

Since 1993, this Administration has sought to raise standards for students and increase accountability in public education while investing more resources in elementary and secondary schools. The 1994 enactment of Goals 2000 and the reauthorization of the Elementary and Secondary Education Act ("ESEA") created a framework for a nationwide movement for standards-based reform, coupling challenging academic standards set by States, accountability for individual schools for helping *all* students meet the standards, with local initiatives throughout the Nation to help all students reach those standards.

These efforts, representing a partnership of local, State and the national government with parents, teachers, community and business leaders, are paying off. The latest results from the National Assessment of Education Progress ("NAEP") report gains in math and reading achievement, including particularly progress for low-achieving students and for students in our highest-poverty schools.

Yet despite these gains, there is still more to be done. There are still too many schools that are failing to provide a high-quality education to our children. A crucial element in our national strategy to improve education is to identify low performing schools and provide them with the assistance needed to improve. In 1997, as a result of the implementation of key requirements in Title I of the ESEA, States have identified more than 7,000 low-performing schools. This number will grow in coming years, as States more fully implement higher standards and aligned assessments.

Local communities and States bear the primary responsibility for turning around low-performing schools. Together, they must take the steps already demonstrated to work. Provide each school with highly qualified teachers who receive research-based, high quality professional development, and with principals capable of providing the necessary leadership. Help parents become meaningfully involved in the school and in their child's learning at home. Help ensure that the school is safe and orderly. Implement a challenging curriculum and proven instructional practices, aligned with State standards. Provide students who need it with extra help and additional instructional time. Use data to improve instruction and guide the overall school improvement effort. Maintain a clear focus on results.

The Federal government can and should play a role as well, by providing the resources, tools and leadership necessary to assist States and local school districts. In 1999 the President proposed and Congress enacted the Education Accountability Fund, providing \$134 million to help states and school districts turn around low-performing schools. This is an important first step, but the Federal government must do more to help schools identified as low-performing get the help they need to succeed.

Accordingly by the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. (a) *Technical Assistance and Capacity Building*. The Secretary shall work with State and local educational agencies to develop and implement a comprehensive strategy for providing technical assistance and other assistance to States and local school districts to strengthen their capacity to improve the performance of schools identified as low performing. This comprehensive strategy shall include a number of steps, such as--

(1) Providing States, school districts, and schools receiving funds from the Fund, as well as other districts and schools identified for school improvement or corrective action under title I, with access to the latest research and information on best practices, including research on instruction and educator professional development, and with the opportunity to learn from exemplary schools and exemplary State and local intervention strategies and from each other, in order to improve achievement for all students in the low-performing schools.

(2) Determining effective ways of providing low-performing schools with access to resources from other Department of Education programs, such as funds from the Comprehensive School Reform Demonstration Program, the Reading Excellence Act, the Eisenhower Professional Development Program, the Class Size Reduction Program, and the 21st Century Community Learning Centers Program, and to make effective use of these funds and Title I funds.

(3) Providing States and local education agencies with information on effective strategies to improve the quality of the teaching force, including strategies for recruiting and retaining highly qualified teachers into high poverty schools, and implementing research-based professional development programs aligned with challenging standards

(4) Helping States and school districts build partnerships with technical assistance providers, including, but not limited to, federally funded laboratories and centers, foundations, businesses, community-based organizations, institutions of higher education, reform model providers, and other organizations that can help local schools improve.

(5) Identifying previously low-performing schools that have made significant achievement gains, and States and school districts that have been effective in improving the achievement of all students in low-performing schools, which can serve as models and resources.

(6) Providing assistance and information on how to effectively involve parents in the school-improvement process, including effectively involving and informing parents at the beginning of the school year about improvement goals for their school as a whole and the goals for their own children, and reporting, at the end of the year, on progress made in achieving school and child-specific goals.

(7) Providing States and local educational agencies with information on effective approaches to school accountability, including the effectiveness of such strategies as school reconstitution, peer review teams, and financial rewards and incentives.

(8) Providing local educational agencies with information and assistance on the design and implementation of approaches to choice among public schools that create incentives for improvement throughout the local educational agency, especially in the lowest-performing schools, and that maximize the opportunity of students in low-performing schools to attend a higher-performing public school.

(9) Exploring the use of well-trained tutors to raise student achievement through initiatives such as "America Reads", "America Counts", and other work-study opportunities to help low-performing schools.

(10) Using a full range of strategies for disseminating information about effective practices, including interactive electronic communications.

(11) Other steps that can help improve the quality of teaching and instruction in low-performing schools.

(b) The Secretary shall, to the extent permitted by law, take whatever steps the Secretary finds necessary and appropriate to redirect the resources, technical assistance capability, and research capacity of the Department of Education to assist States and localities in improving low-performing schools.

(c) The Secretary, in conjunction with the Assistant Secretary for the Office of Educational Research and Improvement, shall ensure that research, and the dissemination of research results, intended to help States and local school districts effectively turn around low-performing schools is a priority of the Department of Education.

Section 2. *Education Accountability Report.* To monitor the progress of local educational agencies and schools in turning around failing schools, including those receiving grants from the Education Accountability Fund, the Secretary shall prepare an annual Education Accountability Report, to be published in September of each year, beginning in 2006. The report shall: describe trends in the numbers of local educational agencies and schools identified as needing improvement and subsequent changes in the academic performance of their students; identify best practices and significant research findings that can be used to help turn around low-performing local educational agencies and schools; and document ongoing efforts as a result of this order to assist states and local school districts in intervening in low-performing schools. This report shall be publicly accessible and available.

Section 2. ~~*Education Accountability Fund.*~~ (a) The Secretary of Education ("the Secretary") in accordance with the Elementary and Secondary Education Act of 1965 ("ESEA") and to the extent permitted by law, shall develop and implement a data

collection system to enable the Department of Education to determine and report annually on—

—— (1) the number of local educational agencies and schools that receive funding under the Education Accountability Fund ("the Fund") under Title I of the ESEA, established by the Department of Education Appropriations Act, 2000 (P.L. 106-113; 113 Stat. 1501A-245);

—— (2) the services and support that each local educational agency provides to each school identified for school improvement or corrective action from the Fund;

—— (3) any changes in the academic performance of those schools;

—— (4) the implementation of the provision in the fiscal year 2000 appropriations Act allowing student transfers, including the number of students who transfer out of low-performing schools; and

—— (5) any additional Federal, State, or local funds leveraged with monies from the Fund.

(b) The Secretary shall collect appropriate data from the states on student achievement, including the names of participating local educational agencies and schools and baseline achievement data, by December of each year, or as soon as identified, and report achievement data beginning one year later.

Section 3. Collecting School Improvement Data. The Secretary shall develop and implement a data collection system for tracking schools in each State identified as needing improvement and corrective action under Title I of the ESEA that shall include—

—— (a) the criteria by which the local educational agency or school is identified for corrective action;

—— (b) the name of the local educational agency and the school and the year identified for corrective action or improvement;

—— (c) a description of federal funds received by, or supporting services in, the school, including funds from the Comprehensive School Reform Demonstration Program, the Reading Excellence Act, the Class Size Reduction Program, and the Safe and Drug-Free Schools Program;

—— (d) a description of services or support provided by the State or local educational agency;

—— (e) information on the qualifications of the teaching staff and the use and qualifications of paraprofessionals in low-performing schools; and

~~—— (f) annual achievement data of the local educational agency or school.~~

~~Section 4. *Data Collection.* (a) The Secretary may enter into agreements with the States concerning the collection of data described by this Order and may provide technical assistance to the States to facilitate the expeditious collection of this information.~~

~~(b) The Secretary, in order to minimize the reporting burden, shall rely, to the extent feasible, on electronic data collection systems to gather information described by this order and ensure that this collection effort is integrated with the improvements to the overall performance reporting system under the ESEA.~~

~~(d) The Office of Management and Budget shall work with the Department of Education in order to provide a streamlined review and approval of data collection and reporting requirements described in this Order.~~

Section 3 5. Compliance Monitoring System. Consistent with the implementation of the Education Accountability Fund, the Secretary shall strengthen the Department of Education's monitoring of ESEA requirements for identifying and turning around low-performing schools, as well as any new requirements established with the enactment of the Education Accountability Fund under Public Law 106-113. The Secretary shall give priority to provisions that have the greatest bearing on identifying and turning around low-performing schools, including sections 1116 and 1117 of the ESEA, and to developing an ongoing, focused, and systematic process for monitoring these provisions. This improved compliance monitoring shall be designed to: ensure that States and local educational agencies comply with ESEA requirements; assist States and local educational agencies in implementing effective procedures and strategies that reflect the best research available, as well as the experience of successful schools, school districts, and States as they address similar objectives and challenges; and assist States, local educational agencies, and schools in making the most effective use of available federal resources.

Section 4 6. Consultation. The Secretary shall consult with State and local education officials, educators, community-based groups, and others in carrying out this order.

~~Section 7. *Education Accountability Report.* The Secretary shall prepare an annual Education Accountability Report, to be published in September of each year, beginning in 2000 [2001?], that details trends in the numbers of schools identified as needing improvement; significant research findings that can be used to help turn around low-performing schools; and ongoing efforts as a result of this order to assist states and local school districts in intervening in low-performing schools. This report shall be publicly accessible and available.~~

Section 5 8. Judicial Review. This order is intended only to improve the internal management of the executive branch and is not intended to, and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the

United States, its agencies or instrumentalities, its officers or employees, or any other person.

THE WHITE HOUSE
May 3, 2000

DRC Version

DRAFT Executive Order on Low-Performing Schools

A/O 3:30 PM 20 April

Since 1992, this Administration has sought to raise standards and increase accountability in public education while investing more resources in elementary and secondary schools. Working toward this goal, as part of the 1994 reauthorization of the Elementary and Secondary Education Act of 1965 and the Goals 2000 Act also passed in 1994 standards and standards-based reform were codified in as part of federal education policy. Standards provide clarity as to what students should know, what schools should teach, and they offer a mechanism to hold schools accountable for producing results. During the past 6 years states have used standards as one component to develop accountability systems to identify schools that are low performing; however, beyond simply identifying these schools more concrete steps must be taken to turn these schools around. To help states and local school districts effectively intervene in failing schools in 1999 the President proposed and Congress enacted the Educational Accountability Fund. \$134 million was appropriated for this fund to help states and localities turn around failing schools.

