

THE WHITE HOUSE  
WASHINGTON

File:  
Exec. Actions

95/EXEC. ACTION

Exchanges w/BC: 1) Clips 2) Weekly 3) Policy memos; 4) Residence memos  
- BC feedback from travels

DPC TEAMS - Idea people

BC as gov - 91, 92 - Every prob. solved somewhere

BC work: 1) Erie, Penn.  
2) G'town econ speech - memos: Idea circles

BEST BC IDEAS: 1) LWTW partnership  
2) Stds/tests

EO's etc.

- CRIME: Uniforms, Truancy (NYT article), 311, arru teas
- \* WR: 80 waiver. 2-yr limit. Major mems. Fed hiring. LWTW  
CSE: Fed employees. Crosscheck fed. benefits [6 EO's in 2 yrs.]
- EDUC: School prayer. DOD schools. No social promo. Ameri nps
- HC: Tobacco EO. EPA EO. Pediatric labeling. Quality Care.  
Consumer Genetic screening. Food safety
- FAMILY: Adoption  
Relig Expression. Cloning  
REBO
- New: AUs. Same sex

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311

Comm prosecution

School uniforms, treasury manual

WR - Fed hiring

WTH partnership (2000)

CSE EDs - fed employees.

Tobacco ED

Children's Health ED

AIDS vaccine

Nat senior scholars

C. care conf.

Ban on human cloning

School sign up

Testing proposal

Pediatric labeling

Genetic screening

Food safety

Adoption ED

No more social promotion

REGO - 100,000; parks

Quality Comm

Internet  
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AUS

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## Summary of Upcoming Regulations - A and B Lists

### A List

USDA/FNS: Non-Citizen Eligibility Provisions M  
 USDA/FS: Roadless (major)  
 USDA/FS: Roads  
 HHS/ASPE: Health Privacy M  
 DOL/PWBA: Medical Benefit Claims M  
 DOL/OSHA: Ergonomics

EPA/OAR: Mercury from Electric Utilities  
 EPA/OAR: Diesel Fuel Sulfur and Heavy-Duty Truck Emissions  
 EPA/OAR: Yucca Mountain  
 EPA/OEI: TRI Lead  
 EPA/OW: Sanitary Sewer Overflows

### B List

USDA/FNS: Personal Responsibility Provisions  
 USDA/AMS: Grading of Imported Meat Carcass  
 USDA/AMS: Livestock Mandatory Price Reporting  
 USDA/AMS: Organic Rule  
 USDA/APHIS: Citrus Canker  
 USDA/APHIS: Karnal Bunt  
 USDA/FSIS: Performance Stds. Ready-to-Eat Meat  
 USDA/FSIS: Egg Inspection  
 USDA/FSIS: Nutrition Labeling for Meat  
 USDA/GIPSA: Equitable Competition Livestock Mkts.  
 USDA/GIPSA: ANPRM Marketing Biotech/Non-Biotech Products  
 DOD/ES: DoD Range Rule  
 DOL/BLM: Hard Rock Mining, or "3809"  
 DOI/NPS: Snowmobile Use in National Parks  
 DOI/BLA: Tribal Self-Governance  
 DOI: Natural Resource Damage Assessments  
 HHS/FDA: Labeling and Refrigeration of Shell Eggs  
 HHS/FDA: Good Tissue Practice  
 HHS/FDA: Dietary Supplements GMPs  
 HHS/FDA: Pre-market Notice for Bioengineered Foods  
 HHS/FDA: Hearing Aids  
 HHS/FDA: Xenotransplantation  
 HHS/FDA: Egg Safety Standards for Producers/Retail  
 HHS/FDA: Juice HACCP

DOL/OSHA: Reporting and Recordkeeping  
 DOL/ESA: Black Lung  
 DOL/ETA: Davis-Bacon Helpers  
 DOT/FAA: Airport and Airplane Operator Security  
 DOT/NHTSA: Head Restraints  
 DOT/NHTSA: TREAD Act  
 DOT/OST: Transportation Drug and Alcohol Testing  
 DOT/FRA: Freight Railroad Power Brake Regulations.  
 DOT/RSPA: Pipeline Accidents  
 EPA/OAR: MTBE as a Fuel Additive  
 EPA/OAR: Approval/Denial of California Petition for Waiver from Federal Oxygenate Requirements  
 EPA/OAR: Mobile Source Air Toxics (Gasoline Benzene)  
 EPA/OAR: Methyl Bromide  
 EPA/OPPTS: Plant Incorporated Protectants  
 EPA/OPPTS: Lead-Based Paint Hazards  
 EPA/OW: "Tulloch"  
 EPA/OW: "Mountain Top Mining"  
 EPA/OW: Guidelines-Concentrated Animal Feeding  
 EPA/OW: Water Quality Standards for Oceans  
 ATBCB: IT Accessibility  
 ATBCB: Recreation Facilities  
 OFHEO: Risk-Based Capital

\* HHS/HCFA: SCHIP  
 HHS/HCFA: Medicaid Managed Care Reforms  
 HHS/HCFA: Nurse Anesthetists  
 HHS/HCFA: Clinical Psychology Training Program  
 HHS/HCFA: Nursing/Allied Health Training Program  
 HHS/HCFA: Stark II  
 HUD/PIH: Responsible Firearms  
 HUD/PIH: Deconcentration of Poverty  
 HUD/PIH: One-Strike Screening and Eviction  
 HUD/PIH: Consortia of Public Housing Agencies  
 DOJ/INS: Asylum/R-A  
 DOJ/INS: Asylum/Past Persecution



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

November 2, 2000

MEMORANDUM FOR ADRIENNE ERBACH

FROM: Mac Reed **MR**

SUBJECT: Pending Executive Orders, Memoranda and Proclamations

The pending Executive orders, memoranda and proclamations are listed below.

**Immediate Priorities**

1. Delta Regional Authority (OMB)- The proposed order would create the "Delta Regional Authority" to coordinate Federal Government efforts to increase living standards and improve the overall economic profile of the Delta Region. Part of the Authority's responsibilities would be to approve grants for the economic development of the Region. \$20 million has been appropriated for the Authority to use and disburse. - The President is personally interested in the order.
2. Pipeline Safety (CEQ) - The proposed memorandum would direct the Secretary of Transportation to develop a comprehensive plan and promulgate regulations to improve hazardous liquid and natural gas pipeline safety standards. CEQ is pushing this for Chief of Staff's (COS) office. CEQ says that COS would like the memo to be ready for signing by the President tomorrow. OMB Transportation Branch has problems with the memo and is trying to work out the problems with CEQ.
3. Protections For Migratory Birds (CEQ) - The proposed order would direct the agencies to take certain actions to implement the Migratory Bird Treaty Act. This order will be ready to go into the Director's office after incorporating some changes from the Department of Justice.

**Other Submissions**

4. Government Accountability for Merit System Principles (OPM) - The proposed order would establish two new civil service rules to make agencies more accountable to the President for effective human resources management.
5. Reemployment Rights for Career Employees (OPM) - The proposed order would create reemployment rights for outstanding career civil service employees who accept Presidential appointment to an Executive level position.

6. ONDCP Name Change (ONDCP) - The proposed order would change the name of the President's Drug Policy Council and take other actions to ensure consistency with recent laws.
7. Amendment to Executive Order 10977, American Expeditionary Medal- The proposed order would enable the Medal to be awarded to small units that encounter foreign armed opposition in addition to the large units that can already be awarded the Medal.
8. Amendment to Executive Order 11623 (Selective Service) - The proposed order would delete Labor, HHS, and Transportation from the group of agencies that reviews proposed selective service rules.
9. To strengthen the Federal Government - University Partnership (OSTP) - The proposed order sets out principles to strengthen the Federal Government -University partnership.
10. Order of Succession of Officials to Act as Secretary of Health and Human Services - The proposed order updates the order of succession to serve as Secretary of HHS.
11. Amendment to the Manual For Courts Martial, 1999a (Defense) - The proposed order would update the Manual to reflect court decisions and changes in law and procedure.
12. Amendment to the Manual For Courts Martial, 2000 (Defense) - The proposed order would update the Manual to reflect court decisions and changes in law and procedure. (Note: These Courts Martial orders are long and complicated and take a great deal of time to review.)
13. Federal Leadership on Global Tobacco Control and Prevention (WHLA)- The order directs agencies to take actions to address global tobacco use. (WHLA was pushing the order as a result of the China/PNTR vote.)
14. Federal Leadership of Historic Sites (WH Millennium Council) - The proposed order would direct agencies to take actions to further protect their historic and cultural sites.
15. Vermillion Cliffs National Monument (Interior) - The proposed proclamation would create the Vermillion Cliffs National Monument in Arizona.
16. Craters of the Moon National Monument (Interior) - The proposed proclamation would expand the boundaries of the Craters of the Moon National Monument.
17. Task Force on Puerto Rico's Ultimate Status (WH Intergovernmental Affairs) - The proposed order would create a task force to address ongoing issues concerning Puerto Rico's ultimate status.

18. Further Amendment to Executive Order 1000, Regulations Governing Additional Compensation and Credit Granted Certain Employees of the Federal Government Serving Outside the United States (OPM) - The proposed order would implement changes in the non-foreign area cost of living allowance (COLA) program pursuant to settlement of the Caraballo v United States case.
19. The President's Disability Employment Partnership Board (WHDPC) - The proposed order would create a 15 member Board to provide advice to the President concerning employment of people with disabilities.
20. Offsets Commission (OMB) - The proposed order would implement the statutory creation of the National Commission on the Use of Offsets in Defense Trade and create a complementary President's Council on the Use of Offsets in Commercial Trade.
21. Amendment to Executive Order 13000 (Defense) - The proposed order would update the order of succession of officers to serve as Secretary of Defense.
22. Amendment to Executive Order 12994 (President's Committee on Mental Retardation) - The proposed order would extend the terms for Committee members from two to three years.
23. Implementation of the Enterprise for the Americas Initiative and the Tropical Forest Conservation Act (Treasury) - The proposed order allocates responsibilities to the agencies to implement the Act.

\* Unless otherwise stated, each of the agencies or WH entities wanted their order/memorandum/ or proclamation done as soon as possible.

I have also heard about, but not seen the following orders:

24. Medical Privacy Order (Peter Swire)
25. Transition Order (COS)
26. Northwestern Hawaiian Islands National Monument (CEQ)

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## OIRA

### Upcoming Regulations

- Tab A – Administration's Highest Priorities (Top 11 Rules)  
5 EPA, 3 USDA, 2 DOL, 1 HHS
- Tab B – High Profile and Controversial Rules (59 Rules)
- Tab C – Important Rules (181 Rules)
- Tab D – Rules Cleared but Not Published, Rules  
Published Since 10/1, and Rules in Clearance  
but Not Published (32 Rules)

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USDA/FS: Roadless  
USDA/FS: Roads  
HHS/ASPE: Health Privacy  
DOL/PWBA: Medical Benefit Claims  
DOL/OSHA: Ergonomics

EPA/OAR: Mercury from Electric Utilities  
EPA/OAR: Diesel Fuel Sulfur and Heavy-Duty Truck Emissions  
EPA/OAR: Yucca Mountain  
EPA/OEI: TRI Lead  
EPA/OW: Sanitary Sewer Overflows

### B List

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USDA/AMS: Livestock Mandatory Price Reporting  
USDA/AMS: Organic Rule  
USDA/APHIS: Citrus Canker  
USDA/APHIS: Karnal Bunt  
USDA/FSIS: Performance Sids. Ready-to-Eat Meat  
USDA/FSIS: Egg Inspection  
USDA/FSIS: Nutrition Labeling for Meat  
USDA/GIPSA: Equitable Competition Livestock Mkts.  
USDA/GIPSA: ANPRM Marketing Biotech/Non-Biotech Products  
DOD/ES: DoD Range Rule  
DOI/BLM: Hard Rock Mining, or "3809"  
DOI/NPS: Snowmobile Use in National Parks  
DOI/BIA: Tribal Self-Governance  
DOI: Natural Resource Damage Assessments  
HHS/FDA: Labeling and Refrigeration of Shell Eggs  
HHS/FDA: Good Tissue Practice  
HHS/FDA: Dietary Supplements GMPs  
HHS/FDA: Pre-market Notice for Bioengineered Foods  
HHS/FDA: Hearing Aids  
HHS/FDA: Xenotransplantation  
HHS/FDA: Egg Safety Standards for Producers/Retail  
HHS/FDA: Juice HACCP  
HHS/HCFA: SCHIP  
HHS/HCFA: Medicaid Managed Care Reforms  
HHS/HCFA: Nurse Anesthetists  
HHS/HCFA: Clinical Psychology Training Program  
HHS/HCFA: Nursing/Allied Health Training Program  
HHS/HCFA: Stark II  
HUD/PIH: Responsible Firearms  
HUD/PIH: Deconcentration of Poverty  
HUD/PIH: One-Strike Screening and Eviction  
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DOL/OSHA: Reporting and Recordkeeping  
DOL/ESA: Black Lung  
DOL/ETA: Davis-Bacon Helpers  
DOT/FAA: Airport and Airplane Operator Security  
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DOT/OST: Transportation Drug and Alcohol Testing  
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EPA/OAR: Mobile Source Air Toxics (Gasoline Benzene)  
EPA/OAR: Methyl Bromide  
EPA/OPPTS: Plant Incorporated Protectants  
EPA/OPPTS: Lead-Based Paint Hazards  
EPA/OW: "Tulloch"  
EPA/OW: "Mountain Top Mining"  
EPA/OW: Guidelines-Concentrated Animal Feeding  
EPA/OW: Water Quality Standards for Oceans  
ATBCB: IT Accessibility  
ATBCB: Recreation Facilities  
OFHEO: Risk-Based Capital

# **Upcoming Regulations**

## **A List**

## Upcoming Regulations - A List

**USDA/FNS: Non-Citizen Eligibility Provisions of PRWORA (Final); Major. Status: under review.**

We are reviewing a Food and Nutrition Service (FNS) final rule that addresses the eligibility of non-citizens for Food Stamp benefits and more general Food Stamp application processing/eligibility determination issues. This rule finalizes regulations implementing the statutory restrictions on the receipt of food stamps by legal immigrants that were required by the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA). The regulation also addresses the provisions of PRWORA that gave States additional flexibility in the administration of the food stamp program.

The proposed rule, published February 29, 2000 received significant and organized opposition from recipient and immigrant advocacy organizations for attempting to allow more state flexibility in implementing the Food Stamp program. In all, over 300 groups commented. Advocates were very concerned that many of the program's recipient protections were being removed at a time when the food stamp caseload is declining faster than the poverty rate. As a result of the negative reaction to the proposed rule, the final version largely preserves existing regulations regarding program administration.

Before review of the rule is complete, several major issues must be finalized. These include legal issues surrounding the deeming of income to sponsored aliens and FNS' interpretation that the PRWORA five year ban for receipt of public assistance does not apply to the food stamp program. There are also outstanding policy issues, such as establishing six month certification periods for working families on food stamps. Because of the increased costs as a result of the addition of the six month certification option and the addition of transitional food stamps, budgetary offsets will be necessary. We hope to conclude review by November 13, 2000.

Because States were very much in favor of the increased flexibility, it is likely that they will be disappointed in the final rule. FNS has attempted to retain some flexibility, where it does not conflict with recipient protections.

**USDA/FS: Roadless Rule (Final Rule; Major). Status: expected at OMB November 22, 2000.**

This rule will prohibit road construction in about 50 million acres of inventoried roadless areas of national forests in 2001, and in another 10 million acres in Tongass National Forest in 2004. FS is issuing this rule in response to direction from the President in October 1999 to protect these areas.

Still to be resolved is whether this rule should prohibit road construction to access future mining leases for oil, gas, coal, phosphate and other minerals. (The rule can not legally restrict access to "hardrock" minerals such as gold, silver, copper, and lead). The Final Environmental Impact Statement (FEIS), which FS will begin distributing on November 9, states that the preferred policy alternative is to prohibit road construction for these mining operations. However, the FEIS leaves open the possibility that FS could exempt mining operations from the scope of the final rule. DOE is performing an assessment of

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the potential energy impacts of this rule, which will be completed November 15. Once this assessment is complete, we will begin discussions on this issue. An additional issue to be resolved is whether Tongass should be exempt from this rule. In the FEIS, Tongass is covered in 2004, but the FEIS leaves open the possibility that Tongass could be exempt or covered immediately.

FS would like to publish the final rule December 18, 2000. This would require OMB clearance no later than December 11. The "rollout" for the Roadless FEIS is scheduled for November 13.

**USDA/FS: Roads Rule (Final Rule;).** Status: expected at OMB November 11, 2000.

This rule describes the process that FS must follow when making decisions about road construction, maintenance, or decommissioning in national forests. The rule prioritizes the decommissioning and maintenance of roads over new road construction, and requires that a comprehensive science-based analysis be performed before making decisions about road construction. The rule also contains "transitional provisions" that will require the FS to perform an Environmental Impact Statement and decide there is a "compelling need" before allowing road construction in inventoried roadless and unroaded areas of national forests. These "transitional provisions" remain in effect until the forest supervisor conducts a forest-wide roads-analysis and ensures that the forest plan is consistent with the results of these analysis.

The major issue of public concern is how this rule will affect access to national forests, as this rule specifically prioritizes the decommissioning of roads. Also of concern is that the "transitional provisions" will result in a de facto prohibition on road construction in inventoried areas and unroaded areas. While road construction in inventoried roadless areas will be prohibited under the Roadless rule anyway--and hence this is not a significant concern--some may argue that this rule also prohibits road construction in other unroaded areas that are not yet inventoried. Because FS can not identify where these areas are located, some may argue that FS can not prohibit road construction in these areas as they can not perform a meaningful analysis of the impacts of this.

We expect to receive this rule in early to mid-November. FS would like this rule published before the Roadless rule (on December 18).

**HHS/ASPE: Standards for Privacy of Health Information (Final Rule; Major).** Statutory Deadline: February, 2000. Status: under review.

The final rules guaranteeing the privacy of medical information under the Health Insurance Portability and Accountability Act of 1996 will limit the non-consensual use and release of private health information; inform consumers about their right to access their records and know who else has accessed them; restrict the disclosure of protected health information to the minimum necessary;

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establish new disclosure requirements for researchers and others seeking access to health records; and establish new criminal and civil sanctions for improper use and disclosure of such information. These privacy regulations will apply to all medical providers and plans and their business associates. This represents 13% of the U.S. economy.

Based on the 53,000 comments filed in the comment period, the most significant issues will likely be: (1) whether the rule applies only to information that has been in electronic form, or to all paper and electronic records; (2) whether patients will be required (or permitted) to consent to their files being used for purposes of treatment, payment, and operations; and (3) what the standards will be for law enforcement access to medical records.

The President announced in his State of the Union address that the final rules will be issued this year. We are working to publish and announce the final rules by late November. HHS sent draft regulatory text and portions of the preamble to OMB November 1 for informal review. It hopes to send us substantial additional portions of the rule the week of November 6.

**DOL/PWBA: Medical Benefit Claims Procedures (Final Rule; Major).** Status: under review.

This regulation—published as a proposal in 1998-- changes minimum requirements for processing medical benefit and disability claims under employee benefit plans covered under Title I of the Employee Retirement Income Security Act of 1974 (ERISA). The rule implements provisions of the Patients' Bill of Rights using existing regulatory authority. The rule shortens timeframes for plans to make claims decisions and decide appeals, imposes new notice requirements for incomplete or incorrectly filed claims, changes appeal procedures, and increases plan disclosure obligations regarding procedural rights and denials of claims.

This rule was very controversial when published as a proposal, eliciting more than 700 comments and more than 60 speakers at the three days of public hearings DOL held. The final rule makes a number of significant changes to the proposal to address concerns raised by the comments. Key issues addressed by the standard concern the reasonableness of the timeframes for making decisions, the requirements that review of appeals be independent of the initial decisionmaker, the conditions under which arbitration may be used, and the appropriate level of preemption of State law.

DOL is very close to submitting a complete version of the final rule for OMB review. Our goal is to publish the rule in the *Federal Register* as soon as possible. Since the Department estimates the rule's costs at over \$400 million per year, the rule is considered major under the Congressional Review Act and cannot be effective until 60 days after publication in the *Federal Register* and submission to Congress.

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Last week Chairman Goodling and Subcommittee Chair Boehner wrote to Secretary Herman urging that the rule be reissued in proposed form or at a time that allows "effective and timely

**DOL/OSHA: Ergonomics Program Standard (Final Rule; Major). Status: Under review**

The ergonomics standard is seeks to prevent work-related injuries arising from repetitive motion or over exertion (technically called "musculoskeletal disorders" (MSDs)), such as carpal tunnel syndrome, tendinitis and lower back pain. These injuries are the most prevalent type of occupational injury, representing over one-third of all lost-workday injuries annually. OSHA proposed the rule in November 1999.

The rule will require an ergonomics program of any employer who has an employee experience an MSD. The ergonomics program must include management leadership, employee participation, hazard information and reporting, job analysis and control, medical management, training, and program evaluation. Opponents of the rule contend that there is insufficient science to justify the regulation. Within the rule the provision for Work Restriction Protection (WRP) engenders the greatest controversy. Under this provision, employers are required to maintain the wages and benefits for employees who are put on restricted duty due to an MSD and 90% of wages and benefits for employees sent home from work due to an MSD.

We are working closely with OSHA to complete the rule as soon as possible. We hope to be in a position to clear the rule on November 6, so that it can be published November 14.

**EPA/OAR: Regulatory Determination on Regulation of Mercury and other Hazardous Air Pollutants from Electric Utilities (Final Determination;), Settlement Agreement (not Court-Ordered) Deadline: 12/15/00. Status: under review.**

This Federal Register notice would make a determination under the Clean Air Act that it is "appropriate and necessary" for EPA to regulate mercury and other hazardous air pollutants (HAPs) from coal- and oil-fired electric utility generators using its authority under section 112 of the Act. Such an affirmative determination would obligate EPA under the Act to establish within two years "maximum achievable control technology" (MACT) standards to regulate HAPs from these sources. These standards would need to be based on the emissions control achieved by the best-performing electric utility sources.

Preliminary estimates suggest that regulating utility emissions of mercury could impose costs in the range of \$1 to \$3 billion per year. EPA has not yet provided any qualitative or quantitative description of the benefits that would result from such standards.

The primary issue associated with this action is whether EPA could make a negative finding (for

example, a finding that regulation is appropriate, but that it is not necessary to conduct it under Section 112), that would allow it flexibility to take a more cost-effective approach to regulation of mercury and other HAPs from electric utility sources. We have asked EPA to work with us to identify a range of options and the potential costs and benefits associated with these options.

Environmental groups are eagerly anticipating a public announcement by EPA of its intent to regulate mercury from electric utilities, which they view as having been conspicuously omitted from the Clean Air Act's requirements with respect to regulation of HAPs. A July National Academy of Sciences report on the toxicological effects of methylmercury (the form of mercury most toxic to humans) has focused further public attention on this issue.

Other issues include whether it is appropriate to commit to regulating oil-fired utilities, which emit very little mercury, and whether EPA should bind itself to regulate HAPs other than mercury from utility sources. The food processing and fishing industries are concerned that EPA's announcement could overshadow the carefully crafted consumer advisories that FDA has issued about mercury in fish; FDA is currently re-evaluating its advisories, and expects to announce a decision on November 20.

EPA submitted the notice to OMB on September 25. It has been unwilling to share information with OMB to enable us to evaluate potential alternatives regarding approaches. EPA would like to issue its regulatory determination by November 17.

**EPA/OAR: Diesel Fuel Sulfur and Heavy-Duty Truck Emissions**  
(Final Rule; Major). Status: expected at OMB November 15, 2000.

This final rule would set new standards for new heavy-duty trucks – from large pickups to tractor-trailers – and buses to control emissions of nitrogen oxides and hydrocarbons (which contribute to ozone or smog) and particulate matter (soot), likely beginning in 2007. The final rule would also limit the sulfur content of diesel fuel produced for use in on-road vehicles, requiring refiners to reduce sulfur content by more than 95 percent, beginning in 2006.

Completion of this rule will require resolution of several difficult technical and economic policy issues. For the diesel fuel standard, these include: the level and structure of the sulfur limits, the timing of the standard, whether EPA should allow refiners to phase in supply of the ultra-low sulfur diesel fuel, and whether additional provisions may be necessary to address the unique needs of economically challenged small refiners and farm cooperative refiners. The final rule should also address concerns voiced by refiners and others in public comments that the rule would reduce overall diesel fuel supply and, by permitting state pre-emption of EPA's standards, create a "boutique fuels" problem such as was seen in the Midwest this summer. With respect to the truck emissions standards, engine manufacturers have raised issues with the timing and phase-in schedule of the standards. Finally, the

rule will need to address the question of whether or not to conduct a technology review of the rule, likely in 2003.

Along with EPA's 1999 "Tier 2" rule establishing emission controls on new cars and light trucks and reducing gasoline sulfur levels, this rule would achieve some of the most significant air pollution reductions of any rule promulgated by the Administration. The rule would reduce truck emissions by 70 to 90 percent from existing levels, achieving roughly similar overall reductions to the Tier 2 rule. At the same time, the rule would impose large costs on the refining industry -- estimated at \$2 to \$4 billion annually -- and engine manufacturers -- perhaps \$1 billion or more annually -- which may be passed through to truckers and the goods they transport. Refiners have argued publicly that the rule would lead to a reduced supply of diesel fuel, which could increase prices by 15 to 50 or more cents per gallon, with the potential for much higher localized short-term price spikes. DOE believes a phase-in approach would help minimize these disruptions and could save between \$12-21 billion during the transition period. EPA anticipates that we will begin to receive sections of this rule in mid-November. EPA would like to complete this rule in mid-December.

**EPA/OAR: Yucca Mountain (Final Rule; Major).** Statutory deadline: August 1996. Status: unclear (see discussion below).

This rule would set environmental radiation standards for the underground repository for high-level radioactive waste at Yucca Mountain, Nevada. The high-level wastes are primarily generated from electric utilities and Department of Defense projects, and are currently stored at various sites around the country. Congress mandated that EPA set an environmental radiation standard, and that DOE then demonstrate that the facility will meet the EPA standards for the next 10,000 years through an NRC licensing process. DOE would do so through a modeling exercise.

Two major issues remain. First, DOE and EPA disagree on two key parameters regarding the modeled population that DOE would have to show would be protected. Each would have a direct bearing on the effective stringency of the standard. [One is the minimum distance from the site ("point of compliance") at which DOE would have to demonstrate individuals would be protected. The other is the volume of ground water that would supply the annual demands of a hypothetical community in the future at the point of compliance.] Second, the EPA standard would set both an all-pathways (including ground water) standard of 15 millirem and a separate ground water protection standard of 5 millirem. DOE is concerned that the ground water protection standard is redundant in the presence of the all-pathways standard. In addition, NRC advocates a 25 millirem all-pathways standard. As it is currently structured, the ground water standard is binding and thus determines the rule's stringency.

EPA expects to make a decision soon on whether or when to send the rule package to OMB.

**EPA/OEI, TRI Lead (Final Rule; Major). Status: Under Review.**

This final rule would lower the annual reporting threshold for lead and lead compounds under the Toxic Release Inventory (TRI) from the current 10,000 lbs. to 10 lbs. EPA would base this action on a finding that lead meets previously established criteria for classifying TRI chemicals as persistent, bioaccumulative and toxic (PBT). This rule would generate about 15,000 new TRI reports at a cost of about \$120 million in the first year, and \$60 million in subsequent years. It has strong support in the environmental community and equally strong opposition in the business community, especially among small business owners, who view it as burdensome. In a 1998 Earth Day speech, the Vice President directed EPA to issue a rule lowering reporting thresholds for PBT chemicals by the end of 1999. In doing so, he did not specifically refer to lead. He also emphasized that the new rulemaking would "be fashioned in a way that minimizes cost and other burdens on business".

In October, 1999, EPA issued a final rule that established criteria for identifying PBT chemicals and lowered the thresholds for about 20 such chemicals to either 100 or 10 lbs (the lower level being for "highly" PBT substances). This PBT list did not include lead. In a separate NPRM in June of 1999, EPA proposed to classify lead as "highly" PBT and lower its reporting threshold to 10 lbs.

There are significant questions about the scientific basis for EPA's approach, and about the usefulness of the additional information that would be generated in reducing exposure. OSTP has expressed doubts about the science and has recommended that EPA refer the matter to its Science Advisory Board (SAB). This recommendation is also supported by a coalition of about 50 industry trade groups and the bipartisan leadership of the House Science Committee, and was included in the VA/HUD Conference Report for FY 2001. EPA is comfortable with the existing science and wants to proceed immediately with the rule as drafted.

EPA could publish a final rule without SAB review of the science, but with a higher reporting threshold (100 lbs). EPA would base this action on a determination that lead is "PBT", but not "highly PBT." A level of 100 lbs would reduce the number of new reports by about one third. This would make the rule non-major and allow it to become effective as early as 30 days after publication. The approach can also more easily be reconciled with the Vice President's commitment that EPA minimize the burden associated with PBT rules.

**EPA/OW, Sanitary Sewer Overflows (Proposed Rule; Major). Responds to Presidential Directive in 1999 Memorial Day Speech. Status: Under Review since March 2000.**

This rule would establish a comprehensive planning and management framework for sewer operators to ensure adequate system capacity, proper operation and maintenance, and public notification when spills do occur; strengthen the existing prohibition on overflows; provide a limited enforcement defense for

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overflows beyond the reasonable control of the operator. EPA believes that this framework reflects "best practice" approaches to planning that would be necessary in any serious effort to resolve the problem of sanitary sewer overflows (SSOs). It estimates the planning and documentation costs of the rule at \$90 to \$120 million annually.

SSOs are spills of raw sewage that occur either because wet weather inflow overwhelms the capacity of the system, or because of maintenance problems or unavoidable circumstances (for example, grease blockages or tree roots). Resolving the entire SSO problem will be an ambitious task. EPA has estimated the total costs of maintenance and upgrade necessary to eliminate most overflows at \$7 to \$10 billion per year (eliminating all overflows is not technically feasible). EPA reports an estimated benefits-range of \$1 to \$6 billion per year.

Many municipal operators have been concerned about the rulemaking, mainly because of the high costs and limited benefits of trying to provide enough system capacity to prevent overflows even during extreme wet weather. Some municipalities currently face capital costs in excess of \$1 billion to rehabilitate and expand their systems; it is not clear that even these investments will ensure full compliance with the prohibition on discharges as written. For this reason, OMB staff asked that EPA also request comment on an alternative that would allow a limited number of partially treated, controlled discharges during extreme wet weather. Such partially treated discharges are already allowed for Combined Sewer Systems and, according to EPA estimates, could reduce the costs for heavily impacted municipalities by about half. Requesting comment on this alternative would help make the proposal more palatable to municipalities, particularly the large cities that could face very high capital costs. Environmental groups will be less enthusiastic about the alternative, but are likely to be supportive of the proposal. DOJ has raised some concerns as to whether the alternative is consistent with the Clean Water Act, but EPA counsel does not share these concerns. We are continuing to negotiate language with DOJ that would address its concerns while still preserving a meaningful request for comment on the alternative.

# **Upcoming Regulations**

## **B List**

## **B List**

### **Upcoming Regulations - B List**

**USDA/FNS: Personal Responsibility Provisions of PRWORA (Final; Major). Status: Under Review.**

The rule implements 13 welfare reform provisions in the Food Stamp Program. It would prohibit an increase in Food Stamp benefits when a recipient is penalized or disqualified from a State or Federal means-tested public assistance program, and would allow States to disqualify Food Stamp recipients for violations of personal responsibility provisions of those programs.

**USDA/AMS: Grading of Imported Meat Carcass (NPRM). Status: Submission to OMB expected December 15, 2000.**

USDA is still deciding whether to discontinue the grading of imported carcasses or revise the grading regulations. Such regulations would either require that the country of origin mark (currently applied to foreign carcasses) be transferred to the boxed cuts after processing or eliminate the application of the country of origin mark to imported carcasses. It appears that the proposal will have significant international trade implications and be controversial.

**USDA/AMS: Livestock Mandatory Price Reporting (Final). Statutory deadline: June 2000. Status: Under Review.**

This rule has received significant interest from Congressional members. Mandatory price reporting will require extensive, electronic reporting, one to three times daily depending on the type of livestock (beef, pork, or lamb) at specific times during the day from about 115 meat packing entities. We continue to work with USDA and SBA to resolve concerns about the small business impacts and feasibility of this reporting program.

**USDA/AMS: National Organic Program (Final; Major) Status: Submission to OMB expected November 2000.**

This rule would establish national standards for labeling foods as "organic" and certifying growers and handlers. Most issues surrounding the rule were resolved during review of the proposed rule. Possible issues may arise later depending on the treatment of genetically engineered organisms, the safety of raw manure used as fertilizer, and state programs in the final rule. USDA has identified this rule as a top priority.

**USDA/APHIS: Compensation for Citrus Canker (NPRM). Status: Just Received for Review.**

This rule proposes to provide payments to eligible commercial citrus producers that have lost production income as a result of the removal of their trees to control citrus canker. Both Congress, USDA and OMB have spent significant time discussing the amount and basis for payment to producers.

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As a result, the rule will probably have few issues, but there is significant pressure to make the payments as soon as possible.

**USDA/APHIS: Compensation for Karnal Bunt: 1999-2000 Crop Season (NPRM). Status: Under Review.**

This rule proposes to provide payments to certain growers, handlers, seed companies and others who incur losses and expenses because of Karnal bunt in the 1999-2000 crop season. OMB has expressed concern about continuing to compensate producers that plant crops susceptible to Karnal Bunt in areas after the areas have been identified as part of a quarantine area. Senator McCain's staff and other members of Congress with constituents affected by the quarantine have in past years expressed a strong interest in providing payments to eligible producers in a timely fashion.

**USDA/FSIS: Performance Standards for processing ready-to-eat meat and poultry (NPRM; Major). Status: Submission to OMB expected November 2000.**

This rule would propose to establish performance standards, including testing for *Listeria Monocytogenes*, for processed ready-to-eat meat and poultry products. In May, the President directed the Secretary of Agriculture to complete these proposed regulations within 120 days. They are to include any appropriate microbiological testing and other industry measures to: 1) prevent cross-contamination from *Listeria* in the processing environment; 2) ensure that the processing of ready-to-eat products meets appropriate standards; and 3) ensure that such products are safe throughout their shelf-life. USDA has not met this deadline, but expects to send us the rule soon for review.

**USDA/FSIS: Shell egg and egg products inspection. (NPRM; Major). Status: Submission to OMB expected December 2000.**

This proposed rule would establish a HACCP based inspection system for shell egg and egg products inspection as proposed in the Egg Safety Action Plan announced by the President's Council on Food Safety in 1999.

