

APPENDIX C

EXECUTIVE ORDERS PERTINENT TO THE WATER RESOURCES
PROGRAM OF THE CORPS OF ENGINEERS

C-1. Executive Order 10913, 18 January 1961, Amending Executive Order No. 10584 Prescribing Rules and Regulations Relating to the Administration of the Watershed Protection and Flood Prevention Act. (P.L. 566, 83rd Congress, as amended). Sections 3 and 4 provide for notification and coordination of agencies in the use, conservation, and development of water and related land resources.

C-2. Executive Order 11017, 27 April 1962, Providing for Coordination with Respect to Outdoor Recreation Resources and Establishing the Recreation Advisory Council. This order establishes the Recreation Advisory Council which shall provide policy advice to heads of Federal agencies, on matters affecting outdoor recreation resources, and facilitate coordinated efforts among the various Federal agencies.

C-3. Executive Order 11200, 2 March 1965, Providing for Establishing User Fees Pursuant to the Land and Water Conservation Fund Act of 1965. This order provides criteria for designating areas where entrance, admission and other recreation user fees will be charged. Section 5 prescribes the establishment of these fees.

C-4. Executive Order 11426, 31 August 1968, Federal and State Liaison and Cooperation. This order directs and outlines additional duties of the Director of the Office of Emergency Planning in his capacity as the President's liaison with the Governors of the States and Territories.

C-5. Executive Order 11472, 29 May 1969, Establishing the Environmental Quality Council and the Citizens Advisory Committee on Environmental Quality. This order established a council and committee to advise and assist the President with respect to environmental quality matters. (Amended by E.O. 12007, 22 Aug 77.)

C-6. Executive Order 11514, 5 March 1970, Protection and Enhancement of Environmental Quality. Section 2 of the order outlines the responsibilities of Federal agencies in consonance with Title I of the National Environmental Policy Act of 1969. (Amended by E.O. 11991, 24 May 77.)

C-7. Executive Order 11592, 16 May 1971, Delegates Certain Authority of the President to the Director of the Office of Management and Budget. The Director of OMB is empowered to grant approvals authorized, or required to be granted by the President, by any provisions of the River and Harbor Act of 1970 and the Flood Control Act of 1970.

C-8. Executive Order 11593, 13 May 1971, Protection and Enhancement of the Cultural Environment. Section 2 of the order outlines the responsibilities of Federal agencies in consonance with The National Environmental Policy Act of 1969, The National Historic Preservation Act of 1966, The Historic Sites Act of 1935, and the Antiquities Act of 1906. Section 3 outlines specific responsibilities of the Secretary of the Interior including review and comment upon Federal agency procedures submitted under this order.

C-9. Executive Order 11643, 8 February 1972, Environmental Safeguards on Activities for Animal Damage Control on Federal Lands. This order

states a Federal policy to restrict the use of chemical toxicants for mammal or bird damage control on any Federal lands or in any Federal control programs as authorized by law. Included are chemical toxicants which cause any secondary poisoning effects. (Amended by E.O. 11870, 18 Jul 75 and E.O. 11917, 28 May 76.)

C-10. Executive Order 11644, 8 February 1972, Use of Off-Road Vehicles on the Public Lands. This order establishes a uniform Federal policy regarding the use of vehicles such as trail bikes, snowmobiles, dune-buggies and others, on public lands. Section 3 provides guidance for establishing zones of use for such vehicles. (Amended by E.O. 11989, 24 May 77.)

C-11. Executive Order 11735, 3 August 1973, Assignment of Functions under Section 311 of the Federal Water Pollution Control Act, as amended. Delegates authority to the Administrator of the Environmental Protection Agency and the Secretary of the Department in which the Coast Guard is operating for determinations of threats due to discharge of oil or hazardous substances. (Amended by E.O. 12418, 5 May 83.)

C-12. Executive Order 11747, 7 November 1973, Delegating Certain Authority of the President under the Water Resources Planning Act, as amended. Section 1 authorizes the Director of the Office of Management and Budget to approve rules, procedures, arrangements, and provisions relating to coordination of the Federal planning assistance program and utilization of Federal agencies administering related programs. (This was revoked by E.O. 12608, 9 Sep 87.) Section 2 designates and empowers the Chairman of the Water Resources Council to approve standards and procedures vested in the President by Section 103 of the Water Resources Planning Act.

C-13. Executive Order 11795, 11 July 1974, Delegating Disaster Relief Functions Pursuant to the Disaster Relief Act of 1974. All but Section 3 revoked by E.O. 12148. The Secretary of Agriculture may still exercise Section 409 of Public Law 93-288 concerning food coupons and distribution during relief activities.

