

George W. Bush Presidential Library

Collection: Executive Clerk, Office of the

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

Folder Title: 09/30/2002 [H.R. 1646] [771458] [4]

Withdrawn/Redacted Material

The George W. Bush Library

DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Memorandum	Foreign Relations Authorization Act, Fiscal Year 2003 - To: POTUS - From: Austin Smythe	5	09/27/2002	P5;
002	Discussion Paper	Attachment B - Other Significant Provisions of H.R. 1646	6	N.D.	P5;
003	Letter	[Views of the U.S. Department of Justice] - To: Mitchell E. Daniels, Jr. - From: Daniel J. Bryant	5	09/27/2002	P5;
004	Letter	[Views of the United States Office of Personnel Management] - To: Mitchell E. Daniels, Jr. - From: Kay Coles James	4	09/27/2002	P5;
005	Draft	[Proposed Message]	3	09/27/2002	P5;
006	Draft	Signing Statement on Foreign Relations Authorization Act (H.R. 1646)	3	09/29/2002	P5;
007	Draft	Signing Statement on Foreign Relations Authorization Act (H.R. 1646)	3	09/29/2002	P5;

COLLECTION TITLE:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

09/30/2002 [H.R. 1646] [771458] [4]

FRC ID:

6360

RESTRICTION CODES

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- 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).

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008	Draft	Statement by the President	4	N.D.	P5;
009	Memorandum	Foreign Relations Authorization Act, Fiscal Year 2003 - To: POTUS - From: Austin Smythe	5	09/27/2002	P5;
010	Discussion Paper	Attachment B - Other Significant Provisions of H.R. 1646	6	N.D.	P5;
T011	Statement	H.R. 1646 - From: White House	1	09/30/2002	Transferred

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SS/ RM NO. 513213

WHITE HOUSE STAFFING MEMORANDUM

Date: 9-27-02, 10:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 9-29-02, 5:00 PMSubject: ENROLLED BILL H.R. 1646, FOREIGN RELATIONS AUTHORIZATION ACT, FISCAL YEAR 2003

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

REMARKS:

PLEASE SEND COMMENTS TO BETH ROSSMAN, EXT. 54790, FAX 53729, NO LATER THAN 5:00 PM SUNDAY, 9-29-02, WITH COPY TO STAFF SECRETARY. THANK YOU.

RESPONSE:

No comment

Tim Staff

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

WHITE HOUSE STAFFING MEMORANDUM

Date: 9-27-02, 10:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 9-29-02, 5:00 PM

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RESPONSE:

*Legislative Affairs (Howard) - ok*Harriet E. Miers
Assistant to the President
and Staff Secretary
Ext. 62702

Withdrawal Marker

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Memorandum	Foreign Relations Authorization Act, Fiscal Year 2003 - To: POTUS - From: Austin Smythe	5	09/27/2002	P5;

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Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

09/30/2002 [H.R. 1646] [771458] [4]

FRC ID:

6360

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9467

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9358

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APPROPRIATIONS AUTHORIZATIONS FOR FY 2003

(\$ in millions)