**USDA/FSIS: Nutrition Labeling for Meat (NPRM; Major). Status: Under Review.**

This proposed rule would propose mandatory requirements for labeling meat and poultry. The stringency of the labeling requirements depends on the type of product and the type of seller. In a May 26 radio address, the President announced that this rule would be published before the end of the summer. USDA is working to complete the cost-benefit analysis and provide responses to OMB comments.

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**USDA/GIPSA: Regulations to Ensure More Equitable Competition in the Livestock and Meat Packing Industries (NPRM).** Status: Submission to OMB expected December 15, 2000.

This package of five proposed regulations seeks to ensure fair competition in the marketplace and help small farmers and ranchers compete more effectively. Specifically, these regulations intend to clarify and restrict disclosure of contract terms, require each lot of livestock to be purchased on its own merits, and require packers to specify the basis on which they pay different prices for like-quality livestock. We expect these regulations to be controversial and receive considerable interest from Congressional members.

**USDA/GIPSA: Request for Public Comments on How USDA Can Best Facilitate the Marketing of Grains, Oilseeds, Fruits, Vegetables, and Nuts in Today's Marketplace with Biotech and Non-Biotech Crops (ANPRM).** Status: Under Review.

We are nearly ready to complete review of this ANPRM. This ANPRM seeks comment on the feasibility and need for USDA's involvement in quality assurance and other programs to facilitate the marketing of grains, oilseeds, fruits, vegetables, and nuts in a market that includes biotech and non-biotech crops.

**DOD/ES: Closed, Transferred, and Transferring Ranges Containing Military Munitions ("DoD Range Rule") (Final Rule).** Status: Under Review.

This rule would establish a process for integrating DoD's authorities and responsibilities to achieve both explosives safety and environmental objectives in the cleanup of closed military ranges. Several agencies (EPA, DOI, USDA, and DOE), as well as members of the public, have expressed concern that DoD's focus on explosive safety could limit efforts to cleanup military ranges. The agencies have been unable to reach agreement on key substantive issues. DoD would prefer to complete the rule, but is expected to withdraw it in order to consult further with States and other stakeholders and make any necessary changes.

**DOI/BLM: Mining Claims under the General Mining Law: Surface Management (a.k.a. Hard Rock Mining, or "3809") (Final; Major).** Status: Under review.

This rule would significantly strengthen BLM's authority to impose and enforce environmental standards on mining claims on Federal Lands. The rulemaking has been the subject of multiple appropriations riders and an NAS study. The agency would like to publish the rule in late November.

**DOI/NPS: Snowmobile Use in the National Parks (NPRMs and Finals).** Status: Submission to OMB expected November 6, 2000.

DOI would like to propose and go final with a number of park-specific rules that would limit snowmobiling in certain parks, as well as propose a general rule that would state that snowmobiling is

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prohibited in national parks except under certain circumstances. These rules are very controversial with the recreational snowmobiling industry as well as some members of Congress, and have been the subject of a variety of potential riders that the White House and OMB have opposed. DOI would like to propose the park-specific rules in early November, issue these final rules in January, and propose the general snowmobiling rule in December.

**DOI/BIA: Tribal Self-Governance (Final).** Status: Under Review.

This rule describes how tribes can administer Federal Programs. The tribes have serious concerns that this rule does not give them enough authority and flexibility to carry out the programs they want, in the manner they wish. The White House may share some of the concerns raised by the tribes, although they are still reviewing the issues. DOI would like this rule cleared by early December.

**DOI/Assistant Secretary for Policy Management and Budget: Natural Resource Damage Assessments (NPRM).** Status: Under Review.

This rule would revise and clarify the current regulations for assessing damages to natural resources following the release of a hazardous substance. It is being issued to comply with a statutory biennial review requirement as well as with a 1989 court remand. The draft raises no new issues. For the most part it codifies current practice and harmonizes the DOI regulations with those of NOAA, which apply to oil spills in waterways. Although this proposal is not itself controversial, interested parties who are unhappy with the entire notion of natural resource damages may criticize it.

**HHS/FDA: Labeling and Refrigeration of Shell Eggs (Final; Major).** Status: Under Review.

FDA's final regulation on refrigerating and labeling shell eggs would require a label with safe-handling instructions on egg cartons and would require producers to refrigerate eggs below 45 degrees F. We are near the end of our review of this rule.

**HHS/FDA: Good Tissue Practice for Manufacturers of Human Cellular and Tissue-Based Products (NPRM).** Status: Under Review.

This proposed rule would establish basic controls over the manufacturing of donated human tissues (such as skin, bones, corneas, and heart valves). The rule seeks to reduce the risk of communicable disease transmission and bring all tissue manufacturers to a more uniform standard of high quality. Concerns about unsafe and unethical tissue practices have surfaced in the press and peaked Congressional interest. Secretary Shalala has designated this rule as one of her top priorities for publication this year.

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**HHS/FDA: Current Good Manufacturing Practice for Dietary Supplements (NPRM; Major).** Status: Submission to OMB expected November 2000.

This proposed rule would establish the minimum current good manufacturing practices (CGMPs) that must be used in activities associated with the manufacture of dietary supplements including the packaging, labeling, testing, distribution, and holding of these products. Dietary supplements (such as vitamins, minerals, and herbal extracts) have been only minimally regulated by FDA due to statutory restrictions. This rule, which is intended to protect consumers from unsafe products, will face certain opposition from certain segments of the dietary supplement industry (although larger manufacturers are likely to support some standardized CGMPs). The Commissioner has indicated that this rule is one of her top priorities for publication this year.

**HHS/FDA: Pre-market Notice for Bioengineered Foods (NPRM).** Status: Under Review.

This proposed rule would require developers of bioengineered foods and animal feeds to notify FDA when they intend to market such products. The rule also would require these developers to submit specific information to FDA so that the agency can determine whether the food or animal feed poses any potential safety, labeling, or adulteration issues. In light of the international controversy associated with bioengineered foods, and the recent revelations about a particular bioengineered corn product, this rule is expected to get a significant amount of attention.

**HHS/FDA: Hearing Aids – Professional and Patient Labeling and Conditions for Sale (NPRM; Major).** Status: Submission to OMB expected November 2000.

This proposed rule would establish new requirements for the sale of hearing aids. The sale would have to include (1) a patient assessment to determine the cause and treatment of the hearing loss, and (2) an evaluation to select and fit the hearing aid. These determinations would have to be performed by a hearing health care professional licensed as competent to perform the tests by the State in which the hearing aid is sold. Critics of this rule are expected to be vocal and are already lining up in opposition.

**HHS/FDA: Data and Information Related to Human Gene Therapy or Xenotransplantation (NPRM).** Status: Submission to OMB expected in November.

This proposed rule would make information regarding public health, safety, ethical, and societal issues relating to the study of gene therapy and xenotransplantation in humans publicly available. Sponsors of human trials involving gene therapy or xenotransplantation would be required to submit certain information for public disclosure. This rule is one of the Secretary's top seven priorities for publication this year.

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**HHS/FDA: Egg Safety Standards for Egg Producers and Retail Establishments (NPRM; Major).**  
Status: Submission to OMB expected in December.

This proposed rule would establish safety standards for egg producers and retail establishments (including restaurants). The rule, which is part of the President's egg safety plan announced earlier this year, is intended to reduce the incidence of salmonella illnesses associated with the consumption of eggs. FSIS is planning on issuing a companion rule for egg packers and processors.

**HHS/FDA: Juice HACCP (Final; Major).** Status: Submission to OMB expected in December.

This final rule would adopt regulations that would mandate the use of Hazard Analysis and Critical Control Point (HACCP) Systems to ensure the safe and sanitary processing of fruit and vegetable juices. FDA has previously finalized the companion labeling rule warning consumers of the risks of drinking unpasteurized juices. The HACCP rule would include a performance standard that producers must meet – to meet this standard, producers will have to pasteurize most juices.

**HHS/HCFA: Implementing Regulations for the State Children's Health Insurance Program (SCHIP) (Final Rule; Major).** Status: Under Review.

The rule fully implements the SCHIP program, including coverage and benefits, eligibility and enrollment, allowable waivers, and applicant and enrollee protections. The rule is a major priority for HCFA, and is a priority of the Secretary of HHS.

**HHS/HCFA: Medicaid Managed Care Reforms (Final Rule; Major).** Status: Submission to OMB expected November 2000.

The rule implements provisions of the Balanced Budget Act to establish a Medicaid managed care system. The rule would implement increased beneficiary protections based upon the Patients' Bill of Rights. It also provides increased flexibility for States and eliminates the requirement that they receive a waiver to operate a managed care system. The rule is a major priority for both HCFA and HHS.

**HHS/HCFA: Nurse Anesthetists (Final).** Status: Under Review

This final rule amends the Anesthesia Services Condition of Participation requirement for hospitals and other healthcare facilities under the Medicare and Medicaid programs. It removes the requirement that physicians supervise certified registered nurse anesthetists (CRNAs) furnishing anesthesia services. This allows State laws to determine which professionals are permitted to administer anesthetic services and the level of supervision required. The medical community is split on this rule. Health professionals such as CRNAs generally support flexibility in allowing States and hospitals to make decisions about anesthesia services, arguing that the timely access to anesthesia services will increase especially in rural areas. Physicians such as anesthesiologists generally oppose this rule, arguing that the quality of

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anesthesia services will decline without the structural requirement for physician supervision. We are very close to completing review of this rule.

**HHS/HCFA: Payment for Clinical Psychology Training Program (NPRM). Status: Under Review.**

This rule would revise the policy on Medicare payment for clinical psychology graduate medical education programs. The rule permits payment for the costs incurred by a provider for the clinical training of students enrolled in a clinical psychology training program. Secretary Shalala has identified this rule as one of her top priorities for publication this year.

**HHS/HCFA: Payment for Nursing/Allied Health Training Program (NPRM). Status: Under Review.**

This rule, a companion to the Payment for Clinical Psychology Training Programs proposed rule, would revise the policy on Medicare payment for approved nursing and allied health education programs. The rule permits payment for the costs incurred by a provider for the clinical training of students enrolled in a provider-run nursing and allied health training programs. Secretary Shalala has identified this rule as one of her top priorities for publication this year.

**HHS/HCFA: Physician Referrals to Health Care Entities With Which They Have a Financial Relationship (Stark II) (Final Rule). Status: Under Review.**

This rule restricts the ability of physicians to make referrals for designated health services to health care entities with which the physician has a financial relationship. Depending on how restrictions are applied to a myriad of different referral and financial relationships in the medical community, some physicians may object. This rule is a Secretarial priority as it helps protect the integrity and finances of the Medicare program from potential sources of abuse.

**HUD/PIH: Public Housing Purchasing Preference for Responsible Firearms Companies (NPRM). Status: Submission to OMB expected November 15, 2000.**

This rule would create a procurement preference to be used by public housing agencies when purchasing firearms. The contracting preference would be for companies manufacturing "safe firearms" (currently only Smith and Wesson). Such a preference (not used by the Federal government itself in its own purchases) would be very controversial and considered by opponents as HUD wrongfully interjecting itself into the issue of firearms control. HUD had originally intended to publish this rule several months ago but may now be reconsidering proceeding with it.

**HUD/PIH: Deconcentration of Poverty in Public Housing (Final). Status: Under Review.**

This rule requires that public housing agencies take steps to assure that tenants are located in projects in a manner that mixes families by income. The proposed rule was very arbitrary in its approach and was roundly criticized by public housing authorities. The draft final rule addresses the criticisms and is not

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controversial. HUD would like to publish this rule in November.

**HUD/PIH: One-Strike Screening and Eviction for Drug Abuse and Other Criminal Activity (Final).** Status: Under Review.

This rule implements the "one strike and you're out" policy for screening applicants for HUD-assisted housing who are engaged in illegal drug use or other criminal activity. The statutory requirement for this screening has been in place since 1998 and housing authorities have implemented it. This final rule assures a process that implements the policy in a non-discriminatory manner. After making numerous revisions while being reviewed at OMB, HUD would now like to publish the rule in November.

**HUD/PIH: Consortia of Public Housing Agencies and Joint Ventures (Final Rule).** Status: Under Review.

This rule implements a 1998 law that authorizes public housing agencies (PHAs) to administer any of their housing programs through a consortium of PHAs. PHAs may use subsidiaries, joint ventures, partnerships or other business arrangements to administer their housing programs or provide supportive or social services. Commenters on the proposal cited things that were not clear and the final is responsive to those criticisms. No controversy associated with this final rule is anticipated. HUD would like to publish this final rule in November.

**DOJ/INS: Asylum/Withholding Definitions (NPRM).** Status: Under Review.

This rule proposes to clarify and amend the definitions and standards for asylum. DOJ clarifies in the preamble that the definitions apply to certain situations of domestic violence and other gender-related persecution. This rule is considered to be a high priority for the Attorney General, who wants to finalize the regulation prior to the end of the Administration.

**DOJ/INS: Asylum/Past Persecution (Final Rule).** Status: Under Review.

This rule codifies the adjudication process for asylum cases. It finalizes a 1998 proposed rule on "past persecution", and a 1997 interim final regulation implementing the Illegal Immigration Reform and Immigrant Responsibility Act of 1996 (IIRIRA) for asylum procedures, including removal and credible fear procedures. This regulation must be published prior to (or in conjunction with) the R-A- regulation.

**DOL/OSHA: Occupational Injury and Illness Reporting and Recordkeeping Requirements (Final Rule).** Status: Under Review.

This rule revises the guidelines for employers required to keep records on employee injuries and illnesses. The rule streamlines some of the current requirements, but also creates new requirements and so the reaction is likely to be mixed. Among the most prominent issues will be the recording of injuries at home, the recording of mental illnesses and issues involving the privacy of these records.

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**DOL/ESA: Labor Condition Applications and Requirements for Employers Using Nonimmigrants On H-1B Visas (Interim Final Rule).** Status: Under Review.

The regulation sets standards for companies (often high technology firms) wishing to employ workers on H1B visas. It implements requirements from the 1998 American Competitiveness and Workforce Improvement Act which require employers dependent on H-1B visaholders to recruit U.S. workers and not displace current U.S. workers for the H-1B nonimmigrants. The rule will be welcomed by organized labor and opposed by some employers of H-1B visaholders.

**DOL/ESA: Black Lung Regulations (Final Rule).** Status: Under Review.

We are nearly ready to conclude review on DOL's final Black Lung regulations, which revise the standards by which compensation for coal miners with Black Lung disease are adjudicated. The rule is of considerable interest to the mining industry and the UMW as well as several members of Congress.

**DOL/ETA: Davis-Bacon Helpers Classification (Final Rule).** Status: Under Review:

We are close to concluding review of DOL's Helpers Regulation, which greatly restricts the use of the semi-skilled "Helpers" classification under the Davis-Bacon Act. We have resolved the major issues and are currently awaiting revised regulatory language from the Department of Labor.

**DOT/FAA: Airport and Airplane Operator Security. (Final).** Status: Under Review.

These rules codify and strengthen existing airport and airplane operator security rules. New measures, for example, would more clearly define the areas of an airport where security interests are critical and where security measures must be more stringent. Problems have arisen regarding provisions for the carriage of weapons aboard aircraft which are presently being worked out with the Federal law enforcement agencies. The rule is FAA's highest policy priority.

**DOT/NHTSA: Head Restraints (NPRM; Major).** Status: Under review.

This rule would upgrade the standard for head restraints (for both front and back seats) for passenger cars and light trucks. NHTSA proposes to increase the minimum height requirements and add a requirement limiting the distance between a person's head and the restraint. This rule will also harmonize U.S. rules with European rules.

**DOT/NHTSA: Rules to Implement Provisions of the Transportation Recall Enhancement, Accountability, and Documentation (TREAD) Act. (Interim Final).** Statutory Deadline: February 1, 2001. Status: Submission to OMB expected December 2000.

NHTSA is obligated to issue two interim final rules by February 1, 2001 that will (1) provide for a safe harbor from criminal penalties that will give tire manufactures a "reasonable" period of time to address

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problems that have resulted in fatal vehicle crashes and (2) require tire sellers to report to NHTSA on the sale of defective tires. TREAD also requires NHTSA to initiate a rulemaking by December 1, 2000, on tire labeling that will allow consumers to more easily identify tires that are subject to recalls. NHTSA plans to issue an ANPRM requesting comments on this third-party reporting requirement.

**DOT/OST:** Revision of Transportation Drug and Alcohol Testing Procedures. (Final). Status: Formal submission to OMB expected mid-November 2000.

The rulemaking comprehensively revises and updates the DOT's existing drug and alcohol testing procedures rule. The rule will be accompanied by conforming rules from all of DOT's operating administrations that oversee drug and alcohol testing programs. The rule is a very high Departmental policy priority.

**DOT/FRA:** Freight Railroad Power Brake Regulations. (Final). Status: Under review.

The rule revises existing freight power brake regulations so they are consistent with existing operations and new equipment technologies. The rule mandates new safety braking technology, accompanied by new testing and training requirements. The rule is FRA's highest regulatory priority, designed to complete a statutory mandate due in December 1993.

**DOT/RSPA:** Definition of Areas Unusually Sensitive to Damage from Pipeline Accidents (Final). Court/Statutory Deadline: none. Status: Submission to OMB expected at OMB November 17, 2000.

This rule will define what areas are unusually sensitive to damage from hazardous liquid pipeline accidents, including populated areas, areas with threatened and endangered species, and areas that contain important drinking water reserves. There has been significant interagency interest in this rule from DOJ, CEQ, EPA, and DOI regarding what areas this rule should cover, however, we believe we have resolved these issues. The President is requesting, through a Presidential memorandum, that DOT issue this rule no later than December 15, 2000.

**EPA/OAR:** Proposed Rule under Toxic Substances Control Act to Reduce or Eliminate the Use of MTBE as a Fuel Additive (NPRM; Major). Status: Submission to OMB expected December 31, 2000.

This NPRM would propose to limit or ban the use of methyl tertiary butyl ether (MTBE) in gasoline, based on an analysis of the benefits and costs of doing so. Reducing or eliminating MTBE may cost as much as several billion dollars per year, and will need to be coordinated with other EPA rulemakings affecting the refining industry. This rule would continue a regulatory effort to address concerns about MTBE contamination of drinking water, in light of Congressional inaction on the Administration's legislative principles.

EPA's Office of Water also intends to propose, and if possible finalize, a secondary standard for

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MTBE in drinking water. Secondary standards are non-binding on water systems, but may be adopted as binding standards by States to protect against non-health effects. In the case of MTBE, EPA believes a secondary standard based on taste and odor will also protect against potential adverse health effects. We expect to receive this rule in mid-November; there is no deadline for its completion.

**EPA/OAR: Approval/Denial of California Petition for Waiver from Federal Oxygenate Requirements (NPRM; Major).** Status: Submission to OMB expected December 31, 2000.

This action will propose to approve or deny California's petition to be exempted from the oxygen content requirements of EPA's reformulated gasoline (RFG) program, which requires specially formulated fuel in urban areas with serious smog problems. Key issues include: the effect of a waiver on California air quality, EPA's statutory authority to grant a waiver, and whether granting a waiver would invite waiver requests from other States, potentially resulting in a patchwork of regulatory requirements on fuel and thereby increasing the likelihood of supply and price volatility. EPA hopes to issue its proposed action by the end of the Administration.

**EPA/OAR: Mobile Source Air Toxics (Gasoline Benzene) (NPRM; Major).** Court Deadline: December 20, 2000. Status: Submission to OMB expected November 20, 2000.

This rule will require refiners to meet an "anti-backsliding" requirement for benzene in gasoline. At the proposal stage, DOE and the economic agencies expressed concerns that EPA's proposed approach would create perverse incentives by penalizing refiners that have overcomplied with existing requirements for benzene, lead to further balkanization of the gasoline supply, and that it added a further constraint on refinery operations at a time when EPA is pursuing several other regulatory initiatives affecting the fuel supply; OIRA review of the final rule will need to resolve these issues. EPA is under a consent decree with the Sierra Club to issue a final rule by December 20.

**EPA/OAR: Methyl Bromide: Exemptions for Quarantine and Preshipment Applications (NPRM).** Status: Under Review.

This proposed rule would establish exemptions from the phase-out of methyl bromide for quantities of the pesticide used for quarantine and preshipment applications. Methyl bromide is an ozone-depleting gas used to fumigate strawberries, tomatoes, and other fruits, vegetables, and nuts. USDA believes that EPA's draft proposed rule will be highly controversial with growers, and could hamper their ability to grow certain crops in the U.S.; the key question for the proposal is how to address USDA's concerns while maintaining consistency with U.S. obligations under the Montreal Protocol on Substances that Deplete the Ozone Layer. EPA would like to issue a proposal soon, and possibly a final rule before the end of the Administration.

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**EPA/OPPTS:** Plant Incorporated Protectants; FIFRA Rule and FFDCa tolerance Actions Under FIFRA and FFDCa (Plant-Pesticides/Plant-Incorporated Protectants). (Final rule) Status: Under Review.

This draft final rule package would exempt conventional breeding practices that incorporate pesticidal properties in plants from FIFRA and FFDCa requirements and provide exemptions under FFDCa for residues of nucleic acids that are part of a plant-pesticide and residues of the pesticidal substance portion of a plant-pesticide derived through conventional breeding from sexually compatible plants. EPA has decided, however, to go final with only portions of what was contained in the proposed rule -- that is, only the exemption for conventional breeding practices. According to USDA, this draft does not incorporate key compromises negotiated by USDA after EPA published the 1994 proposal, and the focus on an exemption for conventional breeding practices appears to be inconsistent with the original intent of the Coordinated Framework. Both USDA and OSTP staff believe that EPA should issue a supplemental notice, rather than going final with the draft rule that is currently under review.

**EPA/OPPTS:** Identification of Dangerous Levels of Lead-Based Paint Hazards, TSCA Section 403. (Final Rule) Court Deadline: December 22, 2000. Status: Under Review.

This rule would implement Section 403 of the Toxic Substances Control Act, as amended by the Lead-Based Paint Hazard Reduction Act of 1992 (also known as Title X), by establishing uniform, national standards for lead-based paint hazards in pre-1978 housing and child-care facilities. The rule would establish standards identifying lead hazard levels for dust and soil for residential housing. The interagency review participants including DOD, CDC, SBA, Treasury, DOJ, and HUD have identified a number of key issues, including: the need for and appropriate level for a soil hazard standard and soil level of concern, the appropriate lead dust standards for floors and windows, and the basis for inclusion of child-care facilities and schools. We are nearing completion of interagency review, and EPA would like to reach resolution on the remaining issues quickly in order to complete the package for publication in mid-December.

**EPA/OW:** Clarification of the Definition of Redeposit of Dredged Material ("Tulloch") (Final). Status: Submission to OMB expected November 2000.

This final rule would establish a rebuttable presumption that mechanized land clearing of wetlands results in more than "incidental fallback" of dredged material, and therefore requires a permit under Section 404 of the Clean Water Act. The rule attempts to address a Court decision that "incidental fallback" does not in and of itself constitute a redeposit of dredged material and therefore does not require a permit. This is seen as a loophole in the Section 404 program and there is concern that developers may be using it to clear large areas of wetlands without a permit.

**EPA/OW:** Revision to the Definition of Fill Material ("Mountain Top Mining") (Final). Status: Submission to OMB expected November 2000.

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This final rule would harmonize the definitions of "fill material" used by EPA and the Corps of Engineers in their administration of the Section 404 (wetlands) permitting program, by clarifying that material that has the effect of filling a stream is considered fill material, even if not necessarily deposited in the stream for that purpose. This is consistent with current Corps policy, but the rule making is necessary to address a recent Court decision questioning Corps jurisdiction. It is part of a larger administration initiative to address mountain top mining in West Virginia, that also includes an Environmental Impact Assessment and a companion rule making by the Office of Surface Mining.

**EPA/OW:** Effluent Guidelines for Concentrated Animal Feeding Operations (CAFOs) (NPRM, Major). Court Deadline: 12/15/00. Status: expected at OMB 11/5/00.

This proposed rule will strengthen the regulations governing discharges to waters of the US from CAFOs. In particular, it will require large feedlots to have comprehensive nutrient management plans governing their application of manure, to prevent runoff of excess phosphorus and nitrogen. It may also revise the definition of a large feedlot (from 1000 animal units to some lower number) and require co-permitting of corporate integrators (companies that contract with individual farmers to raise animals). There is likely to be significant opposition to this rule in the agricultural community.

**EPA/OW:** Water Quality Standards for Oceans (NPRM). Possibly Major. Status: Submission to OMB expected December 2000.

This proposed rule responds to a directive to EPA in the recently issued Executive Order (E.O.) on Marine Protected Areas to "expeditiously propose new science-based regulations, as necessary, to ensure appropriate levels of protection for the marine environment." The E.O. goes on to explain that, "Such regulations may include the identification of areas that warrant additional pollution protections and the enhancement of marine water quality standards."

**ATBCB:** Section 508 Standards (Final). Status: Under Review:

This rule establishes final standards which will require electric and information technology developed, procured, maintained, or used by the Federal government to be accessible to people with disabilities. This is a high priority for the Access Board, and many federal agencies (including ED and DOJ). The potential costs of this rule range from \$150 million to \$1 billion annually.

**ATBCB:** Accessibility Standards for Recreation Facilities (Final Rule; Major). Status: Submission to OMB expected November 2000.

This rulemaking covers various recreation facilities, including amusement rides, boating facilities, fishing piers and platforms, golf courses, miniature golf, sports facilities, swimming pools and spas. It provides both scoping requirements, which specify what has to be accessible, and technical requirements, which spell out how access is to be

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achieved. The agency has undertaken an extensive program of consultation with affected and interested parties. The agency will probably seek to publish this rule in early January.

**OFHEO: Risk Based Capital (Final; Major). Status: Submission to OMB expected November 15, 2000.**

This final rule establishes the capital requirements for Fannie Mae and Freddie Mac.

# **Upcoming Regulations**

## **C List**

## Upcoming Regulations - C List

**USDA/FNS:** Women Infants and Children Program: Vendor Management System Improvement Rule (Final Rule). Statutory Deadline: 03/31/2000. Status: under review.

**USDA/FNS:** Special Nutrition Programs: Disclosure of Program Eligibility Information to Medicaid/State Children's Health Insurance Programs (Interim). Status: Expected in November.

**USDA/FNS:** Food Stamp Program: Streamlined Standards for Approval and Operation of an Electronic Benefit System (NPRM). Status: under review.

**USDA/FNS:** Food Stamp Program: Revised Eligibility Criteria for Participating Retail Food Stores (Final Rule). Status: under review.

**USDA/FNS:** Food Stamp Program: Implementation of Work Provisions of PRWORA (Final Rule). Status: Expected in November.

**USDA/FNS:** Revisions to Food Packages in the Women, Infants and Children Program (NPRM; Major). Status: Expected in November.

**USDA/FNS:** Women, Infants and Children Program: Amendments to Infant Meal Pattern (Final Rule; Major). Status: Expected in November.

**USDA/FNS:** Food Stamp Program: Implementation of a Revised Process for Anticipating and Reporting Changes in Income (Final Rule). Status: Expected in November.

**USDA/FNS:** Food Stamp Program: Alternate Procedures for the Counting and Claiming of Income (Final Rule). Status: Expected in November.

**USDA/APHIS:** Plant Pest Regulations: Update of Current Provisions (NPRM). Status: Under Review.

**USDA/APHIS:** Commercial Transportation of Equines to Slaughter (Final). Status: Under Review.

**USDA/APHIS:** Animal Welfare: Standard for Marine Mammals (Final). Status: Under Review.

**USDA/FSA:** Noninsured Crop Disaster Assistance Regulations for 2001 and succeeding yrs. (Final; Major). Statutory Deadline: October 18, 2000. Status: Expected 11/2000.

**USDA/FSA:** Amendments to the Tobacco Program (Final). Statutory Deadline: October 18, 2000. Status: Expected 11/2000

**USDA/FSA:** 2001 Grazing Loan Deficiency Payments (Final). Statutory Deadline: October 18, 2000. Status: Expected 11/2000

**USDA/FSA:** Special Apple Loan Program and Emergency Loans to Seed Producers (Final). Statutory Deadline: October 18, 2000. Status: Under Review.

**USDA/FSA:** Implementation of Low-Documentation Direct Operating Loan (NPRM). Status: Under Review.

**USDA/FSA:** Marketing Quota and Price Support for Burley Tobacco (Final). Status: Under Review.

**USDA/FSIS:** Retained Water in Meat and Poultry (Final; Major) Status: Under Review.

**USDA/GIPSA:** Livestock Purchase or Sale; Prohibit Non-Reporting of Price (NPRM). Status: Under Review.

**USDA/NRCS:** Categorical Minimal Effects Exemption; Wetland Conservation (NPRM). Status: Under Review.

**USDA/NRCS:** Conservation of Private Grazing Land (NPRM). Status: Under Review.

**USDA/RMA:** Revisions to Crop Insurance required by the Agricultural Risk Protection Act (NPRM). Status: Under Review. Statutory Deadline: October 18, 2000.

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**USDA/RMA:** General Administrative Regulations; Civil Rights Data Collection (NPRM). Status: Under Review.

**DOC/NOAA:** Natural Resource Damage Assessments Pursuant to Section 1006(e)(1) of the Oil Pollution Act of 1990 (NPRM). This rule is a clarification of DOC's authority under dispute with the Coast Guard. Status: Under Review.

**DOC/NOAA:** Taking Marine Mammals Incidental to U.S. Navy Operations of Surveillance Towed Array Sensor System Low Frequency Active Sonar (NPRM). This rulemaking is part of an incidental take permit required under the Marine Mammal Protection Act. Status: Under Review.

**DOC/NOAA:** Dry Tortugas Marine Sanctuary rulemaking (Final) would expand the existing Florida Keys Marine Sanctuary to cover additional areas of significant coral. Status: Expected 11/2000.

**DOC/NOAA:** Northwest Hawaiian Islands Marine Sanctuary (NPRM). Status: Expected 12/2000.

**DOC/NOAA:** Stellar Sea Lions in the Pacific Northwest (NPRM) would finalize restrictions on Pollock fishing in the Sea Lion's habitat and, if necessary, respond to appropriations riders on the subject. Status: Expected 12/2000.

**DOC/NOAA:** Prohibiting Whale Content of Foreign Products (ANPRM) would require foreign exporters to certify that their products do not contain whale parts. Status: Expected 1/2001.

**DOC/NIST:** Federal Information Processing Standards: AES (NPRM) is the next step in establishing AES as the Federal nonclassified encryption standard. Status: Expected 12/2000.

**DOC/NTIA:** Mandatory Reimbursement for Released EM Spectrum (NPRM) would compensate Federal agencies for spectrum released for auction to the private sector. Status: Expected 12/2000.

**DOC/PTO:** Utility Examination Guidelines and Guidelines for Examination of Patent Applications Under the 35 U.S.C. Section 112 "Written Description" Requirement (Final). These rules clarify the status of the application of patents to biotechnology and are final versions of rules already issued as interim. Status: Under Review.

**ED/OSERS:** IDEA-Part C Amendments -- Grants for Infants and Families (Final Rule). Status: expected in December.

**ED/OSERS:** Special Education State Grants (Final Rule). Status: expected mid-November.

**ED/OSERS:** IDEA Part B, "Trigger"-- treatment of the Part B increase for maintenance of effort (Final Rule). Status: expected late November.

**HHS/FDA:** Physician Drug Labeling (NPRM). Status: under review

**HHS/FDA:** Suspected Adverse Drug Reaction Reporting Requirements for Human Drugs & Biological Products (NPRM). Status: expected in November.

**HHS/FDA:** General Requirements for Blood, Blood Components & Blood Derivatives; Notification of Deferred Donors (Final Rule). Status: expected in November

## C List

- HHS/FDA:** Additional Criteria & Procedures for Classifying OTC Drugs as Generally Recognized as Safe & Effective & Not Misbranded (Final Rule). Status: under review.
- HHS/FDA:** Electronic Submission of Prescription Drug Labeling (NPRM). Status: expected in November.
- HHS/FDA:** Trials in Animals (Final Rule). Status: expected in November.
- HHS/FDA:** Imported Foods: Marketing (NPRM). Status: expected in November.
- HHS/FDA:** Imported Foods: Setting Standards for Private Laboratories. Status: expected in November.
- HHS/FDA:** Supplements & Other Changes to an Approved Application (Final Rule). Status: expected in November.
- HHS/FDA:** Exports: Notification & Recordkeeping Requirements (Final Rule). Status: expected in November.
- HHS/FDA:** Import for Export: Reporting & Recordkeeping Requirements for Unapproved or Violative Products Imported for Further Processing (Final Rule). Status: expected in November.
- HHS/FDA:** Additional Safeguards for Children in Clinical Investigations (NPRM). Status: expected in December.
- HHS/FDA:** Establishing Registration & Product Listing for Drugs & Biologics (NPRM). Status: expected in December.
- HHS/HCFA:** Application of HIPAA Group Market Nondiscrimination Rules (Final Rule). Status: under review.
- HHS/HCFA:** Bona Fide Wellness Program (NPRM). Status: under review.
- HHS/HCFA:** Medicare Coverage for Outpatient Diabetes Self-Management Training (Final Rule; Major). Status: under review.
- HHS/HCFA:** Requirements for Enrollment in Cost Effective Employer Group Plans (Final Rule). Statutory Deadline: Past Due. Status: expected at OMB in November.
- HHS/HCFA:** Unique Identifier for Employers (Final Rule; Major). Statutory Deadline: Past Due. Status: expected at OMB in November.
- HHS/HCFA:** Standard Unique Health Care Provider Identifier (Final Rule; Major). Statutory Deadline: Past Due. Status: expected at OMB in November.
- HHS/HCFA:** Medicaid Drug Rebate Program (Final Rule; Major). Status: expected at OMB in November.
- HHS/HCFA:** Use of Restraint and Seclusion in Residential Treatment Facilities for Individuals Under Age 21 (Final Rule; Major). Status: expected at OMB in November.
- HHS/HCFA:** Requirements for Establishing and Maintaining Medicare Billing Privileges (NPRM). Status: under review.
- HHS/HCFA:** Pre-Admission Screening and Annual Resident Review (Final Rule). Status: expected at OMB in November.
- HHS/HCFA:** Replacement of Reasonable Charge Methodology by Fee (Final Rule). Status: expected at OMB in November.
- HHS/HCFA:** DME Surety Bonds (NPRM). Status: expected at OMB in November.
- HHS/HCFA:** Claims Attachment Standard (NPRM). Status: expected at OMB in November.
- HHS/HCFA:** End Stage Renal Disease (ESRD) Bad Debt Payment (NPRM). Status: expected at OMB in November.
- HHS/HCFA:** Hospice Care Amendments (NPRM). Status: expected at OMB in November.