C-14. Executive Order 11814, 11 October 1974, Activation of the Energy Resources Council. This order is in response to Section 108 of the Energy Reorganization Act of 1974 (P.L. 93-438). The Secretary of the Interior is designated as Chairman. Additional officials including the Secretary of Defense are members. Functions of the Council include development of a single national energy policy and program.

C-15. Executive Order 11821, 27 November 1974, Inflation Impact Statements. This order directs that major proposals for legislation, and for the promulgation of regulations or rules by any executive branch agency must be accompanied by a statement which certifies that the inflationary impact of the proposal has been evaluated.

C-16. Executive Order 11870, 18 July 1975, Environmental Safeguard on Activities for Animal Damage Control on Federal Lands. This order amends E.O. 11643 of the same title. Section 1 adds to the Federal policy, the assurance that where chemical toxicants are used pursuant to Section 3(b), only those combinations of toxicants and techniques will be used which best protect nontarget wildlife species and individuals. (Also see E.O. 11917, 28 May 76.)

C-17. Executive Order 11917, 28 May 1976, Animal Damage Control on

Federal Lands. This order further amends E.O. 11643 by adding that agency heads may authorize the use of sodium cyanide in Federal programs or on Federal lands, in accordance with regulations, and subject to all present restrictions and those prescribed hereafter by EPA.

C-18. Executive Order 11921, 11 June 1976, Adjusting Emergency Preparedness Assignments to Organizational and Functional Changes in Federal Departments and Agencies. This order amends E.O. 11490 of October 1969. The Corps or other Defense elements, under the guidance of the Department of Interior, will develop plans and programs to help meet emergency water requirements in watershed areas under their jurisdiction. In accordance with the Department of Transportation and other Federal agencies, emergency plans and procedures will be developed for: improvement, rehabilitation, operation and maintenance of Federally authorized river and harbor projects, locating and removing obstructions to navigation, and dredging to clear and straighten navigation channels. Plans and procedures will also be developed for management, control and allocation of water resources, including establishing priorities for water use during emergencies. Amended by E.O. 12656 to transfer the lead in emergency water requirements preparedness planning to the Secretary of the Army.

C-19. Executive Order 11954, 7 January 1977, Federal Property Review. Amended by E.O. 12030, 15 December 1978. Revoked by E.O. 12348, 25 February 1982.

C-20. Executive Order 11988, 24 May 1977, Flood Plain Management. This order outlines the responsibilities of Federal agencies in the role of flood plain management. Each agency shall evaluate the potential effects of actions on flood plains, and should not undertake actions which directly or indirectly induce growth in the floodplain, unless there is no practical alternative. Agency regulations and operating procedures for licenses and permits should include provisions for the evaluation and consideration of flood hazards. Agencies are required to prepare their procedures in consultation with the Water Resources Council, the Federal Insurance Administration, and the Council on Environmental Quality. Construction of structures and facilities on flood plains must incorporate flood proofing and other accepted flood protection measures. Agencies shall attach appropriate use restrictions to property proposed for lease, easement, right-of-way, or disposal to non-Federal public or private parties. This order revokes E.O. 11296, 10 August 1966. (This order was modified by E.O. 12148 by deleting "Federal Insurance Administration" and substituting "Director of the Federal Emergency Management Agency.")

C-21. Executive Order 11989, 24 May 1977, Off-Road Vehicles in Public Lands. Agency heads are authorized to close areas or trails, within their jurisdiction, to off-road vehicles which cause adverse effects to soil, vegetation, wildlife, wildlife habitat, culture or historic resources. Fire, military, emergency, and law enforcement vehicles are excluded, when used for emergency purposes. This order amends E.O. 11644, 8 February 1972.

C-22. Executive Order 11990, 24 May 1977, Protection of Wetlands. This order directs Federal agencies to provide leadership in minimizing the destruction, loss or degradation of wetlands. Section 2 of this order states that, in furtherance of the National Environmental Policy Act of 1969, agencies shall avoid undertaking or assisting in new construction located in wetlands unless there is no practical alternative. Each agency will provide opportunity for early

public review of plans and proposals for construction in wetlands, including those whose impact is not significant to require EIS preparation. Section 9 exempts assistance provided for emergency work, essential to protect lives, health, and property performed pursuant to Sections 305 and 306 of the Disaster Relief Act of 1974. (Amended, to delete reference to the Water Resources Council in Section 6, by E.O. 12608, 9 Sep 87.)

