2009 Compilation
and
Parts 100–102
Revised as of January 1, 2010

The President

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Beginning with 1976, Title 3 compilations also include regulations contained in Chapter I, Executive Office of the President.
Supplementary publications include: Presidential documents of the Hoover Administration (two volumes), Proclamations 1870–2037 and Executive Orders 5076–6070; Consolidated Indexes for 1936–1965; and Consolidated Tables for 1936–1965.
Explanation

The Code of Federal Regulations is a codification of the general and permanent rules published in the Federal Register by the Executive departments and agencies of the Federal Government. The Code is divided into 50 titles which represent broad areas subject to Federal regulation. Each title is divided into chapters which usually bear the name of the issuing agency. Each chapter is further subdivided into parts covering specific regulatory areas.

Each volume of the Code is revised at least once each calendar year and issued on a quarterly basis approximately as follows:

- Title 1 through Title 16 ..............................................................as of January 1
- Title 17 through Title 27 .................................................................as of April 1
- Title 28 through Title 41 ..............................................................as of July 1
- Title 42 through Title 50 .............................................................as of October 1

The appropriate revision date is printed on the cover of each volume.

LEGAL STATUS

The contents of the Federal Register are required to be judicially noticed (44 U.S.C. 1507). The Code of Federal Regulations is prima facie evidence of the text of the original documents (44 U.S.C. 1510).

HOW TO USE THE CODE OF FEDERAL REGULATIONS

The Code of Federal Regulations is kept up to date by the individual issues of the Federal Register. These two publications must be used together to determine the latest version of any given rule.

To determine whether a Code volume has been amended since its revision date (in this case, January 1, 2010), consult the “List of CFR Sections Affected (LSA),” which is issued monthly, and the “Cumulative List of Parts Affected,” which appears in the Reader Aids section of the daily Federal Register. These two lists will identify the Federal Register page number of the latest amendment of any given rule.

EFFECTIVE AND EXPIRATION DATES

Each volume of the Code contains amendments published in the Federal Register since the last revision of that volume of the Code. Source citations for the regulations are referred to by volume number and page number of the Federal Register and date of publication. Publication dates and effective dates are usually not the same and care must be exercised by the user in determining the actual effective date. In instances where the effective date is beyond the cutoff date for the Code a note has been inserted to reflect the future effective date. In those instances where a regulation published in the Federal Register states a date certain for expiration, an appropriate note will be inserted following the text.

OMB CONTROL NUMBERS

The Paperwork Reduction Act of 1980 (Pub. L. 96-511) requires Federal agencies to display an OMB control number with their information collection request.
Many agencies have begun publishing numerous OMB control numbers as amendments to existing regulations in the CFR. These OMB numbers are placed as close as possible to the applicable recordkeeping or reporting requirements.

OBsolete provisions

Provisions that become obsolete before the revision date stated on the cover of each volume are not carried. Code users may find the text of provisions in effect on a given date in the past by using the appropriate numerical list of sections affected. For the period before January 1, 2001, consult either the List of CFR Sections Affected, 1949-1963, 1964-1972, 1973-1985, or 1986-2000, published in 11 separate volumes. For the period beginning January 1, 2001, a “List of CFR Sections Affected” is published at the end of each CFR volume.

CFR INDEXES AND TABULAR GUIDES

A subject index to the Code of Federal Regulations is contained in a separate volume, revised annually as of January 1, entitled CFR INDEX AND FINDING AIDS. This volume contains the Parallel Table of Statutory Authorities and Agency Rules (Table I). A list of CFR titles, chapters, and parts and an alphabetical list of agencies publishing in the CFR are also included in this volume.

An index to the text of “Title 3—The President” is carried within that volume.

The Federal Register Index is issued monthly in cumulative form. This index is based on a consolidation of the “Contents” entries in the daily Federal Register.

A List of CFR Sections Affected (LSA) is published monthly, keyed to the revision dates of the 50 CFR titles.

REPublication of material

There are no restrictions on the republication of textual material appearing in the Code of Federal Regulations.

INquiries

For a legal interpretation or explanation of any regulation in this volume, contact the issuing agency. The issuing agency’s name appears at the top of odd-numbered pages.

For inquiries concerning CFR reference assistance, call 202-741-6000 or write to the Director, Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408 or e-mail fedreg.info@nara.gov.

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RAYMOND A. MOSLEY,
Director,
Office of the Federal Register.

January 1, 2010.
Explanation of This Title

This volume of “Title 3—The President” contains a compilation of Presidential documents and a codification of regulations issued by the Executive Office of the President.

The 2009 Compilation contains the full text of those documents signed by the President that were required to be published in the Federal Register. Signature date rather than publication date is the criterion for inclusion. With each annual volume, the Presidential documents signed in the previous year become the new compilation.

Chapter I contains regulations issued by the Executive Office of the President. This section is a true codification like other CFR volumes, in that its contents are organized by subject or regulatory area and are updated by individual issues of the Federal Register.

Presidential documents in this volume may be cited “3 CFR, 2009 Comp.” Thus, the preferred abbreviated citation for Proclamation 8335 appearing on page 1 of this book, is “3 CFR, 2009 Comp., p. 1.” Chapter I entries may be cited “3 CFR.” Thus, the preferred abbreviated citation for section 100.1, appearing in chapter I of this book, is “3 CFR 100.1.”

This book is one of the volumes in a series that began with Proclamation 2161 of March 19, 1936, and Executive Order 7316 of March 13, 1936, and that has been continued by means of annual compilations and periodic cumulations. The entire Title 3 series, as of January 1, 2010, is encompassed in the volumes listed on page iv.

For readers interested in proclamations and Executive orders prior to 1936, there is a two-volume set entitled Proclamations and Executive Orders, Herbert Hoover (March 4, 1929, to March 4, 1933). Codified Presidential documents are published in the Codification of Presidential Proclamations and Executive Orders (April 13, 1945—January 20, 1989). Other public Presidential documents not required to be published in the Federal Register, such as speeches, messages to Congress, and statements, can be found in the Compilation of Presidential Documents and the Public Papers of the Presidents series. A selection of these Office of the Federal Register publications are available for sale from the Superintendent of Documents, Government Printing Office, Washington, DC 20402.

This book was prepared in the Presidential Documents and Legislative Division under the supervision of Stacey A. Mulligan. The Chief Editor for the 2009 Compilation was Michael J. Forcina.
Cite Presidential documents in this volume
3 CFR, 2009 Comp.
thus: 3 CFR, 2009 Comp., p. 1

Cite chapter I entries in this volume
3 CFR
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Proclamation 8335 of January 6, 2009

Establishment of the Marianas Trench Marine National Monument

By the President of the United States of America
A Proclamation

Over approximately 480 nautical miles, the Mariana Archipelago encompasses the 14 islands of the United States Commonwealth of the Northern Mariana Islands and the United States Territory of Guam that sit atop the Mariana Ridge in an area known as the Mariana Volcanic Arc. The Mariana Volcanic Arc is part of a subduction system in which the Pacific Plate plunges beneath the Philippine Sea Plate and into the Earth’s mantle, creating the Mariana Trench. Six of the archipelago’s islands have been volcanically active in historic times, and numerous seamounts along the Mariana Ridge are volcanically or hydrothermally active. The Mariana Trench is approximately 940 nautical miles long and 38 nautical miles wide within the United States Exclusive Economic Zone and contains the deepest known points in the global ocean.

The Mariana Volcanic Arc contains objects of scientific interest, including the largest active mud volcanoes on Earth. The Champagne vent, located at the Eifuku submarine volcano, produces almost pure liquid carbon dioxide. This phenomenon has only been observed at one other site in the world. The Sulfur Cauldron, a pool of liquid sulfur, is found at the Daikoku submarine volcano. The only other known location of molten sulfur is on Io, a moon of Jupiter. Unlike other reefs across the Pacific, the northernmost Mariana reefs provide unique volcanic habitats that support marine biological communities requiring basalt. Maug Crater represents one of only a handful of places on Earth where photosynthetic and chemosynthetic communities of life are known to come together.
The waters of the archipelago’s northern islands are among the most biologically diverse in the Western Pacific and include the greatest diversity of seamount and hydrothermal vent life yet discovered. These volcanic islands are ringed by coral ecosystems with very high numbers of apex predators, including large numbers of sharks. They also contain one of the most diverse collections of stony corals in the Western Pacific. The northern islands and shoals in the archipelago have substantially higher large fish biomass, including apex predators, than the southern islands and Guam. The waters of Farallon de Pajaros (also known as Uracas), Maug, and Asuncion support some of the largest biomass of reef fishes in the Mariana Archipelago. These relatively pristine coral reef ecosystems are objects of scientific interest and essential to the long-term study of tropical marine ecosystems.

WHEREAS the submerged volcanic areas of the Mariana Ridge, the coral reef ecosystems of the waters surrounding the islands of Farallon de Pajaros, Maug, and Asuncion in the Commonwealth of the Northern Mariana Islands, and the Mariana Trench contain objects of scientific interest that are situated upon lands owned or controlled by the Government of the United States;

WHEREAS the United States continues to act in accordance with the balance of interests relating to traditional uses of the oceans recognizing freedom of navigation and overflight and other internationally recognized lawful uses of the sea;

WHEREAS the islands, waters, and airspace of the Mariana Ridge are of particular importance to the national security of the United States;

WHEREAS section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431) (the “Antiquities Act”) authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon lands owned or controlled by the Government of the United States to be national monuments, and to reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected;

WHEREAS it is in the public interest to preserve the known volcanic areas of the Mariana Ridge, the marine environment around the islands of Farallon de Pajaros, Maug, and Asuncion in the Commonwealth of the Northern Mariana Islands, and the Mariana Trench for the care and management of the scientific objects therein:

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by the authority vested in me by section 2 of the Antiquities Act do proclaim that there are hereby set apart and reserved as the Marianas Trench Marine National Monument (the “monument” or “marine national monument”) for the purpose of protecting the objects identified above, all lands and interests in lands owned or controlled by the Government of the United States within the boundaries described below and depicted on the accompanying map entitled “Marianas Trench Marine National Monument” attached to and forming a part of this proclamation. The monument includes the waters and submerged lands of the three northernmost Mariana Islands (the “Islands Unit”) and only the submerged lands of designated volcanic sites (the “Volcanic Unit”) and the Mariana Trench.
(the “Trench Unit”) to the extent described as follows: The seaward boundaries of the Islands Unit of the monument extend to the lines of latitude and longitude depicted on the accompanying map, which lie approximately 50 nautical miles from the mean low water line of Farallon de Pajaros (Uracas), Maug, and Asuncion. The inland boundary of the Islands Unit of the monument is the mean low water line. The boundary of the Trench Unit of the monument extends from the northern limit of the Exclusive Economic Zone of the United States in the Commonwealth of the Northern Mariana Islands to the southern limit of the Exclusive Economic Zone of the United States in Guam approximately following the points of latitude and longitude identified on the accompanying map. The boundaries of the Volcanic Unit of the monument include a circle drawn with a 1 nautical mile radius centered on each of the volcanic features identified on the accompanying map and its legend. The Federal land and interests in land reserved consists of approximately 95,216 square miles of submerged lands and waters of the Mariana Archipelago, which is the smallest area compatible with the proper care and management of the objects to be protected.

Submerged lands that by legislation are subsequently granted by the United States to the Commonwealth of the Northern Mariana Islands but remain controlled by the United States under the Antiquities Act may remain part of the monument, for coordination of management with the Government of the Commonwealth of the Northern Mariana Islands. Any submerged lands and interests in submerged lands within the monument not owned or controlled by the United States shall be reserved as a part of the monument upon acquisition of title or control by the United States.

Management of the Marine National Monument

The Secretaries of Commerce, through the National Oceanic and Atmospheric Administration, and the Interior, shall manage the monument pursuant to applicable legal authorities and in consultation with the Secretary of Defense. The Secretary of the Interior shall have management responsibility for the monument, in consultation with the Secretary of Commerce, except that the Secretary of Commerce shall have the primary management responsibility, in consultation with the Secretary of the Interior, with respect to fishery-related activities regulated pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and any other applicable authorities. The Secretaries of the Interior and Commerce shall not allow or permit any appropriation, injury, destruction, or removal of any feature of this monument except as provided for by this proclamation or as otherwise provided for by law.

The Secretaries of the Interior and Commerce shall take appropriate action pursuant to their respective authorities under the Antiquities Act and the Magnuson-Stevens Fishery Conservation and Management Act, and such other authorities as may be available to implement this proclamation, to regulate fisheries, and to ensure proper care and management of the monument.

Regulation of Scientific Exploration and Research

Subject to such terms and conditions as the Secretary deems necessary for the care and management of the objects of this monument, the Secretary of the Interior may permit scientific exploration and research within the
monument, including incidental appropriation, injury, destruction, or removal of features of this monument for scientific study, and the Secretary of Commerce may permit fishing within the monument for scientific exploration and research purposes to the extent authorized by the Magnuson-Stevens Fishery Conservation and Management Act. The prohibitions required by this proclamation shall not restrict scientific exploration or research activities by or for the Secretaries, and nothing in this proclamation shall be construed to require a permit or other authorization from the other Secretary for their respective scientific activities.

Regulation of Fishing and Management of Fishery Resources

Within the Islands Unit of the monument, the Secretary of Commerce shall prohibit commercial fishing. Subject to such terms and conditions as the Secretary of Commerce deems necessary for the care and management of the objects of the Islands Unit, the Secretary, consistent with Executive Order 12962 of June 7, 1995, as amended, shall ensure that sustenance, recreational, and traditional indigenous fishing shall be managed as a sustainable activity consistent with other applicable law and after due consideration with respect to traditional indigenous fishing of any determination by the Government of the Commonwealth of the Northern Mariana Islands.

Monument Management Planning

The Secretaries of the Interior and Commerce shall, within 2 years of the date of this proclamation, prepare management plans within their respective authorities and promulgate implementing regulations that address any further specific actions necessary for the proper care and management of the objects identified in this proclamation. In developing and implementing any management plans and any management rules and regulations, the Secretaries shall designate and involve as cooperating agencies the agencies with jurisdiction or special expertise, including the Department of Defense, the Department of State, and other agencies through scoping in accordance with the National Environmental Policy Act (42 U.S.C. 4321 et seq.), its implementing regulations and with Executive Order 13352 of August 26, 2004, Facilitation of Cooperative Conservation, and shall treat as a cooperating agency the Government of the Commonwealth of the Northern Mariana Islands, consistent with these authorities. The monument management plans shall ensure that the monument will be administered in accordance with this proclamation, and shall, as appropriate to their respective authorities, provide for:

1. management of the Islands Unit of the monument, in consultation with the Government of the Commonwealth of the Northern Mariana Islands, including designation of specific roles and responsibilities and the means of consultation on management decisions as appropriate, without affecting the respective authorities or jurisdictions of the Commonwealth of the Northern Mariana Islands or the Secretaries of the Interior or of Commerce;

2. public education programs and public outreach regarding the coral reef ecosystem and related marine resources and species of the monument and efforts to conserve them;

3. traditional access by indigenous persons, as identified by the Secretaries in consultation with the Government of the Commonwealth of the Northern Mariana Islands, for culturally significant subsistence, cultural and religious uses within the monument;
4. a program to assess and promote monument-related scientific exploration and research, tourism, and recreational and economic activities and opportunities in the Commonwealth of the Northern Mariana Islands;

5. a process to consider requests for recreational fishing permits in certain areas of the Islands Unit, based on an analysis of the likely effects of such fishing on the marine ecosystems of these areas, sound professional judgment that such fishing will not materially interfere with or detract from the fulfillment of the purposes of this proclamation, and the extent to which such recreational fishing shall be managed as a sustainable activity consistent with Executive Order 12962, as amended, and other applicable law; and

6. programs for monitoring and enforcement necessary to ensure that scientific exploration and research, tourism, and recreational and commercial activities do not degrade the monument’s coral reef ecosystem or related marine resources or species or diminish the monument’s natural character.

The management plans and their implementing regulations shall impose no restrictions on innocent passage in the territorial sea or otherwise restrict navigation, overflight, and other internationally recognized lawful uses of the sea, and shall incorporate the provisions of this proclamation regarding Armed Forces actions and compliance with international law.

This proclamation shall be applied in accordance with international law. No restrictions shall apply to or be enforced against a person who is not a citizen, national, or resident alien of the United States (including foreign flag vessels) unless in accordance with international law.

Nothing in this proclamation shall be deemed to diminish or enlarge the jurisdiction of the Commonwealth of the Northern Mariana Islands.

Advisory Council

The Secretaries of the Interior and Commerce, within 3 months of the date of this proclamation and after considering recommendations from the Governor of the Commonwealth of the Northern Mariana Islands, the Secretary of Defense, and the Secretary of Homeland Security, shall establish the Mariana Monument Advisory Council to provide advice and recommendations on the development of management plans and management of the monument. The Advisory Council shall consist of three officials of the Government of the Commonwealth of the Northern Mariana Islands and one representative each from the Department of Defense and the United States Coast Guard.

Members of the Advisory Council will be appointed for a term of 3 years by the Secretaries of the Interior and Commerce after nomination by the head of the pertinent executive branch agency or, with respect to the officials of the Government of the Commonwealth of the Northern Mariana Islands, by the Governor of the Commonwealth of the Northern Mariana Islands. The Advisory Council will adopt such procedures as it deems necessary to govern its activities. Each participating agency shall be responsible for the expenses of its representative and the Departments of the Interior and Commerce shall be equally responsible for the costs of the Advisory Council.

Emergencies, National Security, and Law Enforcement Activities
1. The prohibitions required by this proclamation shall not apply to activities necessary to respond to emergencies threatening life, property, or the environment, or to activities necessary for national security or law enforcement purposes.

2. Nothing in this proclamation shall limit agency actions to respond to emergencies posing an unacceptable threat to human health or safety or to the marine environment and admitting of no other feasible solution.

**Armed Forces Actions**

1. The prohibitions required by this proclamation shall not apply to activities and exercises of the Armed Forces (including those carried out by the United States Coast Guard).

2. The Armed Forces shall ensure, by the adoption of appropriate measures not impairing operations or operational capabilities, that its vessels and aircraft act in a manner consistent, so far as is reasonable and practicable, with this proclamation.

3. In the event of threatened or actual destruction of, loss of, or injury to a monument living marine resource resulting from an incident, including but not limited to spills and groundings, caused by a component of the Department of Defense or the United States Coast Guard, the cognizant component shall promptly coordinate with the Secretary of the Interior or Commerce, as appropriate, for the purpose of taking appropriate actions to respond to and mitigate any actual harm and, if possible, restore or replace the monument resource or quality.

4. Nothing in this proclamation or any regulation implementing it shall limit or otherwise affect the Armed Forces’ discretion to use, maintain, improve, manage, or control any property under the administrative control of a Military Department or otherwise limit the availability of such property for military mission purposes.

This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its agencies, instrumentalities, or entities, its officers, employees, agents, or any other person.

All Federal lands and interests in lands within the boundaries of this monument are hereby withdrawn from all forms of entry, location, selection, sale, or leasing or other disposition under the public land laws, to the extent that those laws apply.

The establishment of this monument is subject to valid existing rights.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the national monument shall be dominant over any other existing Federal withdrawal, reservation, or appropriation.

Warning is hereby given to all unauthorized persons not to appropriate, excavate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any lands thereof.
IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of January, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

GEORGE W. BUSH
Establishment of the Pacific Remote Islands Marine National Monument

By the President of the United States of America
A Proclamation

The Pacific Remote Islands area consists of Wake, Baker, Howland, and Jarvis Islands, Johnston Atoll, Kingman Reef, and Palmyra Atoll, which lie to the south and west of Hawaii. With the exception of Wake Island, these islands are administered as National Wildlife Refuges by the United States Fish and Wildlife Service of the Department of the Interior. These refuges are an important part of the most widespread collection of marine- and terrestrial-life protected areas on the planet under a single country’s jurisdiction. They sustain many endemic species including corals, fish, shellfish, marine mammals, seabirds, water birds, land birds, insects, and vegetation not found elsewhere.

Wake Island, to the west of Honolulu, Hawaii, is the northernmost atoll in the Marshall Islands geological ridge and perhaps the oldest living atoll in the world. Though it was substantially modified by the United States to create a military base before and after World War II, its major habitats are the three low coral islands consisting of shells, coral skeletons, and sand, supporting atoll vegetation adapted to arid climate. Wake Island supports 12 species of resident nesting seabirds and 6 species of migratory shorebirds, including 2 species of tropicbirds, 3 species of boobies, Great Frigatebird, Sooty Tern, Brown Noddy, and Wedge-tailed Shearwater. Black-footed Albatross and Laysan Albatross recently recolonized Wake Island, making it one of the few northern albatross colonies outside the Hawaiian archipelago.

Shallow coral reefs thrive around the perimeter of Wake Island. Fish populations are abundant and support at least 323 species, including large populations of the Napoleon wrasse (Chelinus), sharks of several species, and large schools of the Bumphead parrotfish (Bolbometapon), all of which are globally depleted. Beyond the shallow reefs, the outer reef slope descends sharply to great depths.

Baker, Howland, and Jarvis Islands were first formed as fringing reefs around islands formed by Cretaceous-era volcanoes (approximately 120–75 million years ago). As the volcanoes subsided, the coral reefs grew upward, maintaining proximity to the sea surface. These low coral islands consist of coral rock, shells, and sand that support trees, shrubs, and grasses adapted to the arid climate at the equator. All three are surrounded by shallow coral reefs to depths of 100 meters, below which the reef slope descends steeply to great depths. Deep coral forests occur below photic zones of all three islands at depths below 200 meters, especially at Jarvis where surveys have revealed living colonies of precious and ancient gold coral up to 5,000 years old.

The waters surrounding Baker, Howland, and Jarvis Islands have fish biomass double that of the Papahanaumokuakea Marine National Monument,
Proclamations Proc. 8336

and 16 times that of the main Hawaiian Islands, due to the Equatorial Undercurrent that moves from west to east along the equator, creating localized nutrient-rich upwellings in shallows next to the islands. These are three of only six islands in the entire Pacific Ocean where this phenomenon is possible. These islands are high in coral cover and biodiversity and are predator-dominated systems. Their biomass of top predators exceeds that of the Great Barrier Reef or Kenyan Marine Protected Areas. The islands now host about a dozen nesting bird species including several nesting and migratory bird species that are of conservation significance. Jarvis alone has nearly 3 million pairs of Sooty Terns. There are about 300 fish species found off the islands. Giant clams (Tridacna), Napoleon wrasses, and Bumphead parrotfish are common, and sharks of many species are especially abundant at Jarvis and commonly larger there than elsewhere. Endangered hawksbill turtle and threatened green turtles forage in nearshore waters. All three islands afford unique opportunities to conduct climate change research at the equator, far from population centers. The coral skeletons there have recorded the earth’s climatic history for many millions of years.

Johnston Atoll, the northernmost island in the island chain, is an ancient atoll and probably one of the oldest in the Pacific Ocean. Unlike most atolls, it does not have a surrounding barrier reef but has a semicircular emergent reef around the north and western margins of the island. Four major habitats characterize Johnston: low-lying islets consisting of the remains of corals and shells, shallow coral reefs to depths of 150 meters, deeper reefs to depths of 1,000 meters or more, and the slope of the ancient volcano on which the island rests.

Johnston is a genetic and larval stepping stone from the Remote Islands to the Hawaiian Islands for invertebrates, other reef fauna, corals, and dolphins. Despite its isolation, Johnston supports thriving communities of Table corals (Acropora) and a total of 45 coral species, including a dozen species confined to the Hawaiian and northern Line Islands. Some 300 species of reef fish are at Johnston, including the endemic Nahacky’s pygmy angelfish. Many threatened, endangered, and depleted species thrive there, including the green turtle, hawksbill turtle, pearl oyster, giant clams, reef sharks, groupers, humphead wrasse, bumphead parrotfish, whales, and dolphins. Endangered Hawaiian Monk Seals occasionally visit the atoll. Deep diving submersible surveys have revealed that Johnston supports the deepest reef building corals (Leptoseris) on record and large populations of hydrozoan corals (Millepora, Distichopora, Staylaster). Land areas support large populations of migratory shorebirds and resident seabird species, including populations of regional, national, or international significance: Wedge-tailed Shearwaters, Christmas Shearwaters, Red-tailed Tropicbirds, Brown Boobies, Great Frigatebirds, Gray-backed Terns, and White Terns. Approximately 200 threatened Green turtles forage at Johnston. The surrounding waters are used by six depleted or endangered listed cetacean species: Sperm, Blue, Sei, Humpback, and North Pacific Right whales. Spinner dolphins are abundant, and endangered Humpback whales may calve there.

Palmyra Atoll is a classic Darwinian atoll that formed atop a sinking Cretaceous-era volcano. Kingman Reef formed in the same manner but is considered an atoll reef because it lacks permanent fast land areas or islands. Kingman Reef contains a sheltered lagoon that served as a way station for
flying boats on Hawaii-to-American Samoa flights during the late 1930s. There are no terrestrial plants on the reef, which is frequently awash, but it does support abundant and diverse marine fauna and flora. Palmyra Atoll is managed by the United States Fish and Wildlife Service as a wildlife refuge. In 2001, the Secretary of the Interior established National Wildlife Refuges at Palmyra Atoll and Kingman Reef.

Palmyra Atoll and Kingman Reef are known to be among the most pristine coral reefs in the world, with a fully structured inverted food web. Kingman Reef is the most pristine of any reef under U.S. jurisdiction. They are ideal laboratories for assessing effects of climate change without the difficulty of filtering anthropogenic impacts. Both Palmyra Atoll and Kingman Reef support higher levels of coral and other cnidarian species diversity (180–190 species) than any other atoll or reef island in the central Pacific, twice as many as are found in Hawaii or Florida. Palmyra atoll has one of the best remaining examples of Pisonia grandis forest found in the Pacific region. This forest type has been lost or severely degraded over much of its range due to increased human population and development. Fish species diversity at Palmyra (418 species) is higher than, while that of Kingman (297 species) is comparable to, that of the other remote Pacific refuges. Many threatened, endangered, and depleted species thrive there, including the green and hawksbill turtle, pearl oyster, giant clams (the highest concentration in the Pacific Remote Island Area), reef sharks, Coconut crabs, groupers, humphead and Napoleon wrasse, bumphead parrotfish, and dolphins. Significant numbers of threatened green turtles forage at both atolls, especially at Palmyra; endangered Hawksbill sea turtles forage at both atolls. Large schools of rare Melon-headed whales reside off both atolls. A possibly new species of beaked whale was recently described from 2 specimens stranded at Palmyra and 1 at Christmas Island. Palmyra supports 11 nesting seabird species including the third-largest Red-footed Booby colony in the world. Large numbers of Bristle-thighed Curlews, a migratory shorebird of conservation significance, winter at Palmyra.

WHEREAS Wake, Baker, Howland, and Jarvis Islands, Johnston Atoll, Kingman Reef, and Palmyra Atoll and their surrounding waters contain objects of historic or scientific interest that are situated upon lands owned or controlled by the Government of the United States;

WHEREAS the Department of Defense has historically maintained facilities, defensive areas, and airspace reservations at Wake Island and Johnston Atoll;

WHEREAS the United States continues to act in accordance with the balance of interests relating to traditional uses of the oceans recognizing freedom of navigation and overflight and other internationally recognized lawful uses of the sea;

WHEREAS section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431) (the “Antiquities Act”) authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon lands owned or controlled by the Government of the United States to be national monuments, and to reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected;
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WHEREAS it is in the public interest to preserve the marine environment around the islands of Wake, Baker, Howland, and Jarvis Islands, Johnston Atoll, Kingman Reef, and Palmyra Atoll for the care and management of the historic and scientific objects therein:

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by the authority vested in me by section 2 of the Antiquities Act, do proclaim that there are hereby set apart and reserved as the Pacific Remote Islands Marine National Monument (the “monument” or “marine national monument”) for the purpose of protecting the objects identified above, all lands and interests in lands owned or controlled by the Government of the United States within the boundaries described below and depicted on the accompanying maps entitled “Pacific Remote Islands Marine National Monument” attached to and forming a part of this proclamation. The monument includes the waters and submerged and emergent lands of the Pacific Remote Islands to the lines of latitude and longitude depicted on the accompanying maps, which lie approximately 50 nautical miles from the mean low water lines of Wake, Baker, Howland, and Jarvis Islands, Johnston Atoll, Kingman Reef, and Palmyra Atoll. The Federal land and interests in land reserved consists of approximately 86,888 square miles, which is the smallest area compatible with the proper care and management of the objects to be protected.

All Federal lands and interests in lands within the boundaries of this monument are hereby withdrawn from all forms of entry, location, selection, sale, leasing, or other disposition under the public land laws to the extent that those laws apply. Lands and interests in land within the monument not owned or controlled by the United States shall be reserved as a part of the monument upon acquisition of title or control by the United States.

Management of the Marine National Monument

The Secretary of the Interior, in consultation with the Secretary of Commerce, shall have responsibility for management of the monument, including out to 12 nautical miles from the mean low water lines of Wake, Baker, Howland, and Jarvis Islands, Johnston Atoll, Kingman Reef, and Palmyra Atoll, pursuant to applicable legal authorities. However, the Secretary of Defense shall continue to manage Wake Island, according to the terms and conditions of an Agreement between the Secretary of the Interior and Secretary of the Air Force, unless and until such Agreement is terminated. The Secretary of Commerce, through the National Oceanic and Atmospheric Administration, and in consultation with the Secretary of the Interior, shall have primary responsibility for management of the monument seaward of the area 12 nautical miles of the mean low water lines of Wake, Baker, Howland, and Jarvis Islands, Johnston Atoll, Kingman Reef, and Palmyra Atoll, with respect to fishery-related activities regulated pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.) and any other applicable legal authorities. The Secretaries of Commerce and the Interior shall not allow or permit any appropriation, injury, destruction, or removal of any feature of this monument except as provided for by this proclamation and shall prohibit commercial fishing within boundaries of the monument.

The Secretaries of the Interior and of Commerce shall take appropriate action pursuant to their respective authorities under the Antiquities Act and
the Magnuson-Stevens Fishery Conservation and Management Act, and such other authorities as may be available to implement this proclamation, to regulate fisheries, and to ensure proper care and management of the monument.

Regulation of Scientific Exploration and Research

Subject to such terms and conditions as the respective Secretary deems necessary for the care and management of the objects of this monument, the Secretary of the Interior may permit scientific exploration and research within the monument, including incidental appropriation, injury, destruction, or removal of features of this monument for scientific study, and the Secretary of Commerce may permit fishing within the monument for scientific exploration and research purposes to the extent authorized by the Magnuson-Stevens Fishery Conservation and Management Act. The prohibitions required by this proclamation shall not restrict scientific exploration or research activities by or for the Secretaries, and nothing in this proclamation shall be construed to require a permit or other authorization from the other Secretary for their respective scientific activities.

Regulation of Fishing and Management of Fishery Resources

The respective Secretaries may permit noncommercial fishing upon request, at specific locations in accordance with this proclamation. Non-commercial fishing opportunities currently allowed by the U.S. Fish and Wildlife Service at Palmyra Atoll may continue unless the Secretary of the Interior determines such fishing would not be compatible with the purposes of the Palmyra Atoll National Wildlife Refuge. The Secretary shall provide a process to ensure that recreational fishing shall be managed as a sustainable activity in certain areas of the monument, consistent with Executive Order 12962 of June 7, 1995, as amended, and other applicable law.

Monument Management Planning

The Secretaries of the Interior and Commerce shall, within 2 years of the date of this proclamation, prepare management plans within their respective authorities and promulgate implementing regulations that address any further specific actions necessary for the proper care and management of the objects identified in this proclamation at Baker, Howland, and Jarvis Islands, Kingman Reef, and Palmyra Atoll. The Secretaries shall revise and update the management plans as necessary. The Secretary of the Interior shall revise the management plan to incorporate measures for the management of Johnston Atoll within 2 years of the date that the Department of Defense terminates its use of Johnston Atoll. If the Secretary of the Air Force terminates the Agreement regarding its use of Wake Island, the Secretary of the Interior shall revise the management plan to incorporate Wake Island management within 2 years of the date that the Air Force terminates its use of Wake Island. In developing and implementing any management plans and any management rules and regulations, the Secretaries shall consult and designate and involve as cooperating agencies the agencies with jurisdiction or special expertise, including the Department of Defense, in accordance with the National Environmental Policy Act (42 U.S.C. 4321 et seq.) its implementing regulations, and with Executive Order 13352, of August 26, 2004, Facilitation of Cooperative Conservation.

The management plans and their implementing regulations shall impose no restrictions on innocent passage in the territorial sea or otherwise restrict
navigation and overflight and other internationally recognized lawful uses of the sea in the monument and shall incorporate the provisions of this proclamation regarding Armed Forces actions and compliance with international law.

This proclamation shall be applied in accordance with international law. No restrictions shall apply to or be enforced against a person who is not a citizen, national, or resident alien of the United States (including foreign flag vessels) unless in accordance with international law.

**Emergencies, National Security, and Law Enforcement Activities**

1. The prohibitions required by this proclamation shall not apply to activities necessary to respond to emergencies threatening life, property, or the environment, or to activities necessary for national security or law enforcement purposes.

2. Nothing in this proclamation shall limit agency actions to respond to emergencies posing an unacceptable threat to human health or safety or to the marine environment and admitting of no other feasible solution.

**Armed Forces Actions**

1. The prohibitions required by this proclamation shall not apply to activities and exercises of the Armed Forces (including those carried out by the United States Coast Guard).

2. The Armed Forces shall ensure, by the adoption of appropriate measures not impairing operations or operational capabilities, that its vessels and aircraft act in a manner consistent, so far as is reasonable and practicable, with this proclamation.

3. In the event of threatened or actual destruction of, loss of, or injury to a monument resource or quality resulting from an incident, including but not limited to spills and groundings, caused by a component of the Department of Defense or the United States Coast Guard, the cognizant component shall promptly coordinate with the Secretary of the Interior or Commerce, as appropriate, for the purpose of taking appropriate actions to respond to and mitigate any actual harm and, if possible, restore or replace the monument resource or quality.

4. Nothing in this proclamation or any regulation implementing it shall limit or otherwise affect the Armed Forces’ discretion to use, maintain, improve, manage, or control any property under the administrative control of a Military Department or otherwise limit the availability of such property for military mission purposes, including, but not limited to, defensive areas and airspace reservations.

The establishment of this monument is subject to valid existing rights.

This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its agencies, instrumentalities, or entities, its officers, employees, agents, or any other person.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the national monument shall be dominant over any other existing federal withdrawal, reservation, or appropriation.
Warning is hereby given to all unauthorized persons not to appropriate, excavate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of January, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

GEORGE W. BUSH
Pacific Remote Islands
Marine National Monument

Bathymetry
Value
High: 4
Low: -4726
Pacific Remote Islands Marine National Monument

Bathymetry

12 nm  High: -3
3 nm


 Boundaries depicted are based on best available data not the official baseline.
Pacific Remote Islands Marine National Monument

Johnston Atoll

Buffer
- 12 nm
- 3 nm

Bathymetry
- High: -5
- Low: -4155

Boundaries depicted are based on best available data. Not the official baseline.
Pacific Remote Islands
Marine National Monument

Bathymetry

High: -2
Low: -3500

12 nm  50 nm (15,627 nm²)
3 nm    EEZ
Establishment of the Rose Atoll Marine National Monument

By the President of the United States of America
A Proclamation

In the Pacific Ocean approximately 130 nautical miles east-southeast of Pago Pago Harbor, American Samoa, lies Rose Atoll—the easternmost Samoan island and the southernmost point of the United States. This small atoll, which includes the Rose Atoll National Wildlife Refuge with about 20 acres of land and 1,600 acres of lagoon, remains one of the most pristine atolls in the world. The lands, submerged lands, waters, and marine environment around Rose Atoll support a dynamic reef ecosystem that is home to a very diverse assemblage of terrestrial and marine species, many of which are threatened or endangered.

One of the most striking features of Rose Atoll is the pink hue of fringing reef caused by the dominance of coralline algae, which is the primary reef-building species. Though there are roughly 100 species of stony corals, the shallow reefs are dominated by crustose coralline algae, making them distinctive and quite different from those found at other Samoan islands. The marine area provides isolated, unmolested nesting grounds for green and hawksbill turtles and has the largest number of nesting turtles in American Samoa. Its waters are frequented by numerous large predators: whitetip reef sharks, blacktip reef sharks, gray reef sharks, snappers, jacks, groupers, and barracudas. Species that have faced depletion elsewhere, some of which have declined worldwide by as much as 98 percent, are found in abundance at Rose Atoll, including giant clams, Maori wrasse, large parrotfishes, and blacktip, whitetip, and gray reef sharks. Humpback whales, pilot whales, and the porpoise genus Stenella have all been spotted at Rose Atoll. There are 272 species of reef fish, with seven species first described by scientists at Rose and dozens more new species discovered on the first deep water dive to 200 meters. Recent submarines dives around Rose Atoll have revealed abundant marine life, deep sea coral forests, and several new fish and invertebrate species.

Rose Atoll supports most of the seabird population of American Samoa, including 12 federally protected migratory seabirds, five species of federally protected shorebirds, and a migrant forest bird, the long-tailed cuckoo. Rare species of nesting petrels, shearwaters, and terns are thriving at Rose Atoll and increasing in number. The atoll is known to Samoans, who have periodically visited over the past millennium, as “Nu’u O Manu” (“Village of seabirds”). It is believed that Polynesians have harvested at Rose Atoll for millennia and several species, such as the giant clam, were used for cultural celebrations and events. Few relatively undisturbed islands remain in the world and Rose Atoll is one of the last remaining refuges for the seabird and turtle species of the Central Pacific. Threatened Pisonia atoll forest trees are also found at Rose Atoll.

WHEREAS the lands, submerged lands, and waters of and marine environment around Rose Atoll contain objects of historic or scientific interest that are situated upon lands owned or controlled by the Government of the United States;
WHEREAS the United States continues to act in accordance with the balance of interests relating to traditional uses of the oceans recognizing freedom of navigation and overflight and other internationally recognized lawful uses of the sea;

WHEREAS section 2 of the Act of June 8, 1906 (34 Stat. 225, 16 U.S.C. 431) (the “Antiquities Act”) authorizes the President, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon lands owned or controlled by the Government of the United States to be national monuments, and to reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected;

WHEREAS it is in the public interest to preserve the lands, submerged lands and waters of, and marine environment around Rose Atoll as necessary for the care and management of the historic and scientific objects therein:

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by the authority vested in me by section 2 of the Antiquities Act, do proclaim that there are hereby set apart and reserved as the Rose Atoll Marine National Monument (the “monument” or “marine national monument”) for the purpose of protecting the objects described in the above preceding paragraphs, all lands and interests in lands owned or controlled by the Government of the United States within the boundaries that lie approximately 50 nautical miles from the mean low water line of Rose Atoll as depicted on the accompanying map entitled “Rose Atoll Marine National Monument” attached to and forming a part of this proclamation. The Federal land and interests in land reserved consists of approximately 13,451 square miles of emergent and submerged lands and waters of and around Rose Atoll in American Samoa, which is the smallest area compatible with the proper care and management of the objects to be protected. All Federal lands and interests in lands within the boundaries of this monument are hereby withdrawn from all forms of entry, location, selection, sale, or leasing or other disposition under the public land laws to the extent that those laws apply.

Management of the Marine National Monument

The Secretary of the Interior shall have management responsibility for the monument, including Rose Atoll National Wildlife Refuge, in consultation with the Secretary of Commerce, except that the Secretary of Commerce, through the National Oceanic and Atmospheric Administration, shall have the primary management responsibility regarding the management of the marine areas of the monument seaward of mean low water, with respect to fishery-related activities regulated pursuant to the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 et seq.), and any other applicable authorities. The Secretary of Commerce shall initiate the process to add the marine areas of the monument to the Fagatele Bay National Marine Sanctuary in accordance with the National Marine Sanctuaries Act (16 U.S.C. 1431 et seq.), including its provision for consultation with an advisory council, to further the protection of the objects identified in this proclamation. In developing and implementing any management
plans and any management rules and regulations, the Secretary of Commerce shall consult with the Secretary of the Interior and shall designate and involve as cooperating agencies the agencies with jurisdiction or special expertise, including the Department of State, the Department of Defense, and other agencies through scoping in accordance with the National Environmental Policy Act (42 U.S.C. 4321 et seq.), its implementing regulations and with Executive Order 13352 of August 26, 2004, Facilitation of Cooperative Conservation, and shall treat as a cooperating agency the Government of American Samoa, consistent with these authorities.

The Secretary of the Interior shall continue to manage the Rose Atoll National Wildlife Refuge consistent with the protection of the objects identified in this proclamation. The Secretary of the Interior shall, in developing any management plans and any management rules and regulations governing the Rose Atoll National Wildlife Refuge, comply with the National Environmental Policy Act and consult with the Secretary of Commerce.

For the purposes of protecting the objects identified above, the Secretaries of the Interior and Commerce, respectively, shall not allow or permit any appropriation, injury, destruction, or removal of any feature of this monument except as provided for by this proclamation or as otherwise provided for by law.

Regulation of Scientific Exploration and Research

Subject to such terms and conditions as the Secretaries deem necessary for the care and management of the objects of this monument, the Secretary of the Interior may permit scientific exploration and research within the monument, including incidental appropriation, injury, destruction, or removal of features of this monument for scientific study, and the Secretary of Commerce may permit fishing within the monument for scientific exploration and research purposes to the extent authorized by the Magnuson-Stevens Fishery Conservation and Management Act. The prohibitions required by this proclamation shall not restrict scientific exploration or research activities by or for the Secretaries, and nothing in this proclamation shall be construed to require a permit or other authorization from the other Secretary for their respective scientific activities.

Regulation of Fishing and Management of Fishery Resources

The Secretaries shall prohibit commercial fishing within the monument. Subject to such terms and conditions as the Secretaries deem necessary for the care and management of the objects of this monument, the Secretaries may permit noncommercial and sustenance fishing or, after consultation with the Government of American Samoa, traditional indigenous fishing within the monument. The Secretaries of the Interior and Commerce, respectively, in consultation with the Government of American Samoa, shall provide for a process to ensure that recreational fishing shall be managed as a sustainable activity consistent with Executive Order 12962 of June 7, 1995, as amended, and other applicable law.

This proclamation shall be applied in accordance with international law. No restrictions shall apply to or be enforced against a person who is not a citizen, national, or resident alien of the United States (including foreign flag vessels) unless in accordance with international law. The management
plan and implementing regulations shall impose no restrictions on innocent passage in the territorial sea or otherwise restrict navigation and overflight and other internationally recognized lawful uses of the sea in the monument and shall incorporate the provisions of this proclamation regarding Armed Forces actions and compliance with international law.

Nothing in this proclamation shall be deemed to diminish or enlarge the jurisdiction of the Government of American Samoa. The Secretaries of the Interior and Commerce shall, in developing any management plans and any management rules and regulations governing the marine areas of the monument, as described above, consult with the Government of American Samoa.

Emergencies, National Security, and Law Enforcement Activities

1. The prohibitions required by this proclamation shall not apply to activities necessary to respond to emergencies threatening life, property, or the environment, or to activities necessary for national security or law enforcement purposes.

2. Nothing in this proclamation shall limit agency actions to respond to emergencies posing an unacceptable threat to human health or safety or to the marine environment and admitting of no other feasible solution.

Armed Forces Actions

1. The prohibitions required by this proclamation shall not apply to activities and exercises of the Armed Forces (including those carried out by the United States Coast Guard).

2. The Armed Forces shall ensure, by the adoption of appropriate measures not impairing operations or operational capabilities, that its vessels and aircraft act in a manner consistent, so far as is reasonable and practicable, with this proclamation.

3. In the event of threatened or actual destruction of, loss of, or injury to a monument living marine resource resulting from an incident, including but not limited to spills and groundings, caused by a component of the Department of Defense or the United States Coast Guard, the cognizant component shall promptly coordinate with the Secretary of the Interior or Commerce, as appropriate for the purpose of taking appropriate actions to respond to and mitigate any actual harm and, if possible, restore or replace the monument resource or quality.

4. Nothing in this proclamation or any regulation implementing it shall limit or otherwise affect the Armed Forces'; discretion to use, maintain, improve, manage, or control any property under the administrative control of a Military Department or otherwise limit the availability of such property for military mission purposes.

The establishment of this monument is subject to valid existing rights. This proclamation is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person.

Nothing in this proclamation shall be deemed to revoke any existing withdrawal, reservation, or appropriation; however, the national monument
shall be dominant over any other existing Federal withdrawal, reservation, or appropriation.

Warning is hereby given to all unauthorized persons not to appropriate, excavate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any lands thereof.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of January, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

GEORGE W. BUSH
Religious Freedom Day, 2009

By the President of the United States of America

A Proclamation

Religious freedom is the foundation of a healthy and hopeful society. On Religious Freedom Day, we recognize the importance of the 1786 passage of the Virginia Statute for Religious Freedom. We also celebrate the first liberties enshrined in our Constitution’s Bill of Rights, which guarantee the free exercise of religion for all Americans and prohibit an establishment of religion.

Our Nation was founded by people seeking haven from religious persecution, and the religious liberty they found here remains one of this land’s greatest blessings. As Americans, we believe that all people have inherent dignity and worth. Though we may profess different creeds and worship in different manners and places, we respect each other’s humanity and expression of faith. People with diverse views can practice their faiths here while living together in peace and harmony, carrying on our Nation’s noble tradition of religious freedom.

The United States also stands with religious dissidents and believers from around the globe who practice their faith peacefully. Freedom is not a grant of government or a right for Americans alone; it is the birthright of every man, woman, and child throughout the world. No human freedom is more fundamental than the right to worship in accordance with one’s conscience.

Religious Freedom Day is an opportunity to celebrate our legacy of religious liberty, foster a culture of tolerance and peace, and renew commitments to ensure that every person on Earth can enjoy these basic human rights.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim January 16, 2009, as Religious Freedom Day. I call on all Americans to reflect on the great blessing of religious liberty, endeavor to preserve this freedom for future generations, and commemorate this day with appropriate events and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of January, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

GEORGE W. BUSH
Proclamation 8339 of January 15, 2009

National Sanctity of Human Life Day, 2009

By the President of the United States of America
A Proclamation

All human life is a gift from our Creator that is sacred, unique, and worthy of protection. On National Sanctity of Human Life Day, our country recognizes that each person, including every person waiting to be born, has a special place and purpose in this world. We also underscore our dedication to heeding this message of conscience by speaking up for the weak and voiceless among us.

The most basic duty of government is to protect the life of the innocent. My Administration has been committed to building a culture of life by vigorously promoting adoption and parental notification laws, opposing Federal funding for abortions overseas, encouraging teen abstinence, and funding crisis pregnancy programs. In 2002, I was honored to sign into law the Born-Alive Infants Protection Act, which extends legal protection to children who survive an abortion attempt. I signed legislation in 2003 to ban the cruel practice of partial-birth abortion, and that law represents our commitment to building a culture of life in America. Also, I was proud to sign the Unborn Victims of Violence Act of 2004, which allows authorities to charge a person who causes death or injury to a child in the womb with a separate offense in addition to any charges relating to the mother.

America is a caring Nation, and our values should guide us as we harness the gifts of science. In our zeal for new treatments and cures, we must never abandon our fundamental morals. We can achieve the great breakthroughs we all seek with reverence for the gift of life.

The sanctity of life is written in the hearts of all men and women. On this day and throughout the year, we aspire to build a society in which every child is welcome in life and protected in law. We also encourage more of our fellow Americans to join our just and noble cause. History tells us that with a cause rooted in our deepest principles and appealing to the best instincts of our citizens, we will prevail.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim January 18, 2009, as National Sanctity of Human Life Day. I call upon all Americans to recognize this day with appropriate ceremonies and to underscore our commitment to respecting and protecting the life and dignity of every human being.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of January, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

GEORGE W. BUSH
Proclamation 8340 of January 15, 2009

Martin Luther King, Jr., Federal Holiday, 2009

By the President of the United States of America
A Proclamation

On the Martin Luther King, Jr., Federal Holiday, we recognize one of history’s most consequential advocates for equality and civil rights, and we celebrate his powerful message of justice and hope. Our Nation is better because Dr. King was a man of courage and vision who understood that love and compassion will always triumph over bitterness and hatred.

As Americans, we believe it is self-evident that all men are created equal and that freedom is not a grant of government but a gift from the Author of Life. Dr. King trusted in these beliefs articulated in our founding documents even when our country’s practices did not live up to its promises. He roused the conscience of a complacent Nation by drawing attention to the ugliness of discrimination and segregation and by calling on Americans to live up to our guarantee of equality.

Our Nation has seen tremendous progress in redeeming the ideals of America and protecting every person’s God-given rights. The historic election of Barack Obama as President of the United States reflects the real advances our Nation has made in the fight against the bigotry that Dr. King opposed. More work remains, though, and we must heed Dr. King’s words that “injustice anywhere is a threat to justice everywhere.” By continuing to spread his message and demanding that the equal rights he fought for are extended to all people, we can ensure that the dignity of every person is respected and that the hope for a better tomorrow reaches every community throughout the world.

As we observe Dr. King’s birthday, we commemorate his leadership and strength of character. We go forward with confidence that if we remain true to our founding principles, our Nation will continue to advance the cause of justice and remain a beacon of hope to people everywhere.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim January 19, 2009, as the Martin Luther King, Jr., Federal Holiday. I encourage all Americans to observe this day with appropriate civic, community, and service programs and activities in honor of Dr. King’s life and legacy.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of January, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

GEORGE W. BUSH
Proclamation 8341 of January 16, 2009

To Implement the United States-Peru Trade Promotion Agreement and for Other Purposes

By the President of the United States of America
A Proclamation


2. Section 105(a) of the Implementation Act authorizes the President to establish or designate within the Department of Commerce an office that shall be responsible for providing administrative assistance to panels established under chapter 21 of the Agreement.

3. Section 201 of the Implementation Act authorizes the President to proclaim such modifications or continuation of any duty, such continuation of duty-free or excise treatment, or such additional duties, as the President determines to be necessary or appropriate to carry out or apply Articles 2.3, 2.5, 2.6, 3.3.13 and Annex 2.3 of the Agreement.

4. Section 201(d) of the Implementation Act authorizes the President to take such action as may be necessary in implementing the tariff-rate quotas set forth in Appendix I to the Schedule of the United States to Annex 2.3 of the Agreement to ensure that imports of agricultural goods do not disrupt the orderly marketing of commodities in the United States.

5. Consistent with section 201(a)(2) of the Implementation Act, Peru is to be removed from the enumeration of designated beneficiary developing countries eligible for the benefits of the Generalized System of Preferences (GSP) on the date the Agreement enters into force. Further, consistent with section 604 of the Trade Act of 1974, as amended (the “1974 Act”) (19 U.S.C. 2483), I have determined that other technical and conforming changes to the Harmonized Tariff Schedule of the United States (HTS) are necessary to reflect that Peru is no longer eligible to receive the benefits of the GSP.

6. Section 203 of the Implementation Act sets forth certain rules for determining whether a good is an originating good for the purpose of implementing preferential tariff treatment provided for under the Agreement. I have decided that it is necessary to include these rules of origin, together with particular rules applicable to certain other goods, in the HTS.

7. Section 203(o) of the Implementation Act authorizes the President to determine that a fabric, yarn, or fiber is or is not available in commercial quantities in a timely manner in the United States and Peru; to establish procedures governing the request for any such determination and ensuring appropriate public participation in any such determination; to add any fabric, yarn, or fiber determined to be not available in commercial quantities in a timely manner in the United States and Peru to the list in Annex 3-
B of the Agreement in a restricted or unrestricted quantity; to eliminate a restriction on the quantity of a fabric, yarn, or fiber within 6 months after adding the fabric, yarn, or fiber to the list in Annex 3-B of the Agreement in a restricted quantity; and to restrict the quantity of, or remove from the list in Annex 3-B of the Agreement, certain fabrics, yarns, or fibers.

8. Section 208 of the Implementation Act authorizes the President to take certain enforcement actions relating to trade with Peru in textile and apparel goods.

9. Subtitle B of title III of the Implementation Act authorizes the President to take certain actions in response to a request by an interested party for relief from serious damage or actual threat thereof to a domestic industry producing certain textile or apparel articles.

10. Executive Order 11651 of March 3, 1972, as amended, established the Committee for the Implementation of Textile Agreements (CITA), consisting of representatives of the Departments of State, the Treasury, Commerce, and Labor, and the Office of the United States Trade Representative, with the representative of the Department of Commerce as Chairman, to supervise the implementation of textile trade agreements. Consistent with section 301 of title 3, United States Code, when carrying out functions vested in the President by statute and assigned by the President to CITA, the officials collectively exercising those functions are all to be officers required to be appointed by the President with the advice and consent of the Senate.

11. Presidential Proclamation 7971 of December 22, 2005, implemented the United States-Morocco Free Trade Agreement (USMFTA). The proclamation implemented, pursuant to section 201 of the United States-Morocco Free Trade Agreement Implementation Act (the “USMFTA Act”) (Public Law 108–302, 118 Stat. 1103) (19 U.S.C. 3805 note), the staged reductions in rates of duty that I determined to be necessary or appropriate to carry out or apply certain provisions of the USMFTA, including Articles 2.5 and 2.6. The proclamation inadvertently omitted two modifications to the HTS necessary to carry out the provisions of Articles 2.5 and 2.6 of the USMFTA. I have determined that technical corrections to the HTS are necessary to provide the intended tariff treatment under Articles 2.5 and 2.6 of the USMFTA.

