

XXV. EXECUTIVE ORDERS

No. 13221

July 31, 2001, 66 F.R. 40571

Energy Efficient Standby Power Devices

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, and in order to further encourage energy conservation by the Federal Government, it is hereby ordered as follows:

Section 1. *Energy Efficient Standby Power Devices.* Each agency, when it purchases commercially available, off-the-shelf products that use external standby power devices, or that contain an internal standby power function, shall purchase products that use no more than one watt in their standby power consuming mode. If such products are not available, agencies shall purchase products with the lowest standby power wattage while in their standby power consuming mode. Agencies shall adhere to these requirements, when life-cycle cost-effective and practicable and where the relevant product's utility and performance are not compromised as a result. By December 31, 2001, and on an annual basis thereafter, the Department of Energy, in consultation with the Department of Defense and the General Services Administration, shall compile a preliminary list of products to be subject to these requirements. The Department of Energy shall finalize the list and may remove products deemed inappropriate for listing.

Sec. 2. *Independent Agencies.* Independent agencies are encouraged to comply with the provisions of this order.

Sec. 3. *Definition.* "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 by the Department of Defense.

George W. Bush

THE WHITE HOUSE,
July 31, 2001.

No. 13225

September 28, 2001, 66 F.R. 50291

**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, 2003.

(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) President's Advisory Commission on Educational Excellence for Hispanic Americans; Executive Order 12900 (Department of Education).

(d) President's Board of Advisors on Historically Black Colleges and Universities; Executive Order 13021, as amended, (Department of Education).

(e) President's Board of Advisors on Tribal Colleges and Universities; Executive Order 13021, as amended (Department of Education).

(f) President's Commission on White House Fellowships; Executive Order 11183, as amended (Office of Personnel Management).

(g) President's Committee on the Arts and the Humanities; Executive Order 12367, as amended (National Endowment for the Arts).

(h) President's Committee on the International Labor Organization; Executive Order 12216, as amended (Department of Labor).

(i) President's Committee on the National Medal of Science; Executive Order 11287, as amended (National Science Foundation).

(j) President's Committee on Mental Retardation; Executive Order 12994 (Department of Health and Human Services).

(k) President's Council on Physical Fitness and Sports; Executive Order 12345, as amended (Department of Health and Human Services).

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

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

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

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 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) Sections 3 and 4 of Executive Order 13134 pertaining to the establishment and administration of the Advisory Committee on Biobased

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Products and Bioenergy, superseded by the Biomass Research and Development Technical Advisory Committee established pursuant to section 306 of the Biomass Research and Development Act of 2000 (Title III of Public Law 106-224);

(b) Executive Order 13080, establishing the American Heritage Rivers Initiative Advisory Committee;

(c) Executive Order 13090, as amended by Executive Order 13136, establishing the President's Commission on the Celebration of Women in American History;

(d) Executive Order 13168, establishing the President's Commission on Improving Economic Opportunity in Communities Dependent on Tobacco Production While Protecting Public Health; and

(e) Executive Order 13075, establishing the Special Oversight Board for Department of Defense Investigations of Gulf War Chemical and Biological Incidents.

Sec. 4. Sections 1 through 4 of Executive Order 13138 are superseded.

Sec. 5. This order shall be effective September 30, 2001.

George W. Bush

THE WHITE HOUSE,
September 28, 2001.

No. 13258

February 26, 2002, 67 F.R. 9385

**Amending Executive Order 12866
on Regulatory Planning and Review**

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered that Executive Order 12866, of September 30, 1993, is amended as follows:

Section 1. Section (2)(b) is amended by striking “, the Vice President, and other regulatory policy advisors” and inserting in lieu thereof “and regulatory policy advisors”.

Sec. 2. Section (2)(c) is amended by:

- (a) striking in the heading the words “The Vice President” and inserting in lieu thereof “Assistance”;
- (b) striking the sentence that begins “The Vice President is”;
- (c) striking “In fulfilling their responsibilities” and inserting in lieu thereof “In fulfilling his responsibilities”; and
- (d) striking “and the Vice President” both times it appears.

Sec. 3. Section 3(a) is amended by:

- (a) striking “and Vice President”;
- (b) striking “the Assistant to the President for Science and Technology” and inserting in lieu thereof “the Director of the Office of Science and Technology Policy”;
- (c) striking “the Assistant to the President for Intergovernmental Affairs” and inserting in lieu thereof “the Deputy Assistant to the President and Director for Intergovernmental Affairs”;
- (d) striking “the Deputy Assistant to the President and Director of the White House Office of Environmental Policy” and inserting in lieu thereof “the Chairman of the Council on Environmental Quality and Director of the Office of Environmental Quality”; and
- (e) striking “and (12)” and inserting in lieu thereof “(12) the Assistant to the President for Homeland Security; and (13)”.

Sec. 4. Section 4(a) is amended by striking “the Vice President shall convene” and inserting in lieu thereof “the Director shall convene”.

Sec. 5. Section 4(c)(3) is amended by striking “, the Advisors, and the Vice President” and inserting in lieu thereof “and the Advisors”.

Sec. 6. Section 4(c)(4) is amended by striking “, the Advisors, and the Vice President” and inserting in lieu thereof “and the Advisors”.

Sec. 7. Section 4(c)(5) is amended by striking “, the Advisors, and the Vice President” and inserting in lieu thereof “and the Advisors”.

Sec. 8. Section 4(c)(6) is amended by striking “Vice President, with the Advisors’ assistance,” and inserting in lieu thereof “Director”.