Intervening in low-performing schools is a state and local responsibility; however, the Federal Government can and should provide resources and leadership to assist states and local school districts in this endeavor. Accordingly, by the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Failing Schools. (a) (1) The Secretary of Education ("the Secretary") in accordance with the Elementary and Secondary Education Act of 1965 and to the extent permitted by law shall within 120 days compile a list of schools identified as low-performing by the states according to their accountability systems.

(2) The Secretary may enter into agreements with the states concerning the collection of this data and may provide technical assistance to the states to facilitate the expeditious collection.

(3) The Secretary shall make this list publicly accessible and available.

(4) This list shall be updated annually along with an analysis by the Secretary identifying trends in the number of low-performing schools and the causes for such trends including the impact of federal efforts on these schools.

Section 2. Education Accountability Fund. (a) (1) The Secretary shall within 60 days of the allocation of funds from the Education Accountability Fund according to PL 106-113 App. D (113 stat. 1501A—245) compile a report detailing the allocation of these monies, intended uses of these monies, and expected results from the uses of these monies.

(2) The Secretary may enter into agreements with the states concerning the collection of this data and may provide technical assistance to the states to facilitate the expeditious collection.

(3) The Secretary shall make this report publicly accessible and available.

(4) The Secretary shall update this report on an annual basis within 60 days of the release of monies under the Education Accountability Fund. Further, annual updates shall include an analysis by the Secretary as to the effectiveness of these monies and progress toward the expected results identified in the previous year's report.

Section 3. Redirection of Departmental Resources. (a) (1) The Secretary shall take whatever steps, to the extent permitted by law, the Secretary deems necessary to redirect the resources, technical assistance capability, and research capacity of the United States Department of Education to assist states and localities intervening in low-performing schools.

(2) The Secretary may enter into agreements with the states or with individual school districts, to the extent permitted by law, to offer research, technical support, or other assistance as desired by states and local school districts.

(3) The Secretary shall, to the extent permitted by law, work with the Assistant Secretary for the Office of Educational Research and Improvement to ensure that research, and the dissemination of research, intended to help states and local school districts effectively turn around low-performing schools is a priority of the United States Department of Education.

(4) Within 120 days of this order the Secretary shall prepare a report detailing ongoing efforts and efforts as a result of this order to assist states and local school districts intervening in low-performing schools. This report shall be publicly accessible and available.

Section 4. Public Dissemination. (a) (1) Because the reporting requirements of this order are closely interrelated, the Secretary shall, at his discretion, compile this information as part of a single, Education Accountability Annual Report, to be released as a whole as closely as possible according with the timelines in this order.

Since 1993, this Administration has sought to raise standards for students and increase accountability in public education while investing more resources in elementary and secondary schools. The 1994 enactment of Goals 2000 and the reauthorization of the Elementary and Secondary Education Act ("ESEA") created a framework for a nationwide movement for standards-based reform, coupling challenging academic standards set by States, accountability for individual schools for helping *all* students meet the standards, with local initiatives throughout the Nation to help all students reach those standards.

These efforts, representing a partnership of local, State and the national government with parents, teachers, community and business leaders, are paying off. The latest results from the National Assessment of Education Progress ("NAEP") report gains in math and reading achievement, including particularly progress for low-achieving students and for students in our highest-poverty schools.

Yet despite these gains, there is still more to be done. There are still too many schools that are failing to provide a high-quality education to our children. A crucial element in our national strategy to improve education is to identify low performing schools and provide them with the assistance needed to improve. In 1997, as a result of the implementation of key requirements in Title I of the ESEA, States have identified more than 7,000 low-performing schools. This number will grow in coming years, as States more fully implement higher standards and aligned assessments.

Local communities and States bear the primary responsibility for turning around low-performing schools. Together, they must take the steps already demonstrated to work. Provide each school with highly qualified teachers who receive research-based, high quality professional development, and with principals capable of providing the necessary leadership. Help parents become meaningfully involved in the school and in their child's learning at home. Help ensure that the school is safe and orderly. Implement a challenging curriculum and proven instructional practices, aligned with State standards. Provide students who need it with extra help and additional instructional time. Use data to improve instruction and guide the overall school improvement effort. Maintain a clear focus on results.

The Federal government can and should play a role as well, by providing the resources, tools and leadership necessary to assist States and local school districts. In 1999 the President proposed and Congress enacted the Education Accountability Fund, providing \$134 million to help states and school districts turn around low-performing schools. This is an important first step, but the Federal government must do more to help schools identified as low-performing get the help they need to succeed.

LANGUAGE FOR SECT. 2-

4-27-80

Week of April 17, 2000

Team Leaders:

- ESEA—House Mark-Up
- Ed Tour—deliverables

Ed Strategy Meeting:

- Senate ESEA
- House ESEA — Social Monitors → TALK w/ SENATE
- Ed Tour —→

DPC Staff Meeting:

- Ditto with TL

To Do:

- Charter Guidance
- Deb Waxman--BL
- IA Gov. Office
- PPI interns
- Picture for Christian Moody

Ed Tour To Do

- EO draft
- Charter memorandum
- School vets and info—JB/ED/Me
- School const. Deliverable---
- Deliverable for tq event in Columbus (state budget/teacher salary report)
- Cohen/Holleman/Rossi on deliverables

KY — CONTINUING
APPENDIX

MC — INTERCARD REVIEWS
— 15 REVIEWS —
FACULTY
SCHOOLS

PH — PARENTAL FOCUS
RESEARCH
— PARENTAL ACTION
→ JUNE

MC
— WORK WITH STATES
— INSIST THAT STATES COME
w/ CURRENT LAW
— TRANS-MONET \$134

MC ① SUMMER 10 STATE
PLACES
— WEB-BASED DATA
CAMPAIGN

* ②

Bob C HARE meeting w/ CG -

2 ISSUES

- Funding

→ Dodd - Jeffords

→ Rapanos

- State

YI

YI

YI

YI

Fixing Failing Schools

Key programs that relate to fixing failing schools

	2000		2001		
	<u>Proposed</u>	<u>Enacted</u>	<u>Agency Request</u>	<u>Passback</u>	<u>Appeal</u>
Title I	7,996	7,941	8,800		
Title II	1,206	1,206	1,700		
After-School	600	454	1,000		
Class Size	1,400	1,300	1,700		
CSRD	150	170	200		
Reading Excell.		286	260	386	
S&E	386	383	427		

Proposal: Work with ED to implement an action strategy to ensure that Federal funds are used effectively by States and districts to turn around failing schools. Some programs related to fixing failing schools would receive additional program funds, above the passback level, if ED agrees to implement a feasible but aggressive school improvement plan.

Background: A number of ED programs support the goal of improving achievement of disadvantaged students, specifically Title I, Reading Excellence, Class Size Reduction, after-school programs, special education, bilingual education, and Comprehensive School Reform Demonstrations. ED's strategy for turning around failing schools has been to produce an idea book, develop guidance, and provide additional funds for accountability efforts. By focusing on a clear goal, in particular one that is the foundation for most other learning, the Administration can leave a legacy that is defined in results, not dollars, while also developing better methods of improving program effectiveness through a more strategic use of ED's resources.

A great deal of groundwork on accountability issues has been laid, but much more needs to be done. All States are required to develop systems for identifying schools in need of improvement, and are supposed to provide assistance to help them turn around. The \$134 million accountability set-aside in Title I supports these efforts at the school district level. However, most schools currently identified for school improvement report that they have not received assistance, and many States will have difficulty meeting the FY 2000 deadline for having final student assessment tied to high standards in place.

Action Components

Any implementation initiative would need to be developed collegially with ED. However possibilities for action might include the following components. Unless otherwise noted, these actions could be taken without amending statutory language.

For All States:

- Negotiate State-by-State **goals for turning around failing schools** so that by a date certain, all schools in school improvement will either improve or be closed. These goals must include achievement goals for population subgroups, and State plans must address how each of the targeted programs will contribute to meeting these goals. By seeking to improve failing schools, the initiative would support the work of the Hispanic Education Action Plan and its goal of improving educational outcomes for Hispanic students. The State goals should be benchmarked against the top performing States on NAEP reading and math tests, based on both State averages and scores of subpopulations. This could be accomplished by either amending the consolidated application provision in ESEA, or by issuing guidance on the program application provisions.

- Work with every State on establishing its **data collection system** and on using data to implement policy. A great deal of groundwork has already been laid in this area and it is an area in which ED has expertise. ED has identified data collection and the use of data to improve schools as a high priority. ED is developing a system to access State data if State systems are compatible. Connecticut, the State with the highest NAEP reading scores and a conscious strategy for improving them, has used data to inform policy decisions as a key strategy in its dramatic reading improvement over the past six years. In addition, 36 States already produce report cards, one of the key forms of using data to monitor performance and improve instruction, and all States would be required to produce them under the Administration's ESEA proposal.

- Set high-visibility, **national goals for turning around failing schools** and issue public statements when key milestones are met. Or, implement a **national report card**, similar to the one required of States in Title XI of the ESEA proposal, but include factors addressing accountability systems.

For Low-Performing States:

If in any year a State does not meet its negotiated targets, ED would play a more intensive role in program improvement. In particular, ED would address how the States uses its proposed 2.5% Title I accountability set-aside, and possibly take away some State discretion in its choice of improvement strategies. The trigger for Federal involvement would be based on objective data and be somewhat automatic to shield ED from accusations of unnecessary intervention at the

State level. Currently, there are eight States with a very high portion of Title I schools that are low performing (over 30%); these might be the type of States that require increased attention.

If identified as needing improvement, States could receive assistance or interventions in several ways:

- States making little progress in turning around failing schools could be partnered with high-performing States, which would receive a small grant to provide on-going technical assistance on policies and strategies for school improvement.
- ED could provide a peer review team to re-evaluate State accountability plans, goals and timelines, and help low-performing States work with districts to develop a strategy for implementing programs that research shows work.
- If after one to two years satisfactory improvement is not made, ED could make a portion of State administrative funds contingent upon the State adopting strategies for improving low-performing schools from one of the high-performing States, or other research-based strategies.

