

George W. Bush Presidential Library

Collection: Executive Clerk, Office of the

Series: Saunders, G. Timothy (Tim) - Bill Files

Folder Title: 06/14/2002 [S. 1372] [771240] [2]

Withdrawn/Redacted Material

The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Memorandum	Export-Import Bank Reauthorization Act of 2002 - To: POTUS - From: Mitchell E. Daniels, Jr.	4	06/13/2002	P5;
002	Speech	[Misfile - Draft #5 re: Houston Read Enrichment Camp Service] - From: Brian C. Jones	2	06/14/2002	P5;
003	Memorandum	Export-Import Bank Reauthorization Act of 2002 - To: POTUS - From: Mitchell E. Daniels, Jr.	4	06/13/2002	P5;
004	Memorandum	Export-Import Bank Reauthorization Act of 2002 - To: POTUS - From: Mitchell E. Daniels, Jr.	4	06/13/2002	P5;
005	Memorandum	Export-Import Bank Reauthorization Act of 2002 - To: POTUS - From: Mitchell E. Daniels, Jr.	4	06/13/2002	P5;
007	Memorandum	Export-Import Bank Reauthorization Act of 2002 - To: POTUS - From: Mitchell E. Daniels, Jr.	4	06/13/2002	P5;
008	Worksheet	[Tracking sheet for Presidential documents re: S. 1372]	1	06/22/2002	P5;

COLLECTION TITLE:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

06/14/2002 [S. 1372] [771240] [2]

FRC ID:

6359

RESTRICTION CODES

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

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
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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.
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- 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]
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DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
T006	Statement	S. 1372 - From: White House	1	06/14/2002	Transferred

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WHITE HOUSE STAFFING MEMORANDUM

Date: 6-13-02 3:15 PM ACTION / CONCURRENCE / COMMENT DUE BY: 6-13-02 6:00 PMSubject: ENROLLED BILL S. 1372 - EXPORT-IMPORT BANK REAUTHORIZATION ACT OF 2002

02 JUN 13 PM 10:24

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD	☒	☐	HUGHES	☒	☐
BARTLETT	☒	☐	IRASTORZA	☐	☐
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GONZALES	☒	☐	CLERK	☐	☐
HAGIN	☐	☐		☐	☐
HAWKINS	☒	☐		☐	☐

REMARKS:

PLEASE FORWARD YOUR COMMENTS TO JIM JUKES, EXTENSION 53458/FAX 56148, BY 6:00 PM TODAY AND SEND A COPY TO THE STAFF SECRETARY. PLEASE NOTE THERE IS A SIGNING STATEMENT PROPOSED. ALSO, PLEASE NOTE THAT THERE IS A BILL SIGNING SCHEDULED FOR 7:20 IN THE MORNING. THANK YOU.

June 13, 2002

RESPONSE: The NSC Concur.

Mary D. Miers
 Condoleezza Rice
 Assistant to the President
 for National Security

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

Withdrawal Marker

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SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

06/14/2002 [S. 1372] [771240] [2]

FRC ID:

6359

OA Num.:

9466

NARA Num.:

9357

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ATTACHMENT

Other Provisions Contained in S. 1372

S. 1372 includes the following additional provisions:

- Amends the Inspector General Act of 1978 to establish an inspector general at the Bank. This position would be Presidentially appointed.
- Extends the sub-Saharan Africa Advisory Committee, which was established to facilitate U.S. exports to this region, from September 30, 2001, to September 30, 2006, and requires the Bank to consult with the Department of Commerce and the Trade Promotion Coordinating Committee on Africa activities.
- Requires the Bank to take into account the extent to which a nation has been helpful or unhelpful in efforts to eradicate terrorism before extending a guarantee, insurance, or credit.
- Requires loan recipients to disclose whether they have been convicted of violating the Foreign Corrupt Practices Act, the Arms Export Control Act, the International Emergency Economic Powers Act, or the Export Administration Act.
- Authorizes the Bank to deny an application for assistance if the Bank has substantial, credible evidence that any party to the transaction has committed an act of fraud or corruption.
- Requires the General Accounting Office to report to Congress comparing the Bank's reserve ratio practices to those of private banks and foreign export credit agencies.
- Requires the Bank (1) to implement technology improvements designed to improve small business outreach, including allowing customers to use the Internet to apply for Bank programs, and (2) to establish an electronic system designed to track all pending Bank transactions. The Bank is to submit periodic reports to Congress on its technological progress and on how this is assisting small businesses.
- Requires that the President's Budget include new budget subcategories for the Bank, displaying program budget and administrative expenses, with technology expenses identified.
- Requires the Bank to promote the export of U.S. goods and services related to renewable energy sources and to report to Congress annually on such efforts.
- States that the Bank's objective, in providing loans, guarantees, insurance, and credits, is to contribute to maintaining or increasing employment of U.S. workers.

