman
	Austin Smythe	John Graham	
	Lloyd Blanchard	Marcus Peacock	
	Jim Capretta	Eric Pelletier	
	Robin Cleveland	Amy Smith	

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Director  
Office of Personnel Management

Honorable Daniel S. Golden  
Administrator  
National Aeronautics and Space Administration

Honorable Stephen A. Perry  
Administrator  
General Services Administration

Honorable John W. Carlin  
Archivist of the United States  
National Archives and Records Administration

Honorable Joe Allbaugh  
Director  
Federal Emergency Management Agency

Honorable Condoleezza Rice  
Assistant to the President  
for National Security Affairs



Honorable Cliff Gabriel  
Acting Director  
Office of Science and Technology Policy

Honorable Margaret Spellings  
Assistant to the President  
for Domestic Policy

Honorable R. Glenn Hubbard  
Chairman  
Council of Economic Advisers

Honorable Alberto R. Gonzales  
Counsel to the President

Honorable Lewis Libby  
Chief of Staff to the Vice President and  
Assistant to the Vice President for National Security Affairs

Honorable Harriet Miers  
Staff Secretary to the President

Honorable Clay Johnson  
Director of Presidential Personnel

Honorable Larry Lindsey  
Director  
National Economic Council

Honorable Karen Hughes  
Counselor to the President

Honorable Karl Rove  
Senior Advisor to the President

Honorable Nick Calio  
Assistant to the President and  
Director of Legislative Affairs

Honorable Albert Hawkins  
Assistant to the President and  
Cabinet Secretary

# Withdrawal Marker

## The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTIONS(S)
Executive Order	Draft	5	10/29/2001	P5;

**This marker identifies the original location of the withdrawn item listed above.  
For a complete list of items withdrawn from this folder, see the  
Withdrawal/Redaction Sheet at the front of the folder.**

**COLLECTION:**

Records Management, White House Office of

**SERIES:**

Subject Files - FE010 (Records &amp; Archives)

**FOLDER TITLE:**

454095 [1]

**FRC ID:**

11040

**FOIA IDs and Segments:**

2018-0011-P

**OA Num.:**

11813

**NARA Num.:**

11951

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

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

**Deed of Gift Restrictions**

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**Records Not Subject to FOIA**

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.

# Withdrawal Marker

## The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Letter	Dear Mr. Attorney General - To: John Ashcroft - From: Jay P. Lefkowitz	2	11/01/2001	P5;

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EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D.C. 20503

November 1, 2001

THE DIRECTOR

MEMORANDUM FOR THE PRESIDENT

FROM: Mitchell E. Daniels, Jr. *medj*  
Director

SUBJECT: Proposed Executive Order Entitled "Further Implementation of the  
Presidential Records Act"

**SUMMARY:** This memorandum forwards for your consideration a proposed executive order that was prepared by the White House Counsel's Office. The proposed order would further implement the Presidential Records Act of 1978 by establishing procedures to provide clear guidance to former Presidents and the Archivist about their rights and responsibilities and to protect the constitutional rights of former and current Presidents with respect to privileged records.

**BACKGROUND:** The Presidential Records Act of 1978 ("Act") applies to certain official documents created or received by the President and other White House Officials ("Presidential Records"). Under the Act, the United States owns Presidential Records. Before the Act took effect in 1981, the Presidents personally and individually owned their Presidential records and therefore had the authority to decide whether and when to make the records publically available. (An exception was made for President Nixon. In the wake of Watergate, Congress enacted certain laws directed specifically at his records.)

Presidential Records are not subject to the Freedom of Information Act ("FOIA") while a President is in office. However, under the Act, the Archivist of the United States takes possession of Presidential Records at the conclusion of a President's term. The Archivist must then open certain records for public release beginning 12 years after the end of the Presidency.

Nonetheless, even after the 12-year-period has elapsed, the Act provides that the Archivist may withhold certain records falling within certain FOIA exemptions. The Act also provides that it does not limit any constitutionally-based privilege which may be available to an incumbent and former President. Former and current Presidents have the authority to review records to decide whether to invoke a constitutional privilege. The available constitutional privileges subsume state secrets, presidential communications, attorney-client, attorney work product, and deliberative process privileges.