C-23. Executive Order 11991, 24 May 1977, Relating to Protection and Enhancement of Environmental Quality. Section 1 of this order amends Section 3(h) of E.O. 11514, by directing the Council of Environmental Quality to issue guidelines to Federal agencies for implementing procedural provisions of NEPA (1969). These regulations will include procedures for early EIS preparation and require impact statements to be concise, clear, and supported by evidence that agencies have made the necessary analyses. The Council will resolve conflicts between agencies, concerning the implementation of NEPA and Section 309 of Clean Air Act, as amended.

C-24. Executive Order 12007, 22 August 1977, Termination of Certain Advisory Committee. This order terminates several presidential advisory committees, including the Citizens Advisory Committee on Environmental Quality, which was established by E.O. 11472. This order also amends Section 4 of E.O. 11514 in reference to the Committee.

C-25. Executive Order 12030, 15 December 1977, Termination of the Federal Property Council. This order terminates the Federal Property Council established by E.O. 11724, of 25 June 1973, and amends E.O. 11954 of 7 January 1977.

C-26. Executive Order 12088, 13 October 1978, Federal Compliance with Pollution Control Standards. The head of each Executive agency is responsible for ensuring that all necessary actions are taken for the prevention, control and abatement of environment pollution, with respect to Federal facilities and activities under control of the agency. Each agency head will consult with the Administrator of EPA, state, interstate, and local agencies concerning the best techniques and methods for pollution control and prevention. Each agency is directed to submit an annual environmental pollution control plan to the Director of OMB. Section 1-4 describes this plan. This order revokes E.O. 11752 of 17 December 1973.

C-27. Executive Order 12113, 4 January 1979, Independent Water Project Review. This order provided that Federal agencies that prepare comprehensive regional or river basin plans, and formulate and evaluate water and related land resources plans, were to follow a current set of principles, standards and procedures established by the Water Resources Council. The order directed the Council to ensure impartial technical reviews of preauthorization reports or proposals, and preconstruction plans for Federal or Federally assisted water and land resources projects and programs. It required that reports, proposals and plans must be submitted to the Council for review prior to approval by Agency heads and subsequent submission to OMB for authorization or funding requests. The order was amended by E.O. 12141, 5 June 1979; it was revoked by E.O. 12322, 17 September 1981.

C-28. Executive Order 12114, 4 January 1979, Environmental Effects Abroad of Major Federal Actions. This order pertains to Federal agencies whose actions have significant effects on the environment

outside of the United States, its territories and possessions. Agencies will establish a program for exchanging environmental information. This program will provide information to decision makers, facilitate cooperative use of information among Federal agencies, and facilitate environmental cooperation with foreign nations. The order directs agencies to establish procedures for preparing documents (EIS's, summary environmental analyses, etc.) in connection with Federal action abroad. Sections 2-3 and 2-4 describe the categories of these actions and the necessary appropriate documents. Actions exempt from this Order are described in Section 2-5. The Department of State and the Council on Environmental Quality will provide consultation on procedures for implementing this Order.

C-29. Executive Order 12148, 20 July 1979, Federal Emergency Management. This order establishes a new lead agency for civil preparedness, which includes earthquake and other natural emergencies. The director will be responsible for promotion of dam safety. Revises E.O. 11795 by revoking all portions except Section 3. Amends E.O. 11988 by deleting "Federal Insurance Administration" and substituting "Director of the Federal Emergency Management Agency". This order was itself amended by E.O. 12381.

C-30. Executive Order 12291, 17 February 1981, Federal Regulation. Section 1 defines, relative to agency regulations, a "major rule." Section 2 sets forth requirements of regulations with respect to benefits and costs to society. Section 3 requires development of a "regulatory impact analysis" for each major rule. Section 4 requires agency finding that a major rule is within the law and consistent with congressional intent and inclusion of a memorandum to that effect in the Federal Register at the time of promulgation.

C-31. Executive Order 12319, 9 September 1981, River Basin Commissions. This order provided for termination of the six river basin commissions established pursuant to Title II of the Water Resources Planning Act of 1965. The Pacific Northwest River Basins Commission, Great Lakes Basin Commission, Ohio River Basin Commission, New England River Basins Commission, and Missouri River Basin Commission were terminated as of 30 September 1981. The Upper Mississippi River Basin Commission was terminated as of 31 December 1981.