12. Presidential Proclamation 8039 of July 27, 2006, implemented the United States-Bahrain Free Trade Agreement (USBFTA). The proclamation implemented, pursuant to section 201 of the United State-Bahrain Free Trade Agreement Implementation Act (the “USBFTA Act”) (Public Law 109–169, 119 Stat. 3581), the staged reductions in rates of duty that I determined to be necessary or appropriate to carry out or apply certain provisions of the USBFTA, including Articles 2.5 and 2.6. The proclamation inadvertantly omitted two modifications to the HTS necessary to carry out the provisions of Articles 2.5 and 2.6 of the USBFTA. I have determined that technical corrections to the HTS are necessary to provide the intended tariff treatment under Articles 2.5 and 2.6 of the USBFTA.

necessary to carry out or apply Articles 3.3 and 3.27, and Annexes 3.3 (including the schedule of United States duty reductions with respect to originating goods) and 3.27, of the CAFTA-DR. I have determined that technical corrections to the HTS are necessary to provide the intended duty treatment under the CAFTA-DR.

14. Section 604 of the 1974 Act, as amended, authorizes the President to embody in the HTS the substance of relevant provisions of that Act, or other Acts affecting import treatment, and of actions taken thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to section 604 of the 1974 Act; sections 105(a), 201, 203, 208, and subtitle B of title III of the Implementation Act; and section 301 of title 3, United States Code, and having made the determination under section 101(b) of the Implementation Act necessary for the exchange of notes, do hereby proclaim: (1) In order to provide generally for the preferential tariff treatment being accorded under the Agreement, to set forth rules for determining whether goods imported into the customs territory of the United States are eligible for preferential tariff treatment under the Agreement, to provide certain other treatment to originating goods of Peru for the purposes of the Agreement, to provide tariff-rate quotas with respect to certain originating goods of Peru, to reflect Peru’s removal from the enumeration of designated beneficiary developing countries for purposes of the GSP, and to make technical and conforming changes in the general notes to the HTS, the HTS is modified as set forth in Annex I of Publication 4058 of the United States International Trade Commission, entitled, “Modifications to the Harmonized Tariff Schedule of the United States to Implement the United States-Peru Trade Promotion Agreement”, which is incorporated by reference into this proclamation.

(2) In order to implement the initial stage of duty elimination provided for in the Agreement and to provide for future staged reductions in duties for originating goods of Peru for purposes of the Agreement, the HTS is modified as provided in Annex II of Publication 4058, effective on the dates specified in the relevant sections of such publication and on any subsequent dates set forth for such duty reductions in that publication.

(3) The amendments to the HTS made by paragraphs (1) and (2) of this proclamation shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after the relevant dates indicated in Annex II to Publication 4058.

(4) The Secretary of Commerce is authorized to exercise my authority under section 105(a) of the Implementation Act to establish or designate an office within the Department of Commerce to carry out the functions set forth in that section.

(5) The United States Trade Representative (USTR) is authorized to exercise my authority under section 201(d) of the Implementation Act to take such action as may be necessary in implementing the tariff-rate quotas set forth in Appendix I to the Schedule of the United States to Annex 2.3 of the Agreement to ensure that imports of agricultural goods do not disrupt the
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orderly marketing of commodities in the United States. This action is set forth in Annex I of Publication 4058.

(6) The CITA is authorized to exercise my authority under section 203(o) of the Implementation Act to determine that a fabric, yarn, or fiber is or is not available in commercial quantities in a timely manner in the United States and Peru; to establish procedures governing the request for any such determination and ensuring appropriate public participation in any such determination; to add any fabric, yarn, or fiber determined to be not available in commercial quantities in a timely manner in the United States and Peru to the list in Annex 3-B of the Agreement in a restricted or unrestricted quantity; to eliminate a restriction on the quantity of a fabric, yarn, or fiber within 6 months after adding the fabric, yarn, or fiber to the list in Annex 3-B of the Agreement in a restricted quantity; and to restrict the quantity of, or remove from the list in Annex 3-B of the Agreement, certain fabrics, yarns, or fibers.

(7) The CITA is authorized to exercise my authority under section 208 of the Implementation Act to exclude certain textile and apparel goods from the customs territory of the United States; to determine whether an enterprise’s production of, and capability to produce, goods are consistent with statements by the enterprise; to find that an enterprise has knowingly or willfully engaged in circumvention; and to deny preferential tariff treatment to textile and apparel goods.

(8) The CITA is authorized to exercise the functions of the President under subtitle B of title III of the Implementation Act to review requests, and to determine whether to commence consideration of such requests; to cause to be published in the Federal Register a notice of commencement of consideration of a request and notice seeking public comment; to determine whether imports of a Peruvian textile or apparel article are causing serious damage, or actual threat thereof, to a domestic industry producing an article that is like, or directly competitive with, the imported article; and to provide relief from imports of an article that is the subject of such a determination.

(9) The CITA, after consultation with the Commissioner of Customs (the “Commissioner”), is authorized to consult with representatives of Peru for the purpose of identifying particular textile or apparel goods of Peru that are mutually agreed to be handloomed fabrics, handmade goods made of such handloomed fabrics, folklore goods, or handmade goods that substantially incorporate a historical or traditional regional design or motif, as provided in Article 3.3.12 of the Agreement. The Commissioner shall take actions as directed by the CITA to carry out any such determination.

(10) The USTR is authorized to fulfill my obligations under section 104 of the Implementation Act to obtain advice from the appropriate advisory committees and the United States International Trade Commission on the proposed implementation of an action by presidential proclamation; to submit a report on such proposed action to the appropriate congressional committees; and to consult with those congressional committees regarding the proposed action.

(11) The USTR is authorized to modify U.S. note 29 to subchapter XXII of chapter 98 of the HTS in a notice published in the Federal Register to reflect modifications pursuant to paragraph (6) of this proclamation by the CITA to the list of fabrics, yarns, or fibers in Annex 3-B of the Agreement.
(12) In order to make technical corrections necessary to provide the intended duty treatment under Articles 2.5 and 2.6 of the USMFTA, Articles 2.5 and 2.6 of the USBFTA, and the CAFTA-DR, the HTS is modified as set forth in Annex III of Publication 4058.

(13) All provisions of previous proclamations and Executive Orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of January, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

GEORGE W. BUSH

Proclamation 8342 of January 16, 2009

To Suspend Entry as Immigrants and Nonimmigrants of Foreign Government Officials Responsible for Failing To Combat Trafficking in Persons

By the President of the United States of America
A Proclamation

In order to foster greater resolve to address trafficking in persons (TIP), specifically in punishing acts of trafficking and providing protections to the victims of these crimes, consistent with the Trafficking Victims Protection Act of 2000, as amended (the “Act”) (22 U.S.C. 7101 et seq.), it is in the interests of the United States to restrict the international travel and to suspend entry into the United States, as immigrants or nonimmigrants, of certain senior government officials responsible for domestic law enforcement, justice, or labor affairs who have impeded their governments’ antitrafficking efforts, have failed to implement their governments’ antitrafficking laws and policies, or who otherwise bear responsibility for their governments’ failures to take steps recognized internationally as appropriate to combat trafficking in persons, and whose governments have been ranked more than once as Tier 3 countries, which represent the worst anti-TIP performers, in the Department of State’s annual Trafficking in Persons Report, and for which I have made a determination pursuant to section 110(d)(1)-(2) or (4) of the Act. The Act reflects international antitrafficking standards that guide efforts to eradicate this modern-day form of slavery around the world.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, including section 212(f) of the Immigration and Nationality Act of 1952, 8 U.S.C. 1182(f), and section 301 of title 3, United States Code, hereby find that the unrestricted immigrant and nonimmigrant entry into the United States of persons described in section 1 of this proclamation would, except as provided for in sections 2 and 3 of this proclamation, be detrimental to the interests of the United States.

I therefore hereby proclaim that:
Section 1. The entry into the United States, as immigrants or non-immigrants, of the following aliens is hereby suspended:

(a) Senior government officials—defined as the heads of ministries or agencies and officials occupying positions within the two bureaucratic levels below those top positions—responsible for domestic law enforcement, justice, or labor affairs who have impeded their governments' antitrafficking efforts, have failed to implement their governments' antitrafficking laws and policies, or who otherwise bear responsibility for their governments' failures to take steps recognized internationally as appropriate to combat trafficking in persons, and who are members of governments for which I have made a determination pursuant to section 110(d)(1)-(2) or (4) of the Act, in the current year and at least once in the preceding 3 years;

(b) The spouses of persons described in subsection (a) of this section.

Sec. 2. Section 1 of this proclamation shall not apply with respect to any person otherwise covered by section 1 where entry of such person would not be contrary to the interest of the United States.

Sec. 3. Persons covered by sections 1 or 2 of this proclamation shall be identified by the Secretary of State or the Secretary’s designee, in his or her sole discretion, pursuant to such procedures as the Secretary may establish under section 5 of this proclamation.

Sec. 4. Nothing in this proclamation shall be construed to derogate from United States Government obligations under applicable international agreements.

Sec. 5. The Secretary of State shall implement this proclamation pursuant to such procedures as the Secretary, in consultation with the Secretary of Homeland Security, may establish.

Sec. 6. This proclamation is effective immediately. It shall remain in effect until such time as the Secretary of State determines that it is no longer necessary and should be terminated, either in whole or in part. Any such determination by the Secretary of State shall be published in the Federal Register.

Sec. 7. This proclamation is not intended to, and does not, create any right, benefit, or privilege, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, instrumentalities, or entities, its officers or employees, or any other person.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of January, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

GEORGE W. BUSH

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Proclamation 8343 of January 20, 2009

National Day of Renewal and Reconciliation, 2009

By the President of the United States of America

A Proclamation

As I take the sacred oath of the highest office in the land, I am humbled by the responsibility placed upon my shoulders, renewed by the courage and decency of the American people, and fortified by my faith in an awe-some God.

We are in the midst of a season of trial. Our Nation is being tested, and our people know great uncertainty. Yet the story of America is one of renewal in the face of adversity, reconciliation in a time of discord, and we know that there is a purpose for everything under heaven.

On this Inauguration Day, we are reminded that we are heirs to over two centuries of American democracy, and that this legacy is not simply a birthright—it is a glorious burden. Now it falls to us to come together as a people to carry it forward once more.

So in the words of President Abraham Lincoln, let us remember that: “The mystic chords of memory, stretching from every battlefield and patriot grave to every living heart and hearthstone all over this broad land, will yet swell the chorus of the Union, when again touched, as surely they will be, by the better angels of our nature.”

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by the authority vested in me by the Constitution and laws of the United States, do hereby proclaim January 20, 2009, a National Day of Renewal and Reconciliation, and call upon all of our citizens to serve one another and the common purpose of remaking this Nation for our new century.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of January, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8344 of February 2, 2009

American Heart Month, 2009

By the President of the United States of America

A Proclamation

Together, we can turn the tide on the number one killer of American women and men. Heart disease claims more lives each year than all forms of cancer combined. During American Heart Month, we renew our commitment to promoting heart disease awareness. It is never too late to start protecting heart health.
Certain risk factors can lead to heart disease. These include: high blood pressure, high cholesterol, obesity, physical inactivity, smoking, and diabetes. Practicing the following “Big Four” habits can help mitigate these risks: eating a heart healthy diet, getting regular physical activity, maintaining a healthy weight, and avoiding tobacco. Unfortunately, only 3 percent of U.S. adults practice all of these habits. As a Nation, we must work to increase that number.

Forming these healthy habits does not have to be difficult: Setting realistic goals, making gradual improvements, and inviting family and friends to join in this pursuit can lead to a healthier lifestyle. Above all, we must remember that taking action can mean a longer, healthier, and more enjoyable life.

Michelle and I especially encourage women to take heart health seriously. More women than men die of heart disease each year, and many women fail to make the connection between risk factors and their personal risk of developing heart disease. The Federal Government’s The Heart Truth campaign gives women a personal and urgent wake-up call about their risk for heart disease. On the first Friday in February, The Heart Truth will lead the Nation in celebrating National Wear Red Day to promote heart disease awareness. All Americans are encouraged to wear red or the Red Dress Pin—the national symbol for women and heart disease awareness—to show support for adopting the Big Four heart health lifestyle habits. This year on National Wear Red Day, we urge all Americans to practice the “Big Four” healthy habits for reducing heart disease risk.

During American Heart Month, we also honor the health professionals, researchers, and other heart health ambassadors whose efforts help all Americans lead longer and healthier lives.

In acknowledgement of the importance of the ongoing fight against cardiovascular disease, the Congress, by Joint Resolution approved December 30, 1963, as amended (77 Stat. 843; 36 U.S.C. 101), has requested that the President issue an annual proclamation designating February as “American Heart Month.”

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim February 2009 as American Heart Month, and I invite all Americans to participate in National Wear Red Day on February 6, 2009. I also invite the Governors of the States, the Commonwealth of Puerto Rico, officials of other areas subject to the jurisdiction of the United States, and the American people to join me in recognizing and reaffirming our commitment to fighting cardiovascular disease.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of February, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA
National African American History Month, 2009

By the President of the United States of America
A Proclamation

The history of African Americans is unique and rich, and one that has helped to define what it means to be an American. Arriving on ships on the shores of North America more than 300 years ago, recognized more as possessions than people, African Americans have come to know the freedoms fought for in establishing the United States and gained through the use of our founding principles of freedom of speech, freedom of the press, the right to assembly, and due process of law. The ideals of the Founders became more real and more true for every citizen as African Americans pressed us to realize our full potential as a Nation and to uphold those ideals for all who enter into our borders and embrace the notion that we are all endowed with certain unalienable rights.

Since Carter G. Woodson first sought to illuminate the African American experience, each February we pause to reflect on the contributions of this community to our national identity. The history is one of struggle for the recognition of each person’s humanity as well as an influence on the broader American culture. African Americans designed our beautiful Capital City, gave us the melodic rhythms of New Orleans Jazz, issued new discoveries in science and medicine, and forced us to examine ourselves in the pages of classic literature. This legacy has only added luster to the brand of the United States, which has drawn immigrants to our shores for centuries.

This year’s theme, “The Quest for Black Citizenship in the Americas,” is a chance to examine the evolution of our country and how African Americans helped draw us ever closer to becoming a more perfect union.

The narrative of the African American pursuit of full citizenship with all of the rights and privileges afforded others in this country is also the story of a maturing young Nation. The voices and examples of the African American people worked collectively to remove the boulders of systemic racism and discrimination that pervaded our laws and our public consciousness for decades. Through the work of Frederick Douglass and Harriet Tubman, Booker T. Washington and George Washington Carver, Martin Luther King and Thurgood Marshall, the African American community has steadily made progress toward the dreams within its grasp and the promise of our Nation. Meanwhile, the belief that those dreams might one day be realized by all of our citizens gave African American men and women the same sense of duty and love of country that led them to shed blood in every war we have ever fought, to invest hard-earned resources in their communities with the hope of self empowerment, and to pass the ideals of this great land down to their children and grandchildren.

As we mark National African American History Month, we should take note of this special moment in our Nation’s history and the actors who worked so diligently to deliver us to this place. One such organization is the National Association for the Advancement of Colored People—the NAACP—which this year will witness 100 years of service to the Nation.
on February 12. Because of their work, including the contributions of those luminaries on the front lines and great advocates behind the scenes, we as a Nation were able to take the dramatic steps we have in recent history.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim February 2009 as National African American History Month. I call upon public officials, educators, librarians, and all the people of the United States to observe this month with appropriate ceremonies, activities, and programs that raise awareness and appreciation of African American history.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of February, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8346 of February 27, 2009

American Red Cross Month, 2009

By the President of the United States of America
A Proclamation

Sixty-two years after its founding, the Red Cross was instrumental in what President Franklin D. Roosevelt called the “greatest single crusade of mercy in all of history.” In 1943, at the height of World War II, President Roosevelt called on the American people to support the troops by supporting the Red Cross, which provided food, blood, and supplies to American troops, allies, and civilians across the world. President Roosevelt asked Americans to donate funds to the Red Cross, setting a goal of $125 million for 6 weeks of fundraising. The American people responded with characteristic generosity, opening their hearts and wallets. The Red Cross met this goal in less than 6 weeks. During that season of generosity and unity, President Roosevelt proclaimed March 1943 as the first Red Cross Month.

The Red Cross has continued to serve those suffering from large- and small-scale disasters. The organization is best known for its work helping communities deal with major disasters such as hurricanes, floods, and wildfires. These large-scale disasters represent a major part of the work of the American Red Cross. Just as important are the tens of thousands of small-scale disasters that occur every day in communities nationwide, and the volunteers who respond to them. These efforts include supporting our military and their families, collecting and distributing blood, helping the needy, delivering health and safety education, and providing aid abroad.

In every response, volunteers are the key to Red Cross efforts. Volunteers represent 96 percent of the Red Cross workforce. Without their giving spirit, disaster relief operations would fall short, blood donations would fail, and the mission of the Red Cross would go unfulfilled. Whether helping military families stay connected with service members around the world, teaching CPR and first aid, or supporting other members of the International Red Cross and Red Crescent Movement, volunteers are critical to
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the success of each and every Red Cross endeavor. These individuals epitomize the generosity and community spirit of the American people.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America and Honorary Chairman of the American Red Cross, by virtue of the authority vested in me by the Constitution and laws of the United States do hereby proclaim March 2009 as American Red Cross Month. I encourage all Americans to support this organization’s noble humanitarian mission.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of February, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8347 of February 27, 2009

National Consumer Protection Week, 2009

By the President of the United States of America

A Proclamation

Consumer education helps every American who enters the marketplace. When making a purchase, consumers should know their rights and should learn about goods and services before they buy. This knowledge allows consumers to make sound decisions and protects families and individuals from fraud and abuse. Consumer vigilance also prevents problems before they arise. During National Consumer Protection Week, we highlight consumer education efforts to help Americans make wise decisions. Federal, State, and local agencies; private sector organizations; and consumer advocacy groups band together to encourage Americans to learn about the protections the law affords and to take full advantage of the resources available for consumers of every age.

This year’s theme for National Consumer Protection Week, “Nuts & Bolts: Tools for Today’s Economy,” focuses on the basic information consumers need as they face the opportunities and pitfalls of the marketplace. Every day, consumers make tough choices about saving, investing, and spending their hard-earned money. Whether selecting a mortgage payment plan, seeking a credit report, or buying a car, staying well-informed and vigilant can help citizens make prudent choices. A few days, hours, or even minutes of preparatory research can ultimately save time and money.

As part of National Consumer Protection Week, the Federal Trade Commission has organized a coalition of public- and private-sector organizations to provide practical tips on a wide range of topics. These tips are available at www.consumer.gov/ncpw. The website also includes information on home foreclosure, identity theft, and protecting businesses. Working together, consumers, businesses, and Government can strengthen our robust free market for the benefit of all Americans.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and
laws of the United States, do hereby proclaim March 1 through March 7, 2009, as National Consumer Protection Week. I call upon Government officials, industry leaders, and advocates across the Nation to provide our citizens with information about consumer rights, and I encourage all Americans to take a proactive role in strengthening our economy.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of February, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8348 of February 27, 2009

Save Your Vision Week, 2009

By the President of the United States of America
A Proclamation

Blindness and visual impairment affect millions of Americans. Early diagnosis and timely treatment are critical to minimize vision loss from eye diseases as well as vision loss that is correctable with eye glasses or contact lenses. During Save Your Vision Week, I encourage all Americans to take action to protect their vision.

Unfortunately, most people have limited knowledge of blinding eye disorders. In a 2005 study by the National Eye Institute, part of the National Institutes of Health, only eight percent of respondents knew that glaucoma, a condition that can damage the optic nerve and cause vision loss and blindness, strikes without early warning. Similarly, only 11 percent knew that diabetic eye disease also begins as a silent vision threat.

Several demographic groups are at higher risk for visual impairment, including teenagers, diabetics, Hispanics, African Americans, and the economically disadvantaged. Older Americans are more susceptible to eye conditions such as age-related macular degeneration, diabetic retinopathy, and glaucoma. Children need regular vision screenings because vision disorders left untreated during childhood can lead to permanent visual impairment during adulthood.

Still, eye disease knows no bounds, and every American should take steps to protect his or her eyesight. Doctors recommend seeking routine eye examinations, maintaining a healthy diet, wearing sunglasses to protect the eyes from damaging ultraviolet rays, and using protective eyewear in hazardous environments. The National Eye Institute’s website, www.nei.nih.gov, provides resources for learning more about common vision conditions and information on finding an eye health professional. By being proactive and seeking out information, Americans can do their part to prevent or reduce vision loss.

To remind Americans about the importance of safeguarding their eyesight, the Congress, by joint resolution approved December 30, 1963, as amended (77 Stat. 629; 36 U.S.C. 138), has authorized and requested the President
to proclaim the first week in March of each year as “Save Your Vision Week.”

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim March 1 through March 7, 2009, as Save Your Vision Week. During this time, I invite eye care professionals, teachers, members of the media, and all organizations dedicated to preserving eyesight to join in activities that will raise awareness of vision diseases and disorders.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of February, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8349 of February 27, 2009

Read Across America Day, 2009

By the President of the United States of America

A Proclamation

Read Across America Day provides an opportunity to support efforts to excite children about reading and to educate families about the importance of literacy. I encourage families and all citizens to celebrate the joy and emphasize the importance of reading.

Every American child deserves the opportunity to solve the puzzles of mystery novels, to discover the beauty of poetry, to imagine the fantastical worlds of science fiction, and to explore their own world through books about nature and foreign lands. Reading provides unending enjoyment and helps unlock a child’s creative potential. We must make literacy the birthright of every American.

Every child also deserves the tools they will need for success. Students must read well to meet high standards in the classroom. Understanding science, mathematics, and the arts requires the ability to read proficiently. Beyond the schoolyard, our youth must be prepared to meet the demands of the global economy. New technologies and steep competition abroad require our Nation to focus on children’s reading skills as a building block for future personal achievements.

Families must play an active role in this effort. On Read Across America Day, parents are encouraged to read to their children for at least 30 minutes. I also encourage parents to recognize the critical importance of literacy for their children’s future and to develop habits at home that encourage reading, such as reading to their children every night or providing incentives for them to read on their own.

On Read Across America Day, we partner with the National Education Association and mark the birthday of Theodor Geisel, whose beloved Dr. Seuss books still inspire children throughout the world to read.
NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim March 2, 2009, as Read Across America Day. I call upon children, families, educators, librarians, public officials, and all the people of the United States to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-seventh day of February, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA
With passion and courage, women have taught us that when we band together to advocate for our highest ideals, we can advance our common well-being and strengthen the fabric of our Nation. Each year during Women’s History Month, we remember and celebrate women from all walks of life who have shaped this great Nation. This year, in accordance with the theme, “Women Taking the Lead to Save our Planet,” we pay particular tribute to the efforts of women in preserving and protecting the environment for present and future generations.

Ellen Swallow Richards is known to have been the first woman in the United States to be accepted at a scientific school. She graduated from the Massachusetts Institute of Technology in 1873 and went on to become a prominent chemist. In 1887, she conducted a survey of water quality in Massachusetts. This study, the first of its kind in America, led to the Nation’s first state water-quality standards.

Women have also taken the lead throughout our history in preserving our natural environment. In 1900, Maria Sanford led the Minnesota Federation of Women’s Groups in their efforts to protect forestland near the Mississippi River, which eventually became the Chippewa National Forest, the first Congressionally mandated national forest. Marjory Stoneman Douglas dedicated her life to protecting and restoring the Florida Everglades. Her book, *The Everglades: Rivers of Grass*, published in 1947, led to the preservation of the Everglades as a National Park. She was awarded the Presidential Medal of Freedom in 1993.

Rachel Carson brought even greater attention to the environment by exposing the dangers of certain pesticides to the environment and to human health. Her landmark 1962 book, *Silent Spring*, was fiercely criticized for its unconventional perspective. As early as 1963, however, President Kennedy acknowledged its importance and appointed a panel to investigate the book’s findings. *Silent Spring* has emerged as a seminal work in environmental studies. Carson was awarded the Presidential Medal of Freedom posthumously in 1980.

Grace Thorpe, another leading environmental advocate, also connected environmental protection with human well-being by emphasizing the vulnerability of certain populations to environmental hazards. In 1992, she launched a successful campaign to organize Native Americans to oppose the storage of nuclear waste on their reservations, which she said contradicted Native American principles of stewardship of the earth. She also proposed that America invest in alternative energy sources such as hydroelectricity, solar power, and wind power.

These women helped protect our environment and our people while challenging the status quo and breaking social barriers. Their achievements inspired generations of American women and men not only to save our planet, but also to overcome obstacles and pursue their interests and talents.
They join a long and proud history of American women leaders, and this month we honor the contributions of all women to our Nation.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim March 2009 as Women's History Month. I call upon all our citizens to observe this month with appropriate programs, ceremonies, and activities that honor the history, accomplishments, and contributions of American women.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of March, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8352 of March 13, 2009

National Poison Prevention Week, 2009

By the President of the United States of America
A Proclamation

Since 1962, National Poison Prevention Week has helped raise awareness about the dangers of potentially poisonous substances and has provided the opportunity to educate fellow Americans about preventing and responding to poisonings. This education effort is critical to the well-being of children and adults alike, as both remain susceptible to poison exposure.

According to the American Association of Poison Control Centers (AAPCC), more than two million potential poison exposures are reported to the Nation’s 61 poison control centers every year. More than half of those exposures involve children aged five and under. The AAPCC also reports that more than one thousand deaths due to poisoning take place in the United States every year.

Poisoning most frequently involves medicines and typical household chemicals, including cleaning supplies and personal care products. When improperly stored, these substances can present threats to the health and well-being of people subject to exposure. Taking simple steps can protect family and friends from harm. For example, keeping poisonous materials in their original containers, placing these materials out of children’s reach, following handling instructions and recommended dosages, and installing carbon monoxide detectors can all help save lives. More information can be found at www.aapcc.org. In the event of a potential poisoning, experts at local poison control centers can be reached at 1–800–222–1222. As children and adults suffer from poison exposures, all Americans should take seriously this grave health risk.

To encourage Americans to learn more about the dangers of accidental poisonings and to take appropriate preventive measures, the Congress, by joint resolution approved September 26, 1961, as amended (75 Stat. 681), has authorized and requested the President to issue a proclamation designating the third week of March each year as “National Poison Prevention
Week.” I encourage all Americans to familiarize themselves with this issue and take steps to protect their families.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim March 15 through March 21, 2009, as National Poison Prevention Week.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of March, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8353 of March 24, 2009

Greek Independence Day: A National Day of Celebration of Greek and American Democracy, 2009

By the President of the United States of America

A Proclamation

The American people join Hellenes today in commemorating the 188th anniversary of Greece’s independence. As we celebrate the establishment of the Hellenic Republic, we honor the historic contributions of Greeks and Greek-Americans.

Americans celebrated the cause of Greek independence during the new nation’s earliest years. In 1824, summarizing support for the Greek struggle among the American people, then-Representative Henry Clay declared, “That it is felt with the deepest intensity, expressed in almost every possible form, and that it increases with every new day and passing hour.” His words are echoed today as Americans celebrate the anniversary of this struggle for independence.

The relationship between Greece and the United States owes much to the vision of democracy and liberty forged in Greece. In constructing a modern democratic framework, our Nation’s founders drew upon the immutable principles of the ancient Greeks. All who cherish the ideal of democratic governance are beneficiaries of the Greek legacy.

From the literary classics taught in our children’s classrooms to the gleaming monuments of our Nation’s capital, Greek cultural traditions have also found a home in the United States. In classrooms across the country, many of our students still immerse themselves in the epics of Homer, the dramas of Sophocles, and the philosophical innovations of Plato and Aristotle. Among the Greek-influenced structures in Washington, D.C., our Nation’s Capitol Building draws upon the architectural legacy of the ancient Greeks.

In recent history, Greece and the United States have stood together to meet the challenges of our times. Greeks and Americans fought for common causes over the course of the 20th century and continue to collaborate in this century, including through membership in the North Atlantic Treaty Organization.

The strength of the bond between Greece and the United States is exemplified by the Greek-American community, which enriches our Nation with
its cultural heritage and helps maintain the living relationship between our
countries.

On the anniversary of Greece’s independence, we celebrate this friendship
and look forward to realizing our common goals and aspirations.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of
America, by virtue of the authority vested in me by the Constitution and
laws of the United States, do hereby proclaim March 25, 2009, as “Greek
Independence Day: A National Day of Celebration of Greek and American
Democracy.” I call upon the people of the United States to observe this day
with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth
day of March, in the year of our Lord two thousand nine, and of the Inde-
pendence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8354 of April 1, 2009

National Cancer Control Month, 2009

By the President of the United States of America
A Proclamation

We have achieved remarkable progress in the fight against cancer. Miracles
in medical research have helped us understand how to prevent, detect, and
treat cancer more effectively, and Americans are now more aware of how
to protect themselves from this disease.

Despite this progress, cancer continues to kill more Americans than any
other malady but heart disease. Marking National Cancer Control Month,
we recommit to the battle against cancer and emphasize the promise of
medical research and the healthy steps Americans can take to protect them-
selves.

To gain new ground in cancer prevention, detection, and treatment, my Ad-
ministration will continue to press for increased support for research at the
National Institutes of Health, the National Cancer Institute, the Centers for
Disease Control and Prevention, and academic and other institutions. The
Federal Government plays an indispensable role in investing in this re-
search, which will save and improve lives for generations to come.

As researchers work daily to better understand this disease, Americans can
take steps to decrease their risk of developing cancer. Individuals of all
ages should seek regular and appropriate check-ups. These check-ups
should include screening, such as mammograms, the Pap test, and tests for
colorectal cancer, all of which can help detect cancer during its early
stages.

Healthy personal habits can also reduce the risk of cancer. Smoking ac-
counts for thousands of cancer deaths every year, and quitting—even after
many years—can greatly reduce the risk of cancer. Physical inactivity and
obesity may cause a substantial proportion of colon, breast, endometrial,
kidney, and esophageal cancers in the United States, so maintaining physical activity and a healthy diet can help prevent cancer, among other diseases. Finally, moderating alcohol intake and sun exposure can help protect Americans.

Too many American families have been touched by cancer. As we observe National Cancer Control Month, I call upon all courageous cancer patients and survivors, health care providers, researchers, advocates, and others involved in this struggle to work together in support of our Nation’s goal to control, and ultimately defeat, this devastating disease.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 2009 as National Cancer Control Month. I encourage citizens, medical institutions, government and social service agencies, businesses, nonprofit organizations, and other interested groups to join in activities that help control cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of April, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8355 of April 1, 2009

National Child Abuse Prevention Month, 2009

By the President of the United States of America

A Proclamation

When the child next door is maltreated, we all suffer. Every American has a stake in the well-being of our Nation’s children. They are members of our communities, and they are our future. National Child Abuse Prevention Month provides the opportunity to underscore our commitment to preventing and responding appropriately to child abuse. This month, we emphasize the importance of understanding child abuse and the need for all Americans to help families overcome this devastating problem.

The tragedy of child abuse may afflicts American children in different ways. Abuse may occur physically, sexually, and emotionally. Child neglect, another form of child maltreatment, may occur physically and emotionally. Understanding the forms of child abuse is critical to preventing and responding to maltreatment.

A well-informed and strong family is the surest defense against child abuse. To help educate and strengthen families, community members can offer their time and counsel to parents and children who may need assistance. For example, parent support groups provide an organized forum for assistance. More informally, community members may simply offer a helping hand to families under stress. More information about what families and communities can do is available at www.childwelfare.gov/preventing.

Civic organizations and government also have an important role to play. Civic groups offer essential support through education, assistance to those
at risk, and treatment for victims. Government at the local, State, and Federal level must provide funding for services, conduct public education projects, and enforce child abuse laws.

As we recognize that we all suffer when our children are abused, that we all benefit from mutual concern and care, and that we all have a responsibility to help, more American children will grow up healthy, happy, and with unlimited potential for success.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 2009, as National Child Abuse Prevention Month. I encourage all citizens to help prevent and respond to child abuse by strengthening families and contributing to all children's physical, emotional, and developmental needs.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of April, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8356 of April 1, 2009

National Donate Life Month, 2009

By the President of the United States of America
A Proclamation

Through organ, tissue, and marrow donation Americans can give the extraordinary gift of life. National Donate Life Month provides an opportunity to honor those who have given of themselves to save lives and to call upon others to participate in this generous effort.

Every day in our Nation and across the world, Americans dedicate themselves to helping those in need. During times of crisis and calm, Americans have looked beyond themselves to aid friends and strangers alike. This spirit of giving represents a hallmark of our national character.

Many Americans have followed this tradition of generosity through organ, tissue, and marrow donation. These selfless individuals have saved lives and strengthened families and communities, and they deserve respect and admiration for their contributions.

I urge all Americans to follow these examples by considering becoming an organ, tissue, or marrow donor. The call for help from those in need of transplants is clear. More donors are needed to meet the needs of those on the national waiting list for life-saving transplants. When considering organ donation, Americans should consult family members to ensure that loved ones are fully aware of the donor’s decisions.

Joining the ranks of organ donors is simple. I encourage Americans to learn more about becoming a donor at www.organdonor.gov.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and
laws of the United States, do hereby proclaim April 2009 as National Donate Life Month. I call upon health care professionals, volunteers, educators, government agencies, faith-based and community groups, and private organizations to join forces to increase the number of organ and tissue donors throughout our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of April, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8357 of April 3, 2009


By the President of the United States of America
A Proclamation

The education we provide our children must prepare them to succeed in a global economy and to contribute to their communities. Commemorating Education and Sharing Day, U.S.A., we underscore our commitment to a competitive and complete education.

The professional demands of today's workplace require a renewed commitment to education. Our youngest children need a strong early foundation. Standards must be raised, curricula must be enhanced, and teachers must be supported. Families, communities, and educators must collaborate to ensure that students are working hard and receiving the best instruction possible.

Yet knowledge alone will not bring the future our children deserve. Our schools and community institutions must also help each child develop a moral compass. Education must blend basic American values such as honesty, personal responsibility, and service. These indispensable elements will not only help children succeed in challenging work environments, they will also help our youth engage in and contribute to their communities.

Few have better understood or more successfully promoted these ideas than Rabbi Menachem Mendel Schneerson, the Lubavitcher Rebbe, who emphasized the importance of education and good character. Through the establishment of educational and social service institutions across the country and the world, Rabbi Schneerson sought to empower young people and inspire individuals of all ages. On this day, we raise his call anew.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 5, 2009, as “Education and Sharing Day, U.S.A., 2009.” I call upon all the people of the United States to look to the future with a renewed sense of civic engagement and common purpose.
IN WITNESS WHEREOF, I have hereunto set my hand this third day of April, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8358 of April 8, 2009


By the President of the United States of America
A Proclamation

Drugs, gangs, and violence threaten our children and communities every day. Today we commemorate Drug Abuse Resistance Education (D.A.R.E.), a program that has worked to educate children and protect them from these problems. National D.A.R.E. Day provides the opportunity to reflect upon the dangers of drugs, gangs, and violence and to emphasize efforts to combat these threats.

From inner cities to suburbs and rural communities, gangs and drug dealers prey upon youth across the United States. Unaware of the dangers of drug abuse and violence, many youth surrender the promise of a bright future. Every child lost in this battle represents a tragedy for our Nation, and we must do more to stop it.

Education efforts to help children avoid drugs and violence must begin in the home. Parents must be positive role models and take the lead in advising their children on the effects of drugs on their health and well-being.

The D.A.R.E. program has worked to educate students about drugs, gangs, and violence for more than 25 years. Placing law-enforcement personnel in the classroom, D.A.R.E. provides students with important lessons from experts and seeks to prepare them for the difficult encounters and choices they may face.

Today we honor D.A.R.E. for its important work. The efforts of D.A.R.E.’s instructors and supporters benefit our Nation’s children and are deserving of praise and appreciation. D.A.R.E.’s renewed efforts to implement science-based programs and to strengthen partnerships among law enforcement, families, and their communities are particularly worthy of commendation. Through effective teaching methods and broad participation, D.A.R.E. can help ensure that every child in America enjoys the opportunities he or she deserves.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 8, 2009, as National D.A.R.E. Day. I call upon our youth, parents, educators, law enforcement personnel, and all the people of the United States to observe this day with appropriate programs and activities.
IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of April, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8359 of April 8, 2009

National Sexual Assault Awareness Month, 2009

By the President of the United States of America
A Proclamation

Sexual assault scars the lives of millions in the United States. To increase awareness about this issue, prevent future crimes, and aid victims, this month we mark National Sexual Assault Awareness Month.

Sexual assault is pervasive in the United States. Study after study has shown that this crime impacts people at all age levels and in every part of this Nation. One recent study found that 18 percent of women in this country have been raped in their lifetime. In addition, rates of sexual assault remain startlingly high for students from high school to college. A 2005 survey of high school students found that 10.8 percent of girls and 4.2 percent of boys from grades nine to twelve were forced to have sexual intercourse at some time in their lives. A study of college women found that 13.7 percent of undergraduate women had been victims of at least one completed sexual assault since entering college. Unlike victims of sexual assault in the larger community, students victimized by other students often face additional challenges in a “closed” campus environment. For example, a victim may continue to live in danger if the perpetrator resides in the same dormitory or attends the same classes. These statistics are all the more alarming given that, according to recent research, a majority of victims do not report their attacks to police.

Victims of all ages suffer from both the physical and emotional consequences of the attack. Sexual assault can lead to long-term health problems including chronic pain, stomach problems, and sexually transmitted diseases. It can also cause severe emotional harm that may be even more painful than the assault itself and resulting physical injuries. The effects of sexual assault go well beyond the direct victim: sexual assault also has a profound impact on a victim’s family, friends, neighbors, and workplace.

Victims need an array of services to heal from the trauma of sexual assault, including crisis intervention, 24-hour sexual assault hotlines, medical and criminal justice accompaniment, advocacy, and counseling. Victim service providers are essential to this effort and work tirelessly to help victims cope with the trauma of sexual assault and transition from “victim” to “survivor.”

Landmark legislation has helped fund these critical services. The Victims of Crime Act of 1984 (VOCA, Public Law 98–473) established the Crime Victims Fund to fund services such as forensic sexual assault examinations and compensation claims for both adult and child victims. For example,
since 1997, VOCA funding has supported the development of Sexual Assault Nurse Examiner (SANE) programs and multi-disciplinary Sexual Assault Response Teams (SART). The Violence Against Women Act of 2005 (VAWA, Public Law 109–162) authorized the Sexual Assault Services Program, the first Federal funding dedicated exclusively to sexual assault services. The Program includes funding for culturally specific programs that serve victims who face unique cultural and linguistic barriers.

In addition to helping victims, offenders must be held accountable for their crimes. Sexual assault forensic examinations and trained examiners can ensure that victims are treated with requisite sensitivity and that critical evidence is collected to facilitate a successful prosecution. To this end, VAWA mandates that all States that accept Federal grants to combat violence against women ensure that sexual assault victims receive forensic examinations free of charge, even if the victim chooses not to report the crime to the police.

To make continued progress, my Administration supports efforts to help Americans better understand this issue. Working together, we can reduce the incidence of sexual assault and help all who have experienced this heinous crime.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 2009, as National Sexual Assault Awareness Month. I urge all Americans to respond to sexual assault by creating policies at work and school, by engaging in discussions with family and friends, and by making the prevention of sexual assault a priority in their communities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of April, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8360 of April 9, 2009


By the President of the United States of America
A Proclamation

American prisoners of war exemplify the courage and sacrifice that define our men and women in uniform. These brave warriors have paid a massive share of the costs of freedom, and our Nation will be forever in their debt. Today we honor all prisoners of war by recognizing the tremendous sacrifices made and the hardships endured by those who fight for our freedom.

American prisoners of war have experienced extreme conditions across the world and many have made the ultimate sacrifice. Sixty-seven years ago, in the midst of World War II, nearly 12,000 Americans and 76,000 Filipinos were captured while defending positions on the Bataan Peninsula in the Philippines. As prisoners of war, they endured the Bataan Death March,
suffering starvation, torture, and unspeakable conditions. Thousands were randomly executed and many perished on this journey. During the Korean War, more than 1,600 Americans died under grave conditions at the Pyok Tong camp. In Vietnam’s Hoa Lo Prison—the infamous Hanoi Hilton—Americans endured torture and other forms of inhumane treatment.

There are countless tales of the bravery of American prisoners of war—of the burdens borne, of the acts of heroism. These individuals have made great sacrifices and have demonstrated an enduring faith in themselves and in the United States. Their commitment calls out to all Americans to live up to our Nation’s highest ideals and to serve our fellow citizens with equal selflessness and honor. We will never forget their sacrifices. Their spirit of service will inspire the American people for generations to come.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 9, 2009, as National Former Prisoner of War Recognition Day, and I urge all Americans to observe this day of remembrance with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of April, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8361 of April 14, 2009

Pan American Day and Pan American Week, 2009

By the President of the United States of America
A Proclamation

A common heritage, an interconnected world, and shared goals and values unite the Pan American community. As a proud member of this group of countries, the United States celebrates Pan American Day and Pan American Week and commits to working with our partners in the Organization of American States to advance a common future.

The Pan American community is highly interwoven, and the peoples of the Americas must work together to build the future we seek. When one country faces economic, security, or health challenges, its neighbors share in this hardship. Together, the Pan American community can build strong partnerships to surmount common concerns and further mutual success.

The broad scope of shared goals includes economic growth and equality, increased security, strong democratic governance, and clean energy. Robust, bottom-up economic growth benefits all citizens and all nations, and remains a central goal of the Pan American community. Together, the countries of the Americas can prioritize and enact policies that ensure a shared and equitable economic prosperity. This economic future is possible only if we protect the safety of citizens and the security of our countries. Whether reducing street crime and gang violence, decreasing the narcotics trade, or preventing acts of terrorism, every country has a stake in regional security.
The Pan American community also supports strong democracies and the development of alternative energy sources. The promotion of transparent and enduring democratic governance strengthens and defines relations in the region and should emphasize the rule of law, a robust civil society, respect for human rights, social equality, and effective delivery of public services. Finally, every country benefits from a solution to our shared energy and climate challenges. The region has already witnessed great leadership in the development and deployment of alternative energy sources, and the Pan American community must build upon these promising efforts.

As we celebrate Pan American Day and Pan American Week, and participate in the Summit of the Americas, the United States recognizes the common challenges and aspirations that unite the region and the boundless promise of our continuing partnership.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 14, 2009, as Pan American Day and April 12 through 18 as Pan American Week. I urge the Governors of the 50 States, the Governor of the Commonwealth of Puerto Rico, and the officials of other areas under the flag of the United States of America to honor these observances with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of April, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8362 of April 17, 2009

National Park Week, 2009

By the President of the United States of America
A Proclamation

America’s National Parks are among our Nation’s most precious treasures. During National Park Week, we celebrate these spaces and commit to protecting them for future generations of Americans.

National Parks bring together Americans of all backgrounds and help us understand the story of America. From the Lincoln Memorial and Ellis Island to the Great Smoky Mountains and Yellowstone, National Parks attract visitors from across the country and from all walks of life. The grandeur and simplicity of these areas inspire visitors no matter their personal stories. National Parks also help Americans learn more about our shared history. From the Prehistoric Trackways National Monument to the Civil War battlefield at Gettysburg, National Parks allow Americans to explore our Nation’s past and to understand events that occurred over the long course of our history.

Our system of National Parks is entrusted to each generation of Americans. We have an obligation to our children to keep these spaces pristine. As citizen stewards, Americans can participate in efforts in their communities to
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preserve National Parks, and support policies that achieve this end. My Administration continues to advocate for initiatives that protect and expand National Parks. The American Recovery and Reinvestment Act promotes conservation and creates new job opportunities in National Parks, and the Omnibus Public Land Management Act designates thousands of miles of trails for the National Trails System, protects more than 1,000 miles of rivers, and secures millions of acres of wilderness.

This week we also honor the committed professionals and volunteers working every day to support the National Parks. Laboring among towering mountains and broad plains, in city centers, and along our rivers and seashores, these Americans deserve thanks for their contributions to current and future generations.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 18 through April 26, 2009, as National Park Week. I invite all my fellow citizens to join me in commemorating the 2009 theme for National Park Week, “National and Community Service,” and to visit these wonderful spaces, discover all they have to offer, and become active participants in Park conservation.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of April, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8363 of April 21, 2009

National Volunteer Week, 2009

By the President of the United States of America
A Proclamation

Our Nation’s story begins with a call to volunteer. Confronting the injustices of tyranny and small odds of victory, patriots rallied one another to serve a cause greater than themselves. As the beneficiaries of this legacy, we possess an obligation to volunteer and serve our fellow citizens with similar selflessness and optimism.

Americans keep this proud tradition alive every day across our country. They are protecting us in uniform, feeding the hungry, tutoring children, comforting seniors, and reaching out to veterans. They are providing critical support to schools, shelters, hospitals, and nursing homes, through faith-based and community organizations, at home and abroad. Volunteers change lives and strengthen our Nation and our world.

My Administration is committed to supporting and supplementing the crucial efforts that Americans make to volunteer. The Edward M. Kennedy Serve America Act, which I signed into law today, will help millions of Americans of all ages to volunteer and to direct that service towards meeting our most pressing challenges. It truly will usher in a new era of service.
This landmark law recruits an army of 250,000 per year to engage in intensive service, and it focuses that work on today’s challenges, including clean energy, education, health, veterans care, and economic opportunity. It creates new service opportunities for seniors, baby boomers, and young adults, and improves service learning in our schools.

The law also creates a Social Innovation Fund. This fund looks for new ideas in communities and leverages private, nonprofit, and faith-based support to invest in local innovation. The fund also allows us to test the impact of new ideas and expand successful programs to scale.

Volunteering provides the opportunity to join and better a community. Every American who volunteers can become an integral part of a school, a hospital, or a neighborhood. Those who give of their time also join our Nation’s proud history of service and help preserve this tradition for generations ahead. During National Volunteer Week, we express heartfelt thanks to all who have worked hard in this effort, and we urge more Americans to reach out and meet the manifold unmet needs of fellow Americans.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 19–25, 2009 as National Volunteer Week. I call upon all Americans to join ongoing volunteer service efforts, and to create new ones.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of April, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8364 of April 22, 2009

Earth Day, 2009

By the President of the United States of America
A Proclamation

The story of the United States is inextricably tied to our vital natural resources. As we enter a new era filled with challenges and promise, we must protect our land, wildlife, water and air—the resources that have fueled our growth and prosperity as a Nation and enriched our lives. Doing this not only fulfills a sacred obligation to our children and grandchildren, but also provides an opportunity to stimulate economic growth.

To achieve these ends, no issue deserves more immediate attention than global warming. Scientists have already observed alarming shifts in the natural world, including thawing permafrost, melting glaciers, and rising sea levels.

Climate change presents a serious test for humankind, but it also provides an opportunity for great innovation and adaptation. The United States has
risen to such challenges before, and Earth Day inspires us to transcend differences among nations so we may lead the world in protecting our planet from this global threat.

Americans across the country are working hard to help limit the pollutants that cause climate change and reduce their impact on the environment, but we must do more. Individuals and organizations can plant trees, use energy efficient lightbulbs, drive fuel efficient cars, hold clean-up drives, and teach young people about environmental preservation. Small changes in our daily lives can have a big impact on our environment. Individuals can walk, bike, and use public transportation; buy products with less packaging; and recycle and reuse paper, plastic, glass, and aluminum more often. American families can also save money by choosing energy efficient products, turning lights off, unplugging appliances, and cutting back on heating and air conditioning.

Government and business alike must also take serious and sustained action to protect our valuable natural inheritance. Through investments in scientific research and development, and the vigorous pursuit of alternative and renewable energy, we can create millions of green jobs that allow us to reduce greenhouse gases and excel in a competitive global economy. My Administration is committed to increasing fuel economy standards and putting more Plug-In Hybrid cars on the road, weatherizing millions of homes, and catalyzing private efforts to build a clean energy future. My Administration is also working to achieve a comprehensive energy and climate policy, one that will lessen our dependence on foreign oil, make the U.S. the global leader in clean energy technology, and prevent the worst impacts of climate change.

President Theodore Roosevelt emphasized our obligation to future Americans, saying, “of all the questions which can come before this nation, short of the actual preservation of its existence in a great war, there is none which compares in importance with the great central task of leaving this land even a better land for our descendants than it is for us.” Heeding President Roosevelt’s call, and carrying forward his spirit of determination, we must commit ourselves to protecting our environment and ensuring the health of our planet so we may share the magnificent blessings of our Earth with our grandchildren.

We do this not only to acknowledge the environment’s central role in the development of our Nation but also to recognize the strong ecological interdependence among nations. History has shown that as we sow, so too shall we reap. Let us rededicate ourselves to a world that provides bountiful harvests for us all not just today, but for many generations to come.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim April 22, 2009, as Earth Day. I encourage all citizens to help protect our environment and contribute to a healthy, sustainable world.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of April, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA
Proclamation 8365 of April 24, 2009

National Crime Victims’ Rights Week, 2009

By the President of the United States of America
A Proclamation

From violence in our neighborhoods to credit card fraud on the Internet, Americans fall victim to countless crimes every day. Our Nation has no higher responsibility than protecting the safety of our families. During National Crime Victims’ Rights Week, we honor crime victims by pledging to fight crime wherever it exists.

This commitment begins by supporting the men and women working every day to reduce crime and assist crime victims. Often placing themselves in harm’s way and sacrificing personal interests, these individuals are the backbone of the extensive efforts to protect Americans from crime. They have demonstrated a commitment to serve others, and their dedication is vital to implementing a successful strategy for crime reduction and victim assistance.

Crime victims have benefited from the Victims of Crime Act of 1984 (Public Law 98–473), one of the most significant achievements in crime victim assistance. This law created an innovative method for using fines and penalties from Federal criminals to fund services for victims. This Crime Victims Fund has already helped millions of victims across the country access basic assistance and financial compensation. This year marks the 25th anniversary of the bill’s bipartisan passage.

An effective approach to fighting crime must include programs that make sense and work. To that end, my Administration is building on past achievements to address the range of crimes that Americans may encounter. The American Recovery and Reinvestment Act, which I signed in February, helps State and local law enforcement personnel perform critical work by providing $2 billion through the Edward Byrne Justice Assistance Grant Program.

A smart crime reduction strategy must also incorporate outreach to those who have paid their debt to society and have become responsible and contributing members of their communities. Prisoner reentry programs have been tested and proven effective. Through a number of supportive services, including substance abuse and mental health counseling, prison-to-work incentives, job training, and transitional assistance, reentry programs help reduce crime recidivism and keep families safer. By utilizing common-sense and proven methods, we can both reduce crime and serve crime victims.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 26 through May 2, 2009, as National Crime Victims’ Rights Week. I call upon all Americans to observe this week by participating in events that raise awareness of victims’ rights and services and by volunteering to serve victims in their time of need.
By the President of the United States of America
A Proclamation

Harriet Beecher Stowe helped galvanize the abolitionist movement with her groundbreaking literature. Frances Perkins advised President Franklin Delano Roosevelt and led the Department of Labor during one of its most challenging periods in history. Barbara McClintock helped unlock the mysteries of genetics and earned a Nobel Prize. These and countless other women have broken barriers and changed the course of our history, allowing women and men who followed them the opportunity to reach greater heights.

Despite these achievements, 46 years since the passage of the Equal Pay Act and 233 years since our Nation was established with the principle of equal justice under law, women across America continue to experience discrimination in the form of pay inequity every day. Women in the United States earn only 78 cents for every dollar a man earns, and today marks the inauspicious occasion when a woman’s earnings finally catch up with a man’s from the previous year. On National Equal Pay Day, we underscore the importance of this issue to all Americans.

If we wish to honor our Nation’s highest ideals, we must end wage discrimination. The Founders established a timeless framework of rights for the American people. Generation after generation has worked and sacrificed so that this framework might be applied equally to all Americans. To honor these Americans and stay true to our founding ideals, we must carry forward this tradition and breathe life into these principles by supporting equal pay for men and women.

Wage discrimination has a tangible and negative impact on women and families. When women receive less than their deserved compensation, they take home less for themselves and their loved ones. Utilities and groceries are more difficult to afford. Mortgages and rent bills are harder to pay. Children’s higher education is less financially feasible. In later years of life, the retirement that many women have worked so hard for—and have earned—is not possible. This problem is particularly dire for women who are single and the sole supporters of their families. Women should not and need not endure these consequences.

My Administration is working to advance pay equity in the United States. The first bill I signed into law as President, the Lilly Ledbetter Fair Pay Act of 2009, allows more women to challenge pay discrimination by extending the timeline within which complaints can be filed. This law advances the struggle for equal pay, but it is only an initial step. To continue
this progress, I issued an Executive Order establishing the White House Council on Women and Girls. This high-level body, composed of Cabinet members and heads of sub-Cabinet agencies, is charged with advancing the rights and needs of women, including equal pay.