Since the Act took effect in 1981, this is the first time that the 12-year period from the end of a Presidency has lapsed. After a thorough legal and policy review, and with assistance from the Department of Justice and the National Archives and Records Administration, White House Counsel's Office has determined that a new executive order establishing procedures for review of Presidential Records after the 12-year period is necessary both (i) to provide clear guidance to

former Presidents and the Archivist about their rights and responsibilities; and (ii) to protect the constitutional rights of former and current Presidents with respect to privileged records. The proposed order accomplishes these goals by: (a) setting out clear procedures by which current and former Presidents can assert their rights over records; and (b) establishing that a current President generally will defer to and support the decision of a former President to disclose or withhold the former President's privileged records.

None of the affected agencies objects to the proposed executive order.

RECOMMENDATION: I recommend that you sign the proposed executive order.

Attachments



EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF MANAGEMENT AND BUDGET  
WASHINGTON, D. C. 20503

November 1, 2001

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None of the affected agencies objects to the proposed executive order.

RECOMMENDATION: I recommend that you sign the proposed executive order.

Attachments

THE WHITE HOUSE  
Office of the Press Secretary

For Immediate Release

November 1, 2001

EXECUTIVE ORDER

FURTHER IMPLEMENTATION OF THE PRESIDENTIAL RECORDS ACT

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to establish policies and procedures implementing section 2204 of title 44 of the United States Code with respect to constitutionally based privileges, including those that apply to Presidential records reflecting military, diplomatic, or national security secrets, Presidential communications, legal advice, legal work, or the deliberative processes of the President and the President's advisors, and to do so in a manner consistent with the Supreme Court's decisions in *Nixon v. Administrator of General Services*, 433 U.S. 425 (1977), and other cases, it is hereby ordered as follows:

Section 1. Definitions.

For purposes of this order:

(a) "Archivist" refers to the Archivist of the United States or his designee.

(b) "Presidential records" refers to those documentary materials maintained by the National Archives and Records Administration pursuant to the Presidential Records Act, 44 U.S.C. 2201-2207.

(c) "Former President" refers to the former President during whose term or terms of office particular Presidential records were created.

Sec. 2. Constitutional and Legal Background.

(a) For a period not to exceed 12 years after the conclusion of a Presidency, the Archivist administers records in accordance with the limitations on access imposed by section 2204 of title 44. After expiration of that period, section 2204(c) of title 44 directs that the Archivist administer Presidential records in accordance with section 552 of title 5, the Freedom of Information Act, including by withholding, as appropriate, records subject to exemptions (b)(1), (b)(2), (b)(3), (b)(4), (b)(6), (b)(7), (b)(8), and (b)(9) of section 552. Section 2204(c)(1) of title 44 provides that exemption (b)(5) of section 552 is not available to the Archivist as a basis for withholding records, but section 2204(c)(2) recognizes that the former President or the incumbent President may assert any constitutionally based privileges, including those ordinarily encompassed within exemption (b)(5) of section 552. The President's constitutionally based privileges subsume privileges for records that reflect: military, diplomatic, or national security secrets (the state secrets privilege); communications of the President or his advisors (the presidential communications privilege); legal advice or legal work (the attorney-client or attorney work product privileges); and the deliberative processes of the President or his advisors (the deliberative process privilege).

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(b) In *Nixon v. Administrator of General Services*, the Supreme Court set forth the constitutional basis for the President's privileges for confidential communications: "Unless [the President] can give his advisers some assurance of confidentiality, a President could not expect to receive the full and frank submissions of facts and opinions upon which effective discharge of his duties depends." 433 U.S. at 448-49. The Court cited the precedent of the Constitutional Convention, the records of which were "sealed for more than 30 years after the Convention." *Id.* at 447 n.11. Based on those precedents and principles, the Court ruled that constitutionally based privileges available to a President "survive[] the individual President's tenure." *Id.* at 449. The Court also held that a former President, although no longer a Government official, may assert constitutionally based privileges with respect to his Administration's Presidential records, and expressly rejected the argument that "only an incumbent President can assert the privilege of the Presidency." *Id.* at 448.

(c) The Supreme Court has held that a party seeking to overcome the constitutionally based privileges that apply to Presidential records must establish at least a "demonstrated, specific need" for particular records, a standard that turns on the nature of the proceeding and the importance of the information to that proceeding. See *United States v. Nixon*, 418 U.S. 683, 713 (1974). Notwithstanding the constitutionally based privileges that apply to Presidential records, many former Presidents have authorized access, after what they considered an appropriate period of repose, to those records or categories of records (including otherwise privileged records) to which the former Presidents or their representatives in their discretion decided to authorize access. See *Nixon v. Administrator of General Services*, 433 U.S. at 450-51.