ED's Internal Systems

ED could take a number of actions internally to improve implementation:

- Link ED's data systems to State data systems. ED is currently working on a data collection system to improve GRPA reporting. ED should work with States to ensure that it can be linked to State systems.
- Develop an analysis of where each State stands on its establishment of the components of an accountability system including standards, tests, and support for research-based programs, in order to tailor technical assistance to the needs of each State.
- Increase integrated monitoring for low-performing States. ED has instituted a monitoring system in which teams comprised of representatives from each major program office work with regional groupings of 6-8 States and complete site visits to each of those States every three years. The site visits could be redesigned so that low-performing States are visited every year; with ED and the partner States alternating in conducting the reviews.
- Identify specialists within each regional team to work on a more consistent basis with low-performing States and their partner States. Train those specialists in utilizing data to improve performance.
- Develop a strategy for training and enhancing State Title I school support teams. Each State has established a team of distinguished educators that provides technical assistance to low-performing schools. These teams provide a crucial network of practitioners whose

work will be supported by the State accountability set-aside. ED should play a role in training these teams, and possibly expanding their membership, to ensure the teams are capable of helping low-achieving schools use data for program improvement and implement proven reading strategies.

Dissemination

- Produce practical, analytical profiles of the most effective State strategies for turning around low-performing schools. The National Education Goals Panel recently released such a report on the impressive reading gains in Connecticut, including the State and district policies and approaches that led to improvements, which could easily be used by other States to replicate effective practices.
- The technical assistance provisions in the ESEA reauthorization proposal provide States and districts with the most students in poverty the ability to purchase technical assistance from providers of their choosing. ED should play an aggressive role in identifying high quality technical assistance services and providers for turning around low-achieving schools, possibly providing States and districts an accepted menu of providers who meet a high standard of effectiveness.

Enforcement

- ED would include the details of its strategy in its GPRA plan to be made public in March and, in general, be held accountable for implementing the components of its fixing failing schools plan through reports to Congress, the White House, and the public.

Budget Implications

Option 1: Tie increases in base programs to an aggressive ED implementation plan

At the settlement level, provide additional funds to key base programs if ED agrees to an aggressive and comprehensive accountability implementation strategy that is at least as strong as the components described in this paper. If ED devises and commits to such a plan, then the Budget would provide the following above the guidance level:

Base Program Increases:

- **+\$XXX increase for Title I**
- **+\$XXX increase for Title II**
- **\$XXX increase for 21st Century Community Learning Centers, and set competitive priorities in this program so that funds help turn around failing schools.**

SXXX small increase in S&E for 1) grants to high performance States for partnering efforts; 2) implementation of ED's integrated performance and benchmarking data bank and its work with States on their data systems; and 3) a slight increase for other staffing needs to implement this plan.

Option 2: Create an incentive program for the States

The implementation proposal could be strengthened further if there were a financial incentive for States to set and achieve accountability and school improvement goals. One type of incentive would be to make some portion of new funds in Title I (and possibly Title II) above the prior appropriations year, or all of the State's portion of the Title I accountability set-aside (30% of the total), contingent upon a State implementing its accountability system and meeting its goals for turning around failing schools.

Alternatively, new funds could be provided to States under Title XI of the ESEA reauthorization proposal to support the implementation of accountability systems at the State and local levels.

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

September 28, 1996

EXECUTIVE ORDER 13019

SUPPORTING FAMILIES:
COLLECTING DELINQUENT CHILD SUPPORT OBLIGATIONS

The Debt Collection Improvement Act of 1996, Public Law 104-134 (110 Stat. 1321-358 et seq.), was enacted into law on April 26, 1996, as part of the Omnibus Consolidated Rescissions and Appropriations Act of 1996. While the primary purpose of the Debt Collection Improvement Act is to increase the collection of nontax debts owed to the Federal Government, the Act also contains important provisions that can be used to assist families in collecting past-due child support obligations.

The failure of some parents to meet their child support obligations threatens the health, education, and well-being of their children. Compounding this problem, States have experienced difficulties enforcing child support obligations once a parent has moved to another State. With this Executive order, my Administration takes additional steps to support our children and strengthen American families by facilitating the collection of delinquent child support obligations from persons who may be entitled or eligible to receive certain Federal payments or Federal assistance.

Accordingly, by the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

Section 1. Administrative Offsets. (a)(1) The Secretary of the Treasury ("the Secretary"), in accordance with the provisions of the Debt Collection Improvement Act of 1996 and to the extent permitted by law, and in consultation with the Secretary of Health and Human Services and other affected agencies, shall promptly develop and implement procedures necessary for the Secretary to collect past-due child support debts by administrative offset, and shall issue such rules, regulations, and procedures as the Secretary, in consultation with the heads of affected agencies, deems appropriate to govern administrative offsets by the Department of the Treasury and other executive departments and agencies that disburse Federal payments.

(2) The Secretary may enter into reciprocal agreements with States concerning the collection by the Secretary of delinquent child support debts through administrative offsets.

(b) The Secretary of Health and Human Services shall, within 120 days of the date of this order, implement procedures necessary to report to the Secretary of the Treasury information on past-due child support claims referred by States (including claims enforced by States pursuant to cooperative agreements with or by Indian tribal governments) to the Department of Health and Human Services.

(c) The head of each executive department and agency that certifies payments to the Secretary or to another disbursing official shall review each class of payments that the department or agency certifies to determine if any such class should be exempt from offset and, if any

class is so identified, submit to the Secretary a request for such an exemption together with the reasons therefor. With respect to classes of payments under means-tested programs existing on the date of this order, such submission shall be made within 30 days of the date of this order. With respect to classes of payments other than payments under means-tested programs existing on the date of this order, such submissions shall be made within 30 days of the date the Secretary establishes standards pursuant to section 3716(c)(3) of title 31, United States Code. With respect to a class of payments established after the date of this order, such submissions shall be made not later than 30 days after such class is established.

(d) The head of each executive department and agency that certifies payments to the Secretary shall promptly implement any rule, regulation, or procedure issued by the Secretary pursuant to this section.

(e) The head of each executive department and agency that is authorized by law to disburse payments shall promptly implement any rule, regulation, or procedure issued by the Secretary pursuant to this section and shall:

(1) match, consistent with computer privacy matching laws, the payment certification records of such department or agency with records of persons delinquent in child support payments as directed by the Secretary; and

(2) conduct administrative offsets to collect delinquent child support payments.

(f) The Secretary shall, to the extent permitted by law, share with the Secretary of Health and Human Services any information contained in payment certification records of persons who are delinquent in child support obligations that would assist in the collection of such debts, whether or not an administrative offset is conducted.

Sec. 2. Denial of Federal Assistance. (a) The Secretary shall, to the extent permitted by law, ensure that information concerning individuals whose payments are subject to administrative offset because of delinquent child support obligations is made available to the head of each executive department and agency that provides Federal financial assistance to individuals.

(b) In conformance with section 2(e) of this order, the head of each executive department and agency shall, with respect to any individuals whose payments are subject to administrative offset because of a delinquent child support obligation, promptly implement procedures to deny Federal financial assistance to such individuals.

(c) The Attorney General, in consultation with the Secretary of Health and Human Services and other affected agencies, shall promptly issue guidelines for departments and agencies concerning minimum due-process standards to be included in the procedures required by subsection (b) of this section.

(d) For purposes of this section, Federal financial assistance means any Federal loan (other than a disaster loan), loan guarantee, or loan insurance.

(e)(1) A class of Federal financial assistance shall not be subject to denial if the head of the concerned department or agency determines:

(A) in consultation with the Attorney General and the Secretary of Health and Human Services, that such action:

(i) is not permitted by law; or

(ii) would likely result in valid legal claims for damages against the United States;

(B) that such action would be inconsistent with the best interests of the child or children with respect to whom a child support obligation is owed; or

(C) that such action should be waived.

(2) The head of each executive department and agency shall provide written notification to the Secretary upon determining that the denial of a class of Federal financial assistance is not permitted by law or should be waived.

(f) The head of each executive department and agency shall:

(1) review all laws under the jurisdiction of the department or agency that do not permit the denial of Federal financial assistance to individuals and whose payments are subject to administrative offset because of a delinquent child support obligation and, where appropriate, transmit to the Director of the Office of Management and Budget recommendations for statutory changes; and

(2) to the extent practicable, review all rules, regulations, and procedures implementing laws under the jurisdiction of the department or agency governing the provision of any Federal financial assistance to individuals and, where appropriate, conform such rules, regulations, and procedures to the provisions

of this order and the rules, regulations, and procedures issued by the Secretary pursuant to section 1 of this order.

Sec. 3. Reports. (a) The head of each executive department and agency shall provide to the Secretary such information as the Secretary may request concerning the implementation of this order, the provisions of the Debt Collection Improvement Act of 1996 applicable to delinquent child support obligations, and the rules, regulations, and procedures issued by the Secretary pursuant to section 1 of this order.

(b) The Secretary shall report annually to the President concerning the implementation by departments and agencies of this order and the provisions of the Debt Collection Improvement Act of 1996 applicable to delinquent child support obligations.

Sec. 4. Judicial Review. This order does not create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or any person.

WILLIAM J. CLINTON

THE WHITE HOUSE,
September 28, 1996.

#

THE WHITE HOUSE

Office of the Press Secretary

For Immediate Release

June 3, 1999

EXECUTIVE ORDER

- - - - -

GREENING THE GOVERNMENT THROUGH EFFICIENT ENERGY MANAGEMENT

By the authority vested in me as President by the Constitution, and the laws of the United States of America, including the National Energy Conservation Policy Act (Public Law 95-619, 92 Stat. 3206, 42 U.S.C. 8252 et seq.), as amended by the Energy Policy Act of 1992 (EPACT) (Public Law 102-486, 106 Stat. 2776), and section 301 of title 3, United States Code, it is hereby ordered as follows:

PART 1 - PREAMBLE

Section 101. Federal Leadership. The Federal Government, as the Nation's largest energy consumer, shall significantly improve its energy management in order to save taxpayer dollars and reduce emissions that contribute to air pollution and global climate change. With more than 500,000 buildings, the Federal Government can lead the Nation in energy efficient building design, construction, and operation. As a major consumer that spends \$200 billion annually on products and services, the Federal Government can promote energy efficiency, water conservation, and the use of renewable energy products, and help foster markets for emerging technologies. In encouraging effective energy management in the Federal Government, this order builds on work begun under EPACT and previous Executive orders.

PART 2 - GOALS

Sec. 201. Greenhouse Gases Reduction Goal. Through life-cycle cost-effective energy measures, each agency shall reduce its greenhouse gas emissions attributed to facility energy use by 30 percent by 2010 compared to such emissions levels in 1990. In order to encourage optimal investment in energy improvements, agencies can count greenhouse gas reductions from improvements in nonfacility energy use toward this goal to the extent that these reductions are approved by the Office of Management and Budget (OMB).