Still, Government can only advance this issue so far. The collective action of businesses, community organizations, and individuals is necessary to ensure that every woman receives just treatment and compensation. We Americans must come together to ensure equal pay for both women and men by reminding ourselves of the basic principles that underlie our Nation’s strength and unity, understanding the unnecessary sacrifices that pay inequity causes, and recalling the countless women leaders who have proven what women can achieve.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim April 28, 2009, as National Equal Pay Day. I call upon American men and women, and all employers, to acknowledge the injustice of wage discrimination and to commit themselves to equal pay for equal work.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of April, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8367 of April 30, 2009


By the President of the United States of America

A Proclamation

In 1958, President Eisenhower established Law Day as “a day of national dedication to the principles of government under law.” Each year on Law Day, we celebrate our commitment to the rule of law. That great commitment is enshrined in the Declaration of Independence and the United States Constitution, and has been reaffirmed by the words and deeds of great Americans throughout our Nation’s history.

This year we celebrate the bicentennial of the birth of one such American, President Abraham Lincoln. Lincoln rose from humble beginnings to guide our Nation through the most turbulent period in its history. His dedication to the rule of law and to equality under the law, and his refusal to retreat from the greatest moral challenge ever to confront us, gave us the Emancipation Proclamation and the preservation of our Union. His dedication also gave us the Gettysburg Address, with its resolution that “government of the people, by the people, for the people, shall not perish from the earth.” Indeed, Lincoln was one of the greatest Presidents and one of the greatest lawyers, in our Nation’s history.

Lincoln’s lasting legacy is his vision of the “more perfect Union” promised in our Constitution’s preamble. According to Lincoln, “The legitimate object of government is to do for a community of people whatever they need
to have done, but cannot do at all, or cannot do so well for themselves, in their separate and individual capacities.” This vision of a true United States of America, bound together by a recognition of the common good, guided our country through its darkest hour and helped it re-emerge as a beacon of freedom and equality under law.

On this Law Day, I encourage Americans to reflect on this legacy. By continuing a national conversation on the principles for which Lincoln stood, and by highlighting the attributes of this great American, we can help ensure that the legacy of our sixteenth President endures and that the United States remains dedicated to the principles of government under law.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, in accordance with Public Law 87–20, as amended, do hereby proclaim May 1, 2009, as Law Day, U.S.A. I call upon the people of the United States to acknowledge the importance of our Nation’s legal and judicial systems with appropriate ceremonies and activities, and to display the flag of the United States in support of this national observance.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of April, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8368 of May 1, 2009

Loyalty Day, 2009

By the President of the United States of America
A Proclamation

More than two centuries ago, our Nation’s Founders declared the birth of a new Nation and began an experiment in self-governance. The young Republic committed itself to protecting the rights of life, liberty, and the pursuit of happiness for all citizens. These ideals inspired loyalty to the young Nation and moved volunteers to fight for their independence.

Generations later, these founding principles continue to unify and command the loyalty of the American people. The United States has expanded in size, increased in population, and grown in diversity, yet the promise of liberty and the pursuit of happiness arouse the patriotism and loyalty of Americans anew. Just as early settlers pledged to do their part to build the new Nation, now recent immigrants—loyal to the very same values—are helping America fulfill its promise.

We enjoy these blessings of liberty only because brave patriots have answered the call of duty. The men and women of the United States Armed Forces exemplify loyalty to our highest ideals, as do those who have fought valiantly for civil rights within our borders. These Americans and many others have made enormous sacrifices, and our Nation is grateful for their selflessness and unshakeable loyalty.

The Congress, by Public Law 85–529, as amended, has designated May 1 of each year as “Loyalty Day.” On Loyalty Day, we honor our Nation and
remember with pride the courageous individuals who help keep it safe and strong and who honor its legacy of freedom and equal opportunity.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim May 1, 2009, as Loyalty Day. I call upon all the people of the United States to join in support of this national observance and to display the flag of the United States on Loyalty Day.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of May, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8369 of May 1, 2009

Asian American and Pacific Islander Heritage Month, 2009

By the President of the United States of America
A Proclamation

The vast diversity of languages, religions, and cultural traditions of Asian Americans and Pacific Islanders continues to strengthen the fabric of American society. From the arrival of the first Asian American and Pacific Islander immigrants 150 years ago to those who arrive today, as well as those native to the Hawaiian Islands and to our Pacific Island territories, all possess the common purpose of the fulfilling the American dream and leading a life bound by the American ideals of life, liberty, and the pursuit of happiness.

During Asian American and Pacific Islander Heritage Month, we remember the challenges and celebrate the achievements that define our history.

Asian Americans and Pacific Islanders have endured and overcome hardship and heartache. In the earliest years, tens of thousands of Gold Rush pioneers, coal miners, transcontinental railroad builders, as well as farm and orchard laborers, were subject to unjust working conditions, prejudice, and discrimination—yet they excelled. Even in the darkness of the Exclusion Act and Japanese internment, Asian Americans and Pacific Islanders have persevered, providing for their families and creating opportunities for their children.

Amidst these struggles, Asian Americans and Pacific Islanders have contributed in great and significant ways to all aspects of society. They have created works of literature and art, thrived as American athletes, and prospered in the world of academia. Asian Americans and Pacific Islanders have played a vital role in our Nation’s economic and technological growth by establishing successful enterprises and pushing the limits of science. They are serving in positions of leadership within the government more now than ever before. And along with all of our great service men and women, they have defended the United States from threats at home and abroad, serving our Nation with valor.

From the beaches of the Pacific islands and the California coast, the grasslands of Central Asia and the bluegrass of Kentucky, and from the summits
of the Himalayas and the Rocky Mountains, the Asian American and Pacific Islander community hails from near and far. This is the story of our more perfect union: that it is diversity itself that enriches, and is fundamental to, the American story.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2009, as Asian American and Pacific Islander Heritage Month. I call upon the people of the United States to learn more about the history of Asian Americans and Pacific Islanders and to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of May, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8370 of May 1, 2009

National Physical Fitness and Sports Month, 2009

By the President of the United States of America
A Proclamation

A morning walk in the neighborhood or Saturday game of catch with a child can brighten the day. Simple activities like these also contribute to our physical fitness. As the weather warms and invites us outside, I encourage Americans to consider the many simple ways to add physical fitness activities to our lives. Incorporating these habits can put a smile on your face, and it can also improve your long-term health and well-being.

This issue deserves our attention because physical activity can help curtail the rise in chronic diseases facing our Nation today. Among children and adolescents, regular physical activity can improve bone health and muscular fitness. Physical activity also helps prevent childhood obesity, which is a serious threat to our Nation’s health. Among adults young and old, physical activity has been shown to combat obesity, while reducing the risk of heart disease, stroke, and certain cancers. Even moderate amounts of physical activity can reduce the risk of premature death. All Americans should understand the significant benefits physical activity provides.

Individuals, employers, and communities can take steps to promote physical fitness. Depending on his or her ability, every American can try to be healthier by, for example, walking or biking to work if it is nearby, being active during free time, and eating healthier meals. Employers can raise awareness and incorporate physical activity in the workplace, and communities can promote access to recreational activities and parks.

The Department of Health and Human Services’ Physical Activity Guidelines for Americans are designed to help Americans of various ages and abilities engage in physical activity that can be incorporated easily into their daily lives. More information about the Guidelines is available at: www.health.gov/paguidelines.
To encourage attention to physical fitness, the President’s Council on Physical Fitness and Sports sponsors the National President’s Challenge, a six-week competition to determine America’s most active State. The Challenge extends from May 1 through July 24 this year. I encourage Americans to register for the Challenge at www.presidentschallenge.org and to begin recording activity to help their State win this year’s competition.

By learning about the benefits of physical fitness, staying motivated, and being active and eating healthy, more Americans can live healthier, longer, and happier lives.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim May 2009, as National Physical Fitness and Sports Month. I call upon the American people to take control of their health and wellness by making physical activity, fitness, and sports participation an important part of their daily lives. I encourage individuals, businesses, and community organizations to renew their commitment to personal fitness and health by celebrating this month with appropriate events and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of May, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8371 of May 4, 2009

Older Americans Month, 2009

By the President of the United States of America
A Proclamation

Older Americans have carried our Nation through great challenges and triumphs. They have enriched our national character and strengthened the Republic for those who have followed. During the month of May, we pay tribute to the wisest among us.

Throughout the land, older Americans are strengthening our communities and the American way of life. Many senior citizens remain in the workforce to support themselves and their families. Others are embarking on second careers and exploring new interests and fields of knowledge. Inspiring citizens of all ages, many serve as advocates and volunteers in community service roles. In this important work, they make a real difference in the daily lives of fellow citizens of all ages, while promoting and strengthening the American spirit of civic participation.

My Administration is working to create opportunities for older Americans to share their skills and wisdom with younger generations. One of the bills I recently signed into law, the Edward M. Kennedy Serve America Act, expands and improves service opportunities for older Americans. Our Nation can benefit greatly from the experience and hard work of our older Americans, and I am committed to providing service opportunities to achieve this end.
We owe older Americans a debt of gratitude and must work to help them age with dignity. Through home- and community-based services, including health promotion and preventive care programs, many older Americans are able to live more independent and healthier lives. This year’s theme for Older Americans Month, “Living Today for a Better Tomorrow,” captures the importance of helping seniors today so they can enjoy the years ahead.

My Administration is committed to supporting older Americans and is working to strengthen health care, retirement, community involvement, and other programs vital to their interests and beneficial to all of us. Older Americans have earned this support, and we owe them nothing less.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim May 2009 as Older Americans Month. I invite Americans of all ages; representatives of government at all levels; businesses and communities; faith-based and neighborhood organizations; and health, academic, and recreational institutions to acknowledge the contributions of older Americans during this month and throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of May, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8372 of May 4, 2009

National Charter Schools Week, 2009

By the President of the United States of America
A Proclamation

Improving our schools is the collective responsibility of all Americans—business owners and workers, educators and parents, students and their communities. We must ensure that all students receive a high-quality education that delivers the knowledge and skills needed to succeed, and that young men and women stay on the path to graduation and a life-long commitment to learning.

Many successful public charter schools across the Nation are working to meet these goals. Founded by parents, teachers, and civic or community organizations, our Nation’s public charter schools enjoy broad leeway to innovate.

The best public charter schools and their students are thriving in States that have adopted a rigorous selection and review process to ensure that autonomy is coupled with greater accountability. The growth of effective public charter schools benefits our children, and States have an important role to play in their expansion.

During National Charter Schools Week, we recognize these public charter schools for their dedication and commitment to achievement in education.
Proclamations

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They are models of excellence and are promoting the interests of our children, our economy, and our Nation as a whole.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim May 3 through May 9, 2009, as National Charter Schools Week. I commend our Nation’s successful public charter schools, teachers, and administrators, and I call on States and communities to support public charter schools and the students they serve.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of May, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8373 of May 6, 2009

World Trade Week, 2009

By the President of the United States of America
A Proclamation

When the world’s consumers fly in a U.S.-manufactured airplane, eat a steak from America’s heartland, watch a Hollywood movie, or visit the Grand Canyon, they are helping to create and maintain good jobs for Americans.

World Trade Week is an opportunity to reaffirm the benefits of trade and to emphasize America’s commitment to a global marketplace that creates good jobs and lifts up American families. The United States and our trading partners stand to gain when trade is open, transparent, rules-based, and fair, showing respect for labor and environmental standards.

The United States is well-positioned to reap the benefits of trade. America is a leader in the global marketplace and ranks at the top of almost every measure of global competitiveness. Our businesses, workers, and farmers remain the most innovative, productive, and adaptable in the world. The United States is also the world’s largest exporter.

Trade is a significant and increasingly important contributor to U.S. economic growth. Exports accounted for 13 percent of U.S. economic activity in 2008, and they support millions of jobs in the United States. In difficult economic times, it is even more important for American industry to take advantage of every opportunity for export-driven growth. That is why I will work to open more markets to U.S. exports, including in such important job growth industries as energy efficiency, clean energy, and health information technology.

Imports can also benefit the United States by increasing consumer choice while lowering prices for millions of working families. In addition, imports can support employment for retailers, distributors, the transportation sector, and domestic manufacturers which rely on global supply chains to make products for both the U.S. and international markets.
We must ensure that the benefits of trade are spread more widely. This can be achieved by training and supporting Americans and ensuring that trade agreements provide the economic opportunities that Americans deserve. Workers who lose their jobs through no fault of their own deserve the chance to be retrained for a new economic environment. That is one of the reasons I signed the American Recovery and Reinvestment Act of 2009 (ARRA), which improves Trade Adjustment Assistance to help families that are struggling now. For the long term, the ARRA also invests in an education system that will prepare our children to compete and succeed in the global economy.

We will negotiate future trade agreements to create opportunities for all Americans. My Administration is committed to building on existing trade agreements and bilateral investment treaties in an open and transparent manner. In consultation with the American people, the Congress, key stakeholders, and our trading partners, I am developing a plan of action for pending free trade agreements. I will also work with our trading partners to advance a strong market-opening agreement for agriculture, industrial goods, and services through the Doha Development Round and through other negotiations. Together, we can build a trading regime that spreads its benefits among Americans and also benefits workers in our partner countries.

Transparency and inclusiveness are central principles we must adhere to as we seek to expand trade. When trade agreements are negotiated in consultation with the American people, the benefits of trade can be understood more broadly. Through open dialogue, the concerns of American and foreign workers can be addressed and the environmental consequences of trade agreements can be identified and mitigated.

With a transparent, free, and fair framework, we can make trade a powerful contributor to the revival of the U.S. and global economies.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 17 through May 23, 2009, as World Trade Week. I encourage all Americans to observe this week with events, trade shows, and educational programs that celebrate the benefits of trade to our Nation and the global economy.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of May, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8374 of May 7, 2009

National Day of Prayer, 2009

By the President of the United States of America
A Proclamation

Throughout our Nation’s history, Americans have come together in moments of great challenge and uncertainty to humble themselves in prayer.
In 1775, as the Continental Congress began the task of forging a new Nation, colonists were asked to observe a day of quiet humiliation and prayer. Almost a century later, as the flames of the Civil War burned from north to south, President Lincoln and the Congress once again asked the American people to pray as the fate of their Nation hung in the balance.

It is in that spirit of unity and reflection that we once again designate the first Thursday in May as the National Day of Prayer. Let us remember those who came before us, and let us each give thanks for the courage and compassion shown by so many in this country and around the world.

On this day of unity and prayer, let us also honor the service and sacrifice of the men and women of the United States Armed Forces. We celebrate their commitment to uphold our highest ideals, and we recognize that it is because of them that we continue to live in a Nation where people of all faiths can worship or not worship according to the dictates of their conscience.

Let us also use this day to come together in a moment of peace and goodwill. Our world grows smaller by the day, and our varied beliefs can bring us together to feed the hungry and comfort the afflicted; to make peace where there is strife; and to lift up those who have fallen on hard times. As we observe this day of prayer, we remember the one law that binds all great religions together: the Golden Rule, and its call to love one another; to understand one another; and to treat with dignity and respect those with whom we share a brief moment on this Earth.

The Congress, by Public Law 100–307, as amended, has called on the President to issue each year a proclamation designating the first Thursday in May as a “National Day of Prayer.”

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim May 7, 2009, as a National Day of Prayer. I call upon Americans to pray in thanksgiving for our freedoms and blessings and to ask for God’s continued guidance, grace, and protection for this land that we love.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of May, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8375 of May 8, 2009

Military Spouse Day, 2009

By the President of the United States of America
A Proclamation

Military spouses share the sacrifices of service with our Nation’s men and women in uniform. As members of the Armed Forces serve in the United States and across the world, military spouses also serve our Nation. When
a servicemember goes to war, we know their spouse also shares in that sacrifice. I am inspired by their commitment to family and our Nation, and on Military Spouse Day, we honor these individuals for their contributions.

Wives and husbands of servicemembers display an uncommon courage and strength as they steadfastly support their spouses during long and arduous deployments. While they endure separations that are filled with worry and anxiety, they face unique stresses. Foremost is the concern about the safety and well-being of deployed loved ones, but there are many other challenges. From managing household finances to comforting children impacted by a military parent’s absence, military spouses take on the burdens of maintaining families largely on their own. This task is complicated even more as spouses work to maintain careers and a sense of community while moving to new duty stations around the country and the world.

Despite these hardships, military spouses are an inexhaustible source of strength for our military families and donate their time generously to local communities. Military spouses offer the love and encouragement that help servicemembers endure the challenges of serving our Nation. Military spouses support one another as friends and mentors. They serve in family readiness groups to keep fellow spouses informed and to provide mutual support. They contribute as volunteers to improve neighborhoods, military installations, and communities. These contributions strengthen both our Nation’s character and its security.

All Americans should express appreciation for military spouses and let them know they are not alone. To help those who need it, friends, co-workers, and neighbors can offer to help with the burden of daily tasks and thus give military spouses more time for themselves and their families. To assist spouses who are coping with the absence of a loved one, individuals can listen and offer their counsel. Americans can also volunteer through the many organizations that provide assistance to military families.

Our Nation maintains a sacred trust with every individual who serves. My Administration is committed to showing our Nation’s gratitude for them by honoring our obligations to their families.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim May 8, 2009, as Military Spouse Day. I call upon the people of the United States to honor military spouses with appropriate ceremonies and activities today and in the future.

IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of May, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA
Proclamation 8376 of May 8, 2009

Mother’s Day, 2009

By the President of the United States of America
A Proclamation

The time-honored tradition of recognizing mothers grew out of the imagination of a few bold women. Julia Ward Howe, composer of The Battle Hymn of the Republic, urged mothers to advocate for peace through a day dedicated to them. After her own mother passed away, Anna Jarvis sought to recognize the great influence mothers have on society. These efforts led to the recognition of mothers through a Congressional Resolution and President Woodrow Wilson’s proclamation of the first Mother’s Day in 1914. Today, we proudly carry forward this tradition in honor of mothers, the special women whose love and lessons profoundly impact our lives.

Mothers are the bedrock of the American family—vital to their children’s growth and happiness and to the success of our country. Children’s lives are shaped by their mothers, whose care provides the foundation for their development. Mothers instill the values and confidence that help define their children’s character and self-esteem, and offer a guiding clarity of spirit. Mothers are role models, teachers, and sources of unconditional support. There is no substitute for the bond of love between mother and child, and nothing is more worthy of reverence.

Across America, mothers raise children under an array of circumstances. They may care for a child with the help of a spouse, family members, and friends, or they may do this job alone as a single parent. They may be biological mothers, adoptive mothers, or foster mothers, but all open their hearts to their children and nurture them through their life journey. Caring for children also means putting food on the table, ensuring their needs are met, and staying involved in their daily lives. Women often work long hours at demanding jobs and then return home to a household with myriad demands. Balancing work and family is no easy task, but mothers across our Nation meet this challenge each day, often without recognition for their hard work and dedication. The strength and conviction of all mothers—including those who work inside and outside the home—are inspiring. They deserve our deepest respect, admiration, and appreciation.

A mother’s love is a cherished blessing, for it is selfless, unconditional, and true. This Mother’s Day, let us honor our mothers who continue to inspire us, and remember those whose loving spirits sustain us still.

The Congress, by a joint resolution approved May 8, 1914 (38 Stat. 770), has designated the second Sunday in May each year as “Mother’s Day” and requested the President to call for its appropriate observance.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim May 10, 2009, as Mother’s Day. I urge all Americans to express their love, respect, and gratitude to mothers everywhere, and I call upon all citizens to observe this day with appropriate programs, ceremonies, and activities.
IN WITNESS WHEREOF, I have hereunto set my hand this eighth day of May, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8377 of May 11, 2009

National Defense Transportation Day and National Transportation Week, 2009

By the President of the United States of America
A Proclamation

Every day, Americans rely on roads, rails, ports, and airports to get to work and to transport goods and services. At the same time, the United States Armed Forces rely on our transportation infrastructure to move personnel and supplies. During National Transportation Week and on National Defense Transportation Day, we underscore the importance of the transportation system to our Nation's economy and security. We also honor the dedicated professionals who build, maintain, and operate our transportation infrastructure.

From rural roads to state-of-the-art intermodal facilities, transportation infrastructure is crucial to economic growth. Goods and services flow constantly across land, water, and sky, and our most efficient modes of travel save businesses and consumers money, and can reduce impacts on our environment. To compete in the 21st century global economy, the United States must have an advanced transportation system.

Securing America's energy future and maintaining our national defense also require a robust transportation system. Whether responding to natural disasters at home or mobilizing resources to defend America abroad, transportation is vital to keeping Americans safe. Global climate change and our reliance on foreign oil have also created tremendous national security challenges. To solve these problems and create new economic opportunities, we must make our transportation system cleaner and more efficient.

My Administration has taken bold action to rebuild our Nation's crumbling infrastructure. The American Recovery and Reinvestment Act integrates the goals of job creation and economic growth with a renewed commitment to transportation. This legislation will fund projects to improve public transportation, repair highways and roads, modernize airports and seaports, and invest in renewable energy, all while creating or saving hundreds of thousands of jobs.

To make the most of every taxpayer dollar, my Administration is working side-by-side with State and local governments and the private sector to provide oversight and to closely monitor these transportation investments.

The women and men who support this critical sector every day make this plan possible. Renewing America's transportation system is an historic task, and I am convinced they will rise to the challenge.
The Congress has requested, by joint resolution approved May 16, 1957, as amended (36 U.S.C. 120), that the President designate the third Friday in May of each year as “National Defense Transportation Day,” and, by joint resolution approved May 14, 1962, as amended (36 U.S.C. 133), that the week during which that Friday falls be designated as “National Transportation Week.”

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim Friday, May 15, 2009, as National Defense Transportation Day and May 10 through May 16, 2009, as National Transportation Week. I call upon all Americans to recognize the importance of our Nation’s transportation infrastructure and to acknowledge the contributions of those who build, operate, and maintain it.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of May, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8378 of May 11, 2009

Peace Officers Memorial Day and Police Week, 2009

By the President of the United States of America
A Proclamation

Every day, peace officers put on their uniforms and go to work to safeguard America’s communities and uphold the freedoms we hold dear. This week we honor their contributions and sacrifice.

Law enforcement officers routinely place themselves in harm’s way to protect people they do not and will not know. They serve willingly and devotedly, and their commitment is essential for us to maintain a healthy quality of life, a strong economy, the safety of our families, and a robust national security system.

My Administration is working to keep Americans safe and to strengthen the Federal partnership with America’s peace officers. The American Recovery and Reinvestment Act, which I recently signed, makes $4 billion available for State and local law enforcement. This provision will save or create thousands of law enforcement jobs across the country through the revitalized Community Oriented Policing Services Hiring Recovery Program. The Recovery Act also provides $2 billion through the Edward Byrne Memorial Justice Assistance Grant Program. These measures will put more officers on the street and help those already serving to perform their jobs more effectively.

The benefits that peace officers provide come with great sacrifice. Every year, many give their lives in the performance of their duties. Their contributions live on in the communities they strengthened, and their service will never be forgotten. This week, as we recognize their commitment to duty, we renew our pledge to support their families and colleagues.
The President has been requested to designate May 15 of each year as Peace Officers Memorial Day in honor of all Federal, State, and local officers killed or disabled in the line of duty, and to designate that week as Police Week in recognition of their service given to the United States (36 U.S.C. 136–37).

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim May 15, 2009, as Peace Officers Memorial Day and May 10 through May 16, 2009, as Police Week. I call upon all Americans to observe these events with appropriate ceremonies and activities. I also call on Governors of the United States and the Commonwealth of Puerto Rico, officials of the other territories subject to the jurisdiction of the United States, and appropriate officials of all units of government, to direct that the flag be flown at half staff on Peace Officers Memorial Day. I further encourage all Americans to display the flag at half staff from their homes and businesses on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of May, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8379 of May 12, 2009

Jewish American Heritage Month, 2009

By the President of the United States of America
A Proclamation

The Jewish American tradition exemplifies the strength of the American immigrant tradition. Since Jews arrived in New Amsterdam in 1654, Jewish Americans have maintained a unique identity just as they have enmeshed themselves in the fabric of the United States. This month we celebrate this inspiring and unifying narrative.

Jewish Americans across the United States practice the faith and celebrate the culture of their ancestors. Across the Nation every day, individuals emulate their forebears by seeking to perform mitzvot, the hundreds of commandments set forth in the Torah. The term “mitzvah” has come to mean “good deed,” and many Jews have adopted these practices to serve their communities. Other mitzvot include observing holidays, such as Passover, which marks the exodus from Egypt; and Yom Kippur, a time to contemplate and seek forgiveness for the sins of the past year; and Shabbat, the weekly day of rest.

The focus on preserving traditions is a notable characteristic of Jewish culture. Many Jewish religious and cultural practices have developed and adapted over the millennia, yet the fundamental exhortation to ensure that long-cherished ways of life are passed on to future generations remains as strong as ever before. Many Jewish Americans carry on this belief as they instill these traditions in their children.

Seeking to preserve their culture and start anew, Jewish immigrants have departed familiar lands to pursue their own American dreams for more
than 300 years. During some periods, Jews sought refuge in the United States from the horrors and tragedies of persecution, pogroms, and the Holocaust. During other times, they came to seek better lives and greater economic opportunities for themselves and their children.

Jewish Americans have immeasurably enriched our Nation. Unyielding in the face of hardship and tenacious in following their dreams, Jewish Americans have surmounted the challenges that every immigrant group faces, and have made unparalleled contributions. Many have broken new ground in the arts and sciences. Jewish American leaders have been essential to all branches and levels of government. Still more Jewish Americans have made selfless sacrifices in our Armed Forces. The United States would not be the country we know without the achievements of Jewish Americans.

Among the greatest contributions of the Jewish American community, however, is the example they have set for all Americans. They have demonstrated that Americans can choose to maintain cultural traditions while honoring the principles and beliefs that bind them together as Americans. Jewish American history demonstrates how America’s diversity enriches and strengthens us all.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 2009 as Jewish American Heritage Month. I call upon all Americans to commemorate the proud heritage of Jewish Americans with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of May, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8380 of May 14, 2009

Armed Forces Day, 2009

By the President of the United States of America
A Proclamation

On Armed Forces Day, 1961, President Kennedy connected civic engagement and our Nation’s security. He stated, “the strength of our armed forces rests not alone upon their active and reserve members, our industrial productivity, and our human resources, but also upon the understanding and support of an informed American people.” Based on this perspective, I call upon all Americans to learn more about, and express gratitude for, the heroic efforts of our men and women in uniform.

Today, the United States military serves across the world to keep us safe. They are working here at home to protect America from threats foreign and domestic; they are risking their lives in the deserts of Iraq and the mountains of Afghanistan; and they are also serving bravely in many other parts of the world to ensure our security and provide humanitarian assistance.
Members of the Armed Forces are forging a better future for our Nation and the world.

As they carry out their missions, military families endure the sacrifice of their absence. Worrying about their safety, moving to new duty stations, and managing a home without a loved one, these families shoulder great burdens as they help sustain our men and women in uniform. I thank military families for their vital contributions.

The Soldiers, Sailors, Airmen, Marines, and Coastguardsmen who have answered the call to service deserve recognition and gratitude. They have endured the most difficult of conditions to protect America and her highest ideals. Today, I ask all Americans to know their sacrifice and join me in humble thanks.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, and Commander in Chief of the Armed Forces of the United States, continuing the precedent of my predecessors in office, do hereby proclaim the third Saturday of each May as Armed Forces Day.

I direct the Secretary of Defense on behalf of the Army, Navy, Air Force, Marine Corps, and the Secretary of Homeland Security on behalf of the Coast Guard, to plan for appropriate observances each year, with the Secretary of Defense responsible for soliciting the participation and cooperation of civil authorities and private citizens.

I invite the Governors of the States, the Commonwealth of Puerto Rico, and other areas subject to the jurisdiction of the United States, to provide for the observance of Armed Forces Day within their jurisdiction each year in an appropriate manner designed to increase public understanding and appreciation of the Armed Forces of the United States.

I also invite national and local veterans, civic and other organizations to join in the observance of Armed Forces Day each year.

Finally, I call upon all Americans to display the flag of the United States at their homes on Armed Forces Day and urge citizens to learn more about military service by attending and participating in the local observances of the day. I also encourage Americans to volunteer at organizations that provide support to our troops.

Proclamation 7562 of May 16, 2002, is hereby superseded.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of May, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA
Proclamation 8381 of May 15, 2009

National Safe Boating Week, 2009

By the President of the United States of America
A Proclamation

Each year, millions of Americans take to our Nation’s waterways for recreational boating. Whether paddling down a rushing river or cruising on a serene lake, boaters are attracted to the incomparable feeling of being out on the water. They also are drawn by opportunities to exercise, appreciate nature, enjoy quiet solitude, or relax with family and friends.

Unfortunately, accidents can occur as Americans participate in this popular pastime. Many serious incidents are preventable, and during National Safe Boating Week, I ask Americans to learn more about how to enjoy our Nation’s waters safely and responsibly.

Simple steps can greatly reduce the chances of an accident. In preparation for the boating season, Americans can take boating safety courses and get a free vessel safety check. These steps can help prevent problems before they happen and prepare boaters for problems that may occur while on the water. Boaters should also wear a Coast Guard-approved life jacket and never boat under the influence of drugs or alcohol. These critical precautions can save lives and help ensure a fulfilling experience.

Each year during this week, the United States Coast Guard partners with organizations to educate and inform the public about safe boating. I join them in calling upon Americans to protect themselves and others while boating.

Recognizing the importance of safe boating practices, the Congress, by joint resolution approved June 4, 1958 (36 U.S.C. 131), as amended, has authorized and requested the President to annually proclaim the 7-day period prior to Memorial Day weekend as “National Safe Boating Week.”

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim May 16 through May 22, 2009, as National Safe Boating Week. I encourage all Americans to join in observing this occasion by learning more about boating safety and committing themselves to safe practices on the water.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of May, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA
Small Business Week, 2009

By the President of the United States of America
A Proclamation

The entrepreneurial spirit lies at the core of our Nation’s economy and identity. If Americans with good ideas can work hard, put their plan to the test, and succeed, the American economy will continue to create jobs and lead the world in innovation and productivity. During National Small Business Week, we honor the entrepreneurs and small business owners who are the engine of our economy. Their ingenuity and hard work are critical to our Nation’s prosperity.

Small businesses are the lifeblood of cities and towns across the country. Over the last decade, small businesses created 70 percent of new jobs, and they are responsible for half of all jobs in the private sector. They also help enhance the lives of our citizens by improving our quality of life and creating personal wealth. Small businesses will lead the way to prosperity, particularly in today’s challenging economic environment.

My Administration is committed to economic policies that encourage enterprise and make America the best place in the world to do business. To support the free flow of credit, I have worked to increase loan guarantees, reduce borrowing fees, quicken loan processing, and unlock the secondary markets that support small business lending, among other measures. I also support tax policies that promote investment in small businesses, as well as health care reform that will help these businesses provide more workers with quality health care services.

Our Nation’s success depends on America’s small businesses and entrepreneurs. Their contributions are necessary to rebuild our economy so that it once again offers the opportunity to succeed to all who seek it. This week we thank small business owners, entrepreneurs, and employees for helping America achieve that promise.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim May 17 through May 23, 2009, as National Small Business Week. I call upon Government officials, industry leaders, and advocates across the Nation to encourage our citizens to celebrate the achievements of small business owners and encourage the creation of new businesses.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of May, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA
Proclamations

Proclamation 8383 of May 20, 2009

Emergency Medical Services Week, 2009

By the President of the United States of America
A Proclamation

Emergency medical services providers rush into scenes of uncertainty and fear, and they help establish order and calm—and save lives in the process. They include educators, 911 dispatchers, first responders, emergency medical technicians, paramedics, nurses, physicians, and many others. These highly skilled teams respond to emergencies 24 hours a day, 7 days a week.

When Americans find themselves in unexpected life-threatening situations, emergency medical services (EMS) providers provide rapid help. Quality emergency medical care dramatically improves the survival and recovery prospects for those who experience sudden injury or illness. These EMS teams play a vital role in our Nation’s overall health and safety, as well as our preparedness for pandemic disease and disasters both natural and man-made.

Emergency medical services providers hail from a variety of backgrounds and circumstances. They work in rural volunteer fire departments, urban hospitals, along our coastal waterways, and among fire-prone western forests. Many spend their off-duty time obtaining extra training and enhancing their lifesaving skills. All share a common aspiration to help those in need, and during Emergency Medical Services Week, we express our appreciation for their critical work.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim May 17 through May 23, 2009, as Emergency Medical Services Week. I encourage all Americans to observe this occasion by sharing their support with local EMS workers and taking steps to improve their personal safety and preparedness.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of May, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8384 of May 20, 2009

National Maritime Day, 2009

By the President of the United States of America
A Proclamation

Americans have long looked to the sea as a source of security and prosperity. Bounded by two oceans and the Gulf of Mexico, and criss-crossed by a myriad of inland waterways, America’s destiny as a maritime nation was a story foretold.
The Merchant Marine took up arms alongside the Continental Navy to help defeat the British Navy during the American Revolution. Since then, they have served bravely as the United States has faced threats ranging from war to piracy, and our seafaring fleet has proven instrumental in protecting our safety. In times of conflict and crisis, the Armed Forces rely on the Merchant Marine’s sealift capability to transport critical equipment and supplies. Time and again, mariners have demonstrated their willingness and ability to meet daunting challenges.

Waterways have also enabled much of the commerce that has expanded America’s economy. Domestic and international commerce occurred along rivers and coasts even before our Nation’s birth. Great cities have sprouted near waterways, and maritime activity remains crucial to our economy today.

The men and women of the U.S. Merchant Marine and the many other workers who have supported the maritime industry have made significant contributions to our leadership in the global marketplace, and to our security.

On this National Maritime Day, we also mark the opening of a permanent exhibition at the Smithsonian Institution, “On the Water.” It demonstrates the importance of the maritime industry and chronicles our history as a maritime nation.

The Congress, by a joint resolution approved May 20, 1933, has designated May 22 of each year as “National Maritime Day” and has authorized and requested the President to issue annually a proclamation calling for its appropriate observance.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim May 22, 2009, as National Maritime Day. I call upon the people of the United States to mark this observance by honoring the service of merchant mariners and by displaying the flag of the United States at their homes and in their communities. I also request that all ships sailing under the American flag dress ship on that day.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of May, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8385 of May 22, 2009

Prayer for Peace, Memorial Day, 2009

By the President of the United States of America
A Proclamation

For over two centuries, Americans have defended our Nation’s security and protected our founding principles of democracy and equal justice under law. On Memorial Day, we honor those who have paid the ultimate price in defense of these freedoms.

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Members of the United States Armed Forces have placed our Nation’s safety before their own for generations. From the first shots fired at Lexington and Concord to the current conflicts in Iraq and Afghanistan, these brave patriots have taken on great risks to keep us safe, and they have served with honor and distinction. All Americans who have enjoyed the blessings of peace and liberty remain in their debt.

As we remember the selfless service of our fallen heroes, we pray for God’s grace upon them. We also pray for all of our military personnel and veterans, their families, and all those who have lost loved ones in the defense of our freedom and safety.

Today, as we commend their deeds, we also bear a heavy burden of responsibility to ensure that their sacrifices will not have been in vain. This means that, as we uphold the ideals for which many have given their last full measure of devotion, the United States must never waver in its determination to defend itself, to be faithful in protecting liberty at home and abroad, and to pursue peace in the world.

In respect for their dedication and service to America, the Congress, by a joint resolution approved on May 11, 1950, as amended (36 U.S.C. 116), has requested the President to issue a proclamation calling on the people of the United States to observe each Memorial Day as a day of prayer for permanent peace and designating a period on that day when the people of the United States might unite in prayer. The Congress, by Public Law 106–579, has also designated 3:00 p.m. local time on that day as a time for all Americans to observe, in their own way, the National Moment of Remembrance.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim Memorial Day, May 25, 2009, as a day of prayer for permanent peace, and I designate the hour beginning in each locality at 11:00 a.m. of that day as a time to unite in prayer. I also ask all Americans to observe the National Moment of Remembrance beginning at 3:00 p.m. local time on Memorial Day. I urge the press, radio, television, websites, and all other media to participate in these observances. I also request the Governors of the United States and the Commonwealth of Puerto Rico, and the appropriate officials of all units of government, to direct that the flag be flown at half-staff until noon on this Memorial Day on all buildings, grounds, and naval vessels throughout the United States, and in all areas under its jurisdiction and control. I also request the people of the United States to display the flag at half-staff from their homes for the customary forenoon period.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second day of May, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA
By the President of the United States of America

A Proclamation

Each year, hurricanes threaten the safety of American families in coastal and inland communities. These powerful storms can cause heavy rainfall, high winds, tornadoes, and storm surges, which can in turn bring severe flooding, power outages, damage to homes and businesses, and loss of life.

Awareness and preparation are critical to surviving and recovering from hurricanes. During National Hurricane Preparedness Week, I call on all Americans—including private citizens and those working in government, business, and the nonprofit sector—to plan ahead and help secure the safety and property of those who face advancing storms.

Americans can take basic steps before a hurricane arrives. The Federal Emergency Management Agency and the National Hurricane Center recommend developing a family disaster plan, creating and maintaining a disaster supply kit, securing one’s home, and designating a safe place to go during a storm. Throughout a storm, individuals should always remain aware of weather conditions. More information on precautionary measures is available at www.nhc.noaa.gov/HAW2/english/intro.shtml.

Organizations at the local, State, and national level play important roles to protect Americans from the effects of hurricanes. Rescue and relief organizations, the private sector, and the news media work to meet demands that emerge before, during, and after a hurricane. Among other services, they distribute safety information and help coordinate relief activities. My Administration is committed to strengthening these efforts and is working every day to prepare for hurricanes and their potential impacts on everyone in the United States.

The threat hurricanes pose to lives and property cannot be eliminated, but preparedness can reduce the dangers these storms pose for our families and communities.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States do hereby proclaim May 24 through May 30, 2009, as National Hurricane Preparedness Week. I call upon government agencies, private organizations, media, community groups, schools, and residents of hurricane-prone areas to share information about hurricane preparedness and response to help protect communities and save lives.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of May, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA
Forty years ago, patrons and supporters of the Stonewall Inn in New York City resisted police harassment that had become all too common for members of the lesbian, gay, bisexual, and transgender (LGBT) community. Out of this resistance, the LGBT rights movement in America was born. During LGBT Pride Month, we commemorate the events of June 1969 and commit to achieving equal justice under law for LGBT Americans.

LGBT Americans have made, and continue to make, great and lasting contributions that continue to strengthen the fabric of American society. There are many well-respected LGBT leaders in all professional fields, including the arts and business communities. LGBT Americans also mobilized the Nation to respond to the domestic HIV/AIDS epidemic and have played a vital role in broadening this country’s response to the HIV pandemic.

Due in no small part to the determination and dedication of the LGBT rights movement, more LGBT Americans are living their lives openly today than ever before. I am proud to be the first President to appoint openly LGBT candidates to Senate-confirmed positions in the first 100 days of an Administration. These individuals embody the best qualities we seek in public servants, and across my Administration—in both the White House and the Federal agencies—openly LGBT employees are doing their jobs with distinction and professionalism.

The LGBT rights movement has achieved great progress, but there is more work to be done. LGBT youth should feel safe to learn without the fear of harassment, and LGBT families and seniors should be allowed to live their lives with dignity and respect.

My Administration has partnered with the LGBT community to advance a wide range of initiatives. At the international level, I have joined efforts at the United Nations to decriminalize homosexuality around the world. Here at home, I continue to support measures to bring the full spectrum of equal rights to LGBT Americans. These measures include enhancing hate crimes laws, supporting civil unions and Federal rights for LGBT couples, outlawing discrimination in the workplace, ensuring adoption rights, and ending the existing “Don’t Ask, Don’t Tell” policy in a way that strengthens our Armed Forces and our national security. We must also commit ourselves to fighting the HIV/AIDS epidemic by both reducing the number of HIV infections and providing care and support services to people living with HIV/AIDS across the United States.

These issues affect not only the LGBT community, but also our entire Nation. As long as the promise of equality for all remains unfulfilled, all Americans are affected. If we can work together to advance the principles upon which our Nation was founded, every American will benefit. During LGBT Pride Month, I call upon the LGBT community, the Congress, and the American people to work together to promote equal rights for all, regardless of sexual orientation or gender identity.
NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim June 2009 as Lesbian, Gay, Bisexual, and Transgender Pride Month. I call upon the people of the United States to turn back discrimination and prejudice everywhere it exists.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of June, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8388 of June 1, 2009

Great Outdoors Month, 2009

By the President of the United States of America
A Proclamation

The United States is blessed with unparalleled natural beauty. From remote forests to urban parks, these spaces have inspired visitors for generations. Today, these areas continue to raise the human spirit in those who experience them. During the month of June, I encourage Americans to pay tribute to and preserve the great outdoors.

Americans of all ages can find calm and enjoyment in our Nation’s vast outdoors. Those desiring quiet or solitude can explore one of our many National Parks, which offer tranquil and pristine surroundings. Those seeking recreation can also explore public lands, or they can simply run, bicycle, or fish in areas close to their homes. Whether near or far, the outdoors offers unique experiences.

Exploring the great outdoors can also help improve one’s health. These spaces provide countless venues for walking, hiking, running, swimming, and boating, among other activities. Americans can combine the enjoyment of being outside with the exercise we all need to stay healthy.

My Administration is working to connect America’s youth with our treasured landscapes, which should be viewed as classrooms for environmental education and gateways to careers in natural resources. These efforts will include outreach to those who typically lack representation in, and exposure to, these fields. The Department of the Interior is launching a summer mentoring initiative as part of this effort. This program invites families and friends to teach children about the joys and wonders of the outdoors. My Administration is also increasing the number of youth involved in national service on public lands. Through AmeriCorps and other programs and partnerships, we can continue our Nation’s proud tradition of service and respect for the environment.

Americans are fortunate to have so many beautiful natural wonders and open spaces. I encourage all in our Nation to enjoy these resources and to help protect them for future generations. Together, we can carry forward our Nation’s proud tradition of admiration and preservation of the great outdoors.
NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2009 as Great Outdoors Month. I encourage all Americans to spend more time outside and to participate in the nationwide events marking this occasion.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of June, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8389 of June 2, 2009

African-American Music Appreciation Month, 2009

By the President of the United States of America
A Proclamation

The legacy of African-American composers, singers, songwriters, and musicians is an indelible piece of our Nation's culture. Generations of African Americans have carried forward the musical traditions of their forebears, blending old styles with innovative rhythms and sounds. They have enriched American music and captured the diversity of our Nation. During African-American Music Appreciation Month, we honor this rich heritage.

This legacy tells a story of ingenuity and faith. Amidst the injustice of slavery, African Americans lifted their voices to the heavens through spirituals. This religious music united African Americans and helped sustain them through one of the darkest periods in our Nation's history. Years later, spirituals contributed to the advent of a new form of music: gospel. Both styles incorporated elements of African music and were rooted in faith.

The African-American music tradition also reflects creativity and individualism. Blues, jazz, soul, and rock and roll synthesize various musical traditions to create altogether new sounds. Their novel chord progressions, improvisation, and mood showcase individual musicians while also creating a cohesive musical unit. In addition, African-American composers have thrived in traditional genres such as musical theater, opera, classical symphony, and choral music, providing their unique imprint and creatively growing these forms of music. All of these contributions are treasured across America and the world.

During African-American Music Appreciation Month, we recall the known and unknown musicians who helped create this musical history. Their contributions help illuminate the human experience and spirit, and they help us reflect on our Nation's ongoing narrative.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim June 2009 as African-American Music Appreciation Month. I call upon public officials, educators, and all the people of the United States to observe this month with appropriate activities and programs that raise awareness and foster appreciation of music which is composed, arranged, and performed by African Americans.
IN WITNESS WHEREOF, I have hereunto set my hand this second day of June, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8390 of June 2, 2009

National Caribbean-American Heritage Month, 2009

By the President of the United States of America
A Proclamation

Caribbean Americans have made lasting contributions to our Nation’s culture and history, and the month of June has been set aside to honor their cultural, linguistic, ethnic, and social diversity.

Generations of immigrants have preserved the traditions of their homelands, and these traditions have defined our Nation’s identity. Caribbean Americans bring a unique and vibrant culture. This multilingual and multi-ethnic tradition has strengthened our social fabric and enriched the diversity of our Nation.

Millions of individuals in the United States have Caribbean roots. Unfortunately some Caribbean Americans were forced to our country as slaves; others arrived of their own volition. All have sought the promise of a brighter tomorrow for themselves and their children.

In their pursuit of success, Caribbean Americans exhibit the traits all Americans prize: determination, a devotion to community, and patriotism. They have made their mark in every facet of our society, from art to athletics and science to service. Caribbean Americans have also safeguarded our Nation in the United States Armed Forces.

This month we also recognize the critical relationship the United States maintains with Caribbean nations. In a world of increasing communication and connectivity, this friendship has become even more important. We are neighbors, partners, and friends; we share the same aspirations for our children; and we strive for the very same freedoms. Together, we can meet the common challenges we face.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2009 as National Caribbean-American Heritage Month. I urge all Americans to commemorate this month by learning more about the history and culture of Caribbean Americans.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of June, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA
Proclamations Proc. 8391

Proclamation 8391 of June 11, 2009

Flag Day and National Flag Week, 2009

By the President of the United States of America
A Proclamation

In the midst of a war for our Nation’s independence, on June 14, 1777, the Second Continental Congress adopted a flag as a symbol of our fledgling Union. The Congress resolved that the flag be “thirteen stripes, alternate red and white; that the union be thirteen stars, white in a blue field, representing a new constellation.” For generations to come, this pattern would serve as a compass bearing toward equality and justice for all.

Our flag’s journey has been long. It has seen our Nation through war and peace, triumph and tragedy. It flew above the walls of Fort Sumter, South Carolina, at the outset of the Civil War. It stood on Mount Suribachi on the island of Iwo Jima during World War II. During the Civil Rights Movement, determined protesters on the streets of Selma, Alabama, proudly displayed its colors. Following the attacks of September 11, 2001, Old Glory flew over the southwestern wall of the Pentagon and the rubble of the World Trade Center. Today, the men and women of the United States Armed Forces bear our flag as they serve bravely around the world.

The flag is still more than a historical symbol: it is part of our culture. In our schools children pledge allegiance to our flag and recite the ideals upon which our Nation was founded. Families sit on their front porches under a billowing Stars and Stripes. And each day as the flag is raised above military installations and government buildings, we are reminded of the great sacrifices that have been made in defense of our Nation.

The Stars and Stripes tells our Nation’s story and embodies its highest ideals. Its display reminds us of America’s promise and guides us toward a brighter tomorrow.

To commemorate the adoption of our flag, the Congress, by joint resolution approved August 3, 1949, as amended (63 Stat. 492), designated June 14 of each year as “Flag Day” and requested the President to issue an annual proclamation calling for a national observance and for the display of the flag of the United States on all Federal Government buildings. In a second joint resolution approved June 9, 1966, as amended (80 Stat. 194), the Congress requested the President to issue annually a proclamation designating the week during which June 14 falls as “National Flag Week” and called upon all citizens of the United States to display the flag during that week.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim June 14, 2009, as Flag Day and the week beginning June 14, 2009, as National Flag Week. I direct the appropriate officials to display the flag of the United States on all Federal Government buildings during the week, and I urge all Americans to observe Flag Day and National Flag Week by flying the Stars and Stripes at their homes and other suitable places. I also call upon the people of the United States to observe with pride and all due ceremony those days from Flag Day through Independence Day, set aside by the Congress (89 Stat. 211) as a time to honor America, celebrate our heritage in public gatherings and activities,
and recite publicly the Pledge of Allegiance to the Flag of the United States of America.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of June, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8392 of June 12, 2009

National Oceans Month, 2009

By the President of the United States of America

A Proclamation

Oceans are the Earth’s dominant feature. They cover more than 70 percent of the planet’s surface and affect our lives in a variety of ways. This month we celebrate the wonder of the oceans, and we commit to protecting and sustaining them for current and future generations.

The oceans are critical to supporting life. From the abyssal plains of the Pacific to the shallow coral reefs and seagrass beds of the Florida Keys, oceans support an incredible diversity of marine life and ecosystems. The base of the oceanic ecosystem provides most of the oxygen we breathe, so oceans are critical to our survival. These bodies of water also drive weather patterns and affect climate.

Our Nation’s economy relies heavily on the oceans. Goods and services are transported across them constantly. They support countless jobs in an array of industries, including fishing, tourism, and energy. The economies of entire regions depend on the oceans.

The United States has been a leader in exploring and protecting this critical resource. We have gained new insights into the ocean ecosystems through research and monitoring. We have promoted innovative conservation efforts, such as setting aside special areas as national marine sanctuaries. We have also reduced overfishing, made great strides in reducing coastal pollution, and helped restore endangered species and degraded habitats.

My Administration continues to build upon this progress, and we are taking a more integrated and comprehensive approach to developing a national ocean policy that will guide us well into the future. This policy will incorporate ecosystem-based science and management and emphasize our public stewardship responsibilities. My Administration also is working to develop a systematic marine spatial planning framework for the conservation and sustainable use of ocean resources. I am committed to protecting these resources and ensuring accountability for actions that affect them.

During National Oceans Month, we celebrate these vast spaces and the myriad ways they sustain life. We also pledge to preserve them and commend all those who are engaged in efforts to meet this end.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim June 2009 as National
Oceans Month. I call upon all Americans to learn more about the oceans and what can be done to conserve them.

IN WITNESS WHEREOF, I have hereunto set my hand this twelfth day of June, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8393 of June 18, 2009

Father’s Day, 2009

By the President of the United States of America

A Proclamation

The journey of fatherhood provides unique and lasting joys. Cradling a baby in his arms, a father experiences the miracle of life and an unbreakable bond. Fathers imagine a world of possibilities awaiting their children and contemplate the privilege of helping them reach that expanse of opportunity. As kids grow and mature, they look to their dad for a special kind of love and support. Providing these necessities can bring great happiness.

Fatherhood also brings great responsibilities. Fathers have an obligation to help rear the children they bring into the world. Children deserve this care, and families need each father’s active participation.

Fathers must help teach right from wrong and instill in their kids the values that sustain them for a lifetime. As they encounter new and challenging experiences, children need guidance and counsel. Fathers need to talk with their kids to help them through difficult times. Parents must also help their children make the right choices by serving as strong role models. Honest and hard-working fathers are an irreplaceable influence upon their children.

Communities must do more to counsel fathers. Family and friends, and faith-based and community organizations, can speak directly with men about the sacrifices and rewards of having a child. These groups can support men as they take on the great challenges of child-rearing. Through honest and open dialogue, more men can choose to become model parents and know the wonders of fatherhood.

On Father’s Day, we pay tribute to the loving and caring fathers who are strengthening their families and country. We also honor those surrogate fathers who raise, mentor, or care for someone else’s child. Thousands of young children benefit from the influence of great men, and we salute their willingness to give and continue giving. We also express special gratitude to fathers who serve in the United States Armed Forces for the sacrifices they and their families make every day. All of these individuals are making great contributions, and children across the country are better off for their care.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, in accordance with a joint resolution of the Congress approved April 24, 1972, as amended (36 U.S.C. 109), do hereby proclaim June 21,
Title 3—The President

2009, as Father’s Day. I direct the appropriate officials of the Government to display the flag of the United States on all Government buildings on this day. I urge all Americans to express their love, respect, and admiration to their fathers, and I call upon all citizens to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eighteenth day of June, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

Proclamation 8394 of June 29, 2009

To Modify Duty-Free Treatment Under the Generalized System of Preferences, and for Other Purposes

By the President of the United States of America
A Proclamation


2. Pursuant to section 503(c)(2)(A) of the 1974 Act (19 U.S.C. 2463(c)(2)(A)), beneficiary developing countries, except those designated as least-developed beneficiary developing countries or beneficiary sub-Saharan African countries as provided in section 503(c)(2)(D) of the 1974 Act (19 U.S.C. 2463(c)(2)(D)), are subject to competitive need limitations on the preferential treatment afforded under the GSP to eligible articles.

3. Section 503(c)(2)(F)(i) of the 1974 Act (19 U.S.C. 2463(c)(2)(F)(i)) provides that the President may disregard the competitive need limitation provided in section 503(c)(2)(A)(i)(II) of the 1974 Act (19 U.S.C. 2463(c)(2)(A)(i)(II)) with respect to any eligible article from any beneficiary developing country if the aggregate appraised value of the imports of such article into the United States during the preceding calendar year does not exceed an amount set forth in section 503(c)(2)(F)(ii) of the 1974 Act (19 U.S.C. 2463(c)(2)(F)(ii)).

4. Pursuant to section 503(d)(1) of the 1974 Act (19 U.S.C. 2463(d)(1)), the President may waive the application of the competitive need limitations in section 503(c)(2)(A) of the 1974 Act with respect to any eligible article from any beneficiary developing country if certain conditions are met.

5. Pursuant to section 503(d)(5) of the 1974 Act (19 U.S.C. 2463(d)(5)), any waiver granted under section 503(d) shall remain in effect until the President determines that such waiver is no longer warranted due to changed circumstances.

6. Pursuant to section 503(c)(2)(E) of the 1974 Act (19 U.S.C. 2463(c)(2)(E)), section 503(c)(2)(A)(i)(II) shall not apply with respect to any eligible article if a like or directly competitive article was not produced in the United States on January 1, 1995.
7. Pursuant to sections 501 and 503(a)(1)(A) of the 1974 Act, and after receiving advice from the United States International Trade Commission (the “Commission”) in accordance with section 503(e), I have determined to designate certain articles as eligible articles when imported from any beneficiary developing country.