Sec. 3. Procedure for Administering Privileged Presidential Records.

Consistent with the requirements of the Constitution and the Presidential Records Act, the Archivist shall administer Presidential records under section 2204(c) of title 44 in the following manner:

(a) At an appropriate time after the Archivist receives a request for access to Presidential records under section 2204(c)(1), the Archivist shall provide notice to the former President and the incumbent President and, as soon as practicable, shall provide the former President and the incumbent President copies of any records that the former President and the incumbent President request to review.

(b) After receiving the records he requests, the former President shall review those records as expeditiously as possible, and for no longer than 90 days for requests that are not unduly burdensome. The Archivist shall not permit access to the records by a requester during this period of review or when requested by the former President to extend the time for review.

(c) After review of the records in question, or of any other potentially privileged records reviewed by the former President, the former President shall indicate to the Archivist whether the former President requests withholding of or authorizes access to any privileged records.

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(d) Concurrent with or after the former President's review of the records, the incumbent President or his designee may also review the records in question, or may utilize whatever other procedures the incumbent President deems appropriate to decide whether to concur in the former President's decision to request withholding of or authorize access to the records.

(1) When the former President has requested withholding of the records:

(i) If under the standard set forth in section 4 below, the incumbent President concurs in the former President's decision to request withholding of records as privileged, the incumbent President shall so inform the former President and the Archivist. The Archivist shall not permit access to those records by a requester unless and until the incumbent President advises the Archivist that the former President and the incumbent President agree to authorize access to the records or until so ordered by a final and nonappealable court order.

(ii) If under the standard set forth in section 4 below, the incumbent President does not concur in the former President's decision to request withholding of the records as privileged, the incumbent President shall so inform the former President and the Archivist. Because the former President independently retains the right to assert constitutionally based privileges, the Archivist shall not permit access to the records by a requester unless and until the incumbent President advises the Archivist that the former President and the incumbent President agree to authorize access to the records or until so ordered by a final and nonappealable court order.

(2) When the former President has authorized access to the records:

(i) If under the standard set forth in section 4 below, the incumbent President concurs in the former President's decision to authorize access to the records, the Archivist shall permit access to the records by the requester.

(ii) If under the standard set forth in section 4 below, the incumbent President does not concur in the former President's decision to authorize access to the records, the incumbent President may independently order the Archivist to withhold privileged records. In that instance, the Archivist shall not permit access to the records by a requester unless and until the incumbent President advises the Archivist that the former President and the incumbent President agree to authorize access to the records or until so ordered by a final and nonappealable court order.

Sec. 4. Concurrence by Incumbent President.

Absent compelling circumstances, the incumbent President will concur in the privilege decision of the former President in response to a request for access under section 2204(c)(1). When the incumbent President concurs in the decision of the

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former President to request withholding of records within the scope of a constitutionally based privilege, the incumbent President will support that privilege claim in any forum in which the privilege claim is challenged.

Sec. 5. Incumbent President's Right to Obtain Access.

This order does not expand or limit the incumbent President's right to obtain access to the records of a former President pursuant to section 2205(2)(B).

Sec. 6. Right of Congress and Courts to Obtain Access.

This order does not expand or limit the rights of a court, House of Congress, or authorized committee or subcommittee of Congress to obtain access to the records of a former President pursuant to section 2205(2)(A) or section 2205(2)(C). With respect to such requests, the former President shall review the records in question and, within 21 days of receiving notice from the Archivist, indicate to the Archivist his decision with respect to any privilege. The incumbent President shall indicate his decision with respect to any privilege within 21 days after the former President has indicated his decision. Those periods may be extended by the former President or the incumbent President for requests that are burdensome. The Archivist shall not permit access to the records unless and until the incumbent President advises the Archivist that the former President and the incumbent President agree to authorize access to the records or until so ordered by a final and nonappealable court order.

Sec. 7. No Effect on Right to Withhold Records.

This order does not limit the former President's or the incumbent President's right to withhold records on any ground supplied by the Constitution, statute, or regulation.

Sec. 8. Withholding of Privileged Records During 12 -Year Period.