	<u>H.R. 1646</u>	<u>Request</u>	<u>Difference</u>
Division A - Department of State			
<i>Administration of Foreign Affairs</i>			
Diplomatic & Consular Programs (D&CP)	4,030.0	4,019.0	11.0
Capital Investment Fund (CIF)	200.0	177.0	23.0
Office of the Inspector General	30.8	30.8	0.0
Educational and Cultural Exchange Programs	260.0	247.1	12.9
Representation Allowances	9.0	9.0	0.0
Protection of Foreign Missions and Officials	11.0	11.0	0.0
Embassy Security, Construction, & Maintenance (base prgm)	555.0	553.0	2.0
Worldwide Security Construction 1/	1,000.0	755.0	245.0
Emerg. in the Diplomatic and Consular Service	15.0	15.0	0.0
Repatriation Loans Program Account	1.2	1.2	0.0
Payment to the American Institute of Taiwan	18.8	18.8	0.0
<i>International Organizations and Conferences</i>			
Contrib. to Int'l. Peacekeeping Activities (CIPA)	726.0	726.0	0.0
Contributions to Int'l. Organizations (CIO)	891.4	891.4	0.0
<i>Other State Department Accounts</i>			
Payment to the Asia Foundation	15.0	9.4	5.6
East-West Center	15.0	14.3	0.7
North/South Center	2.5	0.0	2.5
National Endowment for Democracy	42.0	36.0	6.0
Migration and Refugee Assistance	820.0	705.6	114.4
<i>International Commissions</i>			
IBWC-Salaries & Expenses	28.4	28.4	0.0
IBWC-Construction	9.5	9.5	0.0
American Sections	8.7	8.7	0.0
International Fisheries Commission	19.8	19.8	0.0
Subtotal	8,709.1	8,286.0	423.0
Broadcasting Board of Governors			
International Broadcasting Operations	505.8	477.8	28.0
Broadcasting to Cuba	25.9	25.9	0.0
Broadcasting Capital Improvements	13.7	13.7	0.0
Subtotal	545.4	517.4	28.0
Division B - Security Assistance			
Foreign Military Financing Program	4,107.2	4,107.2	0.0
Non-prolif, anti-terrorism, demining, & related programs	382.4	372.4	10.0
International Military Education and Training (IMET)	85.0	80.0	5.0
Subtotal	4,574.6	4,559.6	15.0
TOTAL	13,829.1	13,363.0	466.1

1/ H.R. 1646 amends previous authorization contained in the Security Embassy Construction and Counter-terrorism Act of 1999.

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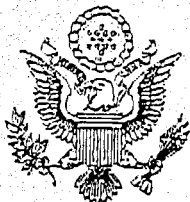
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BROADCASTING BOARD OF GOVERNORS
UNITED STATES OF AMERICA

September 25, 2002

KENNETH Y. TOMLINSON
Chairman

CHERYL HALPERN

EDWARD E. KAUFMAN

ROBERT M. LEDBETTER

NORMAN J. PATTIZ

THE HONORABLE
COLIN L. POWELL
Secretary of State
Ex Officio

The Honorable Mitchell E. Daniels, Jr.
Director
Office of Management and Budget
Washington, D.C. 20503

Dear Director Daniels:

This responds to your request for the Broadcasting Board of Governors' views on H.R. 1646, the Foreign Relations Authorization Act for Fiscal Year 2003. I write to recommend that the President approve this legislation.

H.R. 1646 authorizes the President's request for the BBG for Fiscal Year 2003, and provides an additional authorization of \$20 million for the Middle East Radio Network (Radio Sawa). It also extends authorization amounts provided for U.S. international broadcasting in P.L. 106-286, legislation that provided for normal trade relations between the People's Republic of China and the United States.

The pending conference report also provides a number of personnel and administrative authorities that will facilitate the work of the BBG at a time when we are surging our broadcasts to meet foreign policy priorities. The bill extends the number of years for which we may contract for certain broadcast services overseas, and creates a pilot program during which we may employ a limited number of personal services contractors in the United States to respond to emerging broadcast needs.

The Broadcasting Board of Governors appreciates the opportunity to comment on H.R. 1646, and would be happy to provide further information on this matter if necessary.

Sincerely,

A handwritten signature of Kenneth Y. Tomlinson, consisting of a large, stylized 'K' followed by a cursive 'Tomlinson'.