C-32. Executive Order 12322, 17 September 1981, Water Resources Projects. This order revokes E.O. 12113, as amended (thereby doing away with independent water project review by the Water Resources Council). It provides that: before any agency submits to Congress, for approval, appropriations, or legislative action, any report, proposal or plan relating to a Federal or Federally assisted water and related land resources project or program, such report, proposal or plan shall be submitted to OMB. OMB shall review each report, proposal or plan for consistency with: the policy and programs of President; the principles and standards established by the Water Resources Council (18 CFR 711) or other such guidelines issued subsequent to the date of this E.O.; and other laws, regulations and requirements relevant to the planning process. The agency report, proposal or plan, when thereafter submitted to Congress, shall include a statement of the advice received from OMB based on its review.

C-33. Executive Order 12372, 14 July 1982, Intergovernmental Review of Federal Programs. Supercedes prior procedures for obtaining state and local government coordination and review of proposed Federal assistance and direct Federal development. Provides that Federal

agencies shall rely for such purposes, to the extent permitted by law, upon the processes established by each state. Provides that each state may, as part of its process, select the kinds of Federal programs with which it desires to be consulted--excluding others from review and comment. Provides for revocation of OMB Circular A-95. Amended by E.O. 12416, 8 April 1983.

C-34. Executive Order 12381, 8 September 1982, Delegation of Emergency Management Functions. Amends E.O. 12148 to delegate to the Director of the Federal Emergency Management Agency (FEMA) certain functions vested in the President by the Disaster Relief Act of 1974, the Earthquake Hazards Reduction Act of 1977, and the Federal Civil Defense Act of 1950.

C-35. Executive Order 12407, 22 February 1983, Federal Regional Councils. Terminated the councils originally established pursuant to E.O. 11647, 8 February 1972.

C-36. Executive Order 12498, 4 January 1985, Regulatory Planning Process. Establishes (complementary to E.O. 12291) a regulatory planning process in which the agencies will propose their overall regulatory program for the forthcoming year to OMB which, after review, will compile the Administration's annual regulatory program. Section 3 provides that proposed regulations subsequently submitted which are at variance with the original submittal or were not included in the approved program may be returned to the agencies by OMB for reconsideration.

C-37. Executive Order 12512, 29 April 1985, Federal Real Property Management. Invested the Domestic Policy Council as the forum for approving Government-wide real property management policies. Required all Executive departments to set annual real property management goals and designated OMB as the agency to review progress towards those goals. Revoked E.O. 12348 of 25 February 1982.

C-38. Executive Order 12580, 23 January 1987, Superfund Implementation. Delegates to Executive departments and agencies various functions vested in the President by the Comprehensive Environmental Response, Compensation and Liability Act of 1980, as amended. Establishes a National Response Team (NRT), which includes the Department of Defense, for Superfund matters. Establishes the Administrator of the Environmental Protection Agency (EPA) as the chairman of the NRT and a Coast Guard representative as vice-chairman. The NRT is to oversee the National Contingency Plan (NCP). The E.O. delegates enforcement responsibilities to the EPA, in conjunction with the Attorney General. Clean-up responsibilities are the responsibility of the agency which has jurisdiction over the particular sites or facilities. Amended by E.O. 13016 dated 28 August 1996.

C-39. Executive Order 12612, 26 October 1987, Federalism. Directs Federal agencies and departments to minimize Federal actions that would limit the policymaking discretion of the States and to grant to States the maximum administrative discretion possible. If an agency plans through adjudication or rule-making to preempt State law, the agency must provide all affected states the opportunity to participate in the proceedings.

C-40. Executive Order 12615, 19 November 1987, Performance of

Commercial Activities. Established an ongoing study effort throughout the Federal establishment directed toward identifying of commercial activities by the Federal agencies and determining whether they could be performed more economically by private industry.

C-41. Executive Order 12630, 15 March 1988, Governmental Actions and Interference with Constitutionally Protected Property Rights. Required the Department of Justice to issue guidelines to enable Executive departments and agencies to evaluate the risk of effecting a fifth amendment taking through their policies and actions. The E.O. requires an analysis of possible "taking" problems be submitted to OMB in advance of proposed actions that impact private property in furtherance of "public health and safety" concerns. The E.O. seeks to reduce the possibility of a "regulatory taking" being embedded in the actions and policies of the Federal Government.

C-42. Executive Order 12656, 18 November 1988, Assigning Emergency Preparedness Responsibilities to Federal Departments and Agencies. Assigns national security preparedness responsibilities to Federal departments and agencies. DOD's responsibilities include: develop and maintain, in cooperation with other departments and agencies, national security plans and programs; develop and maintain damage assessment capabilities and assist FEMA Director and heads of other departments and agencies in developing and maintaining capabilities to assess attack damage; acting through the Secretary of the Army, develop overall plans for the management, control and allocation of all usable waters from sources within the jurisdiction of the U.S.; develop plans to assure emergency operations of waterways and harbors; and develop plans for provision of potable water.