In the period not to exceed 12 years after the conclusion of a Presidency during which section 2204(a) and section 2204(b) of title 44 apply, a former President or the incumbent President may request withholding of any privileged records not already protected from disclosure under section 2204. If the former President or the incumbent President so requests, the Archivist shall not permit access to any such privileged records unless and until the incumbent President advises the Archivist that the former President and the incumbent President agree to authorize access to the records or until so ordered by a final and nonappealable court order.

Sec. 9. Establishment of Procedures.

This order is not intended to indicate whether and under what circumstances a former President should assert or waive any privilege. The order is intended to establish procedures for former and incumbent Presidents to make privilege determinations.

Sec. 10. Designation of Representative.

The former President may designate a representative (or series or group of alternative representatives, as the former President in his discretion may determine) to act on his behalf for purposes of the Presidential Records Act and this order. Upon the death or disability of a former President, the former President's designated representative shall act on his behalf for purposes of the Act and this order, including with respect to the assertion of constitutionally based

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privileges. In the absence of any designated representative after the former President's death or disability, the family of the former President may designate a representative (or series or group of alternative representatives, as they in their discretion may determine) to act on the former President's behalf for purposes of the Act and this order, including with respect to the assertion of constitutionally based privileges.

Sec. 11. Vice Presidential Records.

(a) Pursuant to section 2207 of title 44 of the United States Code, the Presidential Records Act applies to the executive records of the Vice President. Subject to subsections (b) and (c), this order shall also apply with respect to any such records that are subject to any constitutionally based privilege that the former Vice President may be entitled to invoke, but in the administration of this order with respect to such records, references in this order to a former President shall be deemed also to be references to the relevant former Vice President.

(b) Subsection (a) shall not be deemed to authorize a Vice President or former Vice President to invoke any constitutional privilege of a President or former President except as authorized by that President or former President.

(c) Nothing in this section shall be construed to grant, limit, or otherwise affect any privilege of a President, Vice President, former President, or former Vice President.

Sec. 12. Judicial Review.

This order is intended to improve the internal management of the executive branch and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party, other than a former President or his designated representative, against the United States, its agencies, its officers, or any person.

Sec. 13. Revocation.

Executive Order 12667 of January 18, 1989, is revoked.

GEORGE W. BUSH

THE WHITE HOUSE,  
November 1, 2001.

###

EXECUTIVE ORDER

FURTHER IMPLEMENTATION OF THE PRESIDENTIAL RECORDS ACT

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to establish policies and procedures implementing section 2204 of title 44 of the United States Code with respect to constitutionally based privileges, including those that apply to Presidential records reflecting military, diplomatic, or national security secrets, Presidential communications, legal advice, legal work, or the deliberative processes of the President and the President's advisors, and to do so in a manner consistent with the Supreme Court's decisions in *Nixon v. Administrator of General Services*, 433 U.S. 425 (1977), and other cases, it is hereby ordered as follows:

Section 1. Definitions.

For purposes of this order:

(a) "Archivist" refers to the Archivist of the United States or his designee.

(b) "Presidential records" refers to those documentary materials maintained by the National Archives and Records Administration pursuant to the Presidential Records Act, 44 U.S.C. 2201-2207.

(c) "Former President" refers to the former President during whose term or terms of office particular Presidential records were created.

Sec. 2. Constitutional and Legal Background.

(a) For a period not to exceed 12 years after the conclusion of a Presidency, the Archivist administers records in accordance with the limitations on access imposed by section 2204 of title 44. After expiration of that period, section 2204(c) of title 44 directs that the Archivist administer Presidential records in accordance with section 552 of title 5, the Freedom of Information Act, including by withholding, as appropriate, records subject to exemptions (b)(1), (b)(2), (b)(3), (b)(4),

(b) (6), (b) (7), (b) (8), and (b) (9) of section 552.

Section 2204(c) (1) of title 44 provides that exemption (b) (5) of section 552 is not available to the Archivist as a basis for withholding records, but section 2204(c) (2) recognizes that the former President or the incumbent President may assert any constitutionally based privileges, including those ordinarily encompassed within exemption (b) (5) of section 552. The President's constitutionally based privileges subsume privileges for records that reflect: military, diplomatic, or national security secrets (the state secrets privilege); communications of the President or his advisors (the presidential communications privilege); legal advice or legal work (the attorney-client or attorney work product privileges); and the deliberative processes of the President or his advisors (the deliberative process privilege).