Sec. 202. Energy Efficiency Improvement Goals. Through life-cycle cost-effective measures, each agency shall reduce energy consumption per gross square foot of its facilities, excluding facilities covered in section 203 of this order, by 30 percent by 2005 and 35 percent by 2010 relative to 1985. No facilities will be exempt from these goals unless they meet new criteria for exemptions, to be issued by the Department of Energy (DOE).

Sec. 203. Industrial and Laboratory Facilities. Through life-cycle cost-effective measures, each agency shall reduce energy consumption per square foot, per unit of production, or per other unit as applicable by 20 percent by 2005 and 25 percent by 2010 relative to 1990. No facilities will be exempt from these goals unless they meet new criteria for exemptions, as issued by DOE.

Sec. 204. Renewable Energy. Each agency shall strive to expand the use of renewable energy within its facilities and in its activities by implementing renewable energy projects and by purchasing electricity

from renewable energy sources. In support of the Million Solar Roofs initiative, the Federal Government shall strive to install 2,000 solar energy systems at Federal facilities by the end of 2000, and 20,000 solar energy systems at Federal facilities by 2010.

Sec. 205. Petroleum. Through life-cycle cost-effective measures, each agency shall reduce the use of petroleum within its facilities. Agencies may accomplish this reduction by switching to a less greenhouse gas-intensive, nonpetroleum energy source, such as natural gas or renewable energy sources; by eliminating unnecessary fuel use; or by other appropriate methods. Where alternative fuels are not practical or life-cycle cost-effective, agencies shall strive to improve the efficiency of their facilities.

Sec. 206. Source Energy. The Federal Government shall strive to reduce total energy use and associated greenhouse gas and other air emissions, as measured at the source. To that end, agencies shall undertake life-cycle cost-effective projects in which source energy decreases, even if site energy use increases. In such cases, agencies will receive credit toward energy reduction goals through guidelines developed by DOE.

Sec. 207. Water Conservation. Through life-cycle cost-effective measures, agencies shall reduce water consumption and associated energy use in their facilities to reach the goals set under section 503(f) of this order. Where possible, water cost savings and associated energy cost savings shall be included in Energy Savings-Performance Contracts and other financing mechanisms.

PART 3 - ORGANIZATION AND ACCOUNTABILITY

Sec. 301. Annual Budget Submission. Each agency's budget submission to OMB shall specifically request funding necessary to achieve the goals of this order. Budget submissions shall include the costs associated with: encouraging the use of, administering, and fulfilling agency responsibilities under Energy-Savings Performance Contracts, utility energy-efficiency service contracts, and other contractual platforms for achieving conservation goals; implementing life-cycle cost-effective measures; procuring life-cycle cost-effective products; and constructing sustainably designed new buildings, among other energy costs. OMB shall issue guidelines to assist agencies in developing appropriate requests that support sound investments in energy improvements and energy-using products. OMB shall explore the feasibility of establishing a fund that agencies could draw on to finance exemplary energy management activities and investments with higher initial costs but lower life-cycle costs. Budget requests to OMB in support of this order must be within each agency's planning guidance level.

Sec. 302. Annual Implementation Plan. Each agency shall develop an annual implementation plan for fulfilling the requirements of this order. Such plans shall be included in the annual reports to the President under section 303 of this order.

Sec. 303. Annual Reports to the President. (a) Each agency shall measure and report its progress in meeting the goals and requirements of this order on an annual basis. Agencies shall follow reporting guidelines as developed under section 306(b) of this order. In order to minimize additional reporting requirements, the guidelines will clarify how the annual report to the President should build on each agency's annual Federal energy reports submitted to DOE and the Congress. Annual reports to the President are due on January 1 of each year beginning in the year 2000.

(b) Each agency's annual report to the President shall describe how the agency is using each of the strategies described in Part 4 of this

order to help meet energy and greenhouse gas reduction goals. The annual report to the President shall explain why certain strategies, if any, have not been used. It shall also include a listing and explanation of exempt facilities.

Sec. 304. Designation of Senior Agency Official. Each agency shall designate a senior official, at the Assistant Secretary level or above, to be responsible for meeting the goals and requirements of this order, including preparing the annual report to the President. Such designation shall be reported by each Cabinet Secretary or agency head to the Deputy Director for Management of OMB within 30 days of the date of this order. Designated officials shall participate in the Interagency Energy Policy Committee, described in section 306(d) of this order. The Committee shall communicate its activities to all designated officials to assure proper coordination and achievement of the goals and requirements of this order.

Sec. 305. Designation of Agency Energy Teams. Within 90 days of the date of this order, each agency shall form a technical support team consisting of appropriate procurement, legal, budget, management, and technical representatives to expedite and encourage the agency's use of appropriations, Energy-Savings Performance Contracts, and other alternative financing mechanisms necessary to meet the goals and requirements of this order. Agency energy team activities shall be undertaken in collaboration with each agency's representative to the Interagency Energy Management Task Force, as described in section 306(e) of this order.

Sec. 306. Interagency Coordination. (a) Office of Management and Budget. The Deputy Director for Management of OMB, in consultation with DOE, shall be responsible for evaluating each agency's progress in improving energy management and for submitting agency energy scorecards to the President to report progress.

(1) OMB, in consultation with DOE and other agencies, shall develop the agency energy scorecards and scoring system to evaluate each agency's progress in meeting the goals of this order. The scoring criteria shall include the extent to which agencies are taking advantage of key tools to save energy and reduce greenhouse gas emissions, such as Energy Savings Performance Contracts, utility energy-efficiency service contracts, ENERGY STAR (Registered Trademark) and other energy efficient products, renewable energy technologies, electricity from renewable energy sources, and other strategies and requirements listed in Part 4 of this order, as well as overall efficiency and greenhouse gas metrics and use of other innovative energy efficiency practices. The scorecards shall be based on the annual energy reports submitted to the President under section 303 of this order.

(2) The Deputy Director for Management of OMB shall also select outstanding agency energy management team(s), from among candidates nominated by DOE, for a new annual Presidential award for energy efficiency.

(b) Federal Energy Management Program. The DOE's Federal Energy Management Program (FEMP) shall be responsible for working with the agencies to ensure that they meet the goals of this order and report their progress. FEMP, in consultation with OMB, shall develop and issue guidelines for agencies' preparation of their annual reports to the President on energy management, as required in section 303 of this order. FEMP shall also have primary responsibility for collecting and analyzing the data, and shall assist OMB in ensuring that agency reports are received in a timely manner.

(c) President's Management Council. The President's Management Council (PMC), chaired by the Deputy Director for Management of OMB and

consisting of the Chief Operating Officers (usually the Deputy Secretary) of the largest Federal departments and agencies, will periodically discuss agencies' progress in improving Federal energy management.

(d) Interagency Energy Policy Committee. This Committee was established by the Department of Energy Organization Act. It consists of senior agency officials designated in accordance with section 304 of this order. The Committee is responsible for encouraging implementation of energy efficiency policies and practices. The major energy-consuming agencies designated by DOE are required to participate in the Committee. The Committee shall communicate its activities to all designated senior agency officials to promote coordination and achievement of the goals of this order.

(e) Interagency Energy Management Task Force. The Task Force was established by the National Energy Conservation Policy Act. It consists of each agency's chief energy manager. The Committee shall continue to work toward improving agencies' use of energy management tools and sharing information on Federal energy management across agencies.

Sec. 307. Public/Private Advisory Committee. The Secretary of Energy will appoint an advisory committee consisting of representatives from Federal agencies, State governments, energy service companies, utility companies, equipment manufacturers, construction and architectural companies, environmental, energy and consumer groups, and other energy-related organizations. The committee will provide input on Federal energy management, including how to improve use of Energy-Savings Performance Contracts and utility energy-efficiency service contracts, improve procurement of ENERGY STAR (Registered Trademark) and other energy efficient products, improve building design, reduce process energy use, and enhance applications of efficient and renewable energy technologies at Federal facilities.

Sec. 308. Applicability. This order applies to all Federal departments and agencies. General Services Administration (GSA) is responsible for working with agencies to meet the requirements of this order for those facilities for which GSA has delegated operations and maintenance authority. The Department of Defense (DOD) is subject to this order to the extent that it does not impair or adversely affect military operations and training (including tactical aircraft, ships, weapons systems, combat training, and border security):

PART 4 - PROMOTING FEDERAL LEADERSHIP IN ENERGY MANAGEMENT

Sec. 401. Life-Cycle Cost Analysis. Agencies shall use life-cycle cost analysis in making decisions about their investments in products, services, construction, and other projects to lower the Federal Government's costs and to reduce energy and water consumption. Where appropriate, agencies shall consider the life-cycle costs of combinations of projects, particularly to encourage bundling of energy efficiency projects with renewable energy projects. Agencies shall also retire inefficient equipment on an accelerated basis where replacement results in lower life-cycle costs. Agencies that minimize life-cycle costs with efficiency measures will be recognized in their scorecard evaluations.

Sec. 402. Facility Energy Audits. Agencies shall continue to conduct energy and water audits for approximately 10 percent of their facilities each year, either independently or through Energy-Savings Performance Contracts or utility energy-efficiency service contracts.

Sec. 403. Energy Management Strategies and Tools. Agencies shall use a variety of energy management strategies and tools, where life-cycle cost-effective, to meet the goals of this order. An agency's

use of these strategies and tools shall be taken into account in assessing the agency's progress and formulating its score card.

(a) Financing Mechanisms. Agencies shall maximize their use of available alternative financing contracting mechanisms, including Energy-Savings Performance Contracts and utility energy-efficiency service contracts, when life-cycle cost-effective, to reduce energy use and cost in their facilities and operations. Energy-Savings Performance Contracts, which are authorized under the National Energy Conservation Policy Act, as modified by the Energy Policy Act of 1992, and utility energy-efficiency service contracts provide significant opportunities for making Federal facilities more energy efficient at no net cost to taxpayers.

(b) ENERGY STAR (Registered Trademark) and Other Energy Efficient Products.

(1) Agencies shall select, where life-cycle cost-effective, ENERGY STAR and other energy efficient products when acquiring energy-using products. For product groups where ENERGY STAR (Registered Trademark) labels are not yet available, agencies shall select products that are in the upper 25 percent of energy efficiency as designated by FEMP. The Environmental Protection Agency (EPA) and DOE shall expedite the process of designating products as ENERGY STAR (Registered Trademark) and will merge their current efficiency rating procedures.