STATEMENT BY THE PRESIDENT

I am today signing into law S. 1372, the Export-Import Bank Reauthorization Act of 2002. The legislation will ensure the continued effective operation of the Export-Import Bank, which helps advance U.S. trade policy, facilitate the sale of U.S. goods and services abroad, and create jobs here at home.

The Executive branch shall carry out Section 7(b) of the bill, which relates to certain small businesses, in a manner consistent with the requirements of equal protection under the Due Process Clause of the Fifth Amendment to the Constitution.

Subsections 10(a) and 10 (b)(2) of the bill purport to require the Secretary of the Treasury to negotiate with foreign countries and international organizations to achieve particular purposes and to require the Secretary to submit a report to congressional committees on the contents of negotiations and certain related Executive deliberations. These provisions interfere with the President's constitutional authority to conduct the Nation's foreign affairs, supervise the unitary Executive branch, and withhold information the disclosure of which could impair foreign relations, the national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties. Accordingly, the Executive branch shall construe these provisions as precatory rather than mandatory.

The Executive branch shall construe the reference to the "Universal Declaration of Human Rights adopted by the United Nations General Assembly on December 10, 1948," added to Section 2(b)(1)(B) of the Export-Import Bank Act by Section 15 of the bill, as providing examples of types of human rights that the President may wish to consider in making a determination under Section 2(b)(1)(B), and does not have the effect of adopting the Universal Declaration as U.S. law.

Myers, Steven R. (RECORDS)

From: Myers, Steven R. (RECORDS)
Sent: Thursday, June 13, 2002 3:50 PM
To: @International Economic Affairs
Cc: @EXECSEC; @West Wing Desk; @UP; @Legislative Affairs
Subject: WHR5060 - Enrolled Bill S 1372 Export-Import Bank Reauthorization Act of 2002
[UNCLASSIFIED, Record]

Attached is WHR5060 - Enrolled Bill S 1372 Export-Import Bank Reauthorization Act of 2002

Action: Lowery

Concurrence: Andricos

Comments are due 13 Jun @ 6 pm



WHR5060.tif

Email responses to West Wing Desk and we will do the rest

Myers, Steven R. (RECORDS)

From: Luisi, Linda C (LEGISLATIVE)
Sent: Thursday, June 13, 2002 4:15 PM
To: Myers, Steven R. (RECORDS); @International Economic Affairs
Cc: @EXECSEC; @West Wing Desk; @UP; @Legislative Affairs
Subject: RE: WHR5060 - Enrolled Bill S 1372 Export-Import Bank Reauthorization Act of 2002 [UNCLASSIFIED, Record]

Clear for Legislative.

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

From: Myers, Steven R. (RECORDS)
Sent: Thursday, June 13, 2002 3:50 PM
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<< File: WHR5060.tif >>

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Myers, Steven R. (RECORDS)

From: Cloud, John A. (INTL ECON)
Sent: Thursday, June 13, 2002 7:19 PM
To: Myers, Steven R. (RECORDS)
Subject: RE: WHR5060 - Enrolled Bill S 1372 Export-Import Bank Reauthorization Act of 2002 [UNCLASSIFIED, Record]

we concurred. sorry for not getting it to you.

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

From: Myers, Steven R. (RECORDS)
Sent: Thursday, June 13, 2002 5:55 PM
To: @International Economic Affairs
Cc: @EXECSEC; @West Wing Desk; @UP; @Legislative Affairs
Subject: WHR5060 - Enrolled Bill S 1372 Export-Import Bank Reauthorization Act of 2002 [UNCLASSIFIED, Record]
Importance: High

Any comments?

Received concurrence from Legislative Affairs

Thank you,

Steven

Attached is WHR5060 - Enrolled Bill S 1372 Export-Import Bank Reauthorization Act of 2002

Action: Lowery

Concurrence: Andrieo

Comments are due **13 Jun @ 6 pm**

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RESPONSE:

cc Lang

OKTT

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

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*comments called
in to Jim Jukes
orig to SS
cx for Kinst*

Harriet E. Miers
Assistant to the President
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Ext. 62702

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Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

06/14/2002 [S. 1372] [771240] [2]

FRC ID:

6359

OA Num.:

9466

NARA Num.:

9357

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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ATTACHMENT

Other Provisions Contained in S. 1372

S. 1372 includes the following additional provisions:

- Amends the Inspector General Act of 1978 to establish an inspector general at the Bank. This position would be Presidentially appointed.
- Extends the sub-Saharan Africa Advisory Committee, which was established to facilitate U.S. exports to this region, from September 30, 2001, to September 30, 2006, and requires the Bank to consult with the Department of Commerce and the Trade Promotion Coordinating Committee on Africa activities.
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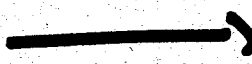
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WHITE HOUSE STAFFING MEMORANDUM