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**HHS/HCFA:** Revisions to CLIA Regulations: Quality Control, Assurance, and Patient Testing (Final Rule). Status: expected at OMB in November.

**HHS/HCFA:** Conditions of Participation for Intermediate Care Facilities for the Mentally Retarded (NPRM). Status: expected at OMB in December.

**HHS/HCFA:** OASIS Date Reporting Requirements (Final Rule). Status: expected at OMB in January.

**HHS/ACF:** Child Support Enforcement Program: Outcome-Based Incentive Payments and Audit Penalties for States (Final Rule). Status: under review.

**HHS/ACF:** Medical Child Support: Enforcement of Health Coverage Provisions of Child Support Orders (Final Rule). Statutory Deadline: 11/15/2000. Status: under review.

**HHS/ACF:** Child Support State Self-Assessment: Tool for Better State Program Management (Final Rule). Status: under review.

**HHS/ACF:** Head Start Transportation: Establishment of Safety Requirements for the Transportation of Head Start Children (Final Rule). Status: under review.

**HHS/ACF:** Individual Development Account Reserve Fund (Final Rule). Status: Expected in November.

**HHS/CDC:** Packaging & Handling of Infectious Substances & Select Agents (NPRM). Status: expected in November.

**HHS/SAMHSA:** Community Mental Health Service Block Grant Regulations (NPRM; Major). Status: expected in November

**HHS/SAMHSA:** Office Based Treatment for Heroin Abuse (NPRM). Status: expected in November.

**HHS/SAMHSA:** Opioid Drugs (for example, Methadone) in Maintenance and Detoxification Treatment of Opiate Addiction (Final Rule). Status: under review.

**HHS/SAMHSA:** Bupreorphine (NPRM). Status: expected in November.

**HHS/SAMHSA:** Narcotic Drugs in Maintenance & Detoxification Treatment of Narcotic Dependence (Final Rule). Status: expected in November.

**HHS/NIH:** Additional Protections for Pregnant Women and Human Fetuses Involved in Research and Pertaining to Human In Vitro Fertilization (Final Rule). Status: under review.

**HUD/CDBG:** Community Development Block Grant Definition of Metropolitan City (Final); Not Major. Status: under review.

**DOI/MMS:** Royalty Relief for Certain Oil and Gas Leases in the Outer Continental Shelf (NPRM). Status: Under Review.

**DOI/OSM:** Prohibition of Coal-Mining for Businesses that Own or Control Entities that Have Environmental Violations (Final). Status: Under Review.

**DOI/BIA:** Establishment of Formula to Distribute Money to Fund Indian Reservation Roads (NPRM). Status: Expected 11/15/2000.

**DOI/BIA:** Allowance of Gaming on Off-reservation Lands (Final). Status: Expected 11/30/00.

**DOI/BIA:** Standards for Issuing a Certificate of Degree of Indian Blood (NPRM). Status: Expected 11/20/00.

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**DOI/MMS:** Safety Standards for Offshore Oil and Gas Leasing Operations (Final). Status: Expected 12/10/00.  
**DOI/BIA:** Process for Determining Whether Accept Land Into Trust (Final). Status: Expected 12/1/00.  
**DOI/BLM:** Cost-Recovery for Certain Rights-of-Way on BLM Lands (Final). Status: Expected 12/1/00.  
**DOI/BIA:** Trust Management Reform (Final). Status: Expected 12/1/00.  
**DOI/NPS:** Leasing of Certain Historic Properties with the National Park System (NPRM). Status: Under Review.  
**DOI/Secretary:** Determination of Which Water Projects on Wild and Scenic Rivers Must Undergo Review by DOI (Final). Status: Under Review.  
**DOI/FWS:** (NPRM). Protection of Fishways that May Be Blocked by Dams (NPRM). Status: Expected 11/10/00.

**DOJ/INS:** Extending Duration of F and J Non-immigrants (Students) Awaiting H1-B Visas (Final Rule). Status: under review.  
**DOJ/INS:** H1-B Petitioning Requirements (NPRM). Status: under review.  
**DOJ/INS:** Inadmissibility To Enter the United States for Former U.S. Citizens Who Renounced Citizenship To Avoid Taxation (NPRM). Status: under review.  
**DOJ/INS:** Processing, Detention, and Release of Juveniles (Final Rule). Status: expected in December.  
**DOJ/INS:** Surrender of Aliens Ordered Removed from the US (Final Rule). Status: expected in December.  
**DOJ/INS:** Detention of Aliens Ordered Removed from the US (Final Rule). Status: expected in December.  
**DOJ/INS:** Interim Designation of Acceptable Receipts for Employment Eligibility Verification (Interim Final). Status: expected in December.  
**DOJ/INS:** H1-C Program for Nurses (Interim Rule). Status: expected in late November.  
**DOJ/INS:** Regulation Concerning the Convention Against Torture (Interim Final). Status: expected in January.  
**DOJ/INS:** Certification of Health Care Workers (Interim Final). Status: expected in late November.

**DOL/ETA:** Welfare to Work Grant Program: Implementation of Expanded Program Eligibility Provisions Reflecting New Statutory Requirements (Final Rule). Status: under review.  
**DOL/PWBA:** National Medical Child Support Notice: Enforce Medical Support Orders (Final); Not Major. Statutory Deadline: 11/15/2000. Status: under review.  
**DOL/PWBA:** Voluntary Fiduciary Correction Program (Final); Not Major. Status: Expected 11/2000.  
**DOL/PWBA:** Regulations Implementing Health Care Access Portability and Reviewability Provisions of HIPPA (Final); Not Major. Status: under review.

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**DOL/PWBA:** Health Care Standards for Mothers and Newborns (Final); Not Major. Status: Expected 11/2000.

**DOT/BTS:** Harmonization of Aviation Data Systems (NPRM). Status: Timing Uncertain.

**DOT/FAA:** Aging Aircraft -- Corrosion Prevention and Control Program (NPRM). Status: Timing Uncertain.

**DOT/FAA:** Security of Checked Baggage (Final; Major). Status: Expected 12/2000.

**DOT/FAA:** Safety Requirements for Air Tour Operators (NPRM). Status: Under Review.

**DOT/FAA:** Collision Avoidance for Cargo Airplanes (NPRM). Status: Timing Uncertain.

**DOT/FHWA:** Statewide Metropolitan Planning (Final). Status: Timing Uncertain.

**DOT/FHWA:** NEPA & Related Procedures for Transportation Decisionmaking (Final). Status: Timing Uncertain.

**DOT/FMCSA:** Application Form for Mexican Motor Carriers: Commercial Zones (NPRM). Status: Timing Uncertain.

**DOT/FMCSA:** Application Form for Mexican Motor Carriers: NAFTA (NPRM). Status: Timing Uncertain.

**DOT/FMCSA:** Safety Monitoring and Compliance Initiative for Mexican Motor Carriers Operating in US (NPRM) Status: Timing Uncertain.

**DOT/FMCSA:** Requirements for Small Passenger Carrying Commercial Motor Vehicles (Final). Status: Under Review

**DOT/FMCSA:** Periodic Registration Requirements for Motor Carriers (Interim Final). Status: Timing Uncertain.

**DOT/FRA:** Requirements for Modernized Train Control Systems (NPRM). Status: Timing Uncertain.

**DOT/FRA:** Prohibition Against Local Whistle Bans (Final). Status: Timing Uncertain.

**DOT/FRA:** Requirement that Dispatching of Railroad Operations that Occur in the US Be Performed in the US (Interim Final). Status: Under Review.

**DOT/FRA:** Requirements of Employees of a Foreign Railroad Who Are Based Outside the US and Perform Services in the US (NPRM). Status: Under Review.

**DOT/FRA:** Requirement that Dispatching of Railroad Operations that Occur in the US Be Performed in the US (Interim Final). Status: under review.

**DOT/FRA:** Requirements of Employees of a Foreign Railroad Who Are Based Outside the US and Perform Services in the US (NPRM). Status: under review.

**DOT/FTA:** Federal Transit -- Rating of New Start Projects (Final). Status: Under Review.

**DOT/MARAD:** Cargo Preference Requirements for Carriage of Agricultural Products (NPRM). Status: Under Review.

**DOT/RSPA:** Pipeline Integrity Management-Operators under 500 miles (NPRM). Status: Expected 12/15/2000.

**VA:** Compensation for Vietnam Veterans Who Have Diabetes (NPRM; Major). Status: Expected in January.

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**VA:** Determination that Hepatitis C is Presumptively Service Connected, (NPRM; Major). Status: Expected in January.

**VA:** Evidence of Permanent and Total Disability (NPRM). Status: under review.

**VA:** Reimbursement / Payment for Uninsured Veterans Non-VA Emergency Medical Care (NPRM). Status: expected at OMB in November.

**VA:** Release of Information from Department of Veterans' Affairs Records (Final Rule). Status: under review.

**EPA/ARM:** Revision to 40 CFR 35 Subpart A in Promulgation of Performance Partnership (State) Grant Regulation (Final Rule). Status: under review.

**EPA/ARM:** Revision to 40 CFR 35 Subpart A in Promulgation of Performance Partnership (Tribal) Grant Rule (Final Rule). Status: under review.

**EPA/OAdmin:** National Environmental Achievement Track Program (Proposed Rule). Status: under review.

**EPA/OAR:** National Emission Standards for Hazardous Air Pollutants: Reinforced Plastic Composites Production (NPRM). Statutory Deadline: 5/15/2002 for Final Rule. Status: under review.

**EPA/OAR:** Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Commercial & Industrial Solid Waste Incineration Units

**EPA/OAR:** Guidelines for best available Retrofit Technology (BART) Determinations under the Regional Haze Rule (Proposed Rule). Status: under review.

**EPA/OAR:** Revisions to the Part 97 Federal Nox Budget Trading Program Allocation Method and the Part 75 Output and Emissions Monitoring Provisions (Prerule). Status: under review.

**EPA/OAR:** New Source Review (Part Final/Part Proposed Rule; Major). Status: not here.

**EPA/OAR:** Title V Permits (Proposed Rule; Major). Status: not here.

**EPA/OAR:** Allowance System to Implement Phase-Out of Hydrochlorofluorocarbons (HCFCs) (NPRM). Status: under review.

**EPA/OAR:** National Emission Standards for Hazardous Air Pollutants from Stationary Combustion Turbines (NPRM, Major). Statutory Deadline for Final Rule: 11/15/2000; Statutory Hammer Deadline for Final Rule: 5/15/2002. Status: under review.

**EPA/OAR:** National Emission Standards for Hazardous Air Pollutants from Reciprocating Internal Combustion Engines (NPRM, Major). Statutory Deadline for Final Rule: 11/15/2000; Statutory Hammer Deadline for Final Rule: 5/15/2002. Status: under review.

**EPA/OAR:** National Emission Standards for Hazardous Air Pollutants from Miscellaneous Organic Chemical Manufacturing and Miscellaneous Coating Manufacturing (NPRM, Major). Statutory Deadline for Final Rule: 11/15/2000; Statutory Hammer Deadline for Final Rule: 5/15/2002. Status: under review.

**EPA/OAR:** National Emission Standards for Hazardous Air Pollutants from Surface Coating of Metal Furniture (NPRM). Statutory Deadline for Final Rule: 11/15/2000; Statutory Hammer Deadline for Final Rule: 5/15/2002. Status: under review.

**EPA/OAR:** National Emission Standards for Hazardous Air Pollutants from Plywood and Composite Wood Products (NPRM, Major). Statutory Deadline for Final Rule: 11/15/2000; Statutory Hammer Deadline for Final Rule: 5/15/2002. Status: under review.

## C List

- EPA/OAR:** Determination on Whether Large Gasoline Non-Road Engines Cause or Contribute to Air Pollution (Final Finding). Court Deadline: 11/17/2000. Status: under review.
- EPA/OAR:** Control of Emissions from Large Gasoline Non-Road Engines and Recreational Marine Engines (ANPRM). Court Deadline: 11/17/2000. Status: expected 11/3/2000.
- EPA/OAR:** National Emission Standards for Hazardous Air Pollutants from Chemical Recovery Combustion Sources at Pulp and Paper Manufacturing Mills (Final, Major). Court Deadline for Final Rule: 12/15/2000. Status: expected 11/10/2000.
- EPA/OAR:** National Emission Standards for Hazardous Air Pollutants from Organic Liquids Distribution (NPRM). Statutory Deadline for Final Rule: 11/15/2000; Statutory Hammer Deadline for Final Rule: 5/15/2002. Status: expected 12/1/2000.
- EPA/OAR:** National Emission Standards for Hazardous Air Pollutants from Petroleum Refineries (NPRM). Statutory Deadline for Final Rule: 11/15/2000; Statutory Hammer Deadline for Final Rule: 5/15/2002. Status: expected 12/1/2000.
- EPA/OAR:** National Emission Standards for Hazardous Air Pollutants from Iron and Steel Foundries (NPRM). Statutory Deadline for Final Rule: 11/15/2000; Statutory Hammer Deadline for Final Rule: 5/15/2002. Status: expected 12/1/2000.
- EPA/OAR:** Ozone Impact on UV-B Radiation (NPRM?). Status: expected 12/15/2000.
- EPA/OAR:** Reformulated Gasoline Carbon Monoxide Adjustment (Final). Status: expected 12/31/2000.
- EPA/OAR:** Allowance System to Implement Phase-Out of Hydrochlorofluorocarbons (HCFCs) (Final). Deadline: Needed in early 2001 for Statutory/Treaty Compliance. Status: expected 1/15/2001.
- EPA/OECA:** The Cross-Media Electronic Reporting and Recordkeeping Rule (Proposed Rule). Status: under review.
- EPA/OPPTS:** Testing of Certain High Production Volume Chemicals (Proposed Rule). Status: under review.
- EPA/OPPTS:** Toxic Substances control Act (TSCA) Inventory Update Rule Amendments (Final Rule). Status: under review.
- EPA/OPPTS:** Ground Water Pesticide Management Plan Rule (Final Rule; Major). Status: under review.
- EPA/OPPTS:** Data Requirements for Antimicrobial Pesticides (Proposed Rule). Status: not here.
- EPA/OSWER:** Requirements for Zinc Fertilizers Made from Recycled Hazardous Secondary Materials (NPRM). Court Deadline: 11/15/2000 (settlement agreement). Status: under review.
- EPA/OSWER:** Modification of the Hazardous Waste Manifest System (NPRM). Status: under review.
- EPA/OSWER:** Revisions to Spill Prevention, Control, and Countermeasure (SPCC) Plans (Final Rule). Status: under review.
- EPA/OSWER:** Standardized Permit for RCRA Hazardous Waste Management Facilities (NPRM). Status: under review.
- EPA/OSWER:** Office of Solid Waste Burden Reduction Initiative (NPRM). Status: expected 11/2000.
- EPA/OSWER:** Hazardous Waste Listing for Paint Production (NPRM). Court Deadline: 1/28/2001. Status: expecting 12/2000.

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**EPA/OSWER:** National Emission Standards for Hazardous Air Pollutants: Clarification of Phase I Standards for Hazardous Waste Combustors (NPRM). Court/Statutory Deadline: none (regulatory deadline for facility compliance with Phase I standards: 9/2002). Status: expecting 12/2000.

**EPA/OW:** Water Quality Standards for Indian Country (NPRM). Status: under review.

**EPA/OW:** Regulations Governing Filter Backwash by Public Water Systems (Final). Statutory Deadline: August 2000. Status: under review.

**EPA/OW:** Drinking Water Standards for Radionuclides (Final). Possibly Major. Court Deadline: 11/21/00. Status: under review.

**EPA/OW:** Long Term 1 Surface Water Treatment Rule (Final). Statutory Deadline: October 2000. Status: expected at OMB 11/15/00. Regulations to strengthen microbial protection at small drinking water systems using surface water.

**EPA/OW:** Effluent Guidelines for Synthetic Based Drilling Fluids at Offshore Oil and Gas Wells (Final). Court Deadline: 12/31/00. Expected at OMB 11/15/00.

**SBA:** Pre-Disaster Mitigation Loans rule (Final) implements a pilot program to provide small businesses loans in areas identified by FEMA to reduce the potential costs of natural disasters. Status: Under Review.

**SBA:** Military Reservist Disaster Assistance Loans rule (Final) implements a pilot program to provide loans to small businesses that suffer harm when a key employee is called up for duty. Status: Expected 1/2001.

**SBA:** Rulemaking implementing the Program for Investment in Microentrepreneurs Act (PRIME) (Final). Status: Expected 1/2001.

**SBA:** Rulemaking to implement NEPA (NPRM) would put into regulation for the first time SBA's procedures for NEPA compliance. Status: Expected 1/2001.

**FEMA:** Rulemakings to implement amendments to the Stafford Act (ANPRMs and NPRMs). Status: Expected 12/2000.

**FEMA:** Cerro Grande Fire Assistance Grants (Final) would finalize the interim rules governing the program. Status: Expected 12/2000.

**SSA:** Revised Medical Criteria for Determination of Disability, Musculo-Skeletal System, and Related Criteria (Final); Major. Status: under review.

# **Upcoming Regulations**

## **D List**

## **D List**

### Significant Rules Cleared Since 8/01/00 But Not Yet Published (as of 11/2/00)

**USDA/FSA:** 2000-Crop Agriculture Disaster and Market Assistance. (Final, Major). Status: Cleared 10/24/00.

**USDA/FSA:** Market Assistance for Cottonseed, Tobacco, and Wool and Mohair. (Final). Status: Cleared 10/24/00.

**HHS/FDA:** Current Good Manufacturing Practice for Blood & Blood Components; Notification of Consignees and Transfusion Recipients Receiving Blood and Blood Components at Increased Risk of Transmitting HCV. (NPRM). Status: Cleared 10/23/00.

**HHS/HCFA:** Medicare Program: Prospective Payment System for Inpatient Rehabilitation Hospital Services. (NPRM). Status: Cleared 10/20/00.

**EPA/AR:** Protection of Stratospheric Ozone: Incorporation of Clean Air Act Amendments for Reductions in Class I, Group VI, Controlled Substances (Direct Final Rule). Status: Cleared 10/19/00.

### Significant Rules Published Since 10/01/00 (as of 11/2/00)

**USDA/FNS:** Non-Discretionary Provisions of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Final). Status: Cleared 9/28/00; Published 10/30/00.

**HHS/HCFA:** Medicare Program: Revisions to Payment Policies under the Physician Fee Schedule for Calendar Year 2001. (Final). Status: Cleared 10/25/00; Published 11/1/00

**HHS/HCFA:** Medicare Program: Inpatient Hospital Deductible and Hospital and Extended Care Services Coinsurance Amounts for 2001(Notice). Status: Cleared 10/12/00; Published 10/19/00.

**HHS/HCFA:** Medicare Program: Monthly Actuarial Rates and Monthly Supplementary Medical Insurance Premium Rate Beginning January 2, 2001 (Notice). Status: Cleared 10/12/00; Published 10/19/00.

**HHS/HCFA:** Revision to Medicaid Upper Payment Limit Requirements for Hospital Services, Nursing Facility Services, Intermediate Care Facility Services for the Mentally Retarded, and Clinic Services (NPRM). Status: Cleared 10/4/00; Published 10/10/00.

**HHS/HCFA:** Elimination of Application of Federal Financial Participations Limits (NPRM). Status: Cleared 10/26/00; Published 10/31/00.

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**DOE/EE:** Energy Efficiency Standards for Clothes Washers. (NPRM). Status: Cleared: 9/27/2000; Published 10/05/2000.

**DOE/EE:** Energy Efficiency Standards for Central Air Conditioners and Heat Pumps. (NPRM) Status: Cleared 9/27/00; Published: 10/05/00.

**EPA/AR:** Control of Emissions of Air Pollution from 2004 and Later Model Year Highway Heavy-Duty Engines; Revision of Light-Duty Truck Definition. (Final). Status: Cleared 7/28/00; Published 10/06/00.

**HUD/HUDSEC:** Regulation of the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac); Purchase Goals (Final). Status: Cleared 10/16/2000; Published 10/31/00.

**HUD/HUDSEC:** Fair Market Rents: Increased Fair Market Rents and Higher Payment Standards for Certain Areas. (NPRM). Status: Cleared 9/12/2000; Published 10/02/00.

**HUD:** Housing Goals (Final, Major). Status: Heads up sent 10/11/00; Cleared 10/16/00. Published 10/31/00.

### Significant Rules: In Clearance But Not Published (as of 11/2/00)

**USDA/Forest Service:** Forest Planning (Final). Status: Heads up sent: 11/1/00; Cleared: 11/2/00.

**USDA/FSA:** Bioenergy Program (Final).

**EPA/OAR:** NO<sub>x</sub> SIP Call (NPRM). Status: Heads up sent 9/27/00.

**EPA/OW:** Effluent Guidelines for Iron and Steel Industry (NPRM). Court Deadline: 10/31/00. Status: signed 10/31/00.

**EPA/OW:** Effluent Guidelines for Metal Products and Machinery Industry (NPRM, Major). Court Deadline: 10/31/00. Status: signed 10/31/00.

**EPA:** Sanitary Sewer Overflows (NPRM; Major). Status: Heads up sent 10/4/00.

**EPA:** Methyl Bromide Phase-Out (Direct Final Rule; Major). Status: Heads up sent 10/4/00. Cleared 10/19/00.

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**EPA: Effluent Guidelines (NPRMs; Major).** Court deadline: 10/31/00. Status: Heads up sent 10/27/00; Cleared 10/31/00.

**Department of Commerce: Encryption Export (Final).** Status: Heads up sent 10/6/00. Cleared 10/10/00.

**HUD: Sexual Harassment (NPRM).** Status: Heads up sent 9/27/00; Cleared 10/10/00.

**HCFA: Prospective Payment System for Hospital Outpatient Services (Final, Major)** Status: Heads up sent 11/1/00; Cleared: 11/1/00.

**DOL/OFCCP: "60-2" (Final).** Status: Heads up sent 11/2/00.

**DOL: Contractor Responsibility (NPRM).** This rule is not reviewed by OMB under 12866.

**SSA: Ticket-to-Work (NPRM).** Statutory Deadline: 12/17/00. Status: Heads up sent 10/11/00.

**DOT/RSPA: Pipeline Integrity Management-Operators over 500 miles (Final).**

April 10, 2000

MEMORANDUM FOR THE CHIEF OF STAFF

FROM: KAREN TRAMONTANO  
THOMAS FREEDMAN

SUBJECT: STATUS REPORT ON EXECUTIVE ACTIONS FOR APRIL 11  
MEETING

This memorandum lists and categorizes proposals for executive actions that we have received from relevant federal agencies and offices within the White House and suggests areas for further discussion.

The proposals come from two main sources. First, in February and March, Cabinet Affairs and the Chief of Staff's office collected memorandums listing ideas from Commerce, Education, Energy, EPA, FEMA, HUD, Interior, Labor, OMB, ONDCP, OPM, Social Security, SBA, USDA, and VA. While these proposals have been useful – some have already been used in White House events -- the majority are more suited to agency release or were too vague. Second, the Domestic Policy Council has collected a series of possible executive actions in areas such as crime, education, and welfare. In addition, last Friday, we met with Bruce Reed and discussed areas that could be further explored for executive actions.

We have organized the memorandum into three sections. In Section I, "Best Executive Actions", we have organized the most promising proposals from the DPC along with the best agency proposals that fall within CEQ and NEC's framework. In Section II, we have included the complete list of executive actions proposed by the agencies. Finally, in Section III of the memorandum, we have included 20 topics that are of particular national interest and may be useful for brainstorming about other actions the President might take.

**I. Best Executive Actions Submitted or Proposed**

**A. Domestic Policy:**

**1. Crime**

*Already Scheduled Events:*

- Gun Rally, Denver, CO (April 12)
- School Safety/COPS Grants (April 15 radio address)
- FOP Peace Officer Memorial Ceremony – DOJ funds for bulletproof vests (May 15)

*Other Possible Events/Announcements:*

- Guns/Procurement Directive to Members of Cabinet (final decision re: feasibility still pending)
- Justice Department Illegal Gun Trafficking Report (ready April 15)
- Guns/ Domestic Violence fund—grants on guns and DV background histories: (Ready April 15-17)
- 1999 Crime Statistics (April 22) – must be released by FBI
- Smart Guns FY 2000 Grants (Week of April 24th -- Specific Date TBA)
- Ending the Resale of Police Guns – release ATF statistics on police guns resold for crimes (Late April)
- Ballistics Testing – ATF Glock Feasibility Study (Week of April 24th -- Specific Date TBA)
- Drug Testing and Treatment for Offenders – BOP study showing lower recidivism: (sometime in April)
- Reentry of Offenders – BJS and DOJ studies. (April-June)
- Handgun Licensing -- introduce POTUS proposal (early May)
- Million Mom March – POTUS meeting or radio address (May 14th)
- ATF Illegal Gun Trafficking Report (June)
- Youth Crime Gun Interdiction Initiative – gun tracing report (Mid-June TBA)
- Gun Violence Reduction Strategy – DOJ/Treasury plan for 94 judicial districts (TBD)

## 2. Education

### *Already Scheduled Events:*

- Address to the Education Writers Association, Atlanta, GA (April 14)
- U.S. Dream Academy Site Visit (April/May TBD)
- Education Tour (May 3 and 4)
- National Teacher of the Year Event (May 11)

### *Other Possible Events/Announcements:*

- Class Size Reduction—state by state chart (Ready)
- After School Report (April TBD)
- 21<sup>st</sup> Century Community Learning Centers Grants (Late May)
- Summer Institute for 21<sup>st</sup> Century Community Learning Center Grants (2,000 grantees -- July 31-Aug. 4).
- School Leadership Event – no specifics (TBD).

## 3. Health

- Defibrillators EO for airplanes and public buildings (Ready)
- 11<sup>th</sup> World Conference on Tobacco (August 6-11)

## 4. Welfare

- Welfare to Work Partnership 4<sup>th</sup> Anniversary -- its BizLink initiative/HHS caseload
- Federal Welfare to Work Hiring (3<sup>rd</sup> report-- June?) *Caseload #'s*
- Fathers Day announcements (HHS review--June): *endorse by h. J. D. ...*

- Encouraging Elderly Participation in Food Stamp Participation – new USDA guide (May)

## 5. Children and Families

### *Already Scheduled Events:*

- White House Conference on Raising Responsible Teenagers (May 2)

*Teen Sen study*

### *Other Possible Events/Announcements:*

- Community Coaches Event with *Do Something* organization (Anytime)

## 6. Hate Crimes

- DOJ Promising Practices Against Hates Crimes Report (April).
- Hate Crimes Prevention Media Campaign (April).
- "Prosecutor's Resource Guide for Responding to Hate Crimes" (April).
- Hate Crime Reporting Study (May )
- Roundtable on Hate on the Internet

## 7. Immigration

- Naturalization Ceremony (Spring):

## 8. Miscellaneous

- Food Safety Announcement – FDA egg safety (April)
- Consumer Product Safety Commission Recall Roundup – possible penalty changes (April 18)
- Domestic Violence Event – council report on recommendations (April/May).
- Equal Pay Day Event – CEA report/possible EEOC directive (May 11).
- Philanthropy/Charitable Deduction Event – 2 reports on effectiveness of Administration proposal and role of giving in economy (May)
- Teen Pregnancy Prevention/Second Chance Homes HHS Reports and studies (for FLOTUS conference and possible Shalala events during Teen Pregnancy Prevention Month in May)
- End Parental Discrimination in Federal Workplace *EO*
- Sexual Orientation in Federal Contracts
- Open Federal Buildings in Non-School Hours
- Expand FMLA Definitions for Federal Workers

**B. Environmental (CEQ):**

We've discussed these with Roger Ballentine and George Frampton. (Double asterisk looked promising, parenthesis indicates originating agency)

1. Transport

- Joint research with heavy truck industry\*\*
- Alternative engines for trucks\*\*
- Cleaner diesel trucks standard (EPA)\*\*
- Executive memorandum on clean energy exports\*\*
- Emission reductions in electric utility and automobile industries (EPA)
- Energy order to reduce fuel and environmental damage in federal vehicles (OMB)\*\*

2. Monuments and Land

- Monuments – Colorado and California (Int.)\*\*
- Sequoia groves of Southern Sierra Nevada (Int.)\*\*
- President Lincoln's summer residence in the District (Int.)\*\*
- 700<sup>th</sup> Superfund site clean up (is there a brownfields number?) (EPA)\*\*
- (Push for Better America Bonds) (EPA)
- Forest Service Rule – roads in national forests (OMB)(GF worried)

3. Water

- No Protection for coral reefs off Hawaii (Int.)\*\*
- Clean water rule(EPA)
- Clean water reauthorization legislation (EPA)
- Safe Drinking Water Act implementation (EPA)
- Dam removal project – institute 25 year review of all 25,000 federal dams (Int. -- GF problem)
- Oceans proposal

**C. Economic—NEC**

We've discussed these briefly with David Tseng who is circulating for NEC comment.

- Lifting Earnings Caps for Disability (regulatory actions)(SSA)\*\*
- Draft financial privacy legislation and regulations for federal agencies(OMB)\*\*
- Encryption export rules (OMB, controversial)
- Computer Security – gathers info on security status on agency systems (not enough) (OMB)
- Electricity deregulation and clean energy (would be fine but there are no specific proposals)(Energy)
- Increase percent of small businesses who federal government buys from (SBA)
- Create electronic directory of small businesses that can contract electronically (SBA)
- Doubling assistance to small businesses trading overseas (SBA)

- Increase number of homeless reached (HUD)
- Increase mortgage loans to low and moderate income families (HUD)
- Conferences on Interfaith Partnerships (HUD)
- Report on Cities (?)(HUD)

## II. Complete List of Possible Executive Orders Submitted by Agencies (Complete memorandums attached as appendix.)

### COMMERCE

Census events

**EDUCATION** (They had no specific deliverables)

### EPA

Cleaner diesel trucks standard

Clean water rule

Clean water reauthorization legislation

Safe Drinking Water Act implementation

(Push for Better America Bonds)

Emission reductions in electric utility and automobile industries

### FEMA

Plan to prepare for terrorism

### HUD

Reaching '94 homeownership goal (67.5%)

(Increase opportunities for Homeownership)

Teacher Next Door Program

Ending historic patterns of segregation

Neighborhood community technology centers

Increase number of homeless reached

Increase mortgage loans to low and moderate income families

Teacher Next Door Program

Conferences on Interfaith Partnerships

Report on Cities (?)

### INTERIOR

Monuments – Colorado and California

Sequoia groves of Southern Sierra Nevada

President Lincoln's summer residence in the District

Dam removal project – institute 25 year review of all 25,000 federal dams

Protection for coral reefs off Hawaii

**LABOR (don't seem to have fully listed possible executive actions)**

Giving out Youth Opportunity Grants

**OMB**

Tribal Executive Orders – improves fed/tribal consultation

Forest Service Rule – roads in national forests

USDA Organic Rule – controversial

DOT Hours of Drivers Service Rule (contentious)

Computer Security – gathers info on security status on agency systems (not enough)

GPEA – OMB guidance to permit electronic filings and eliminate paperwork (April 2000)

Encryption export rules

Draft Financial privacy legislation and regulations for federal agencies

Privacy for government records

Genetic Discrimination Order

Non-Discrimination on the basis of race, sex, color, national origin, sexual orientation and parental status in federal education/training programs

Executive order against parental discrimination

Energy order to reduce fuel and environmental damage in federal vehicles

**ONDCP**

National Youth Anti-Drug Media Campaign

**OPM**

Strengthening Federal employees health benefits program

Expand sick leave for caring for ill relatives

**SBA**

\$16.5 million to support New Markets

Increase percent of small businesses who federal government buys from (SBA)

Create electronic directory of small businesses that can contract electronically (SBA)

Doubling assistance to small businesses trading overseas (SBA)

**USDA**

Farm proposal (June event suggested)

Earth Day -- conservation/Lands Legacy

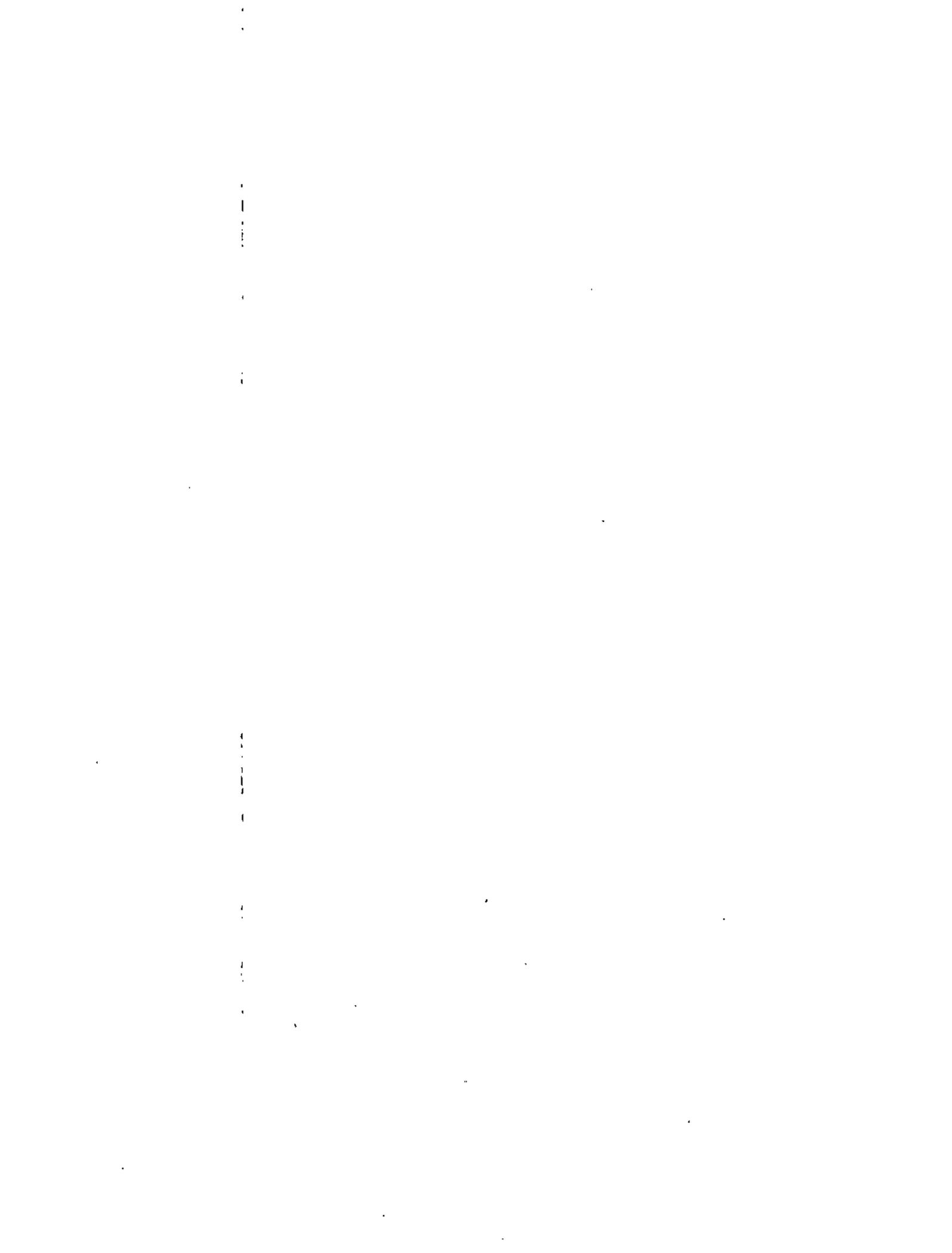
Celebrate High Rural homeownership rates

Pine Ridge (groundbreaking for Community Wellness Center)

**VA**

Decreasing waiting times for veterans seeking health care, bring clinics closer to veterans

Work to end homelessness among veterans



### III. Issues for Further Discussion

#### A. Potential Areas

1. Health Package (Medicare --\$400b from surplus, reform, Prescription drug benefit)
2. Equal Pay – Paycheck Fairness Act
3. License gun owners
4. Teacher Quality
5. Long-term Care
6. CHIP for Parents
7. Nursing Home Standards
8. Great Lakes
9. Privacy (financial, tech, medical)
10. Medicaid coverage for breast cancer
11. College Tuition Tax Deductions
12. Tougher child support and father support programs
13. Repair 5,000/modernize 6,000 schools
14. Help homeless get access to programs like Medicare
15. Medical Errors (establish office)
16. 21<sup>st</sup> Century Research Fund
17. Violence Against Women Act (reauthorize)
18. Pay Down Debt – debt free since 1835
19. Native Americans
20. Voluntary Uniform Rating System

**John B. Buxton**

07/19/2000 05:02:40 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP@EOP, Barbara Chow/OMB/EOP@EOP  
cc: Cathy R. Mays/OPD/EOP, Jennifer E. McGee/OPD/EOP@EOP, Bethany Little/OPD/EOP@EOP, Kendra L. Brooks/OPD/EOP  
Subject: message events

Bethany, Kendra and I are in the process of putting together some possible actions/deliverables that we could do on the education front over the next month plus. From yesterday's meeting with ED folks and from the information that we have from them on events/deliverables coming out of their shop (listed below), it would appear that we have some workable/usable deliverables in the following areas:

- technology/lifelong learning (LAAP grants)
- teacher quality (TQ Enhancement grants)
- School construction
- GEAR-UP/Higher Ed
- Smaller learning communities (could be used with any back to school event)
- Charters (charter guidelines on partnerships with faith-based and business organizations.