8. Pursuant to section 503(c)(2)(A) of the 1974 Act, I have determined that in 2008 certain beneficiary developing countries exported eligible articles in quantities exceeding the applicable competitive need limitations, and I therefore terminate the duty-free treatment for such articles from such beneficiary developing countries.

9. Pursuant to section 503(c)(2)(F) of the 1974 Act, I have determined that the competitive need limitation provided in section 503(c)(2)(A)(i)(II) of the 1974 Act should be disregarded with respect to certain eligible articles from certain beneficiary developing countries.

10. Pursuant to section 503(d)(1) of the 1974 Act, I have received the advice of the Commission on whether any industry in the United States is likely to be adversely affected by a waiver of the competitive need limitations provided in section 503(c)(2)(A), and I have determined, based on that advice and on the considerations described in sections 501 and 502(c) (19 U.S.C. 2462(c)) of the 1974 Act, and after giving great weight to the considerations in section 503(d)(2) of the 1974 Act (19 U.S.C. 2463(d)(2)), that such waivers are in the national economic interest of the United States. Accordingly, I have determined that the competitive need limitations of section 503(c)(2)(A) of the 1974 Act should be waived with respect to certain eligible articles from certain beneficiary developing countries.

11. Pursuant to section 503(d)(5) of the 1974 Act, I have determined that certain previously granted waivers of the competitive need limitations of section 503(c)(2)(A) of the 1974 Act are no longer warranted due to changed circumstances.

12. Pursuant to section 503(c)(2)(E) of the 1974 Act, I have determined that the limitation provided for in section 503(c)(2)(A)(i)(II) shall not apply with respect to subheading 7202.50.00 of the Harmonized Tariff Schedule of the United States (HTS) because no like or directly competitive article was produced in the United States on January 1, 1995.

13. Section 2004(d)(8)(A) of the Miscellaneous Trade and Technical Corrections Act of 2004 (Public Law 108–429, 118 Stat. 2434) amended subheading 9804.00.70 of the HTS to provide the tariff treatment for certain articles imported by or on the account of returning United States residents. I have determined that it is appropriate to make conforming changes to note 4 to subchapter IV of chapter 98 of the HTS to reflect that amendment.

14. On June 6, 2003, the United States and Chile entered into the United States-Chile Free Trade Agreement (USCFTA), which the Congress approved in section 101(a) of the United States-Chile Free Trade Agreement Implementation Act (the “USCFTA Act”) (19 U.S.C. 3805 note). Proclamation 8334 of December 31, 2008, exercised authority under the USCFTA Act by modifying the HTS to provide for an accelerated schedule of duty elimination for specific originating goods of Chile. Proclamation 8334 inadvertently omitted modifications to the HTS necessary to implement the accelerated schedule. I have determined that technical corrections to the HTS are necessary to provide for the intended tariff treatment.
15. Presidential Proclamation 8332 of December 29, 2008, implemented the tariff treatment called for under certain provisions of the United States-Oman Free Trade Agreement (USOFTA). I have determined that a technical correction to the HTS is necessary to provide for the intended tariff treatment.

16. Section 604 of the 1974 Act (19 U.S.C. 2483) authorizes the President to embody in the HTS the substance of the relevant provisions of that Act, and of other Acts affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to title V and section 604 of the 1974 Act, do proclaim that:

(1) In order to provide that one or more countries should no longer be treated as beneficiary developing countries with respect to one or more eligible articles for purposes of the GSP, general note 4(d) to the HTS is modified as set forth in section A of Annex I to this proclamation.

(2) In order to provide that one or more countries should no longer be treated as beneficiary developing countries with respect to certain eligible articles for purposes of the GSP, the Rates of Duty 1-Special subcolumn for the corresponding HTS subheadings is modified as set forth in section B of Annex I to this proclamation.

(3) In order to designate certain articles as eligible articles for purposes of the GSP, the Rates of Duty 1-Special subcolumn for the corresponding HTS subheadings is modified as set forth in section C of Annex I to this proclamation.

(4) The competitive need limitation provided in section 503(c)(2)(A)(i)(III) of the 1974 Act is disregarded with respect to the eligible articles in the HTS subheadings and to the beneficiary developing countries listed in Annex II to this proclamation.

(5) A waiver of the application of section 503(c)(2)(A) of the 1974 Act shall apply to the eligible articles in the HTS subheadings and to the beneficiary developing countries set forth in Annex III to this proclamation.

(6) The waiver of the application of section 503(c)(2)(A) of the 1974 Act to the articles in the HTS subheadings and to the beneficiary developing country listed in Annex IV to this proclamation is revoked.

(7) In order to make technical corrections necessary to provide the intended tariff treatment under the Miscellaneous Trade and Technical Corrections Act of 2004, the USCFTA, and the USOFTA, the HTS is modified as set forth in Annex V to this proclamation.

(8) The modifications to the HTS set forth in Annexes I, IV, and V to this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the dates set forth in the respective annex.

(9) Any provisions of previous proclamations and Executive Orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.
IN WITNESS WHEREOF, I have hereunto set my hand this twenty-ninth day of June, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-third.

BARACK OBAMA

ANNEX I

MODIFICATIONS TO THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Section A. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after July 1, 2009, general note 4(d) to the Harmonized Tariff Schedule of the United States (HTS) is modified by:

(1) adding, in numerical sequence, the following subheading numbers and the countries set out opposite such subheading numbers:

<table>
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<tr>
<th>Subheading</th>
<th>Country</th>
</tr>
</thead>
<tbody>
<tr>
<td>1604.15.00</td>
<td>Thailand</td>
</tr>
<tr>
<td>2804.29.00</td>
<td>Ukraine</td>
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<td>2819.10.00</td>
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<td>2918.99.30</td>
<td>India</td>
</tr>
<tr>
<td>2933.59.59</td>
<td>India</td>
</tr>
</tbody>
</table>

(2) adding, in alphabetical order, the following countries opposite the following subheading numbers:

<table>
<thead>
<tr>
<th>Subheading</th>
<th>Country</th>
</tr>
</thead>
<tbody>
<tr>
<td>3824.90.40</td>
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</tr>
<tr>
<td>3907.60.00</td>
<td>Indonesia</td>
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</table>

Section B. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after July 1, 2009, the HTS is modified as provided in this section. For each of the following subheadings, the Rates of Duty 1-Special subcolumn is modified by deleting the symbol "A" and inserting the symbol "A+" in lieu thereof:

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<th>Subheading</th>
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Section C. Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after July 1, 2009, the HTS is modified as provided in this section. For each of the following subheadings, the Rates of Duty 1-Special subcolumn is modified by deleting the symbol "A+" and inserting the symbol "A" in lieu thereof:

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## ANNEX II

**HTS Subheadings and Countries for Which the Competitive Need Limitation Provided in Section 503(c)(2)(A)(i)(II) Is Disregarded**

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ANNEX III

HTS Subheadings and Countries Granted a Waiver of the Application of Section 503(c)(2)(A) of the 1974 Act

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<th>Proc. 8394</th>
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</tbody>
</table>

ANNEX IV

HTS Subheadings and Countries for which a Waiver of the Application of Section 503(c)(2)(A) of the 1974 Act is Revoked

Effective July 1, 2009, the waiver of the application of section 503(c)(2)(A) of the 1974 Act is revoked for the following HTS subheading and the country set out opposite such subheading.

<table>
<thead>
<tr>
<th>Proclamations</th>
<th>Proc. 8394</th>
</tr>
</thead>
<tbody>
<tr>
<td>7202.50.00</td>
<td>Kazakhstan</td>
</tr>
</tbody>
</table>

ANNEX V

To make technical and conforming changes to the Harmonized Tariff Schedule of the United States

Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after the dates set forth in the provisions below, the Harmonized Tariff Schedule of the United States (HTS) is modified as set forth herein:

1. Effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after December 3, 2004, U.S. note 4 to subchapter IV of chapter 98 is modified by deleting the phrase “subheadings 9804.00.70 and” and by inserting in lieu thereof the word “subheading”.

2. Effective with respect to goods of Chile, under the terms of general note 26 to the tariff schedule, entered, or withdrawn from warehouse for consumption, on or after January 1, 2008, U.S. note 13 to subchapter XI of chapter 99, subheadings 9911.20.05 through 9911.20.15 and the immediate superior text thereto are deleted.

3. Effective with respect to goods of Oman, under the terms of general note 31 to the tariff schedule, entered, or withdrawn from warehouse for consumption, on or after January 1, 2009, the special duty rate for subheading 0201.10.50 is modified to read as follows: “See 9918.02.05-9918.02.10 (OM)”.

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Like an athlete out of practice, a child who takes long breaks from learning can face academic setbacks. This problem is especially prominent during the summer, when students may lose more than two months of progress. Children must remain engaged to maintain and build upon their current academic achievement.

Learning loss can be especially pronounced among low-income children. Recent research suggests that unequal access to summer learning opportunities helps explain the achievement gap between low-income and affluent students. This gap ultimately means that low-income students may be less likely to graduate from high school or enroll in college.

High-quality summer learning programs help children catch up, keep up, and work ahead. These activities provide students with hours of focused time for hands-on learning and creative projects. Participation can result in gains in writing, reading, and math skills. Through the arts, sports, and other extracurricular activities, summer learning opportunities also promote innovation and physical fitness. These health benefits are especially important because childhood obesity is at an all-time high and children typically gain weight two to three times faster during the summer.

Sustained public service can also dramatically impact summer learning loss. Students can challenge themselves and others through mentoring, environmental projects, and other meaningful volunteer work. Youth and their communities both benefit from these activities. Local opportunities for service can be found at: Serve.gov.

Families and community members play the most important role in the lives of their children. Demands at work and home mean that many parents have less time to spend with their children, but this time, care, and instruction is critical to children's academic success. Especially during the summer, parents should try to find time to read interactively with children. When possible, families should visit public libraries, tour museums and science centers, and explore the great outdoors. Parents can also encourage youth to keep a journal and to practice math skills through cooking and games.

Even though summer has arrived, student learning needs do not take a vacation. On Summer Learning Day, we highlight the need for more young people to be challenged during their time off from school. We also express support for local programs, communities, and families that help children grow through learning initiatives. Working together, we can help students remain engaged and return to school with lithe and limber minds.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim July 9, 2009, as National Summer Learning Day. I call upon all Americans to support students as
they participate in summer learning. I encourage students, parents, educators, and the non-profit community to engage in summer learning activities so that youth return to school poised for academic advancement.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of July, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8396 of July 17, 2009

Captive Nations Week, 2009

By the President of the United States of America

A Proclamation

Fifty years ago, President Eisenhower issued a call of solidarity to peoples across the world living under communist rule. This first Captive Nations Week Proclamation expressed concern that too many people lacked fundamental freedoms, and it affirmed that the people of the United States stood alongside those who yearned to be free. Since this declaration, more nations have chosen the path of self-determination and respect for basic human rights. Brave American men and women have contributed to this story, making great sacrifices while serving in our Armed Forces or working in Government, private industry, and other organizations.

The Cold War is now consigned to the history books, but the ideals that President Eisenhower proclaimed remain vibrant and inspiring today. Just as in years past, people still hope to have the freedom and opportunity to pursue their dreams. People, young and old, still yearn to speak their minds. Citizens still believe governments have an obligation to be honest and transparent, uphold the rule of law, and allow civic participation.

We regard these universal principles as guiding values, and we stand in solidarity with those who aspire to live by them—not only because it is right, but also because our Nation’s fate is connected to that of other nations. In an interdependent world, instability, disease, and hardship abroad affect us here at home. Governments that are responsive to the concerns of their citizens can better tackle these challenges and contribute to a more secure, healthy, and prosperous world.

Nations must advance these values through example. At home and abroad, the United States strives to honor the principles enshrined in our Nation’s founding documents.

The challenges of a new century require us to summon the full range of human talents to move all nations forward. The United States stands with all governments and peoples committed to unlocking the potential of their people, and to peace, the rule of law, and respect for all citizens.

The Congress, by Joint Resolution, approved July 17, 1959 (73 Stat. 212), has authorized and requested the President to issue a proclamation designating the third week of July of each year as “Captive Nations Week.”
NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim July 19 through July 25, 2009, as Captive Nations Week. I call upon the people of the United States to reaffirm our commitment to all those seeking dignity, freedom, and justice.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of July, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

35th Anniversary of the Legal Services Corporation, 2009

By the President of the United States of America
A Proclamation

Every day the Legal Services Corporation (LSC) breathes life into the timeless ideal, “equal justice under law.” It reaches those who cannot afford the assistance they need and those who would otherwise go without vital representation. Today we recognize the 35 years during which the LSC has moved our Nation and our legal system towards greater equality.

The LSC brings legal counsel to every corner of the Nation. As the largest provider of civil legal aid to the poor, it supports programs that touch families in every State. Persons of all ethnic and racial backgrounds know its great work, and women, who represent 75 percent of LSC-supported clients, especially benefit from its expertise.

The Legal Services Corporation’s work helps improve lives. It allows more people to access the public benefits they deserve, more domestic violence victims to secure the protections they desperately need, and more workers to receive the compensation they have been promised and earned.

During an economic crisis, the work of the LSC is especially important. When families face foreclosure, eviction, or bankruptcy, or when communities are targeted by predatory lenders, they need the help of legal professionals. These scenarios are far too common today. Fortunately, the LSC stands ready to meet these demands.

Because economically vulnerable communities continue to face an unmet need for legal services, my Administration has supported increased funding for the LSC. I have also recommended lifting several unnecessary restrictions on funding so that more people can receive assistance. These changes are critical to the organization’s mission and work.

We have made great progress in protecting the legal rights of our citizens, and the Legal Services Corporation has played a vital role in this story for more than 3 decades. With continued support, it will serve those in need and help our Nation live out its highest ideals.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim July 25, 2009, as the 35th
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Anniversary of the Legal Services Corporation. I call upon legal professionals and the people of the United States to honor the contributions of this vital organization.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of July, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8398 of July 24, 2009

Anniversary of the Americans With Disabilities Act, 2009

By the President of the United States of America
A Proclamation

Today we celebrate the 19th anniversary of the enactment of the historic Americans with Disabilities Act (ADA). Signed into law on July 26, 1990, this landmark legislation established a clear mandate against discrimination on the basis of disability so that people with disabilities would have an equal opportunity to achieve the American Dream.

Our Nation is once again poised to make history for people with disabilities. I am proud to announce that the United States will sign the United Nations Convention on the Rights of Persons with Disabilities, adopted by the United Nations General Assembly in New York on December 13, 2006. The Convention is the first new human rights convention of the 21st century adopted by the United Nations, and it represents a paradigm shift in protecting the human rights of 650 million people with disabilities worldwide. We proudly join the international community in further advancing the rights of people with disabilities.

As we reflect upon the past and look toward a brighter future, we recognize that our country has made great progress. More than ever before, Americans with disabilities enjoy greater access to technology and economic self-sufficiency. More communities are accessible, more children with disabilities learn alongside their peers, and more employers recognize the capabilities of people with disabilities.

Despite these achievements, much work remains to be done. People with disabilities far too often lack the choice to live in communities of their choosing; their unemployment rate is much higher than those without disabilities; they are much likelier to live in poverty; health care is out of reach for too many; and too many children with disabilities are denied a world-class education.

My Administration has met these challenges head-on. We have launched the “Year of Community Living” to help people with disabilities live wherever they choose. We have nearly doubled the funding for the Individuals with Disabilities Education Act. I was proud to sign the groundbreaking Christopher and Dana Reeve Paralysis Act and the Children’s Health Insurance Reauthorization Act, which provides health insurance to millions of
additional children. I also lifted the ban on stem cell research. These measures demonstrate our commitment to leveling the playing field for every person with a disability. My Administration will not rest on these accomplishments, and we will continue to focus on improving the lives of people with disabilities. I encourage States, localities, and communities across the country to cultivate an environment in which the 54 million Americans living with a disability are valued and respected.

Americans have repeatedly affirmed the importance of protecting the human rights and dignity of every member of this great country. Through the steps we have taken, we will continue to build on the ADA and demonstrate our ongoing commitment to promoting, protecting, and ensuring the full enjoyment of all human rights and fundamental freedoms by people with disabilities.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim July 26, 2009, as the Anniversary of the Americans with Disabilities Act. I call on Americans across our country to celebrate the progress we have made in protecting the civil rights of people with disabilities and to recognize the step forward we make with the signing of the United Nations Convention on the Rights of Persons with Disabilities. Inspired by the advances of the last 19 years, let us commit to greater achievements in the years ahead.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of July, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8399 of July 24, 2009

National Korean War Veterans Armistice Day, 2009

By the President of the United States of America
A Proclamation

Fifty-six years after the signing of the Military Armistice Agreement at Panmunjom, Americans remain grateful for the courage and sacrifice of our Korean War veterans. More than 600,000 United States and allied combatants lost their lives in Korea during the 3 years of bitter warfare that ended on July 27, 1953. Many were also injured, taken as prisoners of war, and missing in action. These dedicated servicemen and women, under the banner of the United Nations, fought to secure the blessings of freedom and democracy on the Korean Peninsula, and they deserve our unending respect and gratitude.

Every day we are reminded of the selfless service of these veterans. The Korean War Veterans Memorial stands in our Nation’s Capital as an enduring tribute to them. Marching among juniper bushes and rows of granite, Soldiers, Marines, Sailors, Airmen, and Coast Guardsmen silently remind all who glimpse their faces of the great challenges that so many Americans
overcame. The strong partnership between the United States and the Republic of Korea is also a proud testament to our men and women in uniform.

Today we remember and honor the valor of Korean War veterans and the extraordinary sacrifices that they and their families made in the cause of peace.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim July 27, 2009, as National Korean War Veterans Armistice Day. I call upon all Americans to observe this day with appropriate ceremonies and activities that honor and give thanks to our distinguished Korean War veterans. I also ask Federal departments and agencies and interested groups, organizations, and individuals to fly the flag of the United States at half-staff on July 27, 2009, in memory of the Americans who died as a result of their service in Korea.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fourth day of July, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8400 of August 20, 2009

Minority Enterprise Development Week, 2009

By the President of the United States of America
A Proclamation

Our Nation’s strength rests on the ingenuity and creativity of the American people. Across our country, almost 4 million minority-owned firms exemplify this spirit as they create jobs, develop new products and services, and promote community and economic development. The growth and expansion of these businesses is an increasingly critical part of our economic recovery and long-term prosperity.

At a time when too many Americans are facing extraordinary economic challenges, supporting the development of minority-owned enterprises will help accelerate the revitalization of our economy. Of the 630,000 minority-owned employer firms, these businesses are providing employment and stability to 4.7 million workers while renewing urban neighborhoods and rural communities. They represent a key component of future growth for our economy.

Minority Enterprise Development Week is an opportunity to commemorate the tremendous value minority entrepreneurs and their employees bring to our economy and our Nation as a whole. They embody the timeless American values of hard work, integrity, and optimism. They also serve as role models to countless children who want to start their own business or reach their personal goals. Through their accomplishments and example, these leaders affirm that, with determination and commitment, every American can achieve his or her potential and live out their dreams.
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NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States do hereby proclaim August 23 through August 29, 2009, as Minority Enterprise Development Week. I call upon all Americans to celebrate this week with appropriate programs, ceremonies, and activities to recognize the many contributions of our Nation’s minority enterprises.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of August, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8401 of August 21, 2009

Fiftieth Anniversary of Hawaii Statehood

By the President of the United States of America
A Proclamation

It is with great pride that our Nation commemorates the fiftieth anniversary of Statehood for Hawaii. On August 21, 1959, we welcomed Hawaii into the United States ohana, or family. Unified under the rule of King Kamehameha the Great, it was Queen Lili‘uokalani who witnessed the transition to a Provisional Government controlled by the United States. As a Nation, we honor the extensive and rich contributions of Native Hawaiian culture to our national character.

Borne out of volcanic activity in the Pacific Ocean, a chain of islands emerged that would bear witness to some of the most extraordinary events in world history. From Pu‘ukohola Heiau and the royal residence at the ‘Iolani Palace, to the USS ARIZONA Memorial and luaus that pay tribute to Hawaiian traditions, Americans honor the islands’ collective legacy and admire their natural beauty. Home to unique and endangered species, active volcanoes, and abundant reefs, the Hawaiian islands actively conserve their distinctive ecosystems with responsible development and a deep-rooted appreciation for the land and surrounding ocean.

The Aloha Spirit of Hawaii offers hope and opportunity for all Americans. Growing up in Hawaii, I learned from its diversity how different cultures blend together into one population—proud of their personal heritage and made stronger by their shared sense of community. Our youngest State, Hawaii faces many of the same challenges other States face throughout our country, and it represents the opportunity we all have to grow and learn from each other.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by the virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim August 21, 2009, as the Fiftieth Anniversary of Hawaii Statehood. I call upon the people of the United States to observe this day with appropriate programs, ceremonies, and activities.
IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of August, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8402 of August 25, 2009

Women’s Equality Day, 2009

By the President of the United States of America
A Proclamation

Today, our country renews its commitment to freedom and justice for all our citizens. As we prepare to celebrate this women’s day of equality, we reflect on the sacrifices once made to allow women and girls the basic rights and choices we freely exercise today. The future we leave to our daughters and granddaughters will be determined by our willingness to build on the achievements of our past and move forward as one people and one Nation. The fight for women’s equality is not a woman’s agenda, but an American agenda.

We honor the resilience, accomplishments, and history of all women in the United States. We celebrate the courageous women who fought to uphold a fundamental principle within our Constitution—the right to vote—and in so doing, protected the cornerstone of our vibrant democracy. These visionaries of the Seneca Falls Convention of 1848 sought to ensure that our country lived up to its founding ideals. Although only one, Charlotte Woodward, at the age of 81, had the opportunity to exercise her newfound right, the struggle reminds us that no righteous cause is a lost one. We also commend women like Frances Ellen Watkins Harper, a poet and lecturer who formed the National Association of Colored Women; Antonia Pantoja, a tireless advocate of education equality within the Latino community; Sarah Winnemucca, a voice for peace within the Native American community; and Patsy Mink, author of Title IX and the first woman of color and Asian American woman elected to the United States Congress. These women’s talents, and the contributions of countless others, built upon the framework of 1848 and forged paths for future generations.

Our Nation has come a long way since that ground-breaking convention in New York. Women have occupied some of the most significant positions in government. They have delivered justice from the bench of our highest court, fought for our country in foreign lands, discovered cures to diseases, and joined the ranks of the greatest business leaders of our time. Female college graduates now outnumber their male counterparts. Women have sought equality through government, demonstrated by the signing of the Lilly Ledbetter Fair Pay Act of 2009, and the establishment of the White House Council on Women and Girls. They have sought equality through advocacy, exemplified by the efforts of thousands of women’s organizations. America has made significant progress toward becoming the fair and just society the suffragists once envisioned.

Yet, today, our work remains unfinished. Far too many adult women remain mired in poverty. Women are still subject to pervasive discrimination
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at school and harassing conduct in the workplace. Women make, on average, only 78 cents for every dollar paid to men. Underrepresented in many facets of our economic and public life, from government to boardrooms to the sciences, women have yet to eradicate all barriers to professional development.

We stand at a moment of unparalleled change and a time for reflection and hope. We cannot allow the vibrant energy and passionate commitment of our trailblazing women to fade, and we can never forget the responsibility we bear to the ideals of liberty and equality for all. Each generation of successful women serves as a catalyst to empower, enlighten, and educate the next generation of girls and boys, and we must devote ourselves to promoting this catalyst for change now and in the future.

On this Women’s Equality Day, we resolve to continue the important work of our Nation’s foremothers and their successors, and turn their vision of a more equal America into our reality.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim August 26, 2009, as Women’s Equality Day. I call upon the people of the United States to celebrate the achievements of women and recommit themselves to the goal of true gender equality in this country.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of August, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8403 of August 26, 2009

Death of Senator Edward M. Kennedy

By the President of the United States of America
A Proclamation

Senator Edward M. Kennedy was not only one of the greatest senators of our time, but one of the most accomplished Americans ever to serve our democracy. Over the past half-century, nearly every major piece of legislation that has advanced the civil rights, health, and economic well-being of the American people bore his name and resulted from his efforts. With his passing, an important chapter in our American story has come to an end.

As a mark of respect for the memory of Senator Edward M. Kennedy, I hereby order, by the authority vested in me by the Constitution and laws of the United States of America, that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset on August 30, 2009. I also direct that the flag of the United States shall be flown at half-staff until sunset on the day of his interment. I further direct that the flag
shall be flown at half-staff for the same periods at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-sixth day of August, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8404 of August 30, 2009

National Historically Black Colleges and Universities Week, 2009

By the President of the United States of America
A Proclamation

For generations, education has opened doors to untold opportunities and bright futures. Through quality instruction and a personal commitment to hard work, young people in every part of our Nation have gone on to achieve success. Established by men and women of great vision, leadership, and clarity of purpose, Historically Black Colleges and Universities (HBCUs) have provided generations of Americans with opportunity, a solid education, and hope.

For more than 140 years, HBCUs have released the power of knowledge to countless Americans. Pivotal in the Civil Rights Movement, HBCUs offer us a window into our Nation's past as well as a path forward. Graduates of HBCUs have gone on to shape the course of American history—from W.E.B. DuBois and Booker T. Washington, to Langston Hughes and Thurgood Marshall. Today, in twenty States, the District of Columbia, and the U.S. Virgin Islands, these colleges and universities are serving hundreds of thousands of students from every background and have contributed to the expansion of the African American middle class, to the growth of local communities, and to our Nation's overall economy.

This week, we celebrate the accomplishments of HBCUs and look to the future with conviction and optimism. These institutions will play a key role in reaching our ambitious national education goals, including having the highest proportion of college graduates in the world by 2020. As our Nation strives toward this goal, we invite HBCUs to employ new, innovative, and ambitious strategies to help the next generation of Americans successfully complete college and prepare themselves for the global economy. During National Historically Black Colleges and Universities Week, we recommit ourselves to never resting until equality is real, opportunity is universal, and all citizens can realize their dreams.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim August 30 through September 5, 2009, as National Historically Black Colleges and Universities Week. I call upon public officials, educators, and all the people of the

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United States to observe this week with appropriate programs, ceremonies, and activities that acknowledge the tremendous contributions these institutions and their graduates have made to our country.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of August, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8405 of August 31, 2009

To Adjust the Rules of Origin Under the North American Free Trade Agreement and for Other Purposes

By the President of the United States of America

A Proclamation

1. In Presidential Proclamation 8097 of December 29, 2006, pursuant to the authority provided in section 1206(a) of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 3006(a)) (the “1988 Act”), the President modified the Harmonized Tariff Schedule of the United States (HTS) to reflect amendments to the International Convention on the Harmonized Commodity Description and Coding System (the “Convention”).

2. Presidential Proclamation 6641 of December 15, 1993, implemented the North American Free Trade Agreement (NAFTA) with respect to the United States and, pursuant to the North American Free Trade Agreement Implementation Act (Public Law 103–182) (the “NAFTA Implementation Act”), incorporated in the HTS the schedule of duty reductions and rules of origin necessary or appropriate to carry out the NAFTA.

3. In order to ensure the continuation of the staged reductions in rates of duty under the NAFTA for originating goods of Mexico in HTS tariff categories that were modified to reflect amendments to the Convention, Presidential Proclamation 8097 made modifications to the HTS that the President determined were necessary or appropriate to carry out the duty reductions proclaimed in Proclamation 6641.

4. Canada and Mexico are parties to the Convention. Because the substance of changes to the Convention are reflected in slightly differing form in the national tariff schedules of the parties to the NAFTA, the rules of origin set out in that Agreement must be changed to ensure that the tariff and certain other treatment accorded under the NAFTA to originating goods will continue to be provided under the tariff categories that were modified in Proclamation 8097. The NAFTA parties, the United States, Canada, and Mexico, have agreed to make these changes.

5. Section 202 of the NAFTA Implementation Act (19 U.S.C. 3332) provides rules for determining whether goods imported into the United States originate in the territory of a NAFTA party and thus are eligible for the tariff and other treatment contemplated under the NAFTA. Section 202(q) of the NAFTA Implementation Act (19 U.S.C. 3332(q)) authorizes the President to proclaim, as part of the HTS, the rules of origin set out in the NAFTA and
to proclaim any modifications to such previously proclaimed rules of origin, including those necessary to implement an agreement with NAFTA countries under paragraph 2 of section 7 of Annex 300-B of the NAFTA, subject to the consultation and layover requirements of section 103(a) of the NAFTA Implementation Act (19 U.S.C. 3313(a)).

6. The NAFTA parties have agreed to modify certain NAFTA rules of origin. Modifications to the NAFTA rules of origin reflected in general note 12 to the HTS are therefore necessary to ensure the continuation of tariff and certain other treatment accorded under the NAFTA to originating goods in tariff categories modified in Proclamation 8097 and to carry out the duty reductions proclaimed in Proclamation 6641. The consultation and layover requirements of section 103(a) of the NAFTA Implementation Act were met December 10, 2007, with respect to the proposed modifications.

7. I have determined that the modifications to the HTS proclaimed in this proclamation pursuant to section 202 of the NAFTA Implementation Act are necessary to implement an agreement with the NAFTA parties under paragraph 2 of section 7 of Annex 300-B of the NAFTA. In addition, I have determined that the modifications pursuant to section 1206(a) of the 1988 Act are in conformity with the obligations of the United States under the Convention and do not run counter to the national economic interest of the United States.

8. Certain necessary modifications to the HTS to conform it to the Convention were inadvertently omitted from Proclamation 8097. I have determined that technical corrections to the HTS are necessary to conform the HTS to the Convention.


10. Section 4(b) of the USIFTA Implementation Act provides that, whenever the President determines that it is necessary to maintain the general level of reciprocal and mutually advantageous concessions with respect to Israel provided for by the USIFTA, the President may proclaim such withdrawal, suspension, modification, or continuance of any duty, or such continuance of existing duty-free or excise treatment, or such additional duties as the President determines to be required or appropriate to carry out the Agreement.

11. In order to maintain the general level of reciprocal and mutually advantageous concessions with respect to agricultural trade with Israel, on July 27, 2004, the United States entered into an agreement with Israel concerning certain aspects of trade in agricultural products during the period January 1, 2004, through December 31, 2008 (the “2004 Agreement”). On December 10, 2008, the United States entered into an agreement with Israel to extend the 2004 Agreement through December 31, 2009, in order to allow for additional time to negotiate a successor arrangement to the 2004 Agreement.
12. In Presidential Proclamation 7826 of October 4, 2004, consistent with the 2004 Agreement, the President determined, pursuant to section 4(b) of the USIFTA Act, that it was necessary in order to maintain the general level of reciprocal and mutually advantageous concessions with respect to Israel provided for by the USIFTA, to provide duty-free access into the United States through December 31, 2008, for specified quantities of certain agricultural products of Israel.

13. In Presidential Proclamation 8334 of December 31, 2008, the President determined that it was necessary in order to maintain the general level of reciprocal and mutually advantageous concessions with respect to Israel provided for by the USIFTA to extend such duty-free treatment through December 31, 2009. I have determined that a modification to the HTS is necessary to provide the intended tariff treatment.

14. Section 604 of the Trade Act of 1974, as amended (the “1974 Act”) (19 U.S.C. 2483), authorizes the President to embody in the HTS the substance of the provisions of that Act, and of other Acts, affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction. Section 1206(c) of the 1988 Act, as amended (19 U.S.C. 3006(c)), provides that any modifications proclaimed by the President under section 1206(a) of that Act may not take effect before the thirtieth day after the date on which the text of the proclamation is published in the Federal Register.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to section 1206(a) of the 1988 Act, section 202 of the NAFTA Implementation Act, section 4(b) of the USIFTA Implementation Act, and section 604 of the 1974 Act, do proclaim that: (1) In order to reflect in the HTS the modifications to the rules of origin under the NAFTA, general note 12 to the HTS is modified as provided in Annexes I and II of Publication 4095 of the United States International Trade Commission entitled, “Modifications to the Harmonized Tariff Schedule of the United States to Adjust Rules of Origin Under the North American Free Trade Agreement,” which is incorporated by reference into this proclamation.

(2) In order to make technical corrections to the HTS necessary to conform it to the Convention, the HTS is modified as provided in Annex III of Publication 4095.

(3) In order to provide the intended duty treatment under the 2004 Agreement as extended through December 31, 2009, the HTS is modified as provided in Annex IV of Publication 4095.

(4) Any provisions of previous proclamations and Executive Orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

(5) The modifications to the HTS set forth in Annexes I and II of Publication 4095 shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after the later of (i) October 1, 2009, or (ii) the thirtieth day after the date of publication of this proclamation in the Federal Register.
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IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8406 of August 31, 2009

National Alcohol and Drug Addiction Recovery Month, 2009

By the President of the United States of America
A Proclamation

Every year, Americans across the country overcome their struggles with addiction. With personal determination and the support of family and friends, community members, and health professionals, they have turned the page on an illness and sought the promise of recovery. On this occasion, we recognize these brave role models and express support for those in treatment, applaud those in recovery, and encourage those in need to seek help.

As a Nation, we must work together to provide access to effective services that reduce substance abuse and promote healthy living. Without effective treatment, abuse of alcohol, illicit drugs, or prescription medications can devastate the mind and body. With treatment, substance use disorders can be managed, giving individuals the effective tools necessary to address their addiction. This year’s theme, “Together We Learn, Together We Heal,” calls us to unite and encourage drug-free living. Treatment programs, family members, and neighbors can all help assist those who experience addiction.

During National Alcohol and Drug Addiction Recovery Month, we also pay special tribute to the dedicated professionals and everyday citizens who, with skill and empathy, guide people through the treatment and recovery process. Across America, they are offering a message of hope and understanding. These compassionate individuals remind us that the strength of our character derives not from the mistakes we make, but from our ability to recognize and address them. When we extend a helping hand to those in need, we reaffirm the American spirit and move our Nation towards a brighter tomorrow.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by the virtue of the authority invested in me by the Constitution and laws of the United States, do hereby proclaim September 2009 as National Alcohol and Drug Addiction Recovery Month. I call upon the people of the United States to observe this month with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA
Proclamation 8407 of August 31, 2009

National Ovarian Cancer Awareness Month, 2009

By the President of the United States of America

A Proclamation

Ovarian cancer remains the leading cause of death from gynecologic cancer among women in the United States. Every year, thousands are diagnosed and go on to fight the disease with grace and dignity. National Ovarian Cancer Awareness Month honors all those affected by this cancer and renews our commitment to fighting an illness that takes the lives of too many in our Nation.

Women are often diagnosed with ovarian cancer when it is already at an advanced stage. This problem can be attributed to a lack of effective early detection technologies and minimal or no specific symptoms associated with the disease. By learning more about risk factors and maintaining regular physician consultations, women have their best chance of early detection of ovarian cancer.

Science continues to expand our knowledge about this illness, promising hope to those who, years ago, would be without it. Through dedicated research, treatment outcomes have improved for many, and we are building a foundation for the development of evidence-based screening, which can help diagnose the disease at the earliest possible stage when the likelihood of cure is high.

This month we recommit to supporting the women who continue to battle valiantly against this malady as well as all families who are affected. National Ovarian Cancer Awareness Month helps educate women and men about the importance of knowing common signs and symptoms, scheduling routine doctor visits, and continuing robust scientific research. As a Nation, we are united in our resolve to reduce incidence and improve the lives of all those affected.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim September 2009 as National Ovarian Cancer Awareness Month. I encourage citizens, Government agencies, private businesses, nonprofit organizations, and other interested groups to join in activities that will increase awareness of what Americans can do to prevent and control ovarian cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA
National Prostate Cancer Awareness Month, 2009

By the President of the United States of America
A Proclamation

As a Nation, we have made significant progress in the fight against prostate cancer. Over the last decade, prostate cancer mortality rates have fallen substantially. Yet, despite this progress, among men in the United States prostate cancer remains the most commonly diagnosed cancer and the second leading cause of cancer deaths. One in six men in this country will be diagnosed with prostate cancer. National Prostate Cancer Awareness Month is an opportunity to renew our commitment to find better ways to prevent, detect, and control this disease.

Prostate cancer affects both those stricken with the disease and their families, often occurring when they least expect it. The cancer does not discriminate among husbands, fathers, brothers, and sons, and it does not differentiate on race, age, or income. Americans of every background know its dangers. Families share in the struggles of prostate cancer, bearing the emotional and financial concerns along with the afflicted.

My Administration supports prevention efforts and research to develop better screening tests, uncover more effective treatments, and ensure quality care for all who are diagnosed with this illness. We must ensure that more men are educated about all aspects of the disease including prevention, early detection and possible treatment options. To expand our knowledge of this cancer, the National Institutes of Health, the Department of Defense, and the Centers for Disease Control and Prevention are playing leading roles in research. Their work is helping to reduce the burden of prostate cancer and save lives for generations to come.

This month, we remember the lives we have lost, and we recommit ourselves to supporting those currently battling against the disease. National Prostate Cancer Awareness Month also highlights the great medical advancements we have made and reminds us there is still much work to be done. As a Nation, we are united in our resolve to reduce incidence of prostate cancer and improve the lives of all those affected.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim September 2009 as National Prostate Cancer Awareness Month. I encourage citizens, Government agencies, private businesses, nonprofit organizations, and other interested groups to join in activities that will increase awareness of what Americans can do to prevent and control prostate cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of August, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA
Title 3—The President

Proclamation 8409 of September 3, 2009

National Wilderness Month, 2009

By the President of the United States of America

A Proclamation

The American wilderness has inspired wonder and imagination for centuries and is an irreplaceable part of our Nation’s heritage. Even before the birth of the United States, visitors from near and far were struck by its splendor and purity. The unaltered American landscape stood apart from any other in the world. During the years of westward expansion, the wilderness frontier became synonymous with pioneer values of steadfastness and rugged independence. This month, we celebrate this history and renew our commitment to preserving the American wilderness for future generations.

Forty-five years ago, the United States achieved a landmark success in protecting these magnificent wild spaces. The Congress passed and President Lyndon B. Johnson signed the Wilderness Act, which sought to secure “for the American people of present and future generations the benefits of an enduring resource of wilderness.” The Act has been widely recognized as one of our Nation’s most important conservation laws. This law and the National Wilderness Preservation System it established have served as a model for wilderness protection laws in many of our States and in countries around the world.

The vision and structure established in the Wilderness Act continue to receive broad support. This pioneering law created a framework for bringing Federal public lands under additional protection. Over the past 45 years, the Congress has enacted numerous laws extending wilderness protection to vast swaths of public lands. These laws have enjoyed bipartisan support. Ranchers and anglers, small-business owners and conservationists, and Americans of diverse backgrounds have come together to preserve many of our Nation’s most cherished public spaces.

My Administration has already demonstrated a commitment to protecting our wilderness heritage. On March 30, 2009, I signed the Omnibus Public Land Management Act of 2009, which established the most recent additions to our Wilderness System. As my Administration continues to prioritize wilderness protection, we will work closely with the Congress, organizations, and private citizens to ensure that all stakeholders can make their voices heard. United by a common purpose of preserving our precious natural spaces and our wilderness heritage, we will ensure that future generations inherit the unique gift of knowing nature’s peace.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 2009 as National Wilderness Month. I call upon all Americans to visit and enjoy our wilderness areas, learn more about our wilderness heritage, and explore what can be done to protect and preserve these precious national treasures.
IN WITNESS WHEREOF, I have hereunto set my hand this third day of
September, in the year of our Lord two thousand nine, and of the Inde-
pendence of the United States of America the two hundred and thirty-
fourth.

BARACK OBAMA

Proclamation 8410 of September 3, 2009

National Days of Prayer and Remembrance, 2009

By the President of the United States of America
A Proclamation

They were daughters and sons, sisters and brothers, mothers and fathers,
spouses and partners, family and friends, colleagues and strangers. They
hailed from cities and towns across our Nation and world. On September
11, 2001, thousands of innocent women and men were taken from us, and
their loss leaves an emptiness in our hearts.

Hundreds perished as planes struck the skyline of New York City, the
structure of the Pentagon, and the grass of Pennsylvania. In the immediate
aftermath of these tragedies, many victims died as they sought safety. Self-
lessly placing themselves in danger, first responders, members of the
Armed Forces, and private citizens made the ultimate sacrifice working to
assist others. During the National Days of Prayer and Remembrance, Ameri-
cans across the country cherish the memory of all those who passed and
honor and pray for their families and friends.

Americans also remember and pray for the safety and success of the mem-
bbers of the United States Armed Forces, who work every day to keep our
Nation safe from terrorism and other threats to our security. Military mem-
bers assisted those in need on September 11, 2001, and serve now in Iraq,
Afghanistan, and around the world. They have left the safety of home so
that our Nation might be more secure. They have endured great sacrifice
so that we might enjoy the blessings of liberty. Our servicemembers rep-
resent the best of America, and they deserve our deepest respect and grati-
tude.

The threat of terrorism has denied too many men, women, and children
their right to live in peace and security. As the United States works to de-
fend terrorists and build a more hopeful future for our children and young
people across the world, we seek humility and strength. We reflect upon
the lessons drawn from our national tragedy, seek God’s guidance and wis-
dom, and, never forgetting the lost, commit to working in common cause
with our friends and allies to create a safer and brighter world for current
and future generations.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of
America, by virtue of the authority vested in me by the Constitution and
laws of the United States, do hereby proclaim Friday, September 4, through
Sunday, September 6, as National Days of Prayer and Remembrance. I ask
that the people of the United States, each in their own way, honor the vic-
tims of September 11, 2001, and their families through prayer, memorial
services, the ringing of bells, and evening candlelight remembrance vigils. I invite the people of the world to share in this solemn commemoration.

IN WITNESS WHEREOF, I have hereunto set my hand this third day of September, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8411 of September 4, 2009

Labor Day, 2009

By the President of the United States of America

A Proclamation

Since our Nation’s founding, working Americans have carried us through times of challenge and uncertainty and propelled America through eras of peace and prosperity. They have long formed the backbone of our Nation’s economy, and they will continue to lead our Nation to new heights in the years to come.

Working Americans helped lay the foundation for our Nation’s progress over the generations. Brick by brick, they built the infrastructure that powered the engine of our economy. With firm resolve and commitment, they constructed our cities and towns, and with unparalleled skill they manufactured the goods and provided the services needed by Americans and people around the world. They have prepared our children for the challenges ahead and cared for the sick and the elderly. Today, we commemorate the many contributions labor has made to our Nation.

Throughout its history, the labor movement has given voice to the aspirations and concerns of millions of men and women. By fighting for decent working conditions, as well as fair wages and benefits, organized labor has stood for the rights of everyday Americans. With determination and commitment, labor has advocated for all working families and all have benefited from the fruits of their struggles.

Today, we find ourselves in an era of great challenges. The economic crisis we face is vast and complex. Americans understand the consequences: dwindling savings for young families, a daunting choice between prescriptions and groceries for our seniors, and fading hopes for a college education for our young people. Just as they have so many times in our history, working Americans will help our Nation emerge from this crisis and lead us into a new era of prosperity and progress.

This Labor Day, as we honor our workers, and we renew our commitment to uphold the American Dream and the founding promise of our Nation: in America, we can make of our lives what we will, and all things are possible for all people.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim September 7, 2009, as Labor
Day. I call upon public officials and all the people of the United States to
observe this day with appropriate programs, ceremonies, and activities that
acknowledge the tremendous contributions of working Americans and their
families.

IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of
September, in the year of our Lord two thousand nine, and of the Inde-
pendence of the United States of America the two hundred and thirty-
fourth.

BARACK OBAMA

Proclamation 8412 of September 4, 2009

National Preparedness Month, 2009

By the President of the United States of America
A Proclamation

Preparedness is an essential element of a resilient and secure Nation. My
Administration has made preparedness a top priority, and we are working
every day to ensure our country stands ready to respond to any disaster
or emergency—from wildfires and hurricanes, to terrorist attacks and pan-
demic disease. Our goal is to ensure a more resilient Nation—one in which
individuals, communities, and our economy can adapt to changing condi-
tions as well as withstand and rapidly recover from disruption due to
emergencies.

During National Preparedness Month, we underscore the responsibility of
individuals, families, and communities—including the private and non-
profit sectors—to do their part before an emergency. I urge all Americans
to take time to prepare an emergency supply kit and a family emergency
plan, and to educate themselves about potential disasters. I also ask Ameri-
cans to work within their own communities to coordinate emergency pre-
paredness efforts. All Americans share this responsibility, and we must all
work together to safeguard the Nation from harm.

The Federal Emergency Management Agency (FEMA) supports and pro-
motes citizen education and grassroots preparedness efforts. FEMA’s Ready
Campaign provides simple and practical steps that all Americans can take
to protect themselves, their families, and their neighbors. Additionally, the
Citizen Corps educates, trains, and coordinates volunteer activities that
help make our communities safer and better prepared for emergencies. I en-
courage all Americans to learn more at www.ready.gov and
www.citizencorps.gov.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of
America, by virtue of the authority vested in me by the Constitution and
laws of the United States, do hereby proclaim September 2009 as National
Preparedness Month. I call upon the people of the United States to recog-
nize the importance of preparing for potential emergencies beforehand and
to observe this month with appropriate preparedness activities, events, and
training to enhance our national resilience.
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IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of September, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8413 of September 10, 2009

Patriot Day and National Day of Service and Remembrance, 2009

By the President of the United States of America
A Proclamation

Through the twisted steel of the twin towers of the World Trade Center, the scarred walls of the Pentagon, and the smoky wreckage in a field in southwest Pennsylvania, the patriotism and resiliency of the American people shone brightly on September 11, 2001. We stood as one people, united in our common humanity and shared sorrow. We grieved for those who perished and remembered what brought us together as Americans.

Today, we honor the lives we lost 8 years ago. On a bright September day, innocent men, women, and children boarded planes and set off for work as they had so many times before. Unthinkable acts of terrorism brought tragedy, destruction, pain, and loss for people across our Nation and the world.

As we pay tribute to loved ones, friends, fellow citizens, and all who died, we reaffirm our commitment to the ideas and ideals that united Americans in the aftermath of the attacks. We must apprehend all those who perpetrated these heinous crimes, seek justice for those who were killed, and defend against all threats to our national security. We must also recommit ourselves to our founding principles. September 11 reminds us that our fate as individuals is tied to that of our Nation. Our democracy is strengthened when we uphold the freedoms upon which our Nation was built: equality, justice, liberty, and democracy. These values exemplify the patriotism and sacrifice we commemorate today.

In that same spirit of patriotism, I call upon all Americans to join in service and honor the lives we lost, the heroes who responded in our hour of need, and the brave men and women in uniform who continue to protect our country at home and abroad. In April, I was proud to sign the bipartisan Edward M. Kennedy Serve America Act, which recognizes September 11 as a National Day of Service and Remembrance. Originated by the family members of those who lost loved ones on 9/11, the National Day of Service and Remembrance is an opportunity to salute the heroes of 9/11, recapture the spirit of unity and compassion that inspired our Nation following the attacks, and rededicate ourselves to sustained service to our communities.

Throughout the summer, people of all ages and backgrounds came together to lend a helping hand in their communities through United We Serve. As this summer of service draws to an end, we renew the call to engage in
meaningful service activities and stay engaged with those projects throughout the year. Working together, we can usher in a new era in which volunteering and service is a way of life for all Americans. Deriving strength from tragedy, we can write the next great chapter in our Nation’s history and ensure that future generations continue to enjoy the promise of America.

By a joint resolution approved December 18, 2001 (Public Law 107–89), the Congress has designated September 11 of each year as Patriot Day, and by Public Law 111–13, approved April 21, 2009, has requested the observance of September 11 as an annually recognized National Day of Service and Remembrance.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim September 11, 2009, as Patriot Day and National Day of Service and Remembrance. I call upon all departments, agencies, and instrumentalities of the United States to display the flag of the United States at half-staff on Patriot Day and National Day of Service and Remembrance in honor of the individuals who lost their lives as a result of the terrorist attacks against the United States that occurred on September 11, 2001. I invite the Governors of the United States and the Commonwealth of Puerto Rico and interested organizations and individuals to join in this observance. I call upon the people of the United States to participate in community service in honor of those our Nation lost, to observe this day with other ceremonies and activities, including remembrance services, and to observe a moment of silence beginning at 8:46 a.m. eastern daylight time to honor the innocent victims who perished as a result of the terrorist attacks of September 11, 2001.

IN WITNESS WHEREOF, I have hereunto set my hand this tenth day of September, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8414 of September 11, 2009

To Address Market Disruption From Imports of Certain Passenger Vehicle and Light Truck Tires From the People’s Republic of China

By the President of the United States of America
A Proclamation

1. On July 9, 2009, the United States International Trade Commission (USITC) transmitted to me a report on its investigation under section 421 of the Trade Act of 1974, as amended (the “Trade Act”) (19 U.S.C. 2451), with respect to imports of certain passenger vehicle and light truck tires from the People’s Republic of China (China). In its report, the USITC stated that it had reached an affirmative determination under section 421(b)(1) of the Trade Act that certain passenger vehicle and light truck tires from
China are being imported into the United States in such increased quantities or under such conditions as to cause or threaten to cause market disruption to the domestic producers of like or directly competitive products.

2. For purposes of its investigation, the USITC defined certain passenger vehicle and light truck tires from China as new pneumatic tires, of rubber, from China, of a kind used on motor cars (except racing cars) and on-the-highway light trucks, vans, and sport utility vehicles, provided for in subheadings 4011.10.10, 4011.10.50, 4011.20.10, and 4011.20.50 of the Harmonized Tariff Schedule of the United States (HTS).

3. The USITC commissioners voting in the affirmative under section 421(b) of the Trade Act also transmitted to me their recommendations made pursuant to section 421(f) of the Trade Act (19 U.S.C. 2451(f)) on proposed remedies that, in their view, would be necessary to remedy the market disruption and the basis for each recommendation.

4. Pursuant to section 421(a) of the Trade Act (19 U.S.C. 2451(a)), I have determined to provide import relief with respect to new pneumatic tires, of rubber, from China, of a kind used on motor cars (except racing cars) and on-the-highway light trucks, vans, and sport utility vehicles, provided for in subheadings 4011.10.10, 4011.10.50, 4011.20.10, and 4011.20.50 of the HTS.

5. Such import relief shall take the form of an additional duty on imports of the products described in paragraph 4, imposed for a period of 3 years. For the first year, the additional duty shall be in the amount of 35 percent *ad valorem* above the column 1 general rate of duty. For the second year, the additional duty shall be in the amount of 30 percent *ad valorem* above the column 1 general rate of duty, and in the third year, the additional duty shall be in the amount of 25 percent *ad valorem* above the column 1 general rate of duty.

6. Section 421(m) of the Trade Act (19 U.S.C. 2451(m)) provides that import relief under this section shall take effect not later than 15 days after the President’s determination to provide such relief.

7. Section 604 of the Trade Act (19 U.S.C. 2483) authorizes the President to embody in the HTS the substance of the provisions of that Act, and of other acts affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to sections 421 and 604 of the Trade Act, do proclaim that:

(1) In order to apply additional duties on imports of the certain passenger vehicle and light truck tires from China described in paragraph 4, subchapter III of chapter 99 of the HTS is modified as provided in the Annex to this proclamation.

(2) The modifications to the HTS made by this proclamation, including the Annex thereto, shall be effective with respect to goods entered, or withdrawn from warehouse for consumption, on or after 12:01 a.m. EDT on
Proclamations

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September 26, 2009, and shall continue in effect as provided in this proclamation and its Annex, unless such actions are earlier expressly modified or terminated.

(3) Any provisions of previous proclamations and Executive Orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of September, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

ANNEX

MODIFICATIONS TO THE HARMONIZED
TARIFF SCHEDULE OF THE UNITED STATES

Effective with respect to goods the product of China that are entered, or withdrawn from warehouse for consumption, on or after September 26, 2009, subchapter III of chapter 99 of the Harmonized Tariff Schedule of the United States is modified as set forth herein:

1. The following new U.S. note is inserted in numerical sequence in such subchapter:

   "14. (a) For the purposes of subheadings 9903.40.05 and 9903.40.10, the duties provided for in this subchapter are cumulative duties which apply in addition to the duties otherwise imposed on the articles involved.

   (b) The duty rates provided for in such subheadings shall each be reduced as follows:

   September 26, 2010 through September 25, 2011 ....................... 30%
   September 26, 2011 through September 25, 2012 ....................... 25%

   No rate of duty provided for in such subheadings in chapter 99 shall be imposed on any article described in such subheadings after the close of September 25, 2012."

2. The following new subheadings and superior text are inserted in numerical sequence, with the language inserted in the columns entitled "Heading/Subheading", "Article Description", and "Rates of Duty 1 General", respectively:

   9903.40.05  Radial tires of a kind used on motor cars (other than racing cars), station wagons, sport utility vehicles, vans and on-the-highway light trucks (provided for in subheading 4011.10.10 or 4011.20.10) ..................... 35%

   9903.40.10  Other tires of a kind used on motor cars (other than racing cars), station wagons, sport utility vehicles, vans and on-the-highway light trucks (provided for in subheading 4011.10.05 or 4011.20.50) ..................... 35%"
National Employer Support of the Guard and Reserve Week, 2009

By the President of the United States of America
A Proclamation

Citizens willing to serve in uniform when duty calls have helped protect our freedom and security since our Nation’s founding more than 200 years ago. During times of peace, they have worked in our cities and towns, contributing their skill and energy to local businesses, schools, and civic organizations. During times of strife at home and abroad, they have served with distinction, protecting the United States from domestic and foreign threats. In commemorating National Employer Support of the Guard and Reserve Week, we honor the courageous members of our Guard and Reserve and their employers, whose support strengthens our Armed Forces and helps protect our country.

