

Executive Order 13380 of June 17, 2005

Implementing Amendments to Agreement on Border Environment Cooperation Commission and North American Development Bank

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 533 of the North American Free Trade Agreement Implementation Act (19 U.S.C. 3473), it is hereby ordered as follows:

Section 1. Executive Order 12916 of May 13, 1994, is amended as follows:

(a) in section 1, by inserting “, as amended by the Protocol of Amendment done at Washington and Mexico City, November 25 and 26, 2002” after “North American Development Bank”;

(b) by striking section 2 and inserting in lieu thereof the following:

“**Sec. 2.** (a) The Secretary of State, the Secretary of the Treasury, and the Administrator of the Environmental Protection Agency shall be members of the Board of Directors of the Border Environment Cooperation Commission and the North American Development Bank (“Board”) as provided in clauses (1), (3), and (5) of article II in chapter III of the Agreement.

(b) Appointments to the Board under clauses (7) and (9) of article II in chapter III of the Agreement shall be made by the President. Individuals so appointed shall serve at the pleasure of the President.

(c) The Secretary of the Treasury is selected to be the Chairperson of the Board during any period in which the United States is to select the Chairperson under article III in chapter III of the Agreement.

(d) Except with respect to functions assigned by section 4, 5, 6, or 7 of this order, the Secretary of the Treasury shall coordinate with the Secretary of State, the Administrator of the Environmental Protection Agency, such other agencies and officers as may be appropriate, and the individuals appointed under subsection 2(b) as may be appropriate, the development of the policies and positions of the United States with respect to matters coming before the Board.”;

(c) in section 3, by striking subsections (a), (b), and (c), striking “(d)”, and striking “representatives” and inserting in lieu thereof “members of the Board listed in subsections 2(a) and (b)”;

(d) in section 6, by striking “Advisory Committee” and inserting in lieu thereof “Community Adjustment and Investment Program Advisory Committee (“Advisory Committee”) established pursuant to section 543(b) of the NAFTA Implementation Act”; and

(e) in section 7(c), by striking “Members” and inserting in lieu thereof “members”.

Sec. 2. This order is intended only to improve the internal management of the executive branch and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any

party against the United States, its departments, agencies, entities, officers, employees, or agents, or any other person.

GEORGE W. BUSH

The White House,
June 17, 2005.

Executive Order 13381 of June 27, 2005

Strengthening Processes Relating to Determining Eligibility for Access to Classified National Security Information

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to assist in determining eligibility for access to classified national security information, while taking appropriate account of title III of Public Law 108–458, it is hereby ordered as follows:

Section 1. Policy. To the extent consistent with safeguarding the security of the United States and protecting classified national security information from unauthorized disclosure, agency functions relating to determining eligibility for access to classified national security information shall be appropriately uniform, centralized, efficient, effective, timely, and reciprocal.

Sec. 2. Functions of the Office of Management and Budget. The Director of the Office of Management and Budget (Director):

(a) may, to ensure the effective implementation of the policy set forth in section 1 of this order, assign, in whole or in part, to the head of any agency (solely or jointly) any process relating to determinations of eligibility for access to classified national security information, with the agency's exercise of such assigned process to be subject to the Director's supervision and to such terms and conditions (including approval by the Office of Management and Budget) as the Director determines appropriate;

(b) shall carry out any process that the Director does not assign to another agency (or agencies) under subsection (a);

(c) may, after consultation with the Secretary of State, Secretary of Defense, the Attorney General, the Secretary of Energy, the Secretary of Homeland Security, the Director of National Intelligence (DNI), and the Director of the Office of Personnel Management, issue guidelines and instructions to the heads of agencies to ensure appropriate uniformity, centralization, efficiency, effectiveness, and timeliness in processes relating to determinations by agencies of eligibility for access to classified national security information;

(d) may, with regard to determining eligibility for access to Sensitive Compartmented Information (SCI) and "special access programs pertaining to intelligence activities; including special activities, but not including military operational, strategic, and tactical programs" (Intelligence SAPs) under section 4.3(a) of Executive Order 12958 of April 17, 1995, as amended, issue guidelines and instructions with the concurrence of the DNI to