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Council of Economic Advisers

Hubbard, R. Glenn - Subject Files

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Folder Title:

Office of Management and Budget [6]

Withdrawn/Redacted Material

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DOCUMENT NO.	FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
001	Memorandum	Memorandum - To: Mitch Daniels - From: R. Glenn Hubbard	1	04/25/2001	P5;
002	Note	Hand Written Note - To: R. Glenn Hubbard - From: Mitch Daniels	1	04/28/2001	P5;
003	Memorandum	Copy of Memorandum - To: Mitch Daniels - From: R. Glenn Hubbard	1	04/25/2001	P5;
004	Discussion Paper	Memorandum with attachment - To: Secretary Evans, Larry Lindsay, Glenn Hubbard and Ken Dam - From: Mitch Daniels	6	04/30/2001	P5;
005	Memorandum	Memorandum - To: Department Heads and Agencies - From: Sean O'Keefe	5	04/25/2001	P5;

COLLECTION TITLE:

Council of Economic Advisers

SERIES:

Hubbard, R. Glenn - Subject Files

FOLDER TITLE:

Office of Management and Budget [6]

FRC ID:

5648

RESTRICTION CODES

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PRM. Personal record misfile defined in accordance with 44 U.S.C. 2201(3).

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006	Memorandum	Memorandum - To: Agency Heads - From: Jay P. Lefkowitz	6	04/13/2001	P5;

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

May 14, 2001

MEMORANDUM FOR DESIGNATED AGENCY HEADS
(SEE ATTACHED DISTRIBUTION LIST)

FROM: Jay P. Lefkowitz *JL by MSZ*
General Counsel

SUBJECT: Two Proposed Executive Orders Entitled, Respectively, "Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution or Use" and "Actions to Expedite Energy-Related Projects"

Attached are two proposed executive orders entitled, respectively, "Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution or Use," and "Actions to Expedite Energy-Related Projects," that were prepared by the National Economic Council.

On behalf of the Director of the Office of Management and Budget, I would appreciate receiving any comments you may have concerning this proposal. If you have any comments or objections, they should be received no later than 4:00 p.m. on Tuesday, May 15, 2001. Please be advised that agencies that do not respond by the deadline will be recorded as not objecting to the proposal.

Comments or inquiries may be submitted by telephone to Mr. Mac Reed (202-395-3563) or to Mr. Sai Prakash (202-395-7401) of this office or fax to 202-395-7294.

Thank you.

Attachments - Distribution List
Proposed Executive Orders

cc: Mitch Daniels
Sean O'Keefe
Austin Smythe
Jim Capretta
Robin Cleveland
Dick Emery
Karen Keller
Marcus Peacock
Eric Pelletier
Amy Smith
Chris Ullman

No

objection

Glenn Bullock

05/15/01

DISTRIBUTION LIST

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Department of State

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Assistant to the President
for Domestic Policy

Honorable Diana Furchtgott-Roth
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Council of Economic Advisers

Honorable Alberto R. Gonzales
Counsel to the President

Honorable Lewis Libby
Chief of Staff and Counselor
to the Vice President

Honorable Harriet Miers
Staff Secretary to the President

Honorable Clay Johnson
Director of Presidential Personnel

*Please /
change from
Diana to me
now that confirmation
is ok*

Honorable Larry Lindsey
Director
National Economic Council

Honorable Karen Hughes
Counselor to the President

Honorable Karl Rove
Senior Advisor to the President

Honorable Nick Calio
Assistant to the President and
Director of Legislative Affairs

Honorable Albert Hawkins
Assistant to the President and
Cabinet Secretary

Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution or Use

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to appropriately weigh and consider the effects of the Federal Government's regulations on the supply, distribution, and use of energy, it is hereby ordered as follows:

Section 1. Policy. The Federal Government can significantly affect the supply, distribution, and use of energy. Yet there is often too little information regarding the effects that governmental regulatory action can have on energy. In order to provide more useful energy-related information and hence improve the quality of agency decision making, this executive order requires that agencies prepare a Statement of Energy Effects when undertaking certain agency actions. As described more fully below, such Statements of Energy Effects shall describe the effects on energy supply, distribution or use of certain significant regulatory actions.

Sec. 2. Preparation of a Statement of Energy Effects. (a) To the extent permitted by law, agencies shall prepare and submit a Statement of Energy Effects to the Administrator of the Office of Information and Regulatory Affairs for those matters identified as significant energy actions.

(b) A Statement of Energy Effects shall consist of a detailed statement by the agency responsible for the significant energy action relating to:

(i) any adverse energy effects on energy supply, distribution, or use of the energy (including a shortfall in supply, price increases, and increased use of foreign supplies) should the proposal be implemented, and

(ii) reasonable alternatives to the action with adverse energy effects and the expected effects on energy supply, distribution, and use.

(c) The Administrator of the Office of Information and Regulatory Affairs shall provide guidance to the agencies on the implementation of this order and shall consult with other agencies as appropriate in the implementation of this order.

Sec. 3. Submission and Publication of Statements. (a) Agencies shall submit their Statements of Energy Effects to the Office of Management and Budget whenever they present the related submission under Executive Order 12866 or any successor order.

(b) Agencies shall publish their Statements of Energy Effects, or a summary thereof, in each related Notice of Proposed Rulemaking and in any resulting Final Rule.

Sec. 4. Definitions. For purposes of this Order:

(a) "Regulation" and "rule" have the same meaning as they do in Executive Order 12866 or any successor order.