Our Guard and Reserve personnel are training arduously and serving valiantly as they are called upon to meet new challenges. Active here at home and in overseas operations, they are a key component in our national defense. Members of our Guard and Reserve serve with honor at home and in Afghanistan, Iraq, and other regions around the world, and they are willing to make the ultimate sacrifice for our country. They help respond to natural disasters and humanitarian emergencies, and protect against threats to our national security. Our Nation owes a debt of gratitude to these brave men and women who balance the demands of civilian and military life.

Through their continued support and flexibility, employers across the country bolster the efforts of members of the Guard and Reserve. Employers often make financial and organizational sacrifices in the interest of our national security. The commitment of these employers helps ensure that our troops are mission-ready and provides a measure of assurance, comfort, and pride to those who leave their jobs and families behind as they are deployed. The United States is grateful to the many businesses and organizations that enable Guard and Reserve personnel to remain engaged in both their professional and their military careers.

The United States has always benefited from the contributions of those willing to depart the comforts of home to answer the call of duty. Today, the American people celebrate the service and sacrifice of members of our Guard and Reserve as we pay special tribute to their employers for their admirable dedication and support.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States of America, do hereby proclaim September 13 through September 19, 2009, as National Employer Support of the Guard and Reserve Week. I encourage all Americans to join me in expressing our heartfelt thanks to the members of the National Guard and Reserve and their civilian employers. I also call on State and local officials, private organizations, and all military commanders, to observe this week with appropriate ceremonies and activities.
IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of September, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8416 of September 14, 2009

Fifteenth Anniversary of the Violence Against Women Act

By the President of the United States of America
A Proclamation

Today, we commemorate a milestone in our Nation’s struggle to end violence against women. Authored by then United States Senator Joe Biden and signed into law in September 1994, the Violence Against Women Act (VAWA) was the first law to create a comprehensive response to this problem at the national level. This landmark achievement has helped our Nation make great strides towards addressing this global epidemic.

VAWA sought to improve our criminal justice system’s response to violence against women and to increase services available to victims. It directed all 50 States to recognize and enforce protection orders issued by other jurisdictions, and it created new Federal domestic violence crimes. The law also authorized hundreds of millions of dollars to communities and created a national domestic violence hotline.

This bipartisan accomplishment has ushered in a new era of responsibility in the fight to end violence against women. In the 15 years since VAWA became law, our Nation’s response to domestic violence, dating violence, sexual assault, and stalking has strengthened. Communities recognize the special needs of victims and appreciate the benefits of collaboration among professionals in the civil and criminal justice system, victim advocates, and other service providers. With the support of VAWA funds, dedicated units of law enforcement officers and specialized prosecutors have grown more numerous than ever before. Most importantly, victims are more likely to have a place to turn for help—for emergency shelter and crisis services, and also for legal assistance, transitional housing, and services for their children.

Despite this great progress, our Nation’s work remains unfinished. More families and communities must recognize that the safety of our children relates directly to the safety of our mothers. Access to sexual assault services, especially in rural America, must be increased. American Indian and Alaska Native women experience the highest rates of violence, and we must make it a priority to address this urgent problem. We must also work with diverse communities to make sure the response to violence is relevant and culturally appropriate. We must prevent the homicide of women and girls who have suffered from domestic violence, dating violence, sexual assault, and stalking.

Far too many women in our communities and neighborhoods, and across the world, continue to suffer from violence. Inspired by the promise and...
Title 3—The President

achievement of the Violence Against Women Act, our Nation stands united in its determination to end these crimes and help those in need.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim the Fifteenth Anniversary of the Violence Against Women Act. I call upon men and women of all ages, communities, organizations, and all levels of government, to work in collaboration to end violence against women.

IN WITNESS WHEREOF, I have hereunto set my hand this fourteenth day of September, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8417 of September 15, 2009

National Hispanic Heritage Month, 2009

By the President of the United States of America

A Proclamation

The story of Hispanics in America is the story of America itself. The Hispanic community’s values—love of family, a deep and abiding faith, and a strong work ethic—are America’s values. Hispanics bring together the rich traditions of communities with centuries-old roots in America and the energy and drive of recent immigrants. Many have taken great risks to begin a new life in the hopes of achieving a better future for themselves and their families.

Hispanics have played a vital role in the moments and movements that have shaped our country. They have enriched our culture and brought creativity and innovation to everything from sports to the sciences and from the arts to our economy.

Hispanics have served with honor and distinction in every conflict since the Revolutionary War, and they have made invaluable contributions through their service to our country. They lead corporations and not-for-profits, and social movements and places of learning. They serve in government at every level from school boards to statehouses, and from city councils to Congress. And for the first time in our Nation’s history, a Latina is seated among the nine Justices of the Supreme Court of the United States.

As Hispanics continue to enrich our Nation’s character and shape our common future, they strengthen America’s promise and affirm the narrative of American unity and progress.

To honor the achievements of Hispanics in America, the Congress, by Public Law 100–402, as amended, has authorized and requested the President to issue annually a proclamation designating September 15 through October 15 as “National Hispanic Heritage Month.”

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim September 15 through October 15, 2009, as
National Hispanic Heritage Month. I call upon public officials, educators, librarians, and all the people of the United States to observe this month with appropriate ceremonies, activities, and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of September, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8418 of September 16, 2009

Constitution Day and Citizenship Day, Constitution Week, 2009

By the President of the United States of America
A Proclamation

The United States Constitution has withstood the test of time for more than two centuries as our Nation’s charter of government and the guarantor of our liberties. Signed in Philadelphia on September 17, 1787, this founding document reflects our core values and enshrines the truths set forth in the Declaration of Independence, that we are each endowed with certain unalienable rights. As the beneficiaries of these rights, all Americans have a solemn obligation to participate in our democracy so that it remains vibrant, strong, and responsive to the needs of our citizens.

To succeed, the democracy established in our Constitution requires the active participation of its citizenry. Each of us has a responsibility to learn about our Constitution and teach younger generations about its contents and history. By fulfilling civic duties, engaging government at the local, State, and Federal level, and volunteering in our communities, individual citizens can better our country and breathe life into the freedoms established in the Constitution.

The right to participate in self-government, and the many other freedoms guaranteed by our Constitution, inspire the dreams and ambitions of many inside and outside our borders. These principles serve as a beacon of hope for Americans and those who seek new lives in the United States. Every day, we welcome new and diverse stories and heritages into the great patchwork of our Nation. United by our devotion to the Constitution and to the civic engagement it inspires, Americans remain committed to the fundamental principles established over two hundred years ago.

In remembrance of the signing of the Constitution and in recognition of the Americans who strive to uphold the duties and responsibilities of citizenship, the Congress, by joint resolution of February 29, 1952 (36 U.S.C. 106), designated September 17 as “Constitution Day and Citizenship Day,” and by joint resolution of August 2, 1956 (36 U.S.C. 108), requested that the President proclaim the week beginning September 17 and ending September 23 of each year as “Constitution Week.”
NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim September 17, 2009, as Constitution Day and Citizenship Day, and September 17 through September 23, 2009, as Constitution Week. I encourage Federal, State, and local officials, as well as leaders of civic, social, and educational organizations, to conduct ceremonies and programs that celebrate our Constitution and reaffirm our rights and obligations as citizens of our great Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of September, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8419 of September 17, 2009

National POW/MIA Recognition Day, 2009

By the President of the United States of America
A Proclamation

Our Nation maintains a solemn commitment to leave no service member behind. Our men and women in uniform uphold this pledge every day, and our country further upholds it as we honor every man and woman who serves, particularly those taken as prisoners of war or missing in action. We will never cease in our mission to bring America’s missing service members home; we will never forget the sacrifices they made to keep this Nation free; and we will forever honor their memory. On National POW/MIA Recognition Day, we pay tribute to the American men and women who have not returned from the battlefield, and we express profound gratitude to those who returned only after facing unimaginable hardship on our behalf. Today, we also remember the families of our prisoners of war and those missing in action and honor the sacrifices they have made.

Every day, Americans are working around the world to identify and recover the remains of our fallen heroes. It is a promise made, and a promise that will be kept. Although their location may be unknown, we will not waver in our commitment to see they are reunited with the land they so valiantly defended.

For those veterans who returned home after being declared Missing in Action or having been imprisoned by the enemy, we honor their service, their sacrifice, and their courage. In distant lands, and under wretched and torturous conditions, these men and women endured. Faced with such tremendous adversity, they embody the power of the human spirit—sustaining themselves with hope and faith.

On September 18, 2009, the stark black and white banner symbolizing America’s Missing in Action and Prisoners of War will be flown over the White House, the Capitol, the Departments of State, Defense, and Veterans Affairs, the Selective Service System Headquarters, the World War II Memorial, the Korean War Veterans Memorial, the Vietnam Veterans Memorial, United States post offices, national cemeteries, and other locations
across our country. It is a powerful reminder that our Nation will never cease in our commitment to honor those who have paid so high a price in its service.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 18, 2009, as National POW/MIA Recognition Day, and I urge all Americans to observe this day of honor and remembrance with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this seventeenth day of September, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8420 of September 21, 2009

National Farm Safety and Health Week, 2009

By the President of the United States of America
A Proclamation

Our Nation’s prosperity has been built on the skill and productivity of our farmers and ranchers. Two centuries ago, many American families toiled in fields and grasslands so that they might feed themselves. Today, those in the agricultural sector provide food, fiber, biofuels, and many other life necessities for millions across our Nation and around the world. The hard work and talent of those in the agricultural industry, and continued advances in technology and efficiency, have provided great security to the United States.

As they offer great benefits to our Nation, farmers and ranchers also face significant risks in the course of their everyday duties. They often transport and operate heavy and hazardous equipment and work in extreme weather conditions. Farmers may be exposed to pesticides, fertilizers, chemicals, and dust that can be harmful to human health. They also work in dangerous areas such as wells, silos, and grain elevators. These individuals must take great precautions to protect their health and safety, especially since rural residents may have to travel long distances to receive trauma care for an accident-related injury. They must also take particular care to avoid accidents involving children.

As the fall harvest season approaches, I encourage farm and ranch families and workers to participate in farm safety and health programs. I also encourage them to follow optimal farm safety and health practices. Businesses and communities, and organizations and neighbors, can encourage one another to understand the risks of this work so that we can prevent accidents, prevent exposure to potential hazards, and save lives.

Working long hours at physically demanding and often dangerous tasks, farmers and ranchers provide for our Nation and countless others across the world. Even as they have faced risks, they have made our agricultural
sector more productive and practiced good stewardship of our country’s natural resources. This week, Americans express gratitude for the untold benefits we enjoy from their labor, and we honor their achievements by urging continued commitment to the highest standards of safety and health.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States, do hereby proclaim September 20 through September 26, 2009, as National Farm Safety and Health Week. I call upon the people of the United States to join me in celebrating the vital contributions of farmers and ranchers to our Nation and in reflecting upon the importance of farm safety and health in communities across America.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-first day of September, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA
Proclamations

visit. If not for America’s great hunters and anglers, like President Theodo-
dore Roosevelt and Aldo Leopold, our Nation would not enjoy sound game
management; a system of ethical, science-based game laws; and an exten-
sive public lands estate on which to pursue the sports. On National Hunt-
ing and Fishing Day, we celebrate their contributions to our natural envi-
ronment and our national heritage.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of
America, by virtue of the authority vested in me by the Constitution and
the laws of the United States, do hereby proclaim September 26, 2009, as
National Hunting and Fishing Day. I call upon the people of the United
States to recognize this day with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-second
day of September, in the year of our Lord two thousand nine, and of the
Independence of the United States of America the two hundred and thirty-
fourth.

BARACK OBAMA

Proclamation 8422 of September 25, 2009

Gold Star Mother's and Families’ Day, 2009

By the President of the United States of America
A Proclamation

The sacrifices of our military servicemembers are etched in the walls of our
monuments and felt at empty dinner tables across America. To those who
have given their lives for our country, we honor them as guardians of our
liberty and pay tribute to their valiant service. As our Nation remembers
our fallen men and women in uniform, we also recognize the profound loss
and sorrow of the family members they leave behind.

Few know the honor of service and the costs of war more than Gold Star
Mothers and Families. They have given our Nation their most precious
treasure, and we remain forever in their debt. Honoring the memory of
their lost loved ones, these extraordinary individuals dedicate themselves
to helping heal the hearts of other military families who bear the great bur-
den of loss. Through their strength and service, they emulate their loved
one’s selfless dedication to our country.

On this day, we express immense gratitude and profound respect for Gold
Star Mothers and Families. Our country’s fallen heroes left the comfort of
home so that we might know a more peaceful world. They endured ex-
treme hardship so that we might enjoy freedom. They made the ultimate
sacrifice so that we might be safe. They represent the best of America. In
their memory, may we fulfill our solemn obligation to continue their work
of securing a safer, freer world for generations to come.

1895 as amended), has designated the last Sunday in September as “Gold
Star Mother’s Day.”
NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim Sunday, September 27, 2008, as Gold Star Mother’s and Families’ Day. I call upon all Government officials to display the flag of the United States over Government buildings on this special day. I also encourage the American people to display the flag and hold appropriate ceremonies as a public expression of our Nation’s sympathy and respect for our Gold Star Mothers and Families.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of September, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8423 of September 25, 2009

National Public Lands Recognition Day, 2009

By the President of the United States of America

A Proclamation

Borne out of a commitment to protect and preserve our natural treasures, America’s public lands are an indispensable component of American life. As we work to protect their integrity for future generations, vast expanses of land remain available for the use and enjoyment of all who visit them. National Public Lands Day is an opportunity for all Americans, young and old, to celebrate the majesty of our open spaces and devote our collective efforts to conserving our Nation’s unique landscapes.

Today, from the largest National Parks and Forests to neighborhood playgrounds and urban parks, 130,000 volunteers are working on over 2,000 public land improvement projects across the Nation. Committed individuals, including participants from schools and universities, private businesses, non-profit organizations, and government agencies, are continuing the American tradition of stewardship through their service.

Dedicated to improving all aspects of our natural environment, this year’s Public Lands Day focuses on water. Across the country, volunteers are highlighting the need to protect our Nation’s water bodies by monitoring water quality in rivers and lakes, restoring wetlands, preventing stormwater runoff and erosion, cleaning up trash from shorelines, and learning techniques to conserve water at home.

Public lands help preserve our Nation’s quality of life, offering fresh water, abundant natural resources, and educational and recreational opportunities. I was proud to sign the Omnibus Public Land Management Act of 2009 to add to our Nation’s treasured landscapes and build on our rich history as guardians of our natural environment. Today, we affirm our resolve to conserve these cherished spaces for our enjoyment and for that of future generations.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and
Proclamations Proc. 8424

the laws of the United States, do hereby proclaim September 26, 2009, as National Public Lands Day. I invite all my fellow citizens to join me in a day of service for our public lands.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of September, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8424 of September 28, 2009

Family Day, 2009

By the President of the United States of America
A Proclamation

Our family provides one of the strongest influences on our lives. American families from every walk of life have taught us time and again that children raised in loving, caring homes have the ability to reject negative behaviors and reach their highest potential. Whether children are raised by two parents, a single parent, grandparents, a same-sex couple, or a guardian, families encourage us to do our best and enable us to accomplish great things. Today, our children are confronting issues of drug and alcohol use with astonishing regularity. On Family Day, we honor the dedication of parents, commend the achievements of their children, and celebrate the contributions our Nation’s families have made to combat substance abuse among young people.

The 21st century presents families with unprecedented challenges. Millions of women and men are struggling to balance the demands of their jobs with the needs of their families. At the same time, our youngest generation faces countless distractions in their social environment. They are coming of age in a world where electronic devices have replaced the playground, televisions have preempted conversation, and pressure to use drug and alcohol is far too prevalent. Parents bear significant stress and burdens to protect their children from harmful influences.

It is our responsibility to talk with adolescents about the risks of abusing alcohol, tobacco, or prescription and illicit drugs, and other harmful behaviors. These substances can destroy the mind, body, and spirit of a child, jeopardizing their health and limiting their potential. Active parents, voicing their disapproval of drug use, have proven themselves to be the most effective preventative method for keeping our children drug-free. A strong and engaged family can make all the difference in helping young people make healthy decisions.

By coming together as a family and discussing the events of the day, parents can foster open communication, share joys and concerns, and help guide their children toward healthy decisionmaking. A strong nation is made up of strong families, and on this Family Day, we re dedicate ourselves to ensuring that every American family has the chance to build a better, healthier future for themselves and their children.
NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim September 28, 2009, as Family Day. I call upon the people of the United States to join together in observing this day with appropriate ceremonies and activities to honor and strengthen our Nation’s families.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-eighth day of September, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8425 of September 30, 2009

National Breast Cancer Awareness Month, 2009

By the President of the United States of America
A Proclamation

In 2009, more than 190,000 women are expected to be diagnosed with breast cancer, and more than 40,000 women are expected to die from this disease. It is the most common non-skin cancer and the second leading cause of cancer-related death among women in the United States. As we observe National Breast Cancer Awareness Month, we salute the brave Americans who are fighting this disease, including families and friends, advocates, researchers, and health care providers. We also pause to remember and pray for those we have lost to breast cancer.

Many Americans know someone who survived breast cancer due to early detection or improved treatment, and we must continue to discover ways to prevent, detect, and treat this disease. For us to better understand how breast cancer develops, to prevent recurrence, and to enhance the quality of life for survivors, we must support critical research programs. The National Institutes of Health, Department of Defense, and the Centers for Disease Control and Prevention will invest over $1 billion in research this year. Strengthening our knowledge of breast cancer development can lead to improvements in prevention and treatment.

Screening and early detection are essential to our Nation’s fight against breast cancer. The National Cancer Institute recommends that women age 40 and older have mammograms every 1 to 2 years. Women who are at greater risk should talk with their health care providers about whether to have mammograms before age 40 and how often to have them. My Administration is committed to requiring insurance companies to cover mammograms with no extra charges, and prohibiting the denial of coverage based on pre-existing conditions, including breast cancer.

Breast cancer health disparities also present a serious challenge. White women have the highest breast cancer incidence rates, and African American women have higher mortality rates than other racial or ethnic groups in the United States. There is also evidence lesbian women are at a greater risk of developing breast cancer than heterosexual women. Every day, we
are improving programs that address the issues women encounter in obtaining appropriate and timely treatment. As a Nation, we will overcome the financial and physical restraints of underserved populations and ensure access to quality health care.

Our Nation has made significant progress in the fight against breast cancer, and we remain firm in our commitment to do more. This month, we reaffirm our commitment to reduce the burden of breast cancer and our support for those who are living with this devastating disease. By raising awareness of this disease and supporting research, we can usher in a new era in our struggle against breast cancer.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2009, as National Breast Cancer Awareness Month. I encourage citizens, Government agencies, private businesses, nonprofit organizations, and other interested groups to join in activities that will help Americans understand what they can do to prevent and control breast cancer.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8426 of September 30, 2009

National Disability Employment Awareness Month, 2009

By the President of the United States of America
A Proclamation

Fair access to employment is a fundamental right of every American, including the 54 million people in this country living with disabilities. A job can provide financial stability, help maximize our potential, and allow us to achieve our dreams. As Americans, we possess a range of vocational opportunities to make the most of our talents and succeed in a chosen career; those with disabilities are entitled to the same opportunities. During National Disability Employment Awareness Month, we recommit ourselves to implementing effective policies and practices that increase employment opportunities for individuals with disabilities.

In the past half-century, we have made great strides toward providing equal employment opportunities in America, but much work remains to be done. As part of that continuing effort, we must seek to provide opportunities for individuals with disabilities. Only then can Americans with disabilities achieve full participation in the workforce and reach the height of their ambition.

My Administration is committed to promoting positive change for every American, including those with disabilities. The Federal Government and its contractors can lead the way by implementing effective employment policies and practices that increase opportunities and help workers achieve
their full potential. Across this country, millions of people with disabilities are working or want to work. We must ensure they have access to the support and services they need to succeed.

Recognizing the need for equal employment opportunities, we must also strengthen and expand the educational opportunities for individuals with disabilities. The American Recovery and Reinvestment Act substantially increased funding for the Individuals with Disabilities Education Act, and provided more than $500 million for vocational rehabilitation services, including job training, education, and placement. If we are to build a world free from unnecessary barriers, stereotypes, and discrimination, we must ensure that every American receives an education that prepares him or her for future success.

Each day, Americans with disabilities play a critical role in forging and shaping the identity of our Nation. Their contributions touch us all through personal experience or through that of a family member, neighbor, friend, or colleague. We grow stronger as a Nation when Americans feel the dignity conferred by having the ability to support themselves and their families through productive work. This month, we rededicate ourselves to fostering an inclusive work culture that welcomes the skills and talents of all qualified employees.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2009, as National Disability Employment Awareness Month. I call on all Americans to celebrate the contributions of individuals with disabilities to our workplaces and communities, and to promote the employment of individuals with disabilities to create a better, more inclusive America, one in which every person is rightly recognized for his or her abilities and accomplishments.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of September, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8427 of October 1, 2009

National Cybersecurity Awareness Month, 2009

By the President of the United States of America
A Proclamation

Americans are constantly adopting new and innovative technologies. This exposure has dramatically increased our thirst for computers, smartphones, and other digital solutions at work and at home. Our Nation’s growing dependence on cyber and information-related technologies, coupled with an increasing threat of malicious cyber attacks and loss of privacy, has given
rise to the need for greater security of our digital networks and infrastructures. In the Information Age, the very technologies that empower us to create and build also empower those who would disrupt and destroy. During National Cybersecurity Awareness Month, we rededicate ourselves to promoting cybersecurity initiatives that ensure the confidentiality of sensitive information, the integrity of e-commerce, and the resilience of digital infrastructures.

Cyber attacks and their viral ability to infect networks, devices, and software must be the concern of all Americans. This month, we highlight the responsibility of individuals, businesses, and governments to work together to improve their own cybersecurity and that of our Nation. We all must practice safe computing to avoid attacks. A key measure of our success will be the degree to which all Americans educate themselves about the risks they face and the actions they can take to protect themselves and our Nation’s digital infrastructure.

The Department of Homeland Security (DHS) and the Federal Trade Commission (FTC) support and promote cybersecurity education. Both the DHS and the FTC have identified basic cybersecurity tips that every computer user should adopt. To learn more about safe computing practices that can help prevent cyber attacks, visit www.onguardonline.gov and www.dhs.gov/cyber.

The 21st century offers our Nation unprecedented opportunities to develop new solutions to the challenges we face. Today, technology allows Americans to reach across the globe and communicate with family and friends, customers and colleagues, in distant locations. With this freedom, however, comes heightened responsibility. My Administration is committed to treating our digital infrastructure as a strategic national asset. Protecting this infrastructure is a national security priority, and in the process, we will ensure that these networks are comprehensive, trustworthy, and resilient. Together, we will create a more secure America, where technology can evolve in a protected and productive environment.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2009 as National Cybersecurity Awareness Month. I call upon the people of the United States to recognize the importance of cybersecurity and to observe this month with appropriate activities, events, and trainings to enhance our national security and resilience.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA
Domestic violence touches the lives of Americans of all ages, leaving a devastating impact on women, men, and children of every background and circumstance. A family's home becomes a place of fear, hopelessness, and desperation when a woman is battered by her partner, a child witnesses the abuse of a loved one, or a senior is victimized by family members. Since the 1994 passage of the landmark Violence Against Women Act, championed by then Senator Joe Biden, our Nation has strengthened its response to this crime and increased services for victims. Still, far too many women and families in this country and around the world are affected by domestic violence. During National Domestic Violence Awareness Month, we recommit ourselves to ending violence within our homes, our communities, and our country.

To effectively respond to domestic violence, we must provide assistance and support that meets the immediate needs of victims. Facing social isolation, victims can find it difficult to protect themselves and their children. They require safe shelter and housing, medical care, access to justice, culturally specific services, and economic opportunity. The Family Violence Prevention and Services Act supports emergency shelters, crisis intervention programs, and community education about domestic violence.

In the best of economic times, victims worry about finding a job and housing, and providing for their children; these problems only intensify during periods of financial stress. That is why the American Recovery and Reinvestment Act provides $325 million for the Violence Against Women Act (VAWA) and the Victims of Crime Act (VOCA). This funding will supplement the Federal VAWA and VOCA dollars that flow to communities every year, and enable States, local governments, tribes, and victim service providers to retain and hire personnel that can serve victims and hold offenders accountable. These funds will also bring relief to victims seeking a safe place to live for themselves and their children.

Victims of violence often suffer in silence, not knowing where to turn, with little or no guidance and support. Sadly, this tragedy does not just affect adults. Even when children are not directly injured by violence, exposure to violence in the home can contribute to behavioral, social, and emotional problems. High school students who report having experienced physical violence in a dating relationship are more likely to use drugs and alcohol, are at greater risk of suicide, and may carry patterns of abuse into future relationships. Our efforts to address domestic violence must include these young victims.

During this month, we rededicate ourselves to breaking the cycle of violence. By providing young people with education about healthy relationships, and by changing attitudes that support violence, we recognize that domestic violence can be prevented. We must build the capacity of our Nation's victim service providers to reach and serve those in need. We urge
community leaders to raise awareness and bring attention to this quiet crisis. And across America, we encourage victims and their families to call the National Domestic Violence Hotline at 1–800–799–SAFE. Together, we must ensure that, in America, no victim of domestic violence ever struggles alone.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2009, as National Domestic Violence Awareness Month. I ask all Americans to do their part to end domestic violence in this country by supporting their communities’ efforts to assist victims in finding the help and healing they need.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8429 of October 1, 2009

National Information Literacy Awareness Month, 2009

By the President of the United States of America
A Proclamation

Every day, we are inundated with vast amounts of information. A 24-hour news cycle and thousands of global television and radio networks, coupled with an immense array of online resources, have challenged our long-held perceptions of information management. Rather than merely possessing data, we must also learn the skills necessary to acquire, collate, and evaluate information for any situation. This new type of literacy also requires competency with communication technologies, including computers and mobile devices that can help in our day-to-day decisionmaking. National Information Literacy Awareness Month highlights the need for all Americans to be adept in the skills necessary to effectively navigate the Information Age.

Though we may know how to find the information we need, we must also know how to evaluate it. Over the past decade, we have seen a crisis of authenticity emerge. We now live in a world where anyone can publish an opinion or perspective, whether true or not, and have that opinion amplified within the information marketplace. At the same time, Americans have unprecedented access to the diverse and independent sources of information, as well as institutions such as libraries and universities, that can help separate truth from fiction and signal from noise.

Our Nation’s educators and institutions of learning must be aware of—and adjust to—these new realities. In addition to the basic skills of reading, writing, and arithmetic, it is equally important that our students are given the tools required to take advantage of the information available to them. The ability to seek, find, and decipher information can be applied to countless life decisions, whether financial, medical, educational, or technical.
This month, we dedicate ourselves to increasing information literacy awareness so that all citizens understand its vital importance. An informed and educated citizenry is essential to the functioning of our modern democratic society, and I encourage educational and community institutions across the country to help Americans find and evaluate the information they seek, in all its forms.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2009 as National Information Literacy Awareness Month. I call upon the people of the United States to recognize the important role information plays in our daily lives, and appreciate the need for a greater understanding of its impact.

IN WITNESS WHEREOF, I have hereunto set my hand this first day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8430 of October 2, 2009

National Arts and Humanities Month, 2009

By the President of the United States of America
A Proclamation

Throughout our Nation’s history, the power of the arts and humanities to move people has built bridges and enriched lives, bringing individuals and communities together through the resonance of creative expression. It is the painter, the author, the musician, and the historian whose work inspires us to action, drives us to contemplation, stirs joy in our hearts, and calls upon us to consider our world anew. The arts and humanities contribute to the vibrancy of our society and the strength of our democracy, and during National Arts and Humanities Month, we recommit ourselves to ensuring all Americans can access and enjoy them.

Our Nation’s cultural assets tell the story of America’s diversity and reveal our common humanity. Countless American artists develop unique styles by infusing their work with cultural elements from across the country and the world, and in turn, have an impact on the global arts community. Through history and philosophy, we learn the heritage of fellow Americans and appreciate the arc of their narrative as an integral part of our own. Cultural exchanges, collaborative projects, and continuing education programs help us to share and preserve a mosaic of rich traditions and provide future generations with opportunities for artistic expression.

The arts and humanities also bring our economy untold benefits. Millions of Americans take part in the non-profit and for-profit arts industries. Cultural and arts activities not only contribute tens of billions of dollars to our economy, but also inspire innovation. In neighborhoods and communities across the Nation, the arts and humanities lie at the center of revitalization, inspiring creativity, ideas, and new hope in areas that have gone too long without it.
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Every American deserves an opportunity to study, understand, and contribute to the arts and humanities. This must begin in our schools, where children may have their first and most important exposure to these disciplines. Working on their own masterpieces and finding inspiration in the work of others, young people are opened to new means of expression that sharpen their creative faculties. An education in music, dance, drama, design, and fine art reinforces skills in fields like math and science, and it can help students reach their full potential. In an ever-changing world, we must prepare our students with the knowledge, creative skills, and an ability to innovate so they can compete and succeed on a global stage.

As a people, we have an unlimited capacity for self-expression and personal interpretation. While we may not always agree with what we see or hear, it is our open-mindedness that commends the artistic struggle behind the creation and our curiosity that pursues its vision. This month, we honor this artistic spirit that lives and breathes within every American. Creativity and a thirst for understanding are the fuel that has fed our Nation’s success for centuries, and they will continue to be well into our future.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2009 as National Arts and Humanities Month. I call upon the people of the United States to join together in observing this month with appropriate ceremonies, activities, and programs to celebrate the arts and humanities in America.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8431 of October 2, 2009

National Energy Awareness Month, 2009

By the President of the United States of America
A Proclamation

A more prosperous future for our Nation’s economy means making investments in energy efficiency and clean energy today. Well-funded energy research and development will not only help protect our environment and support our communities, but it will also address concerns of global competitiveness and national security. Innovation in energy technology will decrease our oil use, strengthen our economy, and reduce the dangerous pollution that causes climate change.

As American scientists, engineers, and entrepreneurs bring new and improved energy technologies to homes and businesses in this country and around the world, they will be showing American leadership and vision while also making clean energy the profitable kind of energy. During National Energy Awareness Month, we recognize the contributions of individuals, organizations, and companies that are committed to advancing energy
innovation and efficiency, and we promote the importance of a clean energy economy to our Nation.

The Federal Government is the largest consumer of energy in the United States, and my Administration is committed to leading by example in the use of clean energy and increased energy efficiency. Not only will we lead through our performance, we will also leverage our ability to be the kind of customer that can help turn an idea into a great American enterprise. Through State and local grants, increased funding for weatherization programs, job training programs, and policies to support clean energy businesses, we are ushering in a new era of green energy that will benefit our economic recovery, our security, and our long-term prosperity.

We face a turning point in our Nation’s energy policy. We can either remain the world’s leading importer of oil, or we can become the world’s leading exporter of clean energy technology. We can allow climate change to wreak unnatural havoc, or we can create jobs deploying low-carbon technologies to prevent its worst effects.

Throughout our history, Americans have successfully confronted challenges that have tested our determination and our capacity to change. If we are to advance energy and climate security, we must focus on energy efficiency, promote sustainable industries, accelerate job training and job creation in these areas, and set effective and achievable standards for the generation and use of clean energy. As a Nation, we will lead by innovating, adapting to the global marketplace, and investing in the kind of sustainable future we want for the generations to come.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 2009 as National Energy Awareness Month. I call upon the people of the United States to mark this month by making clean energy choices that can both rebuild our economy and make it more sustainable.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8432 of October 2, 2009

Fire Prevention Week, 2009

By the President of the United States of America
A Proclamation

As powerful as any force in the natural world, fire deserves our utmost attention. Unchecked, fire can destroy homes, devastate our environment, and, at its worst, injure or fatally harm individuals. Fire Prevention Week is a time to learn about important fire safety issues and empower our communities to stay “Fire Smart.” It is also a time to honor our Nation’s brave firefighters and volunteers who risk their lives to protect their fellow Americans.
Every year, thousands of Americans experience fires in their homes and workplaces. We can greatly reduce these tragedies by taking a few, very simple steps. For example, if each of us strives to remain attentive while cooking, to properly dispose of all smoking materials, and to regularly check and replace smoke alarm batteries, we can help keep our families safe from harm and protect personal property. Additional precautionary measures should also include the formation of an emergency plan and the education of our children about the proper ways to handle potentially dangerous situations with fire.

This week’s theme, “Stay Fire Smart! Don’t Get Burned,” focuses on increasing burn awareness and prevention. We can each do more to avoid severe burns by testing water temperature, remaining aware of open flames, and ensuring that heating elements—such as those in electric stoves, toasters, hair appliances, and space heaters—are secure and operated properly. These easy, common sense practices can help Americans avoid suffering painful burns.

Fire can have a devastating impact on the life of an individual or family, and it can have far-reaching financial and human consequences. Wildfires can burn hundreds of acres and affect numerous communities, while household fires can spread to neighboring buildings. These and other emergency situations can endanger the lives of not only the public, but also our rescue workers and firefighters. During Fire Prevention Week, we are reminded of the dangers of fire, we honor the brave men and women who protect us from it, and we recommit ourselves to its responsible use.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 4 through October 10, 2009, as Fire Prevention Week. On Sunday, October 4, 2009, in accordance with Public Law 107–51, the flag of the United States will be flown at half staff on all Federal office buildings in honor of the National Fallen Firefighters Memorial Service. I call on all Americans to participate in this observance with appropriate programs and activities and by renewing their efforts to prevent fires and their tragic consequences.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8433 of October 2, 2009

Child Health Day, 2009

By the President of the United States of America
A Proclamation

Our Nation has an obligation to provide access to affordable, high-quality health care for all our children. No child should be forced to go without medical attention because the cost of a doctor visit is too high. Healthy children are better equipped to combat illness and to perform well in
school, impacting their development well into adulthood. On Child Health Day, we recognize the fundamental importance of health care for our Nation’s children, and dedicate our collective energies to support their needs and those of their families.

The responsibility for our children’s health rests with every American. Parents and guardians should lead by example. We must teach our children the importance of healthy eating and a physically active lifestyle. We can support community programs across America that provide our young people with healthy choices, and ensure that families have the resources necessary to champion the health of their children. From outdoor activities to community athletic teams, we can seize opportunities to increase physical activity in the lives of our children, and promote healthy habits at an early age.

When our children make smart, healthy decisions, they are set on the path towards success. A balanced diet, coupled with proper exercise, has proven effective in combating childhood obesity and other chronic illnesses among our Nation’s young people. More recently, the lure of indoor distractions has drawn our children away from the athletic fields and outdoor activities that can be part of a healthy lifestyle. We must engage our Nation’s children in behaviors that support their physical fitness, ensure they have access to healthy, affordable food, and empower their families with the information essential for healthy living.

As a Nation, we cannot allow our children to fail in reaching their full potential because we fail to meet their basic needs. My Administration has made children’s health a priority, and I was proud to sign the reauthorization of the Children’s Health Insurance Program (CHIP), extending health care to millions of young Americans who were previously uninsured. Today, we celebrate the health of our children and rededicate ourselves to providing a bright, healthy future for our Nation’s youth.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim Monday, October 5, 2009, as Child Health Day.

I call upon families, child health professionals, faith-based and community organizations, and governments to help ensure that America’s children stay safe and healthy.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA
Proclamation 8434 of October 6, 2009

German-American Day, 2009

By the President of the United States of America

A Proclamation

Comprising the Nation’s largest ancestry group, German Americans have contributed to our collective identity since the first settlements were founded in the 17th century. Essential to the growth of America, these farmers, soldiers, entrepreneurs, and patriots gave their strength, determination, and in some circumstances, their lives, so we all may experience a brighter tomorrow. It is in this spirit that German Americans continue to enrich our national character, sharing their proud heritage with new generations from every background. Today, we celebrate German Americans for their remarkable role in our Nation’s development.

Our citizens of German descent excel in every discipline and open our minds to the expanses of human possibility. When we drive across a suspension bridge, listen to music played on a Steinway piano, or send a child to kindergarten, their unique traditions and customs surround us. German Americans have influenced our Nation in myriad ways with their industry, culture, and engagement in public life.

Germany and its people have also been active participants in our Nation’s history. This year, we celebrate the 60th anniversary of the Federal Republic of Germany, and the 20th anniversary of the fall of the Berlin Wall. These milestones reinforce the German people’s dedication to democratic ideals, and we honor the bonds that tie our two nations together.

America is a stronger Nation because of those families who have established longstanding roots in our country, as well as by those who have recently emigrated from abroad. German immigrants, inhabiting every major city, have given much of themselves throughout our history, selflessly expanding the reach of the American Dream. On this day, we celebrate and honor the past, present, and future contributions of German Americans to the rich and textured story of America.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 6, 2009, as German-American Day. I encourage all Americans to learn more about the history of German Americans and to commemorate the many contributions they have made to our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA
Leif Erikson Day, 2009

By the President of the United States of America

A Proclamation

On this day in 1825, the ship Restauration landed in New York City after sailing for 3 months from Stavanger, Norway. The 52 passengers aboard represented the first organized emigration of Norwegians to America. These brave individuals set to the seas, following in the grand footsteps of the famous Scandinavian explorer Leif Erikson. Over a millennium ago, Leif Erikson—son of Iceland and grandson of Norway—arrived in North America and founded the settlement Vinland, located in modern-day Canada. Today, we celebrate his historic voyage and remember those who journeyed to America from far-away lands.

Our Nation’s founding history is marked by millions of individuals who faced great hardship and difficulty as they pursued a brighter future abroad. As explorers, they did not know what they would find, but they were determined not to turn back, in order to learn what lay beyond the setting sun. This same spirit lived within Leif Erikson, and it has inspired countless others who venture from their homes in search of opportunity, uncertain of the possibilities and challenges that await them.

Today, our Nation continues to welcome those descendents of Leif Erikson to our shores. Nordic Americans have contributed immeasurably to the success of America. Their cultural accomplishments have enriched the diversity of our country. And their pioneering spirit continues to embody our Nation’s unbounded enthusiasm for discovery and learning.

To honor Leif Erikson and celebrate our Nordic-American heritage, the Congress, by joint resolution (Public Law 88–566) approved on September 2, 1964, has authorized the President to proclaim October 9 of each year as “Leif Erikson Day.”

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim October 9, 2009, as Leif Erikson Day, and I call upon all Americans to observe this day with appropriate ceremonies, activities, and programs to honor our country’s rich Nordic-American heritage.

IN WITNESS WHEREOF, I have hereunto set my hand this seventh day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA
Proclamation 8436 of October 9, 2009

National School Lunch Week, 2009

By the President of the United States of America
A Proclamation

Every young American deserves access to a wholesome, nutritious lunch. These meals prevent hunger and give our children the energy and nourishment they need to grow into healthy, productive adults. Since 1946, the National School Lunch Program has helped to protect the health and well-being of our children by providing them with balanced, low-cost or free lunches throughout the school year. This week, we renew our commitment to serving healthy meals that will prepare our next generation of leaders to learn and thrive.

The National School Lunch Program serves more than 31 million students every school day at over 100,000 schools across our Nation. These meals can be an important source of fruits, vegetables, and low-fat dairy products, containing essential nutrients to meet the demands of a growing child. For many schoolchildren, it will be their most nutritious meal—sometimes their only meal—of the day. This program can also teach children about the importance of good eating habits, which is vital to our Nation’s fight against childhood obesity. In the coming months, my Administration will continue our partnership with Federal, State, and local leaders to strengthen the National School Lunch Program. We must work together to remove barriers that prevent some eligible children from receiving meals, and update nutrition standards to reflect the latest Dietary Guidelines for Americans.

Academic success requires hard work and concentration. Students distracted by hunger cannot match the focus of their peers. Poorly nourished students are also more likely to become ill, and miss class more frequently. During National School Lunch Week, we honor all those who make the National School Lunch Program possible, including government and school officials, food service professionals, farmers, and parents. By ensuring that every child, regardless of background or family income, is properly fed at school, we secure a brighter future for each of them and for America.

The Congress, by joint resolution of October 9, 1962 (Public Law 87–780), as amended, has designated the week beginning on the second Sunday in October each year as “National School Lunch Week,” and has requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim the week of October 11 through October 17, 2009, as National School Lunch Week. I call upon all Americans to join the dedicated individuals who administer the National School Lunch Program in appropriate activities that support the health and well-being of our Nation’s children.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA
Proclamation 8437 of October 9, 2009

Columbus Day, 2009

By the President of the United States of America
A Proclamation

More than 500 years have passed since Christopher Columbus set sail across the Atlantic Ocean in a bold attempt to expand human understanding of the known world. His voyage radically altered the course of history and changed our world forever. Many generations later, that same spirit of exploration inspires Americans to pursue brave new frontiers in business, science, and technology. Today, we reflect on the transformation of North America from a land of boundless opportunity to the modern communities of the 21st century.

Born in Genoa, Italy, Christopher Columbus’ journey aboard three Spanish ships revealed a new land for many European nations whose people would later flock to our shores in search of prosperity and freedom. These immigrants joined many thriving indigenous communities who suffered great hardships as a result of the changes to the land they inhabited. Although their competing ways of life were initially at odds, over time, the “New World” became a culturally and ethnically diverse place where we now enjoy the free exchange of ideas and democratic self-governance. Tribal communities continue to strengthen our Nation through their rich heritage and unique identity.

Columbus inspired generations of men and women to search out the farthest reaches of the world. From the coasts of Newfoundland to the Gulf of Mexico, explorers of Italian descent have directly influenced the growth of North America. Their dedication to our country has helped lay the foundation on which America was built. Today, Italian Americans continue to contribute immeasurably to the identity of our Nation, as role models, leaders, innovators, and committed public servants. From the boardroom to the classroom, they are prominent in every facet of American life.

In commemoration of Christopher Columbus’ historic exploration 517 years ago, the Congress, by joint resolution of April 30, 1934 (48 Stat. 657), and an Act of June 28, 1968 (82 Stat. 250), has requested that the President proclaim the second Monday of October of each year as “Columbus Day.”

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim October 12, 2009, as Columbus Day. I call upon all the people of the United States to observe this day with appropriate ceremonies and activities. I also direct that the flag of the United States be displayed on all public buildings on the appointed day in honor of Christopher Columbus.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA
Proclamation 8438 of October 9, 2009

General Pulaski Memorial Day, 2009

By the President of the United States of America
A Proclamation

Each year on this day, Americans pause to remember a patriot and champion of liberty who fought valiantly for the freedom of our Nation. During our struggle for independence, General Casimir Pulaski displayed heroic leadership and ultimately sacrificed his life in service to our country. His commitment to liberty remains an inspiration to us today, 230 years later, and it serves as a reflection of the many contributions Polish Americans have made to our national identity.

Born in Poland in 1745, Brigadier General Casimir Pulaski witnessed the occupation of Poland by foreign troops during his youth. He joined the struggle for Polish independence in 1768, fighting alongside his father with unwavering determination. Despite the tremendous courage of Pulaski and his compatriots, the foreign forces prevailed and Poland was divided among three of its neighbors. The young Casimir Pulaski was exiled, and, while in Paris, met America's envoy to France, Benjamin Franklin, and learned of our nascent quest for independence.

Arriving in America during the summer of 1777, General Pulaski quickly earned a commission and led his troops with admirable skill in a number of important campaigns. He would eventually become known as the “Father of the American Cavalry.” In 1779, Pulaski was mortally wounded during the siege of Savannah while trying to rally his troops under heavy enemy fire. Before laying down his life for the United States, this Polish and American hero had earned a reputation for his idealism and his courageous spirit.

Pulaski’s ideals live on today in the many Polish-American communities across the country. These neighborhoods continue to celebrate Polish culture, while adding immeasurably to our national identity. Their contributions have expanded our collective knowledge, pushing the boundaries of science, business, and the arts. With each passing year, the cooperation between the United States and Poland grows, supported by the dedication and commitment of Polish Americans to our shared history. Today, as we remember General Pulaski, we celebrate our strong friendship with Poland, and honor those Americans of Polish heritage.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim Sunday, October 11, 2009, as General Pulaski Memorial Day. I encourage all Americans to commemorate this occasion with appropriate programs and activities paying tribute to Casimir Pulaski and honoring all those who defend the freedom of our great Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

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All Americans deserve the freedom to participate in every aspect of our society and pursue their full measure of happiness. For blind Americans, the white cane is a potent symbol of that freedom—affording them greater independence and mobility. Today we renew our commitment to provide full inclusion and equal opportunities for those among us who are blind or have low vision. As Americans, we must nurture a society that values the unique abilities and individual contributions of all its people.

Individuals who are blind or have low vision are less constrained and better integrated in our country than ever before, but much work remains to ensure they have the opportunity to reach their full potential. My Administration is committed to securing full and equal access to education and employment for blind Americans and all those with disabilities. The American Recovery and Reinvestment Act substantially increased funding for the Individuals with Disabilities Education Act, as well as vocational rehabilitation services, including job training, education, and placement.

For Americans who are blind or have low vision, a white cane is just one of a wide range of tools that sustain independence and productivity. In recent years, refreshable Braille displays and speech synthesis devices have given these individuals access to the Internet, unlocking a new frontier of limitless possibility. As we encourage the development of new assistive technologies, we must also improve access to existing tools. The Braille code has opened a doorway to literacy for countless individuals, but far too many blind children in our country are not learning to read it. By improving Braille literacy, we will secure a brighter future for these young Americans.

In the 45 years since White Cane Safety Day was first proclaimed by President Lyndon Johnson, Americans who are blind or have low vision have achieved substantial progress. As leaders in government and business, academics, and the arts, they have made remarkable contributions to our Nation, proving that sight is no requisite for success. We will continue to strive for a more just and equitable Nation that celebrates diversity in all its forms and promotes the full inclusion of all individuals in our communities.

By joint resolution approved on October 6, 1964 (Public Law 88–628, as amended), the Congress designated October 15 of each year as White Cane Safety Day to recognize the contributions of Americans who are blind or have low vision.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim October 15, 2009, as White Cane Safety Day. I call upon all Americans to observe this day with appropriate ceremonies, activities, and programs.
IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8440 of October 19, 2009

National Character Counts Week, 2009

By the President of the United States of America
A Proclamation

In communities across America, people are working together to see our country through challenging times—educating our children, caring for the sick, and extending a hand to those in need. They remind us that the true character of our Nation is revealed by the good we do when the moment is challenging. During National Character Counts Week, we pay tribute to the men and women who are selflessly serving others, inspiring and encouraging younger generations to develop the compassion, dedication, and strength of character that is the mark of our great Nation.

Instilling sound character and a sense of responsibility in our children is critical to our country’s future. When we teach young people about time-honored values like integrity and humility, we promote good citizenship and civic virtues that will guide them through life and sustain our democracy. Parents play an integral role in cultivating the character of their children, and they must help them understand the consequences of poor choices and the rewards of healthy, sound decisions. Teachers, clergy, local leaders, and countless other volunteers can also be role models and mentors for America’s youth as they devote their time and energy to serving their communities. The brave members of our Armed Forces who sacrifice every day for our Nation are tremendous examples of strong character for us all to follow.

Throughout our history, the pursuit of our highest ideals—hard work, curiosity, tolerance, and patriotism—has been the quiet force behind our progress. As Americans, we must hold true to these fundamental values that have propelled us forward time and again to adapt and lead in an ever-changing world. National Character Counts week is an opportunity to recognize the depth of America’s character and to honor those who pass on our values to future generations.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 18 through October 24, 2009, as National Character Counts Week. I call upon public officials, educators, parents, students, and all Americans to observe this week with appropriate ceremonies, activities, and programs.
IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8441 of October 19, 2009

United Nations Day, 2009

By the President of the United States of America
A Proclamation

The United Nations was created 64 years ago by men and women from every corner of the world. These architects of international cooperation acted out of an idealism rooted in the hard-earned lessons of war. They had the wisdom to understand that nations could do far more to advance their interests by acting together than by letting themselves be split apart. The original 51 member nations were united around a commitment to peace, humanity, and justice.

Today, with 192 member states, the United Nations is the principle forum for all nations, large and small, to work in concert to meet the global challenges no nation can confront alone. The U.N. is vital to America’s efforts to create a better, safer world. Through peacekeeping missions that have saved so many lives and averted so many wars; lifesaving humanitarian work; critical development activities; and its unique legitimacy, the U.N. can function as a forum that brings all nations together.

The U.N. sometimes struggles to live up to its founding ideals, as it can only be effective if its member states choose to meet their own responsibilities. At its best, this indispensable, if imperfect, institution helps to resolve conflicts and rebuild shattered societies; to lay the foundations of democracy, human rights, and development; and to establish conditions in which people can live in dignity and mutual respect. The member states of the U.N. have an obligation to demonstrate the will and leadership to match the aspirations of all. Now is the time for all of us to assume our share of responsibility to meet global challenges.

Committed in our resolve to create a world our people deserve, we look to the future with confidence. As expressed in the founding values of the United Nations, we share a common security and are unified by our common humanity. This truth calls us to work cooperatively with nations from around the globe in the pursuit of peace, economic prosperity, and human opportunity.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim October 24, 2009, as United Nations Day. I urge the Governors of the 50 States, and the officials of all other areas under the flag of the United States to observe United Nations Day with appropriate ceremonies and activities.
IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8442 of October 23, 2009

National Forest Products Week, 2009

By the President of the United States of America
A Proclamation

America’s forests have helped spur the growth and development that has been indispensable to our Nation’s success. They have provided timber and water, as well as habitat for wildlife and opportunities for recreational activities. As a repository for renewable natural resources, forests have supplied the raw materials that have sustained us throughout our history. During National Forest Products Week, we recognize the value of our woodlands and commit ourselves to good stewardship and conservation practices that help us to responsibly manage our Nation’s forests.

As a renewable and recyclable resource, wood is one of our Nation’s most environmentally friendly building materials. Wood fiber is used throughout our daily lives, from the paper we write on to the offices where we work. We value the beauty of wood in our furniture, in our homes, and in artwork that surrounds us. Today, modern technology and stewardship practices by Federal, State, tribal, and private landowners have improved the way we manage our natural resources so that forests can meet the needs of current and future generations.

Forests are one of the foundations on which our Nation was formed; they are the backbone of our environment. This week, we recognize the value of forest products and the importance of their sustainable use to our lives.

To recognize the importance of products from our forests, the Congress, by Public Law 86–753 (36 U.S.C. 123), as amended, has designated the week beginning on the third Sunday in October of each year as National Forest Products Week and has authorized and requested the President to issue a proclamation in observance of this week.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim the week beginning on the third Sunday in October of each year as National Forest Products Week. I call on all Americans to celebrate the varied uses and products of our forested lands, as well as the people who carry on the tradition of careful stewardship of these precious natural resources for generations to come.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA
Proclamation 8443 of October 23, 2009

Declaration of a National Emergency With Respect to the 2009 H1N1 Influenza Pandemic

By the President of the United States of America
A Proclamation

On April 26, 2009, the Secretary of Health and Human Services (the “Secretary”) first declared a public health emergency under section 319 of the Public Health Service Act, 42 U.S.C. 247d, in response to the 2009 H1N1 influenza virus. The Secretary has renewed that declaration twice, on July 24, 2009, and October 1, 2009. In addition, by rapidly identifying the virus, implementing public health measures, providing guidance for health professionals and the general public, and developing an effective vaccine, we have taken proactive steps to reduce the impact of the pandemic and protect the health of our citizens. As a Nation, we have prepared at all levels of government, and as individuals and communities, taking unprecedented steps to counter the emerging pandemic. Nevertheless, the 2009 H1N1 pandemic continues to evolve. The rates of illness continue to rise rapidly within many communities across the Nation, and the potential exists for the pandemic to overburden health care resources in some localities. Thus, in recognition of the continuing progression of the pandemic, and in further preparation as a Nation, we are taking additional steps to facilitate our response.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, including sections 201 and 301 of the National Emergencies Act (50 U.S.C. 1601 et seq.) and consistent with section 1135 of the Social Security Act (SSA), as amended (42 U.S.C. 1320b–5), do hereby find and proclaim that, given that the rapid increase in illness across the Nation may overburden health care resources and that the temporary waiver of certain standard Federal requirements may be warranted in order to enable U.S. health care facilities to implement emergency operations plans, the 2009 H1N1 influenza pandemic in the United States constitutes a national emergency. Accordingly, I hereby declare that the Secretary may exercise the authority under section 1135 of the SSA to temporarily waive or modify certain requirements of the Medicare, Medicaid, and State Children’s Health Insurance programs and of the Health Insurance Portability and Accountability Act Privacy Rule throughout the duration of the public health emergency declared in response to the 2009 H1N1 influenza pandemic. In exercising this authority, the Secretary shall provide certification and advance written notice to the Congress as required by section 1135(d) of the SSA (42 U.S.C. 1320b–5(d)).

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA
Proclamation 8444 of October 30, 2009

Military Family Month, 2009

By the President of the United States of America

A Proclamation

No one pays a higher price for our freedom than members of our Nation’s military and their families. As sons and daughters, husbands and wives, and mothers and fathers are deployed, military families endure with exceptional resilience and courage. They provide our troops with invaluable encouragement and love, and serve our Nation in their own right. During Military Family Month, we honor the families of our Armed Forces and thank them for their dedication to our country.