Kenneth Y. Tomlinson
Chairman

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WHITE HOUSE STAFFING MEMORANDUM

Date: 9-29-02, 7:30 PM ACTION / CONCURRENCE / COMMENT DUE BY: 9-30-02, 10:00 AM

REVISED SIGNING STATEMENT FOR H.R. 1646, FOREIGN RELATIONS

Subject: AUTHORIZATION ACT

	ACTION	FYI		ACTION	FYI
VICE PRESIDENT	☒	☐	HUBBARD	☒	☐
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BRIDGELAND	☒	☐	MIERS	☐	☒
CALIO	☒	☐	RICE	☒	☐
CONNAUGHTON	☐	☐	RIDGE	☒	☐
DANIELS	☐	☒	ROVE	☒	☐
FLEISCHER	☐	☒	SPELLINGS	☒	☐
GERSON	☐	☐	CLERK	☐	☒
GONZALES	☒	☐	_____	☐	☐
HAGIN	☐	☐	_____	☐	☐
HAWKINS	☒	☐	_____	☐	☐

REMARKS:

PLEASE SEND COMMENTS TO JIM JUKES, EXT. 53458, FAX 56148, BY 10:00 AM MONDAY, 9-30-02, WITH COPY TO STAFF SECRETARY. THANK YOU.

RESPONSE:

*I agree w/
the bracketed
language - and
difer to others on
which of the two
versions on page 3
should be used.
HHE 9/30 0600*

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

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Draft	Signing Statement on Foreign Relations Authorization Act (H.R. 1646)	3	09/29/2002	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:

Executive Clerk, Office Of the

SERIES:

Saunders, G. Timothy (Tim) - Bill Files

FOLDER TITLE:

09/30/2002 [H.R. 1646] [771458] [4]

FRC ID:

6360

OA Num.:

9467

NARA Num.:

9358

RESTRICTION CODES

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

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- 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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SS/ RM NO. _____

WHITE HOUSE STAFFING MEMORANDUM

Date: 9-29-02, 7:30 PM ACTION / CONCURRENCE / COMMENT DUE BY: 9-30-02, 10:00 AMSubject: REVISED SIGNING STATEMENT FOR H.R. 1646, FOREIGN RELATIONS AUTHORIZATION ACT

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

REMARKS:

PLEASE SEND COMMENTS TO JIM JUKES, EXT. 53458, FAX 56148, BY 10:00 AM MONDAY, 9-30-02, WITH COPY TO STAFF SECRETARY. THANK YOU.

RESPONSE:

*I agree w/
the bracketed
language - and
d-fer to others on
which of the two
versions on page 3
should be used.
HHE 9/30 0600*

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

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SS/ RM NO. _____

WHITE HOUSE STAFFING MEMORANDUM

Date: 9-27-02, 10:00 PM ACTION / CONCURRENCE / COMMENT DUE BY: 9-30-02, 10:00 AMSENATE CONSIDERATION OF THE DEPARTMENT OF HOMELAND SECURITY
AND COMPARISON OF CURRENT LAW, GRAMM-MILLER PROPOSAL, ANDSubject: NELSON-CHAFEE-BREAUX PROPOSAL

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

REMARKS:

PLEASE SEND COMMENTS TO CARL BUCHHOLZ, EXT. 62506, FAX 67090, NO LATER THAN
10:00 AM MONDAY, 9-30-02, WITH COPY TO STAFF SECRETARY. THANK YOU.

RESPONSE: _____

*OK - Should
Nick offer a
recommendation
HAC
9/30 0600*

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

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Draft	Statement by the President	4	N.D.	P5;

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Foreign Relations Authorization Act, Fiscal Year 2003 - To: POTUS - From: Austin Smythe	5	09/27/2002	P5;

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APPROPRIATIONS AUTHORIZATIONS FOR FY 2003
(\$ in millions)