(b) "Significant energy action" means any action by an agency (normally published in the Federal Register) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including notices of inquiry, advance notices of proposed rulemaking, and notices of proposed rulemaking--

(1) (A) that is a significant regulatory action under Executive Order 12866 or any successor order and

(B) where the action is likely to adversely affect in a material way the supply, distribution or use of energy; or

(2) where the Administrator of the Office of Information and Regulatory Affairs designates the action as a significant energy action.

(c) "Agency" means any authority of the United States that is an "agency" under 44 U.S.C. 3502(1), other than those considered to be independent regulatory agencies, as defined in 44 U.S.C. 3502(10).

Sec. 5. Judicial Review. Nothing in this Executive order shall affect any otherwise available judicial review of agency action. This Executive order is intended only to improve the internal management of the Federal Government and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

THE WHITE HOUSE

, to wit: an agency statement of general applicability and future effect, which the agency intends to have the force and effect of law, that is designed to implement, interpret, or prescribe law or policy or to describe the procedure or practice requirements of an agency. They do not, however, include:

(1) Regulations or rules issued in accordance with the formal rulemaking provisions of 5 U.S.C. 556, 557;

(2) Regulations or rules that pertain to a military or foreign affairs function of the United States, other than procurement regulations and regulations involving the import or export of non-defense articles and services;

(3) Regulations or rules that are limited to agency organization, management, or personnel matters; or

(4) Any other category of regulations exempted by the Administrator of the Office of Information and Regulatory Affairs.

EXECUTIVE ORDER

ACTIONS TO EXPEDITE ENERGY-RELATED PROJECTS

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to take additional steps to expedite the increased supply and availability of energy to our Nation, it is hereby ordered as follows:

Section 1. Policy. The increased production and transmission of energy in an environmentally sound manner is essential to the well being of the American people. In general, it is the policy of this Administration that executive departments and agencies ("agencies") shall take appropriate actions, to the extent consistent with applicable law, to expedite projects that will increase the production and transmission of energy.

Sec. 2. Actions to Expedite Energy-Related Projects. For energy-related projects, agencies shall expedite their review of permits or take other actions as necessary to accelerate the completion of such projects, while maintaining environmental protection. The agencies shall take such actions to the extent permitted by law and regulation, and where appropriate.

Sec. 3. Interagency Task Force. There is established an interagency task force ("Task Force") to monitor and assist the agencies in their efforts to take appropriate actions to help increase production and improve transmission of energy, including efforts to expedite their review of permits or taking other actions as necessary to accelerate the completion of energy-related projects. The Task Force also shall ensure that agencies set up appropriate mechanisms

to coordinate Federal, state, Tribal, and local permitting in geographic areas where increased permitting activity is expected. The Task Force shall be composed of representatives from the Departments of State, the Treasury, Defense, Agriculture, Housing and Urban Development, Justice, Commerce, Transportation, the Interior, Labor, Education, Health and Human Services, Energy, Veterans Affairs, Environmental Protection Agency, and the Central Intelligence Agency, General Services Administration, Office of Management and Budget, Council of Economic Advisers, Domestic Policy Council, and National Economic Council, and such other representatives as may be determined by the Chair of the Council on Environmental Quality. The Task Force would be chaired by the Chair of the Council on Environmental Quality.

THE WHITE HOUSE,

EXECUTIVE OFFICE OF THE PRESIDENT
COUNCIL OF ECONOMIC ADVISERS

Glenn

Cathy brought around this copy, per your request.

I pulled from your files, the original of Mitch's note if you need it.

Please refile

*not
needed.*

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Memorandum	Memorandum - To: Mitch Daniels - From: R. Glenn Hubbard	1	04/25/2001	P5;

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FOIA IDs and Segments:

2014-0342-F

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DIRECTOR MITCH DANIELS
Office of Management and Budget

TO: Glenn Hubbard

RE: CEA FY 2002 Appropriation

DATE: April 30, 2001

PLEASE RESPOND TO DIRECTOR

FYI

APPROPRIATE ACTION

PLEASE RESPOND TO SENDER

Please see attached note.

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EXECUTIVE OFFICE OF
THE PRESIDENT
OFFICE OF MANAGEMENT
AND BUDGET

**STATISTICAL
PROGRAMS
OF THE
UNITED STATES
GOVERNMENT**

FISCAL YEAR

2001

—statistical tabulation, dissemination, or publication of data collected by others;

—construction of secondary data series or development of models that are an integral part of generating statistical series or forecasts;

—management or coordination of statistical operations; and

—statistical consulting or training.

• Major statistical programs differ in organizational structure and in the means by which they are funded. Some major statistical programs, such as labor force statistics and energy statistics, are carried out by agencies (the Bureau of Labor Statistics and the Energy Information Administration, respectively) whose sole missions are statistical; these organizations are referred to as principal statistical agencies and appear as line items in the President's budget. In other cases, agencies have statistical programs that support their program planning and evaluation functions or that are an outgrowth of their administrative responsibilities. In these cases, the budget for statistical activities is a portion of the total appropriation for that agency. In addition, a statistical program is not always executed by the agency that sponsors it. In these instances, the work is done on a reimbursable basis by another Federal statistical agency or by a private organization under contract.

• Whether statistical work is done inside or outside the agency, the direct obligations reflect the level of statistical activities in support of the agency's mission. Table 1 presents direct program funding for FY 1999, FY 2000, and FY 2001 for major statistical programs, by department and agency.