Though only a small percentage of our Nation’s population, our troops bear the great responsibility of protecting our people. They, along with their families, serve us every day with courage and dignity. Ensuring that military families receive the respect they deserve and the support they have earned is a top priority for my Administration.

The strength of our Nation is measured not just by our success on the battlefield, but also by our ability to support those families who have made so many sacrifices for us. Time and again, military families have shown their heart in the face of adversity. We have a solemn obligation to ensure that while our men and women in uniform discharge their duties, we do all we can to promote and preserve the well-being of their families. We must also support the families of our wounded warriors and our fallen heroes who have paid the ultimate price for the freedoms we enjoy.

This month, we celebrate the tremendous contributions of military families, convey to them our deepest respect and appreciation, and recommit ourselves to their support.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2009 as Military Family Month. I call on all Americans to honor military families through private actions and public service for the tremendous contributions they make in the support of our service members and our Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA
National Adoption Month, 2009

By the President of the United States of America
A Proclamation

All children deserve a safe, loving family to protect and care for them. In America, thousands of young people are waiting for that opportunity. During National Adoption Month, we honor those families that have strengthened America through adoption, and we recommit to reducing the number of children awaiting adoption into loving families.

America is a country rich in resources and filled with countless caring men and women who hope to adopt. These individuals come from all walks of life, united in their commitment to love a child who is in need of the protective arms of a parent. We must do more to ensure that adoption is a viable option for them. By continually opening up the doors to adoption, and supporting full equality in adoption laws for all American families, we allow more children to find the permanent homes they yearn for and deserve.

This month, we also focus on children in foster care. These children are not in the system by their own choosing, but are forced into it by unfortunate or tragic circumstances. These young people have specific needs and require unique support. Federal, State, and local governments, communities, and individuals all have a role to play in ensuring that foster children have the resources and encouragement they need to realize their hopes and dreams.

The course of our future will depend on what we do to help the next generation of Americans succeed. This month, we celebrate those families brought together by adoption and renew our commitments to children in the foster care system.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2009 as National Adoption Month. I call upon all Americans to observe this month by reaching out to support and honor adoptive families, as well as to participate actively in efforts to find permanent homes for waiting children.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA
Proclamation 8446 of October 30, 2009

National Alzheimer’s Disease Awareness Month, 2009

By the President of the United States of America
A Proclamation

Every day, millions of American families experience the difficult reality of Alzheimer’s disease. The physical and emotional demands of caring for a loved one with Alzheimer’s can be overwhelming, but no one should face this disease alone. During National Alzheimer’s Disease Awareness Month, we recognize all those living with Alzheimer’s disease and honor the caregivers, including families and friends, who support them. We also renew our commitment to research that is improving treatments for this illness and may one day prevent it entirely.

Alzheimer’s disease is an irreversible and progressive brain disorder that slowly destroys memory and thinking skills. Symptoms usually appear after age 60, but many scientists now believe damage to the brain may begin decades earlier. Research conducted and supported by the National Institutes of Health and the Veterans Health Administration has shed light on these early effects and identified genetic risk factors for Alzheimer’s. Doctors are now able to start treatments earlier, slowing the loss of brain cells and the progression of debilitating physical and mental impairments.

As we seek hope for families struggling with Alzheimer’s disease, we must leave no avenue unexplored. Embryonic stem cells may hold the key for us to better understand, and possibly cure, some of our most devastating diseases and conditions. That is why I signed an Executive Order lifting the ban on Federal funding for embryonic stem cell research, with proper guidelines and strict oversight to prohibit abuse.

We must continue the urgent work of giving substance to hope for all who dream of a day when words like “terminal” and “incurable” are finally retired from our vocabulary. Until then, we must strive to ease the burden of every individual struggling to recall a spouse’s name; every parent unable to recognize a child’s face; and every family member or friend who brings them comfort and care.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2009 as National Alzheimer’s Disease Awareness Month. I call upon the people of the United States to observe this month with appropriate programs and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA
Proclamation 8447 of October 30, 2009

National Diabetes Month, 2009

By the President of the United States of America
A Proclamation

Diabetes directly affects the lives of millions of Americans and their families. While no cure exists, medical advancements are continually producing new, more effective treatments to control the disease. Individuals who manage their diabetes properly can lower their risk of complications and live productive, normal lives. During National Diabetes Month, we recommit to educating Americans about the warning signs of diabetes, and help those with the condition to mitigate the effects of this devastating disease.

The two common forms of diabetes are known as type 1 and type 2. Type 1 diabetes occurs when an individual’s immune system destroys insulin-producing cells. The outlook for those with type 1 diabetes has dramatically improved in the past few decades due to a host of innovations. Type 2 diabetes is the most prevalent form of diabetes, and usually affects individuals age 40 and older, and those who are overweight, inactive, or have a family history of the disease. Every day, 10 children in this country are diagnosed with type 2 diabetes—a staggering statistic that reflects the growing epidemic of obesity in our country.

Preventive care is the simplest way to avoid diabetes and its complications. A healthy diet, combined with daily exercise, has been shown to dramatically reduce incidence of this disease. African Americans, Latinos, and Native Americans, as well as the elderly, are at greater risk of developing diabetes over their lifetimes. As a Nation, we must ensure that all Americans know the warning signs of this disease, and if diagnosed, have access to affordable, quality medical care to help control it.

While diabetes is a complex and challenging disease, dedicated researchers continue to make important discoveries. This month, we honor those who have made these successes possible, support those who are battling diabetes, and rededicate ourselves to sustaining Federal investments in research and education programs that improve the prevention and treatment of this disease.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2009 as National Diabetes Month. I encourage citizens, medical institutions, Government and social service agencies, businesses, non-profit organizations, and other interested groups to join in activities that help prevent, treat, and manage diabetes.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA
Proclamation 8448 of October 30, 2009

National Family Caregivers Month, 2009

By the President of the United States of America
A Proclamation

The true strength of the American family finds its roots in an unwavering commitment to care for one another. In difficult times, Americans come together to ensure our loved ones are comfortable and safe. Whether caring for a parent, relative, or child, our Nation’s caregivers selflessly devote their time and energy to the well-being of those they look after. During National Family Caregivers Month, we honor the individuals providing essential services to family members who could not otherwise look after themselves.

Caregiver support is at the heart of my Administration’s commitment to assisting our Nation’s families. Currently, a variety of programs and services offer help and encouragement to family caregivers. The National Family Caregiver Support Program and the Lifespan Respite Care Act include important resources for caregivers of children and adults, with opportunities to receive much-needed assistance and take part in support programs with other families. These programs allow individuals to remain with their families for as long as possible while helping to ensure the wellness of participating care providers.

My Administration’s dedication to caregivers is also embodied in our efforts to develop policies to support workers trying to manage their responsibilities on the job and at home. Families are best able to care for their loved ones when they can take time away from work without fear of losing their job or their income. We all have roles to play, including employers, by providing paid leave, flexible work arrangements, and other programs when feasible, to help ensure that caregivers are able to successfully meet their work and household responsibilities.

Every day, family caregivers assist loved ones with tasks ranging from personal care and homemaking, to transportation and financial assistance. As the foundation of America’s long-term care system, these individuals give millions of Americans the peace of mind and security that only family can provide.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 2009 as National Family Caregivers Month. I encourage all Americans to pay tribute and support those who are caring for their family members, friends, and neighbors in need of assistance.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA
National Native American Heritage Month, 2009

By the President of the United States of America
A Proclamation

The indigenous peoples of North America—the First Americans—have woven rich and diverse threads into the tapestry of our Nation's heritage. Throughout their long history on this great land, they have faced moments of profound triumph and tragedy alike. During National Native American Heritage Month, we recognize their many accomplishments, contributions, and sacrifices, and we pay tribute to their participation in all aspects of American society.

This month, we celebrate the ancestry and time-honored traditions of American Indians and Alaska Natives in North America. They have guided our land stewardship policies, added immeasurably to our cultural heritage, and demonstrated courage in the face of adversity. From the American Revolution to combat missions in Iraq and Afghanistan, they have fought valiantly in defense of our Nation as dedicated servicemen and women. Their native languages have also played a pivotal role on the battlefield. During World Wars I and II, Native American code talkers developed unbreakable codes to communicate military messages that saved countless lives. Native Americans have distinguished themselves as inventors, entrepreneurs, spiritual leaders, and scholars. Our debt to our First Americans is immense, as is our responsibility to ensure their fair, equal treatment and honor the commitments we made to their forebears.

The Native American community today faces huge challenges that have been ignored by our Government for too long. To help address this disparity, the American Recovery and Reinvestment Act allocates more than $3 billion to help these communities deal with their most pressing needs. In the Fiscal Year 2010 budget, my Administration has proposed over $17 billion for programs carried out by the Bureau of Indian Affairs, Indian Health Service, and other Federal agencies that have a critical role to play in improving the lives of Native Americans. These programs will increase educational opportunities, address the scourge of alcohol abuse and domestic violence, promote economic development, and provide access to comprehensive, accessible, and affordable health care. While funding increases do not make up for past deficiencies, they do reflect our determination to honor tribal sovereignty and ensure continued progress on reservations across America.

As we seek to build on and strengthen our nation-to-nation relationship, my Administration is committed to ensuring tribal communities have a meaningful voice in our national policy debates as we confront the challenges facing all Americans. We will continue this constructive dialogue at the White House Tribal Nations Conference held in Washington, D.C., this month. Native American voices have echoed through the mountains, valleys, and plains of our country for thousands of years, and it is now our time to listen.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and
the laws of the United States, do hereby proclaim November 2009 as Na-
tional Native American Heritage Month. I call upon all Americans to com-
memorate this month with appropriate programs and activities, and to cele-
brate November 27, 2009, as Native American Heritage Day.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of
October, in the year of our Lord two thousand nine, and of the Independ-
ence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8450 of October 30, 2009

Veterans Day, 2009

By the President of the United States of America
A Proclamation

We have a sacred trust with those who wear the uniform of the United
States of America. From the Minutemen who stood watch over Lexington
and Concord to the service members who served in Iraq and Afghanistan,
American veterans deserve our deepest appreciation and respect. Our Na-
tion’s servicemen and women are our best and brightest, enlisting in times
of peace and war, serving with honor under the most difficult cir-
cumstances, and making sacrifices that many of us cannot begin to imagine.
Today, we reflect upon the invaluable contributions of our country’s vet-
erans and reaffirm our commitment to provide them and their families with
the essential support they were promised and have earned.

Caring for our veterans is more than a way of thanking them for their serv-
ice. It is an obligation to our fellow citizens who have risked their lives
to defend our freedom.

This selflessness binds our fates with theirs, and recognizing those who
were willing to give their last full measure of devotion for us is a debt of
honor for every American.

We also pay tribute to all who have worn the uniform and continue to
serve their country as civilians. Many veterans act as coaches, teachers, and
mentors in their communities, selflessly volunteering their time and expertise.
They visit schools to tell our Nation’s students of their experiences and
help counsel our troops returning from the theater of war. These men and
women possess an unwavering belief in the idea of America: no matter
where you come from, what you look like, or who your parents are, this
is a place where anything is possible. Our veterans continue to stand up
for those timeless American ideals of liberty, self-determination, and equal
opportunity.

On Veterans Day, we honor the heroes we have lost, and we rededicate
ourselves to the next generation of veterans by supporting our Soldiers,
Sailors, Airmen, Marines, and Coast Guardsmen as they return home from
duty. Our grateful Nation must keep our solemn promises to these brave
men and women and their families. They have given their unwavering de-
votion to the American people, and we must keep our covenant with them.
With respect for and in recognition of the contributions our servicemen and women have made to the cause of peace and freedom around the world, the Congress has provided (5 U.S.C. 6103(a)) that November 11 of each year shall be set aside as a legal public holiday to honor our Nation’s veterans.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim November 11, 2009, as Veterans Day. I encourage all Americans to recognize the valor and sacrifice of our veterans through appropriate public ceremonies and private prayers. I call upon Federal, State, and local officials to display the flag of the United States and to participate in patriotic activities in their communities. I call on all Americans, including civic and fraternal organizations, places of worship, schools, and communities to support this day with commemorative expressions and programs.

IN WITNESS WHEREOF, I have hereunto set my hand this thirtieth day of October, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8451 of November 6, 2009

Honoring the Victims of the Tragedy at Fort Hood, Texas

By the President of the United States of America
A Proclamation

Our Nation’s thoughts and prayers are with the service members, civilians, and families affected by the tragic events at Fort Hood, Texas. The brave victims, who risked their lives to protect their fellow countrymen, serve as a constant source of strength and inspiration to all Americans. We ask God to watch over the fallen, the wounded, and all those who are suffering at this difficult hour.

As a mark of respect honoring the victims of the tragedy at Fort Hood, Texas, I hereby order, by the authority vested in me by the Constitution and the laws of the United States of America, that the flag of the United States shall be flown at half-staff at the White House and upon all public buildings and grounds, at all military posts and naval stations, and on all naval vessels of the Federal Government in the District of Columbia and throughout the United States and its Territories and possessions until sunset, Tuesday, November 10, 2009. I also direct that the flag shall be flown at half-staff for the same length of time at all United States embassies, legations, consular offices, and other facilities abroad, including all military facilities and naval vessels and stations.

IN WITNESS WHEREOF, I have hereunto set my hand this sixth day of November, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA
World Freedom Day, 2009

By the President of the United States of America
A Proclamation

Twenty years ago today, the Wall came down in Berlin and both a country and a continent came together. After thousands of East Berliners flooded through checkpoints into West Berlin, border restrictions dissolved across Eastern Bloc countries. The Iron Curtain that divided Europe for decades finally fell, ushering in a new era of freedom and cooperation. On this anniversary, we are reminded that no challenge is too great for a world united in common purpose.

After the Berlin Wall fell, oppressive regimes across the globe gave way. From Kiev to Cape Town, prison camps closed and democracy’s doors were unlocked for millions who had known only tyranny. Markets opened too, spreading information and technology that empowered once-insolvent nations to achieve prosperity. Twenty years later, our world is more interconnected than at any time in human history, giving rise to new opportunities for shared progress.

Today, the barriers that challenge our world are not walls of cement and iron, but ones of fear, irresponsibility, and indifference. History reminds us that such walls can be torn down, but where they still exist we must work with all nations to strengthen civil societies, support democratic institutions and the rule of law, and promote free and fair electoral processes. Upholding these principles into the 21st century will require America’s enduring commitment and steady leadership.

From our first days as a Nation, Americans have felt a sense of urgency and determination to promote liberty and release the potential within each individual to contribute to the common good. On World Freedom Day, we celebrate the thriving democracies of Central and Eastern Europe, and we honor their citizens’ right to choose their own destinies and contribute to their nations’ future success.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 9, 2009, as World Freedom Day. I call upon the people of the United States to observe this day in fellowship with other nations and people of the world with appropriate ceremonies and activities, reaffirming our dedication to freedom and democracy.

IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of November, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA
America Recycles Day, 2009

By the President of the United States of America
A Proclamation

Every day, Americans who recycle conserve valuable resources while reducing our Nation’s carbon footprint. The reprocessing of materials is fundamental to our future prosperity, as recycling helps preserve our natural environment and sustain our economy. Recycling in the United States is a $236 billion industry, employing 1.1 million workers nationwide in 56,000 businesses. On America Recycles Day, we celebrate the individuals, communities, local governments, and businesses that recycle their waste and continually think of innovative ways to use materials that might otherwise be discarded.

Recycling improves our daily lives and helps to protect our planet for the future. Through recycling, we conserve energy, consume less of our precious natural resources, decrease the amount of waste deposited in landfills, and reduce greenhouse gas emissions. Communities across America also benefit by avoiding the pollution associated with the extraction of raw materials and their processing into finished products.

If we are to manage materials and products on a life-cycle basis, we must responsibly use and reuse our resources. Curbside recycling, electronics collection drives, community composting programs, and other similar methods contribute to the success of our efforts. Our Nation’s health and prosperity depends on the productive and sustainable use of our environment. By recommitting ourselves to recycling, we have the opportunity to secure our long-term success and ensure a bright future for the next generation of Americans.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 15, 2009, as America Recycles Day. I call upon the people of the United States to observe this day with appropriate programs and activities, and I encourage all Americans to continue their recycling efforts throughout the year.

IN WITNESS WHEREOF, I have hereunto set my hand this thirteenth day of November, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA
Proclamations

Proclamation 8454 of November 19, 2009

National Entrepreneurship Week, 2009

By the President of the United States of America

A Proclamation

Throughout our history, American entrepreneurs have been an effective force for innovation at home and around the world. From the airplane to the Internet search engine to new tractors, they have pioneered technologies, products, and processes that have improved lives and shaped the course of our future. Today, they are fueling our economy with their creativity, tireless work ethic, and risk-taking spirit. During National Entrepreneurship Week, we renew our commitment to supporting American entrepreneurs, including social entrepreneurs, who are spreading opportunity and prosperity across our Nation.

Entrepreneurs are the engine of job creation in America, generating millions of good jobs. Many begin with nothing more than a good idea, and translate new products and services into vibrant businesses. To secure our Nation’s future prosperity, we must ensure that our entrepreneurs have the tools they need to survive and thrive.

My Administration is working to provide opportunities and conditions for entrepreneurs to succeed. We are supporting the flow of credit by increasing loan guarantees and reducing borrowing fees to help more Americans start businesses. We also made the Research and Experimentation Tax Credit permanent to help burgeoning companies afford the high costs of developing new products and technologies. The recently formed Office of Innovation and Entrepreneurship at the Department of Commerce is building on these efforts with new policies and initiatives to unleash creativity and innovation, as well as turn inspired ideas into new employment-generating businesses.

Our Nation led the world’s economies in the 20th century because we led the world in innovation. To strengthen our position in the 21st century, we must rededicate ourselves to harnessing the creative spirit that has made America great.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 16 through November 22, 2009, as National Entrepreneurship Week. I call upon all Americans to recognize the important contributions of entrepreneurs to our economy.

IN WITNESS WHEREOF, I have hereunto set my hand this nineteenth day of November, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA
Our Nation’s farm and ranch families supply many of the basic necessities of our daily life. They manage a large portion of our country’s fertile land base, and they are caretakers of our valuable natural resources and diverse ecosystems. Their connections with urban and suburban communities are critical to our economy and to the nourishment of our people. During National Farm-City Week, we express gratitude for the contributions of our Nation’s farmers and ranchers, and we rededicate ourselves to providing all Americans with access to healthy food, and thus, a healthy future.

Pioneered by Native Americans, agriculture was our Nation’s first industry. For agriculture to thrive in the 21st century, we must continue to cultivate the relationships between farmers and rural businesses and their partners and customers in cities and towns. American farmers and ranchers are proud to grow the food, feed, fuel, and fiber that enhance our national security and prosperity, and remain steadfast stewards of the land they love. We must ensure that farming is maintained as an economically, socially, and environmentally sustainable way of life for future generations.

This Thanksgiving season, we celebrate farms of every size that produce fruits, vegetables, dairy, and livestock indispensable to the health of our families. We also recognize the vital ties between our urban and suburban communities and their local farmers through regional food systems, farmers markets, and community gardens. During National Farm-City Week, we celebrate the bounty of America, and we honor the commitment of those who grow, harvest, and deliver agricultural goods to feed our country and grow our economy.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim the week ending on Thanksgiving Day of each year as National Farm-City Week. I call on Americans as they gather with their families and friends to reflect on the accomplishments of all who dedicate their lives to promoting our Nation’s agricultural abundance and environmental stewardship.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of November, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA
Proclamation 8456 of November 20, 2009

National Family Week, 2009

By the President of the United States of America

A Proclamation

American families are the foundation on which our Nation is built. Their expressions of unconditional love and dedication sustain family members and support our Nation’s communities. During National Family Week, we celebrate the inclusive spirit of American families and applaud the commitment of those family members who encourage us to reach new heights.

My Administration is committed to helping American families meet the demands of modern life, increase their self-sufficiency, and achieve their full potential. Ten days after taking office, I established the White House Task Force on Middle Class Working Families, led by Vice President Biden. This Task Force is focused on raising the living standards of working families across the country. In addition, the American Recovery and Reinvestment Act provides a broad spectrum of support to families experiencing difficult times. It boosts child care and Head Start programs, essential not only to a child’s future but also a parent’s peace of mind in the workplace. Health care reform will provide security and stability for American families with insurance and affordable options for uninsured Americans.

As we continue to grow as a Nation, we must also be engaged members of our larger family, composed of our neighbors, our colleagues, and the community where we live. We must appreciate the diversity of other families’ traditions; we must reach out to help families in need; and we must take more responsibility for the care and development of all children, not just our own.

In this season of Thanksgiving, we are grateful that, at our best, America is a collection of strong families, standing united to make our Nation a place of hope and opportunity for future generations.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 22 through November 28, 2009, as National Family Week. I invite States, local communities, and individuals to join together in observing this week with appropriate ceremonies and activities to honor our Nation’s families.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of November, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

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America’s children deserve every opportunity to reach their fullest potential, and it is our responsibility to ensure they have the tools required to grow and flourish. This includes providing our young people with access to affordable, high-quality health care and an education that both informs and inspires. On National Child’s Day, we celebrate the promise living within every child.

Ensuring the health and well-being of our Nation’s children is one of our highest responsibilities. I was proud to sign the reauthorization of the Children’s Health Insurance Program (CHIP), extending health care to millions of young Americans who were previously uninsured. When given proper nutrition and medical care, healthy children can become productive, healthy adults.

My Administration is also committed to giving our children the educational support necessary for their development and future success. That is why we announced our Race to the Top award program, which challenges States to compete for over $4 billion in grants designed to spur systemic reform and embrace innovative approaches to teaching and learning in America’s schools. If we are willing to come together and embrace a spirit of common purpose, our schools will perform better and our students will reach farther.

Across America, countless individuals selflessly provide their time and energy in our homes, schools, and community organizations to ensure our sons and daughters may one day realize their dreams. Today, we recommit ourselves to the vision of our founders to give all our children a fair chance and an equal start in life.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim November 22, 2009, as National Child’s Day. I call upon all citizens to observe this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of November, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA
Proclamations Proc. 8458

Proclamation 8458 of November 20, 2009

Thanksgiving Day, 2009

By the President of the United States of America

A Proclamation

What began as a harvest celebration between European settlers and indigenous communities nearly four centuries ago has become our cherished tradition of Thanksgiving. This day's roots are intertwined with those of our Nation, and its history traces the American narrative.

Today, we recall President George Washington, who proclaimed our first national day of public thanksgiving to be observed “by acknowledging with grateful hearts the many and signal favors of Almighty God,” and President Abraham Lincoln, who established our annual Thanksgiving Day to help mend a fractured Nation in the midst of civil war. We also recognize the contributions of Native Americans, who helped the early colonists survive their first harsh winter and continue to strengthen our Nation. From our earliest days of independence, and in times of tragedy and triumph, Americans have come together to celebrate Thanksgiving.

As Americans, we hail from every part of the world. While we observe traditions from every culture, Thanksgiving Day is a unique national tradition we all share. Its spirit binds us together as one people, each of us thankful for our common blessings.

As we gather once again among loved ones, let us also reach out to our neighbors and fellow citizens in need of a helping hand. This is a time for us to renew our bonds with one another, and we can fulfill that commitment by serving our communities and our Nation throughout the year. In doing so, we pay tribute to our country’s men and women in uniform who set an example of service that inspires us all. Let us be guided by the legacy of those who have fought for the freedoms for which we give thanks, and be worthy heirs to the noble tradition of goodwill shown on this day.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim Thursday, November 26, 2009, as a National Day of Thanksgiving. I encourage all the people of the United States to come together, whether in our homes, places of worship, community centers, or any place where family, friends and neighbors may gather, with gratitude for all we have received in the past year; to express appreciation to those whose lives enrich our own; and to share our bounty with others.

IN WITNESS WHEREOF, I have hereunto set my hand this twentieth day of November, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA
Our Nation joins the world in celebrating the extraordinary advancements we have made in the battle against HIV and AIDS, and remembering those we have lost. Over the past three decades, brave men and women have fought devastating discrimination, stigma, doubt, and violence as they stood in the face of this deadly disease. Many of them would not be here today, but for the dedication of other persons living with HIV, their loved ones and families, community advocates, and members of the medical profession. On World AIDS Day, we rededicate ourselves to developing a national AIDS strategy that will establish the priorities necessary to combat this devastating epidemic at home, and to renewing our leadership role and commitments abroad.

Though we have been witness to incredible progress, our struggle against HIV/AIDS is far from over. With an infection occurring every nine-and-a-half minutes in America, there are more than one million individuals estimated to be living with the disease in our country. Of those currently infected, one in five does not know they have the condition, and the majority of new infections are spread by people who are unaware of their own status. HIV/AIDS does not discriminate as it infiltrates neighborhoods and communities. Americans of any gender, age, ethnicity, income, or sexual orientation can and are contracting the disease.

Globally, there are over 33 million people living with HIV. While millions have died from this disease, the death rate is slowly declining due, in part, to our Nation's global effort through the President's Emergency Plan for AIDS Relief (PEPFAR) program. However, HIV remains a leading cause of death worldwide. Women and children around the world are particularly vulnerable due to gender inequalities, gaps in access to services, and increases in sexual violence. While the statistics are distressing, new medications and scientific advancements give us reason for hope.

Tackling this disease will take an aggressive, steadfast approach. My Administration is developing a national HIV/AIDS strategy to bolster our response to the domestic epidemic, and a global health initiative that will build on PEPFAR's success. We will develop a strategy to reduce HIV incidence, improve access to care, and help eliminate HIV-related health disparities. We have already ensured that visitors to our shores living with HIV are not marginalized and discriminated against because of their HIV status. We have also secured the continuation of critical HIV/AIDS care and treatment services. Today, we recommit ourselves to building on the accomplishments of the past decades that have dramatically changed the domestic and global HIV/AIDS landscape.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim December 1, 2009, as World AIDS Day. I urge the Governors of the States and the territories subject to the jurisdiction of the United States, and the American people to
Proclamations

Proclamation 8460 of November 25, 2009

AIDS

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-fifth day of November, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8460 of December 2, 2009

Critical Infrastructure Protection Month, 2009

By the President of the United States of America
A Proclamation

Critical infrastructure protection is an essential element of a resilient and secure nation. Critical infrastructure are the assets, systems, and networks, whether physical or virtual, so vital to the United States that their incapacitation or destruction would have a debilitating effect on security, national economic security, public health or safety. From water systems to computer networks, power grids to cellular phone towers, risks to critical infrastructure can result from a complex combination of threats and hazards, including terrorist attacks, accidents, and natural disasters. During Critical Infrastructure Protection Month, we pledge to work together to shelter our communities from the harm of uncertain threats.

My Administration is committed to ensuring our country’s essential resources are safe and capable of recovering from disruptive incidents. The Department of Homeland Security is leading a coordinated national program to reduce risks and improve our national preparedness, timely response, and rapid recovery in the event of an attack, natural disaster, or other emergency. The Department, in collaboration with other Federal stakeholders, State, local, and tribal governments, and private sector partners, has developed the National Infrastructure Protection Plan (NIPP) to establish a framework for securing our resources and maintaining their resilience from all hazards during an event or emergency.

During Critical Infrastructure Protection Month, we rededicate ourselves to safeguarding and strengthening our Nation’s infrastructure. Additionally, members of the public and private sectors should work with their appropriate State, regional, and local authorities to engage in critical infrastructure protection activities being coordinated across the country. Americans can learn more about the NIPP and its partnership framework by visiting: www.dhs.gov/criticalinfrastructure.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim December 2009 as Critical Infrastructure Protection Month. I call upon the people of the United
States to recognize the importance of partnering to protect our Nation’s resources and to observe this month with appropriate events and training to enhance our national security and resilience.

IN WITNESS WHEREOF, I have hereunto set my hand this second day of December, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8461 of December 2, 2009

National Impaired Driving Prevention Month, 2009

By the President of the United States of America

A Proclamation

Every day, people put themselves and their fellow Americans in danger on our Nation’s roadways when they drive after consuming alcohol or after using legal and illegal drugs. During this holiday season, we must all be especially vigilant in protecting our families, friends, and neighbors from drivers who are under the influence of drugs or alcohol.

Although we have succeeded in decreasing the number of drunk drivers in recent years, we have seen a disturbing increase in Americans driving under the influence of drugs.

Operating a vehicle under the influence of drugs poses the same risks as drunk driving, and we must do more to stop this growing epidemic. Families, businesses, community organizations, and faith-based groups can promote substance abuse prevention as well as alternative sources of transportation for those under the influence of drugs or alcohol. Each of us can save lives in our own communities by encouraging our fellow citizens to drive responsibly.

My Administration is working hard to prevent impaired driving. The Department of Transportation’s National Highway Traffic Safety Administration is again sponsoring the campaign known as “Drunk Driving. Over the Limit. Under Arrest.” This effort involves thousands of law enforcement agencies across America. Police will expand their efforts during the high-risk travel period between December 16, 2009, and January 3, 2010 to ensure that impaired drivers are stopped and arrested.

During National Impaired Driving Prevention Month, we are reminded of the importance of driving free from the influence of alcohol and drugs, and we renew our commitment to preventing the senseless loss of life that too often results from this irresponsible behavior. By working together, we can make our Nation’s roadways safer for all Americans.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim December 2009 as National Impaired Driving Prevention Month. I urge all Americans to make responsible decisions and take appropriate measures to prevent impaired driving.
IN WITNESS WHEREOF, I have hereunto set my hand this second day of December, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8462 of December 2, 2009

International Day of Persons With Disabilities, 2009

By the President of the United States of America
A Proclamation

This year, in an effort to renew our global commitment to human rights and fundamental freedoms for persons with disabilities, the United States became a proud signatory of the United Nations Convention on the Rights of Persons with Disabilities. This treaty represents a paradigm shift, urging equal protection and benefits for all citizens, and reaffirming the inherent dignity and independence of the 650 million people living with disabilities worldwide. Today, as we commemorate the International Day of Persons with Disabilities, we celebrate the skills, achievements, and contributions of persons with disabilities in America and around the world. We recognize the progress we have made toward equality for all, and we rededicate ourselves to ensuring individuals with disabilities can reach their greatest potential.

Despite our increased efforts, persons with disabilities continue to face barriers to their full participation in society. In the United States, Americans with disabilities still experience discrimination in the workplace and in their communities. In developing nations, 90 percent of children with disabilities do not attend school, and women and girls with disabilities are all too often subjected to deep discrimination. If we are to move forward as a people, both at home and abroad, all individuals must be fully integrated into our human family.

The International Day of Persons with Disabilities is a time to renew our commitment to the principles of empowerment, dignity, and equality. The United States has co-sponsored and joined consensus on the United Nations General Assembly Third Committee’s resolution titled, “Realizing the Millennium Development Goals for Persons with Disabilities.” We must continue to embrace diversity and reject discrimination in all its forms, and insist on equality of opportunity and accessibility for all. Let our efforts remind us that when we work together, we can build a world free of unnecessary barriers and include every member of our international community.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim December 3, 2009, as International Day of Persons with Disabilities. I call on all Americans to observe this day with appropriate ceremonies, activities, and programs.
IN WITNESS WHEREOF, I have hereunto set my hand this second day of December, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8463 of December 4, 2009

National Pearl Harbor Remembrance Day, 2009

By the President of the United States of America
A Proclamation

President Franklin D. Roosevelt declared December 7, 1941, a “date which will live in infamy.” With over 3,500 Americans killed or wounded, the surprise attack by the Imperial Japanese on Pearl Harbor was an attempt to break the American will and destroy our Pacific Fleet. They succeeded in doing neither. On National Pearl Harbor Remembrance Day, we pay tribute to the brave men and women who made the ultimate sacrifice for our country, and we honor all those who selflessly served our Nation at home and abroad during World War II.

On a tranquil Sunday morning, as war raged around the globe, the attack on Pearl Harbor effectively ended American isolation—thrusting our Nation into action. Japanese airplanes had launched an unprovoked assault on our military with immense firepower, and our service members valiantly answered the call. They defended their positions, fought back against the attackers, and cared for the wounded. In that darkest hour, men and women who had considered themselves ordinary found within themselves the ability to do something extraordinary. And in the months and years that followed, Americans all across the country would respond to Pearl Harbor with firm resolve, many joining our Armed Forces to defend our shores and our freedom.

This courage is not uncommon in the story of America—a story of heroes whose sacrifice and valor speak to their love of comrades and country; and whose goodness guides our quest for lasting peace. Today, and every day, we draw strength from the moment when the best among us defended an island and a Nation from the onslaught of tyranny, and forever altered the course of our history.

The Congress, by Public Law 103–308, as amended, has designated December 7 of each year as “National Pearl Harbor Remembrance Day.”

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim Monday, December 7, 2009, as National Pearl Harbor Remembrance Day. I encourage all Americans to observe this solemn day of remembrance with appropriate ceremonies and activities. I urge all Federal agencies and interested organizations, groups, and individuals to fly the flag of the United States at half-staff this December 7 in honor of those American patriots who died as a result of their service at Pearl Harbor.
IN WITNESS WHEREOF, I have hereunto set my hand this fourth day of December, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8464 of December 9, 2009


By the President of the United States of America
A Proclamation

More than 60 years ago, the United Nations General Assembly approved the Universal Declaration of Human Rights, declaring the “inherent dignity” and “equal and inalienable rights” of all human beings as the “foundation of freedom, justice and peace in the world.” This self-evident truth guides us today. Although every country and culture is unique, certain rights are universal: the freedom of people—including women and ethnic and religious minorities—to live as they choose, speak their minds, organize peacefully and have a say in how they are governed, with confidence in the rule of law. History shows that countries that protect these rights are ultimately more stable, secure, and successful.

In the United States, these fundamental rights are the core of our Declaration of Independence, our Constitution, and our Bill of Rights. They are the values that define us as a people, the ideals that challenge us to perfect our union, and the liberties that generations of Americans have fought to preserve at home and abroad. Indeed, fidelity to our fundamental values is one of America’s greatest strengths and the reason we stand in solidarity with those who seek these rights, wherever they live.

Human Rights Day, Bill of Rights Day, and Human Rights Week must be our call to action. As Americans, we must keep striving to live up to our founding ideals. As a Nation, the United States will always side with the innocent whose rights are denied, the oppressed who yearn for equality, and all those around the world who strive for freedom. As members of what President Franklin Roosevelt called “the human community,” we will never waver in our pursuit of the rights, dignity, and security of every human being.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim December 10, 2009, as Human Rights Day; December 15, 2009, as Bill of Rights Day; and the week beginning December 10, 2009, as Human Rights Week. I call upon the people of the United States to mark these observances with appropriate ceremonies and activities.
IN WITNESS WHEREOF, I have hereunto set my hand this ninth day of December, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8465 of December 15, 2009

65th Anniversary of the Battle of the Bulge, 2009

By the President of the United States of America
A Proclamation

In December 1944, a brave band of American soldiers, stationed in the Ardennes Forest region on the Western Front of Europe, who were surrounded, poorly supplied and surviving in brutally cold conditions, took the brunt of a furious German assault. Their valor defined not just the beginning of the end of a World War, but also one of the greatest generations of Americans. Like patriots before them, they stood resolute, confident in their training, and determined to preserve those enduring American ideals of freedom and justice. On the 65th Anniversary of the Battle of the Bulge, a grateful Nation remembers the fallen who gave their lives in that critical battle, and we pay tribute to the heroes whose indomitable strength led to victory in World War II.

When asked about the Battle of the Bulge, British Prime Minister Sir Winston Churchill remarked, “This is undoubtedly the greatest American battle of the war and will, I believe, be regarded as an ever-famous American victory.” Confronting not just the advancing German Army, but the elements, American service members withstood the assault and eventually repelled the Nazi forces, but at tremendous cost in lives and wounded soldiers.

On this anniversary, we reflect on the enduring commitment of our Armed Forces in defending our liberty, as inspiring today as it was in 1944. The discipline and courage displayed in the Battle of the Bulge continues in Iraq, Afghanistan, and wherever our men and women in uniform are serving. They represent the best of our Nation and we are eternally grateful for their service and sacrifice.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim Wednesday, December 16, 2009, as the 65th Anniversary of the Battle of the Bulge. I encourage all Americans to observe this solemn day of remembrance with appropriate ceremonies and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this fifteenth day of December, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA
Proclamation 8466 of December 16, 2009

Wright Brothers Day, 2009

By the President of the United States of America

A Proclamation

For 12 seconds on December 17, 1903, a wooden aircraft took to the skies above Kitty Hawk, North Carolina, lifting two brothers from Dayton, Ohio, to their place in history. Their singular triumph triggered a revolution in transportation that would bridge the vast distances between continents and forever alter our world. Today, we honor the enduring American spirit of creativity and innovation that made the Wright Brothers’ maiden flight possible.

Self-taught and financed by the proceeds of their bicycle shop, the Wright Brothers’ success embodies our Nation’s proud tradition of entrepreneurship. In pursuit of the ageless dream of controlled flight, they persevered through great challenges. Early design failures, a skeptical public, and the sheer danger of their endeavors often tempted the brothers to quit, but they forged ahead with firm resolve and bold experimentation to complete their ascent to greatness.

In these challenging times, the story of Orville and Wilbur Wright reminds us of what can be accomplished when imagination is joined with tenacity. Their spirit lives on in every garage and basement workshop where American innovators still tinker, invent, and discover. The next Wright Brothers are among us today, working tirelessly toward a breakthrough that will spark a new industry and improve countless lives.

We must do all we can to support our Nation’s entrepreneurs. As we work toward a bright future powered by cutting-edge ideas and new technologies, we celebrate this day by looking back to the Wright Brothers, whose achievements affirm the limitless potential of American ingenuity.

The Congress, by a joint resolution approved December 17, 1963, as amended (77 Stat. 402; 36 U.S.C. 143), has designated December 17 of each year as “Wright Brothers Day” and has authorized and requested the President to issue annually a proclamation inviting the people of the United States to observe that day with appropriate ceremonies and activities.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, do hereby proclaim December 17, 2009, as Wright Brothers Day.

IN WITNESS WHEREOF, I have hereunto set my hand this sixteenth day of December, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA
Title 3—The President

Proclamation 8467 of December 23, 2009

To Modify Duty-Free Treatment Under the Generalized System of Preferences, and for Other Purposes

By the President of the United States of America

A Proclamation

1. Sections 501(1) and (4) of the Trade Act of 1974, as amended (the “1974 Act”) (19 U.S.C. 2461(1) and (4)), provide that, in affording duty-free treatment under the Generalized System of Preferences (GSP), the President shall have due regard for, among other factors, the effect such action will have on furthering the economic development of a beneficiary developing country and the extent of the beneficiary developing country’s competitiveness with respect to eligible articles. Section 502(c)(2) of the 1974 Act (19 U.S.C. 2462(c)(2)) provides that, in determining whether to designate any country as a beneficiary developing country for purposes of the GSP, the President shall take into account various factors, including the country’s level of economic development, the country’s per capita gross national product, the living standards of its inhabitants, and any other economic factors he deems appropriate. Section 502(d) of the 1974 Act (19 U.S.C. 2462(d)) authorizes the President to withdraw, suspend, or limit the application of duty-free treatment under the GSP with respect to any country after considering the factors set forth in sections 501 and 502(c) of the 1974 Act. Section 502(f)(2) of the 1974 Act (19 U.S.C. 2462(f)(2)) requires the President to notify the Congress and the affected country, at least 60 days before termination, of the President’s intention to terminate the affected country’s designation as a beneficiary developing country for purposes of the GSP.

2. Section 502(e) of the 1974 Act (19 U.S.C. 2462(e)) provides that the President shall terminate the designation of a country as a beneficiary developing country if the President determines that such country has become a “high income” country as defined by the official statistics of the International Bank for Reconstruction and Development. Termination is effective on January 1 of the second year following the year in which such determination is made.

3. Pursuant to section 502(e) of the 1974 Act, I have determined that Croatia has become a “high income” country, and I am terminating the designation of that country as a beneficiary developing country for purposes of the GSP, effective January 1, 2011.

4. Pursuant to section 502(e) of the 1974 Act, I have determined that Equatorial Guinea has become a “high income” country, and I am terminating the designation of that country as a beneficiary developing country for purposes of the GSP, effective January 1, 2011.

5. Section 502(a)(2) (19 U.S.C. 2462(a)(2)) of the 1974 Act provides that the President may designate any beneficiary developing country as a least-developed beneficiary developing country for purposes of the GSP, based on the considerations in sections 501 and 502(c) of the 1974 Act (19 U.S.C. 2461 and 19 U.S.C. 2462(c)).
6. Pursuant to section 502(d)(1) of the 1974 Act, and having considered the factors set forth in sections 501 and 502(c) of the 1974 Act, I have determined that Cape Verde should be removed from the list of least-developed beneficiary countries.

7. In Proclamation 8272 of June 30, 2008, the President determined that Trinidad and Tobago had become a “high income” country, and the designation of Trinidad and Tobago as a beneficiary developing country for purposes of the GSP shall be terminated, effective January 1, 2010. I have determined that technical rectifications should be made to the Harmonized Tariff Schedule of the United States (HTS) to reflect that determination.

8. Pursuant to sections 501 and 502(a)(1) of the 1974 Act, the President is authorized to designate countries as beneficiary developing countries for purposes of the GSP and to provide duty-free treatment for eligible articles from beneficiary developing counties.

9. In Proclamation 6813 of July 28, 1995, the President suspended the designation of the Republic of Maldives (Maldives) as a beneficiary developing country under the GSP.

10. Pursuant to sections 501 and 502(a) of the 1974 Act, and taking into account the factors set forth in sections 501 and 502(c), I have determined that it is appropriate to terminate the suspension of preferential treatment under the GSP for articles that are currently eligible for such treatment and that are imported from Maldives and to redesignate Maldives as a beneficiary developing country for purposes of the GSP.


12. Section 4(b) of the USIFTA Act provides that, whenever the President determines that it is necessary to maintain the general level of reciprocal and mutually advantageous concessions with respect to Israel provided for by the USIFTA, the President may proclaim such withdrawal, suspension, modification, or continuance of any duty, or such continuance of existing duty-free or excise treatment, or such additional duties as the President determines to be required or appropriate to carry out the USIFTA.

13. In order to maintain the general level of reciprocal and mutually advantageous concessions with respect to agricultural trade with Israel, on July 27, 2004, the United States entered into an agreement with Israel concerning certain aspects of trade in agricultural products during the period January 1, 2004, through December 31, 2008 (the “2004 Agreement”).

14. In Presidential Proclamation 7826 of October 4, 2004, consistent with the 2004 Agreement, the President determined, pursuant to section 4(b) of the USIFTA Act, that it was necessary in order to maintain the general level of reciprocal and mutually advantageous concessions with respect to Israel provided for by the USIFTA, to provide duty-free access into the United States through December 31, 2008, for specified quantities of certain agricultural products of Israel.
15. On December 10, 2008, the United States entered into an agreement with Israel to extend the period that the 2004 Agreement is in force through December 31, 2009, to allow additional time for the two governments to conclude an agreement to replace the 2004 Agreement.

16. In Presidential Proclamation 8334 of December 31, 2008, the President determined that it was necessary in order to maintain the general level of reciprocal and mutually advantageous concessions with respect to Israel provided for by the USIFTA to extend such duty-free treatment through December 31, 2009. In Proclamation 8334, the President modified the HTS to provide duty-free access into the United States through December 31, 2009, for specified quantities of certain agricultural products of Israel. In Proclamation 8405 of August 31, 2009, I further modified the HTS to provide the intended tariff treatment.

17. On December 6, 2009, the United States entered into a further agreement with Israel to extend the period that the 2004 Agreement is in force through December 31, 2010, to allow for further negotiations on an agreement to replace the 2004 Agreement.

18. Pursuant to section 4(b) of the USIFTA Act, I have determined that it is necessary, in order to maintain the general level of reciprocal and mutually advantageous concessions with respect to Israel provided for by the USIFTA, to provide duty-free access into the United States through the close of December 31, 2010, for specified quantities of certain agricultural products of Israel.

19. Presidential Proclamation 6641 of December 15, 1993, implemented the North American Free Trade Agreement (NAFTA) with respect to the United States and, pursuant to the North American Free Trade Agreement Implementation Act (the ‘NAFTA Implementation Act’) (Public Law 103–182), incorporated in the HTS the schedule of duty reductions and rules of origin necessary or appropriate to carry out the NAFTA.

20. Section 202 of the NAFTA Implementation Act (19 U.S.C. 3332) provides rules for determining whether goods imported into the United States originate in the territory of a NAFTA party and thus are eligible for the tariff and other treatment contemplated under the NAFTA.

21. Presidential Proclamation 8405 of August 31, 2009, modified the HTS to provide for modifications to the rules of origin under the NAFTA. I have determined that technical corrections to the HTS are necessary to provide for the intended rules of origin.

22. Presidential Proclamation 7747 of December 30, 2003, implemented the United States-Singapore Free Trade Agreement (USSFTA) with respect to the United States, including certain rules for determining whether a good is an originating good for the purposes of implementing tariff treatment under the USSFTA. I have determined that certain rules of origin under the USSFTA were inadvertently deleted in the HTS and that technical rectifications to the HTS are necessary to restore the intended rules of origin.

23. Presidential Proclamation 7746 of December 30, 2003, implemented the United States-Chile Free Trade Agreement (USCFTA) with respect to the United States, including certain rules for determining whether a good is an originating good for the purposes of implementing tariff treatment under the USCFTA. I have determined that technical corrections to the HTS are necessary to provide for the intended rules of origin.
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25. Presidential Proclamations 8097 of December 29, 2006, and 8240 of April 17, 2008, modified the HTS pursuant to section 1206(a) of the Omnibus Trade and Competitiveness Act of 1988 (19 U.S.C. 3006(a)) to conform it to amendments in the International Convention on the Harmonized Commodity Description and Coding System (the "Convention"). They contained certain modifications that affected the rules of origin under the Andean Trade Preference Act. Modifications to the HTS are necessary to conform the rules of origin for certain yarns described in section 204(b)(3)(B)(vi)(IV) of the Andean Trade Preference Act to the Convention. I have determined that additional conforming changes to the HTS are necessary to provide for the intended rules of origin under the CAFTA-DR.

26. Section 604 of the 1974 Act (19 U.S.C. 2483) authorizes the President to embody in the HTS the substance of the relevant provisions of that Act, and of other Acts affecting import treatment, and actions thereunder, including the removal, modification, continuance, or imposition of any rate of duty or other import restriction.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to title V and section 604 of the 1974 Act and section 4 of the USIFTA Act, do proclaim that:

(1) The designation of Croatia as a beneficiary developing country for purposes of the GSP is terminated, effective on January 1, 2011.

(2) In order to reflect this termination in the HTS, general note 4(a) of the HTS is modified by deleting “Croatia” from the list of independent countries, effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 2011.

(3) The designation of Equatorial Guinea as a beneficiary developing country for purposes of the GSP is terminated, effective on January 1, 2011.

(4) In order to reflect this termination in the HTS, general note 4(a) of the HTS is modified by deleting “Equatorial Guinea” from the list of independent countries, effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 2011. General note 4(b)(i) of the HTS is modified by deleting “Equatorial Guinea” from the list of least-developed beneficiary developing countries, effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 2011.

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(5) In order to reflect in the HTS the termination of the designation of Cape Verde as a least-developed beneficiary developing country for purposes of the GSP, general note 4(b)(i) of the HTS is modified by deleting “Cape Verde” from the list of least-developed beneficiary developing countries, effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 2010.

(6) In order to reflect in the HTS the termination of the designation of Trinidad and Tobago as a beneficiary developing country for purposes of the GSP, general note 4(d) and general note 4(a) to the HTS, and the Rate of Duty 1-Special subcolumn for HTS subheading 7411.21.50, are modified as set forth in Annex I to this proclamation.

(7) In order to reflect in the HTS the redesignation of Maldives as a beneficiary developing country under the GSP, general note 4(a) is modified by adding in alphabetical order “Maldives” to the list of “Independent Countries” and by adding in alphabetical order “Maldives” to the list of “Member Countries of the South Asian Association for Regional Cooperation (SAARC).”

(8) In order to make technical corrections and rectifications necessary to provide the intended rules of origin under the NAFTA, the USSFTA, and the USCFTA, the HTS is modified as set forth in Annex II to this proclamation.

(9) In order to reflect modifications to the HTS made to conform the rules of origin for certain yarns described in section 204(b)(3)(B)(vi)(IV) of the Andean Trade Preference Act to the Convention, general note 29 of the HTS is modified as set forth in Annex II to this proclamation.

(10) The modifications to the HTS set forth in Annexes I and II to this proclamation shall be effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after the dates set forth in the respective annex.

(11) In order to implement U.S. tariff commitments under the 2004 Agreement through December 31, 2010, the HTS is modified as provided in Annex III to this proclamation.

(12)(a) The modifications to the HTS made by Annex III to this proclamation shall be effective with respect to goods that are the product of Israel and are entered, or withdrawn from warehouse for consumption, on or after January 1, 2010.

(b) The provisions of subchapter VIII of chapter 99 of the HTS, as modified by Annex III to this proclamation, shall continue in effect through December 31, 2010.

(13) Any provisions of previous proclamations and Executive Orders that are inconsistent with the actions taken in this proclamation are superseded to the extent of such inconsistency.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of December, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA
ANNEX I

MODIFICATIONS TO THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Section A: Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 2010, General Note 4(d) to the Harmonized Tariff schedule of the United States (HTS) is modified as follows:

(1). Deleting the following subheading number and the country set out opposite such subheading number:
7411.21.50 Trinidad and Tobago

(2). Deleting the following country set out opposite the following subheading number:
2905.11.20 Trinidad and Tobago

Section B: Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 2010, the HTS is modified as follows:

(1). For the following subheading, the Rates of Duty 1-Special subcolumn is modified by deleting the symbol “A” and inserting an “A” in lieu thereof:
7411.21.50

Section C: Effective with respect to articles entered, or withdrawn from warehouse for consumption, on or after January 1, 2010, General Note 4(a) to the HTS is modified as follows:

Deleting from the section "Associations of Countries (treated as one country), Member Countries of the Caribbean Common Market (CARICOM), currently qualifying":
Trinidad and Tobago

ANNEX II

TECHNICAL CORRECTIONS TO THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

In order to make technical corrections in the Harmonized Tariff Schedule of the United States (HTS), the following provisions of the HTS are hereby modified as follows:

1. Effective with respect to goods of Mexico or of Canada, under the terms of general note 12 to the HTS, that are entered, or withdrawn from warehouse for consumption, on or after October 2, 2009, subdivision (ii) of such note is modified—
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(a) by deleting from the subheading rule for chapter 7, chapter 8, chapter 9 (appearing immediately above tariff classification rule (TCR) 17), chapter 13 (appearing immediately above TCR 2) and chapter 20 (appearing immediately above TCR 2) the expression “(f)(I)” and by inserting in lieu thereof “(f)(I)”; 

(b) by deleting from TCR 44 for chapter 29 the number “2922.21” at each instance and by inserting in lieu thereof “2921.21”; and

(c) by deleting from TCR 44A for chapter 39 the number “2922.29” at each instance and by inserting in lieu thereof “2923.29”.

2. Effective with respect to goods of Singapore, under the terms of general note 25 to the HTS, that are entered, or withdrawn from warehouse for consumption, or after February 7, 2008, the following new TCRs for chapter 62 are inserted in subdivision (a) of such general note:

“72. A change to subheading 6212.10 from any other chapter, except from headings 5208 through 5212, 5407 through 5408, 5512 through 5516, 5803 through 5804, 5806 or 6001 through 6006, provided that the good is both cut and sewn or otherwise assembled in the territory of Singapore or of the United States, or both.

72A. A change to subheading 6212.20 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308, or 5310 through 5311, chapter 54 or headings 5508 through 5516, 5801 through 5802, or 6001 through 6006, provided that the good is both cut and sewn or otherwise assembled in the territory of Singapore or of the United States, or both.

73. A change to subheading 6212.30 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308, or 5310 through 5311, chapter 54, or headings 5508 through 5516, 5801 through 5802, or 6001 through 6006, provided that the good is both cut and sewn or otherwise assembled in the territory of Singapore or of the United States, or both.

73A. A change to subheading 6212.90 from any other chapter, except from headings 5106 through 5113, 5204 through 5212, 5307 through 5308 or 5310 through 5311, chapter 54 or headings 5508 through 5516, 5801 through 5802 or 6001 through 6006, provided that the good is both cut and sewn or otherwise assembled in the territory of Singapore or of the United States, or both.”

3. Effective with respect to goods of Chile, under the terms of general note 26 to the HTS, that are entered, or withdrawn from warehouse for consumption, or on or after January 1, 2004, TCR 41 for chapter 85 as set forth in subdivision (a) of such general note is modified by deleting “8518.29” or and by inserting in lieu thereof “8518.29 through” at each instance.