As we develop our ideas for actions/deliverables, are there other areas that you would suggest we cover? We are looking at actions in the areas of teachers, technology, after-school. Other areas that you think we should consider for a message event/budget hit? Class size? Accountability? Other areas? Let us know. Thanks.

### ***ED Events/Grants***

#### **July Events**

July 31- August 4, VA -- **Summer Institute for 21st Century Community Learning Center grantees**. About 2,000 grantees from all fifty states will attend for their annual summer training. The group will be divided in half so that half the states (1,000 folks) will Attend July 31 and August 1st, while another 1,000 will come August 3 and 4. *[More likely as a n August event.]*

#### **July Deliverables**

- July 15 -- Reading Excellence Act State Grants - new competitive grants (12-15 grants)
- July 31 -- Teacher Quality Enhancement Grants to states (HEA Title II)

### August Events

August 1-3 - **Summer 2000 Regional Teacher Quality Institutes** (Cincinnati, OH). An opportunity for college and university leaders and their school partners to engage in focused planning for restructuring teacher preparation programs. Institutes could have 750-1000 participants.

August 27-31 - **Secretary's America Goes Back to School Bus Trip through the Mississippi River Region** -- Louisiana, Arkansas, Mississippi, Tennessee, Kentucky, Missouri, Illinois. Likely we won't do anything around this event-wise, but we might consider an amplification event or a statement at the beginning or end of the trip.

### August Deliverables

- *Additional Guidelines for Charter Schools* - Updated guidance to address participation of religious organizations and businesses to respond to Executive Memorandum from May 4.
- **Safe and Drug Free Schools** Release of *Gun-Free Schools Act* data for 1998-1999 school year.
- Release of new *Mott/JCPenney After-school Survey*.
- August 21 -- *Baby Boom Echo* Report Release
- August 15 -- LAAP grant awards
- August 31 -- Teacher Quality Partnership Grants
- August 31 - GEAR UP certificate ceremony (Southern, IL)

### September Events

September 10-12 - **Secretary's Conference on Technology**. ED will hold its fourth annual conference, spotlighting schools from all 50 states. Schools will share their experiences, evaluation techniques, and tell success stories about the positive impacts of technology on teaching and learning.

September 18-20 - **Improving America's Schools (IAS) conference** in Sacramento, CA. Includes strategies on turning around low-performing schools and strengthening district services for Hispanic students. There are hordes of educators at these meetings.

September 21-23 -- **Blue Ribbon Schools**. A seventeenth-year effort by the Department of Education identifies and gives national recognition to a diverse group of public and private

schools. (The President spoke last year at this event. There are approximately 300-500 participants.

### September Deliverables

- September 1 - Announcement of Smaller Learning Communities planning and implementation grants to reduce the size of large high schools - first awards under this new program.
- September 15 -- Teacher Quality Partnership Grant Awards
- September 15 -- Gear Up Grant Awards
- Low-Performing Schools Report: Report on numbers of low-performing schools, what states are currently doing to turn them around, research on how to turn them around, and what the Administration is doing to help.
- The National Commission on Mathematics and Science Teaching for the 21st Century's report to the Secretary containing a detailed statement of their findings and conclusions resulting from the study together with the Commission's recommendations.

June 7, 2000

**MEMORANDUM TO:** BRUCE REED  
BARBARA CHOW

**FROM:** KARIN KULLMAN  
ANNA RICHTER

**SUBJECT:** Domestic Policy Message and Event Options

CRIME

Already Scheduled Events:

✓ **Handgun Control Luncheon (June 25).** The President will be honored by Handgun Control for his dedication to reducing gun violence.

Other Possible Announcements/Events:

✓ **ATF Illegal Gun Trafficking Report (June).** The President could release ATF's first Illegal Gun Trafficking Report detailing their successful efforts to shutdown illegal gun markets and providing comprehensive information on illegal trafficking cases for the first time. The report documents over 1,500 cases that resulted in referrals of over 1,700 defendants for prosecution. It validates many of the Administration's policies because it shows that criminals obtain firearms from corrupt gun dealers and gun shows.

**End the Resale of Police Guns (June).** The President could use his radio address to highlight his FY 2001 Budget Initiative to help law enforcement end the practice of selling used police firearms on the civilian markets. The grant provides funding to agencies on a one-time basis on the condition that they agree to end the practice. The President's announcement could be held in conjunction with the release of new statistics from the ATF on the number of used police guns that were sold on civilian markets and later used in crimes, and the release of statements made by national law enforcement organizations encouraging their members to end the practice as well.

\* **Reentry of Offenders and Drug Testing and Treatment (June).** The Justice Department will release a report by the Bureau of Prisons in early June showing drug testing and treatment for federal offenders helped reduce drug use and recidivism. The President could use this report to highlight his FY 2001 budget initiatives to reduce recidivism by assisting offenders released from incarceration return successfully to their communities.

**Public Service Announcement Campaign on Safe Handling & Storage of Firearms (June).** The President could announce the kickoff of a Public Service Announcement Campaign run by

DOJ to promote the safe handling and storage of firearms. The PSAs are expected to feature parents who have lost children because another adult did not store a firearm safely. [We have approached the Million Mom March about partnering with DOJ on this initiative to get this message out in communities across the nation.]

**Gun Legislation Compromise Meeting at White House (June).** The President could hold a meeting with Chairman Hyde and Rep. Conyers on their latest compromise proposals on the stalled gun safety legislation to try to work out an agreement on the bill.

**Strategy Meeting with Million Mom March (June).** The President could hold a strategy meeting with the Million Mom March to discuss their plans to promote the passage of common sense gun safety legislation.

**Gun Violence Reduction Strategy (June/July).** In March 1999, the President directed the Attorney General and the Secretary of the Treasury to begin implementing integrated gun violence reduction plans across the nation that focused on tougher enforcement of our nation's gun laws, and to report back to him with a strategy for reducing gun violence. This report should be ready by July. It will highlight the Administration's successful gun enforcement efforts as well as the need for stronger gun laws. The President could release the report, and announce that, as a result of his directive, there are new gun enforcement plans operating at each of the 94 U.S. Attorneys offices nationwide. [We are also currently evaluating some new policy announcements with this event.]

**Handgun Licensing (July).** The President could hold an event to announce the introduction of his licensing proposal while visiting a state with a successful licensing system for handgun purchasers that is comparable to his initiative. [Connecticut appears to have the most similar licensing system, but we are taking a second look into a few other states with laws that might be consistent as well.] The event would be held with the sponsors of the legislation: Rep. Carolyn McCarthy, Rep. Nita Lowey and Senator Schumer. We may consider involving the Million Mom March because licensing is one of their top issues.

**Youth Crime Gun Interdiction Initiative (August).** The President could release ATF's annual Youth Crime Gun Interdiction Initiative Report (YCGII) on the results of their comprehensive gun tracing programs in 38 cities. The President's budget request calls for this program to be expanded to 50 cities. YCGII provides resources to localities to help law enforcement crack down on illegal gun traffickers that supply firearms to juveniles, criminals and other restricted persons. The report provides regional data on the success of the program.

## HATE CRIMES

**Meeting with College Presidents.** We could do a roundtable with the President and Secretary Riley, along with several college presidents to talk about hate crimes on college campuses. (this event could be coordinated in conjunction with an Advocate interview, as previously discussed). There are a couple of tentative deliverables: 1) the Department of Education may have

preliminary statistics from a new survey about hate crimes on college campuses ready toward the end of June. (The survey won't be complete, but some new numbers could be used.); 2) the Department of Juvenile Justice and Delinquency Programs at the Department of Justice has a notice going out to solicit applications on promising approaches to reduce and prevent incidents of hate crimes and hate-related behavior committed by youth, and to provide training and technical assistance to help law enforcement, communities, and schools implement effective hate crime prevention programs and activities. DOJ has indicated that we could make this announcement from June 9 to June 23. However, this grant is only for \$1 million for this year (not a big announcement).

**Roundtable on Hate on the Internet.** The President could convene a roundtable to discuss how hate is disseminated on the Internet and how to empower parents to have the tools to say "no" to hate on the Internet. In addition, we could announce a new version of an umbrella website called *GetNetWise* that provides tools to protect children generally, and includes hate crimes as part of the site. This new version updates the site for the new privacy regulations about not collecting information on children under the age of 13. (As this new version addresses privacy, it may mix the message). This site was initiated in response to the President's efforts on youth violence.

## HEALTH CARE

\* **Healthcare Coverage Event (June).** The President could announce: 1) the introduction of legislation by key Democrats to create the President's FamilyCare program, Medicare buy-in, etc; 2) the launch of the second "Back to School" children's health outreach campaign in partnership with the Robert Wood Johnson Foundation; 3) the release of a report to the President by the Departments of HHS, USDA, and Education detailing best practices in school-based outreach which will be distributed nationwide; and 4) new enrollment numbers for the CHIP program and an analysis of the program's success based on new state data.

**Human Genome Project (September 6).** On September 6, at a press conference and satellite video news release at the Press Club in Washington DC, NIH, along with genome scientists from around the world, is announcing the completion of a working draft of the human genome DNA sequence. The working draft sequence will cover 90 percent of the estimated 3 billion base pairs of DNA in the human genome with less than one error every 1000 base pairs. Genome scientists will then fill in the remaining gaps and increase the accuracy of the sequence to produce the final, high quality sequence on or before 2003. The data and associated analyses will be published in two of the world's leading scientific journals during the first week of September. An educational kit for high-school students and the general public, *The Human Genome: Understanding our Molecular Selves*, will be released at the same time. This kit includes a video documentary, educational multimedia cd rom, 3-D animation on genetics and other materials. Finally, a celebration of some sort will likely occur on September 6 or 7 to honor the scientists involved, express gratitude to Congress and the Administration for supporting the Human Genome Project and to acknowledge the critical importance of unraveling the genome sequence.

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## WELFARE / FATHERHOOD/WORKING FAMILIES

### Already Scheduled Events:

✓ **Fathers Day announcements (June 17 radio address).** We could release new child support data including state-by-state collections for FY 99 (preliminary annual numbers were announced in January) and latest results from various child support enforcement tools such as financial institution data matches and passport denials. We could also: release report documenting the Administration's accomplishments related to child support enforcement; highlight the Administration's FY 2001 budget initiatives for Fathers Work/Families Win and child support enforcement; and highlight best examples of agency actions resulting from the 1995 Executive Memorandum on fatherhood. We are working on other, more broad fatherhood deliverables (i.e., a Dept. of Education guide on the importance of fathers in the education and learning process of their children).

⊗ **Welfare to Work Progress (July).** At the July Welfare to Work Partnership event, the President could: 1) release new welfare caseload numbers (from December 1999); 2) announce new federal welfare to work hiring numbers (should be over 30,000) under initiative led by the Vice President – triple our goal to hire 10,000 individuals by the year 2000; 3) announce that, in the four years since the official launch at the White House in May 97, Welfare-to-Work Partnership has grown to 15,000 business partners, and other Partnership deliverables; 4) push Congress to enact our initiatives that help families moving from welfare to work and other low-income working families to succeed: the three transportation initiatives highlighted on 2/23 (food stamp vehicle asset limit, IDAs for cars, Access to Jobs), Fathers Work/Families Win, Welfare-to-Work extension for current grantees, housing vouchers, EITC, child care; and 5) urge states to invest TANF funds in helping families move to self-sufficiency, not to supplant state funds for unrelated purposes.

### Other Possible Announcements/Events:

If this is not included in the President's July event...

**Federal Welfare to Work Hiring (June/July).** The Vice President could release the third annual report on this successful initiative, and announce that we have hired nearly 30,000 people – triple the goal set in 1997. NPR is working on the report with assistance from DPC, and expects to have it completed around June. This could also be one component of a series of welfare reform accomplishment reports.

There are at least two other major welfare reform events that could be done before the President leaves office. Based on our best estimates of when deliverables will be ready these two events could be packaged as follows:

✱  
Tour **Welfare Reform Anniversary Event (August).** On or around the anniversary of the Welfare Reform bill signing, the President could: 1) announce FY 99 state work participation rates; 2) release 3<sup>rd</sup> Annual TANF Report to Congress including FY 99 data on caseload trends, summary of state policy choices, and summary of research findings; and 3) possibly announce March 2000

caseload numbers.

**Welfare Reform Accomplishments Event (Late September/October).** The President could: 1) announce \$200 million in high performance bonuses for states who have done the best job of moving welfare recipients into the workforce; 2) announce national numbers for welfare reform job entry, retention, and wage progression; 3) release final High Performance Bonus regulation (may be ready in August); 4) publish Clinton-Gore Administration Welfare Reform Accomplishments Report documenting welfare reform successes in key areas such as work, responsibility, and involvement of key sectors such as businesses (Welfare to Work Partnership) and community and faith-based organizations; and 5) announce 'Out-of-Wedlock' Bonuses – 5 states with greatest reductions in children born out of wedlock (will be ready in September but may want to announce separately). HHS is also working on the following deliverables for September: highlight increased state investments in using welfare reform funds to support working families; announce 10 states (1 per region) who have taken innovative steps to increase access to health care for TANF families; announce 10 states (1 per region) who have taken innovative steps to help families facing particular challenges such as disabilities or limited-English proficiency.

**Looking Ahead: Welfare Reform Reauthorization.** While welfare reform reauthorization won't happen until FY 2002, many groups are already beginning to strategize about the changes they would propose and there is likely to be extensive discussion about this issue in the next Congressional session. Given this Administration's key role in ending welfare as we know it, the President may want to engage in this issue before he leaves office. We could schedule a round table discussion, or series of discussions, with key policy makers including state and local officials, business leaders, researchers, non-profit and faith-based leaders, as well as current and former welfare recipients. This could lead to a statement of lessons or principles to inform the reauthorization debates.

**Teen Pregnancy Prevention/Second Chance Homes (June).** There are a number of deliverables that should be ready by June that could be used to promote our goal of breaking the cycle of dependency by reducing teen pregnancy, and to highlight our \$25 million second chance homes proposal. We could release these at an event with officials and teens from model second chance homes. The deliverables include: 1) an HHS report on the needs of low-income teenage parents and available resources and models for addressing these needs, with a particular focus on second chance homes; 2) joint HUD/HHS guidance on how to access federal resources to support second chance homes; 3) findings from an HHS-funded report on the impact of services for teen parents; and 4) a report from the National Campaign to Prevent Teen Pregnancy and Center for Law and Social Policy on "Tapping TANF Funds to Prevent Teen Pregnancy and Promote Youth Development".

**Supporting Work and Encouraging Savings (Anytime).** We're working with NEC to find an opportunity to highlight the Earned Income Tax Credit's impact on family income and work efforts. We could link this to the Administration's leadership on IDAs through the Assets for Independence Act and welfare reform. The President could: 1) highlight local programs that link EITC receipt to IDA creation and savings, such as the IDA program in Tulsa run by Community

Action Agency; 2) highlight the Administration's FY 2001 proposals for EITC expansion and IDA funding, including the proposal to use IDAs for car purchase; 3) encourage outreach to eligible workers and highlight state and local government efforts to increase EITC claiming which benefits both residents and communities. [Some cities that have conducted an outreach campaign include Chicago, Milwaukee, and Los Angeles. Also, Governor Locke began using TANF funds to finance EITC outreach after finding that less than half of the workers moving off of welfare reported getting the EITC. The state reaches out to former TANF recipients who are working and encourages employers to inform workers of the advance payment option. As a result, Washington had the largest increase in filers for the federal tax year 1999; filings among TANF leavers increased by 67 percent, and the credit brought \$436 million into the state.]

## TOBACCO

\* **Tobacco/Smoking Cessation (late June).** We have a package of smoking cessation deliverables that could be used for an event at the end of June: 1) On June 28, the Journal of the American Medical Association is supposed to publish guidelines put together by HHS and a consortium of seven governmental and NGOs on how to treat tobacco use and dependence - basically the best treatments to help people stop smoking; 2) we are working on an Executive Memorandum that would require Executive Agencies to inform all federal employees about smoking cessation benefits available to them and the benefits of not smoking - this builds on a 1997 EO establishing smoke-free environments for federal employees; 3) reiterate our budget proposal to establish smoking cessation programs for Medicaid eligible individuals; and 4) a few members in both the House and Senate have expressed interest in introducing legislation that would effectuate our smoking cessation budget proposal - we could announce newly introduced legislation and call for Congress to take quick action to help current smokers quit and reiterate the need for Congress to also take action on FDA/tobacco legislation.

### **Tobacco / Roundtable Discussion Between Farmers and the Public Health Community.**

Tobacco farmers and the public health community have recently developed a cooperative relationship in an effort to find mutually acceptable solutions to the challenges and opportunities facing both groups. These discussions represent a significant effort to find meaningful solutions for dealing with tobacco issues affecting tobacco-producing states. We could have a roundtable discussion: *Tobacco and Health - Finding Common Ground in Tobacco Producing States - New Opportunities for a New Century*. Participants could include leaders of the tobacco growers community and top public health officials. From the discussion, a Commission could be announced that would be charged with, among other objectives, examining the future of the tobacco program. There could be a series of regional hearings in the tobacco states, allowing input and buy-in from the growers, public health groups, state policy makers, etc. Such hearings and discussions could also stimulate the formation of active alliances at the community-based level working to resolve local problems.

**Tobacco / World Conference on Tobacco (August 6-11).** The World Conference on Tobacco will be held in Chicago on August 6-11. At least 4,000 world health leaders are expected to attend. Historically, the President of the host country makes a keynote speech. It is being

sponsored by the American Cancer Society, AMA and Robert Wood Johnson Foundation, which have all formally requested that the President attend. The Surgeon General is planning to unveil a new report regarding effective measures that states can take to reduce smoking prevalence among children based on best practices.

## **CHILDREN AND FAMILIES**

**Community Coaches (Anytime).** Do Something has proposed that the President participate in a Community Coaches event in South Central Los Angeles, CA. They would like the President to highlight his community coaches initiative in the FY01 budget proposal, challenge corporations nationwide to support the Community Coach initiative, and celebrate the community-building accomplishments of the coaches and students in South Central L.A. *(There has been some pressure from Sylvia Matthews to get this event on the schedule.)*

**Rally for Violence Against Women Reauthorization (end of June).** We could hold a rally with women's groups, law enforcement, and members of Congress to support the reauthorization of the Violence Against Women Act (VAWA). At this event, we could announce that approximately \$28 million will be awarded for strengthening civil legal assistance programs for victims of domestic violence. Eligible applicants include victim service programs, law school legal clinics, and other legal clinics assisting battered women and other entities involved in addressing domestic violence.

**Domestic Violence Event/STOP Formula Grants (end of July).** We could also have another VAWA event in July to bring the bully pulpit to bear again on the need to reauthorize VAWA this year. At this event we could announce the STOP (Services, Training, Officers, and Prosecutors) Violence Against Women Formula Grants which are awarded to States to develop and strengthen the criminal justice system's response to violence against women and to support and enhance services for victims. Each State and territory must allocate 25 percent of the grant funds to law enforcement, 25 percent to prosecution, 25 percent to victim services, and the remaining 25 percent among the three categories at each grantee's discretion. Approximately \$180 million will be awarded this year.

## **YOUTH VIOLENCE**

### **Already Scheduled Events:**

**National Campaign Against Youth Violence Board Meeting (June 20).** The President will drop by a meeting at the White House with the National Campaign's Board members and White House Staff and Cabinet Secretaries to commend the efforts of the Campaign and get an update on their most recent outreach efforts and programs.

### **Other Possible Announcements/Events:**

**NCAAYV Youth Action Council (June 21).** The White House Youth Violence Council is planning to launch Kiddspeak – a series of focus groups or town meetings with youth funded by SAMHSA – with the National Campaign’s Youth Action Council around June 21<sup>st</sup>. The goal of the focus groups is to have discussions between youth and their parents about a range of issues, particularly youth violence. The focus groups will run throughout the summer and the Youth Violence Council will write a report summarizing them for a back to school event. At this kick-off, the Councils plan to follow-up with the YMCA poll released at the WH Teen Conference that showed teens want to spend more time with their parents than parents realize.

**Guide to Best Practices in Youth Violence Prevention (Summer TBD).** CDC plans to release this Best Practices Guide over the summer, but a specific date (month) is still to be determined. The White House could possibly announce/release it, incorporate it into another event, or build something around it at one of the Best Practice Sites. If the President could not participate, then this deliverable could be offered to the Vice President.

**Role of Faith-Based Organizations in Youth Violence Prevention (June/July/August).** A White House event could feature initiatives from several cities that promote successful collaborations between clergy, law enforcement, and other community members to exemplify the role faith-based institutions can play in youth development, and specifically, in youth violence prevention. Several departments have been developments in this area and we could use the event to highlight a variety of efforts.

**Pamphlet Series “Connect to Protect” (Late July/Early August).** The White House Youth Violence Council is producing a series of ten pamphlets funded by SAMHSA for the parents of school-aged children. The pamphlets may be in question and answer format and will provide information on: child development; conflict resolution; anger management; mental health issues; and other ways for parents to help their children develop decision making skills, establish healthy lifestyle patterns and prevent youth violence. The first in this series can be ready for release as early as the end of July and definitely by early August and could be timed with a back-to-school event.

## **EDUCATION**

### *Already Scheduled Events:*

**Dream Academy (June 15).** The President is scheduled for a drop by with Wintley Phipps at the U.S. Dream Academy.

**Hispanic Education Strategy Meeting (June 15).** The following announcements will be rolled out at this strategy session: 1) announce five national goals for improving Hispanic education; 2) release first annual “Progress Report on Hispanic Education”; 3) CEA report on the status of Hispanic education and increasing importance of education to economic success; 4) Department of Education report on ways states, districts, and schools can use federal resources to serve Hispanic students reach high standards; 5) HHS, HUD, and DoEd outreach efforts to Hispanic

community on importance of early childhood education; 6) HUD-Lightspan partnership to make Lightspan bilingual software available in 10 HUD Neighborhood Network Centers in predominantly Hispanic neighborhoods; 7) Commerce Department announcement that a) it will quadruple the size of its college internship program through HACU, and b) initiate an employee exchange program with six Hispanic serving institutions; and 8) a series of private sector and non-profit organization commitments.

Other Possible Announcements/Events:

**Summer Institute for 21<sup>st</sup> Century Community Learning Center Grantees (July 31-Aug. 4).** Approximately 2,000 grantees from 50 states will be in the DC area for their annual summer training.

**Teach For America (July/August/October).** There are several opportunities for the President to address Teach For America corps members before he leaves office. In June, this year has recruited the largest corps class yet and they will meet in Houston, Texas for a six-week training retreat, which the President could speak at either the opening or closing ceremony. Another option is for the President to guest teach at a school in D.C. or another TFA site during "Teach For America Week" in October. This week has attracted national press coverage and a variety of guest teachers, such as Henry Kissinger, Janet Reno, famous authors and actors. Lastly, the President could address a regional site (there are 15 nationwide) at a time or location that is works with his schedule.

**Back to School Events (August/September).**

**IMMIGRATION**

**Naturalization Ceremony (June/July).** We have submitted a scheduling proposal for the President to attend a swearing-in ceremony, where he could highlight our ESL/Civics initiatives.

**Equal Employment Opportunity Commission 35<sup>th</sup> Anniversary (June/July).** A scheduling request has been submitted and is pending the EEOC availability.

**MISCELLANEOUS**

**Philanthropy / Encouraging Giving (no specific date).** We could do an event calling for increased giving, focusing on the philanthropy tax pieces included in our budget and the following deliverables: 1) CEA Philanthropy report, which will be ready to release shortly; 2) Youth and philanthropy initiative – a group of California foundations is moving forward to create a fund to engage youth in philanthropy by (a) matching youth contributions and youth service hours with dollars from the fund, (b) funding youth social entrepreneurs, and (c) allowing youth to make funding decisions based on their research about community needs. The President could challenge other regions to create similar youth funds; 3) Price Waterhouse study funded by Independent Sector showing the effectiveness of a tax deduction for charitable gifts by nonitemizers. Depending on where the event is held, the President could hold a private roundtable discussion with high tech givers and potential givers. The President would applaud those who have already made major gifts, and encourage others to get involved in initiatives he cares about. Shirley Sagawa has also proposed that this type of event could be folded into a broader "Civil Society Tour", which she has discussed with Ann O'Leary.

**ADA 10<sup>th</sup> Anniversary (July 26).** We are working with the President's Task Force on the Employment of Adults with Disabilities, OVP, OPL, and Cabinet Affairs on possible deliverables and events.

**Food Safety/Egg Rule (TBD).** The President could announce the final FDA rule to make eggs safer by reducing deaths and illnesses associated with eggs contaminated with the bacteria *Salmonella Enteritidis*. The regulation has two components: 1) requirement that food retailers keep eggs refrigerated at 45 degrees Fahrenheit, which is expected to reduce the incidence of egg contamination substantially, and 2) requirement that egg processors provide a warning label on egg cartons about the risks associated with undercooking eggs, similar to that previously required for raw meat packages. The Centers for Disease Control has documented numerous instances of *Salmonella* outbreaks associated with egg consumption, and from 1985 to 1998, there were 794 *Salmonella* outbreaks, involving over 28,000 illnesses, nearly 3,000 hospitalizations, and 79 deaths. The life-threatening form of the disease is most likely to attack children, the elderly, and persons with weakened immune systems. The costs associated with human salmonellosis due to *Salmonella Enteritidis* are estimated to range from \$150 million to \$870 million annually.

**Income Maintenance Programs - Administrative Actions**  
(Revised 6 pm, 6/2/00)

**Reports**

- National Evaluation of Welfare to Work Strategies : (1) Two year Child Outcomes Report; (2) Educational Impacts for Adults Report; (3) Two year Impact for 11 Sites. June
- SSBG FY 1998 data report, June or July
- Medical Child Support DOL/HHS Working Group Report, June
- HHS-Office of Child Support Enforcement Final report on Child Support Demo. July
- Household Food Security in the United States, 1995-1999. July

**Grants/Awards.**

- Child Support Enforcement Special Improvement Projects - Grants awarded in June.
- TANF High Performance Bonuses.
- Team Nutrition Grant Awards (Recipients do local promotion of Dietary Guidelines) July

**Regulations**

- Food Stamp regulations. Late September
- TANF High Performance Bonus regulations. August
- Proposed rule to promote after-school snacks in the National School Lunch Program and the Child and Adult Care Food Program. September
- Proposed tribal child support regulation. June
- Food Stamps EBT interoperability interim regulation. mid/late summer

**Events**

- FNS - will unveil its new mascot and related nutrition materials. July

## Department of Labor - Administrative Actions

All of these actions are currently planned, except where noted in italics.

### Executive Orders

- Bentsen Commission

### Conferences/Summits

- Telecommunications/Home Offices

Note: When the home office flap started with OSHA, one of the planned steps was to convene a conference on today's changing work arrangements and (possibly) the role of workplace laws. Tentative date is July.

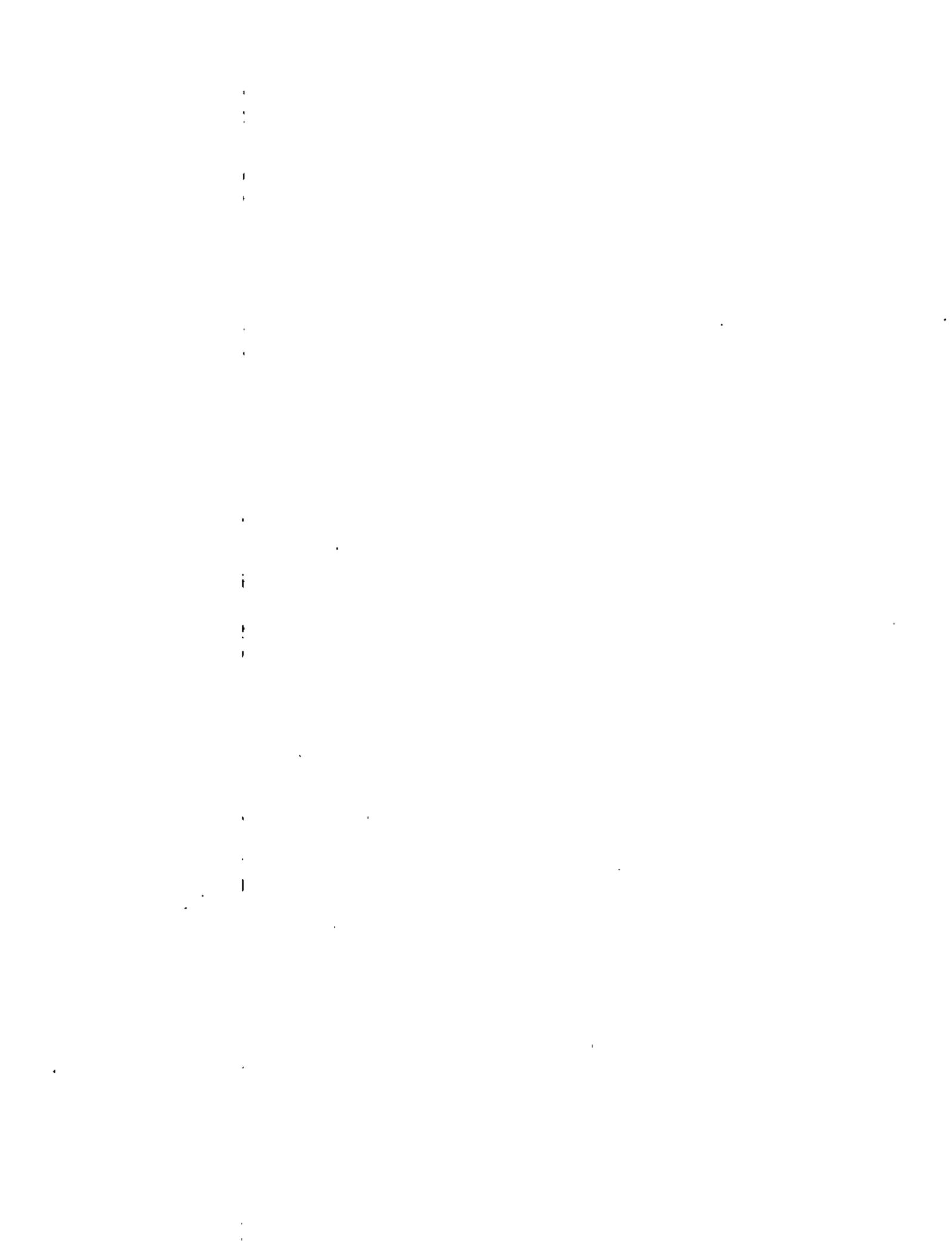
- White House Disability Summit - Planned for July

### Regulations

- Ergonomics - final rule scheduled for December
- Baby UI - Event planned
- WIA - rule will go final in late June for full implementation by July 1. *An event could be planned around this.*
- Equal Pay - Final 60-2 regulation includes equal opportunity survey which collects wage data. Testing of survey is underway, to be evaluated in late summer. Depending on results, full survey would be possible in fall.
- H-1b

### Other Administrative

- FMLA - DOL updating the previous Commission on FML Act Study. Results may be in by December. DOL plans to issue report.
- International Child Labor - 1999 Executive Order on this issue required a report of products made with abusive child labor and not to be procured. That report is in draft (we believe), but has not yet been released.