**Table 1. Direct Funding for Major Statistical Programs,
FY 1999–2001**
(In millions of dollars)

Department/Agency	1999 Actual	2000 Estimate	2001 Estimate
AGRICULTURE			
ARS.....	3.5	2.6	2.6
ERS.....	62.5	65.4	55.4
FAS.....	29.7	30.5	31.1
FNS.....	2.0	1.0	17.2
FS.....	14.4	18.2	18.2
NASS.....	104.0	99.3	100.6
NRCS.....	107.3	109.5	117.5
COMMERCE			
BEA.....	43.1	43.8	48.9
CENSUS.....	1,390.7	4,769.8	739.2
Current.....	156.1	160.0	193.8
Periodic.....	1,234.6	4,609.8	545.4
Census 2000.....	1,078.6	4,467.5	392.8
ESA.....	5.3	5.6	5.8
ITA.....	3.7	2.8	5.3
NOAA.....	53.4	54.5	60.6
NMFS.....	30.1	31.2	36.7

**Table 1. Direct Funding for Major Statistical Programs,
FY 1999–2001—Continued**
(In millions of dollars)

Department/Agency	1999 Actual	2000 Estimate	2001 Estimate
DEFENSE			
CORPS.....	4.5	4.4	5.2
DIOR.....	2.2	2.1	2.1
DMDC.....	4.2	6.5	7.3
EDUCATION			
NCES.....	112.4	125.9	137.9
ENERGY			
EH.....	24.0	23.5	23.5
EIA.....	70.2	72.4	75.0
HHS			
ACF.....	35.4	36.4	35.9
AHRQ.....	83.4	95.6	122.4
ATSDR.....	5.0	4.5	4.0
CDC.....	227.7	253.9	274.5
NCHS.....	94.5	105.0	110.0
HCFA.....	15.3	11.0	14.7
HRSA.....	16.0	16.5	18.8
IHS.....	2.6	2.7	2.9
NIH.....	384.1	427.0	443.8
NCI.....	100.3	108.9	113.4
NEI.....	0.8	0.9	1.0
NHLBI.....	59.8	63.5	65.5
NIA.....	5.2	5.5	6.2
NIAAA.....	7.0	9.0	9.0
NIAID.....	40.0	41.0	42.0
NIAMS.....	0.4	0.4	0.4
NICHD.....	25.9	29.5	31.0
NIDA.....	54.2	61.0	63.5
NIDCD.....	2.0	2.0	1.2
NIDDK.....	48.0	54.9	58.2
NIDCR.....	1.8	1.9	1.9
NIEHS.....	30.0	37.0	39.0
NIGMS.....	0.1	0.1	0.1
NIMH.....	6.0	9.0	9.0
NINDS.....	1.5	1.2	1.2
OD.....	1.1	1.2	1.2
OASPE.....	24.0	24.3	24.0
OPA.....	1.6	1.5	1.6
SAMHSA.....	118.3	136.1	128.8
HUD			
Housing.....	1.6	1.6	1.8
OFHEO.....	5.0	6.0	7.0
PD&R.....	31.8	28.2	30.8
P&IH.....	8.5	13.5	7.5

**Table 1. Direct Funding for Major Statistical Programs,
FY 1999-2001—Continued**
(In millions of dollars)

Department/Agency	1999 Actual	2000 Estimate	2001 Estimate
INTERIOR			
FWS	3.3	3.8	9.0
MMS	2.3	2.8	2.9
NPS	1.6	1.6	1.6
BoR	3.3	3.3	3.3
USGS	60.1	54.8	65.9
JUSTICE			
BJS	29.7	30.1	38.4
BoP	10.6	7.9	8.2
DEA	0.5	1.0	1.0
FBI	5.1	5.3	5.5
INS	2.0	2.8	3.0
LABOR			
BLS	397.7	413.2	453.6
ESA	5.0	3.1	4.1
ETA	81.9	130.1	155.1
MSHA	2.5	2.5	3.9
OASP	1.5	2.9	1.5
OSHA	17.3	25.5	28.5
TRANSPORTATION			
BTS	31.0	31.0	31.0
FAA	3.2	3.0	3.0
FHWA	31.0	27.3	25.4
FRA	2.4	2.5	2.6
FTA	2.3	2.5	2.5
MARAD	1.8	1.8	1.9
NHTSA	21.7	21.0	34.8
OST	1.1	1.3	1.4
RSPA	5.6	6.7	7.0
TREASURY			
Customs	13.7	14.1	14.6
IRS	39.8	45.1	47.6
OR	11.8	13.9	14.2
SOI	28.0	31.2	33.4
VETERANS AFFAIRS			
VHA	70.7	77.3	82.1
VBA	1.5	1.5	1.6
NCA	0.2	0.2	0.2
OPA	5.0	5.4	8.0
OTHER AGENCIES			
AID	18.1	19.0	19.0
CPSC	6.0	6.0	7.0

**Table 1. Direct Funding for Major Statistical Programs,
FY 1999-2001—Continued**
(In millions of dollars)

Department/Agency	1999 Actual	2000 Estimate	2001 Estimate
EEOC	1.0	1.0	1.0
EPA	191.9	184.2	180.4
FEMA	1.5	2.8	3.6
NASA	16.9	16.9	16.9
NSF	70.8	75.6	86.9
SRS	14.3	14.9	16.9
SBA	0.8	1.1	1.5
SSA	6.6	6.6	7.0
Total	4,166.4	7,741.2	3,944.4
Total w/o Census 2000	3,087.8	3,273.7	3,551.6

Note: Figures shown in Table 1 have been provided by the agencies and are derived from the program and financing schedules for these agencies in the President's FY 2001 budget. The amounts for BJS and NCES include estimated salaries and expenses that are not directly appropriated. The FY 2001 amount for BLS includes \$20.7 million in budget authority for activities transferred from ETA. Components may not add to stated totals because of rounding.