(b) In *Nixon v. Administrator of General Services*, the Supreme Court set forth the constitutional basis for the President's privileges for confidential communications: "Unless [the President] can give his advisers some assurance of confidentiality, a President could not expect to receive the full and frank submissions of facts and opinions upon which effective discharge of his duties depends." 433 U.S. at 448-49. The Court cited the precedent of the Constitutional Convention, the records of which were "sealed for more than 30 years after the Convention." *Id.* at 447 n.11. Based on those precedents and principles, the Court ruled that constitutionally based privileges available to a President "survive[] the individual President's tenure." *Id.* at 449. The Court also held that a former President, although no longer a Government official, may assert constitutionally based privileges with respect to his Administration's Presidential records, and expressly rejected the argument that "only an incumbent President can assert the privilege of the Presidency." *Id.* at 448.

(c) The Supreme Court has held that a party seeking to overcome the constitutionally based privileges that apply to



Presidential records must establish at least a "demonstrated, specific need" for particular records, a standard that turns on the nature of the proceeding and the importance of the information to that proceeding. See *United States v. Nixon*, 418 U.S. 683, 713 (1974). Notwithstanding the constitutionally based privileges that apply to Presidential records, many former Presidents have authorized access, after what they considered an appropriate period of repose, to those records or categories of records (including otherwise privileged records) to which the former Presidents or their representatives in their discretion decided to authorize access. See *Nixon v. Administrator of General Services*, 433 U.S. at 450-51.

Sec. 3. Procedure for Administering Privileged Presidential Records.

Consistent with the requirements of the Constitution and the Presidential Records Act, the Archivist shall administer Presidential records under section 2204(c) of title 44 in the following manner:

(a) At an appropriate time after the Archivist receives a request for access to Presidential records under section 2204(c)(1), the Archivist shall provide notice to the former President and the incumbent President and, as soon as practicable, shall provide the former President and the incumbent President copies of any records that the former President and the incumbent President request to review.

(b) After receiving the records he requests, the former President shall review those records as expeditiously as possible, and for no longer than 90 days for requests that are not unduly burdensome. The Archivist shall not permit access to the records by a requester during this period of review or when requested by the former President to extend the time for review.

(c) After review of the records in question, or of any other potentially privileged records reviewed by the former President, the former President shall indicate to the Archivist

whether the former President requests withholding of or authorizes access to any privileged records.

(d) Concurrent with or after the former President's review of the records, the incumbent President or his designee may also review the records in question, or may utilize whatever other procedures the incumbent President deems appropriate to decide whether to concur in the former President's decision to request withholding of or authorize access to the records.

(1) When the former President has requested withholding of the records:

- (i) If under the standard set forth in section 4 below, the incumbent President concurs in the former President's decision to request withholding of records as privileged, the incumbent President shall so inform the former President and the Archivist. The Archivist shall not permit access to those records by a requester unless and until the incumbent President advises the Archivist that the former President and the incumbent President agree to authorize access to the records or until so ordered by a final and nonappealable court order.
- (ii) If under the standard set forth in section 4 below, the incumbent President does not concur in the former President's decision to request withholding of the records as privileged, the incumbent President shall so inform the former President and the Archivist. Because the former President independently retains the right to assert constitutionally based privileges, the Archivist shall not permit access to the records by a requester unless and until the incumbent President advises the Archivist that the former President and the incumbent President agree to

authorize access to the records or until so ordered by a final and nonappealable court order.

(2) When the former President has authorized access to the records:

- (i) If under the standard set forth in section 4 below, the incumbent President concurs in the former President's decision to authorize access to the records, the Archivist shall permit access to the records by the requester.
- (ii) If under the standard set forth in section 4 below, the incumbent President does not concur in the former President's decision to authorize access to the records, the incumbent President may independently order the Archivist to withhold privileged records. In that instance, the Archivist shall not permit access to the records by a requester unless and until the incumbent President advises the Archivist that the former President and the incumbent President agree to authorize access to the records or until so ordered by a final and nonappealable court order.

Sec. 4. Concurrence by Incumbent President.

Absent compelling circumstances, the incumbent President will concur in the privilege decision of the former President in response to a request for access under section 2204(c)(1). When the incumbent President concurs in the decision of the former President to request withholding of records within the scope of a constitutionally based privilege, the incumbent President will support that privilege claim in any forum in which the privilege claim is challenged.