C-43. Executive Order 12770, 25 July 1991, Metric Usage in Federal Government Programs. Designates the Secretary of Commerce to direct and coordinate efforts by Federal departments and agencies to implement Government metric usage in accordance with Section 3 of the Metric Conversion Act (15 U.S.C. 205b), as amended by Section 5164(b) of the Trade and Competitive Act. All Executive branch departments and agencies of the United States Government are directed to take all appropriate measures within their authority to carry out the provisions of this order which include: "(a) use, to the extent economically feasible., the metric system of measurement in Federal Government procurements, grants, and other business-related activities...", and "(b)...The transition to use of metric units in Government publications should be made as publications are revised on normal schedules or new publications developed..."

C-44. Executive Order 12777, 18 October 1991, Implementation of Section 311 of the Federal Water Pollution Control Act of October 18, 1972, as Amended, and the Oil Pollution Act of 1990. Revises Executive Order 12580 and specifies responsibilities and procedures to be followed in the event of accidental discharges of oil or hazardous substances into the waters of the United States. Specifies lead agencies for issuing regulations concerning financial responsibility for accidental discharges.

C-45. Executive Order 12803, 30 April 1992, Infrastructure Privatization. Directs Federal agencies and departments to review procedures affecting the management and disposition of federally financed infrastructure assets owned by state and local governments

and to modify those procedures to encourage "appropriate privatization of such assets consistent with this order." Federal agencies and departments are to assist state and local governments in their efforts to advance the objectives of the E.O. by approving state and local governments' requests to privatize infrastructure assets if the non-Federal entity (1) agrees to use the proceeds to invest in additional infrastructure assets, and (2) demonstrates that a "market mechanism, legally enforceable agreement, or regulatory mechanism" is in place that will ensure that the infrastructure asset will be used for its originally authorized purpose.

C-46. Executive Order 12805, 11 May 1992, Integrity and Efficiency in Federal Programs. Establishes a President's Council on Integrity and Efficiency and an Executive Council on Integrity and Efficiency to "identify, review, and discuss areas of weakness and vulnerability in Federal programs and operation to fraud, waste, and abuse", and to develop plans that will promote economy and efficiency in Government programs.

C-47. Executive Order 12862, 11 September 1993, Setting Customer Service Standards. Directs Federal agencies and departments to identify and survey customers (individual or entity served), establish and measure results against service standards, address barriers to being the best in the business, provide customers with choices, make information and services easily accessible, and address complaints. A customer service plan is required to be published.

C-48. Executive Order 12866, 30 September 1993, Regulatory Planning and Review. Designed to "reform and make more efficient the regulatory process," this E.O. directs Federal agencies and departments with regulatory programs to evaluate alternatives to regulation, assess the risks posed by the substances or activities under their jurisdiction, and to develop the most cost-effective manner of meeting the regulatory objective. The E.O. establishes that each Federal agency shall "avoid regulations that are inconsistent, incompatible, or duplicative with its other regulations or those of other Federal agencies". Furthermore, regulations are to be drafted in such a way as to impose the least burden on society and in "simple and easy to understand" language. Directs OMB (Office of Information and Regulatory Affairs (OIRA)) to review proposed regulations and designates the Vice-President as the principal advisor to the President on regulatory matters. Directs Federal agencies and departments to submit to OIRA a program that will establish a periodic review of agency regulations. Prescribes the process for drafting and publishing regulations.

C-49. Executive Order 12893, 26 January 1994, Principles for Federal Infrastructure Investments. Starting with the Fiscal Year 1996 budget submission, directs Federal agencies and departments to make a systematic analysis of programs' benefits and costs for major programs (a single account or grouping of accounts greater than \$50 million annually); to conduct periodic reviews of operation and maintenance practices to consider a variety of management practices that can improve the return from infrastructure investments; and to submit implementation plans to the OMB by 15 March 1994.

C-50. Executive Order 12898, 11 February 1994, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations. Directs Federal agencies and departments to make achieving environmental justice a part of their mission "to the greatest extent practicable and permitted by law, and consistent with the principles set forth in the report on the National Performance

Review." Establishes an Interagency Working Group on Environmental Justice, which includes the Department of Defense, to develop guidelines for Federal agencies. Directs agencies to "collect, maintain, and analyse information assessing and comparing environmental and human health risks borne by populations identified by race, national origin, or income." Federal agencies are also to collect and analyse information on the consumption patterns of populations who principally rely on fish and/or wildlife for subsistence.