Highlights of Congressional Action on the President's FY 2000 Budget Request

The figures for FY 2000 in Table 1 reflect Congressional action on the President's budget request for funding of statistical activities. The following are highlights of the impact of these appropriation levels on the programs of the principal statistical agencies:

Bureau of the Census: The FY 2000 appropriation of \$4.8 billion was \$36 million below the President's request. As a result of this decrease, the Current Industrial Reports program was curtailed, the implementation of the North American Industry Classification System (NAICS) in current economic surveys was postponed and the development of historic time series data for NAICS service industries was abandoned, the last wave of the 1996 Survey of Income and Program Participation (SIPP) was canceled, and the planned conversion of the automated survey questionnaire and control systems from DOS-based software to a graphical user interface based software was delayed. The Medicare, Medicaid, and State Children's Health Insurance Act also appropriated an additional \$10 million to the Census Bureau to produce statistically reliable annual state data on the number of low-income children who do not have health insurance coverage. Under the Personal Responsibility and Work Opportunity Reconciliation Act of 1996, the Census Bureau continues to receive funds to produce data from the Survey of Program Dynamics to evaluate the effects of the act.

JANET L. NORWOOD

ORGANIZING TO COUNT

Change in the Federal
Statistical System

THE URBAN INSTITUTE PRESS
Washington, D.C.

growing concerns of the economics and statistics professions about the nation's data system, established a Working Group on Statistics which he himself chaired. The Working Group concentrated initially on programmatic and budget issues but soon found itself faced with the age-old issue of statistical organization. A subcommittee of the Working Group was charged with looking into the possible elimination of duplication, determination of cost savings, or improvements in quality that might result from a change in the organization of the statistical system. The subcommittee reviewed much of the ground that had been covered in previous reviews of the U.S. system and added yet another review of the systems in place in other countries. The atmosphere this time around was quite different from before. Many of the statistical agencies had suffered budget reductions during the Reagan years, the difficult-to-measure service-producing sector of the economy was growing, and response to the decennial Census mailing was considerably lower than in the past. Many of the senior office chiefs in the large statistical agencies, rather than opposing change because of turf worries, had expressed the view that consolidation of at least the four largest agencies—Census, BLS, National Agricultural Statistical Service, and Bureau of Economic Analysis—would help to shore up the system.

Nevertheless, the Working Group decided against any organizational change. One reason was that any savings from consolidation, especially during the early years, would not be large and could be secured from legislation to change confidentiality laws to permit the sharing of data between agencies for statistical purposes. They were also concerned that the political problems involved in organizational change could be time-consuming, traumatic and costly.

Instead, the Boskin Working Group concentrated on program enhancement primarily through budget increases, recommended that the President request "sharing" legislation, and suggested once again that OMB consider development of one or more business establishment lists that could be used by all the agencies in the system. The President's budget for 1991 and later years reflected the Working Group's priorities and requested increases for statistical programs. The President's budget message for that year also included reference to the submission of new "sharing" legislation. In addition, funds were added to develop a Center for Statistical Survey Education in the Washington, D.C. area to train people who work in statistical agencies.

* * *

Table 2.2. COMMITTEES, COMMISSIONS AND STUDY GROUPS: 1903-1990

Date	Name	Recommendations (and their fate)
1903	Commission appointed by Secretary of Treasury	For some consolidation of statistical units but against centralization. No action taken.
1908	Commission appointed by Secretary of Commerce and Labor	Against consolidation of Census and Bureau of Statistics (formerly of Treasury); in favor of establishing a coordinating committee. Committee established, but did nothing.
1922	Bureau of Efficiency	For centralized Bureau of Statistics to increase efficiency. Report referred to Advisory Committee on Census which opted against centralization.
1933	Committee on Government Statistics and Information Services (COGSIS) established by American Statistical Association and Social Science Research Association	For continuation of decentralized system but expanding Central Statistical Board power to coordinate statistics—to advise but not control action. Central Statistical Board in 1940 converted into Division of Statistical Standards in Bureau of the Budget (now Office of Management and Budget OMB).
1948	Mills-Long Report for Hoover Commission	For centralizing repetitive, large-scale surveys in Census Bureau, otherwise continuing system as it was, and establishing independent Office of Statistical Standards (OSS) in Executive Office of President with Presidentially appointed head. OSS left in Bureau of the Budget. No action taken to centralize large scale surveys in the Census Bureau.
1955	Internal Bureau of Budget review of Mills-Long recommendations	Pointed out problems of centralization. No action taken.
1966	Kaysen Committee established by Bureau of the Budget	For gradual centralization of non-administrative statistics and establishment of National Data Center. Recommended new Director of the Federal Statistical System in the Executive Office of the President to coordinate the system and the National Data Center. Proposed moving the Census Bureau from the Department of Commerce to the Executive Office of the President, to function under the new Director of the Federal Statistical System. Recommendations not implemented.