Sec. 9. Section 4(d) is amended by:

- (a) striking “, the Advisors, and the Vice President” and inserting in lieu thereof “and the Advisors”; and
- (b) striking “periodically advise the Vice President” and inserting in lieu thereof “periodically advise the Director”.

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Sec. 10. Section 5(c) is amended by striking “Vice President” and inserting in lieu thereof “Director”.

Sec. 11. Section 6(b)(4)(C)(i) is amended by striking “Vice Presidential and”.

Sec. 12. Section 7 is amended by:

(a) striking “resolved by the President, or by the Vice President acting at the request of the President” and inserting in lieu thereof “resolved by the President, with the assistance of the Chief of Staff to the President (“Chief of Staff”);

(b) striking “Vice Presidential and Presidential consideration” and inserting in lieu thereof “Presidential consideration”;

(c) striking “recommendations developed by the Vice President” and inserting in lieu thereof “recommendations developed by the Chief of Staff”;

(d) striking “Vice Presidential and Presidential review period” and inserting in lieu thereof “Presidential review period”;

(e) striking “or to the staff of the Vice President” and inserting in lieu thereof “or to the staff of the Chief of Staff”;

(f) striking “the President, or the Vice President acting at the request of the President, shall notify” and insert in lieu thereof “the President, or the Chief of Staff acting at the request of the President, shall notify”.

Sec. 13. Section 7 is also amended in the first paragraph by inserting the designation “(a)” after the words “Resolution of Conflicts.”, and by designating the following three paragraphs as “(b)”, “(c)”, and “(d)” in order.

Sec. 14. Section 8 is amended by striking “Vice President” both times it appears and inserting in lieu thereof “Director”.

George W. Bush

THE WHITE HOUSE,
February 26, 2002.

No. 13272

August 13, 2002, 67 F.R. 53461

**Proper Consideration of Small Entities
in Agency Rulemaking**

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. *General Requirements.* Each agency shall establish procedures and policies to promote compliance with the Regulatory Flexibility Act, as amended (5 U.S.C. 601 et seq.) (the "Act"). Agencies shall thoroughly review draft rules to assess and take appropriate account of the potential impact on small businesses, small governmental jurisdictions, and small organizations, as provided by the Act. The Chief Counsel for Advocacy of the Small Business Administration (Advocacy) shall remain available to advise agencies in performing that review consistent with the provisions of the Act.

Sec. 2. *Responsibilities of Advocacy.* Consistent with the requirements of the Act, other applicable law, and Executive Order 12866 of September 30, 1993, as amended, Advocacy:

(a) shall notify agency heads from time to time of the requirements of the Act, including by issuing notifications with respect to the basic requirements of the Act within 90 days of the date of this order;

(b) shall provide training to agencies on compliance with the Act; and

(c) may provide comment on draft rules to the agency that has proposed or intends to propose the rules and to the Office of Information and Regulatory Affairs of the Office of Management and Budget (OIRA).

Sec. 3. *Responsibilities of Federal Agencies.* Consistent with the requirements of the Act and applicable law, agencies shall:

(a) Within 180 days of the date of this order, issue written procedures and policies, consistent with the Act, to ensure that the potential impacts of agencies' draft rules on small businesses, small governmental jurisdictions, and small organizations are properly considered during the rulemaking process. Agency heads shall submit, no later than 90 days from the date of this order, their written procedures and policies to Advocacy for comment. Prior to issuing final procedures and policies, agencies shall consider any such comments received within 60 days from the date of the submission of the agencies' procedures and policies to Advocacy. Except to the extent otherwise specifically provided by statute or Executive Order, agencies shall make the final procedures and policies available to the public through the Internet or other easily accessible means;

(b) Notify Advocacy of any draft rules that may have a significant economic impact on a substantial number of small entities under the Act. Such notifications shall be made (i) when the agency submits a draft rule to OIRA under Executive Order 12866 if that order requires such submission, or (ii) if no submission to OIRA is so required, at a reasonable time prior to publication of the rule by the agency; and

(c) Give every appropriate consideration to any comments provided by Advocacy regarding a draft rule. Consistent with applicable law and appropriate protection of executive deliberations and legal privileges, an agency shall include, in any explanation or discussion accompanying publication in the **Federal Register** of a final rule, the agency's response to any written comments submitted by Advocacy

August 13, 2002, 67 F.R. 53462

on the proposed rule that preceded the final rule; provided, however, that such inclusion is not required if the head of the agency certifies that the public interest is not served thereby.

Agencies and Advocacy may, to the extent permitted by law, engage in an exchange of data and research, as appropriate, to foster the purposes of the Act.

Sec. 4. *Definitions.* Terms defined in section 601 of title 5, United States Code, including the term “agency,” shall have the same meaning in this order.

Sec. 5. *Preservation of Authority.* Nothing in this order shall be construed to impair or affect the authority of the Administrator of the Small Business Administration to supervise the Small Business Administration as provided in the first sentence of section 2(b)(1) of Public Law 85–09536 (15 U.S.C. 633(b)(1)).

Sec. 6. *Reporting.* For the purpose of promoting compliance with this order, Advocacy shall submit a report not less than annually to the Director of the Office of Management and Budget on the extent of compliance with this order by agencies.

Sec. 7. *Confidentiality.* Consistent with existing law, Advocacy may publicly disclose information that it receives from the agencies in the course of carrying out this order only to the extent that such information already has been lawfully and publicly disclosed by OIRA or the relevant rulemaking agency.

Sec. 8. *Judicial Review.* This order is intended only to improve the internal management of the Federal Government. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or equity, against the United States, its departments, agencies, or other entities, its officers or employees, or any other person.

George W. Bush

THE WHITE HOUSE,
August 13, 2002.