



GEORGE H.W. BUSH PRESIDENTIAL LIBRARY and MUSEUM
1000 GEORGE BUSH DRIVE WEST | COLLEGE STATION, TX 77845

November 1, 2018

Andrew Boyle
Brennan Center for Justice
At New York University School of Law
1140 Connecticut Ave NW
11th Floor, Suite 1150
Washington, DC 20036

Dear Mr. Boyle:

This letter is in further response to your Freedom of Information Act (FOIA) request dated June 6, 2018 for access to George H. W. Bush Presidential records pertaining to Presidential Emergency Action Documents and/or Presidential Emergency Action Directives (PEADs). FOIA requests for Bush Presidential records are processed and reviewed for access under provisions of the 1978 Presidential Records Act, as amended (PRA) (44 U.S.C. §§ 2201-2209), which incorporates the Freedom of Information Act (5 U.S.C. § 552) in substantial part.

We have completed processing approximately 311 pages of Bush Presidential records related to this request. Of this total, 247 pages have been exempted from release in whole or part in compliance with applicable FOIA exemptions, which specify what material may be released to the public. The 247 pages restricted from access, in whole or in part, is listed along with the exemption categories below. Some pages may be restricted under more than one category.

(b)(1) – 247 pages

A list of the FOIA exemptions, as well as a copy of the finding aid that describes the processed material is attached.

At this time, you have the right to file an administrative appeal of any George H. W. Bush Presidential records responsive to your FOIA request that have been withheld under an exemption category of the FOIA, 5 U.S.C. §552(b). By filing an appeal, you give the agency a chance to reconsider your request and the agency's decision. To appeal a FOIA exemption, the appeal must be submitted in writing to the attention of the Deputy Archivist of the United States, c/o the George H. W. Bush Library and Museum, 1000 George Bush Drive West, College Station, TX 77845. You should explain why you believe this response does not meet the requirements of the FOIA and you should also include a copy of your original request and our denial. Both your appeal letter and the envelope should be clearly marked "FOIA Appeal." Your appeal must be postmarked or electronically submitted within 90 calendar days from the date of this letter. The Library will coordinate your appeal with the appropriate authority.

Since these are Presidential records administered in accordance with 44 U.S.C. §§2201-2209, NARA must notify the former and Incumbent Presidents prior to the release of any information in response to these appeals. Once an appeal determination is made and the notification period has passed, we will contact you.

If you would like to discuss our response before filing an appeal to attempt to resolve your dispute without going through the appeals process, you may contact our FOIA Public Liaison John Laster for assistance at: Presidential Materials Division, National Archives and Records Administration, 700 Pennsylvania Avenue, NW, Room G-7, Washington, DC 20408-0001; email at libraries.foia.liaison@nara.gov; telephone at 202-357-5200; or facsimile at 202-357-5941.

If you are unable to resolve your FOIA dispute through our FOIA Public Liaison, the Office of Government Information Services (OGIS), the Federal FOIA Ombudsman's office, offers mediation services to help resolve disputes between FOIA requesters and Federal agencies. The contact information for OGIS is: Office of Government Information Services, National Archives and Records Administration, 8601 Adelphi Road – OGIS, College Park, MD 20740-6001; email at ogis@nara.gov; telephone at 202-741-5770; toll free at 1-877-684-6448; or facsimile at 202-741-5769.

Please note that 247 pages of material responsive to your request have been withheld pursuant to FOIA exemption (b)(1), (national security classified information). In order to facilitate our ability to more quickly seek a declassification review for those specific documents that are of interest to you, we are no longer referring all classified documents processed in response to your FOIA request to the originating and/or equity agencies for a current classification review. Based on the information provided on our withdrawal sheets, you can request under your existing FOIA or through the mandatory declassification review provisions of Executive Order 13526 a declassification review of those specific documents of interest to you.