Table 2.2. COMMITTEES, COMMISSIONS AND STUDY GROUPS: 1903-1990
(Continued)

Date	Name	Recommendations (and their fate)
1971	Wallis Commission established by President Nixon	For broadening the scope of coordination, and establishing a system of auditing, and establishing Committee on National Statistics (CNSTAT) at the National Research Council to advise OMB. CNSTAT established. Develops reviews for advice to individual agencies but has not been used as an advisor to OMB.
1970s	Subcommittee of the Council of Economic Advisors chaired by Burton Malkiel	For centralization but no agreement on degree. Finally suggested centralization into 10 statistical agencies and strengthening Office of Statistical Policy. Recommended appointment of Committee of Outside Advisors. No action taken.
1971	President's Departmental Reorganization Proposals	For consolidating federal domestic functions into four new Departments, in particular, a new Department of Economic Affairs to include the Bureau of Economic Analysis, Census Bureau, Bureau of Labor Statistics, National Agricultural Statistical Service, Economic Research Service from the statistical system and several other scientific organizations. Submitted to Congress but no action taken.
1976	Joint Ad Hoc Committee on Government Statistics	For strengthening coordination or moving toward centralization. Recommended further study in cooperation with CNSTAT. CNSTAT commissioned Report
1976	Eckler-Mills Report for Committee on National Statistics	For more centralization and better coordination. No action taken.
1977	President's Reorganization Project headed by James Bonnen. Followed congressional action eliminating Office of Statistical Policy from OMB and placing part of its responsibilities in the Department of Commerce.	For establishment of an enlarged Office of Statistical Policy with enhanced status and responsibilities in the Executive Office of the President. Plan submitted to Congress at end of Carter Administration. No action taken.

Table 2.2. COMMITTEES, COMMISSIONS AND STUDY GROUPS: 1903-1990
(Continued)

Date	Name	Recommendations (and their fate)
1980	Paperwork Reduction Act	Passed, Transferred Statistical Policy back to OMB but as part of Office of Information and Regulatory Affairs (OIRA). Statistical Policy became a branch in OIRA.
1985	Bruce Chapman proposal to Edwin Meese with request that it be forwarded to Cabinet Council for Domestic Policy. Chapman and Meese both on White House staff.	For consolidation of Statistical Policy of eight agencies—Census, BEA, BLS, NASS, EIA, NCHS, NCES, and BJS—into a new U.S. Statistics Agency, USSA. All OMB statistical policy functions to be merged with the office of U.S. Statistics Agency. Administrator, an Executive Level II official appointed by President with consent of Senate. Establishment of a Statistical Advisory Board of Government officials to represent interests of the departments; Board would be advisory to USSA, but could send advice to President independently of USSA. No action taken.
1990	Working Group of the Cabinet Council for Economic Policy, chaired by Michael Boskin, Chairman of Council of Economic Affairs	Against consolidation; savings would be small and change not considered worth the cost in disruption.

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Memorandum - To: Department Heads and Agencies - From: Sean O'Keefe	5	04/25/2001	P5;

**This marker identifies the original location of the withdrawn item listed above.
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COLLECTION:

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SERIES:

Hubbard, R. Glenn - Subject Files

FOLDER TITLE:

Office of Management and Budget [6]

FRC ID:

5648

OA Num.:

1551

NARA Num.:

1403

FOIA IDs and Segments:

2014-0342-F

RESTRICTION CODES

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- P1 National Security Classified Information [(a)(1) of the PRA]
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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

April 26, 2001

MEMORANDUM FOR DESIGNATED AGENCY HEADS
(SEE ATTACHED DISTRIBUTION LIST)

FROM: Jay P. Lefkowitz *JPL* 4/26/01
General Counsel

SUBJECT: Proposed Executive Order Entitled "President's Commission to Strengthen Social Security"

Attached is a proposed Executive order entitled "President's Commission to Strengthen Social Security," that was prepared by the White House National Economic Council.

On behalf of the Director of the Office of Management and Budget, I would appreciate receiving any comments you may have concerning this proposal. If you have any comments or objections, they should be received no later than 2:00 p.m. on Friday, April 27, 2001. Please be advised that agencies that do not respond by the deadline will be recorded as not objecting to the proposal.

Comments or inquiries may be submitted by telephone to Mr. Mac Reed (202-395-3563) of this office or fax to 202-395-7294.

Thank you.

Attachments - Distribution List
Proposed Executive Order

cc: Mitch Daniels
Sean O'Keefe
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Assistant to the President and
Director of Legislative Affairs

Executive Order

President's Commission to Strengthen Social Security

By the authority vested in me as President by the Constitution and laws of the United States of America, and to preserve Social Security for senior Americans while building wealth for younger Americans, it is hereby ordered as follows:

Section 1. Establishment. There is established a President's Commission to Strengthen Social Security ("Commission").

Sec. 2. Membership. The Commission shall be composed of fourteen members appointed by the President, of which no more than seven shall be members of the same political party. The President shall also designate two members of the Commission to act as co-chairs. The two co-chairs shall not be members of the same political party.

Sec. 3. Mission. The mission of the Commission shall be to develop a bipartisan proposal to modernize and restore fiscal soundness to Social Security according to the following principles: (a) Modernization must not change Social Security benefits for retirees or near-retirees;

(b) The entire Social Security surplus must be dedicated to Social Security only;

(c) Social Security payroll taxes must not be increased;

(d) Government must not invest Social Security funds in the stock market;

(e) Modernization must preserve Social Security's disability and survivors components; and

(f) Modernization must include individually controlled, voluntary personal retirement accounts, which will augment the Social Security safety net.

Sec. 4. Administration (a) Members of the Commission shall serve without any additional compensation for their work on the Commission. However, members appointed from among private citizens of the United States may be allowed travel expenses, including per diem in lieu of subsistence, to the extent funds are available therefor.

(b) The Commission shall have a staff headed by an Executive

Director, who shall be selected by the President. To the extent permitted by law, funding for the Commission shall be provided by the Social Security Administration. Also to the extent permitted by law, office space, analytical support and additional funding for the Commission shall be provided by Executive Branch departments and agencies as directed by the President.

(c) The Commission shall receive input from and provide briefings to the Congress, by procedures determined by the President in consultation with the congressional leadership. Public hearings shall be held at the call of the co-chairs, in consultation with the President.