## Department of Education - Administrative Actions

(Revised 6 pm, 6/2/00)

### Conferences/Summits

- DC Access - Presidential event tentatively planned for June 20
- School Construction - Susan Frost is exploring a possible national conference with Treasury. An ED study, updating the earlier GAO report on school construction needs, is likely to be released in late June.
- Improving America's Schools Conferences - Three 3-day conferences in the September (Sacramento), October (Louisville), December (DC)
- 21<sup>st</sup> Century Community Learning Centers - Summer Institutes (technical assistance conferences) July 31 - August 4
- Principals Summit - July
- Early Childhood Summit - June
- Secretary's Mississippi Delta Bus Tour

### Other Non-regulatory Actions (Reports, Guides, etc...)

- Issue EO Report on Turning Around Failing Schools - This report, required by recent Executive Order, is scheduled to be released in September. It will include information about the first accountability funds released by ED.
- Publish Best Practices Individual Education Plan Guide - scheduled for June
- Medicaid/Special Ed Claiming Guide - Release scheduled for Fall 2000
- HEAP Implementation - At upcoming National Hispanic Education Meeting, ED should be prepared to issue report on HEAP implementation to date, and planned actions for the remainder of the Administration. (ED provided draft report on OPE and OVAE implementation to OMB this week. No report has been prepared on OESE or other ED offices. White House push may be required to get ED to complete this project.)
- Student Aid Information for non-English- speakers - This fall, OSFA will make FAFSA on the Web available to Spanish speakers, and create multi-lingual user capabilities under the Access America for Students web portal.
- Pell Grant Study - This summer, ED will complete an evaluation of the effect of increases in Pell maximum awards on student enrollment.

## Grant Awards

The Education Department will be sending us a schedule of planned grant award dates.

## Regulations:

### *Possible new actions:*

Reduce direct loan origination fees - Further discussion with ED would be required to determine feasibility of reducing fees, under the pretext of repayment incentives, for borrowers who make their payments on time.

***Planned regulations:*** The following is a complete list of the regulations the Department plans to issue for the remainder of this year. Those that are technical in nature are included at the end.

### Family Educational Rights and Privacy (FINAL) [June]

These regulations implement sections 951 and 952 of the Higher Education Amendments of 1998 and clarify several existing regulatory provisions. In response to the notice of proposed rulemaking (NPRM) published on June 1, 1999 (64 FR 29532), 42 parties submitted comments. Significant changes from the NPRM include more detail in the "crime of violence" provision, an exhaustive list of crimes of violence and non-forcible sex offenses, and clarification of when results become "final" and what information can be disclosed under this provision.

### Upward Bound Program: Participant Expansion Initiative (NPP) [already been issued]

This notice of proposed absolute priority for FY 2000 would increase the number of the neediest of TRIO eligible students who are served by the Upward Bound Program. The Participant Expansion Initiative will focus on target high schools currently being served by Upward Bound projects where at least 50 percent of the students qualify for the Free Lunch Program.

### The State Vocational Rehabilitation Services Program (FINAL) [already been issued]

These regulations establish evaluation standards and performance indicators for the State Vocational Rehabilitation Services Program. This program provides support to assist States in operating a comprehensive, coordinated, effective, efficient, and accountable program to assess, plan, develop, and provide vocational rehabilitation (VR) services to individuals with disabilities to enable them to prepare for and engage in gainful employment, consistent with their strengths, resources, priorities, concerns, abilities, capabilities, and informed choice. An advance notice of proposed rulemaking was published on February 19, 1993 (58 FR 9458), and a notice of proposed rulemaking (NPRM) was published on October 14, 1998 (63 FR 55291). We received 62 comments on the NPRM, and revisions were made in the regulations as a result of the comments.

The State Vocational Rehabilitation Services Program (NPRM) [at OMB right now]

These proposed regulations are needed to revise the scope of available employment outcomes available under The State Vocational Rehabilitation Services Program. The proposed regulations would redefine the term "employment outcome" to include only those outcomes in which an individual with a disability works in an integrated setting. This change is necessary to reflect the purpose of title I of the Rehabilitation Act of 1973, as amended (29 U.S.C. 701-744), which is to enable individuals to participate in the program to achieve an appropriate employment outcome in the competitive, integrated labor market

IDEA Part C (NPRM)

[June]

This NPRM provides procedures and guidelines for schools to use in accessing a family's private or public insurance for the Infants and Toddlers special education program.

Student Assistance General Provisions; Federal Family Education (FFEL) Program (NPRM in July; Final in October)

These proposed regulations, to be developed through regulatory negotiation, would concern loan issues, including cohort default rates, death and disability, and delinquency and default management.

Student Assistance General Provisions; Institutional Eligibility Under the Higher Education Act of 1965, as Amended (NPRM in July; Final in October)

These proposed regulations, to be developed through regulatory negotiation, would concern program and eligibility issues (Committee II), including change of ownership, nontraditional programs, Special Leveraging Education Assistance Partnerships (SLEAP), and electronic authorization and verification and electronic retention

CFO - Administration of Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-profit Organizations (FINAL) [early summer]

These common regulations adopt the provisions of OMB Circular A-110 and will be issued as interim final regulations with comments invited. The regulations are being developed under the leadership of the Department of Health and Human Services. OMB has designated the regulations for review under E.O. 12866.

*Planned regulations that are largely technical:*

Smaller Learning Communities Grant Program/OESE (NOTICE) [early summer - technical in nature]

This notice established selection criteria and other requirements for FY 2000 planning and implementation grants under the Smaller Learning Communities Grant Program. The notice was

exempt from proposed rulemaking requirements under the APA in accordance with section 437(d) of GEPA. OMB previously agreed that formal review of the notice Under E. O. 12866 was not required, and the notice is included on this list for information only.

Field-Initiated Studies (FIS) Education Research Grant Program/OERI--Application Review Procedures for New Awards for Fiscal Year (FY) 2000 (NOTICE) [early summer - technical in nature]

This notice announces the use of a two-tier review process for new awards under the FIS Education Research Grants Program for FY 2000. This two-tier process modifies the regular review procedures in 34 CFR 700.21 and will be adopted with a waiver of proposed rulemaking.

Fund for the Improvement of Education—Comprehensive School Reform Research Grants/OERI (NFP) [June - technical in nature]

This notice of final priorities for fiscal year (FY) 2000 would support a research grant competition to fund a set of research studies addressing one or more critical research topics focused on the determinants of successful comprehensive school reform. These priorities are exempt from proposed rulemaking requirements under the Administrative Procedure Act (APA) in accordance with section 437(d) of the General Education Provisions Act (GEPA)(20 U.S.C. 1232(d)).

Teacher Quality Enhancement Grant Programs/OPE (NPRM) [already been issued - technical in nature]

These proposed regulations would contain selection criteria and other requirements applicable to the State, Partnership, and Teacher Recruitment Programs included in the Teacher Quality Enhancement Grant Programs (34 CFR Part 611).

Direct Grant Programs; Disability and Rehabilitation Research Projects and Centers Program / OSERS (NPRM) [late summer - technical in nature]

These proposed regulations would amend the Education Department General Administrative Regulations governing Direct Grant Programs (34 CFR Part 75) and the regulations governing certain programs administered by the National Institute on Disability and Rehabilitation Research (34 CFR Part 350) to add a selection criterion based on a grant applicant's record of hiring and advancing in employment persons with disabilities.

**Other Agencies - Administrative Actions .**

**Access Board**

- Publish Final Section 508 Standards on IT Accessibility

June 9, 2000

To: Larry  
Barbara

From: Kathy

Subject: ED List of Events, Publications and Major Grant Awards for 2000

Holleman's staff pulled together the attached schedule of planned events, reports, etc.. for the remainder of this year. It does not include regulations, since we had already put that list together with Danny Werfel.

I know Mary still has plans to put a few more ideas down on paper.

## Department of Education Events, Publications, and Major Grant Awards

### Secretary's Schedule

June 15 -- National Hispanic Education Conference -- Washington, DC

June 15 - High School Reform Conference -- Washington, DC

June 15 - National Teachers' Hall of Fame greeting -- Washington, DC

June 21 - Youth with Disabilities Conference -- Washington, DC

June 23 - Early Childhood Summit -- Washington, DC

June 26 - National PTA Convention -- Chicago, IL

June 28 - WH Empowerment Zone Conference -- Columbus, OH

July 3 - AFT Convention -- Philadelphia, PA

July 4 - NEA Convention -- Chicago, IL

July 13 - Schools as Centers of Community Conference -- Columbus, OH

August 3 - 21<sup>st</sup> Century Learning Centers Summer Institute -- Washington, DC

August 27-31 - America Goes Back to School Bus Trip through the Mississippi River Region -- Louisiana, Arkansas, Mississippi, Tennessee, Kentucky, Missouri, Illinois

September 7 - America Goes Back to School speech at National Press Club -- Washington, DC

September 11 - Secretary's Conference on Technology -- Washington, DC

September 15 - Blue Ribbon Schools -- Washington, DC

October 3 - Release of the Glenn Math and Science Education Commission Report -- Washington, DC

October 5 - US/UK Joint Conference on Turning Around Low-Performing Schools -- Washington, DC

October 6 - NAESP National Distinguished Principals -- Washington, DC

October 10 - National College Week -- Washington, DC

October 11 - National Teacher Forum -- Washington, DC

October 23 - Campus Week of Dialogue -- Washington, DC

November 10 or 11 - Chief State School Officer Convention -- Point Clear, Alabama

#### Meetings/Events/Conferences

Summer/fall -- **LEP Community Outreach Meetings:** Assistant Secretary Mario Moreno (OIIA) will travel to at five Limited English Proficient school districts to conduct a series of Community Outreach Meetings.

Summer/fall -- **Univision PSA Campaign** -- ED and Univision have partnered to address the educational needs of Hispanic students through a number of public service announcements (PSAs) that began August 1999; the second wave of PSAs will air this summer/fall.

Summer -- **Partnership with Telemundo** -- The Department also has formed a partnership with Telemundo, the second largest Spanish language television network. Telemundo will produce PSAs focusing on the importance of reading, parental involvement and thinking early about college that are scheduled to air this summer. The PSAs will include ED's call center number for EDPubs so those viewers can receive high-quality publications in Spanish.

Summer -- **National Latino Organization Conferences:** ED will participate in several conferences this summer and distribute Spanish-language publications at the annual and legislative meetings of National Latino Organizations. Between 15-20 Spanish-language publications and resources will be distributed to 1,000-5,000 attendees at each conference.

June -- **Federal Work-Study Tutoring Program:** America Reads will launch the Summer Phone - A - Thon this month. The Phone-A-Thon is our effort to help the colleges and universities that are not signed on to America Reads transition to the July 1, 2000 requirement easily. The July 1, 2000 requirement states that every college and university that receives federal funding must have at least one tutor in a literacy tutoring program. We will be contacting the Financial Aid Officers to answer their questions, provide them with information and inform them about our resources, including the publications, the listserv, the FWS Update.

[America Counts will have reached the 500 campuses signed onto America Counts Federal Work Study tutoring, as Vice President Gore challenged them to do at the program's launch. No event currently planned]

June 23-24 -- **Early Childhood Summit:** The America Reads Challenge will host an invitational Early Childhood Summit in DC at the Hyatt Regency Capitol Hill. The Summit is based on the National Research Council's forthcoming report, *Eager to Learn: Educating Our Preschoolers*. The purpose of the report is to inform the early childhood community, families,

and policy makers on the experiences and opportunities that best prepare young children to be successful in kindergarten and beyond.

June 12, Washington, DC -- **21<sup>st</sup> Century Learning Centers** program conference on after-school training needs and opportunities, - Co-sponsored by the Department, the Charles Stewart Mott Foundation, and PASE (Partnership for After School Education).

June 14-16, Washington DC -- **Reinventing High School: Taking Action** conference - for educators, policy makers, community leaders, parents & students, those who are beginning or continuing transforming high schools. Offers technical assistance, networking opportunities, and access to resources.

June 15, Washington, DC -- **White House Strategy Session on Educational Excellence for Hispanic Students**

June 24 -- **National Leadership Conference for Youths with Disabilities Summit**

July -- **Safe and Drug Free Schools Researcher Conference** - will be held as part of joint National Institute for Alcoholism and Alcohol Abuse/ED initiative on binge drinking among students at institutions of higher education.

July 1 the Federal Work Study program changes its reading tutor and family literacy tutor component from voluntary to mandatory (meaning according to what Congress did that there must be at least one tutor on any campus receiving FWS dollars which means about 1200 campuses or so will be added to program with one tutor minimum). *[Possible principal back-to-school event honoring those campuses that joined voluntarily for as many as three years.]*

July 6 -- **Eisenhower Professional Development Annual Conference**

July 11-12: The Office of Non-Public Education's conference commemorating the 75<sup>th</sup> anniversary of the Supreme Court decision in *Pierce v. Society of Sisters*. This case established the right for private schools to exist and recognized the right of parents to send their children to private schools and fulfill the compulsory attendance requirements. The conference of 100-125 private school leaders from across the country will examine the tradition of private education in the U.S.; highlight the achievements of private schools; and explore partnerships between private schools, families, public education, and community organizations.

July 13-14 -- **Summer Institute on Turning Around Low-Performing Schools**

July 10-20 -- **TRIO Student Support Services Program** - The Office of Federal TRIO Programs will conduct technical assistance workshops for the upcoming competition under the Student Support Services program. The workshops will be held in Washington, DC on July 10<sup>th</sup>; Denver, CO and Chicago, IL on July 12<sup>th</sup>; New York, NY and Los Angeles, CA on July 14<sup>th</sup>; Miami, FL, San Antonio, TX and Seattle, WA on July 18<sup>th</sup>; and Atlanta, GA, Boston, MA and Bayamon, PR on July 20<sup>th</sup>. (Contact: Linda Byrd-Johnson at 202/502-7729)

July 23-24 -- **Disney Institute After-school Conference** sponsored by the Disney Institute, Disney Learning Partnership, and After-school Alliance (Mott Foundations and US Department of Education). Seven teams of states (California, Connecticut, Delaware, Illinois, Maryland, Mississippi, and South Carolina) will be coming together to learn about best practice in after-school programming and to report out their plans for moving after-school policies in their states. Hollywood stars like Rhea Perlman and Danny DeVito would speak on the importance of after-school programs, and the Disney Learning Partnership would release a nationally representative child poll on the importance of after-school. *[Possible role principal to moderate the final town hall meeting that could be downlinked throughout the country.]*

July 24-26 - **National Principals' Forum**. The purpose of this Forum is to initiate a practitioner's group that will inform the Department's thinking, planning, research agenda and activities relating to the principal and school leadership. Principals will give advice while concurrently providing leadership for change within states and local districts.

July 26 -- **ADA 10th Anniversary Celebration: "Carrying the Torch"**

July 26-28, Dallas, TX -- **Safe and Drug Free Schools conference: Security Technologies for School Safety** (Jointly with National Institute of Justice, Department of Energy and Department of Education and Sandia National Laboratories). This conference is targeted to school principals/administrators, school security personnel, school resource officers (SROs), and law enforcement officers, and will focus heavily on security technologies. The conference will provide attendees with an opportunity to examine the appropriate (and inappropriate) uses of security technology, learn from the experiences of law enforcement and school officials that have enhanced school security, and inspect a wide range of technology options.

July 31- August 4, VA -- **Summer Institute for 21<sup>st</sup> Century Community Learning Center grantees**. About 2,000 grantees from all fifty states will attend for their annual summer training. The group will be divided in half so that half the states (1,000 folks) will Attend July 31 and August 1<sup>st</sup>, while another 1,000 will come August 3 and 4. *[Possible role for principal to speak to this group.]*

August, Washington, DC -- **Safe and Drug Free Schools Grantees meeting** for current grantees

August -- **Parent Information Resource Centers Annual Directors Conference** --Will focus on addressing technology use in urban schools with an emphasis on professional development.

August 2-3 -- (Office of Management) **Labor Management Partnership Conference**

August 7-8 -- **"Choices 2000:"** National conference on informed choice in the Vocational Rehabilitation system

August -- **The Direct Loan program** will enhance functionality on its borrower web site. Among other things, we will: 1) provide Direct Loan borrowers (who choose to conduct their Exit Counseling via the web) with additional information regarding their total Title IV indebtedness; 2) allow Direct Loan borrowers to complete AND SUBMIT unemployment

deferment and general forbearance requests electronically over the web; 3) allow Direct Loan borrowers to complete AND SUBMIT requests for Income Contingent Repayment (ICR); 4) allow Direct Loan borrowers to apply for EDA (Electronic Debit Account) payment method; and 5) complete a voluntary Customer Satisfaction Survey via the web

September 9 -- **Excelencia en Educacion: The Role of Parents in the Education of their Children** conference

September 10-12 - **Secretary's Conference on Technology**. The Department will hold its fourth annual conference, spotlighting schools from all 50 states. Schools will share their experiences, evaluation techniques, and tell success stories about the positive impacts of technology on teaching and learning.

September 11-13 Philadelphia, PA -- "**Third National Employment Conference**" on effective strategies to increase employment outcomes for individuals with disabilities.

**Improving America's Schools (IAS) conferences**: includes strategies on turning around low-performing schools and strengthening district services for Hispanic students. Also, the Partnership for Family Involvement in Education will hold regional meetings this fall on Day Three of each of the IAS Conferences as a means of expanding outreach and making PFIE meetings available in the regions. IAS Dates are:

- Sacramento, CA 9/18-20
- Louisville, KY 10/2-4
- DC 12/13-15

September 19, October 17, & November 21 -- **Satellite Town Meetings**. The Secretary's monthly TV show on school improvement available by satellite and cable in nearly 500 sites and rebroadcast on The Learning Channel. The last program of the 1999-2000 school year will be on 6-20-00 and will focus on after-school and summer learning programs. The fall schedule has not been announced, but the dates are fixed.

September 20-22 in New Orleans, the Southern Division offices of OCR (Dallas, Atlanta and DC) will host a conference on **Education Civil Rights** issues of the 21st Century.

September 21-22: OCR with other ED offices and the National Academy of Sciences and the National Research Council (Commission on Behavioral and Social Sciences and Education) will sponsor the **Millennium Conference on delivering High Quality educational Opportunities to Minority Children**.

September 21-23 -- **Blue Ribbon Schools**. A seventeenth-year effort by the Department of Education identifies and gives national recognition to a diverse group of public and private schools. Blue Ribbon status is awarded to schools that meet rigorous criteria developed by the state department of education, the Department of Defense Schools, the Bureau of Indian Affairs, and the Council for American Private Education

September 25 -- **President's Advisory Commission on Educational Excellence for Hispanic Americans summary event**

[October 2-4, 2000, Louisville, KY Improving America's Schools 2000 Regional Conference -- see above]

October 4-6, Washington, DC -- **Bilateral Conference with UK on Turning Around Low-Performing Schools**. The conference will focus on the exchange of effective strategies and practices. Both countries will send delegations of national, local, and (in the case of the US) state representatives.

October 10, Washington, DC -- **IDEA Summit**

October 11-14 -- **National Teacher Forum**. The purpose of this Forum is to assist teachers in becoming partners in developing federal, state, and local reform strategies and to lead changes in their schools and communities that will enable all students to meet high levels of academic achievements. 120 teachers from around the country will gather to talk about their ideas for change and leadership.

October 12 -- **Lights On!**: National Event to cast public attention on the schools that have their lights on after hours and those that don't. This will be a national event underwritten by JCPenney that should receive a great deal of press throughout the country. We are working with the National Performance Review to either co-mingle the information fairs with this evening or advertise the event at the information fairs.

October 14-17 in Pittsburgh -- **Safe and Drug Free Schools 14th Annual Meeting on Alcohol, Drug, and Violence Prevention in Higher Education**, sponsored by ED.

October 16 Washington, DC -- **Disabilities Studies Conference** at the National Press Club

November 4-7, 2000, Albuquerque, New Mexico -- **Hispanic Employment Initiative** -- OIIA provided the Office of Management (OM) advice and input as they developed the Department's Strategic Plan for the Hispanic Employment Initiative. The Strategic Plan addresses the under-representation of Hispanics at ED (currently 4% of ED's workforce is Hispanic) and can be found at <http://www.ed.gov/offices/OM/RHhispanics.html>. The Office of Management will continue its commitment to attend employment and recruitment opportunities in support of the Hispanic Employment Initiative. On November 4-7, 2000, the Office of Management will attend the Employment Fair at the Hispanic Association of Colleges of Colleges and Universities (HACU) annual conference in Albuquerque, New Mexico.

November 29-21 Washington, DC -- **25th Anniversary Celebration of IDEA** (Note: White House and ED activities planned)

Fall -- **Safe and Drug Free Schools Recognition** ceremony at the Capitol, honoring institutions of higher education identified as "model" drug and alcohol prevention programs.

Fall (variety of dates and locations) – **21<sup>st</sup> Century Community Learning Centers** program Regional Training for New Grantees – focusing on program development and expansion – co-sponsored by C. S. Mott Foundation

Fall -- **Direct Loan Servicing** will conduct its second major recruitment aimed at having borrowers choose to pay their Direct Loans via the EDA method. It reduces costs and provides borrowers with an easy, consistent repayment tool. At the present time, over 240,000 borrowers (approximately 10% of our repayment portfolio) use EDA.

dates/locations TBD – 4 Regional meetings for schools/communities with **high-growth Hispanic population**

**Safe and Drug Free Schools** - Meeting of first two cohorts of **Safe Schools/Healthy Students** grantees November - collaborative grant program that involves ED, DOJ, HHS, and beginning in FY 2001, DOL.

November -- **Reading Excellence** program symposium on reading instruction for English Language Learners will include a series of commissioned papers by researchers on current knowledge of best practices. Symposium is directed toward state, local, national policy makers and organizations. Also for program designers and evaluators. Publication will be produced.

December 6-9, Washington, DC -- **National Conference on Public Charter Schools** for charter schools and state and local officials to network, share best practices and other technical assistance on setting up and running public charter schools.

[December 13-15, 2000, Washington, DC Improving America's Schools 2000 Regional Conference, see above]

#### Publications/Reports/Guidance

June -- OCR and OSERS expect to send a "Dear Colleague" letter to Chief State School Officers and others which is similar to the earlier letters sent on sexual and racial harassment except it's about the prohibitions against harassment of disabled students.

June -- The Department's "6B Report" response to Congress on last year's recommendations in the annual report entitled, *Historically Black Colleges and Universities for the 21st Century*, prepared by the President's Board of Advisors on HBCU. Currently being prepared by Lee Fritschler's office, OPE.

June -- Anticipated release of the *Fourth Interim Report: Vocational Rehabilitation Longitudinal Study*

June -- *Excelencia para Todos: Excellence for All: The Progress of Education for Hispanic American and the Challenge for the new Century* (text of Secretary Riley's March 15 address on Hispanic education)

June -- *Latinos in Education*, published by WHI

June -- *Testing Hispanic Students in the United States: Technical and Policy Issues* (President's Advisory Commission of Educational Excellence for Hispanic Americans Assessment Committee report)

June - *Education Standards, Assessment and Accountability: A New Civil Rights Frontier* (White House Initiative on Educational Excellence for Hispanic Americans)

June - *What Works for Latino Youth: Second edition*, published by WHI

June -- Guidance on Individualized Education Programs

July -- Anticipated release of the "Guide to the Vocational Rehabilitation Program" and "The Road to Employment" consumer brochure

July -- *National Research Council Reading Guidelines*. Guidelines for principals and classroom teachers on the application of the research in the National Research Council (NRC) report of 1998 on Preventing Reading Difficulties

July -- OCR expects to post on the Web in user friendly format the 1998-1999 Elementary and Secondary Schools Compliance Report Survey Data. This information has been collected by OCR bi-annually for 20 plus years but for the first time this year is being "published" in a form that increases accessibility.

July 31 -- *Additional Guidelines for Charter Schools* - Updated guidance to address participation of religious organizations and businesses to respond to Executive Memorandum from May 4.

July 31 -- Publication: *Reading Instruction for English Language Learners*. Reading Excellence Act program will release a short Q & A booklet regarding reading instruction for English Language Learners.

August -- Safe and Drug Free Schools: Release of Gun-Free Schools Act data for 1998-1999 school year.

August -- Release of new Mott/JCPenney After-school Survey.

August -- Baby Boom Echo Report

August -- OCR expects to issue its final Guidance on the use of Tests for High Stakes purposes and its Guidance for on compliance with the laws and regulations on Sexual Harassment in schools. ?

Late summer -- OCR will publish its "Revised Sexual Harassment Guidance" under Title IX in the Federal Register. This revised guidance will update the guidance that was published in

March 1997 to include recent interpretations of Title IX made by the Supreme Court in recent sex harassment cases. We anticipate publication by late this summer.

Late summer/early fall -- Publication of a Family Literacy picture book that will have in simple, easy to read (4th grade level) language along with illustrations and charts what parents can do to assist children in language development at infant, toddler, preschool levels. Rob Reiner's Foundation is producing a video along these lines which we will promote also. The video may be debuted at our Early Childhood Summit, not certain yet.

By September -- updated Spanish mini catalog. In an effort to better serve our customers, the OIIA, OERI, and OPA worked to produce a catalog, written in both English and Spanish, listing the Department's Spanish-language publications. The catalog serves as a resource for Spanish-speaking parents who are looking for appropriate publications to assist them in taking an active role in their children's education.

September -- ~~Low-Performing Schools Report~~: Report on numbers of low-performing schools, what states are currently doing to turn them around, research on how to turn them around, and what the Administration is doing to help.

September -- The National Commission on Mathematics and Science Teaching for the 21st Century's report to the Secretary containing a detailed statement of their findings and conclusions resulting from the study together with the Commission's recommendations.

September 30 -- Release of a first-time comprehensive federal education programs database by the Federal Interagency Committee on Education (FICE), which is Congressionally mandated and responsible for studying and making recommendations to ensure "effective coordination of Federal programs, policies, and administrative practices affecting education programs." FICE is comprised of over twenty federal agencies and is managed by the Department of Education's OIIA. FICE's long term goal is to encourage federal agencies to effectively invest resources in education by producing a comprehensive catalog of education programs. ?

Fall -- *Community Update*. The Department's newsletter for the general public with 265,000 readers every month, will publish four more issues this year. August will feature back-to-school partnerships; September -- High School Reform; October -- Technology; and November-December -- Teacher Quality.

October -- *final report*, President's Advisory Commission of Educational Excellence for Hispanic Americans

October 30 -- Office of the Inspector General -- Release of Semiannual Report to Congress for the period ending 9/30/2000.

October -- Safe and Drug Free Schools - 2000 School Safety Report (3rd Annual) release -- joint publication with DOJ and ED highlighting most recent available data on safe schools; also includes information about models strategies or programs designed to create safe learning environments.

Fall -- Condition of Reading -- publication of statistical information and research findings to show where the nation is with reading instruction and student reading achievement in early grades.

Fall -- Safe and Drug Free Schools: Report on survey of LEA implementation of drug and violence prevention programs. This data serves as baseline data against which to measure our progress in implementing the SDFSP Principles of Effectiveness.

November -- The Web-based Education Commission will submit its report to the President, Congress, and the Secretary, which shall contain a detailed statement of their findings and conclusions resulting from the study together with the Commission's recommendations.

November/December -- The Department's FY 2000 Annual Report on its Federal Advisory Committees for submission to GSA to be included in the Annual Report to Congress. Prepared and completed online through the GSA Committee Management database. This is the Committee Management Officer's responsibility, OILA.

December -- National Academy of Science Study on Autism/Most Models for Intervention

#### Grants: Competitions/Awards/Distributions

June 15 -- Hispanic Serving Institutions -- announced at the WH conference

July 1, Oct. 1: Class Size Reduction grants to states (forward-funded \$ going out in Oct)

July 1 -- Grants for Turning Around Low-Performing Schools - total \$134 million, will go out to SEAs. As state applications are reviewed and approved, approval notices will go out on a rolling basis. First approval letters expected to go out in June.

July 5 -- Middle School Drug Prevention Coordinators

July 12 -- Alternative Ed Strategies for Expelled/Suspended youth

July 15 -- Reading Excellence Act State Grants - new competitive grants (12-15 grants)

July 31 -- Teacher Quality Enhancement Grants to states (HEA Title II)

July 31 -- FIPSE Comprehensive Awards

August 4 -- Smaller Learning Communities planning and implementation grants to reduce the size of large high schools - first awards under this new program

August 7 -- Elementary School Counselors

August 15 -- Teacher Quality State Grant Awards

August 15 -- LAAP grant awards

August 31 -- Teacher Quality Partnership Grants

September 15 -- Arts in Education

September -- Teacher Quality Partnership Awards

September -- Gear Up

October - November -- Anticipated announcement of grant competitions in the areas of VR coordination with Adult Basic Education; and technical assistance for Hispanic and Asian Americans with disabilities

Files  
Executive Action  
cc: David S.

I did my own Top Ten list earlier yesterday, which I'll attach. I don't see any rationale for limiting the list to 1996-98 -- it should be for the whole term. For that matter, since nobody asked for a top 10, we should probably do a top 20 or top 25.

I agree that patients and Grand Staircase belong in the top 5, and assault weapons belongs in the top 10. Child support deserves one spot in the top 10 and another spot or two in the top 25 (Cynthia should analyze the half dozen or so exec actions we've taken and figure out what each actually accomplished).

Except possibly for the sex offender registry, the next 6 on your list might be top 25 but not top 10. Triggerlocks hasn't actually happened; adoption didn't really do anything; federal WTW is good but narrow; food safety has promise but is so far just a council; and school uniforms is a great symbolic step but the EO only involved a mass mailing.

On your alternate list, I would say one-strike-and-you're-out and youth gun tracking make the top 15; the other three didn't really do much.

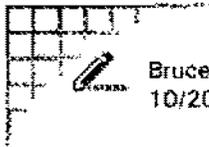
We might have forgotten some important regs or other executive actions.

Here's my revised list:

1. Applying patient protections in federal health plans
2. Utah land grab
3. Requiring welfare recipients to work within 2 years (7/96) plus 80+ waivers
4. Ordering reduction of 100,000 federal positions (2/93).
5. Banning imported assault weapons
6. Ban on federal funding for human cloning (3/97)
7. Requiring federal employees to pay child support (2/95) or one of the 96 EOs on federal databank
8. Requiring teen welfare mothers to stay in school as a condition of benefits (5/96)
9. One strike and you're out of public housing (3/96)
10. Drug testing for federal arrestees (12/95)

#### BEST OF THE REST

Establish sex offender registry  
Religious expression in the Federal Workplace (8/97)  
Protection of Children from Environmental Health and Safety Risks (4/97)  
Ban on importation of assault pistols and crackdown on federal firearms licenses (8/93)  
A host of right to choose E.O.'s in January 93 (Mexico City, RU486, etc.)  
ETS in the Federal Workplace (7/97)  
Expanding family and medical leave for federal workers (parent-teacher confs) 4/97  
Memo to Cabinet to hire 10,000 off welfare (3/97)  
Requiring child safety locks for federal law enforcement (3/97)  
Religious expression in the public schools (7/95)  
Direct ATF to do youth gun tracing in 17 cities (7/96)  
Direct DoEd to do manual on school uniforms (2/96)  
Food Safety council  
National testing in DOD schools (4/97)  
Requiring seatbelts on federal property (1/97)  
Curfews and truancy



Bruce N. Reed  
10/20/98 10:35:22 AM

Record Type: Record

To: Elena Kagan/OPD/EOP

cc:

Subject: EO's

Here's my top 10:

1. Applying patient protections in federal health plans
2. Requiring welfare recipients to work within 2 years (7/96) plus 80+ waivers
3. Ordering reduction of 100,000 federal positions (2/93).
4. Ban on federal funding for human cloning (3/97)
5. Requiring federal employees to pay child support (2/95)
6. Ban on importation of assault pistols and crackdown on federal firearms licenses (8/93)
7. Requiring teen welfare mothers to stay in school as a condition of benefits (5/96)
8. One strike and you're out of public housing (3/96)
9. Drug testing for federal arrestees (12/95)
10. Religious expression in the Federal Workplace (8/97)
10. Protection of Children from Environmental Health and Safety Risks (4/97)

#### OTHERS

A host of right to choose E.O.'s in January 93 (Mexico City, RU486, etc.)  
The land grab in Utah (96)  
ETS in the Federal Workplace (7/97)  
Expanding family and medical leave for federal workers (parent-teacher confs) 4/97  
Memo to Cabinet to hire 10,000 off welfare (3/97)  
Requiring seatbelts on federal property (1/97)  
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Developing sexual offender registry (7/96)  
Religious expression in the public schools (7/95)  
Direct ATF to do youth gun tracing in 17 cities (7/96)  
Improving child care (4/97)  
Direct DoEd to do manual on school uniforms (2/96)  
National testing in DOD schools (4/97)

**Draft****10 KEY EXECUTIVE ORDERS, MEMORANDUMS, AND PROCLAMATIONS  
1996-1998**

1. *Protecting Patients' Rights.* Executive Memorandum, February 20, 1998. Directed Secretaries of Defense, Labor, Health and Human Services, Veterans Affairs, and the Director of the Office of Personnel Management to ensure that all Federal health plans, which serve over 85 million Americans, come into substantial compliance with the recommended protections in the Health Care Consumer Bill of Rights ("Patient Bill of Rights").
2. *Creating A National Monument.* Proclamation, September 18, 1996. President Clinton created by proclamation the Grand Staircase Escalante National Monument in Utah, thereby protecting 1.7 million acres of spectacular red rock canyon lands, artifacts from three ancient cultures, and the most remote site in the lower 48 states.
3. *Banning Imported Assault Weapons.* Executive Memorandum, November 14, 1997. In response to this memorandum, the President announced in April 1998 that the Treasury Department had found that more than 50 kinds of modified assault weapons are generally not importable because they accept large capacity military magazines. Up to 1.5 million rifles whose importation had been temporarily suspended may be affected this decision.
4. *Increasing Child Support.* Executive Memorandum, June 18, 1996. Strengthened child support operations by toughening paternity establishment requirements for applicants for welfare and by enabling states to locate, and withhold wages from, obligors who have taken a job in another state -- reforms that became law along with other tough new rules as part of welfare reform. The Clinton Administration collected a record \$12 billion in child support in 1996 through tougher enforcement, an increase of \$4 billion, or nearly 50%, since 1992. In 1996, the number of child support cases with collections also rose to 4 million, an increase of 43%, from 2.8 million in 1992.
5. *Protecting Children from Handguns.* Executive Memorandum, March 5, 1997. Required that a child safety lock device be issued to every Federal employee who carries a firearm on official duty. By October 1997, all federal agencies with law enforcement agents reported that they were in compliance with the President's directive, including approximately 30,000 Justice Department employees from the FBI, DEA, INS, and Marshals Service, and about 20,000 Treasury law enforcement personnel. Also, under the President's leadership, 8 major handgun manufacturers, who make the vast majority of handguns in the country, have agreed to provide child safety devices with each handgun sold.

6. *Creating a Sexual Offender Registration System.* Executive Memorandum, July 25, 1996. Improved the safety and protection of children through creation of a national sex offender registry. As of December 1, 1997, 20 states, representing 44.2% of the U.S. population, have contributed to the national registry which now includes information on approximately 27,000 offenders.