The remaining 64 pages are open for research. Because there are only a few open pages that are not numbered tabs, we have taken the liberty of enclosing copies of 9 open pages and the relevant withdrawal sheets for the closed records. Please note the remaining 55 pages of open documents are numbered or lettered divider tabs with no textual information, although you may, of course, request copies of those as well. Historical records at NARA are not governed by the FOIA fee and fee waiver provisions in section 552(a)(4)(A)(vi). Accordingly, the George H. W. Bush Library does not provide fee waivers for copying. NARA charges standard reproduction fees for copying of historical records in accordance with our statutorily based fee schedule, codified at 44 U.S.C. § 2116(c). We will be happy to provide you with copies of the open and partially open records upon receipt of the reproduction fee of \$.80 per page. You may also view the documents in our research room at the George H. W. Bush Library where a self-service copier is available for the price of \$.25 a page. The Library accepts checks or money orders made out to the National Archives Trust Fund. When you provide a check as payment to the National Archives and Records Administration, please be advised that you authorize them to use the information from your check to make a one-time electronic funds transfer from your account or to process the payment as a check transaction. When NARA uses information from your check to make an electronic funds transfer, funds may be withdrawn from your account as early as they day we receive your payment, and you will not receive your check back from your financial institution. The Library also accepts Visa, Master Card, American Express, or Discover/Novus orders.

If you wish to order copies or need any further assistance, please contact our staff at (979) 691-4041 or library.bush@nara.gov. Your FOIA case log number is 2018-0974-F. Please have this number accessible for reference during any future contact concerning this case.

Sincerely,

A handwritten signature in cursive script that reads "Deborah Wheeler". The signature is written in black ink and is positioned above the typed name.

DEBORAH WHEELER
Supervisory Archivist
George H. W. Bush Library and Museum

Enclosures

DKW:bah

Withdrawal/Redaction Sheet
(George Bush Library)

Doc. No. / Type	Subject/Title	Date	Restriction	Classification
01. Report	Presidential Emergency Action Documents: Draft Portfolio of Standby Emergency Documents [sections E-G] [double-sided] (93 pp.)	04/1989	(b)(1)	S

Collection:

Record Group: Bush Presidential Records
Office: Records Management, White House Office of
Series: Miscellaneous Files
Subseries:
WHORM Cat.:
File Location: Presidential Emergency Action Documents [Binder] [2]

Pinksheet Number: BAH1980
OA/ID Number: 20432-003
Date Closed: 9/26/2018
FOIA/Sys Case #: 2018-0974-F
Re-review Case #:
P-2/P-5 Review Case #:

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Date Closed: 9/26/2018	OA/ID Number: 20432-003
FOIA/SYS Case #: 2018-0974-F	Appeal Case #:
Re-review Case #:	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

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

- P-1 National Security Classified Information [(a)(1) of the PRA]
- P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P-3 Release would violate a Federal statute [(a)(3) of the PRA]
- P-4 Release would disclose trade secrets or confidential commercial or financial information [(a)(4) of the PRA]
- P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]
- P-6 Release would constitute a clearly unwarranted invasion of personal privacy [(a)(6) of the PRA]

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

PRM. Removed as a personal record misfile.

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

Withdrawal/Redaction Sheet (George Bush Library)

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Record Group: Bush Presidential Records
Office: Records Management, White House Office of
Series: Miscellaneous Files
Subseries:
WHORM Cat.:
File Location: Presidential Emergency Action Documents [Binder] [1]

Pinksheet Number: BAH1979
OA/ID Number: 20432-002
Date Closed: 9/26/2018
FOIA/Sys Case #: 2018-0974-F
Re-review Case #:
P-2/P-5 Review Case #:

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Presidential Emergency Action Documents

~~SECRET~~

Bush Library Photocopy

UNCLASSIFIED UPON
REMOVAL OF CLASSIFIED
ATTACHMENTS

bah 10/18/18

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UNCLASSIFIED UPON
REMOVAL OF CLASSIFIED
ATTACHMENTS

bah 10/18/18

Bush Library Photocopy

FEDERAL EMERGENCY MANAGEMENT AGENCY
CLASSIFIED DOCUMENT ACCOUNTABILITY RECORD

DATE
89/09/25

SECTION I. GENERAL

TO: RETURN TO:
FEDERAL EMERGENCY MANAGEMENT AGENCY
ATTN: DOCUMENT CONTROL
WASHINGTON, D.C. 20472

DATE RECEIVED: SUSPENSE DATE: REVIEW DATE: REGISTERED MAIL NO.:

CONTROL, LOG OR FILE NO.	CLASSIFICATION	NUMBER OF COPIES	DESCRIPTION (Type, File Ref., Unclassified Subject or Short Title and Number of Indorsements/Incls)	DATE OF DOCUMENT	ORIGINATOR
S/ 318-89	S	161	PRESIDENTIAL EMERGENCY ACTION DOCUMENTS APRIL 1989		NP-OP-PL
ATTN: P. HINES					

SECTION II. ROUTING

TO	COPY NO.	DATE	PRINTED NAME	SIGNATURE
1. MH	48			
2.				
3.				
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5.				