C-51. Executive Order 12962, 7 June 1995, Recreational Fisheries. Directs Federal agencies to improve the quantity, function, sustainable productivity, and distribution of U.S. aquatic resources for increased recreational fishing opportunities by means of a number of duties. Establishes a National Recreational Fisheries Coordination Council consisting of seven members (including one designated by the Secretary of Defense). The "Coordination Council" is charged with developing a comprehensive Recreational Fishery Resources Conservation Plan. Directs all Federal agencies to identify and minimize conflicts between recreational fisheries and their responsibilities under the Endangered Species Act of 1973. Expands the role of the Sport Fishing and Boating Partnership Council.

C-52. Executive Order 13007, 24 May 1996, Indian Sacred Sites. Directs each Executive Branch agency with statutory or administrative responsibility for the management of Federal lands, to the extent practicable, permitted by law, and not clearly inconsistent with essential agency functions, to (1) accommodate access to and ceremonial use of Indian sacred sites by Indian religious practitioners and (2) avoid adversely affecting the physical integrity of such sacred sites. Where appropriate, agencies are to maintain the confidentiality of sacred sites.

C-53. Executive Order 13016, 28 August 1996, Amending Executive Order 12580, 23 January 1987, Superfund Implementation. Amends E.O. 12580 by adding two new subsections to section 4. Subsection (c)(3) is added to delegate the functions vested in the President by sections 106(a) and 122 (except subsection (b)(1)) of the Act) to the Secretaries of the Interior, Commerce, Agriculture, Defense, and Energy, to be exercised only with the concurrence of the Coast Guard, with respect to any release or threatened release in the coastal zone, Great Lakes waters, ports, and harbors, affecting (1) natural resources under their trusteeship, or (2) a vessel or facility subject to their custody, jurisdiction, or control. Such authority is not to be exercised at any vessel or facility at which the Coast Guard is the lead Federal agency for the conduct or oversight of a response action. Subsection (d)(3) is added to delegate the functions vested in the President by sections 106(a) and 122 (except subsection (b)(1)) of the Act) to the Secretaries of the Interior, Commerce, Agriculture, Defense, and Energy, to be exercised only with the concurrence of the Administrator, with respect to any release or threatened release affecting (1) natural resources under their trusteeship, or (2) a vessel or facility subject to their custody, jurisdiction, or control. Such authority is not to be exercised at any vessel or facility at which the EPA Administrator is the lead Federal official for the conduct or oversight of a response action.

C-54. Executive Order 13048, 11 June 1997, Improving Administrative Management in the Executive Branch. Establishes an Interagency

Council on Administrative Management as an interagency coordination mechanism to address administrative management matters not currently being addressed by the President's Management Council, the Chief Financial Officers Council, and the Chief Information Officers Council. The Council shall be chaired by the Deputy Director for Management of the Office of Management and Budget and shall include one senior administrative management official from each of numerous named agencies, including the Department of Defense and the Department of the Army. The Council shall plan, promote, and recommend improvements in Government administration and operations and provide advice to the Chair on matters pertaining to the administrative management of the Federal Government.

C-55. Executive Order 13057, 26 July 1997, Federal Actions in the Lake Tahoe Region. Directs the Secretary of Agriculture, the Secretary of the Interior, the Secretary of Transportation, the Administrator of the Environmental Protection Agency, the Secretary of the Army, and the heads of any other Federal agencies operating in the Region that choose to participate to establish a Federal Interagency Partnership on the Lake Tahoe Ecosystem. The Partnership shall, among other things, facilitate coordination of Federal programs, projects, and activities within the Lake Tahoe Region and promotion of consistent policies and strategies to address the Region's environmental and economic concerns; ensure that Federal agencies closely coordinate with the States of California and Nevada and appropriate tribal or local government entities to facilitate the achievement of desired terrestrial and aquatic ecosystem conditions and the enhancement of recreation, tourism, and other economic opportunities within the Region; encourage the development of appropriate public, private, and tribal partnerships for the restoration and management of the Lake Tahoe ecosystem and the health of the local economy; and support appropriate actions to improve the water quality of Lake Tahoe through all appropriate means, including restoration of shorelines, streams, riparian zones, wetlands, and other parts of the watershed; management of uses of the lake; and control of airborne and other sources of contaminants. The Partnership shall negotiate with the States of California and Nevada, the Washoe Tribal Government, the Tahoe Regional Planning Agency, and interested local governments to develop a Memorandum of Agreement to facilitate coordination among the parties to the Agreement and document areas of mutual interest and concern and opportunities for cooperation, support, or assistance.