7. *Promoting Adoption.* Executive Memorandum, December 14, 1996. The Memorandum directed the Department of Health and Human Services to develop a plan to double, by the year 2002, the number of children in foster care who are adopted or permanently placed each year. On February 14, 1997, HHS presented its report called *Adoption 2002*. The *Adoption 2002* report formed the basis of Administration work with Congress toward the development of the Adoption and Safe Families Act of 1997, which incorporated nearly all of the recommendations outlined in the Report and the Memorandum. The President signed the Adoption and Safe Families Act into law on November 19, 1997 less than one year after the Executive Memorandum was issued.

8. *Encouraging Welfare-to-Work.* Executive Memorandum, March 8, 1997. The President directed federal agencies to use existing hiring authority to hire individuals off the welfare rolls into available federal jobs. In April 1997, agencies identified commitments to hire a total of 10,000 individuals by 2000. To date, the federal government has hired nearly 7,100 welfare recipients, 67 percent of its planned hires.

9. *Improving Food Safety.* Executive Order, August 25, 1998. Created the President's first-ever Council on Food Safety chaired by the Secretaries of Agriculture, Health and Human Services, and the Director of the Office of Science and Technology to develop a comprehensive strategic plan for Federal food safety activities and to take the next steps to advance Federal efforts to implement a science-based strategy to improve the safety of the food supply and enhance coordination among Federal agencies.

10. *Promoting the Use of School Uniforms.* Executive Memorandum, February 23, 1996. Helped to deter school violence, promote discipline, and foster a better learning environment by promoting school uniforms. Disseminated *Manual on School Uniforms* to 15,000 school districts in 1996. In addition, 9,167 copies of the manual were distributed to persons who requested them.

**OPTIONAL 5 ACTIONS**

1. *Making Public Housing Safe.* Executive Memorandum, March 28, 1996. Denied admission to applicants and evicted tenants in public housing authorities (PHAs) who have engaged in illegal drug use or other criminal activities. The guidance permits PHAs to institute and enforce tough rules to protect the safety of families living in public housing. Of the 1,859 out of 3,192 (58%) total PHAs responding to the Department of Housing and Urban Development's Office of Public and Indian Housing March 1997 survey, 1,392 PHAs had implemented "One Strike" programs.
2. *Making Tobacco Documents Available to the Public.* Executive Memorandum, July 17, 1998. The Executive Memorandum directed the Secretary of Health and Human Services (HHS) to coordinate a public health review of tobacco industry documents and develop a plan to make the documents more accessible to researchers and the public.
3. *Helping Uninsured Children.* Executive Order, February 18, 1998. President directed the seven Federal agencies with jurisdiction over children's programs to establish a multi-agency effort to enroll uninsured children. As a result, 10 agencies are implementing over 150 activities to educate families on enrolling uninsured children.
4. *Ensuring Opportunity for all Children.* Executive Order, April 17, 1996. Launched the "Computers for Learning" program, which is a unique partnership between federal agencies, schools, and non-profits across the country to move more than 70,000 computers into the nation's neediest classrooms.
5. *Keeping Guns Away From Kids.* Executive Memorandum, July 8, 1996. Traced approximately 93,477 guns from 27 communities (17 original sites and 10 new sites) through the use of an innovative computer software system that examines crime gun trace information and provides law enforcement officers with crucial investigative leads about the sources of these guns.

**LIST OF SIGNIFICANT PRESIDENTIAL DOMESTIC  
MEMORANDUMS AND EXECUTIVE ORDERS**

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TDM -  
Good list  
for POTUS + AMT -  
add a little detail  
BR

Memorandum on Religious Exercise and Religious Expression in the Federal Workplace,  
Memorandum for the Heads of Executive Departments and Agencies, August 14, 1997.

Protecting Federal Employees and the Public From Tobacco Smoke in the Federal Workplace,  
Executive Order 13058, August 9, 1997.

Memorandum on Enforcing the Youth Handgun Safety Act, Memorandum for the Secretary of  
the Treasury, June 11, 1997.

Protection of Children From Environmental Health Risks and Safety Risks, Executive Order  
13045, April 21, 1997.

Memorandum on Improving the Quality of Child Care in the United States, Memorandum for the  
Secretary of Defense, April 17, 1997.

Memorandum on Expanded Family and Medical Leave Policies, Memorandum for the Heads of  
Executive Departments and Agencies, April 11, 1997.

 { Amendment to Executive Order 13017, Advisory Commission on Consumer Protection and  
Quality in the Health Care Industry, Executive Order 13040, March 25, 1997.

Memorandum on National Testing in Defense Department Schools, Memorandum for the  
Secretary of Defense, March 13, 1997.

Advisory Committee on the Public Interest Obligations of Digital Television Broadcasters,  
Executive Order 13038, March 11, 1997.

Memorandum on Government Employment for Welfare Recipients, Memorandum for the Heads  
of Executive Departments and Agencies, March 8, 1997.

Remarks on Signing the Memorandum on Child Safety Lock Devices for Handguns and an  
Exchange With Reporters, March 5, 1997.

Memorandum on Child Safety Lock Devices for Handguns, Memorandum for the Heads of  
Executive Departments and Agencies, March 5, 1997.

Memorandum on the Prohibition on Federal Funding for Cloning of Human Beings.  
Memorandum for the Heads of Executive Departments and Agencies, March 4, 1997.

Memorandum on Increasing Seatbelt Use, Memorandum for the Secretary of Transportation,

January 23, 1997.

Memorandum on Adoption and Alternate Permanent Placement of Children in the Public Child Welfare System, Memorandum for the Secretary of Health and Human Services, the Secretary of the Treasury, the Secretary of Labor, the Secretary of Commerce, the Director of the Office of Personnel Management, December 14, 1996.

Memorandum on Reducing Teenage Driving Under the Influence of Illicit Drugs, Memorandum for the Director of National Drug Control Policy, the Secretary of Transportation, October 19, 1996.

7 Tribal Colleges and Universities, Executive Order 13021, October 19, 1996.

Supporting Families: Collecting Delinquent Child Support Obligations, Executive Order 13019, September 28, 1996.

Advisory Commission on Consumer Protection and Quality in the Health Care Industry, Executive Order 13017, September 5, 1996.

Memorandum on Criminal Child Support Enforcement, Memorandum for the Attorney General, July 21, 1996.

Memorandum on the Work Requirements Initiative, Memorandum for the Secretary of Health and Human Services, July 16, 1996. *2 yr limit*

Memorandum on the Youth Crime Gun Interdiction Initiative, Memorandum for the Secretary of the Treasury, the Attorney General, July 8, 1996.

Memorandum on Crime Victims' Rights, Memorandum for the Attorney General, June 27, 1996.

Memorandum on the Development of a National Sexual Offender Registration System, Memorandum for the Attorney General, June 25, 1996.

Memorandum on Family Friendly Work Arrangements, Memorandum for the Heads of Executive Departments and Agencies, June 21, 1996.

Memorandum on the Child Support Initiative, Memorandum for the Secretary of Health and Human Services, June 18, 1996.

Memorandum on the Welfare Initiative for Teen Parents, Memorandum for the Secretary of Health and Human Services, May 10, 1996. *Stay in school*

Memorandum on Public-Private Partnerships for Protections of the National Parks, April 26, 1996.

Memorandum on the "One Strike and You're Out" Guidelines, Memorandum for the Secretary of Housing and Urban Development, March 28, 1996.

Memorandum on the School Uniforms Manual, Memorandum for the Secretary of Education, February 23, 1996.

Remarks on Signing the Memorandum on Federal Arrestee Drug Testing and an Exchange With Reporters, December 18, 1995.

Memorandum on Community Right-To-Know Initiatives, Memorandum for the Administrator of the Environmental Protection Agency and the Heads of Executive Departments and Agencies  
Subject: Expediting Community Right-To-Know Initiatives, August 8, 1995.

Memorandum on Religious Expression in Public Schools, Memorandum for the Secretary of Education, the Attorney General, July 12, 1995.

Memorandum: Certification Regarding Use of the Exchange Stabilization Fund and Federal Reserve in Relation to the Economic Crisis in Mexico, April 14, 1995.

Actions Required of All Executive Agencies To Facilitate Payment of Child Support, Executive Order 12953, February 27, 1995.

Memorandum on Illegal Immigration, Memorandum for the Heads of Executive Departments and Agencies, February 7, 1995.

Memorandum on Implementation of Safe Schools Legislation, Memorandum for the Secretary of Education, October 22, 1994.

Memorandum on Research Involving Human Subjects, Memorandum for the Vice President and the Heads of Executive Departments and Agencies, February 17, 1994.

Memorandum on Importation of Assault Pistols, Memorandum for the Secretary of the Treasury, August 11, 1993.

Memorandum on Gun Dealer Licensing, Memorandum for the Secretary of the Treasury, August 11, 1993.

Reduction of 100,000 Federal Positions, Executive Order 12839, February 10, 1993.

Memorandum on Importation of RU-486, Memorandum for the Secretary of Health and Human Services, January 22, 1993.

## Others

Curfews

Uniforms

Truancy

Wiring-Schools-

Community College | *HOPE*

[Keeping Schools open late]

Literacy program

Cell phones to community groups

Sex crime registry

Illegal alien deportations

Crime Victims amendment

Drug test parolees

Teen age moms *stay in school*  
*Time Limit*

Tax credit for adoption

Drive by births

FHA fees

Deadbeat dads in post offices and garnishing

Meat inspection

Pesticide restrictions

Clean drinking water bill

Yellowstone saved from mining

Doubled toxic waste sites cleanup

*FDA tobacco rule*

THE WHITE HOUSE  
WASHINGTON

*Executive Orders*

April 10, 2000

MEMORANDUM FOR BRUCE REED

FROM: ANN O'LEARY  
CC: ERIC LIU  
TOM FREEDMAN  
HEATHER HOWARD  
SUBJECT: EXECUTIVE ORDERS

This memo is intended to provide you with a list of outstanding and suggested executive orders from the children and families team. Please provide us guidance on which orders you would like to move forward, release, or, alternatively, no longer consider.

**Executive Orders Already Announced by the President:**

Ending Parental Discrimination in the Federal Workplace

First Announced: State of the Union in 1999

Substance: This EO would prohibit discrimination against parents in the Federal workplace, specifically with regards to hiring and promotion.

Legislative action: Senators Dodd and Kennedy introduced the "Ending Discrimination Against Parents Act of 1999" in November 1999 and the President released a statement of support at the time of introduction.

Possible rollout: This EO could be rolled-out at the White House Conference on Teenagers as part of the message that we need workplaces that support parents in their roles as parents. This EO would send a basic message that individuals should not be discriminated against based on their status and role as parents. The release of the EO would also allow us to highlight the Dodd-Kennedy bill once again.

Status of EO: Draft completed (see attached). Needs to be cleared through OMB.

## Nondiscrimination in Federally Conducted Education and Training Programs

- First Announced: June 17, 1997 at a speech commemorating the 25<sup>th</sup> Anniversary of Title IX of the Education Amendments of 1972
- Substance: This EO would prohibit discrimination on the basis of race, sex, color, national origin, disability, religion, age, sexual orientation, and status as a parent in educational or training programs offered by the Federal government.
- Current Law: While Title IX prohibits discrimination based on sex – and Title VI of the Civil Rights Act of 1964 prohibits discrimination on the basis of race, color, or national origin – in education programs that receive Federal financial assistance, these laws do not apply to comparable educational programs conducted by the Federal government.
- Possible rollout: This EO could be released with a press statement from the President or as part of a departure statement.
- Status of EO: Draft completed (see attached) and cleared through OMB.
- NOTE: The women’s groups have been most vocally and actively calling for the completion of this EO given its original tie to the anniversary of Title IX.

### **Possible Executive Orders (Not yet signed-off on or announced):**

#### Expand FMLA to include broader definition of families for Federal employees

- First Considered: As part of SOTU 2000 development under discussion of domestic partner benefits.
- Substance: This EO would broaden the definition of “family” for Federal employees who use FMLA. There are two options for broadening the definition: (1) use the definition created by OPM for sick leave policies, which leaves out the words “domestic partner,” but provides for individual or agency discretion (2) spell out the exact “family” members included.
- Under sick leave policies, OPM has issued a proposed regulation stating that “family member” is defined as an employee’s children, parents, spouse and spouse’s parents, brothers and sisters and spouses thereof, and “any individual related by blood or affinity whose close association with the employee is the equivalent of a family relationship.”

Under Congresswoman Maloney's bill, family member is expanded to include domestic partner, grandparent, parent-in-law, adult child, or sibling.

**Legislative Action:** In June 1999, Maloney introduced her bill to amend FMLA in order to expand the definition of family member.

**History of Issue:** During promulgation of regulations, OPM was asked to adopt a broad definition of "family" and "spouse," but declined citing Congressional intent and DOMA.

**Pros:** The expansion of family member recognizes the changing nature of the American family. With a broad definition that does not only focus on the domestic partner issue, it is one that the Administration could claim credit for with grandparent groups, long-term caregivers, as well as gay rights groups.

**Cons:** By highlighting this issue through EO, Congress could strike out against other OPM policies that have allowed for the broader definition of family. In addition, opening up FMLA through EO could provide Congress with an impetus to provide legislative "fixes" to other perceived FMLA problems, such as restricting the definition of "serious illness."

**Recommendation:** I would recommend this EO with the OPM definition of family member which leaves out the domestic partner language, but clearly intends to signal the inclusion of domestic partners. This EO signals that the WH understands the changing nature of the family and is providing a model workplace for employees.

**Status of EO:** Not yet drafted

#### Non-discrimination on basis of sexual orientation in Federal Contracts

**First Considered:** As part of a WH working group on issues of sexual orientation and domestic partner benefits. The group includes WH Counsel (Eddie Corrica, Paul Oetken), OPL (Jullian Potter), and DPC (Mary Smith and myself).

**Substance:** This EO would prohibit discrimination based on sexual orientation by any Federal contractor.

**History:** In June 1941, President Roosevelt issued EO 8802 forbidding race-based discrimination by Federal contractors and shortly thereafter, he issued EO 9001 forbidding defense contractors to discriminate on the basis of race.

- Pros: This EO would signal the Administration's continuing commitment to non-discrimination based on sexual orientation. In May 1998, the President issued EO 13087 prohibiting discrimination based on sexual orientation in Federal civilian employment. In addition, non-discrimination based on sexual orientation has been part of the Administration's Hate Crimes legislation message. This EO would provide further proof that the Administration will not tolerate such discrimination.
- Cons: There is some concern among the working group that this EO could infringe about religious rights of Federal contractors.
- Recommendation: At this point, I would recommend that this EO be more thoroughly vetted through the government to determine what type of impact it would have on Federal procurement.
- Status of EO: Rough draft has been completed, but it has gone through no informal or formal clearance process (see attached).

Executive Memorandum Opening Federal Buildings and Spaces for use in Non-School Hours

- First Considered: This suggestion came up as part of our brainstorming around the White House Conference on Teenagers.
- Substance: This executive memorandum would encourage Federal agencies to invite local government-community partnerships to use available Federal space during non-school hours for after-school activities.
- History: The Clinton Administration has encouraged such partnerships between Federal agencies and local community organizations or schools. In addition, the Administration has encouraged agencies to allow Federal employees to volunteer for up to two hours during a regular workweek.
- Pros: Space issues are often a problem for community based after-school programs. This executive memorandum would allow Federal agencies to do their part in providing safe spaces for children after school.
- Cons: The use of Federal space could potentially be of high-cost to the government by keeping buildings open and needing to provide additional security. In addition, the Federal government would need to ensure that liability was assumed by the community-based organization.
- Recommendation: If this executive memorandum were of interest, it would need to be studied further to determine costs and potential difficulties in implementation.

Draft – October 15, 1999

## EXECUTIVE ORDER

### FURTHER AMENDMENT TO EXECUTIVE ORDER 11478, EQUAL EMPLOYMENT OPPORTUNITY IN FEDERAL GOVERNMENT

By the authority vested in me as President by the Constitution and the laws of the United States, and in order to provide for a uniform policy for the Federal Government to prohibit discrimination based on an individual's status as a parent, it is hereby ordered that Executive Order 11478, as amended, is further amended as follows:

Section 1. Amend the first sentence of section 1 by substituting "sexual orientation, or status as a parent." for "or sexual orientation."

Sec. 2. Insert the following new sections 6 and 7 after section 5:

"Sec. 6. An individual has the status of a parent, if, with regard to another individual who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, that individual –

- (a) stands in loco parentis to such other individual; or
- (b) has the status of –
  - (i) a biological parent;
  - (ii) an adoptive parent;
  - (iii) a foster parent
  - (iv) a stepparent;
  - (v) a custodian of a legal ward; or
  - (vi) a person who is actively seeking legal custody or adoption.

"Sec. 7. The Office of Personnel Management shall be responsible for developing and implementing guidance to effectuate the provisions of this order prohibiting discrimination on the basis of an individual's sexual orientation or status as a parent."

Sec. 3. Amend section 4 by substituting "and appropriate to carry out its responsibilities under this Order" for "appropriate to carry out this Order."

Sec. 4. Renumber current sections, 6, 7, and 8 as sections 8, 9, and 10, respectively.

Sec. 5. Add a section 11 to read as follows:

"Sec. 7. This Executive Order does not confer any right or benefit enforceable in law or equity against the United States or its representatives."

WILLIAM J. CLINTON

THE WHITE HOUSE

[date]

Executive Order

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NONDISCRIMINATION ON THE BASIS OF RACE, SEX, COLOR, NATIONAL  
ORIGIN, DISABILITY, RELIGION, AGE, SEXUAL ORIENTATION,  
AND STATUS AS A PARENT IN FEDERALLY CONDUCTED EDUCATION  
AND TRAINING PROGRAMS

By the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 921-932 of title 20, United States Code; section 2164 of title 10, United States Code; section 2001 et seq., of title 25, United States Code; section 7301 of title 5, United States Code; and section 301 of title 3, United States Code, and to achieve equal opportunity in Federally conducted education and training programs and activities, it is hereby ordered as follows:

Section 1. Statement of policy on education programs and activities conducted by executive departments and agencies.

1 -101 . The Federal Government must hold itself to at least the same principles of nondiscrimination in educational opportunities that it applies to the education programs and activities of State and local governments, and to private institutions receiving Federal financial assistance. Existing laws and regulations prohibit certain forms of discrimination in Federally conducted education and training programs and activities -- including discrimination against people with disabilities, prohibited by the Rehabilitation Act of 1973, 29 U.S.C. 701 et seq., as amended, employment discrimination on the basis of race, color, national origin, sex, or religion, prohibited by Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e-17, as amended, discrimination on the basis of race, color, national origin or religion in educational programs receiving Federal assistance, under Title VI of the Civil Rights Acts of 1964, 42 U.S.C. 2000d, and sex-based discrimination in education programs receiving Federal assistance under Title IX of the Education Amendments of 1972, 20 U.S.C. 1681 et seq. Through this Executive order, discrimination on the basis of race, sex, color, national origin, religion, sexual orientation, age,

disability, and status as a parent will be prohibited in Federally conducted education and training programs and activities.

1-102. No individual, on the basis of race, sex, color, national origin, religion, sexual orientation, age, disability, or status as a parent, shall be excluded from participation in, be denied the benefits of, or be subjected to discrimination in, a Federally conducted education or training program or activity.

Sec. 2. Definitions.

2-201. "Federally conducted education and training programs and activities" includes programs and activities conducted, operated, or undertaken by an executive department or agency.

2-202. "Education and training programs and activities" include, but are not limited to, formal schools, extracurricular activities, academic programs, occupational training, scholarships and fellowships, student internships, training for industry members, summer enrichment camps, and programs to train teachers.

2-203. The Attorney General is authorized to make a final determination as to whether a program falls within the scope of education and training programs and activities covered by this order, under subsection 2-202, or is excluded from coverage, under section 3.

2-204. "Military education or training programs" are those education and training programs conducted by the Department of Defense or, where the Coast Guard is concerned, the Department of Transportation, for the primary purpose of educating or training members of the armed forces or meeting a statutory requirement to educate or train Federal, State, or local civilian law enforcement officials pursuant to 10 U.S.C. Chapter 18.

2-205. "Armed forces" means the Armed Forces of the United States.

2-206. "Status as a parent" is defined as follows: an individual has the status of a parent, if, with regard to an individual who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, that individual has the status of :

- (a) ab a biological parent;
- (b) ab an adoptive parent;
- (c) ab a foster parent;

- (d) ab a stepparent;
- (e) ab a custodian of a legal ward;
- (f) ab a person who is actively seeking legal custody or adoption; or
- (g) ab a person who stands in loco parentis to such an individual.

Sec. 3. Exemption from coverage.

3-301. This order does not apply to members of the armed forces, military education or training programs, or authorized intelligence activities. Members of the armed forces, including students at military academics, will continue to be covered by regulations that currently bar specified forms of discrimination which are now enforced by the Department of Defense and the individual service branches. The Department of Defense shall develop procedures to protect the rights of and to provide redress to civilians not otherwise protected by existing Federal law from discrimination on the basis of race, sex, color, national origin, religion, sexual orientation, disability, or status as a parent and who participate in military education or training programs or activities conducted by the Department of Defense.

3-302. This order does not apply to, affect, interfere with, or modify the operation of any otherwise lawful affirmative action plan or program.

3-303. An individual shall not be deemed subjected to discrimination by reason of his or her exclusion from the benefits of a program limited by Federal law, or a program established consistently with Federal law, to individuals of a particular race, sex, color, national origin, religion, sexual orientation, age, disability, or status as a parent different from his or her own.

3-304. This order does not apply to ceremonial or similar education or training programs or activities of schools conducted by the Department of Interior, Bureau of Indian Affairs, that are culturally relevant to the children represented in the school. "Culturally relevant" refers to any class, program, or activity that is fundamental to a tribe's culture, customs, traditions, heritage, or religion.

3-305. This order does not apply to (a) selections based on national origin of foreign nationals to participate in covered education or training programs, if such programs primarily concern national security or foreign policy matters; or (b) selections or other decisions regarding

participation in covered education or training programs made by entities outside the Executive Branch. It shall be the policy of the Executive Branch that education or training programs or activities shall not be available to entities that select persons for participation in violation of Federal or State law.

3-306. The prohibition on discrimination on the basis of age provided in this order does not apply to age-based admissions of participants to education or training programs, if such programs have traditionally been age-specific or must be age-limited for reasons related to health or national security.

Sec. 4. Administrative enforcement.

4-401. Any person who believes himself or herself to be aggrieved by a violation of this order or its implementing regulations, rules, policies, or guidance may, personally or through a representative, file a written complaint with the agency that such person believes is in violation of this order or its implementing regulations, rules, policies, or guidance. Pursuant to procedures established by the Attorney General, each executive department or agency shall conduct an investigation of any complaint by one of its employees alleging a violation of this Executive order.

4-402. (a) If the office within an executive department or agency that is designated to investigate complaints for violations of this order or its implementing rules, regulations, policies, or guidance concludes that an employee has not complied with this order or any of its implementing rules, regulations, policies, or guidance, such office shall complete a report and refer a copy of the report and any relevant findings or supporting evidence to an appropriate agency official. The appropriate agency official shall review such material and determine what, if any, disciplinary action is appropriate.

(b) In addition, the designated investigating office may provide appropriate agency officials with a recommendation for any corrective and/or remedial action. The appropriate officials shall consider such recommendation and implement corrective and/or remedial action by the agency, when appropriate. Nothing in this order authorizes monetary relief to the

complainant as a form of remedial or corrective action by an executive department or agency.

4-403. Any action to discipline an employee who violates this order or its implementing rules, regulations, policies, or guidance, including removal from employment, where appropriate, shall be taken in compliance with otherwise applicable procedures, including the Civil Service Reform Act of 1978, Pub. L. No. 95-454, 92 Stat. 1111.

Sec. 5. Implementation and Agency Responsibilities.

5-501. The Attorney General shall publish in the Federal Register such rules, regulations, policies, or guidance, as the Attorney General deems appropriate, to be followed by all executive departments and agencies. The Attorney General shall address:

- a. ab which programs and activities fall within the scope of education and training programs and activities covered by this order, under subsection 2-202, or excluded from coverage, under section 3 of this order;
- b. examples of discrimination conduct;
- c. applicable legal principles;
- d. enforcement procedures with respect to complaints against employees;
- e. remedies;
- f. ab requirements for agency annual and tri-annual reports as set forth in section 6 of this order; and
- g. ab such other matters as deemed appropriate.

5-502. Within 90 days of the publication of final rules, regulations, policies, or guidance by the Attorney General, each executive department and agency shall establish a procedure to receive and address complaints regarding its Federally conducted education and training programs and activities. Each executive department and agency shall take all necessary steps to effectuate any subsequent rules, regulations, policies, or guidance issued by the Attorney General within 90 days of issuance.

5-503. The head of each executive department and agency shall be responsible for ensuring compliance within this order.

5-504. Each executive department and agency shall cooperate with the Attorney General and provide such information and assistance as the Attorney General may require in the performance of the Attorney General's functions under this order.

5-505. Upon request and to the extent practicable, the Attorney General shall provide technical advice and assistance to executive departments and agencies to assist in full compliance with this order.

Sec. 6. Reporting Requirements.

6-601. Consistent with the regulations, rules, policies, or guidance issued by the Attorney General, each executive department and agency shall submit to the Attorney General a report that summarizes the number and nature of complaints filed with the agency and the disposition of such complaints. For the first three years after the date of this order, such reports shall be submitted annually within 90 days of the end of the preceding year's activities. Subsequent reports shall be submitted every three years and within 90 days of the end of each three-year period.

Sec. 7. General Provisions.

7-701. Nothing in this order shall limit the authority of the Attorney General to provide for the coordinated enforcement of nondiscrimination requirements in Federal assistance programs under Executive Order 12350.

Sec. 8. Judicial Review.

8-801. This order is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or its employees. This order is not intended, however, to preclude judicial review of final decisions in accordance with the Administrative Procedure Act, 5 U.S.C. 701, et seq.

THE WHITE HOUSE,

## Employment Nondiscrimination in Federal Contracts

Employment non-discrimination directly promotes efficient economic performance and productivity. When Federal contractors engage in discrimination on the basis of sexual orientation, the unavoidable consequence is a serious adverse impact upon the Federal Government's economy, efficiency, and cost of operations. In order to operate as effectively as possible, the Federal Government must demand that the entities with which it has contractual relations not discriminate on the basis of sexual orientation.

The adverse effects of employment discrimination on federal procurement are demonstrated by the straightforward application of basic principles of market economics. When Federal contractors discriminate, the supply of labor is artificially reduced. Other factors being equal, this decrease in supply will cause an increase in the cost of labor. It is the policy of the Federal government to secure goods and services, to complete Federal contracts, and to see federally assisted construction contracts completed in the most economical and efficient manner possible. Therefore, it is the policy of the Executive branch not to tolerate employment discrimination by Federal contractors.

Every President since Franklin Delano Roosevelt has recognized and acted on the force of this argument. In June 1941, President Franklin Roosevelt issued Executive Order 8802 forbidding race-based discrimination by Federal contractors. Less than three weeks after entering World War II, President Roosevelt issued Executive Order 9001 forbidding defense contractors to discriminate on the basis of race. Thus, when economical and efficient procurement has been most vital to the national interest, Presidents have insisted on the non-discrimination principle as crucial to maximizing our procurement efforts.

NOW, THEREFORE, to ensure the economical and efficient administration and completion of Federal Government contracts, and by the authority vested in me as President by the Constitution and the laws of the United States of America, including 40 U.S.C. 486(a) and 3 U.S.C. 301, it is hereby ordered as follows:

Section 1. It is the policy of the executive branch to oppose all forms of discrimination, including discrimination on the basis of sexual orientation.

Sec. 2. It is the finding of the executive branch that discrimination on the basis of sexual orientation interferes with the economical and efficient administration and completion of Federal contracts and federally assisted construction contracts.

Sec. 3. All Federal contractors are hereby forbidden to engage in discrimination on the basis of sexual orientation.

Sec. 4. The Office of Management and Budget is directed to issue regulations to enforce this Executive Order. These regulations shall establish:

(a) procedures by which individual allegations that a Federal contractor has engaged in

discrimination on the basis of sexual orientation may be received, investigated, and resolved;

(b) protections for individuals who make an allegation under subsection (a) against retaliation by a Federal contractor;

(c) specific measures to respond to a determination that a Federal contractor has engaged in discrimination on the basis of sexual orientation. These measures should include, without limitation, termination of contract(s) for convenience, suspension, and debarment; and

(d) mechanisms to encourage equal employment opportunity practices by Federal contractors. These mechanisms may include posting of notices to employees of the equal employment opportunity policies of this Order and positive incentives to Federal contractors that foster a work environment of non-discrimination on the basis of sexual orientation.

The Director shall issue these regulations within 60 days of the effective date of this order.

Sec. 5. For the purposes of this Order, it shall be considered "discrimination on the basis of sexual orientation" for a Federal contractor, or any organizational unit thereof,

(a) to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to the compensation, terms, conditions, or privileges of employment of the individual, because of such individual's sexual orientation;

(b) to limit, segregate, or classify the employees or applicants for employment of the employer in any way that would deprive or tend to deprive any individual of employment opportunities or otherwise adversely affect the status of the individual as an employee because of the individual's sexual orientation; or

(c) to discriminate against any individual because of the sexual orientation of the individual in admission to, or employment in, any program established to provide apprenticeship or other training.

Sec. 6. For the purposes of this Order, "sexual orientation" means homosexuality, bisexuality, or heterosexuality, whether the orientation is real or perceived.

Sec. 7. This Order does not, and the implementing regulations shall not, authorize or require:

- (a) adoption or implementation of a quota on the basis of sexual orientation;
- (b) preferential treatment for any individual on the basis of sexual orientation;
- (c) entering into an order or consent decree that includes a quota, or preferential treatment to an individual based on sexual orientation; or
- (d) collection of statistics on sexual orientation.

Sec. 8. The fact that an employment practice has a disparate impact, as that term is used in section 703(k) of the Civil Rights Act of 1964, on the basis of sexual orientation does not establish a prima facie violation of this Order, or the implementing regulations.

Sec. 9. This Order does not:

- (a) repeal or modify any Federal, State, territorial, or local law, creating a special right or preference concerning employment or an employment opportunity for a veteran;
- (b) prohibit the enforcement of rules regarding nonprivate sexual conduct, if the rules of conduct are designed for, and uniformly applied to, all individuals regardless of sexual orientation; or
- (c) require the provision of employee benefits to an individual for the benefit of the domestic partner of such individual.

Sec. 10. This Order shall not apply to a Federal contractor that is a religious organization, except that this Order shall apply to employment or an employment opportunity for an employment position of a Federal contractor that is a religious organization if the duties of the position pertain solely to activities of the organization that generate unrelated business taxable income subject to taxation under section 511(a) of the Internal Revenue Code of 1986.

Sec. 11. Nothing in this Order shall be construed to prohibit a covered entity from enforcing rules regarding nonprivate sexual conduct, if the rules of conduct are designed for, and uniformly applied to, all individuals regardless of sexual orientation.

Sec. 12. Each contracting department and agency shall cooperate with the Office of Management and Budget and provide such information and assistance as it may require in the performance of the its functions under this Order.

Sec. 13. The Director of the Office of Management and Budget may delegate any function or duty under this order to any officer in the Office of Management and Budget or to any other officer in the executive branch of the Government, with the consent of the head of the department or agency in which that officer serves.

Sec. 14. This Order is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or its employees. This order is not intended, however, to preclude judicial review of final agency decisions in accordance with the Administrative Procedure Act, 5 U.S.C. 701 et seq.

Sec. 15. This Order shall apply only to contracts in excess of the Simplified Acquisition Threshold.

Sec. 16. This Order is effective immediately.

WILLIAM J. CLINTON

**LIST OF SIGNIFICANT PRESIDENTIAL DOMESTIC  
MEMORANDUMS AND EXECUTIVE ORDERS**

---

Memorandum on Religious Exercise and Religious Expression in the Federal Workplace, Memorandum for the Heads of Executive Departments and Agencies, August 14, 1997.

Protecting Federal Employees and the Public From Tobacco Smoke in the Federal Workplace, Executive Order 13058, August 9, 1997.

Memorandum on Enforcing the Youth Handgun Safety Act, Memorandum for the Secretary of the Treasury, June 11, 1997. ✕'5

Protection of Children From Environmental Health Risks and Safety Risks, Executive Order 13045, April 21, 1997. ✕'5

Memorandum on Improving the Quality of Child Care in the United States, Memorandum for the Secretary of Defense, April 17, 1997. ✕'5

Memorandum on Expanded Family and Medical Leave Policies, Memorandum for the Heads of Executive Departments and Agencies, April 11, 1997. ✕'5

Amendment to Executive Order 13017, Advisory Commission on Consumer Protection and Quality in the Health Care Industry, Executive Order 13040, March 25, 1997.

Memorandum on National Testing in Defense Department Schools, Memorandum for the Secretary of Defense, March 13, 1997. ✕'5

Advisory Committee on the Public Interest Obligations of Digital Television Broadcasters, Executive Order 13038, March 11, 1997.

Memorandum on Government Employment for Welfare Recipients, Memorandum for the Heads of Executive Departments and Agencies, March 8, 1997. ✕'5

Remarks on Signing the Memorandum on Child Safety Lock Devices for Handguns and an Exchange With Reporters, March 5, 1997. ✕'5

Memorandum on Child Safety Lock Devices for Handguns, Memorandum for the Heads of Executive Departments and Agencies, March 5, 1997.

Memorandum on the Prohibition on Federal Funding for Cloning of Human Beings, Memorandum for the Heads of Executive Departments and Agencies, March 4, 1997.

Memorandum on Increasing Seatbelt Use, Memorandum for the Secretary of Transportation,

January 23, 1997.

Memorandum on Adoption and Alternate Permanent Placement of Children in the Public Child Welfare System, Memorandum for the Secretary of Health and Human Services, the Secretary of the Treasury, the Secretary of Labor, the Secretary of Commerce, the Director of the Office of Personnel Management, December 14, 1996. # ' 5

Memorandum on Reducing Teenage Driving Under the Influence of Illicit Drugs, Memorandum for the Director of National Drug Control Policy, the Secretary of Transportation, October 19, 1996.

Tribal Colleges and Universities, Executive Order 13021, October 19, 1996.

Supporting Families: Collecting Delinquent Child Support Obligations, Executive Order 13019, September 28, 1996. # ' 5

Advisory Commission on Consumer Protection and Quality in the Health Care Industry, Executive Order 13017, September 5, 1996.

Memorandum on Criminal Child Support Enforcement, Memorandum for the Attorney General, July 21, 1996. # ' 5

Memorandum on the Work Requirements Initiative, Memorandum for the Secretary of Health and Human Services, July 16, 1996.