Sec. 5. Reports. The Commission shall submit reports as follows:

(a) Interim Report. An interim report shall describe the challenges facing the Social Security system and the criteria by which the Commission will evaluate reform proposals. These criteria may include but are not limited to: solvency, sustainability, benefit adequacy, fair treatment across generations and demographic groups, total annual cost obligations, net annual impact on the federal budget, impact upon national savings, impact on workforce participation, impact on employer-provided pension plans, rates of return, and protections against poverty.

(b) Final Report. The final report will set forth the Commission's recommendations regarding how to strengthen Social Security with personal accounts. The Commission shall submit its final report during the fall of 2001. The submission date shall be determined by the co-chairs in consultation with the President.

Sec. 6. Termination. The Commission shall terminate thirty days after submitting its final report.

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FORM	SUBJECT/TITLE	PAGES	DATE	RESTRICTION(S)
Memorandum	Memorandum - To: Agency Heads - From: Jay P. Lefkowitz	6	04/13/2001	P5;

**This marker identifies the original location of the withdrawn item listed above.
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EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

April 26, 2001

OK
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MEMORANDUM FOR DESIGNATED AGENCY HEADS
(SEE ATTACHED DISTRIBUTION LIST)

FROM:

Jay P. Lefkowitz
General Counsel

JPL 4/26/01

SUBJECT:

Proposed Executive Order Entitled "Amendment to Executive Order 13183, Establishment of the President's Task Force on Puerto Rico's Status"

Attached is a proposed Executive order entitled "Amendment to Executive Order 13183, Establishment of the President's Task Force on Puerto Rico's Status," that was prepared by this office.

On behalf of the Director of the Office of Management and Budget, I would appreciate receiving any comments you may have concerning this proposal. If you have any comments or objections, they should be received no later than close of business today, April 26, 2001. Please be advised that agencies that do not respond by the deadline will be recorded as not objecting to the proposal.

Comments or inquiries may be submitted by telephone to Mr. Mac Reed (202-395-3563) of this office or fax to 202-395-7294.

Thank you.

Attachments - Distribution List
Proposed Executive Order

cc: Mitch Daniels
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Assistant to the President and
Director of Legislative Affairs

EXECUTIVE ORDER

AMENDMENT TO EXECUTIVE ORDER 13183, ESTABLISHMENT OF THE
PRESIDENT'S TASK FORCE ON PUERTO RICO'S STATUS

By the authority vested in me as President by the Constitution and the laws of
of the United States of America, and in order to extend by three months the time in which the
President's Task Force on Puerto Rico's Status is to report to the President on the progress made
in the determination of Puerto Rico's ultimate status, it is hereby ordered that section 4 of
Executive Order 13183 is amended by deleting "May 1, 2001" and inserting in lieu thereof
"August 1, 2001".

THE WHITE HOUSE,



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

February 28, 2001

MEMORANDUM FOR DESIGNATED AGENCY HEADS
(SEE ATTACHED DISTRIBUTION LIST)

FROM: Rosalyn J. Rettman *RJR*
Acting General Counsel

SUBJECT: Proposed Executive Order Entitled "Further Amendment to Executive Order 10000, Regulations Governing Additional Compensation and Credit Granted Certain Employees of the Federal Government Serving Outside the United States"

Attached is a proposed Executive order entitled "Further Amendment to Executive Order 10000, Regulations Governing Additional Compensation and Credit Granted Certain Employees of the Federal Government Serving Outside the United States," that was prepared by the Office of Personnel Management.

On behalf of the Director of the Office of Management and Budget, I would appreciate receiving any comments you may have concerning this proposal. If you have any comments or objections, they should be received no later than close of business Monday, March 5, 2001. Please be advised that agencies that do not respond by the deadline will be recorded as not objecting to the proposal.

Comments or inquiries may be submitted by telephone to Mr. Mac Reed (202-395-3563) of this office or fax to 202-395-7294.

Thank you.

Attachments - Distribution List
Proposed Executive Order

cc: Mitchell Daniels, Jr. Karen Keller
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Honorable Lewis Libby
Chief of Staff and Counselor
to the Vice President

Honorable Harriet Miers
Staff Secretary to the President

EXECUTIVE ORDER

FURTHER AMENDMENT TO EXECUTIVE ORDER 10000, REGULATIONS GOVERNING ADDITIONAL COMPENSATION AND CREDIT GRANTED CERTAIN EMPLOYEES OF THE FEDERAL GOVERNMENT SERVING OUTSIDE THE UNITED STATES

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to give effect to the terms of a recent settlement agreement relating to additional compensation for Federal employees working in non-foreign areas outside the continental United States, it is hereby ordered that Executive Order 10000, as amended, is further amended as follows:

Section 1. Section 201 is amended by striking “(a)” and by striking “, and (b) the words ‘section 207 of the Act’ have the meaning set forth in section 101 hereof”.

Sec. 2. Section 205 is amended by striking “(a)” and by striking subsection (b).

Sec. 3. Section 210 is amended:

(a) by striking “, but at least annually,”; and

(b) by striking “if program or methodology revisions would substantially reduce an established differential or allowance rate, then”.



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

JAN 16 2001

MEMORANDUM FOR REGULATORY POLICY OFFICERS AT EXECUTIVE
DEPARTMENTS AND AGENCIES
MANAGING AND EXECUTIVE DIRECTORS OF CERTAIN
AGENCIES AND COMMISSIONS

FROM:

Donald Arbuckle

A handwritten signature in black ink, appearing to read "D. Arbuckle", written over the printed name.