C-56. Executive Order 13061, 11 September, 1997, Federal Support of Community Efforts Along American Heritage Rivers. Establishes National policy that the American Heritage Rivers initiative has three objectives: natural resource and environmental protection, economic revitalization, and historic and cultural preservation. Directs executive agencies to (1) coordinate Federal plans, functions, programs, and resources to preserve, protect, and restore rivers and their associated resources important to our history, culture, and natural heritage; and (2) develop plans to bring increased efficiencies to existing and authorized programs with goals that are supportive of protection and restoration of communities along rivers. No new regulatory authority is created as a result of the American Heritage Rivers initiative. This initiative will not interfere with matters of State, local, and tribal government jurisdiction. Establishes that the President will designate rivers that meet certain criteria as "American Heritage Rivers." Establishes policy that communities shall nominate rivers as American Heritage Rivers and the Federal role will be solely to support community-based efforts to preserve, protect, and restore these rivers and their communities.

Stipulates the process for nominating an American Heritage River. The President is to designate ten rivers as American Heritage in the first phase of the initiative.

Established the American Heritage Rivers Interagency Committee, which is to be permanently co-chaired by the Chair of the CEQ and is to be composed of the following members or their designees at the Assistant Secretary level or equivalent: (1) the Attorney General; (2) the Secretaries of Defense the Interior, Agriculture, Commerce, Housing and Urban Development, Transportation, Energy; (3) the Administrator of the Environmental Protection Agency; (4) the Chair of the Advisory Council on Historic Preservation; (5) the Chairperson of the National Endowment for the Arts; and (6) the Chairperson of the National Endowment for the Humanities. (Amended by E.O. 13093, 27 July 1998.)

C-57. Executive Order 13073, 4 February 1998, Year 2000 Conversion.

Establishes policy that agencies shall, among other things: (1) assure that no critical Federal program experiences disruption because of the Y2K problem; (2) assist and cooperate with State, local, and tribal governments to address the Y2K problem where those governments depend on Federal information or information technology or the Federal Government is dependent on those governments to perform critical missions; and (3) cooperate with the private sector operators of critical national and local systems, including the banking and financial system, the telecommunications system, the public health system, the transportation system, and the electric power generation system, in addressing the Y2K problem. Establishes the President's Council on Year 2000 Conversion. Directs Agency Heads to assure that efforts to address the Y2K problem receive the highest priority attention in the agency, to assure that the policies established in this order are carried out, and to identify a responsible official to represent the head of the executive department or agency on the Council with sufficient authority and experience to commit agency resources to address the Y2K problem.

C-58. Executive Order 13080, 8 April 1998, American Heritage Rivers Initiative Advisory Committee.

Establishes an Advisory Committee consisting of up to 20 members appointed by the President from the public and private sectors. The Committee is directed to review nominations from communities and recommend to the President up to 20 rivers for consideration for designation as American Heritage Rivers. From the rivers recommended for consideration, the President shall designate ten as American Heritage Rivers. The Committee is to consider whether the natural, economic (including agricultural), scenic, historic, cultural, and/or recreational resources featured in the application are distinctive or unique, and whether the community's plan of action addresses all three American Heritage Rivers objectives -- natural resource and environmental protection, economic revitalization, and historic and cultural preservation. The Committee is to be supported both administratively and financially by the Secretary of Defense, acting through the Assistant Secretary of the Army for Civil Works and shall terminate no later than 2 years from the date of this order. (Amended by E.O. 13093, 27 July 1998.)

C-59. Executive Order 13084, 14 May 1998, Consultation and Coordination with Indian Tribal Governments. Orders that, in formulating policies

significantly or uniquely affecting Indian tribal governments, agencies shall be guided, to the extent permitted by law, by principles of respect for Indian tribal self-government and sovereignty, for tribal treaty and other rights, and for responsibilities that arise from the

unique legal relationship between the Federal Government and Indian tribal governments. Directs each agency to have an effective process to permit elected officials and other representatives of Indian tribal governments to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities. Orders that, to the extent practicable and permitted by law, no agency shall promulgate any regulation that is not required by statute, that significantly or uniquely affects the communities of the Indian tribal governments, and that imposes substantial direct compliance costs on such communities, unless: (1) funds necessary to pay the direct costs incurred by the Indian tribal government in complying with the regulation are provided by the Federal Government; or (2) the agency, prior to the formal promulgation of the regulation, provides to the Director of OMB a description of the extent of the agency's prior consultation with representatives of affected Indian tribal governments, a summary of the nature of their concerns, and the agency's position supporting the need to issue the regulation, and makes available to the Director of OMB any written communications submitted to the agency by such Indian tribal governments.