Memorandum on the Youth Crime Gun Interdiction Initiative, Memorandum for the Secretary of the Treasury, the Attorney General, July 8, 1996. # ' 5

Memorandum on Crime Victims' Rights, Memorandum for the Attorney General, June 27, 1996.

Memorandum on the Development of a National Sexual Offender Registration System, Memorandum for the Attorney General, June 25, 1996.

Memorandum on Family Friendly Work Arrangements, Memorandum for the Heads of Executive Departments and Agencies, June 21, 1996.

Memorandum on the Child Support Initiative, Memorandum for the Secretary of Health and Human Services, June 18, 1996.

Memorandum on the Welfare Initiative for Teen Parents, Memorandum for the Secretary of Health and Human Services, May 10, 1996.

Memorandum on Public-Private Partnerships for Protections of the National Parks, April 26, 1996. \*

Memorandum on the "One Strike and You're Out" Guidelines, Memorandum for the Secretary of Housing and Urban Development, March 28, 1996.

Memorandum on the School Uniforms Manual, Memorandum for the Secretary of Education, February 23, 1996. ✖

Remarks on Signing the Memorandum on Federal Arrestee Drug Testing and an Exchange With Reporters, December 18, 1995. ✖

Memorandum on Community Right-To-Know Initiatives, Memorandum for the Administrator of the Environmental Protection Agency and the Heads of Executive Departments and Agencies Subject: Expediting Community Right-To-Know Initiatives, August 8, 1995. ✖

Memorandum on Religious Expression in Public Schools, Memorandum for the Secretary of Education, the Attorney General, July 12, 1995.

Memorandum: Certification Regarding Use of the Exchange Stabilization Fund and Federal Reserve in Relation to the Economic Crisis in Mexico, April 14, 1995.

Actions Required of All Executive Agencies To Facilitate Payment of Child Support, Executive Order 12953, February 27, 1995. ✖

Memorandum on Illegal Immigration, Memorandum for the Heads of Executive Departments and Agencies, February 7, 1995. ✖

Memorandum on Implementation of Safe Schools Legislation, Memorandum for the Secretary of Education, October 22, 1994.

Memorandum on Research Involving Human Subjects, Memorandum for the Vice President and the Heads of Executive Departments and Agencies, February 17, 1994.

Memorandum on Importation of Assault Pistols, Memorandum for the Secretary of the Treasury, August 11, 1993. ✖

Memorandum on Gun Dealer Licensing, Memorandum for the Secretary of the Treasury, August 11, 1993. ✖

Reduction of 100,000 Federal Positions, Executive Order 12839, February 10, 1993. ✖

Memorandum on Importation of RU-486, Memorandum for the Secretary of Health and Human Services, January 22, 1993.

**Others**

Curfews

Uniforms

Truancy

Wiring Schools

Community College

Keeping Schools open late

Literacy program

Cell phones to community groups

Sex crime registry

Illegal alien deportations

Crime Victims amendment

Drug test parolees

Teen age moms

Tax credit for adoption

Drive by births

FHA fees

Deadbeat dads in post offices and garnishing

Meat inspection

Pesticide restrictions

Clean drinking water bill

Yellowstone saved from mining

Doubled toxic waste sites cleanup

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Health and Human Services, June 18, 1996.

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Reduction of 100,000 Federal Positions, Executive Order 12839, February 10, 1993.

Memorandum on Importation of RU-486, Memorandum for the Secretary of Health and Human Services, January 22, 1993.

# **EXECUTIVE ORDERS**

## **JANUARY 20, 1993-OCTOBER 1997**

- 1/20/93 EO#12834 Ethics Commitments by Executive Branch Appointees
- 1/25/93 EO#12835 Establishment of the National Economic Council
- 2/1/93 EO#12836 Revocation of Certain Executive Orders Concerning Federal Contracting
- 2/10/93 EO#12837 Deficit Control and Productivity Improvement in the Administration of the Federal Government
- 2/10/93 EO#12838 Termination and Limitation of Federal Advisory Committees
- 2/10/93 EO#12839 Reduction of 100,000 Federal Positions
- 3/9/93 EO#12840 Nuclear Cooperation with EURATOM
- 3/9/93 EO#12841 Adjustments to Levels IV and V of the Executive Schedule
- 3/29/93 EO#12842 International Development Law Institute
- 4/21/93 EO#12843 Procurement Requirements and Policies for Federal Agencies for Ozone-Depleting Substances
- 4/21/93 EO#12844 Federal Use of Alternative Fueled Vehicles
- 4/21/93 EO#12845 Requiring Agencies to Purchase Energy Efficient Computer Equipment
- 4/25/93 EO#12846 Additional Measures with Respect to the Federal Republic of Yugoslavia (Serbia and Montenegro)
- 5/17/93 EO#12847 Amending Executive Order No. 11423
- 5/19/93 EO#12848 Federal Plan to Break the Cycle of Homelessness
- 5/25/93 EO#12849 Implementation of Agreement with the European Community on Government Procurement
- 5/28/93 EO#12850 Conditions for Renewal of Most-Favored-Nation Status for the Peoples's Republic of China in 1994

6/11/93 EO#12851 Administration of Proliferation Sanctions, Middle East Arms Control, and Related Congressional Reporting Responsibilities

6/29/93 EO#12852 President's Council on Sustainable Development

6/30/93 EO#12853 Blocking Government of Haiti Property and Prohibiting Transactions with Haiti

7/4/93 EO#12854 Implementation of the Cuban Democracy Act

7/19/93 EO#12855 Amendment to Executive Order No. 12852

8/3/93 EO#12856 Federal Compliance with Right-to-Know Laws and Pollution Prevention Requirements

8/4/93 EO#12857 Budget Control

8/4/93 EO#12858 Deficit Reduction Fund

8/16/93 EO#12859 Establishment of the Domestic Policy Council

9/3/93 EO#12860 Adding Members to the Committee on Foreign Investment in the United States

9/11/93 EO#12861 Elimination of One-Half of Executive Branch Internal Regulations

9/11/93 EO#12862 Setting Customer Service Standards

9/13/93 EO#12863 President's Foreign Intelligence Advisory Board

9/15/93 EO#12864 United States Advisory Council on the National Information Infrastructure

9/26/93 EO#12865 Prohibiting Certain Transactions Involving UNITA

9/30/93 EO#12866 Regulatory Planning and Review

9/30/93 EO#12867 Termination of Emergency Authority for Certain Export Controls

9/30/93 EO#12868 Measures to Restrict the Participation by United States Persons in Weapons Proliferation Activities

9/30/93 EO#12869 Continuance of Certain Federal Advisory Committees

9/30/93 EO#12870 Trade Promotion Coordinating Committee

10/1/93 EO#12871 Labor-Management Partnerships

10/18/93 EO#12872 Blocking Property of Persons Obstructing Democratization in Haiti

10/20/93 EO#12873 Federal Acquisition, Recycling, and Waste Prevention

10/20/93 EO#12874 Establishing an Emergency Board to Investigate a Dispute Between Long Island Rail Road and Certain of its Employees Represented by the United Transportation Union

10/26/93 EO#12875 Enhancing the Intergovernmental Partnership

11/1/93 EO#12876 Historically Black Colleges and Universities

11/3/93 EO#12877 Amendment to Executive Order No.12569

11/5/93 EO#12878 Bipartisan Commission on Entitlement Reform

11/8/93 EO#12879 Order of Succession of Officers to Act as Secretary of the Navy

11/16/93 EO#12880 National Drug Control Program

11/23/93 EO#12881 Establishment of the National Science and Technology Council

11/23/93 EO#12882 President's Committee of Advisors on Science and Technology

11/29/93 EO#12883 Delegating a Federal Pay Administration Authority

12/1/93 EO#12884 Delegation of Functions Under the Freedom Support Act and Related Provisions of the Foreign Operations, Export Financing and Related Programs Appropriations Act

12/14/93 EO#12885 Amendment to Executive Order No. 12829

12/23/93 EO#12886 Adjustments of Rates of Pay and Allowances for the Uniformed Services

12/23/93 EO#12887 Amending Executive Order No. 12878

12/23/93 EO#12888 Amendments to the Manual for Courts-Martial, United States, 1984

12/27/93 EO#12889 Implementation of the North American Free Trade Agreement

12/30/93 EO#12890 Amendment to Executive Order No, 12864

1/15/94 EO#12891 Advisory Committee on Human Radiation Experiments

- 1/17/94 EO#12892 Leadership and Coordination of Fair Housing in Federal Programs: Affirmatively Furthering Fair Housing
- 1/26/94 EO#12893 Principle for Federal Infrastructure Investments
- 1/26/94 EO#12894 North Pacific Marine Science Organization
- 1/26/94 EO#12895 North Pacific Anadromous Fish Commission
- 2/3/94 EO#12896 Amending the Civil Service Rules Concerning Political Activity
- 2/3/94 EO#12897 Garnishment of Federal Employees' Pay
- 2/11/94 EO#12898 Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations
- 2/15/94 EO#12899 Establishing an Emergency Board to Investigate a Dispute Between the Long Island Rail Road and Certain of its Employees Represented by United Transportation Union
- 2/22/94 EO#12900 Educational Excellence for Hispanic Americans
- 3/3/94 EO#12901 Identification of Trade Expansion Priorities
- 3/8/94 EO#12902 Energy Efficiency and Water Conservation at Federal Facilities
- 3/9/94 EO#12903 Cooperation with EURATOM
- 3/16/94 EO#12904 Commission for Environmental Cooperation, Commission for Labor Cooperation, Border Environment Cooperation Commission, and North American Development Bank
- 3/25/94 EO#12905 Trade and Environment Policy Advisory Committee
- 4/11/94 EO#12906 Coordinating Geographic Data Acquisition and Access: The National Spatial Data Infrastructure
- 4/14/94 EO#12907 Amending Executive Order No.12882
- 4/22/94 EO#12908 Order of the Succession of Officers to Act as Secretary of the Army
- 4/22/94 EO#12909 Order of the Succession of Officers to Act as Secretary of the Air Force
- 4/23/94 EO#12910 Providing for the Closing of Government Departments and Agencies on April 27, 1994

4/25/94 EO#12911 Seal of the Office of National Drug Control Policy

4/29/94 EO#12912 Amendment to Executive Order No.12878

5/2/94 EO#12913 Revocation of Executive Order No.12582

5/7/94 EO#12914 Prohibiting Certain Transactions with Respect to Haiti

5/13/94 EO#12915 Federal Implementation of the North American Agreement on Environmental Cooperation

5/13/94 EO#12916 Implementation of the Border Environment Cooperation Commission and the North American Development Bank

5/21/94 EO#12917 Prohibiting Certain Transactions with Respect to Haiti

5/26/94 EO#12918 Prohibiting Certain Transactions with Respect to Rwanda and Delegating Authority with Respect to Other United Nations Arms Embargoes

6/3/94 EO#12919 National Defense Industrial Resources Preparedness

6/10/94 EO#12920 Prohibiting Certain Transactions with Respect to Haiti

6/13/94 EO#12921 Amendment to Executive Order No.12864

6/21/94 EO#12922 Blocking Property of Certain Haitian Nationals

6/30/94 EO#12923 Continuation of Export Control Regulations

8/19/94 EO#12924 Continuation of Export Control Regulations

8/29/94 EO#12925 Establishing an Emergency Board to Investigate a Dispute Between the Soo Line Railroad Company and Certain of its Employees Represented by the United Transportation Union

9/12/94 EO#12926 Implementation of the Voter Registration Act of 1993

9/15/94 EO#12927 Ordering the Selected Reserve of the Armed Forces to Active Duty

9/16/94 EO#12928 Promoting Procurement with Small Businesses Owned and controlled by Socially and Economically Disadvantaged Individual, Historically Black Colleges and Universities, and Minority Institutions

9/29/94 EO#12929 Delegation of Authority Regarding the Naval Petroleum and Oil Shale Reserves

9/29/94 EO#12930 Measures to Restrict the Participation by United States Persons in Weapons Proliferation Activities

10/13/94 EO#12931 Federal Procurement Reform

10/14/94 EO#12932 Termination of Emergency with Respect to Haiti

10/20/94 EO#12933 Nondisplacement of Qualified Workers Under Certain Contracts

10/25/94 EO#12934 Blocking Property and Additional Measures with Respect to the Bosnian Serb-Controlled Areas of the Republic of Bosnia and Herzegovina

10/28/94 EO#12935 Amending Executive Order No. 11157 as it Relates to the Definition of "Field Duty"

11/10/94 EO#12936 Amendments to the Manual for Courts-Martial, United States, 1984

11/10/94 EO#12937 Declassification of Selected Records within the National Archives of the United States

11/14/94 EO#12938 Proliferation of Weapons of Mass Destruction

11/22/94 EO#12939 Expedited Naturalization of Aliens and Noncitizen Nationals Who Served in an Active-Duty Status During the Persian Gulf Conflict

11/28/94 EO#12940 Amendment to Civil Service Rule VI

12/1/94 EO#12941 Seismic Safety of Existing Federally Owned or Leased Buildings

12/12/94 EO#12942 Addition to Level V of the Executive Schedule-Commissioner, Administration for Native Americans

12/13/94 EO#12943 Further Amendment to Executive Order No. 11755

12/28/94 EO#12944 Adjustments of Certain Rates of Pay and Allowances

1/20/95 EO#12945 Amendment to Executive Order No. 12640

1/20/95 EO#12946 President's Advisory Board on Arms Proliferation Policy

1/23/95 EO#12947 Prohibiting Transactions with Terrorists who Threaten to Disrupt the Middle East Peace Process

1/30/95 EO#12948 Amendment to Executive Order No. 12898

2/9/95 EO#12949 Foreign Intelligence Physical Searches

2/22/95 EO#12950 Establishing an Emergency Board to Investigate a Dispute Between Metro North Commuter Railroad and Its Employees Represented by Certain Labor Organizations

2/22/95 EO#12951 Release of Imagery Acquired by Space-Based National Intelligence Reconnaissance Systems

2/24/95 EO#12952 Amendment to Executive Order No. 12950

2/27/95 EO#12953 Actions Required of All Executive Agencies to Facilitate Payment of Child Support

3/8/95 EO#12954 Ensuring the Economical and Efficient Administration and Completion of Federal Government Contracts

3/9/95 EO#12955 Nuclear Cooperation with EURATOM

3/13/95 EO#12956 Israel-United States Binational Industrial Research and Development Foundation

3/15/95 EO#12957 Prohibiting Certain Transaction with Respect to the Development of Iranian Petroleum Resources

4/17/95 EO#12958 Classified National Security Information

5/6/95 EO#12959 Prohibiting Certain Transactions with Respect to Iran

5/12/95 EO#12960 Amendments to the manual for Courts-Martial, United States, 1984

5/26/95 EO#12961 Presidential Advisory Committee on Gulf War Veterans' Illnesses

6/7/95 EO#12962 Recreational Fisheries

6/14/95 EO#12963 Presidential Advisory Council on HIV/AIDS

6/21/95 EO#12964 Commission on United States-Pacific Trade and Investment Policy

6/27/95 EO#12965 Further Amendment to Executive Order No. 12852

7/14/95 EO#12966 Foreign Disaster Assistance

7/31/95 EO#12967 Establishing an Emergency Board to Investigate Disputes Between Metro North Commuter Railroad and its Employees Represented by Certain Labor Organizations

8/2/95 EO#12968 Access to Classified Information

8/8/95 EO#12969 Federal Acquisition and Community Right-To-Know

9/14/95 EO#12970 Further Amendment to Executive Order No. 12864

9/15/97 EO#12971 Amendment to Executive Order No. 12425

9/18/95 EO#12972 Amendment to Executive Order No. 12958

9/27/95 EO#12973 Amendment to Executive Order No. 12901

9/29/95 EO#12974 Continuance of Certain Federal Advisory Committees

10/3/95 EO#12975 Protection of Human Research Subjects and Creation of National Bioethics Advisory Commission

10/5/95 EO#12976 Compensation Practice of Government Corporations

10/19/95 EO#12977 Interagency Security Committee

10/21/95 EO#12978 Blocking Assets and Prohibiting Transactions with Significant Narcotics Traffickers

10/25/95 EO#12979 Agency Procurement Protests

11/17/95 EO#12980 Further Amendment to Executive Order No. 12852, as Amended

12/5/95 EO#12981 Administration of Export Controls

12/8/95 EO#12982 Ordering the Selected Reserve of the Armed Forces to Active Duty

12/21/95 EO#12983 Amendment to Executive Order No. 12871

12/28/95 EO#12984 Adjustments of Certain Rates of Pay and Allowances

1/11/96 EO#12985 Establishing the Armed Forces Service Medal

1/18/96 EO#12986 International Union for Conservation of Nature and Natural Resources

1/31/96 EO#12987 Amendment to Executive Order 12964

2/5/96 EO#12988 Civil Justice Reform

2/13/96 EO#12989 Economy and Efficiency in Government Procurement through Compliance with Certain Immigration and Naturalization Act Provisions

- 2/29/96 EO#12990 Adjustments of Rates of Pay and Allowances for the Uniformed Services, Amendments to Executive Order 12984
- 3/6/96 EO#12991 Adding the Small Business Administration to the President's Export Council
- 3/15/96 EO#12992 President's Council on Counter-Narcotics
- 3/21/96 EO#12993 Administrative Allegations Against Inspectors General
- 3/21/96 EO#12994 Continuing the President's Committee on Mental Retardation and Broadening its Membership and Responsibilities
- 3/25/96 EO#12995 Amendment to Executive Order No. 12873
- 3/25/96 EO#12996 Management and General Public Use of the National Wildlife Refuge System
- 4/1/96 EO#12997 Korean Peninsula Energy Development Organization
- 4/5/96 EO#12998 Amendment to Executive Order No. 11880
- 4/17/96 EO#12999 Educational Technology: Ensuring Opportunity for All Children in the Next Century
- 4/24/96 EO#13000 Order of Succession of Officers to Act as Secretary of Defense
- 5/8/96 EO#13001 Establishing an Emergency Board to Investigate a Dispute Between Certain Railroads Represented by the National Railway Labor Conference and Their Employees Represented by the Transportation Communications International Union
- 5/13/96 EO#13002 Termination of Combat Zone Designation in Vietnam and Waters Adjacent Thereto
- 5/15/96 EO#13003 Establishing an Emergency Board to Investigate Disputes Between Certain Railroads Represented by the National Carriers' Conference Committee of the National Railway Labor Conference and Their Employees Represented by the Brotherhood of Maintenance of Way Employees
- 5/17/96 EO#13004 Establishing an Emergency Board to Investigate Disputes Between Certain Railroads Represented by the National Railway Labor Conference and Their Employees Represented by Certain Labor Organizations

5/21/96 EO#13005 Empowerment Contracting

5/21/96 EO#13006 Locating Federal Facilities on Historic Properties in our Nations' Central Cities

5/24/96 EO#13007 Indian Sacred Sites

6/3/96 EO#13008 Amending Executive Order No. 12880

6/14/96 EO#13009 Amendment to Executive Order No. 12963 Entitled Presidential Advisory Council on HIV/AIDS

7/15/96 EO#13010 Critical Infrastructure Protection

7/16/96 EO#13011 Federal Information Technology

7/18/96 EO#13012 Establishing an Emergency Board to Investigate a Dispute Between the Southeastern Pennsylvania Transportation Authority and Their Employees Represented by the Brotherhood of Locomotive Engineers

8/6/96 EO#13013 Amending Executive Order No. 10163, the Armed Forces Reserve Medal

8/15/96 EO#13014 Maintaining Unofficial Relations with the People on Taiwan

8/22/96 EO#13015 White House Commission on Aviation Safety and Security

8/28/96 EO#13016 Amendment to Executive Order 12580

9/5/96 EO#13017 Advisory Commission on Consumer Protection and Quality in the Health Care Industry

9/16/96 EO#13018 Amending Executive Order No. 12975

9/28/96 EO#13019 Supporting Families: Collecting Delinquent Child Support Obligations

10/12/96 EO#13020 Amendment to Executive Order 12981

10/19/96 EO#13021 Tribal Colleges and Universities

10/31/96 EO#13022 Administration of the Midway Islands

11/6/96 EO#13023 Amendments to Executive Order 12992, Expanding and Changing the Name of the President's Council on Counter-Narcotics

- 11/7/96 EO#13024 Amending Executive Order 12015, Relating to Competitive Appointments of Students who Have Completed Approved Career-Related Work Study Programs
- 11/13/96 EO#13025 Amendment to Executive Order 13010, the President's Commission on Critical Infrastructure Protection
- 11/15/96 EO#13026 Administration of Export Controls on Encryption Products
- 11/15/96 EO#13027 Establishing an Emergency Board to Investigate a Dispute Between the Southeastern Pennsylvania Transportation Authority and its Employees Represented by the Brotherhood of Locomotive Engineers
- 12/3/96 EO#13028 Further Amendments to Executive Order No. 12757--Implementation of the Enterprise for the Americas Initiative
- 12/3/96 EO#13029 Implementing, for the United States, the Provisions of Annex 1 of the Decision Concerning Legal Capacity and Privileges and Immunities, Issued by the Council of Ministers of the Conference on Security and Cooperation in Europe on December 1, 1993
- 12/12/96 EO#13030 Administration of Foreign Assistance and Related Functions and Arms Export Controls
- 12/13/96 EO#13031 Federal Alternative Fueled Vehicle Leadership
- 12/26/96 EO#13032 Further Amendment to Executive Order No.12964
- 12/27/96 EO#13033 Adjustments of Certain Rates of Pay and Allowances

- 1/30/97 EO#13034 Extension of Presidential Advisory Committee on Gulf War Veterans' Illnesses
- 2/11/97 EO#13035 Advisory Committee on High-Performance Computing and Communications, Information Technology, and the Next Generation Internet
- 2/15/97 EO#13036 Establishing an Emergency Board To Investigate a Dispute Between American Airlines and Its Employees Represented by the Allied Pilots Association
- 3/3/97 EO#13037 Commission To Study Capital Budgeting
- 3/11/97 EO#13038 Advisory Committee on the Public Interest Obligations of Digital Television Broadcasters
- 3/11/97 EO#13039 Exclusion of the Naval Special Warfare Development Group From the Federal Labor-Management Relations Program
- 3/25/97 EO#13040 Amendment to Executive Order 13017, Advisory Commission on Consumer Protection and Quality in the Health Care Industry
- 4/3/97 EO#13041 Further Amendment to Executive Order 13010, as Amended
- 4/9/97 EO#13042 Implementing for the United States Article VIII of the Agreement Establishing the World Trade Organization Concerning Legal Capacity and Privileges and Immunities
- 4/16/97 EO#13043 Increasing Seat Belt Use in the United States
- 4/18/97 EO#13044 Amending Executive Order 12752, Implementation of the Agricultural Trade Development and Assistance Act of 1954, as Amended, and the Food for Progress Act of 1985, as Amended
- 4/21/97 EO#13045 Protection of Children From Environmental Health Risks and Safety Risks
- 5/16/97 EO#13046 Further Amendment to Executive Order 12975, Extension of the National Bioethics Advisory Commission
- 5/20/97 EO#13047 Prohibiting New Investment in Burma
- 6/10/97 EO#13048 Improving Administrative Management in the Executive Branch
- 6/11/97 EO#13049 Organization for the Prohibition of Chemical Weapons

6/13/97 EO#13050 President's Advisory Board on Race

6/24/97 EO#13051 Internal Revenue Service Management Board

6/30/97 EO#13052 Hong Kong Economic and Trade Offices

6/30/97 EO#13053 Adding Members to and Extending the President's Council on Sustainable Development

7/7/97 EO#13054 Eligibility of Certain Overseas Employees for Noncompetitive Appointments

7/16/97 EO#13055 Coordination of United States Government International Exchanges and Training Programs

7/21/97 EO#13056 Further Amendment to Executive Order 13017, Advisory Commission on Consumer Protection and Quality in the Health Care Industry

7/26/97 EO#13057 Federal Actions in the Lake Tahoe Region

8/9/97 EO#13058 Protecting Federal Employees and the Public From Exposure to Tobacco Smoke in the Federal Workplace

8/19/97 EO#13059 Prohibiting Certain Transactions With Respect to Iran

8/21/97 EO#13060 Establishing an Emergency Board To Investigate Disputes Between Amtrak and Its Employees Represented by the Brotherhood of Maintenance of Way Employees

9/11/97 EO#13061 Federal Support of Community Efforts Along American Heritage Rivers

9/29/97 EO#13062 Continuance of Certain Federal Advisory Committees and Amendments to Executive Orders 13038 and 13054

9/30/97 EO#13063 Level V of the Executive Schedule: Removal of the Executive Director, Pension Benefit Guaranty Corporation, Department of Labor

Exec Action

Health  
Father

FTC study on videogames

Consumer

1. Medicare (reform, surplus, Prescriptive)
2. Equal Pay and Paycheck Fairness Act
3. License Gun Owners
4. Teacher Quality Initiative
5. Long-Term Care -\$3000
6. CHIP for Parents
7. Nursing Home Standards
8. Great Lakes
9. Privacy (financial, tech, medical)
10. Medicaid coverage for breast cancer
11. College Tuition Tax Deductions
12. Tougher child support and father support
13. Repair 5000, build/modernize 6000 schools
14. Help homeless get access to programs
15. Medical Errors (establish office, strengthen)
16. 21<sup>st</sup> Century Research Fund
17. Violence Against Women Act (reauthorize)
18. Pay Down Debt, debt free since 1835
19. Native Americans initiative (\$1 billion)
20. Voluntary uniform entertainment rating
21. Campaign Finance
22. Debt Reduction to take Social Security off-budget
23. Increase Funding of Genome
24. Livability - save open spaces
25. 100,000 teachers/Small classrooms - 30 min
26. Fight new threats -biochemical, cyber
27. Retirement Savings Accounts
28. Mental health care expansion
29. Second Chance Homes
30. Unfinished Business Package (includes: Education, Energy, Environment, Health, Infrastructure, Labor, Law Enforcement, National Security, Science, Small Business, Social Security, State, Trade, Transportation, Veterans Affairs, and Youth)
31. Guns, Campaign Finance, Minimum Wage
32. Child Care tax credit (expand/refundable)
33. Hold states accountable for schools
34. 55-65 Medicare Buy-In
35. Research on global warming
36. Internet drug sale crack-down
37. After school, summer school
38. Food Safety plan
39. GEARUP (college prep courses)
40. EITC Expansion (Marriage penalty)

March 31, 2000

DRAFT MEMORANDUM FOR XXXXX

FROM: KAREN TRAMONTANO  
THOMAS FREEDMAN

SUBJECT: NEXT STEPS ON EXECUTIVE STEPS

Cabinet Affairs and the Chief of Staff's office solicited possible executive actions from each of the agencies. In this memorandum, we have categorized the most promising proposals according to the likely area of White House Policy Council interest - i.e. CEQ, DPC, NEC. We also solicited preliminary opinions from each of the Councils on the most promising ideas as well as asked for other proposals that they felt merited inclusion on the list. The full list of most promising actions are categorized by policy type in Section I and marked with a double asterisk. Section II is the complete list of agency submissions. Section III suggests next steps including further solicitation of new action ideas.

I. Best Executive Orders Submitted or Proposed

**Environmental (CEQ):**

We've discussed these with Roger Ballentine and George Frampton.

Transport

Joint research with heavy truck industry\*\*  
Alternative engines for trucks\*\*  
Cleaner diesel trucks standard (EPA)\*\*  
Executive memorandum on clean energy exports\*\*  
Emission reductions in electric utility and automobile industries(EPA)  
Energy order to reduce fuel and environmental damage in federal vehicles(OMB)\*\*

Monuments and Land

Monuments - Colorado and California (Int.)\*\*  
Sequoia groves of Southern Sierra Nevada(Int.)\*\*  
President Lincoln's summer residence in the District(Int.)\*\*  
700<sup>th</sup> Superfund site clean up (is there a brownfields number?) (EPA)\*\*  
(Push for Better America Bonds) (EPA)  
Forest Service Rule - roads in national forests(OMB)(GF worried)

Water

No Protection for coral reefs off Hawaii (Int.)\*\*

Clean water rule(EPA)  
Clean water reauthorization legislation(EPA)  
Safe Drinking Water Act implementation(EPA)  
Dam removal project – institute 25 year review of all 25,000 federal dams (Int. GF problem)

Domestic (DPC)

We've discussed these with Eric Liu.

Executive order against parental discrimination(OMB)\*\*  
National Youth Anti-Drug Media Campaign (ONDCP)\*\*  
EO on Failing Schools (Ed. May)\*\*  
Defibrillators\*\*  
Procurement action (next week)  
Campaign Finance (in development)

~~Can Procurement~~  
Charter schools + rely guidelines  
Failing schools  
FEBBP cessation

Firefighter report

Others of DPC Interest from Agency Submissions

Tribal Executive Orders – improves fed/tribal consultation (OMB)  
USDA Organic Rule – controversial (OMB)  
DOT Hours of Drivers Service Rule (contentious) (OMB)  
Privacy for government records(OMB)  
Genetic Discrimination Order(OMB) (done)  
Non-Discrimination on the basis of race, sex, color, national origin, sexual orientation and parental status in federal education/training programs(OMB)

Miscellaneous

GPEA – OMB guidance to permit electronic filings and eliminate paperwork (April 2000) (OMB)

Economic—NEC

We've discussed these briefly with David Tseng who is circulating for NEC comment.

Lifting Earnings Caps for Disability (regulatory actions)(SSA)\*\*  
Draft financial privacy legislation and regulations for federal agencies(OMB)\*\*  
Encryption export rules (OMB, controversial)  
Computer Security – gathers info on security status on agency systems (not enough) (OMB)  
Electricity deregulation and clean energy (would be fine but there are no specific proposals)(Energy)  
Increase percent of small businesses who federal government buys from (SBA)  
Create electronic directory of small businesses that can contract electronically (SBA)  
Doubling assistance to small businesses trading overseas (SBA)  
Increase number of homeless reached (HUD)  
Increase mortgage loans to low and moderate income families (HUD)  
Conferences on Interfaith Partnerships (HUD)

### III. Next Steps .

We should take three next steps. First, submit this list in written form back to council heads for comments. Second, go over list with press office and S. Cutter. Third, request further information on issues that we might want to do but are not in this list, including: Americorps staff who will be working with FEMA, 700<sup>th</sup> Superfund site clean up (is there a brownfields number?), hate crimes statistics.

Report on Cities (?) (HUD)

**II. Complete List of Possible Executive Orders Submitted by Agencies**  
(Complete memorandums attached as appendix.)

**COMMERCE**

Census events

**EDUCATION** (They had no specific deliverables)

**EPA**

Cleaner diesel trucks standard

Clean water rule

Clean water reauthorization legislation

Safe Drinking Water Act implementation

(Push for Better America Bonds)

Emission reductions in electric utility and automobile industries

**FEMA**

Plan to prepare for terrorism

**HUD**

Reaching '94 homeownership goal (67.5%)

(Increase opportunities for Homeownership)

Teacher Next Door Program

Ending historic patterns of segregation

Neighborhood community technology centers

Increase number of homeless reached

Increase mortgage loans to low and moderate income families

Teacher Next Door Program

Conferences on Interfaith Partnerships

Report on Cities (?)

**INTERIOR**

Monuments - Colorado and California

Sequoia groves of Southern Sierra Nevada

President Lincoln's summer residence in the District

Dam removal project - institute 25 year review of all 25,000 federal dams

Protection for coral reefs off Hawaii

## POSSIBLE PRESIDENTIAL POLICY ANNOUNCEMENTS/EVENTS

### CRIME

#### *Already Scheduled Events:*

- **Gun Rally, Denver, CO (April 12):** The President will visit Denver to participate in a rally held by SAFE Colorado and Tom Mauser in support of a statewide referendum to close the gun show loophole. We may be able to release the Justice/Treasury Department Gun Violence Reduction Strategy that has been in the works for some time, that will highlight gun strategies developed in all 94 federal judicial districts (including one recently kicked off in Denver) as well as reinforce the need for stronger gun laws.
- **FOP Peace Officer Memorial Ceremony (May 15):** The President will attend the annual Peace Officers Memorial sponsored by the Fraternal Order of Police. The President could announce the availability of through the following week of Justice Department funds for bulletproof vests, and support for legislation to extend and double funding for this program (we are still working out support for legislation with OMB). The vest program has the strong support of the FOP. The President should also renew his call to reauthorize the COPS program.

#### *Other Possible Events/Announcements:*

- **DOJ Guns PSA (week of April 3):** The National Crime Prevention Council, in partnership with the Ad Council, has used grant funding from the Bureau of Justice Assistance to produce a PSA targeted to kids ages 9-11 that warns them to tell an adult when they learn that anyone is planning to use a firearm to hurt someone. The PSA will be mailed out to broadcast stations across the nation on April 5th -- no kickoff event is currently being planned. They would be willing to work with us on an announcement. Because the stations probably won't received the PSA until April 7th, we could probably do some form of announcement on this Monday-Friday next week. They cannot delay the mailing beyond the 5th because there is another PSA on the same tape that needs to get out next week.
- **Guns/ Procurement: (still TBD but possibly as soon as late next week)** The President will issue a directive to members of his cabinet to develop a plan on federal firearms procurement that helps to encourage firearms industry reforms in the design, distribution and marketing of their products.
- **Justice Department Illegal Gun Trafficking Report (ready April 15).** In late April, DOJ will release a new report entitled "Reducing Illegal Firearms Trafficking: Promising Practices and Lessons Learned." The report will discuss the importance of shutting down illegal firearms distribution channels to criminals, and will highlight three Administration programs that built partnerships with local law enforcement to crack down on illegal gun traffickers.

The report may have some regional press interest since it contains information on plans located in about 8 jurisdictions, and may be best as a press leak or released with a Presidential statement.