SUBJECT:

April 2001 *Unified Agenda of Federal Regulatory and Deregulatory
Actions*

This memorandum describes guidelines and procedures for publishing the April 2001 *Unified Agenda of Federal Regulatory and Deregulatory Actions* (see Attachment). As you know, publication of the Agenda represents a key component of the regulatory planning mechanism prescribed in Executive Order 12866 "Regulatory Planning and Review" of September 30, 1993 (58 FR 51735; October 4, 1993).

As you prepare your Unified Agenda submission, please remember our underlying objectives. The Executive Order emphasized better planning and coordination of the regulatory process and also stressed the need to make the regulatory process more accessible and open to the public. The Agenda and the Plan contribute significantly to achieving these objectives.

We also urge you to keep in mind the need for better communication with the public. You can find extensive online guidance on improving communication at <http://www.plainlanguage.gov>.

The Regulatory Information Service Center will prepare the April 2001 Agenda from the ROCIS data base system. Agencies that submit data in an electronic form should access ROCIS through the Internet, following the Center's instructions.

Once again we ask that you indicate whether each regulatory action has "federalism implications" as defined in Executive Order 13132 "Federalism" issued on August 4, 1999 (64 FR 43255; August 10, 1999). The term "federalism implications" refers to actions "that have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government." Independent agencies are encouraged to answer this question, but are not required to do so.

Agencies that use the Agenda to report reviews of existing regulations under section 610(c) of the Regulatory Flexibility Act (5 U.S.C. chapter 6) will again be able to report current reviews, completions of reviews, and actions that are the result of completed reviews. Please read carefully the attached guidelines and procedures for an explanation of how this information will

appear in the Unified Agenda. It is important to understand that the information you provide in each Agenda entry should apply to the current activity you are reporting and not to the underlying rule that you are reviewing or amending.

Please update the information that appeared in the October 2000 Regulatory Plan and Agenda and submit the required information for new items, including any actions that both began and ended since then.

The attachments to this memorandum include all the materials you need to prepare your submissions. They explain in detail how to prepare your Agenda submission, whether you enter your information directly into the data base, transmit a complete electronic data file, or submit your information on paper forms. Please follow carefully the procedures explained in the attachments and be sure to include all required documents with your submissions.

It is very important that your agency submit all Unified Agenda materials by February 23, 2001. Late submission could jeopardize timely publication. Please be sure that your submissions are accurate and complete as of that date; we may not be able to make changes submitted later.

You may direct any questions regarding the content of agency plans or agendas to the appropriate desk officer in the Office of Information and Regulatory Affairs, Office of Management and Budget. Please direct your submissions, as well as requests for additional materials and production questions, to the Regulatory Information Service Center, General Services Administration, 1800 F Street NW., Suite 3039, Washington, DC 20405, (202) 482-7340.

Thank you for your cooperation and prompt attention.

Attachments

cc: Heads of Executive Departments
Certain Agencies and Commissions
Regulatory Working Group

Guidelines and Procedures for the April 2001 Unified Agenda of Federal Regulatory and Deregulatory Actions

Why Is the Unified Agenda Published?

All executive departments and establishments subject to Executive Order No. 12866 "Regulatory Planning and Review" of September 30, 1993 (58 FR 51735; October 4, 1993) are required by section 4(b) to publish a regulatory agenda every 6 months. The *Unified Agenda of Federal Regulatory and Deregulatory Actions* is a compilation of these agendas. In addition, the Unified Agenda furthers the purposes of the Regulatory Flexibility Act (5 U.S.C. 602 and 605).

What Regulations Should Agencies Include in Their Agendas?

Regulatory agendas should describe all regulations under development or review during the 12 months following publication. This includes, at a minimum, any plans to publish or otherwise implement an Advance Notice of Proposed Rulemaking, a Notice of Proposed Rulemaking, or a Final Rule. Agencies may include any plans to conduct a review pursuant to 5 U.S.C. 610(c) or section 5 of Executive Order 12866. An agency need not include in its regulatory agenda those rulemaking actions that are excluded by section 3(d)(1)-(4) of Executive Order 12866.

How May Agencies Use the Unified Agenda to Comply with the Periodic Review Requirements of the Regulatory Flexibility Act?

Some agencies choose to use the Unified Agenda to publish notices of the rules they have selected for periodic review under section 610(c) of the Regulatory Flexibility Act. For those agencies, note that section 610(c) of the Act states:

"Each year, each agency shall publish in the Federal Register a list of the rules which have a significant economic impact on a substantial number of small entities, which are to be reviewed pursuant to this section during the succeeding twelve months. The list shall include a brief description of each rule and the need for and legal basis of such rule and shall invite public comment upon the rule."

To facilitate this process, the Unified Agenda provides agencies a means of identifying these entries. By responding to the Section 610 Review question, you may select one of the following labels to append to the title, highlighting this designation in agency tables of contents and existing indexes, and listing these entries in a separate index.

(Section 610 Review) -- To report a planned or current review in the prerule part of the agency's agenda. If you identify rules for review under section 610(c), we remind you to include in those entries "a brief description of each rule and the need for and legal basis of such rule." Also, you should "invite public comment upon the rule" in your agency's preamble to the Agenda.

(Completion of a Section 610 Review) -- To report the completion of a review in the completed actions part of the agency's agenda.

(Rulemaking Resulting From a Section 610 Review) -- To report a rulemaking that is the result of a review.

The information that you provide in each Agenda entry should apply to the current activity you are reporting and not to the underlying rule that the agency is reviewing or amending. In particular, the question about whether a regulatory flexibility analysis is required refers to the current action, not the original rule.