(2) GSA and the Defense Logistics Agency (DLA), with assistance from EPA and DOE, shall create clear catalogue listings that designate these products in both print and electronic formats. In addition, GSA and DLA shall undertake pilot projects from selected energy-using products to show a "second price tag", which means an accounting of the operating and purchase costs of the item, in both printed and electronic catalogues and assess the impact of providing this information on Federal purchasing decisions.

(3) Agencies shall incorporate energy efficient criteria consistent with ENERGY STAR (Registered Trademark) and other FEMP-designated energy efficiency levels into all guide specifications and project specifications developed for new construction and renovation, as well as into product specification language developed for Basic Ordering Agreements, Blanket Purchasing Agreements, Government Wide Acquisition Contracts, and all other purchasing procedures.

(4) DOE and OMB shall also explore the creation of financing agreements with private sector suppliers to provide private funding to offset higher up-front costs of efficient products. Within 9 months of the date of this order, DOE shall report back to the President's Management Council on the viability of such alternative financing options.

(c) ENERGY STAR (Registered Trademark) Buildings. Agencies shall strive to meet the ENERGY STAR (Registered Trademark) Building criteria for energy performance and indoor environmental quality in their eligible facilities to the maximum extent practicable by the end of 2002. Agencies may use Energy-Savings Performance Contracts, utility energy-efficiency service contracts, or other means to conduct evaluations and make improvements to buildings in order to meet the criteria. Buildings that rank in the top 25 percent in energy efficiency relative to comparable commercial and Federal buildings will receive the ENERGY STAR (Registered Trademark) building label. Agencies shall integrate this building rating tool into their general facility audits.

(d) Sustainable Building Design. DOD and GSA, in consultation with DOE and EPA, shall develop sustainable design principles. Agencies

shall apply such principles to the siting, design, and construction of new facilities. Agencies shall optimize life-cycle costs, pollution, and other environmental and energy costs associated with the construction, life-cycle operation, and decommissioning of the facility. Agencies shall consider using Energy-Savings Performance Contracts or utility energy-efficiency service contracts to aid them in constructing sustainably designed buildings.

(e) Model Lease Provisions. Agencies entering into leases, including the renegotiation or extension of existing leases, shall incorporate lease provisions that encourage energy and water efficiency wherever life-cycle cost-effective. Build-to-suit lease solicitations shall contain criteria encouraging sustainable design and development, energy efficiency, and verification of building performance. Agencies shall include a preference for buildings having the ENERGY STAR® building label in their selection criteria for acquiring leased buildings. In addition, all agencies shall encourage lessors to apply for the ENERGY STAR (Registered Trademark) building label and to explore and implement projects that would reduce costs to the Federal Government, including projects carried out through the lessors' Energy-Savings Performance Contracts or utility energy-efficiency service contracts.

(f) Industrial Facility Efficiency Improvements. Agencies shall explore efficiency opportunities in industrial facilities for steam systems, boiler operation, air compressor systems, industrial processes, and fuel switching, including cogeneration and other efficiency and renewable energy technologies.

(g) Highly Efficient Systems. Agencies shall implement district energy systems, and other highly efficient systems, in new construction or retrofit projects when life-cycle cost-effective. Agencies shall consider combined cooling, heat, and power when upgrading and assessing facility power needs and shall use combined cooling, heat, and power systems when life-cycle cost-effective. Agencies shall survey local natural resources to optimize use of available biomass, bioenergy, geothermal, or other naturally occurring energy sources.

(h) Off-Grid Generation. Agencies shall use off-grid generation systems, including solar hot water, solar electric, solar outdoor lighting, small wind turbines, fuel cells, and other off-grid alternatives, where such systems are life-cycle cost-effective and offer benefits including energy efficiency, pollution prevention, source energy reductions, avoided infrastructure costs, or expedited service.

Sec. 404. Electricity Use. To advance the greenhouse gas and renewable energy goals of this order, and reduce source energy use, each agency shall strive to use electricity from clean, efficient, and renewable energy sources. An agency's efforts in purchasing electricity from efficient and renewable energy sources shall be taken into account in assessing the agency's progress and formulating its score card.

(a) Competitive Power. Agencies shall take advantage of competitive opportunities in the electricity and natural gas markets to reduce costs and enhance services. Agencies are encouraged to aggregate demand across facilities or agencies to maximize their economic advantage.

(b) Reduced Greenhouse Gas Intensity of Electric Power. When selecting electricity providers, agencies shall purchase electricity from sources that use high efficiency electric generating technologies when life-cycle cost-effective. Agencies shall consider the greenhouse gas intensity of the source of the electricity and strive to minimize the greenhouse gas intensity of purchased electricity.

(c) Purchasing Electricity from Renewable Energy Sources.

(1) Each agency shall evaluate its current use of electricity

from renewable energy sources and report this level in its annual report to the President. Based on this review, each agency should adopt policies and pursue projects that increase the use of such electricity. Agencies should include provisions for the purchase of electricity from renewable energy sources as a component of their requests for bids whenever procuring electricity. Agencies may use savings from energy efficiency projects to pay additional incremental costs of electricity from renewable energy sources:

(2) In evaluating opportunities to comply with this section, agencies should consider: my Administration's goal of tripling nonhydroelectric renewable energy capacity in the United States by 2010; the renewable portfolio standard specified in the restructuring guidelines for the State in which the facility is located; GSA's efforts to make electricity from renewable energy sources available to Federal electricity purchasers; and EPA's guidelines on crediting renewable energy power in implementation of Clean Air Act standards.

Sec. 405. Mobile Equipment. Each agency shall seek to improve the design, construction, and operation of its mobile equipment, and shall implement all life-cycle cost-effective energy efficiency measures that result in cost savings while improving mission performance. To the extent that such measures are life-cycle cost-effective, agencies shall consider enhanced use of alternative or renewable-based fuels.

Sec. 406. Management and Government Performance. Agencies shall use the following management strategies in meeting the goals of this order.

(a) Awards. Agencies shall use employee incentive programs to reward exceptional performance in implementing this order.

(b) Performance Evaluations. Agencies shall include successful implementation of provisions of this order in areas such as Energy-Savings Performance Contracts, sustainable design, energy efficient procurement, energy efficiency, water conservation, and renewable energy projects in the position descriptions and performance evaluations of agency heads, members of the agency energy team, principal program managers, heads of field offices, facility managers, energy managers, and other appropriate employees.

(c) Retention of Savings and Rebates. Agencies granted statutory authority to retain a portion of savings generated from efficient energy and water management are encouraged to permit the retention of the savings at the facility or site where the savings occur to provide greater incentive for that facility and its site managers to undertake more energy management initiatives, invest in renewable energy systems, and purchase electricity from renewable energy sources.

(d) Training and Education. Agencies shall ensure that all appropriate personnel receive training for implementing this order.

(1) DOE, DOD, and GSA shall provide relevant training or training materials for those programs that they make available to all Federal agencies relating to the energy management strategies contained in this order.

(2) The Federal Acquisition Institute and the Defense Acquisition University shall incorporate into existing procurement courses information on Federal energy management tools, including Energy Savings Performance Contracts, utility energy-efficiency service contracts, ENERGY STAR (Registered Trademark) and other energy efficient products, and life-cycle cost analysis.

(3) All agencies are encouraged to develop outreach programs

that include education, training, and promotion of ENERGY STAR (Registered Trademark) and other energy-efficient products for Federal purchase card users. These programs may include promotions with billing statements, user training, catalogue awareness, and exploration of vendor data collection of purchases.

(e) Showcase Facilities. Agencies shall designate exemplary new and existing facilities with significant public access and exposure as showcase facilities to highlight energy or water efficiency and renewable energy improvements.

PART 5 -- TECHNICAL ASSISTANCE

Sec. 501. Within 120 days of this order, the Director of OMB shall:

(a) develop and issue guidance to agency budget officers on preparation of annual funding requests associated with the implementation of the order for the FY 2001 budget;

(b) in collaboration with the Secretary of Energy, explain to agencies how to retain savings and reinvest in other energy and water management projects; and

(c) in collaboration with the Secretary of Energy through the Office of Federal Procurement Policy, periodically brief agency procurement executives on the use of Federal energy management tools, including Energy-Savings Performance Contracts, utility energy-efficiency service contracts, and procurement of energy efficient products and electricity from renewable energy sources.

Sec. 502. Within 180 days of this order, the Secretary of Energy, in collaboration with other agency heads, shall:

(a) issue guidelines to assist agencies in measuring energy per square foot, per unit of production, or other applicable unit in industrial, laboratory, research, and other energy-intensive facilities;

(b) establish criteria for determining which facilities are exempt from the order. In addition, DOE must provide guidance for agencies to report proposed exemptions;

(c) develop guidance to assist agencies in calculating appropriate energy baselines for previously exempt facilities and facilities occupied after 1990 in order to measure progress toward goals;

(d) issue guidance to clarify how agencies determine the life-cycle cost for investments required by the order, including how to compare different energy and fuel options and assess the current tools;

(e) issue guidance for providing credit toward energy efficiency goals for cost-effective projects where source energy use declines but site energy use increases; and

(f) provide guidance to assist each agency to determine a baseline of water consumption.

Sec. 503. Within 1 year of this order, the Secretary of Energy, in collaboration with other agency heads, shall:

(a) provide guidance for counting renewable and highly efficient energy projects and purchases of electricity from renewable and highly efficient energy sources toward agencies' progress in reaching greenhouse gas and energy reduction goals;

(b) develop goals for the amount of energy generated at Federal

facilities from renewable energy technologies;

(c) support efforts to develop standards for the certification of low environmental impact hydropower facilities in order to facilitate the Federal purchase of such power;

(d) work with GSA and DLA to develop a plan for purchasing advanced energy products in bulk quantities for use in by multiple agencies;

(e) issue guidelines for agency use estimating the greenhouse gas emissions attributable to facility energy use. These guidelines shall include emissions associated with the production, transportation and use of energy consumed in Federal facilities; and

(f) establish water conservation goals for Federal agencies.

Sec. 504. Within 120 days of this order, the Secretary of Defense and the Administrator of GSA, in consultation with other agency heads, shall develop and issue sustainable design and development principles for the siting, design, and construction of new facilities.