	<u>H.R. 1646</u>	<u>Request</u>	<u>Difference</u>
Division A - Department of State			
<i>Administration of Foreign Affairs</i>			
Diplomatic & Consular Programs (D&CP)	4,030.0	4,019.0	11.0
Capital Investment Fund (CIF)	200.0	177.0	23.0
Office of the Inspector General	30.8	30.8	0.0
Educational and Cultural Exchange Programs	260.0	247.1	12.9
Representation Allowances	9.0	9.0	0.0
Protection of Foreign Missions and Officials	11.0	11.0	0.0
Embassy Security, Construction, & Maintenance (base prgm)	555.0	553.0	2.0
Worldwide Security Construction 1/	1,000.0	755.0	245.0
Emerg. in the Diplomatic and Consular Service	15.0	15.0	0.0
Repatriation Loans Program Account	1.2	1.2	0.0
Payment to the American Institute of Taiwan	18.8	18.8	0.0
<i>International Organizations and Conferences</i>			
Contrib. to Int'l. Peacekeeping Activities (CIPA)	726.0	726.0	0.0
Contributions to Int'l. Organizations (CIO)	891.4	891.4	0.0
<i>Other State Department Accounts</i>			
Payment to the Asia Foundation	15.0	9.4	5.6
East-West Center	15.0	14.3	0.7
North/South Center	2.5	0.0	2.5
National Endowment for Democracy	42.0	36.0	6.0
Migration and Refugee Assistance	820.0	705.6	114.4
<i>International Commissions</i>			
IBWC-Salaries & Expenses	28.4	28.4	0.0
IBWC-Construction	9.5	9.5	0.0
American Sections	8.7	8.7	0.0
International Fisheries Commission	19.8	19.8	0.0
Subtotal	8,709.1	8,286.0	423.0
Broadcasting Board of Governors			
International Broadcasting Operations	505.8	477.8	28.0
Broadcasting to Cuba	25.9	25.9	0.0
Broadcasting Capital Improvements	13.7	13.7	0.0
Subtotal	545.4	517.4	28.0
Division B - Security Assistance			
Foreign Military Financing Program	4,107.2	4,107.2	0.0
Non-prolif, anti-terrorism, demining, & related programs	382.4	372.4	10.0
International Military Education and Training (IMET)	85.0	80.0	5.0
Subtotal	4,574.6	4,559.6	15.0
TOTAL	13,829.1	13,363.0	466.1

1/ H.R. 1646 amends previous authorization contained in the Security Embassy Construction and Counter-terrorism Act of 1999.

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Discussion Paper	Attachment B - Other Significant Provisions of H.R. 1646	6	N.D.	P5;

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Return to
Attic

Document Originally
Attached to
Following Page

STATEMENT BY THE PRESIDENT

I have today signed into law H.R. 1646, the "Foreign Relations Authorization Act, Fiscal Year 2003." This Act authorizes appropriations, and provides important new authorities, for diplomatic and related activities of the U.S. Government. Many provisions in the Act will strengthen our ability to advance American interests around the globe, including nonproliferation of weapons of mass destruction, and to meet our international commitments, including those to the United Nations. Regrettably, the Act contains a number of provisions that impermissibly interfere with the constitutional functions of the presidency in foreign affairs, including provisions that purport to establish foreign policy that are of significant concern.

The executive branch shall construe as advisory the provisions of the Act, including sections 408, 616, 621, 633, and 1343(b), that purport to direct or burden the conduct of negotiations by the executive branch with foreign governments, international organizations, or other entities abroad or which purport to direct executive branch officials to use the U.S. voice and vote in international organizations to achieve specified foreign policy objectives. Such provisions, if construed as mandatory rather than advisory, would impermissibly interfere with the President's constitutional authorities to conduct the Nation's foreign affairs, participate in international negotiations, and supervise the unitary executive branch.

The executive branch shall also construe provisions in the Act that mandate submission of information to the Congress or the public, such as sections 204, 215, 603, 613(b), 615 and 1602, in a manner consistent with the President's constitutional authority to withhold information the disclosure of which could impair the foreign relations, the national security, the deliberative processes of the Executive, or the performance of the Executive's constitutional duties. The Secretary of State

will, of course, continue as a matter of comity to keep the Congress appropriately informed of the Nation's foreign affairs activities.