Date: 6-13-02 3:15 PM ACTION / CONCURRENCE / COMMENT DUE BY: 6-13-02 6:00 PMSubject: ENROLLED BILL S. 1372 - EXPORT-IMPORT BANK REAUTHORIZATION ACT OF 2002

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
CARD 	☒	☐	HUGHES	☒	☐
BARTLETT	☒	☐	IRASTORZA	☐	☐
BLAKEMAN	☐	☐	JOHNSON	☐	☐
BOLTEN	☒	☐	LINDSEY	☒	☐
BRIDGELAND	☐	☐	MARBURGER	☐	☐
CALIO	☒	☐	MIERS	☐	☐
CONNAUGHTON	☐	☐	RICE	☒	☐
DANIELS	☒	☐	RIDGE	☒	☐
FLEISCHER	☐	☐	ROVE	☒	☐
GERSON	☐	☐	SPELLINGS	☒	☐
GONZALES	☒	☐	CLERK	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE FORWARD YOUR COMMENTS TO JIM JUKES, EXTENSION 53458/FAX 56148, BY 6:00 PM TODAY AND SEND A COPY TO THE STAFF SECRETARY. PLEASE NOTE THERE IS A SIGNING STATEMENT PROPOSED. ALSO, PLEASE NOTE THAT THERE IS A BILL SIGNING SCHEDULED FOR 7:20 IN THE MORNING. THANK YOU.

RESPONSE:

[Handwritten signature]
6/13 350

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)
Memorandum	Export-Import Bank Reauthorization Act of 2002 - To: POTUS - From: Mitchell E. Daniels, Jr.	4	06/13/2002	P5;

**This marker identifies the original location of the withdrawn item listed above.
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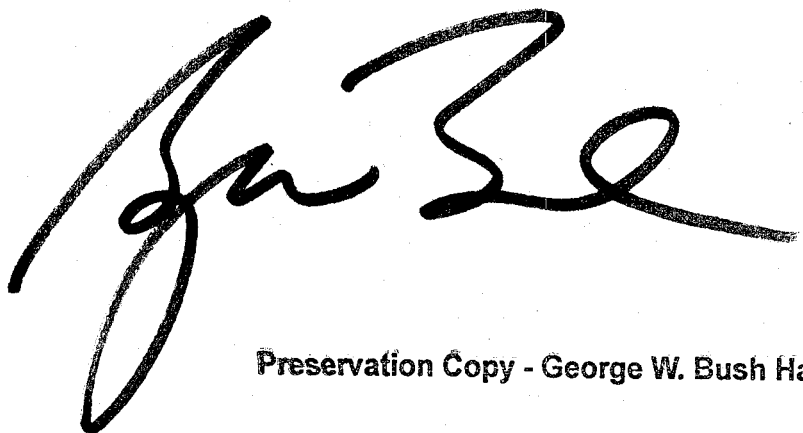
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THE WHITE HOUSE,

June 14, 2002.

A large, stylized handwritten signature in black ink, which appears to be "G. W. Bush". The signature is written in a cursive, flowing style with a large loop at the end.

Preservation Copy - George W. Bush Handwriting

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Final

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Jim Jakes
Changes

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RESTRICTION CODES

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

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

- P1 National Security Classified Information [(a)(1) of the PRA]
- P2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P3 Release would violate a Federal statute [(a)(3) of the PRA]
- P4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P5 Release would disclose confidential advise 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.

- 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]

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

June 14, 2002

STATEMENT BY THE PRESIDENT

I have today signed into law S. 1372, the Export-Import Bank Reauthorization Act of 2002. This legislation will ensure the continued effective operation of the Export-Import Bank, which helps advance U.S. trade policy, facilitate the sale of U.S. goods and services abroad, and create jobs here at home.

The executive branch shall carry out section 7(b) of the bill, which relates to certain small businesses, in a manner consistent with the requirements of equal protection under the Due Process Clause of the Fifth Amendment to the Constitution.

Subsections 10(a) and 10(b)(2) of the bill purport to require the Secretary of the Treasury to negotiate with foreign countries and international organizations to achieve particular purposes and to require the Secretary to submit a report to congressional committees on the contents of negotiations and certain related executive deliberations. These provisions interfere with the President's constitutional authority to conduct the Nation's foreign affairs, supervise the unitary executive branch, and withhold information the disclosure of which could impair foreign relations, the national security, the deliberative processes of the executive, or the performance of the executive's constitutional duties. Accordingly, the executive branch shall construe these provisions as precatory rather than mandatory.

The executive branch shall construe the reference to the "Universal Declaration of Human Rights adopted by the United Nations General Assembly on December 10, 1948," added to section 2(b)(1)(B) of the Export-Import Bank Act by section 15 of the bill, as only providing examples of types of human rights that the President may wish to consider in making a determination under section 2(b)(1)(B) and not as giving the Universal Declaration the force of U.S. law.

GEORGE W. BUSH

THE WHITE HOUSE,
June 14, 2002.

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