C-60. Executive Order 13089, 11 June 1998, Coral Reef Protection.

Establishes a policy that all Federal agencies whose actions may affect U.S. coral reef ecosystems must: (1) identify those actions; (2) utilize their programs and authorities to protect and enhance the conditions of such ecosystems; and (3) to the extent permitted by law, ensure that any actions they authorize, fund, or carry out will not degrade the conditions of such ecosystems. Exceptions may be allowed under the following conditions: (1) during time of war or national emergency; (2) when necessary for reasons of national security, as determined by the President; (3) during emergencies posing an unacceptable threat to human health or safety or to the marine environment and admitting of no other feasible solution; or (4) in any case that constitutes a danger to human life or a real threat to vessels, aircraft, platforms, or other man-made structures at sea, such as cases of *force majeure* caused by stress of weather or other act of God. Federal agencies whose actions affect U.S. coral reef ecosystems are ordered, subject to the availability of appropriations, to provide for implementation of measures needed to research, monitor, manage, and restore affected ecosystems, including, but not limited to, measures reducing impacts from pollution, sedimentation, and fishing.

Directs the Secretaries of the Interior and Commerce, through the Administrator of the National Oceanic and Atmospheric Administration to co-chair a U.S. Coral Reef Task Force, whose members shall include, but not be limited to, the Administrator of the Environmental Protection Agency, the Attorney General, the Secretaries of the Interior, Agriculture, Commerce, Defense, State, and Transportation, the Director of the National Science Foundation, the Administrator of

the Agency for International Development, and the Administrator of the National Aeronautics and Space Administration. The Task Force is to oversee implementation of the policy and Federal agency responsibilities set forth in this order, and guide and support activities under the U.S. Coral Reef Initiative. Duties of the U.S. Coral Reef Task Force are to include coordination of a comprehensive program to map and monitor U.S. coral reefs and to develop and implement, with the scientific community, research aimed at identifying the major causes and consequences of degradation of coral reef ecosystems.

C-61. Executive Order 13093, 27 July 1998, American Heritage Rivers, Amending Executive Orders 13061 and 13080. Increases the number of

rivers that the President may designate as American Heritage Rivers, by ordering that the second sentence of both section 2(d)(1) of E.O. 13061 and of section 2(a) of E.O. 13080 are amended by deleting "ten" and inserting "up to 20" in lieu thereof.

C-62. Executive Order 13101, 14 September 1998, Greening the Government through Waste Prevention, Recycling, and Federal Acquisition. Orders that, consistent with the demands of efficiency and cost effectiveness, the executive agencies shall incorporate waste prevention and recycling in the agency's daily operations and work to increase and expand markets for recovered materials through greater Federal Government preference and demand for such products. Establishes as National policy that preference be given to pollution prevention, whenever feasible; and that pollution that cannot be prevented should be recycled; pollution that cannot be prevented or recycled should be treated in an environmentally safe manner. Disposal should be employed only as a last resort. Directs agencies to comply with executive branch policies for the acquisition and use of environmentally preferable products and services and implement cost-effective procurement preference programs favoring the purchase of these products and services. Creates a Steering Committee, a Federal Environmental Executive (FEE), and a Task Force, and establishes Agency Environmental Executive (AEE) positions within each agency, to be responsible for ensuring the implementation of the E.O. Directs that within 6 months of the date of this order, the EPA Administrator shall, in consultation with the Federal Environmental Executive, prepare guidance for use in determining Federal facility compliance with section 6002 of RCRA and the related requirements of this EO. EPA inspections of Federal facilities conducted pursuant to RCRA and the Federal Facility Compliance Act and EPA "multi-media" inspections carried out at Federal facilities will include, where appropriate, evaluation of facility compliance with section 6002 of RCRA and any implementing guidance. EPA is ordered to develop guidance within 90 days from the date of this order to address environmentally preferable purchasing. The guidance may be based on the EPA's September 1995 Proposed Guidance on the Acquisition of Environmentally Preferable Products and Services and comments received thereon. Directs each executive agency that has not already done so to initiate a program to promote cost-effective waste prevention and recycling of reusable materials in all of its facilities. The recycling programs implemented pursuant to this section must be compatible with applicable State and local recycling requirements.