Sec. 505. Within 180 days of this order, the Administrator of GSA, in collaboration with the Secretary of Defense, the Secretary of Energy, and other agency heads, shall:

(a) develop and issue guidance to assist agencies in ensuring that all project cost estimates, bids, and agency budget requests for design, construction, and renovation of facilities are based on life-cycle costs. Incentives for contractors involved in facility design and construction must be structured to encourage the contractors to design and build at the lowest life-cycle cost;

(b) make information available on opportunities to purchase electricity from renewable energy sources as defined by this order. This information should accommodate relevant State regulations and be updated periodically based on technological advances and market changes, at least every 2 years;

(c) develop Internet-based tools for both GSA and DLA customers to assist individual and agency purchasers in identifying and purchasing ENERGY STAR® and other energy efficient products for acquisition; and

(d) develop model lease provisions that incorporate energy efficiency and sustainable design. PART 6 -- GENERAL PROVISIONS

Sec. 601. Compliance by Independent Agencies. Independent agencies are encouraged to comply with the provisions of this order.

Sec. 602. Waivers. If an agency determines that a provision in this order is inconsistent with its mission, the agency may ask DOE for a waiver of the provision. DOE will include a list of any waivers it grants in its Federal Energy Management Programs annual report to the Congress.

Sec. 603. Scope. (a) This order is intended only to improve the internal management of the Executive branch and is not intended to create any right, benefit, or trust responsibility, substantive or procedural, enforceable by law by a party against the United States, its agencies, its officers, or any other person.

(b) This order applies to agency facilities in any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, the Northern Mariana Islands, and any other territory or possession over

which the United States has jurisdiction. Agencies with facilities outside of these areas, however, are encouraged to make best efforts to comply with the goals of this order for those facilities. In addition, agencies can report energy improvements made outside the United States in their annual report to the President; these improvements may be considered in agency scorecard evaluations.

Sec. 604. Revocations. Executive Order 12902 of March 9, 1994, Executive Order 12759 of April 17, 1991, and Executive Order 12845 of April 21, 1993, are revoked.

Sec. 605. Amendments to Federal Regulations. The Federal Acquisition Regulation and other Federal regulations shall be amended to reflect changes made by this order, including an amendment to facilitate agency purchases of electricity from renewable energy sources.

PART 7 -- DEFINITIONS

For the purposes of this order:

Sec. 701. "Acquisition" means acquiring by contract supplies or services (including construction) by and for the use of the Federal Government through purchase or lease, whether the supplies or services are already in existence or must be created, developed, demonstrated, and evaluated. Acquisition begins at the point when agency needs are established and includes the description of requirements to satisfy agency needs, solicitation and selection of sources, award of contracts, contract financing, contract performance, contract administration, and those technical and management functions directly related to the process of fulfilling agency needs by contract.

Sec. 702. "Agency" means an Executive agency as defined in 5 U.S.C. 105. For the purpose of this order, military departments, as defined in 5 U.S.C. 102, are covered under the auspices of DOD.

Sec. 703. "Energy-Savings Performance Contract" means a contract that provides for the performance of services for the design, acquisition, financing, installation, testing, operation, and where appropriate, maintenance and repair, of an identified energy or water conservation measure or series of measures at one or more locations. Such contracts shall provide that the contractor must incur costs of implementing energy savings measures, including at least the cost (if any) incurred in making energy audits, acquiring and installing equipment, and training personnel in exchange for a predetermined share of the value of the energy savings directly resulting from implementation of such measures during the term of the contract. Payment to the contractor is contingent upon realizing a guaranteed stream of future energy and cost savings. All additional savings will accrue to the Federal Government.

Sec. 704. "Exempt facility" or "Exempt mobile equipment" means a facility or a piece of mobile equipment for which an agency uses DOE-established criteria to determine that compliance with the Energy Policy Act of 1992 or this order is not practical.

Sec. 705. "Facility" means any individual building or collection of buildings, grounds, or structure, as well as any fixture or part thereof, including the associated energy or water-consuming support systems, which is constructed, renovated, or purchased in whole or in part for use by the Federal Government. It includes leased facilities where the Federal Government has a purchase option or facilities planned for purchase. In any provision of this order, the term "facility" also includes any building 100 percent leased for use by the Federal Government where the Federal Government pays directly or indirectly for the utility costs associated with its leased space. The term also

includes Government-owned contractor-operated facilities.

Sec. 706. "Industrial facility" means any fixed equipment, building, or complex for production, manufacturing, or other processes that uses large amounts of capital equipment in connection with, or as part of, any process or system, and within which the majority of energy use is not devoted to the heating, cooling, lighting, ventilation, or to service the water heating energy load requirements of the facility.

Sec. 707. "Life-cycle costs" means the sum of the present values of investment costs, capital costs, installation costs, energy costs, operating costs, maintenance costs, and disposal costs, over the lifetime of the project, product, or measure. Additional guidance on measuring life-cycle costs is specified in 10 C.F.R. 436.19.

Sec. 708. "Life-cycle cost-effective" means the life-cycle costs of a product, project, or measure are estimated to be equal to or less than the base case (i.e., current or standard practice or product). Additional guidance on measuring cost-effectiveness is specified in 10 C.F.R. 436.18 (a), (b), and (c), 436.20, and 436.21.

Sec. 709. "Mobile equipment" means all Federally owned ships, aircraft, and nonroad vehicles.

Sec. 710. "Renewable energy" means energy produced by solar, wind, geothermal, and biomass power.

Sec. 711. "Renewable energy technology" means technologies that use renewable energy to provide light, heat, cooling, or mechanical or electrical energy for use in facilities or other activities. The term also means the use of integrated whole-building designs that rely upon renewable energy resources, including passive solar design.

Sec. 712. "Source energy" means the energy that is used at a site and consumed in producing and in delivering energy to a site, including, but not limited to, power generation, transmission, and distribution losses, and that is used to perform a specific function, such as space conditioning, lighting or water heating.

Sec. 713. "Utility" means public agencies and privately owned companies that market, generate, and/or distribute energy or water, including electricity, natural gas, manufactured gas, steam, hot water, and chilled water as commodities for public use and that provide the service under Federal, State, or local regulated authority to all authorized customers. Utilities include: Federally owned non-profit producers; municipal organizations; and investor or privately owned producers regulated by a State and/or the Federal Government; cooperatives owned by members and providing services mostly to their members; and other nonprofit State and local government agencies serving in this capacity.

Sec. 714. "Utility energy-efficiency service" means demand side management services provided by a utility to improve the efficiency of use of the commodity (electricity, gas, etc.) being distributed. Services can include, but are not limited to, energy efficiency and renewable energy project auditing, financing, design, installation, operation, maintenance, and monitoring.

WILLIAM J. CLINTON

THE WHITE HOUSE,
June 3, 1999.

#

The President's Commission to Study Capital Budgeting

See below for Executive Order 13037, which established the Commission to Study Capital Budgeting. Below that is Executive Order 13066, which amended the initial Executive Order 13037 by increasing the membership of the Commission, and Executive Order 13108, which extended the deadline for the report to February 1, 1999, and the expiration date of the Commission to September 30, 1999.

Federal Register

Presidential Documents

Vol. 62, No. 44 Thursday, March 6, 1997

Executive Order 13037 of March 3, 1997

Commission To Study Capital Budgeting

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Advisory Committee Act, as amended (5 U.S.C. App.), it is hereby ordered as follows:

Section 1. *Establishment.* There is established the Commission to Study Capital Budgeting ("Commission"). The Commission shall be bipartisan and shall be composed of 11 members appointed by the President. The members of the Commission shall be chosen from among individuals with expertise in public and private finance, government officials, and leaders in the labor and business communities. The President shall designate two co-chairs from among the members of the Commission.

Sec. 2. *Functions.* The Commission shall report on the following: (a) Capital budgeting practices in other countries, in State and local governments in this country, and in the private sector; the differences and similarities in their capital budgeting concepts and processes; and the pertinence of their capital budgeting practices for budget decisionmaking and accounting for actual budget outcomes by the Federal Government; (b) The appropriate definition of capital for Federal budgeting, including: use of capital for the Federal Government itself or the economy at large; ownership by the Federal Government or some other entity; defense and nondefense capital; physical capital and intangible or human capital; distinctions among investments in and for current, future, and retired workers; distinctions between capital to increase productivity and capital to enhance the quality of life; and existing definitions of capital for budgeting; (c) The role of depreciation in capital budgeting, and the concept and measurement of depreciation for purposes of a Federal capital budget; and (d) The effect of a Federal capital budget on budgetary choices between capital and noncapital means of achieving public objectives; implications for macroeconomic stability; and potential mechanisms for budgetary discipline.

Sec. 3. *Report.* The Commission shall adopt its report through majority vote of its full membership. The Commission shall report to the National Economic Council by March 15, 1998, or within 1 year from its first meeting.

Sec. 4. Administration. (a) Members of the Commission shall serve without compensation for their work on the Commission. While engaged in the work of the Commission, members appointed from among private citizens of the United States may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the Government service (5 U.S.C. 5701-5707). (b) The Department of the Treasury shall provide the Commission with funding and administrative support. The Commission may have a paid staff, including detailees from Federal agencies. The Secretary of the Treasury shall perform the functions of the President under the Federal Advisory Committee Act, as amended (5 U.S.C. App.), except that of reporting to the Congress, in accordance with the guidelines and procedures established by the Administrator of General Services.

Sec. 5. General Provisions. The Commission shall terminate 30 days after submitting its report.

THE WHITE HOUSE, *March 3, 1997*

Federal Register
Presidential Documents

Vol. 62, No. 211 Friday, October 31, 1997

Executive Order 13066 of October 29, 1997

**Amendment to Executive Order 13037, Commission To Study
Capital Budgeting**

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to increase the membership of the Commission to Study Capital Budgeting, it is hereby ordered that the second sentence of section 1 of Executive Order 13037 is amended by deleting "11" and inserting "no more than 20" in lieu thereof. It is further ordered that section 3 of Executive Order 13037 is amended by deleting the words "by March 15, 1998, or".

William J. Clinton

THE WHITE HOUSE
October 29, 1997

Federal Register
Presidential Documents

Vol. 63, No. 240 Tuesday, December 15, 1998

Executive Order 13108 of December 11, 1998

Further Amendment to Executive Order 13037, Commission

To Study Capital Budgeting

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to extend the reporting deadline for, and the expiration date of, the Commission to Study Capital Budgeting, it is hereby ordered that Executive Order 13037, as amended, is further amended by deleting in section 3 of that order "within 1 year from its first meeting" and inserting in lieu thereof "by February 1, 1999" and by deleting in section 5 of that order "30 days after submitting its report" and inserting in lieu thereof "on September 30, 1999".