Sec. 5. Incumbent President's Right to Obtain Access.

This order does not expand or limit the incumbent President's right to obtain access to the records of a former President pursuant to section 2205(2)(B).

Sec. 6. Right of Congress and Courts to Obtain Access.

This order does not expand or limit the rights of a court, House of Congress, or authorized committee or subcommittee of Congress to obtain access to the records of a former President pursuant to section 2205(2)(A) or section 2205(2)(C). With respect to such requests, the former President shall review the records in question and, within 21 days of receiving notice from the Archivist, indicate to the Archivist his decision with respect to any privilege. The incumbent President shall indicate his decision with respect to any privilege within 21 days after the former President has indicated his decision. Those periods may be extended by the former President or the incumbent President for requests that are burdensome. The Archivist shall not permit access to the records unless and until the incumbent President advises the Archivist that the former President and the incumbent President agree to authorize access to the records or until so ordered by a final and nonappealable court order.

Sec. 7. No Effect on Right to Withhold Records.

This order does not limit the former President's or the incumbent President's right to withhold records on any ground supplied by the Constitution, statute, or regulation.

Sec. 8. Withholding of Privileged Records During 12-Year Period.

In the period not to exceed 12 years after the conclusion of a Presidency during which section 2204(a) and section 2204(b) of title 44 apply, a former President or the incumbent President may request withholding of any privileged records not already protected from disclosure under section 2204. If the former President or the incumbent President so requests, the Archivist shall not permit access to any such privileged records unless and until the incumbent President advises the Archivist that the former President and the incumbent President agree to authorize access to the records or until so ordered by a final and nonappealable court order.

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Sec. 11. Vice Presidential Records.

(a) Pursuant to section 2207 of title 44 of the United States Code, the Presidential Records Act applies to the executive records of the Vice President. Subject to subsections (b) and (c), this order shall also apply with respect to any such records that are subject to any constitutionally based privilege that the former Vice President may be entitled to invoke, but in the administration of this order with respect to such records, references in this order to a former President shall be deemed also to be references to the relevant former Vice President.

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(c) Nothing in this section shall be construed to grant, limit, or otherwise affect any privilege of a President, Vice President, former President, or former Vice President.

Sec. 12. Judicial Review.

This order is intended to improve the internal management of the executive branch and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party, other than a former President or his designated representative, against the United States, its agencies, its officers, or any person.

Sec. 13. Revocation.

Executive Order 12667 of January 18, 1989, is revoked.

THE WHITE HOUSE,

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EXECUTIVE ORDER

FURTHER IMPLEMENTATION OF THE PRESIDENTIAL RECORDS ACT

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to establish policies and procedures implementing section 2204 of title 44 of the United States Code with respect to constitutionally based privileges, including those that apply to Presidential records reflecting military, diplomatic, or national security secrets, Presidential communications, legal advice, legal work, or the deliberative processes of the President and the President's advisors, and to do so in a manner consistent with the Supreme Court's decisions in *Nixon v. Administrator of General Services*, 433 U.S. 425 (1977), and other cases, it is hereby ordered as follows:

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Sec. 13. Revocation.

Executive Order 12667 of January 18, 1989, is revoked.

THE WHITE HOUSE,

November 1, 2001.

# Withdrawal Marker

## The George W. Bush Library

FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Executive Order	Executive Order	8	11/01/2001	P5;

**This marker identifies the original location of the withdrawn item listed above.  
For a complete list of items withdrawn from this folder, see the  
Withdrawal/Redaction Sheet at the front of the folder.**

#### COLLECTION:

Records Management, White House Office of

#### SERIES:

Subject Files - FE010 (Records & Archives)

#### FOLDER TITLE:

454095 [1]

#### FRC ID:

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#### FOIA IDs and Segments:

2018-0011-P

#### OA Num.:

11813

#### NARA Num.:

11951

#### 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]

PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

##### Deed of Gift Restrictions

- A. Closed by Executive Order 13526 governing access to national security information.
- B. Closed by statute or by the agency which originated the document.
- C. Closed in accordance with restrictions contained in donor's deed of gift.

##### 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]

##### Records Not Subject to FOIA

Court Sealed - The document is withheld under a court seal and is not subject to the Freedom of Information Act.