4. Effective with respect to goods of a Party to the Dominican Republic-Central America-United States Free Trade Agreement, as defined in subdivision (a) to general note 29 of the HTS, that are entered, or withdrawn from warehouse for consumption, on or after February 3, 2007, subdivision (d)(2)(B) of such general note 29 is modified by deleting “5402.10.30, 5402.10.60,” and by inserting in lieu thereof “5402.11.30, 5402.11.60, 5402.19.30, 5402.19.60,”; and by deleting “5402.41.10, 5402.41.90,” and by inserting in lieu thereof “5402.45.10, 5402.45.90.”
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ANNEX III

TO EXTEND TEMPORARILY CERTAIN PROVISIONS OF
THE HARMONIZED TARIFF SCHEDULE OF THE UNITED STATES

Effective with respect to eligible agricultural products of Israel which are entered, or withdrawn from warehouse for consumption, on or after January 1, 2010 and before the close of December 31, 2010, subchapter VIII of chapter 99 of the Harmonized Tariff Schedule of the United States is hereby modified as follows:

1. U.S. note 1 to such subchapter is modified by deleting “December 31, 2009” and by inserting in lieu thereof “December 31, 2010.”

2. U.S. note 3 to such subchapter is modified by adding at the end of the tabulation the following material, in the two columns specified in such note: “Calendar year 2010 466,000.”

3. U.S. note 4 to such subchapter is modified by adding at the end of the tabulation the following material, in the two columns specified in such note: “Calendar year 2010 1,304,000.”

4. U.S. note 5 to such subchapter is modified by adding at the end of the tabulation the following material, in the two columns specified in such note: “Calendar year 2010 1,534,000.”

5. U.S. note 6 to such subchapter is modified by adding at the end of the tabulation the following material, in the two columns specified in such note: “Calendar year 2010 131,000.”

6. U.S. note 7 to such subchapter is modified by adding at the end of the tabulation the following material, in the two columns specified in such note: “Calendar year 2010 707,000.”
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Proclamation 8468 of December 23, 2009

To Take Certain Actions Under the African Growth and Opportunity Act

By the President of the United States of America

A Proclamation

1. Section 506A(a)(1) of the Trade Act of 1974, as amended (the “1974 Act”) (19 U.S.C. 2466a(a)(1)), as added by section 111(a) of the African Growth and Opportunity Act (title I of Public Law 106–200) (AGOA), authorizes the President to designate a country listed in section 107 of the AGOA (19 U.S.C. 3706) as a “beneficiary sub-Saharan African country” if the President determines that the country meets the eligibility requirements set forth in section 104 of the AGOA (19 U.S.C. 3703), as well as the eligibility criteria set forth in section 502 of the 1974 Act (19 U.S.C. 2462).

2. Section 104 of the AGOA authorizes the President to designate a country listed in section 107 of the AGOA as an “eligible sub-Saharan African country” if the President determines that the country meets certain eligibility requirements.

3. Section 112(c) of the AGOA, as added in section 6002 of the Africa Investment Incentive Act of 2006 (Division D, title VI of Public Law 109–432) (19 U.S.C. 3721(c)), provides special rules for certain apparel articles imported from “lesser developed beneficiary sub-Saharan African countries.”

4. In Proclamation 7350 of October 2, 2000, President Clinton designated the Republic of Guinea (Guinea), the Republic of Madagascar (Madagascar), and the Republic of Niger (Niger) as beneficiary sub-Saharan African countries pursuant to section 506A(a) of the 1974 Act and provided that they would be considered lesser developed beneficiary sub-Saharan African countries for purposes of section 112(b)(3)(B) (subsequently redesignated as section 112(c)) of the AGOA.

5. Section 506A(a)(3) of the 1974 Act (19 U.S.C. 2466a(a)(3)) authorizes the President to terminate the designation of a country as a beneficiary sub-Saharan African country for purposes of section 506A if he determines that the country is not making continual progress in meeting the requirements described in section 506A(a)(1) of the 1974 Act.

6. Pursuant to section 104 of the AGOA and section 506A(a)(1) of the 1974 Act, I have determined that the Islamic Republic of Mauritania (Mauritania) meets the eligibility requirements set forth or referenced therein, and I have decided to designate Mauritania as an eligible sub-Saharan African country and as a beneficiary sub-Saharan African country.

7. Mauritania satisfies the criterion for treatment as a “lesser developed beneficiary sub-Saharan African country” under section 112(c) of the AGOA.

8. Pursuant to section 506A(a)(3) of the 1974 Act, I have determined that Guinea, Madagascar, and Niger are not making continual progress in meeting the requirements described in section 506A(a)(1) of the 1974 Act. Accordingly, I have decided to terminate the designations of Guinea, Madagascar, and Niger as beneficiary sub-Saharan African countries for purposes of section 506A of the 1974 Act, effective on January 1, 2010.
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9. Section 604 of the 1974 Act (19 U.S.C. 2483), as amended, authorizes the President to embody in the Harmonized Tariff Schedule of the United States (HTS) the substance of relevant provisions of that Act, or other acts affecting import treatment, and actions taken thereunder.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, acting under the authority vested in me by the Constitution and the laws of the United States of America, including but not limited to section 104 of the AGOA (19 U.S.C. 3703), and title V and section 604 of the 1974 Act (19 U.S.C. 2461–67, 2483), do proclaim that:

(1) Mauritania is designated as an eligible sub-Saharan African country and as a beneficiary sub-Saharan African country.

(2) In order to reflect this designation in the HTS, general note 16(a) to the HTS is modified by inserting in alphabetical sequence in the list of beneficiary sub-Saharan African countries “Islamic Republic of Mauritania.”

(3) For purposes of section 112(c) of the AGOA, Mauritania is a lesser developed beneficiary sub-Saharan African country.


(5) In order to reflect in the HTS that beginning on January 1, 2010, Guinea, Madagascar, and Niger shall no longer be designated as beneficiary sub-Saharan African countries, general note 16(a) to the HTS is modified by deleting “Republic of Guinea,” “Republic of Madagascar,” and “Republic of Niger” from the list of beneficiary sub-Saharan African countries.

Further, note 2(d) to subchapter XIX of chapter 98 of the HTS is modified by deleting “Republic of Guinea,” “Republic of Madagascar,” and “Republic of Niger” from the list of lesser developed beneficiary sub-Saharan African countries.

IN WITNESS WHEREOF, I have hereunto set my hand this twenty-third day of December, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA

Proclamation 8469 of December 31, 2009

40th Anniversary of the National Environmental Policy Act, 2010

By the President of the United States of America
A Proclamation

Forty years ago, the National Environmental Policy Act (NEPA) was signed into law with overwhelming bipartisan support, ushering in a new era of environmental awareness and citizen participation in government. NEPA elevated the role of environmental considerations in proposed Federal
agency actions, and it remains the cornerstone of our Nation’s modern environmental protections. On this anniversary, we celebrate this milestone in our Nation’s rich history of conservation, and we renew our commitment to preserve our environment for the next generation.

NEPA was enacted to “prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man.” It established concrete objectives for Federal agencies to enforce these principles, while emphasizing public involvement to give all Americans a role in protecting our environment. It also created the Council on Environmental Quality to lead our Government’s conservation efforts and serve as the President’s environmental advisor.

America’s economic health and prosperity are inexorably linked to the productive and sustainable use of our environment. That is why NEPA remains a vital tool for my Administration as we work to protect our Nation’s environment and revitalize our economy. The American Recovery and Reinvestment Act of 2009 reaffirmed NEPA’s role in protecting public health, safety, and environmental quality, and in ensuring transparency, accountability, and public involvement in our Government.

Today, my Administration will recognize NEPA’s enactment by recommitting to environmental quality through open, accountable, and responsible decision making that involves the American public. Our Nation’s long-term prosperity depends upon our faithful stewardship of the air we breathe, the water we drink, and the land we sow. With smart, sustainable policies like those established under NEPA, we can meet our responsibility to future generations of Americans, so they may hope to enjoy the beauty and utility of a clean, healthy planet.

NOW, THEREFORE, I, BARACK OBAMA, President of the United States of America, by virtue of the authority vested in me by the Constitution and the laws of the United States, do hereby proclaim January 1, 2010, as the 40th Anniversary of the National Environmental Policy Act. I call upon all executive branch agencies to promote public involvement and transparency in their implementation of the National Environmental Policy Act. I also encourage every American to learn more about the National Environmental Policy Act and how we can all contribute to protecting and enhancing our environment.

IN WITNESS WHEREOF, I have hereunto set my hand this thirty-first day of December, in the year of our Lord two thousand nine, and of the Independence of the United States of America the two hundred and thirty-fourth.

BARACK OBAMA
Amending the Order of Succession Within the Department of Agriculture

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 et seq., it is hereby ordered that Executive Order 13241 of December 18, 2001, as amended, is further amended as follows:

Section 1. Section 2 is amended to read as follows:

"Sec. 2. Order of Succession.

(a) General Counsel of the Department of Agriculture;
(b) Chief Financial Officer of the Department of Agriculture;
(c) Assistant Secretary of Agriculture for Administration;
(d) Under Secretary of Agriculture for Farm and Foreign Agricultural Services;
(e) Under Secretary of Agriculture for Natural Resources and Environment;
(f) Under Secretary of Agriculture for Marketing and Regulatory Programs;
(g) Under Secretary of Agriculture for Rural Development;
(h) Under Secretary of Agriculture for Food, Nutrition, and Consumer Services;
(i) Under Secretary of Agriculture for Food Safety;
(j) Under Secretary of Agriculture for Research, Education, and Economics;
(k) Assistant Secretary of Agriculture for Congressional Relations;
(l) Assistant Secretary of Agriculture for Civil Rights;
(m) Director, Kansas City Commodity Office, Farm Service Agency (consistent with the time of service and rate of pay requirements of section 3345(a)(3) of title 5, United States Code); and
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“(n) State Executive Directors of the Farm Service Agency for the States of Missouri, Kansas, Iowa, and Nebraska, in order of seniority fixed by length of unbroken service as State Executive Director of that State (consistent with the time of service and rate of pay requirements of section 3345(a)(3) of title 5, United States Code).”.

Sec. 2. Section 3(a) is amended by striking “2(a)-(j)” and inserting “2(a)-(n)”, and a new section 3(c) is added to read as follows:

“(c) No individual listed in section 2 shall act as the Secretary unless that individual is otherwise eligible to so serve under the Federal Vacancies Reform Act of 1998.”

Sec. 3. This order is intended 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 in equity, by any party against the United States, its agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person.

GEORGE W. BUSH

The White House,
January 9, 2009.

Executive Order 13485 of January 9, 2009

Providing an Order of Succession Within the Department of Transportation

By the authority vested in me as President under the Constitution and the laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 et seq., it is hereby ordered that:

Section 1. Order of Succession. Subject to the provisions of section 2 of this order, the following officials of the Department of Transportation, in the order listed, shall act as and perform the functions and duties of the office of the Secretary of Transportation (Secretary), during any period in which the Secretary, the Deputy Secretary of Transportation, the Under Secretary of Transportation for Policy, and the officials designated by the Secretary pursuant to 49 U.S.C. 102(e) have died, resigned, or otherwise become unable to perform the functions and duties of the office of Secretary, until such time as the Secretary or one of the officials listed above is able to perform the duties of that office:

(a) Administrator of the Federal Highway Administration;
(b) Administrator of the Federal Aviation Administration;
(c) Administrator of the Federal Motor Carrier Safety Administration;
(d) Administrator of the Federal Railroad Administration;
(e) Administrator of the Federal Transit Administration;
(f) Administrator of the Maritime Administration;
(g) Administrator of the Pipeline and Hazardous Materials Safety Administration;
(h) Administrator of the National Highway Traffic Safety Administration;
(i) Administrator of the Research and Innovative Technology Administration;

(j) Administrator of the Saint Lawrence Seaway Development Corporation;

(k) Regional Administrator, Southern Region, Federal Aviation Administration;

(l) Director, Resource Center, Lakewood, Colorado, Federal Highway Administration; and

(m) Regional Administrator, Northwest Mountain Region, Federal Aviation Administration.

Sec. 2. Exceptions. (a) No individual who is serving in an office listed in section 1 in an acting capacity, by virtue of so serving, shall act as Secretary pursuant to this section.

(b) No individual who is serving in an office listed in section 1 shall act as Secretary unless that individual is otherwise eligible to so serve under the Federal Vacancies Reform Act of 1998.

(c) Notwithstanding the provisions of this order, the President retains discretion, to the extent permitted by law, to depart from this order in designating an acting Secretary.

Sec. 3. This order supersedes the President’s Memorandum of March 19, 2002 (Designation of Officers of the Department of Transportation).

Sec. 4. This order is intended 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 in equity, by any party against the United States, its agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person.

GEORGE W. BUSH

The White House,
January 9, 2009.

Executive Order 13486 of January 9, 2009

Strengthening Laboratory Biosecurity in the United States

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. Policy. It is the policy of the United States that facilities that possess biological select agents and toxins have appropriate security and personnel assurance practices to protect against theft, misuse, or diversion to unlawful activity of such agents and toxins.

Sec. 2. Establishment and Operation of the Working Group. (a) There is hereby established, within the Department of Defense for administrative purposes only, the Working Group on Strengthening the Biosecurity of the United States (Working Group).

(b) The Working Group shall consist exclusively of the following members:
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(i) the Secretary of State;
(ii) the Secretary of Defense, who shall be a Co-Chair of the Working Group;
(iii) the Attorney General;
(iv) the Secretary of Agriculture;
(v) the Secretary of Commerce;
(vi) the Secretary of Health and Human Services, who shall be a Co-Chair of the Working Group;
(vii) the Secretary of Transportation;
(viii) the Secretary of Energy;
(ix) the Secretary of Homeland Security;
(x) the Administrator of the Environmental Protection Agency;
(xi) the Director of National Intelligence;
(xii) the Director of the National Science Foundation; and
(xiii) the head of any other department or agency when designated:

(A) by the Co-Chairs of the Working Group with the concurrence of such head; or
(B) by the President.

(c) The Co-Chairs shall convene and preside at meetings of the Working Group, determine its agenda, and direct its work. The Co-Chairs may establish and direct subgroups of the Working Group, as appropriate to deal with particular subject matters, that shall consist exclusively of members of the Working Group.

(d) A member of the Working Group may designate, to perform the Working Group or Working Group subgroup functions of the member, any person who is a part of the member’s agency and who is an officer of the United States appointed by the President, a member of the Senior Executive Service (SES), or the equivalent of a member of the SES.

Sec. 3. Functions of the Working Group. Consistent with this order, and to assist in implementing the policy set forth in section 1 of this order, the Working Group shall:

(a) review and evaluate the efficiency and effectiveness, with respect to Federal and nonfederal facilities that conduct research on, manage clinical or environmental laboratory operations involving, or handle, store, or transport biological select agents and toxins, of the following:
(i) existing laws, regulations, and guidance with respect to physical, facility, and personnel security and assurance; and
(ii) practices with respect to physical, facility, and personnel security and assurance;

(b) obtain information or advice, as appropriate for the conduct of the review and evaluation, from the following:
(i) heads of executive departments and agencies;
(ii) elements of foreign governments and international organizations with responsibility for biological matters, consistent with functions assigned by law or by the President to the Secretary of State; and
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(iii) representatives of State, local, territorial, and tribal governments, and other entities or other individuals in a manner that seeks their individual advice and does not involve collective judgment or consensus advice or deliberation; and

(c) submit a report to the President, through the Co-Chairs, not later than 180 days after the date of this order that is unclassified, with a classified annex as required, and sets forth the following:

(i) a summary of existing laws, regulations, guidance, and practices with respect to security and personnel assurance reviewed under subsection (a) of this section and their efficiency and effectiveness;

(ii) recommendations for any new legislation, regulations, guidance, or practices for security and personnel assurance for all Federal and non-federal facilities described in subsection (a):

(iii) options for establishing oversight mechanisms to ensure a baseline standard is consistently applied for all physical, facility, and personnel security and assurance laws, regulations, and guidance at all Federal and nonfederal facilities described in subsection (a); and

(iv) a comparison of the range of existing personnel security and assurance programs for access to biological select agents and toxins to personnel security and assurance programs in other fields and industries.

Sec. 4. Duties of Heads of Departments and Agencies. (a) The heads of departments and agencies shall provide for the labor and travel costs of their representatives and, to the extent permitted by law, provide the Working Group such information and assistance as it needs to implement this order.

(b) To the extent permitted by law and subject to the availability of appropriations, the Secretary of Defense shall provide the Working Group with such administrative and support services as may be necessary for the performance of its functions.

Sec. 5. Termination of the Working Group. The Working Group shall terminate 60 days after the date of the report submitted under subsection 3(c) of this order.

Sec. 6. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to a department or agency, or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) 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 in equity by any party against the United States, its agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person.

GEORGE W. BUSH

The White House, January 9, 2009.
Executive Order 13487 of January 16, 2009

Establishment of a Temporary Organization To Facilitate United States Government Support for Afghanistan

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 202 of the Revised Statutes (22 U.S.C. 2656) and section 3161 of title 5, United States Code, it is hereby ordered as follows:

Section 1. Establishment. There is established within the Department of State, in accordance with section 3161 of title 5, United States Code, a temporary organization to be known as the Afghanistan Support Office (ASO).

Sec. 2. Purpose of the Temporary Organization. The purpose of the ASO shall be to perform the specific project of supporting executive departments and agencies in preventing Afghanistan from becoming a safe haven for terrorists, facilitating Afghanistan’s progress to self-sufficiency, and maintaining an effective diplomatic presence in Afghanistan.

Sec. 3. Functions of the Temporary Organization. In carrying out its purpose set forth in section 2, the ASO shall:

(a) support executive departments and agencies in building the civilian capabilities of the Government of Afghanistan, including expansion of central services by the Government of Afghanistan, development of a thriving private sector economy, and improvement in the governance of Afghanistan’s territory and borders; and

(b) perform such other functions related to the specific project set forth in section 2 as the Secretary of State (Secretary) may assign.

Sec. 4. Personnel and Administration. The ASO shall be headed by a Director selected by the Secretary. The ASO shall be jointly based in Washington, D.C., and Afghanistan, and the Secretary of State shall seek accreditation of employees as members of the United States Embassy Kabul as necessary.

Sec. 5. General Provisions. (a) This order shall be implemented in accordance with applicable law, subject to the availability of appropriations, and consistent with presidential guidance.

(b) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person.

(c) The ASO shall terminate at the end of the maximum period permitted by section 3161(a)(1) of title 5, United States Code, unless sooner terminated by the Secretary.

GEORGE W. BUSH

The White House,
Executive Order 13488 of January 16, 2009

Granting Reciprocity on Excepted Service and Federal Contractor Employee Fitness and Reinvestigating Individuals in Positions of Public Trust

By the authority vested in me as President by the Constitution and the laws of the United States of America, including sections 1104(a)(1), 3301, and 7301 of title 5, United States Code, and in order to simplify and streamline the system of Federal Government personnel investigative and adjudicative processes to make them more efficient and effective, it is hereby ordered as follows:

Section 1. Policy. (a) When agencies determine the fitness of individuals to perform work as employees in the excepted service or as contractor employees, prior favorable fitness or suitability determinations should be granted reciprocal recognition, to the extent practicable.

(b) It is necessary to reinvestigate individuals in positions of public trust in order to ensure that they remain suitable for continued employment.

Sec. 2. Definitions. For the purposes of this order:

(a) “Agency” means an executive agency as defined in section 105 of title 5, United States Code, but does not include the Government Accountability Office.

(b) “Contractor employee” means an individual who performs work for or on behalf of any agency under a contract and who, in order to perform the work specified under the contract, will require access to space, information, information technology systems, staff, or other assets of the Federal Government. Such contracts, include, but are not limited to:

(i) personal services contracts;

(ii) contracts between any non-Federal entity and any agency; and

(iii) sub-contracts between any non-Federal entity and another non-Federal entity to perform work related to the primary contract with the agency.

(c) “Excepted service” has the meaning provided in section 2103 of title 5, United States Code, but does not include those positions in any element of the intelligence community as defined in the National Security Act of 1947, as amended, to the extent they are not otherwise subject to Office of Personnel Management appointing authorities.

(d) “Fitness” is the level of character and conduct determined necessary for an individual to perform work for or on behalf of a Federal agency as an employee in the excepted service (other than a position subject to suitability) or as a contractor employee.

(e) “Fitness determination” means a decision by an agency that an individual has or does not have the required level of character and conduct necessary to perform work for or on behalf of a Federal agency as an employee in the excepted service (other than a position subject to suitability) or as a contractor employee. A favorable fitness determination is not a decision to appoint or contract with an individual.
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(f) “Position of Public Trust” has the meaning provided in 5 CFR Part 731.

(g) “Suitability” has the meaning and coverage provided in CFR Part 731.

Sec. 3. Agency Authority to Set Fitness Criteria and Determine Equiva-

lency. The authority to establish criteria for making fitness determinations

remains within the discretion of the agency head. Agency heads also have

the discretion to determine whether their criteria are equivalent to suit-

ability standards established by the Office of Personnel Management. Agen-

cy heads shall take into account Office of Personnel Management guidance

when exercising this discretion.

Sec. 4. Reciprocal Recognition of Fitness and Suitability Determinations.

(a) Except as provided by subsection (b) of this section, agencies making

fitness determinations shall grant reciprocal recognition to a prior favorable

fitness or suitability determination when:

(i) the gaining agency uses criteria for making fitness determinations

equivalent to suitability standards established by the Office of Personnel

Management;

(ii) the prior favorable fitness or suitability determination was based on

criteria equivalent to suitability standards established by the Office of

Personnel Management; and

(iii) the individual has had no break in employment since the favor-

able determination was made.

(b) Exceptions to Reciprocal Recognition. A gaining agency is not re-

quired to grant reciprocal recognition to a prior favorable fitness or suit-

ability determination when:

(i) the new position requires a higher level of investigation than pre-

viously conducted for that individual;

(ii) an agency obtains new information that calls into question the in-

dividual’s fitness based on character or conduct; or

(iii) the individual’s investigative record shows conduct that is incom-

patible with the core duties of the new position.

Sec. 5. Reinvestigation of Individuals in Positions of Public Trust. Individ-

uals in positions of public trust shall be subject to reinvestigation under

standards (including but not limited to the frequency of such reinvestiga-

tion) as determined by the Director of the Office of Personnel Management,

to ensure their suitability for continued employment.

Sec. 6. Responsibilities. (a) An agency shall report to the Office of Per-

sonnel Management the nature and results of the background investigation

and fitness determination (or later changes to that determination) made on

an individual, to the extent consistent with law.

(b) The Director of the Office of Personnel Management is delegated au-

thority to implement this order, including the authority to issue regulations

and guidance governing suitability, or guidance related to fitness, as the Di-

rector determines appropriate.

Sec. 7. General Provisions. (a) Nothing in this order shall be construed

to impair or otherwise affect:

(i) authority granted by law to a department or agency, or the head

thereof; or

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(ii) functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order shall not suspend, impede, or otherwise affect Executive Order 10450 of April 27, 1953, as amended, or Executive Order 13467 of June 30, 2008;

(d) 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 in equity by any party against the United States, its agencies, instrumentalities, or entities, its officers, employees or agents, or any other person.

Sec. 8. Effective Date and Applicability. This order is effective upon issuance and is applicable to individuals newly appointed to excepted service positions or hired as contractor employees beginning 90 days from the effective date of this order.

GEORGE W. BUSH

The White House,

Executive Order 13489 of January 21, 2009

Presidential Records

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to establish policies and procedures governing the assertion of executive privilege by incumbent and former Presidents in connection with the release of Presidential records by the National Archives and Records Administration (NARA) pursuant to the Presidential Records Act of 1978, it is hereby ordered as follows:

Section 1. Definitions. For purposes of this order:

(a) “Archivist” refers to the Archivist of the United States or his designee.

(b) “NARA” refers to the National Archives and Records Administration.

(c) “Presidential Records Act” refers to the Presidential Records Act, 44 U.S.C. 2201–2207.

(d) “NARA regulations” refers to the NARA regulations implementing the Presidential Records Act, 36 C.F.R. Part 1270.

(e) “Presidential records” refers to those documentary materials maintained by NARA pursuant to the Presidential Records Act, including Vice Presidential records.

(f) “Former President” refers to the former President during whose term or terms of office particular Presidential records were created.

(g) A “substantial question of executive privilege” exists if NARA’s disclosure of Presidential records might impair national security (including
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the conduct of foreign relations), law enforcement, or the deliberative processes of the executive branch.

(h) A “final court order” is a court order from which no appeal may be taken.

Sec. 2. Notice of Intent to Disclose Presidential Records. (a) When the Archivist provides notice to the incumbent and former Presidents of his intent to disclose Presidential records pursuant to section 1270.46 of the NARA regulations, the Archivist, using any guidelines provided by the incumbent and former Presidents, shall identify any specific materials, the disclosure of which he believes may raise a substantial question of executive privilege. However, nothing in this order is intended to affect the right of the incumbent or former Presidents to invoke executive privilege with respect to materials not identified by the Archivist. Copies of the notice for the incumbent President shall be delivered to the President (through the Counsel to the President) and the Attorney General (through the Assistant Attorney General for the Office of Legal Counsel). The copy of the notice for the former President shall be delivered to the former President or his designated representative.

(b) Upon the passage of 30 days after receipt by the incumbent and former Presidents of a notice of intent to disclose Presidential records, the Archivist may disclose the records covered by the notice, unless during that time period the Archivist has received a claim of executive privilege by the incumbent or former President or the Archivist has been instructed by the incumbent President or his designee to extend the time period for a time certain and with reason for the extension of time provided in the notice. If a shorter period of time is required under the circumstances set forth in section 1270.44 of the NARA regulations, the Archivist shall so indicate in the notice.

Sec. 3. Claim of Executive Privilege by Incumbent President. (a) Upon receipt of a notice of intent to disclose Presidential records, the Attorney General (directly or through the Assistant Attorney General for the Office of Legal Counsel) and the Counsel to the President shall review as they deem appropriate the records covered by the notice and consult with each other, the Archivist, and such other executive agencies as they deem appropriate concerning whether invocation of executive privilege is justified.

(b) The Attorney General and the Counsel to the President, in the exercise of their discretion and after appropriate review and consultation under subsection (a) of this section, may jointly determine that invocation of executive privilege is not justified. The Archivist shall be notified promptly of any such determination.

(c) If either the Attorney General or the Counsel to the President believes that the circumstances justify invocation of executive privilege, the issue shall be presented to the President by the Counsel to the President and the Attorney General.

(d) If the President decides to invoke executive privilege, the Counsel to the President shall notify the former President, the Archivist, and the Attorney General in writing of the claim of privilege and the specific Presidential records to which it relates. After receiving such notice, the Archivist shall not disclose the privileged records unless directed to do so by an incumbent President or by a final court order.
Sec. 4. Claim of Executive Privilege by Former President. (a) Upon receipt of a claim of executive privilege by a living former President, the Archivist shall consult with the Attorney General (through the Assistant Attorney General for the Office of Legal Counsel), the Counsel to the President, and such other executive agencies as the Archivist deems appropriate concerning the Archivist’s determination as to whether to honor the former President’s claim of privilege or instead to disclose the Presidential records notwithstanding the claim of privilege. Any determination under section 3 of this order that executive privilege shall not be invoked by the incumbent President shall not prejudice the Archivist’s determination with respect to the former President’s claim of privilege.

(b) In making the determination referred to in subsection (a) of this section, the Archivist shall abide by any instructions given him by the incumbent President or his designee unless otherwise directed by a final court order. The Archivist shall notify the incumbent and former Presidents of his determination at least 30 days prior to disclosure of the Presidential records, unless a shorter time period is required in the circumstances set forth in section 1270.44 of the NARA regulations. Copies of the notice for the incumbent President shall be delivered to the President (through the Counsel to the President) and the Attorney General (through the Assistant Attorney General for the Office of Legal Counsel). The copy of the notice for the former President shall be delivered to the former President or his designated representative.

Sec. 5. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to a department or agency, or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Sec. 6. Revocation. Executive Order 13233 of November 1, 2001, is revoked.

BARACK OBAMA

The White House,

Executive Order 13490 of January 21, 2009

Ethics Commitments by Executive Branch Personnel

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United
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States Code, and sections 3301 and 7301 of title 5, United States Code, it is hereby ordered as follows:

Section 1. Ethics Pledge. Every appointee in every executive agency appointed on or after January 20, 2009, shall sign, and upon signing shall be contractually committed to, the following pledge upon becoming an appointee:

"As a condition, and in consideration, of my employment in the United States Government in a position invested with the public trust, I commit myself to the following obligations, which I understand are binding on me and are enforceable under law:

"1. Lobbyist Gift Ban. I will not accept gifts from registered lobbyists or lobbying organizations for the duration of my service as an appointee.

"2. Revolving Door Ban—All Appointees Entering Government. I will not for a period of 2 years from the date of my appointment participate in any particular matter involving specific parties that is directly and substantially related to my former employer or former clients, including regulations and contracts.

"3. Revolving Door Ban—Lobbyists Entering Government. If I was a registered lobbyist within the 2 years before the date of my appointment, in addition to abiding by the limitations of paragraph 2, I will not for a period of 2 years after the date of my appointment:

(a) participate in any particular matter on which I lobbied within the 2 years before the date of my appointment;

(b) participate in the specific issue area in which that particular matter falls; or

(c) seek or accept employment with any executive agency that I lobbied within the 2 years before the date of my appointment.

"4. Revolving Door Ban—Appointees Leasing Government to Lobby. In addition to abiding by the limitations of paragraph 2, I also agree, upon leaving Government service, not to lobby any covered executive branch official or non-career Senior Executive Service appointee for the remainder of the Administration.

"5. Employment Qualification Commitment. I agree that any hiring or other employment decisions I make will be based on the candidate’s qualifications, competence, and experience.

"6. Assent to Enforcement. I acknowledge that the Executive Order entitled "Ethics Commitments by Executive Branch Personnel," issued by the President on January 21, 2009, which I have read before signing this document, defines certain of the terms applicable to the foregoing obligations and sets forth the methods for enforcing them. I expressly accept the provisions of that Executive Order as a part of this agreement and as binding on me. I understand that the terms of this pledge are in addition to any statutory..."
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or other legal restrictions applicable to me by virtue of Federal Government service.”

Sec. 2. Definitions. As used herein and in the pledge set forth in section 1 of this order:

(a) “Executive agency” shall include each “executive agency” as defined by section 105 of title 5, United States Code, and shall include the Executive Office of the President; provided, however, that for purposes of this order “executive agency” shall include the United States Postal Service and Postal Regulatory Commission, but shall exclude the Government Accountability Office.

(b) “Appointee” shall include every full-time, non-career Presidential or Vice-Presidential appointee, non-career appointee in the Senior Executive Service (or other SES-type system), and appointee to a position that has been excepted from the competitive service by reason of being of a confidential or policymaking character (Schedule C and other positions excepted under comparable criteria) in an executive agency. It does not include any person appointed as a member of the Senior Foreign Service or solely as a uniformed service commissioned officer.

(c) “Gift”

(1) shall have the definition set forth in section 2635.203(b) of title 5, Code of Federal Regulations;

(2) shall include gifts that are solicited or accepted indirectly as defined at section 2635.203(f) of title 5, Code of Federal Regulations; and

(3) shall exclude those items excluded by sections 2635.204(b), (c), (e)(1) & (3) and (j)-(l) of title 5, Code of Federal Regulations.

(d) “Covered executive branch official” and “lobbyist” shall have the definitions set forth in section 1602 of title 2, United States Code.

(e) “Registered lobbyist or lobbying organization” shall mean a lobbyist or an organization filing a registration pursuant to section 1603(a) of title 2, United States Code, and in the case of an organization filing such a registration, “registered lobbyist” shall include each of the lobbyists identified therein.

(f) “Lobby” and “lobbied” shall mean to act or have acted as a registered lobbyist.

(g) “Particular matter” shall have the same meaning as set forth in section 207 of title 18, United States Code, and section 2635.402(b)(3) of title 5, Code of Federal Regulations.

(h) “Particular matter involving specific parties” shall have the same meaning as set forth in section 2641.201(h) of title 5, Code of Federal Regulations, except that it shall also include any meeting or other communication relating to the performance of one’s official duties with a former employer or former client, unless the communication applies to a particular matter of general applicability and participation in the meeting or other event is open to all interested parties.
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(i) “Former employer” is any person for whom the appointee has within the 2 years prior to the date of his or her appointment served as an employee, officer, director, trustee, or general partner, except that “former employer” does not include any executive agency or other entity of the Federal Government, State or local government, the District of Columbia, Native American tribe, or any United States territory or possession.

(j) “Former client” is any person for whom the appointee served personally as agent, attorney, or consultant within the 2 years prior to the date of his or her appointment, but excluding instances where the service provided was limited to a speech or similar appearance. It does not include clients of the appointee’s former employer to whom the appointee did not personally provide services.

(k) “Directly and substantially related to my former employer or former clients” shall mean matters in which the appointee’s former employer or a former client is a party or represents a party.

(l) “Participate” means to participate personally and substantially.

(m) “Post-employment restrictions” shall include the provisions and exceptions in section 207(c) of title 18, United States Code, and the implementing regulations.

(n) “Government official” means any employee of the executive branch.

(o) “Administration” means all terms of office of the incumbent President serving at the time of the appointment of an appointee covered by this order.

(p) “Pledge” means the ethics pledge set forth in section 1 of this order.

(q) All references to provisions of law and regulations shall refer to such provisions as in effect on January 20, 2009.

Sec. 3. Waiver. (a) The Director of the Office of Management and Budget, or his or her designee, in consultation with the Counsel to the President or his or her designee, may grant to any current or former appointee a written waiver of any restrictions contained in the pledge signed by such appointee if, and to the extent that, the Director of the Office of Management and Budget, or his or her designee, certifies in writing (i) that the literal application of the restriction is inconsistent with the purposes of the restriction, or (ii) that it is in the public interest to grant the waiver. A waiver shall take effect when the certification is signed by the Director of the Office of Management and Budget or his or her designee.

(b) The public interest shall include, but not be limited to, exigent circumstances relating to national security or to the economy. De minimis contact with an executive agency shall be cause for a waiver of the restrictions contained in paragraph 3 of the pledge.

Sec. 4. Administration. (a) The head of every executive agency shall, in consultation with the Director of the Office of Government Ethics, establish such rules or procedures (conforming as nearly as practicable to the agency’s general ethics rules and procedures, including those relating to designated agency ethics officers) as are necessary or appropriate to ensure that every appointee in the agency signs the pledge upon assuming the appointed office or otherwise becoming an appointee; to ensure that compliance with paragraph 3 of the pledge is addressed in a written ethics agreement with each appointee to whom it applies, which agreement shall also
be approved by the Counsel to the President or his or her designee prior to the appointee commencing work; to ensure that spousal employment issues and other conflicts not expressly addressed by the pledge are addressed in ethics agreements with appointees or, where no such agreements are required, through ethics counseling; and generally to ensure compliance with this order within the agency.

(b) With respect to the Executive Office of the President, the duties set forth in section 4(a) shall be the responsibility of the Counsel to the President or his or her designee.

(c) The Director of the Office of Government Ethics shall:

(1) ensure that the pledge and a copy of this order are made available for use by agencies in fulfilling their duties under section 4(a) above;

(2) in consultation with the Attorney General or the Counsel to the President or their designees, when appropriate, assist designated agency ethics officers in providing advice to current or former appointees regarding the application of the pledge; and

(3) in consultation with the Attorney General and the Counsel to the President or their designees, adopt such rules or procedures as are necessary or appropriate:

(i) to carry out the foregoing responsibilities;

(ii) to apply the lobbyist gift ban set forth in paragraph 1 of the pledge to all executive branch employees;

(iii) to authorize limited exceptions to the lobbyist gift ban for circumstances that do not implicate the purposes of the ban;

(iv) to make clear that no person shall have violated the lobbyist gift ban if the person properly disposes of a gift as provided by section 2635.205 of title 5, Code of Federal Regulations;

(v) to ensure that existing rules and procedures for Government employees engaged in negotiations for future employment with private businesses that are affected by their official actions do not affect the integrity of the Government’s programs and operations;

(vi) to ensure, in consultation with the Director of the Office of Personnel Management, that the requirement set forth in paragraph 6 of the pledge is honored by every employee of the executive branch;

(4) in consultation with the Director of the Office of Management and Budget, report to the President on whether full compliance is being achieved with existing laws and regulations governing executive branch procurement lobbying disclosure and on steps the executive branch can take to expand to the fullest extent practicable disclosure of such executive branch procurement lobbying and of lobbying for presidential pardons, and to include in the report both immediate action the executive branch can take and, if necessary, recommendations for legislation; and

(5) provide an annual public report on the administration of the pledge and this order.

(d) The Director of the Office of Government Ethics shall, in consultation with the Attorney General, the Counsel to the President, and the Director of the Office of Personnel Management, or their designees, report to the President on steps the executive branch can take to expand to the fullest
extensively practicable the revolving door ban set forth in paragraph 5 of the pledge to all executive branch employees who are involved in the procurement process such that they may not for 2 years after leaving Government service lobby any Government official regarding a Government contract that was under their official responsibility in the last 2 years of their Government service; and to include in the report both immediate action the executive branch can take and, if necessary, recommendations for legislation.

(e) All pledges signed by appointees, and all waiver certifications with respect thereto, shall be filed with the head of the appointee’s agency for permanent retention in the appointee’s official personnel folder or equivalent folder.

Sec. 5. Enforcement. (a) The contractual, fiduciary, and ethical commitments in the pledge provided for herein are solely enforceable by the United States pursuant to this section by any legally available means, including debarment proceedings within any affected executive agency or judicial civil proceedings for declaratory, injunctive, or monetary relief.

(b) Any former appointee who is determined, after notice and hearing, by the duly designated authority within any agency, to have violated his or her pledge may be barred from lobbying any officer or employee of that agency for up to 5 years in addition to the time period covered by the pledge. The head of every executive agency shall, in consultation with the Director of the Office of Government Ethics, establish procedures to implement this subsection, which procedures shall include (but not be limited to) providing for factfinding and investigation of possible violations of this order and for referrals to the Attorney General for his or her consideration pursuant to subsection (c).

(c) The Attorney General or his or her designee is authorized:

(1) upon receiving information regarding the possible breach of any commitment in a signed pledge, to request any appropriate Federal investigative authority to conduct such investigations as may be appropriate; and

(2) upon determining that there is a reasonable basis to believe that a breach of a commitment has occurred or will occur or continue, if not enjoined, to commence a civil action against the former employee in any United States District Court with jurisdiction to consider the matter.

(d) In any such civil action, the Attorney General or his or her designee is authorized to request any and all relief authorized by law, including but not limited to:

(1) such temporary restraining orders and preliminary and permanent injunctions as may be appropriate to restrain future, recurring, or continuing conduct by the former employee in breach of the commitments in the pledge he or she signed; and

(2) establishment of a constructive trust for the benefit of the United States, requiring an accounting and payment to the United States Treasury of all money and other things of value received by, or payable to, the former employee arising out of any breach or attempted breach of the pledge signed by the former employee.

Sec. 6. General Provisions. (a) No prior Executive Orders are repealed by this order. To the extent that this order is inconsistent with any provision of any prior Executive Order, this order shall control.
(b) If any provision of this order or the application of such provision is held to be invalid, the remainder of this order and other dissimilar applications of such provision shall not be affected.

(c) Nothing in this order shall be construed to impair or otherwise affect:
   (1) authority granted by law to a department, agency, or the head thereof; or
   (2) functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

(d) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(e) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(f) The definitions set forth in this order are solely applicable to the terms of this order, and are not otherwise intended to impair or affect existing law.

BARACK OBAMA

The White House,

Executive Order 13491 of January 22, 2009

Ensuring Lawful Interrogations

By the authority vested in me by the Constitution and the laws of the United States of America, in order to improve the effectiveness of human intelligence-gathering, to promote the safe, lawful, and humane treatment of individuals in United States custody and of United States personnel who are detained in armed conflicts, to ensure compliance with the treaty obligations of the United States, including the Geneva Conventions, and to take care that the laws of the United States are faithfully executed, I hereby order as follows:

Section 1. Revocation. Executive Order 13440 of July 20, 2007, is revoked. All executive directives, orders, and regulations inconsistent with this order, including but not limited to those issued to or by the Central Intelligence Agency (CIA) from September 11, 2001, to January 20, 2009, concerning detention or the interrogation of detained individuals, are revoked to the extent of their inconsistency with this order. Heads of departments and agencies shall take all necessary steps to ensure that all directives, orders, and regulations of their respective departments or agencies are consistent with this order. Upon request, the Attorney General shall provide guidance about which directives, orders, and regulations are inconsistent with this order.

Sec. 2. Definitions. As used in this order:
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(a) "Army Field Manual 2–22.3" means FM 2–22.3, Human Intelligence Collector Operations, issued by the Department of the Army on September 6, 2006.

(b) "Army Field Manual 34–52" means FM 34–52, Intelligence Interrogation, issued by the Department of the Army on May 8, 1987.

(c) "Common Article 3" means Article 3 of each of the Geneva Conventions.


(e) "Geneva Conventions" means:

(i) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, August 12, 1949 (6 UST 3114);

(ii) the Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, August 12, 1949 (6 UST 3217);

(iii) the Convention Relative to the Treatment of Prisoners of War, August 12, 1949 (6 UST 3316); and

(iv) the Convention Relative to the Protection of Civilian Persons in Time of War, August 12, 1949 (6 UST 3516).

(f) "Treated humanely," "violence to life and person," "murder of all kinds," "mutilation," "cruel treatment," "torture," "outrages upon personal dignity," and "humiliating and degrading treatment" refer to, and have the same meaning as, those same terms in Common Article 3.

(g) The terms "detention facilities" and "detention facility" in section 4(a) of this order do not refer to facilities used only to hold people on a short-term, transitory basis.

Sec. 3. Standards and Practices for Interrogation of Individuals in the Custody or Control of the United States in Armed Conflicts.

(a) **Common Article 3 Standards as a Minimum Baseline.** Consistent with the requirements of the Federal torture statute, 18 U.S.C. 2340–2340A, section 1003 of the Detainee Treatment Act of 2005, 42 U.S.C. 2000dd, the Convention Against Torture, Common Article 3, and other laws regulating the treatment and interrogation of individuals detained in any armed conflict, such persons shall in all circumstances be treated humanely and shall not be subjected to violence to life and person (including murder of all kinds, mutilation, cruel treatment, and torture), nor to outrages upon personal dignity (including humiliating and degrading treatment), whenever such individuals are in the custody or under the effective control of an officer, employee, or other agent of the United States Government or detained within a facility owned, operated, or controlled by a department or agency of the United States.

(b) **Interrogation Techniques and Interrogation-Related Treatment.** Effective immediately, an individual in the custody or under the effective control of an officer, employee, or other agent of the United States Government, or detained within a facility owned, operated, or controlled by a department or agency of the United States, in any armed conflict, shall not
be subjected to any interrogation technique or approach, or any treatment related to interrogation, that is not authorized by and listed in Army Field Manual 2–22.3 (Manual). Interrogation techniques, approaches, and treatments described in the Manual shall be implemented strictly in accord with the principles, processes, conditions, and limitations the Manual prescribes. Where processes required by the Manual, such as a requirement of approval by specified Department of Defense officials, are inapposite to a department or an agency other than the Department of Defense, such a department or agency shall use processes that are substantially equivalent to the processes the Manual prescribes for the Department of Defense. Nothing in this section shall preclude the Federal Bureau of Investigation, or other Federal law enforcement agencies, from continuing to use authorized, non-coercive techniques of interrogation that are designed to elicit voluntary statements and do not involve the use of force, threats, or promises.


Sec. 4. Prohibition of Certain Detention Facilities, and Red Cross Access to Detained Individuals.

(a) CIA Detention. The CIA shall close as expeditiously as possible any detention facilities that it currently operates and shall not operate any such detention facility in the future.

(b) International Committee of the Red Cross Access to Detained Individuals. All departments and agencies of the Federal Government shall provide the International Committee of the Red Cross with notification of, and timely access to, any individual detained in any armed conflict in the custody or under the effective control of an officer, employee, or other agent of the United States Government or detained within a facility owned, operated, or controlled by a department or agency of the United States Government, consistent with Department of Defense regulations and policies.

Sec. 5. Special Interagency Task Force on Interrogation and Transfer Policies.

(a) Establishment of Special Interagency Task Force. There shall be established a Special Task Force on Interrogation and Transfer Policies (Special Task Force) to review interrogation and transfer policies.

(b) Membership. The Special Task Force shall consist of the following members, or their designees:

(i) the Attorney General, who shall serve as Chair;

(ii) the Director of National Intelligence, who shall serve as Co-Vice-Chair;

(iii) the Secretary of Defense, who shall serve as Co-Vice-Chair;

(iv) the Secretary of State;
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(v) the Secretary of Homeland Security;
(vi) the Director of the Central Intelligence Agency;
(vii) the Chairman of the Joint Chiefs of Staff; and
(viii) other officers or full-time or permanent part-time employees of
the United States, as determined by the Chair, with the concurrence of
the head of the department or agency concerned.

(c) **Staff.** The Chair may designate officers and employees within the De-
partment of Justice to serve as staff to support the Special Task Force. At
the request of the Chair, officers and employees from other departments or
agencies may serve on the Special Task Force with the concurrence of the
head of the department or agency that employ such individuals. Such staff
must be officers or full-time or permanent part-time employees of the
United States. The Chair shall designate an officer or employee of the De-
partment of Justice to serve as the Executive Secretary of the Special Task
Force.

(d) **Operation.** The Chair shall convene meetings of the Special Task
Force, determine its agenda, and direct its work. The Chair may establish
and direct subgroups of the Special Task Force, consisting exclusively of
members of the Special Task Force, to deal with particular subjects.

(e) **Mission.** The mission of the Special Task Force shall be:

(i) to study and evaluate whether the interrogation practices and tech-
niques in Army Field Manual 2–22.3, when employed by departments or
agencies outside the military, provide an appropriate means of acquiring
the intelligence necessary to protect the Nation, and, if warranted, to rec-
ommend any additional or different guidance for other departments or
agencies; and

(ii) to study and evaluate the practices of transferring individuals to
other nations in order to ensure that such practices comply with the do-
mestic laws, international obligations, and policies of the United States
and do not result in the transfer of individuals to other nations to face
torture or otherwise for the purpose, or with the effect, of undermining
or circumventing the commitments or obligations of the United States to
ensure the humane treatment of individuals in its custody or control.

(f) **Administration.** The Special Task Force shall be established for ad-
ministrative purposes within the Department of Justice and the Department
of Justice shall, to the extent permitted by law and subject to the avail-
ability of appropriations, provide administrative support and funding for
the Special Task Force.

(g) **Recommendations.** The Special Task Force shall provide a report to
the President, through the Assistant to the President for National Security
Affairs and the Counsel to the President, on the matters set forth in sub-
section (d) within 180 days of the date of this order, unless the Chair deter-
mines that an extension is necessary.

(h) **Termination.** The Chair shall terminate the Special Task Force upon
the completion of its duties.

Sec. 6. **Construction with Other Laws.** Nothing in this order shall be con-
strued to affect the obligations of officers, employees, and other agents of
the United States Government to comply with all pertinent laws and trea-
ties of the United States governing detention and interrogation, including
but not limited to: the Fifth and Eighth Amendments to the United States Constitution; the Federal torture statute, 18 U.S.C. 2340–2340A; the War Crimes Act, 18 U.S.C. 2441; the Federal assault statute, 18 U.S.C. 113; the Federal maiming statute, 18 U.S.C. 114; the Federal "stalking" statute, 18 U.S.C. 2261A; articles 93, 124, 128, and 134 of the Uniform Code of Military Justice, 10 U.S.C. 893, 924, 928, and 934; section 1003 of the Detainee Treatment Act of 2005, 42 U.S.C. 2000dd; section 6(c) of the Military Commissions Act of 2006, Public Law 109–366; the Geneva Conventions; and the Convention Against Torture. Nothing in this order shall be construed to diminish any rights that any individual may have under these or other laws and treaties. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity against the United States, its departments, agencies, or other entities, its officers or employees, or any other person.

BARACK OBAMA

The White House,

January 22, 2009.

Executive Order 13492 of January 22, 2009

Review and Disposition of Individuals Detained At the Guantánamo Bay Naval Base and Closure of Detention Facilities

By the authority vested in me as President by the Constitution and the laws of the United States of America, in order to effect the appropriate disposition of individuals currently detained by the Department of Defense at the Guantánamo Bay Naval Base (Guantánamo) and promptly to close detention facilities at Guantánamo, consistent with the national security and foreign policy interests of the United States and the interests of justice, I hereby order as follows:

Section 1. Definitions. As used in this order:

(a) “Common Article 3” means Article 3 of each of the Geneva Conventions.

(b) “Geneva Conventions” means:

(i) the Convention for the Amelioration of the Condition of the Wounded and Sick in Armed Forces in the Field, August 12, 1949 (6 UST 3114);

(ii) the Convention for the Amelioration of the Condition of Wounded, Sick and Shipwrecked Members of Armed Forces at Sea, August 12, 1949 (6 UST 3217);

(iii) the Convention Relative to the Treatment of Prisoners of War, August 12, 1949 (6 UST 3316); and

(iv) the Convention Relative to the Protection of Civilian Persons in Time of War, August 12, 1949 (6 UST 3516).
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(c) "Individuals currently detained at Guantánamo" and "individuals covered by this order" mean individuals currently detained by the Department of Defense in facilities at the Guantánamo Bay Naval Base whom the Department of Defense has ever determined to be, or treated as, enemy combatants.

Sec. 2. Findings.

(a) Over the past 7 years, approximately 800 individuals whom the Department of Defense has ever determined to be, or treated as, enemy combatants have been detained at Guantánamo. The Federal Government has moved more than 500 such detainees from Guantánamo, either by returning them to their home country or by releasing or transferring them to a third country. The Department of Defense has determined that a number of the individuals currently detained at Guantánamo are eligible for such transfer or release.

(b) Some individuals currently detained at Guantánamo have been there for more than 6 years, and most have been detained for at least 4 years. In view of the significant concerns raised by these detentions, both within the United States and internationally, prompt and appropriate disposition of the individuals currently detained at Guantánamo and closure of the facilities in which they are detained would further the national security and foreign policy interests of the United States and the interests of justice. Merely closing the facilities without promptly determining the appropriate disposition of the individuals detained would not adequately serve those interests. To the extent practicable, the prompt and appropriate disposition of the individuals detained at Guantánamo should precede the closure of the detention facilities at Guantánamo.

(c) The individuals currently detained at Guantánamo have the constitutional privilege of the writ of habeas corpus. Most of those individuals have filed petitions for a writ of habeas corpus in Federal court challenging the lawfulness of their detention.

(d) It is in the interests of the United States that the executive branch undertake a prompt and thorough review of the factual and legal bases for the continued detention of all individuals currently held at Guantánamo, and of whether their continued detention is in the national security and foreign policy interests of the United States and in the interests of justice. The unusual circumstances associated with detentions at Guantánamo require a comprehensive interagency review.

(e) New diplomatic efforts may result in an appropriate disposition of a substantial number of individuals currently detained at Guantánamo.

(f) Some individuals currently detained at Guantánamo may have committed offenses for which they should be prosecuted. It is in the interests of the United States to review whether and how any such individuals can and should be prosecuted.

(g) It is in the interests of the United States that the executive branch conduct a prompt and thorough review of the circumstances of the individuals currently detained at Guantánamo who have been charged with offenses before military commissions pursuant to the Military Commissions Act of 2006, Public Law 109–366, as well as of the military commission process more generally.
Sec. 3. Closure of Detention Facilities at Guantánamo. The detention facilities at Guantánamo for individuals covered by this order shall be closed as soon as practicable, and no later than 1 year from the date of this order. If any individuals covered by this order remain in detention at Guantánamo at the time of closure of those detention facilities, they shall be returned to their home country, released, transferred to a third country, or transferred to another United States detention facility in a manner consistent with law and the national security and foreign policy interests of the United States.

Sec. 4. Immediate Review of All Guantánamo Detentions.

(a) Scope and Timing of Review. A review of the status of each individual currently detained at Guantánamo (Review) shall commence immediately.

(b) Review Participants. The Review shall be conducted with the full cooperation and participation of the following officials:

1. the Attorney General, who shall coordinate the Review;
2. the Secretary of Defense;
3. the Secretary of State;
4. the Secretary of Homeland Security;
5. the Director of National Intelligence;
6. the Chairman of the Joint Chiefs of Staff; and
7. other officers or full-time or permanent part-time employees of the United States, including employees with intelligence, counterterrorism, military, and legal expertise, as determined by the Attorney General, with the concurrence of the head of the department or agency concerned.

(c) Operation of Review. The duties of the Review participants shall include the following:

1. Consolidation of Detainee Information. The Attorney General shall, to the extent reasonably practicable, and in coordination with the other Review participants, assemble all information in the possession of the Federal Government that pertains to any individual currently detained at Guantánamo and that is relevant to determining the proper disposition of any such individual. All executive branch departments and agencies shall promptly comply with any request of the Attorney General to provide information in their possession or control pertaining to any such individual. The Attorney General may seek further information relevant to the Review from any source.

2. Determination of Transfer. The Review shall determine, on a rolling basis and as promptly as possible with respect to the individuals currently detained at Guantánamo, whether it is possible to transfer or release the individuals consistent with the national security and foreign policy interests of the United States and, if so, whether and how the Secretary of Defense may effect their transfer or release. The Secretary of Defense, the Secretary of State, and, as appropriate, other Review participants shall work to effect promptly the release or transfer of all individuals for whom release or transfer is possible.