William J. Clinton

THE WHITE HOUSE
December 11, 1998

President's Commission to Study Capital Budgeting

[Read our Privacy Policy](#)

President's Committee of Advisors on Science and Technology (PCAST) EXECUTIVE ORDER AND AMENDMENTS

Executive Order 12882 of November 23, 1993

President's Committee of Advisors on Science and Technology Policy

By the authority vested in me as President by the Constitution and the law of the United States of America, including section 301 of title 3, United States Code, and in order to establish an advisory committee on science and technology, it is hereby ordered as follows:

Section 1. *Establishment.* There is established the President's Committee of Advisors on Science and Technology ("PCAST"). PCAST shall be composed of not more than 16 members, one of whom shall be the Assistant to the President for Science and Technology ("Assistant"), and 15 of whom shall be distinguished individuals from the nonfederal sector appointed by the President. The nonfederal sector members shall be representative of the diverse perspectives and expertise in the Nation's investments in science and technology. The Assistant to the President for Science and Technology shall co-chair PCAST with a nonfederal sector member selected by the President.

Section 2. *Functions.*

- The PCAST shall advise the President, through the Assistant, on matters involving science and technology.
- In the performance of its advisory duties, PCAST shall assist the National Science and Technology Council ("Council") in securing private sector involvement in its activities.

Section 3. *Administration.*

- The heads of executive departments and agencies shall, to the extent permitted by law, provide PCAST such information with respect to scientific and technological matters as required for the purpose of carrying out its functions.
- In consultation with the Assistant to the President for Science and Technology, PCAST is authorized to convene ad hoc working groups to assist the Council.
- Members of PCAST shall serve without any compensation for their work on PCAST. However, members may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the government service (5 U.S.C. 5701-5707).
- Any expenses of PCAST shall be paid from the funds available for the expenses of the Office of Science and Technology Policy.

- The Office of Science and Technology Policy shall provide such administrative services as may be required.

Section 4. General.

- I have determined that the Committee shall be established in compliance with the Federal Advisory Committee Act, as amended (5 U.S.C. App.). Notwithstanding any other Executive order, the functions of the President under the Federal Advisory Committee Act, as amended, except that of reporting to the Congress, which are applicable to PCAST shall be performed by the Office of Science and Technology Policy in accordance with the guidelines and procedures established by the Administrator of General Services.
- PCAST shall terminate 2 years from the dates of this order unless extended prior to that date.
- Executive Orders Nos. 12700, 12768 and Section 2 of Executive Order No. 12869 are hereby revoked.


Official Signature

THE WHITE HOUSE.
November 23, 1993.

Amendment April 14, 1994
Extension September 29, 1995
Extension September 29, 1997

Executive Order Amending Order No. 12882

Adding Members to PCAST

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to add three members to the President's Committee of Advisors on Science and Technology, it is hereby ordered that that number "16" in the second sentence of section 1 of Executive Order No. 12882 is deleted and the number "19" is inserted in lieu thereof, and that the number "15" in the second sentence of section 1 of Executive Order No. 12882 is deleted and the number "18" inserted in lieu thereof.


Official Signature

THE WHITE HOUSE.

April 14, 1994.

Executive Order 12974 of September 29, 1995

Continuance of Certain Federal Advisory Committees

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in accordance with the provisions of the Federal Advisory

Committee Act, as amended (5 U.S.C. App.), it is hereby ordered as follows:

Section 1. Each advisory committee listed below is continued until September 30, 1997.

- a. Committee for the Preservation of the White House; Executive Order No. 11145, as amended (Department of the Interior).
- b. Federal Advisory Council on Occupational Safety and Health; Executive Order No. 12196, as amended (Department of Labor).
- c. National Partnership Council; Executive Order No. 12871 (Office of Personnel Management).
- d. President's Advisory Commission on Educational Excellence for Hispanic Americans; Executive Order No. 12900 (Department of Education).
- e. President's Board of Advisors on Historically Black Colleges and Universities; Executive Order No. 12876 (Department of Education).
- f. President's Commission on White House Fellowships; Executive Order No. 11183, as amended (Office of Personnel Management).
- g. **President's Committee of Advisors on Science and Technology Policy; Executive Order No. 12882, as amended, (Office of Science and Technology Policy). [Bold supplied]**
- h. President's Committee on the Arts and the Humanities; Executive Order No. 12367, as amended (National Endowment for the Arts).
- i. President's Committee on the International Labor Organization; Executive Order No. 12216, as amended (Department of Labor).
- j. President's Committee on Mental Retardation; Executive Order No. 11776, as amended (Department of Health and Human Services).
- k. President's Committee on the National Medal of Science; Executive Order No. 11287, as amended (National Science Foundation).
- l. President's Council on Physical Fitness and Sports; Executive Order No. 12345, as amended (Department of Health and Human Services).
- m. President's Export Council; Executive Order No. 12131, as amended (Department of Commerce).
- n. President's National Security Telecommunications Advisory Committee; Executive Order No. 12382, as amended (Department of Defense).
- o. Trade and Environment Policy Advisory Committee; Executive Order No. 12905 (Office of the United States Trade Representative).

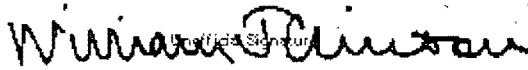
Section 2. Notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act that are applicable to the committees listed in section 1 of this order, except that of reporting annually to the Congress, shall be performed by the head of the department or agency designated after each committee, in accordance with the guidelines and procedures established by the Administrator of General Services.

Section 3. The following orders or sections thereof, which established committees that have terminated or whose work is completed, are revoked:

- a. Executive Order No. 12878, as amended by Executive Order Nos. 12887 and 12912, establishing the Bipartisan Commission on Entitlement Reform; and
- b. That portion of section 2 of Executive Order No. 12844 that established the Federal Fleet Conversion Task Force.

Section 4. Executive Order No. 12869 is superseded.

Section 5. This order shall be effective September 30, 1995.


Unofficial Signature

THE WHITE HOUSE,

September 29, 1995.

Executive Order 13062 of September 29, 1997

Continuance of Certain Federal Advisory Committees and Amendments to Executive Orders 13038 and 13054

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in accordance with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), it is hereby ordered as follows:

Section 1. Each advisory committee listed below is continued until September 30, 1999.

- a. Committee for the Preservation of the White House; Executive Order No. 11145, as amended (Department of the Interior).
- b. Federal Advisory Council on Occupational Safety and Health; Executive Order No. 12196, as amended (Department of Labor).
- c. National Partnership Council; Executive Order No. 12871 (Office of Personnel Management).
- d. President's Advisory Commission on Educational Excellence for Hispanic Americans; Executive Order No. 12900 (Department of Education).
- e. President's Board of Advisors on Historically Black Colleges and Universities; Executive Order No. 12876 (Department of Education).
- f. President's Commission on White House Fellowships; Executive Order No. 11183, as amended (Office of Personnel Management).
- g. **President's Committee of Advisors on Science and Technology Policy; Executive Order No. 12882, as amended (Office of Science and Technology Policy). [Bold supplied]**
- h. President's Committee on the Arts and the Humanities; Executive Order No. 12367, as amended (National Endowment for the Arts).
- i. President's Committee on the International Labor Organization; Executive Order No. 12216, as amended (Department of Labor).
- j. President's Committee on the National Medal of Science; Executive Order No. 11287, as amended (National Science Foundation).
- k. President's Committee on Mental Retardation; Executive Order No. 12994, as amended (Department of Health and Human Services).
- l. President's Council on Physical Fitness and Sports; Executive Order No. 12345, as amended (Department of Health and Human Services).
- m. President's Export Council; Executive Order No. 12131, as amended (Department of Commerce).

- n. President's National Security Telecommunications Advisory Committee; Executive Order No. 12382, as amended (Department of Defense).
- o. Trade and Environment Policy Advisory Committee; Executive Order No. 12905 (Office of the United States Trade Representative).

Section 2. Notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act that are applicable to the committees listed in section 1 of this order, except that of reporting annually to the Congress, shall be performed by the head of the department or agency designated after each committee, in accordance with the guidelines and procedures established by the Administrator of General Services.

Section 3. The following Executive orders, which established committees that have terminated and whose work is completed, are revoked:

- a. Executive Order 12891, establishing the Advisory Committee on Human Radiation Experiments;
- b. Executive Order 12964, as amended by Executive Orders 12987 and 13032, establishing the Commission on United States-Pacific Trade and Investment Policy;
- c. Executive Order 12946, establishing the President's Advisory Board on Arms Proliferation Policy;
- d. Executive Order 12864, as amended by Executive Orders 12890, 12921, and 12970, establishing the United States Advisory Council on the National Information Infrastructure; and
- e. Executive Order 13015, establishing the White House Commission on Aviation Safety and Security.

Section 4. Executive Order No. 12974 is superseded.

Section 5. In Executive Order 13038, the second sentence of section 1 is amended by deleting "15" and inserting "22" in lieu thereof.

Section 6. Executive Order 13054 is amended by revising section 1 to read as follows: "A United States citizen who is a family member of a Federal civilian employee who has separated from Federal service to accept employment with the American Institute in Taiwan pursuant to section 11 of Public Law 96-8 (22 U.S.C. 3310(a)) may be appointed non-competitively in a manner similar to non-competitive appointments under Executive Order 12721 and implementing regulations of the Office of Personnel Management to a competitive service position in the executive branch, provided such family member meets the qualifications and other requirements established by the Director of the Office of Personnel Management, including an appropriate period of satisfactory overseas employment with the American Institute in Taiwan."

Section 7. This order shall be effective September 30, 1997.


Official Signature

The White House,

September 29, 1997.

Executive Order 13038 of September 30, 1999

Continuance Of Certain Federal Advisory Committees

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in accordance with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App.), it is hereby ordered as follows:

Section 1. Each advisory committee listed below is continued until September 30, 2001.

- (a) Committee for the Preservation of the White House; Executive Order 11145, as amended (Department of the Interior).
- (b) Federal Advisory Council on Occupational Safety and Health; Executive Order 12196, as amended (Department of Labor).
- (c) National Partnership Council; Executive Order 12871, as amended (Office of Personnel Management).
- (d) President's Advisory Commission on Educational Excellence for Hispanic Americans; Executive Order 12900 (Department of Education).
- (e) President's Board of Advisors on Historically Black Colleges and Universities; Executive Order 12876 (Department of Education).
- (f) President's Board of Advisors on Tribal Colleges and Universities; Executive Order 13021, as amended (Department of Education).
- (g) President's Commission on White House Fellowships; Executive Order 11183, as amended (Office of Personnel Management).
- (h) President's Committee of Advisors on Science and Technology; Executive Order 12882 (Office of Science and Technology Policy).
- (i) President's Committee on the Arts and the Humanities; Executive Order 12367, as amended (National Endowment for the Arts).
- (j) President's Committee on the International Labor Organization; Executive Order 12216, as amended (Department of Labor).
- (k) President's Committee on the National Medal of Science; Executive Order 11287, as amended (National Science Foundation).
- (l) President's Committee on Mental Retardation; Executive Order 12994 (Department of Health and Human Services).
- (m) President's Council on Physical Fitness and Sports; Executive Order 12345, as amended (Department of Health and Human Services).