The General Accounting Office issued a report on agencies' use of the Unified Agenda for complying with section 610(c) and their interpretations of the review requirements (GAO/GGD-99-55; B-282127; April 1999).

How Should an Agency Prepare Its Data for Publication in the Unified Agenda?

Agencies participating in the Unified Agenda should publish their respective portions in the uniform format specified in the instructions of the Regulatory Information Service Center (RISC). RISC edits and compiles the Unified Agenda on behalf of OIRA.

Agencies have three alternative methods to prepare data on individual entries for publication in the Unified Agenda:

(1) Direct Entry. The agency establishes a connection through the Internet between one or more of its own computer terminals and the Unified Agenda data base, which is on the RISC-OIRA Combined Information System (ROCIS). Agency personnel should enter data directly into ROCIS. For preparation of the April 2001 Unified Agenda, ROCIS will be protected by a security procedure.

(2) Data File. An agency that stores its Agenda data in its own data base may choose to send the data to RISC in a single electronic transmission. Agency personnel prepare a file according to the specific file format prescribed by RISC for this option. The agency then establishes a connection through the Internet between one of its own computer terminals and the Unified Agenda data base, which is on ROCIS. The agency personnel then use ROCIS to transmit the prepared file. If you are interested in data file submission, contact RISC for further information.

(3) Paper Forms. The agency chooses to submit its agenda entries on paper forms and the RISC staff arranges for keying the data into ROCIS. For entries that will appear for the first time in the April 2001 Agenda, you should use Regulatory Information Data Forms marked "4/2000 Edition." To update entries that appeared in the October 2000 Unified Agenda, you should submit marked copies of "Agenda Review Reports" which you have printed from ROCIS.

It is important that you provide in the Timetable section of every entry that is not a completion an estimated date for the "Next Action" -- the first action scheduled to occur on or after April 1, 2001.

For each agency that prepares its agenda by (1) Direct Entry or (2) Data File, ROCIS provides to the agency's agenda contact staff the ability to generate and print out on the agency's own printers all of the agency's entries and an error report. You should use the error report to correct any errors and supply any missing data. When the agency is satisfied that its entries are complete and accurate, a designated person at the agency will be able to submit the entries to RISC electronically through ROCIS.

Direct Entry and Data File agencies should enter their preambles directly into ROCIS. The required, signed copies (see below) should be printed by the agency directly from ROCIS.

For further information about these procedures, please contact RISC.

What Documents Should an Agency Submit?

Each agency participating in the Unified Agenda should submit the following documents to RISC.

(1) One signed original and two certified copies of the preamble to its regulatory agenda. (Please note that the signature is required to be that of the person whose name and title are typed in the document's signature block. One person may not sign for another person.) The preamble must meet the normal requirements for printing in the *Federal Register*, including a list of CFR chapters pertaining to the agency.

(2) (*Only for agencies that choose to submit their data on paper forms*) A paper copy of the agency's agenda entries. New entries should be on Regulatory Information Data Forms. Repeating entries should be on marked copies of "Agenda Review Reports" that the agency has obtained from RISC.

(3) A letter addressed to the Office of the Federal Register (see sample letter) authorizing RISC to assemble the agency's agenda and authorizing the Government Printing Office (GPO) to bill the agency for printing its portion of the Unified Agenda. The letter should include the agency's billing code.

When and How Should Agencies Submit Their Agendas?

The deadline for submission of all completed agenda materials is February 23, 2001.

Agencies should submit the applicable forms and other required documents to the Regulatory Information Service Center (MI), General Services Administration, 1800 F Street NW., Suite 3039, Washington, DC 20405; telephone (202) 482-7340.

RISC will then assemble the entire Unified Agenda and ensure that each agency agenda are compiled and forwarded to GPO for printing in a single day's issue of the *Federal Register*. Each agency will be able to obtain reprint copies of its individual agenda through the GPO procurement process.

How Can Agencies Obtain Further Information?

For further information concerning the content requirements of agency agendas, contact your agency's desk officer in the Office of Information and Regulatory Affairs, Office of Management and Budget.

For further information concerning automated agenda production, specific data requirements, format, completion, or submission of agency agendas, contact the Regulatory Information Service Center; telephone (202) 482-7340.



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

October 18, 2001

MEMORANDUM FOR DESIGNATED AGENCY HEADS
(SEE ATTACHED DISTRIBUTION LIST)

FROM: Jay P. Lefkowitz *JPL*
General Counsel

SUBJECT: Proposed Executive Order Entitled "2001 Amendments to the Manual For Courts-Martial, United States"

Attached is a proposed executive order entitled "2001 Amendments to the Manual For Courts-Martial, United States," that was prepared by the Department of Defense.

On behalf of the Director of the Office of Management and Budget, I would appreciate receiving any comments you may have concerning this proposal. If you have any comments or objections, they should be received no later than close of business, Thursday, November 1, 2001. Please be advised that agencies that do not respond by the deadline will be recorded as not objecting to the proposal.

Comments or inquiries may be submitted by telephone to Mr. Scott Laragy (202-395-7235) of this office or fax to 202-395-6974.

Thank you.

Attachments - Distribution List
Proposed Executive Order

cc:	Mitch Daniels	Dick Emery	Angela Styles
	Sean O'Keefe	Mark Forman	Chris Ullman
	Austin Smythe	John Graham	
	Lloyd Blanchard	Marcus Peacock	
	Jim Capretta	Eric Pelletier	
	Robin Cleveland	Amy Smith	

*CEA has no
comments DHE*
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