Several provisions of the Act, including sections 650, 1205(d) (5), and 1501(7) call for executive branch officials to submit to the Congress recommendations for legislation. The executive branch shall implement these provisions in a manner consistent with the President's constitutional authority to supervise the unitary executive branch and to recommend to the Congress such measures as the President judges necessary and expedient.

Section 214, concerning Jerusalem, impermissibly interferes with the President's constitutional authority to conduct the Nation's foreign affairs and to supervise the unitary executive branch. Moreover, the purported direction in section 214 would, if construed as mandatory rather than advisory, impermissibly interfere with the President's constitutional authority to formulate the position of the United States, speak for the Nation in international affairs, and determine the terms on which recognition is given to foreign states. U.S. policy regarding Jerusalem has not changed.

The executive branch shall implement sections 325 and 687 in a manner consistent with the equal protection requirements of the Due Process Clause of the Fifth Amendment to the Constitution.

Section 505 of the Act excludes U.S. Government employees abroad assigned to duty as correspondents for the Voice of America (VOA) from the statutory responsibilities of the Secretary of State for security of certain U.S. Government personnel abroad and of chiefs of U.S. missions for direction of such personnel. Pursuant to the constitutional authority of the President to conduct the Nation's foreign affairs and to supervise the unitary executive branch, the Secretary of State

may provide such direction as may be necessary with respect to the security and conduct of U.S. Government employees abroad assigned to duty as VOA correspondents.

Section 604 purports to require the imposition of certain sanctions on the Palestinian Liberation Organization or Palestinian Authority based on the determinations that the President makes or fails to make in the report provided for in section 603. Although a waiver authority is also provided, I note that some of these sanctions, in particular with respect to visas and the status of representational offices, bear on the President's power with respect to the timing and nature of diplomatic communications. Accordingly, I shall construe these requirements in a manner consistent with my constitutional responsibilities for the conduct of foreign affairs.

Section 645 of the Act purports to require the President to implement a law through a particular subordinate officer in the Department of Commerce. The executive branch shall implement this provision in a manner consistent with the President's authority to supervise the unitary executive branch, including the authority to direct which officers in the executive branch shall assist the President in faithfully executing the law.

Section 686 makes seven additional plaintiffs with judgments against Iran eligible for payments under the Victims of Trafficking and Violence Protection Act of 2000. While U.S. victims of international terrorism are deserving of compensation in accordance with the law, the continued piecemeal legislative approach that addresses some victims and not others is neither equitable nor practicable. The Congress should develop a comprehensive proposal that provides compensation for all victims, following the principles my Administration outlined in June of this year. Such a proposal should not draw upon blocked assets to fund victim compensation, so as to preserve the prerogatives of the President in the area of foreign affairs.

Sections 321 and 322, which provide certain retirement benefits to discrete groups of Federal employees, undermine fundamental principles underlying Federal retirement systems. These sections introduce serious inequities in the operation of those systems, and set undesirable precedents. My Administration will submit to the Congress appropriate legislation to repeal section 321 and to adopt remedial legislation in lieu of section 322 that would not undermine the integrity, equity, and sound funding principles of our Federal retirement systems.

Section 1206 could be misconstrued to imply a change in the "one China" policy of the United States when, in fact, that U.S. policy remains unchanged. To the extent that this section could be read to purport to change United States policy, it impermissibly interferes with the President's constitutional authority to conduct the Nation's foreign affairs.

Section 1406 of the Act requires that actions to remove items from the munitions list be subject to reprogramming notifications to committees of Congress. By its plain terms, this provision does not subject such actions to any committee approval requirements, which would be impermissible under the constitutional separation of powers, and accordingly, the executive branch shall so implement it.

My approval of the Act does not constitute my adoption of the various statements of policy in the Act as U.S. foreign policy. Given the Constitution's commitment to the presidency of the authority to conduct the Nation's foreign affairs, the executive branch shall construe such policy statements as advisory, giving them the due weight that comity between the legislative and executive branches should require, to the extent consistent with U.S. foreign policy.

THE WHITE HOUSE,
September 30, 2002.