(n) President's National Security Telecommunications Advisory Committee, Executive Order 12382, as amended (Department of Defense).

(o) Trade and Environment Policy Advisory Committee; Executive Order 12905 (Office of the United States Trade Representative).

(p) President's Export Council; Executive Order 12131, as amended (Department of Commerce).

Sec. 2. Notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act that are applicable to the committees listed in section 1 of this order, except that of reporting annually to the Congress, shall be performed by the head of the department or agency designated after each committee, in accordance with the guidelines and procedures established by the Administrator of General Services.

Sec. 3. The following Executive orders, or sections thereof, which established committees that have terminated and whose work is completed, are revoked:

(a) Executive Order 13017, as amended by Executive Orders 13040 and 13056, establishing the Advisory Commission on Consumer Protection and Quality in the Health Care Industry;

(b) Executive Order 13038, establishing the Advisory Committee on Public Interest Obligation of Digital Television Broadcasters, as amended by section 5 of Executive Order 13062, and Executive Orders 13065, 13081, and 13102;

(c) Section 5 and that part of section 6(f) of Executive Order 13010, as amended by section 3 of Executive Order 13025, Executive Order 13041, sections 1, 2, and that part of section 3 of Executive Order 13064, and Executive Order 13077, establishing the Advisory Committee to the President's Commission on Critical Infrastructure Protection;

(d) Executive Order 13037, as amended by Executive Orders 13066 and 13108, establishing the Commission to Study Capital Budgeting;

(e) Executive Order 13050, establishing the President's Advisory Board on Race;

(f) Executive Order 12852, as amended by Executive Orders 12855, 12965, 12980, 13053, and 13114, establishing the President's Council on Sustainable Development; and

(g) Executive Order 12961, as amended by Executive Order 13034, establishing the Presidential Advisory Committee on Gulf War Veterans' Illnesses.

Sec. 4. Sections 1 through 4 of Executive Order 13062 are superseded.

Sec. 5. Executive Order 12131, as amended, is further amended by adding in section 1-102(a) a new paragraph as follows: "(9) Department of Energy."

Sec. 6. Executive Order 13115 is amended by adding the Department of the Treasury and the Office of National Drug Control Policy to the Interagency Task Force on the Roles and Mission of the United States Coast Guard, so that the list in section 1(b) of that order shall read as follows:

"(1) Department of State;

(2) Department of the Treasury;

(3) Department of Defense;

(4) Department of Justice;

- (5) Department of Commerce;
- (6) Department of Labor;
- (7) Department of Transportation;
- (8) Environmental Protection Agency;
- (9) Office of Management and Budget;
- (10) National Security Council;
- (11) Office of National Drug Control Policy;
- (12) Council on Environmental Quality;
- (13) Office of Cabinet Affairs;
- (14) National Economic Council;
- (15) Domestic Policy Council; and
- (16) United States Coast Guard."

Sec. 7. Executive Order 12367, as amended, is further amended as follows:

- (a) in section 1, the text "the director of the International Communication Agency," is deleted;
- (b) in section 2, delete the first sentence and insert in lieu thereof "The Committee shall advise, provide recommendations to, and assist the President, the National Endowment of the Arts, the National Endowment for the Humanities, and the Institute of Museum and Library Services on matters relating to the arts and the humanities. The Committee shall initiate and assist in the development of (i) ways to promote public understanding and appreciation of the arts and the humanities; (ii) ways to promote private sector support for the arts and humanities; (iii) ways to evaluate the effectiveness of Federal support for the arts and humanities and their relationship with the private sector; (iv) the planning and coordination of appropriate participation (including productions and projects) in major national cultural events, including the Millennium; (v) activities that incorporate the arts and the humanities in government objectives; and (vi) ways to promote the recognition of excellence in the fields of the arts and the humanities."; and
- (c) in section 3(b), add the following sentence after the first sentence: "Private funds accepted under the National Endowment for the Arts' or the National Endowment for the Humanities' gift authority may also be used to pay expenses of the Committee."

Sec. 8. Executive Order 12345, as amended, is further amended by deleting the first sentence of section 2(b) and inserting in lieu thereof the following three sentences. "The council shall be composed of twenty members appointed by the President. Each member shall serve a term of 2 years and may continue to serve after the expiration of their term until a successor is appointed. A member appointed to fill an unexpired term will be appointed for the remainder of such term."

Sec. 9. This order shall be effective September 30, 1999.


Official Signature

WILLIAM J. CLINTON
THE WHITE HOUSE,
September 30, 1999.

**President's Committee of Advisors
on Science and Technology
(PCAST)**

1600 Pennsylvania Ave, N.W.

Washington, DC 20502

202.456.6100

Information@ostp.eop.gov



To comment on this service, send feedback to the [Web Development Team](#).

[Read our Privacy Policy](#)

Educating ALL of America – Educational Excellence for Hispanic Americans WHITEPAPER

Since, 1993, improving educational opportunities and outcomes for all Americans has been a cornerstone of President Clinton's Administration. Yet even as the effort to implement standards and accountability takes root in states and communities across the country, we confront the reality that Hispanic Americans lag behind in academic achievement.

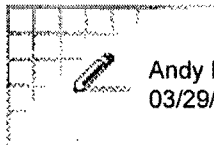
In August 1999, the First Lady hosted the first White House Convening on Latino youth, seeking to draw attention to the needs of the Latino community and emphasizing the importance of ensuring that every child meets his or her full potential. Over 200 community leaders, foundation and private sector representatives joined federal agency personnel to discuss pathways to achievement for Latino youth, including the networks of support that promote such achievement, and the risk factors that impede that progress. The event also furthered an on-going discussion concerning how to expand effective programs to address the needs of young Hispanic Americans.

To build on this effort, the White House is exploring the idea of hosting a national strategy session in the spring of 2000 that would bring together the various stakeholders, including public, private, philanthropic, and other non-profit organizations and leaders. The strategy session would highlight the importance of boosting Hispanic education achievement to our country's democracy and economic success. It would take stock of the progress achieved to date while addressing the need for more action from every sector of society. We are interested in all areas of education, including the early childhood years, elementary, secondary, and higher education and lifelong learning.

At present, the meeting's focus is anticipated to concentrate on the following five areas:

- Access to Early Childhood Education
- Closing the Achievement Gap on State Assessments
- Hispanic Dropout Rate
- Language Proficiency
- Higher Education

In developing this strategy session we will work with stakeholders to help formulate and structure the session, as well as to secure concrete commitments for future investments to address the educational needs of Hispanic Americans. We are in the process of reaching out to various public, private and community-based organizations and individuals to elicit their views and input about our idea.



Andy Rotherham
03/29/2000 02:27:19 PM

Record Type: Record

To: Bruce N. Reed/OPD/EOP@EOP
cc: Eric P. Liu/OPD/EOP@EOP, Cathy R. Mays/OPD/EOP@EOP, Anna Richter/OPD/EOP@EOP
Subject: EO on failing schools

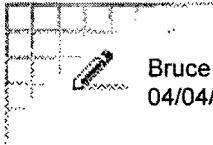
Bruce:

I think that a dynamite deliverable for the Education Tour (preferably at the high-poverty/high performing school) would be the Executive Order on failing school's that we've discussed. Politically, this one's going to be tough so I sort of think we need to be unified here and then take it to the department.

I think an EO of this nature would have to direct the Department to report to the President each year the number of low-performing schools as identified through the Title I accountability mechanisms that the law requires to be in place by 2001. The Department would also have to report as to whether this number has increased or decreased during the previous year and explain why. It should also direct OERI to substantially beef up research activities in this area. In addition, I think that it would have to direct the Secretary to take whatever activities he/she feels is necessary to re-focus the Department's resources, expertise, and efforts on working with states and localities to address this issue.

What are your thoughts on this, do you want me to draft something up for consideration?

AR



Bruce N. Reed
04/04/2000 01:22:49 PM

Record Type: Record

To: Andy Rotherham/OPD/EOP@EOP

cc:

Subject: Re: EO on failing schools 

Let's talk about this. I like the sound of it, but we'd have to figure out a way to make it relevant while we're still here (or at least while I'm still here). For example, give the dept 60 days to tell us how many failing schools there are right now. Or give us a report on how districts plan to spend the acct fund money we've given them. The point of the EO shouldn't be to make the dept look bad, but to force some concrete action -- like giving us a list of currently failing schools, and what if anything states/districts are doing about them.

National Goals for Educational Excellence for Hispanic Americans

This draft is an attempt to articulate what the national goals may look like at this point, and elicit areas of confusion or disagreement. This is in no way a final product, and will not necessarily represent everyone's understanding of the goals. Strategies and indicators are still being developed for each of these goals and will be shared for comment when they have been drafted.

- 1) Ensure that all Hispanic American children have access to high quality early childhood education and development programs and enter school prepared to succeed by eliminating the gap between the Hispanic participation rate and the national participation rate in high quality programs by 2010.
- 2) Respecting the value of multilingualism, different learning styles, and different instructional approaches, by 2010 states and school districts will ensure that all students graduate from high school having demonstrated proficiency in English.
- 3) Eliminate the achievement gap between Hispanic students and other students on state assessments by 2010 by providing a high quality education with the resources and systems that ensure equal opportunities for all.
~~APPLICABLE TEST STRATEGIES~~
- 4) Eliminate the gap in the high school completion rate between Hispanic students and the national average by 2010.
- 5) Make progress towards eliminating the gap between the average rate of college completion for Hispanic Americans and the national average by 2010 by at least doubling both the percentage of Hispanic Americans who earn Associate's and the percentage of Hispanic Americans who earn Bachelor's degrees.

• MAKE BUSINESS

• ASK - PARTNERSHIP

• MENTORING

HINDSA

• HAVE SIMILAR IMPACT TO ENT-CULTURED

- SOMEONE WHO'S
RETURN

- E -

• WHOM PRESENTS