- **Guns/ Domestic Violence: ( Ready April 15-17)** The President could highlight the link between domestic violence and guns by announcing that: (1) FY 2000 Justice funding for State criminal history records improvement is now available and will place a new priority on domestic violence restraining order records to help ensure that domestic abusers and stalkers are prevented from buying guns; and (2) his FY 2001 budget doubles funding for the program (the National Criminal History Improvement Program) to make Brady background checks faster and more effective. The event could be held at a community center with local police and advocates from the domestic violence community.
- **School Safety/COPS Grants (second week in April).** The President could announce \$65 million in Justice Department COPS grants that will help fund approximately 400 school resource officers across the country. He may also be able to announce a new round of 23 Safe Schools-Healthy Students grants for approximately \$40 million to add more communities to this Administration initiative. The Early Warning Guide II will also be available at this time. This should be a good lead-up youth violence prevention/school safety message prior to the Columbine anniversary.
- **5<sup>th</sup> Anniversary of the Oklahoma City Bombing (April 19).** There is a commemoration of the bombing that will take place in Oklahoma City. It will also fall during National Victims Rights Week (checking on this). The President could tape a video for the commemoration event and discuss the federal funding that will be disbursed in FY 2000 out of the National Crime Victims' Fund that pays for victims' compensation and victims' services.
- **1999 Crime Statistics (April 22).** The FBI will release the final 1999 Uniform Crime Report data which will contain city and regional information on violent and property crime. While we have not yet seen the report, we expect the final numbers to continue the decline in crime rates. Since we cannot adjust the release date of this information, we should put out an embargoed statement and work into any remarks for events the following week.
- **Smart Guns (Week of April 24th -- Specific Date TBA)** The President could announce an estimated \$850,000 in FY 2000 grant funding to three gun manufacturers for the development of "smart gun" technology. This funding is available as part of a broader NIJ law enforcement technology research program. The event could be used to highlight the President's FY 2001 \$10 million request to create the first smart gun grant program and build on the successful research made possible by the current NIJ program. The event should hold media interest since the gun lobby has run radio ads criticizing the viability of smart guns and the President's \$10 million initiative.
- **Ending the Resale of Police Guns (Late April).** The President could use his a radio address to highlight his FY 2001 Budget initiative to help law enforcement end the practice of selling

used police firearms on the civilian markets. The grant provides funding to agencies on a one-time basis on the condition that they agree to end the practice. The President's announcement could be held in conjunction with the release of new statistics from the ATF on the number of used police guns that were sold on civilian markets and later used in crimes, and the release of statements made by national law enforcement organizations encouraging their members to end the practice as well.

- **Ballistics Testing (Week of April 24th -- Specific Date TBA).** The President's FY 2001 budget includes over \$33 million in funding to create the first national ballistics network to link bullets and casings left at crime scenes to the gun of the criminals who fired them. The initiative includes funding to encourage gun manufacturers to test shoot every new handgun they produce and send a copy of the ballistic images to ATF to incorporate into the network. There was great media interest when Glock became the first to volunteer to participate last December. ATF and Glock will complete a feasibility study on the program in late April that will determine when and how many other manufacturers can participate. [NB: This is a tentative date, and the results of the feasibility study could significantly impact whether we would want to announce this at all.]
- **Drug Testing and Treatment for Offenders: (sometime in April).** The President could release a new study prepared by the Bureau of Prisons which shows that drug testing and treatment for federal offenders helped to reduce future drug use and recidivism. He could highlight funding in his FY 2001 budget to help states and localities to expand drug testing and treatment for prisoners, parolees and probationers. The ONDCP would be very interested in this announcement.
- **Reentry of Offenders. (April-June)** The President could use his radio address to highlight his Justice and Labor Department FY 2001 budget initiatives to assist in the reentry of offenders released from incarceration. There are a few Bureau of Justice Statistics (BJS) reports that are coming out that we could tie this to: (1) in mid-April, a report will be ready on the mid-year prison and jail inmate population. This report usually receives some attention and will reinforce the need to respond to the growing number of persons who are incarcerated; (2) in June or July, a similar document with year-end 1999 data on the prison population will be ready; (3) in end of April/early May, a more comprehensive document on the 1997 correctional population will be released; and (4) in mid-late April, a drug use, testing and treatment in jail report will be ready for release. It may be possible to release #3 and #4 reports at the same time, but since these documents are prepared by the BJS, we have difficulty controlling the timing of their release.
- **Handgun Licensing (early May)** . In May, the President could hold an event to announce the introduction of his licensing proposal while visiting a state with a successful licensing system for handgun purchasers that is comparable to his initiative. [Connecticut appears to have the most similar licensing system, but we are taking a second look into a few other states with laws that might be consistent as well.] The event would be held with the sponsors of the legislation: Rep. Carolyn McCarthy, Rep. Nita Lowey and Senator Chuck Schumer. We

may also be able to unveil a DOJ-produced PSA regarding the safe handling and storage of guns.

- **Million Mom March (May 14th).** On May 14th, an estimated 50,000-100,000 moms from across the nation will rally on the Mall in support of stronger gun safety laws. While elected officials are not expected to speak, the First Lady attend the some fashion. The President could hold a meeting at the White House the Friday before the event with some of the participating moms to discuss common sense gun legislation.
- **ATF Illegal Gun Trafficking Report (June).** The President could release ATF's first Illegal Gun Trafficking Report detailing their successful efforts to shut down illegal gun markets and providing comprehensive information on illegal trafficking cases for the first time. The report will include new case numbers and will detail the sources of crime guns including investigations of gun shows, gun dealers and straw purchasers.
- **Youth Crime Gun Interdiction Initiative (Mid-June TBA).** The President could release ATF's annual Youth Crime Gun Interdiction Initiative Report (YCGII) on the results of their comprehensive gun tracing programs in 38 cities. YCGII provides resources to localities to help law enforcement crack down on illegal gun traffickers that supply firearms to juveniles, criminals and other restricted persons. The President's FY 2001 budget includes funding to expand this successful program to 12 new cities. The report provides regional data on the success of the program in each of the participating cities.

## EDUCATION

### *Already Scheduled Events:*

- **Address to the Education Writers Association, Atlanta, GA (April 14)**
- **U.S. Dream Academy Site Visit (April TBD)**
- **Education Tour (May 3 and 4)**
- **National Teacher of the Year Event (May 11)**

### *Other Possible Events/Announcements:*

- **Class Size Reduction (Ready):** The Department of Education has a state-by-state chart of class size reduction FY 2000 dollars. The chart also includes dollars states would receive if the President's class size initiative in his FY 2001 proposed budget is enacted.
- **AfterSchool Report (April TBD):** The Department of Education will be ready to release the "Working for Kids and Families: Safe and Smart Afterschool Programs" report in April.
- **SAT Prep Event (April/May):** The President could participate in an event to highlight his SAT

prep budget initiative. He could visit a school that is working with Kaplan or Princeton Review to offer prep courses to low-income students.

- **Teach for America's 10<sup>th</sup> Anniversary Summit (May 20-21):** The President has been invited to address this event, which is taking place at Columbia University in New York.
- **21<sup>st</sup> Century Community Learning Centers Grants (Late May):** The Department of Education will be ready to release \$185 million in 21<sup>st</sup> Century Community Learning Center grants. Other possible announcements to be combined with the grants are: 1) DoEd/Postal Service summer stamp collecting program; 2) new Afterschool Ambassadors; and 3) an Afterschool Alliance PSA campaign on the need for more afterschool programs.
- **Summer Institute for 21<sup>st</sup> Century Community Learning Center Grantees (July 31-Aug. 4):** Approximately 2,000 grantees from 50 states will be in the DC area for their annual summer training.
- **School Leadership Event (TBD):** The Education Team is working on some executive actions regarding school leadership, including public-private partnerships focused on better training for public school leaders.

## HEALTHCARE

- **Prescription Drug Report (April):**

## WELFARE

- **Welfare to Work Partnership 4<sup>th</sup> Anniversary:** We've already forwarded a scheduling request from the Partnership for an event in New York on May 3<sup>rd</sup>, 4<sup>th</sup> or 5<sup>th</sup>, but those dates don't look promising. We are exploring alternative ways to participate in this event including a Presidential video, statement, participation of a Cabinet Secretary. The Partnership will launch its BizLink initiative to connect hard-to-place welfare recipients and non-custodial parents with businesses in five cities, an effort funded by Department of Labor Welfare-to-Work funds. The Partnership hopes to be able to announce that they have grown to 15,000 business partners since the official launch of the Partnership at the White House in May 1997. HHS may also have December 1999 welfare caseload numbers to announce. (NOTE: September 1999 numbers are almost ready but we have not yet seen them). If we can't do something with the Partnership in May, we should aim for August or September to mark the 4<sup>th</sup> anniversary of signing welfare reform law.
- **Federal Welfare to Work Hiring (June?):** The Vice President could release the 3<sup>rd</sup> annual report on this successful initiative, and possibly announce that we have hired 20,000 people – double the goal set in 1997. This could also be one component of a series of welfare reform accomplishment reports.

- **Fathers Day announcements (June):** We're exploring possible fathers day announcements for the President or Vice President that could help highlight the Administration's FY 2001 budget initiatives. One possible deliverable is an HHS-funded review of promising responsible fatherhood programs funded through existing Welfare-to-Work grants. We could also ask federal agencies to report on their actions to implement the 1995 Executive Memorandum on fatherhood and highlight the best examples. We're asking HHS and other agencies about any new data or research findings.

## TOBACCO

- **Kick-Butts Day (April 5):** We could do a Presidential statement to highlight our tobacco initiatives.
- **11<sup>th</sup> World Conference on Tobacco (August 6-11):** The President has been invited to address the opening ceremony of the World Conference on Tobacco in Chicago, IL. The U.S. will host this conference for the first time in 25 years, and the President of the host country has traditionally opened the meeting with a keynote speech. Approximately 4,000 leaders concerned about the global epidemic of diseases from tobacco will be in attendance.

## FOOD STAMPS

- **Encouraging Elderly Participation in Food Stamp Participation (May):** On May 11, GAO will issue a report on the adequacy of senior feeding programs. Senior participation in the Food Stamp Program is especially low, and seniors are one of the priority populations identified in the USDA Food Stamp Education Initiative. The President could announce a partnership between the Administration and the Leadership Council of Aging Associations to release USDA's newly developed access guide, *Help for the Elderly and Disabled*, and flyer, *10 Common Myths Concerning Elderly Households*. The access guide summarizes program policies and best practices for serving the elderly, and the flyer addresses common misperceptions about the access of elderly persons to the Food Stamp Program.

## CHILDREN AND FAMILIES

### *Already Scheduled Events:*

- **White House Conference on Raising Responsible Teenagers (May 2)**

### *Other Possible Events/Announcements:*

- **Community Coaches Event (Anytime):** Do Something has proposed that the President participate in a Community Coaches event in South Central Los Angeles, CA. They would like the President to highlight his community coaches initiative in the FY01 budget proposal, challenge corporations nationwide to support the Community Coach initiative, and celebrate

the community-building accomplishments of the coaches and students in South Central L.A.

### **HATE CRIMES:**

- **DOJ Promising Practices Against Hates Crimes Report (April):** The President could announce a new Department of Justice (DOJ) publication entitled “Promising Practices Against Hate Crimes: 5 State and Local Demonstration Projects”. This is the first publication describing the success of hate crimes intervention programs that have been funded and supported by the Justice Department under this Administration. The report will detail the objectives and results of five hate crimes prevention and intervention programs including programs in Los Angeles, California; Omaha, Nebraska; and the state of Maine. DOJ plans to distribute this publication to over 45,000 state, local, and tribal criminal justice policy makers and practitioners across the country. In addition, if time permits, we could have the President meet with a United States Attorney and a local prosecutor to discuss how well federal-state cooperation works in prosecuting hate crimes.
- **Hate Crimes Prevention Media Campaign (April):** The President could unveil new public service announcements regarding hate crimes. Five public service messages, some bearing the theme “Hate Crimes. It’s not just offensive. It’s criminal” have been developed on behalf of the Hate Crimes Working Group in the District of Columbia. The ads depict recollections of actual instances of hate crimes. DOJ will fund the production of the ads for local display in the District of Columbia, and will distribute 150,000 posters (30,000 of each scenario) when the campaign is launched. DOJ will also provide electronic disk copies of the advertisement material to other communities and law enforcement for use in their own anti-hate crime campaigns. These ads can be reproduced for any print medium from newsletters to television spots, but localities will have to come up with the money for the placements.
- **“Prosecutor’s Resource Guide for Responding to Hate Crimes” (April):** This prosecutor’s guide, produced by the National District Attorneys Association, through its research arm, the American Prosecutors Research Institute (APRI), will include a review of topics such as case screening and investigation; case preparation; trial strategies; and prevention efforts. DOJ plans to distribute this guide to the approximately 3000 local prosecutors’ offices in the United States.
- **Hate Crime Reporting Study (May):** The Department of Justice has commissioned a study by Northeastern University to analyze how law enforcement agencies report hate crimes. This study will provide guidelines to law enforcement for standardization of reporting practices in order to obtain better information about the frequency of hate crimes. It will also focus on barriers faced by local law enforcement in their efforts to report hate crimes. DOJ may also be able to use some of the information in this study to create an action plan to improve reporting, which could be rolled out at the time the study is released. The President could also issue a directive to DOJ to work with state and local enforcement to improve hate crimes reporting.

- **Roundtable on Hate on the Internet.** The President can convene a roundtable to discuss how hate is disseminated on the Internet and how to empower parents to have the tools to say "no" to hate on the Internet. For instance, there is kid's page on the World Church of the Creator website – the group that Benjamin Smith was affiliated with. We could work with Steve Case and AOL to come up with a way to disseminate tolerance messages more broadly over the Internet.

## IMMIGRATION

- **Naturalization Ceremony (Spring):** We have submitted a scheduling proposal for the President to attend a swearing-in ceremony, where he could highlight our ESL/Civics initiatives.

## MISCELLANEOUS

- **Defibrillators Event (Ready):** The President could announce: 1) a directive to HHS and GSA to develop guidance on defibrillator programs and a plan to install them in federal buildings; 2) commitments from manufacturers and the American Heart Association to donate devices and training for defibrillator placement in federal buildings; 3) endorsement of the Cardiac Survival Act legislation, which includes a good samaritan provision; and 4) an FAA regulation that will mandate defibrillator placement on aircrafts and training for flight attendants. (NOTE: *Newsweek* had an article on this issue this week.)
- **Food Safety Announcement (April):** The Food and Drug Administration has prepared a final rule to make eggs safer by reducing deaths and illnesses associated with eggs contaminated with the bacteria *Salmonella Enteritidis*. The regulation has two components: requirements that food retailers keep eggs refrigerated, and that egg processors provide on egg cartons a warning that consumers cook raw eggs well before eating.
- **Consumer Product Safety Commission Recall Roundup (April 18):** The Consumer Product Safety Commission is conducting a recall roundup to get hazardous products out of consumers' homes. In 1998, the roundup focused on playpens, bunk beds, halogen floor lamps, hand-held hair dryers, and lawn darts. (NOTE: Mary can get more info. if you're interested in this.)
- **Domestic Violence Event (April/May):** President Clinton created the Advisory Council on Violence Against Women on July 13, 1995. Co-chaired by Attorney General Janet Reno and Secretary of Health and Human Services Donna Shalala, the Council consists of 47 experts -- representatives from law enforcement, media, business, sports, health and social services, and victim advocacy -- working together to prevent violence against women and raise awareness of this pressing problem. The Council will be releasing a new report making recommendations on how to combat domestic violence in late April. We should be receiving a draft of

this report in early April, and we should be able to announce that we could implement a few of these recommendations. Also, the Department of Justice reports that there will be some new statistics coming out on domestic violence in early April. At this time, we could also call for reauthorization of the Violence Against Women Act.

- **Equal Pay Day Event (May 11):** The following are possible announcements that are being explored for a potential Equal Pay Day event: 1)CEA report highlighting case studies of the pay gap over the course of women's careers; 2) interactive website for small businesses to set up retirement plans for their employees; and 3) employer commitments to enhanced recruitment and training efforts to place women in higher paid, non-traditional jobs.
- **Philanthropy/Charitable Deduction Event (May):** The President, and the First Lady, could participate in an event to promote the philanthropy/non-profit tax pieces in the FY 2001 budget request. In addition, the President could announce/release: 1) a Price/Waterhouse/Coopers report for Independent Sector which indicates that a proposal similar to the Administration's would have increased charitable giving by \$2.7 billion, or 2.6%, in tax year 1998 and includes state-by-state info. on the estimated increase of giving; and 2) a CEA report on the role of philanthropy in the economy, including a discussion and interpretation of trends in charitable giving, review of social science research on the factors that affect giving, and an investigation of how the aging of Baby Boomers will affect giving in the future. The Interagency Task Force on Nonprofits and Government is planning to convene their first meeting in May, and the President could also announce this meeting if we schedule an event prior to that date.
- **Teen Pregnancy Prevention/Second Chance Homes:** NOTE: we are working with First Lady's office to figure out how to highlight teen pregnancy prevention efforts and our Second Chance Homes budget initiative as part of the May 2<sup>nd</sup> Youth Conference. Deliverables that could be released or announced at the conference, or alternatively later in May to mark Teen Pregnancy Prevention month, include: 1)An HHS report highlighting the positive trends in teen birth rates, including state-by-state data; 2)Polling data from the National Campaign to Prevent Teen Pregnancy showing that 93% of teens think it is important for society to give teens a strong message that they should abstain from sex until they are at least out of high school and 58% do not think it is acceptable for teens to be sexually active even if they take precautions; 3) An HHS report on the needs of low-income teenage parents and available resources and models for addressing these needs, with a particular focus on second chance homes; 4) A report from the National Campaign to Prevent Teen Pregnancy and Center for Law and Social Policy on "Tapping TANF Funds to Prevent Teen Pregnancy and Promote Youth Development; 5) NOTE: we continue to work with HUD to explore other executive actions on making surplus properties available at a 50 percent discount for groups that want to second chance homes; 6) Release a Presidential Message to mark Teen Pregnancy Prevention Month in May. This could be focused on themes highlighted at the May 2<sup>nd</sup> conference, and will also mark the third anniversary of the National Campaign to Prevent Teen Pregnancy formed in response to the President's challenge in the 1995 State of the

Union.

Executive  
Action

**SONYA N. HEBERT**

11/09/99 10:15:27 AM

Record Type: Record

To: Loretta M. Ucelli/WHO/EOP@EOP, Stephanie A. Cutter/WHO/EOP@EOP

cc:

Subject: article of interest

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The Washington Times

November 07, 1999, Sunday, Final Edition

SECTION: PART C; Pg. C1

LENGTH: 881 words

HEADLINE: Hill leaders complain of Clinton power grab

BYLINE: Dave Boyer; THE WASHINGTON TIMES

BODY:

\*\*\*\*REPUBLICANS EXPECT HIM TO BYPASS  
CONGRESS WITH EXECUTIVE ORDERS, RECESS  
APPOINTMENTS.\*\*\*\*

President Clinton's relationship with the Republican-led Congress, never cozy from the start, is increasingly strained by his use of executive orders and other strategies to bypass the legislative branch.

In interviews, Republicans say the prospect of Mr. Clinton's making wholesale recess appointments after Congress adjourns - a move promoted by congressional Democrats - is only the latest skirmish in a war over the president's trying to legislate unilaterally from the Oval Office.

"I'm concerned not only about appointments but also legislative actions that are really substitutes for legislation," said Senate Majority Whip Don Nickles of Oklahoma. "I'm concerned about him taking executive orders or executive actions that really replace the legislative function of Congress."

The White House has thumbed its nose at Congress this year on a series of high-profile issues.

After the Senate rejected the Comprehensive Test Ban Treaty last month, Secretary of State Madeleine K. Albright sent a letter to foreign leaders assuring them that the United States would continue

to abide by the spirit of the pact.

When Congress created a new agency last month to oversee the government's nuclear weapons program as a response to reports of Chinese spying, Mr. Clinton signed the bill into law. But he added a directive putting Energy Secretary Bill Richardson in charge of what was supposed to be a semiautonomous charter and prompted lawmakers to accuse Mr. Clinton of ignoring the law.

In January, with the Pentagon budgeting \$10 billion over six years for a national missile defense system, the administration nevertheless announced it was delaying deployment until at least 2005.

Also last month, Mr. Clinton issued an executive order for the Forest Service to begin the process of eliminating 40 million acres of federal land from use and development in national forest areas that don't contain roads. The proposal, which does not include comment from Congress, affects 140 national forests in 37 states.

"The Constitution says Congress shall pass all laws," Mr. Nickles said. "The president has some executive powers, but they do not include legislative powers. They do not include taking 40 million acres of land and saying, 'Hmm, I'm going to make this de facto wilderness.'"

Other presidents have made more use of executive powers - Mr. Clinton has averaged 42 executive orders per year. But Republican lawmakers believe that Mr. Clinton has begun to step up the pace of such executive actions as his presidency nears its end.

They say one of his goals is to help the presidential campaign of Vice President Al Gore by appealing to environmentalists with land grabs.

"You can't just arbitrarily go out there and seize land. There's a legislative process, an authorization process, that has to be considered," said Senate Majority Leader Trent Lott of Mississippi. "And he wants, I think, more money for land so Al Gore can sprinkle it around the country next year."

White House spokesman Barry Toiv said the president is acting when Congress refuses to do so.

"The Congress has failed to act on some issues that are critical to the American people," Mr. Toiv said. "The president is going to use the authority of his office to meet those challenges."

Mr. Toiv said he was not referring to the test-ban treaty and the Energy Department reorganization, but to such other issues as the administration's recent proposal for medical privacy regulations.

"Congress has failed to act on medical privacy," Mr. Toiv said. "This is a Congress that is not interested in getting work done on behalf of the American people. The president will continue to act as

appropriate."

Mr. Lott acknowledged that the administration's poor relationship with Congress has led to this point, but he said Mr. Clinton's solution violates the separation of powers.

"I think what he is doing is unconstitutional," Mr. Lott said. "Anything they can't get the Congress to approve, he's just going to do it by executive order. That is absolutely wrong."

Congress does have options.

For example, when Mr. Clinton issued an executive order in 1995 barring federal contractors from hiring striker replacements - a directive that ran counter to existing law - opponents sued and won in federal court.

"If he tries to legislate, we can contest it in court," Mr. Nickles said. "We or other people can tie him up in court, and I think we'll eventually win."

Mr. Nickles also has suggested blocking all Clinton nominations if the president tries to sidestep Congress with a large number of recess appointments.

"I don't know that he's going to do it, but it sounds very much like he's going to be very aggressive," Mr. Nickles said. "I hope that's not the case. If he does recess appointments, he may not get other appointments."

"I hope we don't get into that," Mr. Nickles said. "I'm not looking for that. But I am concerned that there's an agenda by them to do a lot of things during the recess that they can't accomplish through the legislative process. This administration seems to push the envelope on what can be done constitutionally."

## **EXECUTIVE ACTIONS:**

The President continues to use the power of his office to get the job done for the American people.

### **Just last week:**

- **CHIP:** Announced new strategies to enroll at-risk kids in the nation's children's health insurance program.
- **National Forests:** Took executive action to protect for future generations 40 million acres of national forests.
- **Disabled:** Directed federal agencies to take action to hire more people with disabilities and
- **Youth Violence:** Established a White House Youth Violence Council to better protect young people in their schools and communities.

### **This week:**

- **Philanthropy:** Tomorrow, the President will announce the creation of a new Task Force on Nonprofits and Government to support and strengthen the important collaborative efforts of the nonprofit sector and government to encourage philanthropy and convert America's giving into results – helping people in need, providing health care and educating our nation's youth.

### **Upcoming Actions:**

- **Protecting Medical Privacy:** In the coming weeks, the President will take action to protect the medical privacy of the American people and he will take action that will enable states to provide paid leave for new parents.
- **Providing Paid Leave for New Parents:** The President will take action that will enable states to use the Unemployment Insurance system to support parents taking leave to care for a newborn or adopted child.
- **Cleaner Cars and Gasoline:** The President will issue new regulations to improve air quality and protect public health by dramatically reducing pollution from cars, sport utility vehicles (SUV) and light-duty trucks. This rule will strengthen tailpipe standards for cars, SUVs and other vehicles, and reduce sulfur in gasoline.
- **Preventing Fraud:** To crackdown on elder crime, fraud and abuse, the President will announce the first-ever mailing to all U.S. households information on ways to prevent fraud and a new toll-free number for consumers to report fraud.
- **Providing Americans with Information on their Health Care:** Next week, the President will

direct HHS to do a comprehensive study of prescription drug coverage and prices in the United States. This study will help develop solutions to the growing costs of prescription drugs for the nation's seniors.

- **Expanding Americans' Right-to-Know:** The President will announce a final rule that increases Americans' right-to-know about toxic releases in their communities. This rule would expand reporting by 25% of dangerous bioaccumulative toxics, including dioxin and mercury, which are known to cause a variety of public health risks including reproductive disorders and cancer.
- **Increasing Investment in New Markets:** Building on the success of last summer's unprecedented New Markets tour, the President will lead a bipartisan delegation of corporate CEOs, Members of Congress and Cabinet Secretaries on a second New Markets tour to areas in great need of outside capital and support. This tour will help direct the flow of opportunity and investment into some of the most stubborn pockets of poverty in our nation.

THE WHITE HOUSE

WASHINGTON

November 17, 1999

**MEMORANDUM FOR JACK LEW**

**FROM: BRUCE REED**

**SUBJECT: EXECUTIVE ORDER TO BAN DISCRIMINATION AGAINST PARENTS IN THE EXECUTIVE BRANCH**

I am writing to request that you put into expedited clearance the attached Executive Order, pursuant to Executive Order 11030. The proposed Order would prohibit employment discrimination in the executive branch against employees because they are parents or exercise parental responsibilities.

The proposed Executive Order mirrors the "Ending Discrimination Against Parents Act of 1999," legislation that the President announced in his 1999 State of the Union address and was introduced on November 10, 1999 by Senators Dodd and Kennedy. This bill would, for the first time, protect parents and those with parental responsibilities against job discrimination. It does not bar employers from making hiring and promotion decisions on the basis of qualifications or job performance regardless of the employee's parental status, but it does ensure that workers are not discriminated against simply because they are parents or exercise parental responsibilities.

By issuing this Executive Order, the President will hold the Executive Branch as a model for this important new set of protections. The Executive Order would cover employees in the Executive Branch who are biological, adoptive, or foster parents; stepparents; custodians of individuals who are under the age of 18 or who are 18 or older but incapable of self-care because of a mental or physical disability; and those actively seeking custody or adoption of, and those who stand "in loco parentis" for, such individuals. The Order would bar discrimination against covered persons in all aspects of employment, including recruitment, referral, hiring, promotions, discharge, training, and other terms and conditions of employment.

The Order would also prohibit employers in the Executive Branch from acting on mere assumptions that parents, or those with parental responsibilities, cannot satisfy the requirements of a particular position. It would, for example, prohibit employers from:

- taking a parent off the "fast track" due to unsubstantiated concerns that parents cannot meet the requirements of demanding jobs;
- preferring applicants without children over equally or better qualified working parents; or

- refusing to hire single parents under any circumstances.

However, the proposed Order would not prohibit an employer from making decisions on the basis of a person's job performance. The Order would not, for example, prevent an employer from disciplining workers who arrive late, even if an individual is late because of child care responsibilities. The Executive Order also would not bar an employer from rejecting, for a job that requires extensive travel, an applicant who states that he is unwilling to travel because of his parental responsibilities. Thus, the Order would not interfere with an employer's ability to select workers who are able to perform the jobs in question; the Order would simply ensure that workers are not discriminated against simply because they are parents.

Thank you for your assistance in clearing this Order expeditiously, for release as early as November 27, 1999. The staff contact in the Domestic Policy Council is Nicole Rabner, who is reachable at extension 67263.

Draft

## EXECUTIVE ORDER

### FURTHER AMENDMENT TO EXECUTIVE ORDER 11478, EQUAL EMPLOYMENT OPPORTUNITY IN FEDERAL GOVERNMENT

By the authority vested in me as President by the Constitution and the laws of the United States, and in order to provide for a uniform policy for the Federal Government to prohibit discrimination based on an individual's status as a parent, it is hereby ordered that Executive Order 11478, as amended, is further amended as follows:

Section 1. Amend the first sentence of section 1 by substituting "sexual orientation, or status as a parent." for "or sexual orientation."

Sec. 2. Insert the following new sections 6 and 7 after section 5:

"Sec. 6. An individual has the status of a parent, if, with regard to another individual who is under the age of 18 or who is 18 or older but is incapable of self-care because of a physical or mental disability, that individual -

- (a) stands in loco parentis to such other individual; or
- (b) has the status of -
  - (i) a biological parent;
  - (ii) an adoptive parent;
  - (iii) a foster parent
  - (iv) a stepparent;
  - (v) a custodian of a legal ward; or
  - (vi) a person who is actively seeking legal custody or adoption.

"Sec. 7. The Office of Personnel Management shall be responsible for developing and implementing guidance to effectuate the provisions of this order prohibiting discrimination on the basis of an individual's sexual orientation or status as a parent."

Sec. 3. Amend section 4 by substituting "and appropriate to carry out its responsibilities under this Order" for "appropriate to carry out this Order."

Sec. 4. Renumber current sections, 6, 7, and 8 as sections 8, 9, and 10, respectively.

Sec. 5. Add a section 11 to read as follows:

"Sec. 7. This Executive Order does not confer any right or benefit enforceable in law or equity against the United States or its representatives."

WILLIAM J. CLINTON

THE WHITE HOUSE

[date]

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SITUATION ROOM  
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THE WHITE HOUSE  
WASHINGTON DC 20500

Beccia  
Action

"To injure no man,  
but to bless all mankind"

BOSTON • TUESDAY  
NOVEMBER 9, 1999

# THE CHRISTIAN SCIENCE MONITOR

**Civil War stasis** Confederate symbols persist - and irritate - but the South may not be able let go.

**Political facelift** Mexico's dominant PRI (Institutional Revolutionary Party) revamps its image.

**Learning** A good map is easy to find, as high-tech creates more-accurate ways to render the world.

75¢

## CITY'S LIMITS



ROBERT MCCLEARY

**MAYOR GIULIANI:** Unfazed by court rulings against him.

## In Giulianiville, it's a case of law vs. order

By Harry Bruinius  
Special to The Christian Science Monitor

NEW YORK  
JUST his name, Rudolph Giuliani, conjures up two wildly different images.

In one, the leader of America's largest city is the dragon-slayer of urban crime, the

# Clintonian 'tyranny' rankles Hill

■ GOP lawmakers resist what they see as a presidential proclivity to bypass Congress and rule by executive order.

By Francine Kiefer  
Staff writer of The Christian Science Monitor

WASHINGTON - Is America's chief executive governing more like a king than a president?

It's been a mark of the Clinton administration to rule by executive fiat, circumventing a hostile Congress by signing presiden-

tial orders that affect everything from patients' rights to land conservation to a war against Yugoslavia. With one year to go and a presidential legacy at stake, the White House plans to aggressively pursue this strategy, dubbing it "Project Palestra" after the chief of staff who's spearheading it.

But this stroke-of-the-pen style of govern-

ing infuriates Republicans in Congress, who see it as part of a runaway presidency that has been gaining speed for decades. Concerned that the Constitution is being trampled and their power usurped, lawmakers are now considering ways to rein in what they see as over use of presidential directives.

"We've come a long way toward tyranny and the Hill - I hope and pray - is finally waking up," says William Olson, the author of a recent study on the subject. He restated

See CLINTON page 4



## Russia's Caucasus quagmire

■ In its current war, Russia is following a familiar pattern in

## USA

# Lawmakers chafe at Clinton's use of executive orders

CLINTON from page 1

before Congress last month, when the House held two hearings on legislation to restrict the president's use of executive orders. It is the first serious look Congress has taken at this issue since the 1970s, says Olson.

Particularly galling to lawmakers is the president's unilateral action on conservation. They point to a 1997 executive order protecting America's heritage rivers as an example of a Clinton takeover of state and congressional rights. It threatens citizens' property rights and redirects federal funds in ways not authorized by Congress, charges Rep. Jack Metcalf (R) of Washington.

More recently, Mr. Clinton called for regulations to protect 40 million acres of national forest

land, involving restrictions just short of designating the acreage as wilderness. "We allow the president to in effect legislate through executive orders and proclamations. I find this trend deeply disturbing," said Representative Metcalf in testimony last month.

The Constitution speaks only vaguely about the president's powers, designating Congress as the body that makes laws and the executive branch as the one that carries them out. Nowhere does it define or limit the president's power to rule by executive order.

Rule-by-decree goes back to George Washington, who issued benign proclamations such as the nation's first Thanksgiving Day and more constitutionally risky ones such as a declaration of US neutrality in a European war.

The practice blossomed under Theodore Roosevelt, the start of a long line of presidents who came out from under the shadow of Congress to make their own mark as national leaders.

But the record holder for ex-

## Presidential ranking for executive orders

President	Number of executive orders
Dwight Eisenhower**	452
Ronald Reagan**	381
Richard Nixon**	346
Lyndon Johnson	324
Jimmy Carter	320
Bill Clinton*	304
John Kennedy	214
Gerald Ford	169
George Bush	166

\*Current through Aug. 5, 1999

\*\*Served two full terms

Source: "Executive Orders and National Emergencies," William Olson and Alan Wolf, for the Cato Institute.

STAFF

ecutive orders issued - 3,723 - is Franklin D. Roosevelt, a head of state who faced economic depression and a world war. In his 1933 inaugural address, F.D.R. said the urgent needs of the day could justify a "temporary departure" from the normal balance of powers. Perhaps his most notorious executive order was to hold US citizens and residents of Japanese

descent in internment camps during World War II.

The number of executive orders issued by Clinton pales in comparison. Mr. Olson's study shows Clinton had issued 304 executive orders as of August, fewer than two-term Presidents Reagan (381) and Eisenhower (452). The count does not include directives, memos, and proclamations.

It's not the number of orders that's important, however, as much as their scope. "Most presidential orders are trivial" says Terry Moe, an expert at Stanford University in California. "But orders with real substance have gone up over time."

Whether the trend is good or bad depends on one's views. Mr. Moe notes that former Presidents Truman, Eisenhower, Kennedy, and Johnson laid the foundation for the Civil Rights Act with executive orders relating to racial discrimination.

Of course, successive presidents can overturn the orders of their predecessors - and they do. So can the courts, but they have rarely acted against presidents fa-

deral court, however, did strike down a 1995 Clinton order on placement strikers.)

That leaves Congress. Critics of the current system admit they've been willing to compromise in this power tilt.

"A great number of congressmen and senators quietly appreciate the assumed presidential authority to create and enact legislation because it allows them to see their goals accomplished without having to assume political responsibility," said Rep. Ed Paul (R) of Texas recently.

In July, Congressman Paul introduced the Separation of Powers Restoration Act, which calls for restricting a president's power to issue executive orders.

Moe is skeptical that Congress can do much in this area because the body of law to which presidents can turn for their authority is now huge. He expects presidents to keep pushing the boundaries, especially when faced with opposition Congresses.

As for Clinton, he'll likely continue to advance his agenda through such directives. "He make some progress on a variety of fronts and rickety-and-then Congress to death," says Moe.

THE  
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THE OBJECT OF THE MONITOR IS  
TO INJURE NO MAN, BUT TO  
BLESS ALL MANKIND.  
- Mary Baker Eddy

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## Giuliani's quest for social order: a foul of the law?

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quiet but sizable constituency, it amounts for

tened to citizens' concerns, have rediscovered something citizens themselves have known for a long time - that disorderly behavior cre-

speech he finds personally offensive, they say. "He gives the impression that public space is for you and that he will determine who