SECTION III. DESTRUCTION CERTIFICATE (Check appropriate block)

MATERIAL DESCRIBED HEREON HAS BEEN:

DESTROYED TORN IN HALF AND PLACED IN A CLASSIFIED WASTE CONTAINER

OFFICE SYMBOL	DATE	PRINTED NAME OF DESTRUCTION AUTHORITY	SIGNATURE
DESTRUCTION RECORD NO.	DATE	PRINTED NAME OF CERTIFYING/DESTR. OFF.	SIGNATURE
PAGE OR COPY NUMBER	DATE	PRINTED NAME OF WITNESSING OFFICIAL	SIGNATURE

SECTION IV. REPRODUCTION AUTHORITY

NUMBER OF COPIES TO BE REPRODUCED	AUTHORIZED BY	DATE
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SECTION V. RECEIPT/TRACER ACTION (Check appropriate block)

RECEIPT OF DOCUMENT(S) ACKNOWLEDGED DOCUMENT(S) HAVE NOT BEEN RECEIVED

TRACER ACTION: SIGNED RECEIPT FOR MATERIAL DESCRIBED ABOVE HAS NOT BEEN RECEIVED.

DATE	PRINTED NAME, GRADE OR TITLE	SIGNATURE
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COMMENTS

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PRESIDENTIAL EMERGENCY ACTION DOCUMENTS APRIL 1989

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CLASSIFIED DOCUMENT ACCOUNTABILITY RECORD

DATE

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89/09/77

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COMMENTS

To be transferred
to Bush Library

TO
TERRY

Note: This document is classified in its entirety at the "SECRET" classification level because of association/compliation of all material contained therein. Upon signature by the President these documents become unclassified. However, no portions, paragraphs, sub-paragraphs, etc., of these documents are authorized for unclassified release prior to that time without the expressed written permission of the originator.

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Series: Miscellaneous Files
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George Bush Presidential Library

1000 George Bush Drive West
College Station, TX 77845
phone: (979) 691-4041
fax: (979) 691-4030
<http://bushlibrary.tamu.edu>
library.bush@nara.gov

Inventory for FOIA Request 2018-0974-F

Records on Presidential Emergency Action Directives (PEADs)

Extent

1 folder

Access

Collection is open to all researchers. Access to Bush Presidential Records, Bush Vice Presidential Records, and Quayle Vice Presidential Records is governed by the Freedom of Information Act (FOIA)(5 USC 552 as amended) and the Presidential Records Act (PRA)(44 USC 22) and therefore records may be restricted in whole or in part in accordance with legal exemptions.

Copyright

Documents in this collection that were prepared by officials of the United States government as part of their official duties are in the public domain. Researchers are advised to consult the copyright law of the United States (Title 17, USC) which governs the making of photocopies or other reproductions of copyrighted material.

Provenance

Official records of George Bush's presidency and vice presidency are housed at the George Bush Presidential Library and administered by the National Archives and Records Administration (NARA) under the provisions of the Presidential Records Act (PRA).

Processed By

Staff Archivists, September 2018. Previously restricted materials are added as they are released.

System of Arrangement

Records that are responsive to this FOIA request were found in one collection area—Bush Presidential Records: Staff and Office Files. Staff and Office Files are processed at the folder level, that is, individual documents are not selected and removed from a folder for processing. While this method maintains folder integrity, it frequently results in the incidental processing of documents that are not wholly responsive to the subject area.

Scope and Content

The materials in FOIA 2018-0974-F are a selective, not necessarily all inclusive, body of documents responsive to the topic of the FOIA. Researchers should consult the archivist about related materials.

FOIA 2018-0974-F contains a collection of draft Presidential Emergency Action Directive documents for various possible events during a presidential administration. Also included are administrative forms, divider tabs, and notes regarding classification of the documents.

The following is a list of documents and folders processed in response to FOIA 2018-0974-F.

Bush Presidential Records: Staff and Office Files

Records Management, White House Office of.

Miscellaneous Files

Presidential Emergency Action Documents [Binder] [1] [OA/ID 20432]

Presidential Emergency Action Documents [Binder] [2] [OA/ID 20432]

Last modified: 10/31/2018