3. Determination of Prosecution. In accordance with United States law, the cases of individuals detained at Guantánamo not approved for
release or transfer shall be evaluated to determine whether the Federal Government should seek to prosecute the detained individuals for any offenses they may have committed, including whether it is feasible to prosecute such individuals before a court established pursuant to Article III of the United States Constitution, and the Review participants shall in turn take the necessary and appropriate steps based on such determinations.

(4) **Determination of Other Disposition.** With respect to any individuals currently detained at Guantánamo whose disposition is not achieved under paragraphs (2) or (3) of this subsection, the Review shall select lawful means, consistent with the national security and foreign policy interests of the United States and the interests of justice, for the disposition of such individuals. The appropriate authorities shall promptly implement such dispositions.

(5) **Consideration of Issues Relating to Transfer to the United States.** The Review shall identify and consider legal, logistical, and security issues relating to the potential transfer of individuals currently detained at Guantánamo to facilities within the United States, and the Review participants shall work with the Congress on any legislation that may be appropriate.

**Sec. 5. Diplomatic Efforts.** The Secretary of State shall expeditiously pursue and direct such negotiations and diplomatic efforts with foreign governments as are necessary and appropriate to implement this order.

**Sec. 6. Humane Standards of Confinement.** No individual currently detained at Guantánamo shall be held in the custody or under the effective control of any officer, employee, or other agent of the United States Government, or at a facility owned, operated, or controlled by a department or agency of the United States, except in conformity with all applicable laws governing the conditions of such confinement, including Common Article 3 of the Geneva Conventions. The Secretary of Defense shall immediately undertake a review of the conditions of detention at Guantánamo to ensure full compliance with this directive. Such review shall be completed within 30 days and any necessary corrections shall be implemented immediately thereafter.

**Sec. 7. Military Commissions.** The Secretary of Defense shall immediately take steps sufficient to ensure that during the pendency of the Review described in section 4 of this order, no charges are sworn, or referred to a military commission under the Military Commissions Act of 2006 and the Rules for Military Commissions, and that all proceedings of such military commissions to which charges have been referred but in which no judgment has been rendered, and all proceedings pending in the United States Court of Military Commission Review, are halted.

**Sec. 8. General Provisions.**

(a) Nothing in this order shall prejudice the authority of the Secretary of Defense to determine the disposition of any detainees not covered by this order.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party
According to the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

The White House,
January 22, 2009.

Executive Order 13493 of January 22, 2009

Review of Detention Policy Options

By the authority vested in me as President by the Constitution and the laws of the United States of America, in order to develop policies for the detention, trial, transfer, release, or other disposition of individuals captured or apprehended in connection with armed conflicts and counterterrorism operations that are consistent with the national security and foreign policy interests of the United States and the interests of justice, I hereby order as follows:

Section 1. Special Interagency Task Force on Detainee Disposition.

(a) Establishment of Special Interagency Task Force. There shall be established a Special Task Force on Detainee Disposition (Special Task Force) to identify lawful options for the disposition of individuals captured or apprehended in connection with armed conflicts and counterterrorism operations.

(b) Membership. The Special Task Force shall consist of the following members, or their designees:

(i) the Attorney General, who shall serve as Co-Chair;
(ii) the Secretary of Defense, who shall serve as Co-Chair;
(iii) the Secretary of State;
(iv) the Secretary of Homeland Security;
(v) the Director of National Intelligence;
(vi) the Director of the Central Intelligence Agency;
(vii) the Chairman of the Joint Chiefs of Staff; and
(viii) other officers or full-time or permanent part-time employees of the United States, as determined by either of the Co-Chairs, with the concurrence of the head of the department or agency concerned.

(c) Staff. Either Co-Chair may designate officers and employees within their respective departments to serve as staff to support the Special Task Force. At the request of the Co-Chairs, officers and employees from other departments or agencies may serve on the Special Task Force with the concurrence of the heads of the departments or agencies that employ such individuals. Such staff must be officers or full-time or permanent part-time employees of the United States. The Co-Chairs shall jointly select an officer or employee of the Department of Justice or Department of Defense to serve as the Executive Secretary of the Special Task Force.
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(d) **Operation.** The Co-Chairs shall convene meetings of the Special Task Force, determine its agenda, and direct its work. The Co-Chairs may establish and direct subgroups of the Special Task Force, consisting exclusively of members of the Special Task Force, to deal with particular subjects.

(e) **Mission.** The mission of the Special Task Force shall be to conduct a comprehensive review of the lawful options available to the Federal Government with respect to the apprehension, detention, trial, transfer, release, or other disposition of individuals captured or apprehended in connection with armed conflicts and counterterrorism operations, and to identify such options as are consistent with the national security and foreign policy interests of the United States and the interests of justice.

(f) **Administration.** The Special Task Force shall be established for administrative purposes within the Department of Justice, and the Department of Justice shall, to the extent permitted by law and subject to the availability of appropriations, provide administrative support and funding for the Special Task Force.

(g) **Report.** The Special Task Force shall provide a report to the President, through the Assistant to the President for National Security Affairs and the Counsel to the President, on the matters set forth in subsection (d) within 180 days of the date of this order unless the Co-Chairs determine that an extension is necessary, and shall provide periodic preliminary reports during those 180 days.

(h) **Termination.** The Co-Chairs shall terminate the Special Task Force upon the completion of its duties.

Sec. 2. General Provisions.

(a) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(b) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA

The White House,

*January 22, 2009.*

**Executive Order 13494 of January 30, 2009**

**Economy in Government Contracting**

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Property and Administrative Services Act, 40 U.S.C. 101 et seq., it is hereby ordered that:

**Section 1.** To promote economy and efficiency in Government contracting, certain costs that are not directly related to the contractors’ provision of goods and services to the Government shall be unallowable for payment, thereby directly reducing Government expenditures. This order is also consistent with the policy of the United States to remain impartial concerning
any labor-management dispute involving Government contractors. This order does not restrict the manner in which recipients of Federal funds may expend those funds.

Sec. 2. It is the policy of the executive branch in procuring goods and services that, to ensure the economical and efficient administration of Government contracts, contracting departments and agencies, when they enter into, receive proposals for, or make disbursements pursuant to a contract as to which certain costs are treated as unallowable, shall treat as unallowable the costs of any activities undertaken to persuade employees—whether employees of the recipient of the Federal disbursements or of any other entity—to exercise or not to exercise, or concerning the manner of exercising, the right to organize and bargain collectively through representatives of the employees’ own choosing. Such unallowable costs shall be excluded from any billing, claim, proposal, or disbursement applicable to any such Federal Government contract.

Sec. 3. Notwithstanding section 2 of this order, contracting departments and agencies shall treat as allowable costs incurred in maintaining satisfactory relations between the contractor and its employees, including costs of labor-management committees, employee publications (other than those undertaken to persuade employees to exercise or not to exercise, or concerning the manner of exercising, the right to organize and bargain collectively), and other related activities. See 48 C.F.R. 31.205–21.

Sec. 4. Examples of costs unallowable under section 2 of this order include the costs of the following activities, when they are undertaken to persuade employees to exercise or not to exercise, or concern the manner of exercising, rights to organize and bargain collectively:

(a) preparing and distributing materials;
(b) hiring or consulting legal counsel or consultants;
(c) holding meetings (including paying the salaries of the attendees at meetings held for this purpose); and
(d) planning or conducting activities by managers, supervisors, or union representatives during work hours.

Sec. 5. Within 150 days of the effective date of this order, the Federal Acquisition Regulatory Council (FAR Council) shall adopt such rules and regulations and issue such orders as are deemed necessary and appropriate to carry out this order. Such rules, regulations, and orders shall minimize the costs of compliance for contractors and shall not interfere with the ability of contractors to engage in advocacy through activities for which they do not claim reimbursement.

Sec. 6. Each contracting department or agency shall cooperate with the FAR Council and provide such information and assistance as the FAR Council may require in the performance of its functions under this order.

Sec. 7. (a) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(b) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.
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Sec. 8. This order shall become effective immediately, and shall apply to contracts resulting from solicitations issued on or after the effective date of the action taken by the FAR Council under section 5 of this order.

BARACK OBAMA

The White House,

Executive Order 13495 of January 30, 2009

Nondisplacement of Qualified Workers Under Service Contracts

When a service contract expires, and a follow-on contract is awarded for the same service, at the same location, the successor contractor or its subcontractors often hires the majority of the predecessor’s employees. On some occasions, however, a successor contractor or its subcontractors hires a new work force, thus displacing the predecessor’s employees.

The Federal Government’s procurement interests in economy and efficiency are served when the successor contractor hires the predecessor’s employees. A carryover work force reduces disruption to the delivery of services during the period of transition between contractors and provides the Federal Government the benefits of an experienced and trained work force that is familiar with the Federal Government’s personnel, facilities, and requirements.

Therefore, by the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Property and Administrative Services Act, 40 U.S.C. 101 et seq., and in order to promote economy and efficiency in Federal Government procurement, it is hereby ordered as follows:

Section 1. Policy. It is the policy of the Federal Government that service contracts and solicitations for such contracts shall include a clause that requires the contractor, and its subcontractors, under a contract that succeeds a contract for performance of the same or similar services at the same location, to offer those employees (other than managerial and supervisory employees) employed under the predecessor contract whose employment will be terminated as a result of the award of the successor contract, a right of first refusal of employment under the contract in positions for which they are qualified. There shall be no employment openings under the contract until such right of first refusal has been provided. Nothing in this order shall be construed to permit a contractor or subcontractor to fail to comply with any provision of any other Executive Order or law of the United States.

Sec. 2. Definitions.

(a) “Service contract” or “contract” means any contract or subcontract for services entered into by the Federal Government or its contractors that is covered by the Service Contract Act of 1965, as amended, 41 U.S.C. 351 et seq., and its implementing regulations.
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Sec. 3. Exclusions. This order shall not apply to:

(a) contracts or subcontracts under the simplified acquisition threshold as defined in 41 U.S.C. 403;

(b) contracts or subcontracts awarded pursuant to the Javits-Wagner-O’Day Act, 41 U.S.C. 46–48c;

(c) guard, elevator operator, messenger, or custodial services provided to the Federal Government under contracts or subcontracts with sheltered workshops employing the severely handicapped as described in section 505 of the Treasury, Postal Services and General Government Appropriations Act, 1995, Public Law 103–329;

(d) agreements for vending facilities entered into pursuant to the preference regulations issued under the Randolph-Sheppard Act, 20 U.S.C. 107; or

(e) employees who were hired to work under a Federal service contract and one or more nonfederal service contracts as part of a single job, provided that the employees were not deployed in a manner that was designed to avoid the purposes of this order.

Sec. 4. Authority to Exempt Contracts. If the head of a contracting department or agency finds that the application of any of the requirements of this order would not serve the purposes of this order or would impair the ability of the Federal Government to procure services on an economical and efficient basis, the head of such department or agency may exempt its department or agency from the requirements of any or all of the provisions of this order with respect to a particular contract, subcontract, or purchase order or any class of contracts, subcontracts, or purchase orders.

Sec. 5. Contract Clause. The following contract clause shall be included in solicitations for and service contracts that succeed contracts for performance of the same or similar work at the same location:

“NONDISPLACEMENT OF QUALIFIED WORKERS

(a) Consistent with the efficient performance of this contract, the contractor and its subcontractors shall, except as otherwise provided herein, in good faith offer those employees (other than managerial and supervisory employees) employed under the predecessor contract whose employment will be terminated as a result of award of this contract or the expiration of the contract under which the employees were hired, a right of first refusal of employment under this contract in positions for which employees are qualified. The contractor and its subcontractors shall determine the number of employees necessary for efficient performance of this contract and may elect to employ fewer employees than the predecessor contractor employed in connection with performance of the work. Except as provided in paragraph (b) there shall be no employment opening under this contract, and the contractor and any subcontractors shall not offer employment under this contract, to any person prior to having complied fully with this obligation. The contractor and its subcontractors shall make an express offer of employment to each employee as provided herein and shall state the time within which the employee must accept such offer, but in no case shall the period within which the employee must accept the offer of employment be less than 10 days.
“(b) Notwithstanding the obligation under paragraph (a) above, the contractor and any subcontractors (1) may employ under this contract any employee who has worked for the contractor or subcontractor for at least 3 months immediately preceding the commencement of this contract and who would otherwise face lay-off or discharge, (2) are not required to offer a right of first refusal to any employee(s) of the predecessor contractor who are not service employees within the meaning of the Service Contract Act of 1965, as amended, 41 U.S.C. 357(b), and (3) are not required to offer a right of first refusal to any employee(s) of the predecessor contractor whom the contractor or any of its subcontractors reasonably believes, based on the particular employee’s past performance, has failed to perform suitably on the job.

“(c) In accordance with Federal Acquisition Regulation 52.222–41(n), the contractor shall, not less than 10 days before completion of this contract, furnish the Contracting Officer a certified list of the names of all service employees working under this contract and its subcontracts during the last month of contract performance. The list shall also contain anniversary dates of employment of each service employee under this contract and its predecessor contracts either with the current or predecessor contractors or their subcontractors. The Contracting Officer will provide the list to the successor contractor, and the list shall be provided on request to employees or their representatives.

“(d) If it is determined, pursuant to regulations issued by the Secretary of Labor (Secretary), that the contractor or its subcontractors are not in compliance with the requirements of this clause or any regulation or order of the Secretary, appropriate sanctions may be imposed and remedies invoked against the contractor or its subcontractors, as provided in Executive Order (No.) __________, the regulations, and relevant orders of the Secretary, or as otherwise provided by law.

“(e) In every subcontract entered into in order to perform services under this contract, the contractor will include provisions that ensure that each subcontractor will honor the requirements of paragraphs (a) through (b) with respect to the employees of a predecessor subcontractor or subcontractors working under this contract, as well as of a predecessor contractor and its subcontractors. The subcontract shall also include provisions to ensure that the subcontractor will provide the contractor with the information about the employees of the subcontractor needed by the contractor to comply with paragraph 5(c), above. The contractor will take such action with respect to any such subcontract as may be directed by the Secretary as a means of enforcing such provisions, including the imposition of sanctions for non-compliance: provided, however, that if the contractor, as a result of such direction, becomes involved in litigation with a subcontractor, or is threatened with such involvement, the contractor may request that the United States enter into such litigation to protect the interests of the United States.”

Sec. 6. Enforcement. (a) The Secretary of Labor (Secretary) is responsible for investigating and obtaining compliance with this order. In such proceedings, the Secretary shall have the authority to issue final orders prescribing appropriate sanctions and remedies, including, but not limited to, orders requiring employment and payment of wages lost. The Secretary also may provide that where a contractor or subcontractor has failed to comply with any order of the Secretary or has committed willful violations
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of this order or the regulations issued pursuant thereto, the contractor or subcontractor, and its responsible officers, and any firm in which the contractor or subcontractor has a substantial interest, shall be ineligible to be awarded any contract of the United States for a period of up to 3 years. Neither an order for debarment of any contractor or subcontractor from further Government contracts under this section nor the inclusion of a contractor or subcontractor on a published list of noncomplying contractors shall be carried out without affording the contractor or subcontractor an opportunity for a hearing.

(b) This order creates no rights under the Contract Disputes Act, and disputes regarding the requirement of the contract clause prescribed by section 5 of this order, to the extent permitted by law, shall be disposed of only as provided by the Secretary in regulations issued under this order. To the extent practicable, such regulations shall favor the resolution of disputes by efficient and informal alternative dispute resolution methods. The Secretary shall, in consultation with the Federal Acquisition Regulatory Council, issue regulations, within 180 days of the date of this order, to the extent permitted by law, to implement the requirements of this order. The Federal Acquisition Regulatory Council shall issue, within 180 days of the date of this order, to the extent permitted by law, regulations in the Federal Acquisition Regulation to provide for inclusion of the contract clause in Federal solicitations and contracts subject to this order.

Sec. 7. Revocation. Executive Order 13204 of February 17, 2001, is revoked.

Sec. 8. Severability. If any provision of this order, or the application of such provision or amendment to any person or circumstance, is held to be invalid, the remainder of this order and the application of the provisions of such to any person or circumstances shall not be affected thereby.

Sec. 9. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to an executive department, agency, or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person. This order is not intended, however, to preclude judicial review of final decisions by the Secretary in accordance with the Administrative Procedure Act, 5 U.S.C. 701 et seq.

Sec. 10. Effective Date. This order shall become effective immediately and shall apply to solicitations issued on or after the effective date for the action taken by the Federal Acquisition Regulatory Council under section 6(b) of this order.

BARACK OBAMA

The White House,
notification of employee rights under federal labor laws

by the authority vested in me as president by the constitution and the laws of the united states of america, including the federal property and administrative services act, 40 u.s.c. 101 et seq., and in order to ensure the economical and efficient administration and completion of government contracts, it is hereby ordered that:

section 1. policy. this order is designed to promote economy and efficiency in government procurement. when the federal government contracts for goods or services, it has a proprietary interest in ensuring that those contracts will be performed by contractors whose work will not be interrupted by labor unrest. the attainment of industrial peace is most easily achieved and workers’ productivity is enhanced when workers are well informed of their rights under federal labor laws, including the national labor relations act (act), 29 u.s.c. 151 et seq. as the act recognizes, “encouraging the practice and procedure of collective bargaining and . . . protecting the exercise by workers of full freedom of association, self-organization, and designation of representatives of their own choosing, for the purpose of negotiating the terms and conditions of their employment or other mutual aid or protection” will “eliminate the causes of certain substantial obstructions to the free flow of commerce” and “mitigate and eliminate these obstructions when they have occurred.” 29 u.s.c. 151. relying on contractors whose employees are informed of such rights under federal labor laws facilitates the efficient and economical completion of the federal government’s contracts.

sec. 2. contract clause. except in contracts exempted in accordance with section 3 of this order, all government contracting departments and agencies shall, to the extent consistent with law, include the following provisions in every government contract, other than collective bargaining agreements as defined in 5 u.s.c. 7103(a)(8) and purchases under the simplified acquisition threshold as defined in the office of federal procurement policy act, 41 u.s.c. 403.

“1. during the term of this contract, the contractor agrees to post a notice, of such size and in such form, and containing such content as the secretary of labor shall prescribe, in conspicuous places in and about its plants and offices where employees covered by the national labor relations act engage in activities relating to the performance of the contract, including all places where notices to employees are customarily posted both physically and electronically. the notice shall include the information contained in the notice published by the secretary of labor in the federal register (secretary’s notice).

“2. the contractor will comply with all provisions of the secretary’s notice, and related rules, regulations, and orders of the secretary of labor.

“3. in the event that the contractor does not comply with any of the requirements set forth in paragraphs (1) or (2) above, this contract may be cancelled, terminated, or suspended in whole or in part, and the contractor may be declared ineligible for further government contracts in accordance with procedures authorized in or adopted pursuant to executive order [number as provided by the federal register] of [insert new date]. such
other sanctions or remedies may be imposed as are provided in Executive Order [number as provided by the Federal Register] of [insert new date], or by rule, regulation, or order of the Secretary of Labor, or as are otherwise provided by law.

"4. The contractor will include the provisions of paragraphs (1) through (3) above in every subcontract entered into in connection with this contract (unless exempted by rules, regulations, or orders of the Secretary of Labor issued pursuant to section 3 of Executive Order [number as provided by the Federal Register] of [insert new date]) so that such provisions will be binding upon each subcontractor. The contractor will take such action with respect to any such subcontract as may be directed by the Secretary of Labor as a means of enforcing such provisions, including the imposition of sanctions for non-compliance: Provided, however, that if the contractor becomes involved in litigation with a subcontractor, or is threatened with such involvement, as a result of such direction, the contractor may request the United States to enter into such litigation to protect the interests of the United States."

Sec. 3. Administration.

(a) The Secretary of Labor (Secretary) shall be responsible for the administration and enforcement of this order. The Secretary shall adopt such rules and regulations and issue such orders as are necessary and appropriate to achieve the purposes of this order.

(b) Within 120 days of the effective date of this order, the Secretary shall initiate a rulemaking to prescribe the size, form, and content of the notice to be posted by a contractor under paragraph 1 of the contract clause described in section 2 of this order. Such notice shall describe the rights of employees under Federal labor laws, consistent with the policy set forth in section 1 of this order.

(c) Whenever the Secretary finds that an act of Congress, clarification of existing law by the courts or the National Labor Relations Board, or other circumstances make modification of the contractual provisions set out in subsection (a) of this section necessary to achieve the purposes of this order, the Secretary promptly shall issue such rules, regulations, or orders as are needed to cause the substitution or addition of appropriate contractual provisions in Government contracts thereafter entered into.

Sec. 4. Exemptions. (a) If the Secretary finds that the application of any of the requirements of this order would not serve the purposes of this order or would impair the ability of the Government to procure goods or services on an economical and efficient basis, the Secretary may exempt a contracting department or agency or group of departments or agencies from the requirements of any or all of the provisions of this order with respect to a particular contract or subcontract or any class of contracts or subcontracts.

(b) The Secretary may, if the Secretary finds that special circumstances require an exemption in order to serve the national interest, exempt a contracting department or agency from the requirements of any or all of the provisions of section 2 of this order with respect to a particular contract or subcontract or class of contracts or subcontracts.

Sec. 5. Investigation.
(a) The Secretary may investigate any Government contractor, subcontractor, or vendor to determine whether the contractual provisions required by section 2 of this order have been violated.

Such investigations shall be conducted in accordance with procedures established by the Secretary.

(b) The Secretary shall receive and investigate complaints by employees of a Government contractor or subcontractor, where such complaints allege a failure to perform or a violation of the contractual provisions required by section 2 of this order.

Sec. 6. Compliance.

(a) The Secretary, or any agency or officer in the executive branch lawfully designated by rule, regulation, or order of the Secretary, may hold such hearings, public or private, regarding compliance with this order as the Secretary may deem advisable.

(b) The Secretary may hold hearings, or cause hearings to be held, in accordance with subsection (a) of this section, prior to imposing, ordering, or recommending the imposition of sanctions under this order. Neither an order for cancellation, termination, or suspension of any contract or debarment of any contractor from further Government contracts under section 7(b) of this order nor the inclusion of a contractor on a published list of noncomplying contractors under section 7(c) of this order shall be carried out without affording the contractor an opportunity for a hearing.

Sec. 7. Remedies. In accordance with such rules, regulations, or orders as the Secretary may issue or adopt, the Secretary may:

(a) after consulting with the contracting department or agency, direct that department or agency to cancel, terminate, suspend, or cause to be cancelled, terminated, or suspended, any contract, or any portion or portions thereof, for failure of the contractor to comply with the contractual provisions required by section 2 of this order; contracts may be cancelled, terminated, or suspended absolutely, or continuance of contracts may be conditioned upon future compliance: Provided, that before issuing a directive under this subsection, the Secretary shall provide the head of the contracting department or agency an opportunity to offer written objections to the issuance of such a directive, which objections shall include a complete statement of reasons for the objections, among which reasons shall be a finding that completion of the contract is essential to the agency's mission: And provided further, that no directive shall be issued by the Secretary under this subsection so long as the head of the contracting department or agency, or his or her designee, continues to object to the issuance of such directive;

(b) after consulting with each affected contracting department or agency, provide that one or more contracting departments or agencies shall refrain from entering into further contracts, or extensions or other modifications of existing contracts, with any noncomplying contractor, until such contractor has satisfied the Secretary that such contractor has complied with and will carry out the provisions of this order: Provided, that before issuing a directive under this subsection, the Secretary shall provide the head of each contracting department or agency an opportunity to offer written objections to the issuance of such a directive, which objections shall include a complete statement of reasons for the objections, among which reasons shall be
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a finding that further contracts or extensions or other modifications of existing contracts with the noncomplying contractor are essential to the agency’s mission: And provided further, that no directive shall be issued by the Secretary under this subsection so long as the head of a contracting department or agency, or his or her designee, continues to object to the issuance of such directive; and

(c) publish, or cause to be published, the names of contractors that have, in the judgment of the Secretary, failed to comply with the provisions of this order or of related rules, regulations, and orders of the Secretary.

Sec. 8. Reports. Whenever the Secretary invokes section 7(a) or 7(b) of this order, the contracting department or agency shall report to the Secretary the results of the action it has taken within such time as the Secretary shall specify.

Sec. 9. Cooperation. Each contracting department and agency shall cooperate with the Secretary and provide such information and assistance as the Secretary may require in the performance of the Secretary’s functions under this order.

Sec. 10. Sufficiency of Remedies. If the Secretary finds that the authority vested in the Secretary by sections 5 through 9 of this order is not sufficient to effectuate the purposes of this order, the Secretary shall develop recommendations on how better to effectuate those purposes.

Sec. 11. Delegation. The Secretary may, in accordance with law, delegate any function or duty of the Secretary under this order to any officer in the Department of Labor or to any other officer in the executive branch of the Government, with the consent of the head of the department or agency in which that officer serves.

Sec. 12. Implementation. To the extent permitted by law, the Federal Acquisition Regulatory Council (FAR Council) shall take whatever action is required to implement in the Federal Acquisition Regulation (FAR) the provisions of this order and any related rules, regulations, or orders issued by the Secretary under this order and shall amend the FAR to require each solicitation of offers for a contract to include a provision that implements section 2 of this order.

Sec. 13. Revocation of Prior Order and Actions. Executive Order 13201 of February 17, 2001, is revoked. The heads of executive departments and agencies shall, to the extent permitted by law, revoke expeditiously any orders, rules, regulations, guidelines, or policies implementing or enforcing Executive Order 13201.

Sec. 14. Severability. If any provision of this order, or the application of such provision to any person or circumstance, is held to be invalid, the remainder of this order and the application of the provisions of such to any person or circumstances shall not be affected thereby.

Sec. 15. General Provisions.

(a) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to a department, agency, or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.
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(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Sec. 16. Effective Date. This order shall become effective immediately, and shall apply to contracts resulting from solicitations issued on or after the effective date of the rule promulgated by the Secretary pursuant to section 3(b) of this order.

BARACK OBAMA

The White House,  

Executive Order 13497 of January 30, 2009

Revocation of Certain Executive Orders Concerning 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:


Sec. 2. The Director of the Office of Management and Budget and the heads of executive departments and agencies shall promptly rescind any orders, rules, regulations, guidelines, or policies implementing or enforcing Executive Order 13258 or Executive Order 13422, to the extent consistent with law.

Sec. 3. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA

The White House,  
Executive Order 13498 of February 5, 2009

Amendments to Executive Order 13199 and Establishment of the President’s Advisory Council for Faith-Based and Neighborhood Partnerships

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to strengthen the ability of faith-based and other neighborhood organizations to deliver services effectively in partnership with Federal, State, and local governments and with other private organizations, while preserving our fundamental constitutional commitments, it is hereby ordered:

Section 1. Amendments to Executive Order. Executive Order 13199 of January 29, 2001 ( Establishment of White House Office of Faith-Based and Community Initiatives), is hereby amended:

(a) by striking section 1, and inserting in lieu thereof the following:

“Section 1. Policy. Faith-based and other neighborhood organizations are vital to our Nation’s ability to address the needs of low-income and other underserved persons and communities. The American people are key drivers of fundamental change in our country, and few institutions are closer to the people than our faith-based and other neighborhood organizations. It is critical that the Federal Government strengthen the ability of such organizations and other nonprofit providers in our neighborhoods to deliver services effectively in partnership with Federal, State, and local governments and with other private organizations, while preserving our fundamental constitutional commitments guaranteeing the equal protection of the laws and the free exercise of religion and forbidding the establishment of religion. The Federal Government can preserve these fundamental commitments while empowering faith-based and neighborhood organizations to deliver vital services in our communities, from providing mentors and tutors to school children to giving ex-offenders a second chance at work and a responsible life to ensuring that families are fed. The Federal Government must also ensure that any organization receiving taxpayers’ dollars must be held accountable for its performance. Through rigorous evaluation, and by offering technical assistance, the Federal Government must ensure that organizations receiving Federal funds achieve measurable results in furtherance of valid public purposes.”

(b) by substituting “White House Office of Faith-Based and Neighborhood Partnerships” for “White House Office of Faith-Based and Community Initiatives” each time it appears in the order; and by substituting “Office” for “White House OFBCI” each time it appears in the order.

(c) in section 3, by inserting after subsection (b) the following new subsections:

“(c) to ensure that services paid for with Federal Government funds are provided in a manner consistent with fundamental constitutional commitments guaranteeing the equal protection of the laws and the free exercise of religion and prohibiting laws respecting an establishment of religion;
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(d) to promote effective training for persons providing federally funded social services in faith-based and neighborhood organizations;

(e) to promote the better use of program evaluation and research, in order to ensure that organizations deliver services as specified in grant agreements, contracts, memoranda of understanding, and other arrangements;”,

and renumbering the subsequent subsections of section 3 accordingly.

(d) in section 4, by striking the first sentence of subsection (b), and inserting in lieu thereof the following: “The Office shall have a staff to be headed by the Special Assistant to the President and Executive Director of the White House Office of Faith-Based and Neighborhood Partnerships (Executive Director).”

Sec. 2. President’s Advisory Council on Faith-Based and Neighborhood Partnerships. (a) Establishment. There is established within the Executive Office of the President the President’s Advisory Council on Faith-Based and Neighborhood Partnerships (Council).

(b) Mission. The Council shall bring together leaders and experts in fields related to the work of faith-based and neighborhood organizations in order to: identify best practices and successful modes of delivering social services; evaluate the need for improvements in the implementation and coordination of public policies relating to faith-based and other neighborhood organizations; and make recommendations to the President, through the Executive Director, for changes in policies, programs, and practices that affect the delivery of services by such organizations and the needs of low-income and other underserved persons in communities at home and around the world.

(c) Membership. (1) The Council shall be composed of not more than 25 members appointed by the President from among individuals who are not officers or employees of the Federal Government. The members shall be persons with experience and expertise in fields related to the provision of social services by faith-based and other neighborhood organizations.

(2) Members of the Council shall serve for terms of 1 year, and may continue to serve after the expiration of their terms until the President appoints a successor. Members shall be eligible for reappointment and serve at the pleasure of the President during their terms.

(3) The President shall designate a member of the Council to serve as Chair for a term of 1 year at the pleasure of the President. The Chair may continue to serve after the expiration of the Chair’s term and shall be eligible for redesignation by the President.

(4) The Executive Director of the White House Office of Faith-Based and Neighborhood Partnerships shall also serve as Executive Director of the Council.

(5) The Council shall have a staff headed by the Executive Director.

(d) Administration. (1) Upon the request of the Chair, with the approval of the Executive Director, the heads of executive departments and agencies shall, to the extent permitted by law, provide the Council with information it needs for purposes of carrying out its mission.

(2) With the approval of the Executive Director, the Council may request and collect information, hold hearings, establish subcommittees,
and establish task forces consisting of members of the Council or other individuals who are not officers or employees of the Federal Government, as necessary to carry out its mission.

(3) With the approval of the Executive Director, the Council may conduct analyses and develop reports or other materials as necessary to perform its mission.

(4) Members of the Council shall serve without compensation, but shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in Government service (5 U.S.C. 5701–5707) to the extent funds are available.

(5) To the extent permitted by law, and subject to the availability of appropriations, the Department of Health and Human Services shall provide the Council with administrative support and with such funds as may be necessary for the performance of the Council’s functions.

(e) General Provisions. (1) Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.) (Act), may apply to the Council, any functions of the President under that Act, except for those in section 6 of the Act, shall be performed by the Secretary of Health and Human Services in accordance with guidelines issued by the Administrator of General Services.

(2) The Council shall terminate 2 years from the date of this order unless extended by the President.

Sec. 3. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(1) authority granted by law to a department, agency, or the head thereof; or

(2) functions of the Director of the Office of Management and Budget relating to budget, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) In order to ensure that Federal programs and practices involving grants or contracts to faith-based organizations are consistent with law, the Executive Director, acting through the Counsel to the President, may seek the opinion of the Attorney General on any constitutional and statutory questions involving existing or prospective programs and practices.

(d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA

The White House,
February 5, 2009,
Executive Order 13499 of February 5, 2009

Further Amendments to Executive Order 12835,
Establishment of the National Economic Council

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:

Executive Order 12835 of January 25, 1993, as amended, is further amended by:

(a) inserting “(l) Secretary of Health and Human Services; (m) Secretary of Education; (n) Senior Advisor and Assistant to the President for Intergovernmental Affairs and Public Liaison; (o) Assistant to the President for Energy and Climate Change; (p) Assistant to the President and Chief Technology Officer; (q) Administrator of the Small Business Administration” after “(k) Secretary of Homeland Security;” in section 2; and

(b) relettering the subsequent subsections in section 2 appropriately.

BARACK OBAMA

The White House,
February 5, 2009.

Executive Order 13500 of February 5, 2009

Further Amendments to Executive Order 12859,
Establishment of the Domestic Policy Council

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:

Executive Order 12859 of August 16, 1993, as amended, is further amended by making the following revisions in section 2:

(a) striking “(u) Assistant to the President and Director of the Office of National Service;” and inserting in lieu thereof “(u) Senior Advisor and Assistant to the President for Intergovernmental Affairs and Public Liaison;”;

(b) striking “(v) Senior Advisor to the President for Policy Development;” and inserting in lieu thereof “(v) Assistant to the President for Energy and Climate Change;”;

(c) striking “(x) AIDS Policy Coordinator; and” and inserting in lieu thereof “(x) Assistant to the President and Chief Technology Officer;”;

(d) inserting “(y) Chief Executive Officer, Corporation for National and Community Service” and “(z) Director of the Office of Science and Technology Policy;” and

(e) relettering the subsequent subsection in section 2 as “(aa)”.

BARACK OBAMA

The White House,
February 5, 2009.
Executive Order 13501 of February 6, 2009

Establishment of the President’s Economic Recovery Advisory Board

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to enhance the strength and competitiveness of the Nation’s economy and the prosperity of the American people by ensuring the availability of independent, nonpartisan information, analysis, and advice to the President as he formulates and implements his plans for economic recovery, it is hereby ordered as follows:

Section 1. There is hereby established within the Department of the Treasury the President’s Economic Recovery Advisory Board (PERAB). The PERAB shall consist of not more than 17 members, who shall be appointed by the President from among distinguished citizens from outside the Government who are qualified on the basis of achievement, experience, independence, and integrity. The overall membership of the PERAB shall reflect a diverse set of perspectives from across the country and from various sectors of the economy. The President shall designate a Chair from among the members. The Chair shall appoint a Staff Director, who shall supervise the staff of the PERAB.

Sec. 2. The functions of the PERAB are advisory only. The PERAB shall meet regularly and shall:

(a) solicit information and ideas from across the country and from all sectors of our economy about the functioning of the economy, the condition of the financial and banking system, and the prosperity of the American people and of American industry that can serve to inform the decisionmaking of the President, and, with respect to matters deemed appropriate by the President, provide information and recommendations to any other agency with responsibilities related to the economy or financial markets or to the National Economic Council;

(b) report directly to the President on the design, implementation, and evaluation of policies to promote the growth of the American economy, establish a stable and sound financial and banking system, create jobs, and improve the long-term prosperity of the American people; and

(c) provide analysis and information with respect to the operation, regulation, and healthy functioning of the economy and of the financial and banking system. As deemed appropriate by the President, this analysis and information shall be provided to the Chairman of the Board of Governors of the Federal Reserve System, to any other agency with responsibilities related to the economy or financial markets, or to the National Economic Council.

Sec. 3. Administration of the PERAB. (a) All executive departments and agencies and all entities within the Executive Office of the President shall cooperate with the PERAB and provide such information and assistance to the PERAB as the PERAB may request, to the extent permitted by law.

(b) The Department of the Treasury shall provide funding and administrative support for the PERAB to the extent permitted by law and within existing appropriations.
(c) Members of the PERAB shall serve without compensation but may receive transportation expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in the Government (5 U.S.C. 5701–5707), consistent with the availability of funds.

Sec. 4. Termination. The PERAB shall terminate 2 years after the date of this order unless extended by the President.

Sec. 5. General Provisions. (a) Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.) (the “Act”), may apply to the PERAB, any functions of the President under the Act, except for those in section 6 of the Act, shall be performed by the Secretary of the Treasury in accordance with the guidelines that have been issued by the Administrator of General Services.

(b) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to a department or agency, or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA


Executive Order 13502 of February 6, 2009

Use of Project Labor Agreements for Federal Construction Projects

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Property and Administrative Services Act, 40 U.S.C. 101 et seq., and in order to promote the efficient administration and completion of Federal construction projects, it is hereby ordered that:

Section 1. Policy. (a) Large-scale construction projects pose special challenges to efficient and timely procurement by the Federal Government. Construction employers typically do not have a permanent workforce, which makes it difficult for them to predict labor costs when bidding on contracts and to ensure a steady supply of labor on contracts being performed. Challenges also arise due to the fact that construction projects typically involve multiple employers at a single location. A labor dispute involving one employer can delay the entire project. A lack of coordination among various employers, or uncertainty about the terms and conditions of employment of various groups of workers, can create frictions and disputes
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in the absence of an agreed-upon resolution mechanism. These problems threaten the efficient and timely completion of construction projects undertaken by Federal contractors. On larger projects, which are generally more complex and of longer duration, these problems tend to be more pronounced.

(b) The use of a project labor agreement may prevent these problems from developing by providing structure and stability to large-scale construction projects, thereby promoting the efficient and expeditious completion of Federal construction contracts. Accordingly, it is the policy of the Federal Government to encourage executive agencies to consider requiring the use of project labor agreements in connection with large-scale construction projects in order to promote economy and efficiency in Federal procurement.

Sec. 2. Definitions.

(a) The term “labor organization” as used in this order means a labor organization as defined in 29 U.S.C. 152(5).

(b) The term “construction” as used in this order means construction, rehabilitation, alteration, conversion, extension, repair, or improvement of buildings, highways, or other real property.

(c) The term “large-scale construction project” as used in this order means a construction project where the total cost to the Federal Government is $25 million or more.

(d) The term “executive agency” as used in this order has the same meaning as in 5 U.S.C. 105, but excludes the Government Accountability Office.

(e) The term “project labor agreement” as used in this order means a prehire collective bargaining agreement with one or more labor organizations that establishes the terms and conditions of employment for a specific construction project and is an agreement described in 29 U.S.C. 158(f).

Sec. 3. (a) In awarding any contract in connection with a large-scale construction project, or obligating funds pursuant to such a contract, executive agencies may, on a project-by-project basis, require the use of a project labor agreement by a contractor where use of such an agreement will (i) advance the Federal Government’s interest in achieving economy and efficiency in Federal procurement, producing labor-management stability, and ensuring compliance with laws and regulations governing safety and health, equal employment opportunity, labor and employment standards, and other matters, and (ii) be consistent with law.

(b) If an executive agency determines under subsection (a) that the use of a project labor agreement will satisfy the criteria in clauses (i) and (ii) of that subsection, the agency may, if appropriate, require that every contractor or subcontractor on the project agree, for that project, to negotiate or become a party to a project labor agreement with one or more appropriate labor organizations.

Sec. 4. Any project labor agreement reached pursuant to this order shall:

(a) bind all contractors and subcontractors on the Construction project through the inclusion of appropriate specifications in all relevant solicitation provisions and contract documents;
(b) allow all contractors and subcontractors to compete for contracts and subcontracts without regard to whether they are otherwise parties to collective bargaining agreements;

(c) contain guarantees against strikes, lockouts, and similar job disruptions;

(d) set forth effective, prompt, and mutually binding procedures for resolving labor disputes arising during the project labor agreement;

(e) provide other mechanisms for labor-management cooperation on matters of mutual interest and concern, including productivity, quality of work, safety, and health; and

(f) fully conform to all statutes, regulations, and Executive Orders.

Sec. 5. This order does not require an executive agency to use a project labor agreement on any construction project, nor does it preclude the use of a project labor agreement in circumstances not covered by this order, including leasehold arrangements and projects receiving Federal financial assistance. This order also does not require contractors or subcontractors to enter into a project labor agreement with any particular labor organization.

Sec. 6. Within 120 days of the date of this order, the Federal Acquisition Regulatory Council (FAR Council), to the extent permitted by law, shall take whatever action is required to amend the Federal Acquisition Regulation to implement the provisions of this order.

Sec. 7. The Director of OMB, in consultation with the Secretary of Labor and with other officials as appropriate, shall provide the President within 180 days of this order, recommendations about whether broader use of project labor agreements, with respect to both construction projects undertaken under Federal contracts and construction projects receiving Federal financial assistance, would help to promote the economical, efficient, and timely completion of such projects.

Sec. 8. Revocation of Prior Orders, Rules, and Regulations. Executive Order 13202 of February 17, 2001, and Executive Order 13208 of April 6, 2001, are revoked. The heads of executive agencies shall, to the extent permitted by law, revoke expeditiously any orders, rules, or regulations implementing Executive Orders 13202 and 13208.

Sec. 9. Severability. If any provision of this order, or the application of such provision to any person or circumstance, is held to be invalid, the remainder of this order and the application of the provisions of such to any person or circumstance shall not be affected thereby.

Sec. 10. General. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to an executive department, agency, or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party
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against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Sec. 11. Effective Date. This order shall be effective immediately and shall apply to all solicitations for contracts issued on or after the effective date of the action taken by the FAR Council under section 6 of this order.

BARACK OBAMA


Executive Order 13503 of February 19, 2009

Establishment of the White House Office of Urban Affairs

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to take a coordinated and comprehensive approach to developing and implementing an effective strategy concerning urban America, it is hereby ordered as follows:

Section 1. Policy. About 80 percent of Americans live in urban areas, and the economic health and social vitality of our urban communities are critically important to the prosperity and quality of life for Americans. Vibrant cities spawn innovation, economic growth, and cultural enrichment through the businesses, universities, and civic, cultural, religious, and nonprofit institutions they attract. Forward-looking policies that encourage wise investment and development in our urban areas will create employment and housing opportunities and make our country more competitive, prosperous, and strong. In the past, insufficient attention has been paid to the problems faced by urban areas and to coordinating the many Federal programs that affect our cities. A more comprehensive approach is needed, both to develop an effective strategy for urban America and to coordinate the actions of the many executive departments and agencies whose actions impact urban life.

Sec. 2. Establishment. There is established within the Executive Office of the President the White House Office of Urban Affairs (the “Office”).

Sec. 3. Functions. The principal functions of the Office are, to the extent permitted by law:

(a) to provide leadership for and coordinate the development of the policy agenda for urban America across executive departments and agencies;

(b) to coordinate all aspects of urban policy;

(c) to work with executive departments and agencies to ensure that appropriate consideration is given by such departments and agencies to the potential impact of their actions on urban areas;

(d) to work with executive departments and agencies, including the Office of Management and Budget, to ensure that Federal Government dollars targeted to urban areas are effectively spent on the highest-impact programs; and

(e) to engage in outreach and work closely with State and local officials, with nonprofit organizations, and with the private sector, both in seeking
input regarding the development of a comprehensive urban policy and in ensuring that the implementation of Federal programs advances the objectives of that policy.

Sec. 4. Coordination. In performing its functions, the Office shall work closely with all relevant executive departments and agencies, and offices and councils within the Executive Office of the President, including but not limited to:

(a) the Department of the Treasury;
(b) the Department of Justice;
(c) the Department of Commerce;
(d) the Department of Labor;
(e) the Department of Health and Human Services;
(f) the Department of Housing and Urban Development;
(g) the Department of Transportation;
(h) the Department of Energy;
(i) the Department of Education; and
(j) the Environmental Protection Agency.

Sec. 5. Administration. (a) The Office may work with established or ad hoc committees, task forces, and interagency groups.

(b) The Office shall have a staff headed by the Deputy Assistant to the President and Director of Urban Affairs (Director). The Director shall report jointly to the Assistant to the President for Intergovernmental Affairs and Public Liaison and to the Assistant to the President for Domestic Policy. The Office shall have such staff and other assistance as may be necessary to carry out the provisions of this order.

(c) All executive departments and agencies shall cooperate with the Office and provide such information, support, and assistance to the Office as the Director may request, to the extent permitted by law.

Sec. 6. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to a department, agency, or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA

The White House,
February 19, 2009.
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Executive Order 13504 of February 20, 2009

Amending Executive Order 13390

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. 5121–5206), and in order to extend the work of the Coordinator of Federal Support for the Recovery and Rebuilding of the Gulf Coast Region, Executive Order 13390 of November 1, 2005, as amended, is further amended by striking “February 28, 2009” and inserting in lieu thereof “September 30, 2009”.

BARACK OBAMA

The White House,
February 20, 2009.

Executive Order 13505 of March 9, 2009

Removing Barriers to Responsible Scientific Research Involving Human Stem Cells

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. Policy. Research involving human embryonic stem cells and human non-embryonic stem cells has the potential to lead to better understanding and treatment of many disabiling diseases and conditions. Advances over the past decade in this promising scientific field have been encouraging, leading to broad agreement in the scientific community that the research should be supported by Federal funds.

For the past 8 years, the authority of the Department of Health and Human Services, including the National Institutes of Health (NIH), to fund and conduct human embryonic stem cell research has been limited by Presidential actions. The purpose of this order is to remove these limitations on scientific inquiry, to expand NIH support for the exploration of human stem cell research, and in so doing to enhance the contribution of America’s scientists to important new discoveries and new therapies for the benefit of humankind.

Sec. 2. Research. The Secretary of Health and Human Services (Secretary), through the Director of NIH, may support and conduct responsible, scientifically worthy human stem cell research, including human embryonic stem cell research, to the extent permitted by law.

Sec. 3. Guidance. Within 120 days from the date of this order, the Secretary, through the Director of NIH, shall review existing NIH guidance and other widely recognized guidelines on human stem cell research, including provisions establishing appropriate safeguards, and issue new NIH guidance on such research that is consistent with this order. The Secretary, through NIH, shall review and update such guidance periodically, as appropriate.
Sec. 4. General Provisions. (a) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(b) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to an executive department, agency, or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Sec. 5. Revocations. (a) The Presidential statement of August 9, 2001, limiting Federal funding for research involving human embryonic stem cells, shall have no further effect as a statement of governmental policy.

(b) Executive Order 13435 of June 20, 2007, which supplements the August 9, 2001, statement on human embryonic stem cell research, is revoked.

BARACK OBAMA

The White House,
March 9, 2009.

Executive Order 13506 of March 11, 2009

Establishing a White House Council on Women and Girls

By the authority vested in me as President by the Constitution and the laws of the United States of America, I hereby order as follows:

Section 1. Policy. Over the past generation, our society has made tremendous progress in eradicating barriers to women’s success. A record number of women are attending college and graduate school. Women make up a growing share of our workforce, and more women are corporate executives and business owners than ever before, helping boost the U.S. economy and foster U.S. competitiveness around the world. Today, women are serving at the highest levels of all branches of our Government.

Despite this progress, certain inequalities continue to persist. On average, American women continue to earn only about 78 cents for every dollar men make, and women are still significantly underrepresented in the science, engineering, and technology fields. Far too many women lack health insurance, and many are unable to take time off to care for a new baby or an ailing family member. Violence against women and girls remains a global epidemic. The challenge of ensuring equal educational opportunities for women and girls endures. As the current economic crisis has swept across our Nation, women have been seriously affected.

These issues do not concern just women. When jobs do not offer family leave, that affects men who wish to help care for their families. When women earn less than men for the same work, that affects families who have to work harder to make ends meet. When our daughters do not have the same educational and career opportunities as our sons, that affects entire communities, our economy, and our future as a Nation.
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The purpose of this order is to establish a coordinated Federal response to issues that particularly impact the lives of women and girls and to ensure that Federal programs and policies address and take into account the distinctive concerns of women and girls, including women of color and those with disabilities.

Sec. 2. White House Council on Women and Girls. There is established within the Executive Office of the President a White House Council on Women and Girls (Council).

(a) Membership of the Council. The Council shall consist of the following members:

1. the Senior Advisor and Assistant to the President for Intergovernmental Affairs and Public Liaison, who shall serve as Chair of the Council;
2. the Secretary of State;
3. the Secretary of the Treasury;
4. the Secretary of Defense;
5. the Attorney General;
6. the Secretary of the Interior;
7. the Secretary of Agriculture;
8. the Secretary of Commerce;
9. the Secretary of Labor;
10. the Secretary of Health and Human Services;
11. the Secretary of Housing and Urban Development;
12. the Secretary of Transportation;
13. the Secretary of Energy;
14. the Secretary of Education;
15. the Secretary of Veterans Affairs;
16. the Secretary of Homeland Security;
17. the Representative of the United States of America to the United Nations;
18. the United States Trade Representative;
19. the Director of the Office of Management and Budget;
20. the Administrator of the Environmental Protection Agency;
21. the Chair of the Council of Economic Advisers;
22. the Director of the Office of Personnel Management;
23. the Administrator of the Small Business Administration;
24. the Assistant to the President and Director of the Domestic Policy Council;
25. the Assistant to the President for Economic Policy and Director of the National Economic Council; and
26. the heads of such other executive branch departments, agencies, and offices as the President may, from time to time, designate.

A member of the Council may designate, to perform the Council functions of the member, a senior-level official who is a part of the member’s department, agency, or office, and who is a full-time officer or employee of the Federal Government. At the direction of the Chair, the Council
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may establish subgroups consisting exclusively of Council members or their designees under this section, as appropriate.

(b) **Administration of the Council.** The Department of Commerce shall provide funding and administrative support for the Council to the extent permitted by law and within existing appropriations. The Chair shall convene regular meetings of the Council, determine its agenda, and direct its work. The Chair shall designate an Executive Director of the Council, who shall coordinate the work of the Council and head any staff assigned to the Council.

Sec. 3. **Mission and Functions of the Council.** The Council shall work across executive departments and agencies to provide a coordinated Federal response to issues that have a distinct impact on the lives of women and girls, including assisting women-owned businesses to compete internationally and working to increase the participation of women in the science, engineering, and technology workforce, and to ensure that Federal programs and policies adequately take those impacts into account. The Council shall be responsible for providing recommendations to the President on the effects of pending legislation and executive branch policy proposals; for suggesting changes to Federal programs or policies to address issues of special importance to women and girls; for reviewing and recommending changes to policies that have a distinct impact on women in the Federal workforce; and for assisting in the development of legislative and policy proposals of special importance to women and girls. The functions of the Council are advisory only.

Sec. 4. **Outreach.** Consistent with the objectives set out in this order, the Council, in accordance with applicable law, in addition to regular meetings, shall conduct outreach with representatives of nonprofit organizations, State and local government agencies, elected officials, and other interested persons that will assist with the Council’s development of a detailed set of recommendations.

Sec. 5. **Federal Interagency Plan.** The Council shall, within 150 days of the date of this order, develop and submit to the President a Federal interagency plan with recommendations for interagency action consistent with the goals of this order. The Federal interagency plan shall include an assessment by each member executive department, agency, or office of the status and scope of its efforts to further the progress and advancement of women and girls. Such an assessment shall include a report on the status of any offices or programs that have been created to develop, implement, or monitor targeted initiatives concerning women or girls. The Federal interagency plan shall also include recommendations for issues, programs, or initiatives that should be further evaluated or studied by the Council. The Council shall review and update the Federal interagency plan periodically, as appropriate, and shall present to the President any updated recommendations or findings.

Sec. 6. **General Provisions.** (a) The heads of executive departments and agencies shall assist and provide information to the Council, consistent with applicable law, as may be necessary to carry out the functions of the Council. Each executive department and agency shall bear its own expense for participating in the Council.

(b) Nothing in this order shall be construed to impair or otherwise affect:
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(i) authority granted by law to an executive department, agency, or the head thereof; or
(ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA

The White House,
March 11, 2009.

Executive Order 13507 of April 8, 2009

Establishment of the White House Office of Health Reform

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in the interest of providing all Americans access to affordable and high-quality health care, it is hereby ordered as follows:

Section 1. Policy. Reforming the health care system is a key goal of my Administration. The health care system suffers from serious and pervasive problems; access to health care is constrained by high and rising costs; and the quality of care is not consistent and must be improved, in order to improve the health of our citizens and our economic security.

Sec. 2. Establishment. (a) There is established a White House Office of Health Reform (Health Reform Office) within the Executive Office of the President that will provide leadership to the executive branch in establishing policies, priorities, and objectives for the Federal Government's comprehensive effort to improve access to health care, the quality of such care, and the sustainability of the health care system.

(b) The Secretary of Health and Human Services, to the extent permitted by law, shall establish within the Department of Health and Human Services (HHS) an Office of Health Reform, which shall coordinate closely with the White House Office of Health Reform.

Sec. 3. Functions. The principal functions of the Health Reform Office, to the extent permitted by law, are to:

(a) provide leadership for and to coordinate the development of the Administration's policy agenda across executive departments and agencies concerning the provision of high-quality, affordable, and accessible health care and to slow the growth of health costs; this shall include coordinating policy development with the Domestic Policy Council, National Economic Council, Council of Economic Advisers, Office of Management and Budget, HHS, Office of Personnel Management, and such other executive departments and agencies as the Director of the Health Reform Office may deem appropriate;
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(b) work with executive departments and agencies to ensure that Federal Government policy decisions and programs are consistent with the President’s stated goals with respect to health reform;

(c) integrate the President’s policy agenda concerning health reform across the Federal Government;

(d) coordinate public outreach activities conducted by executive departments and agencies designed to gather input from the public, from demonstration and pilot projects, and from public-private partnerships on the problems and priorities for policy measures designed to meet the President’s goals for improvement of the health care system;

(e) bring to the President’s attention concerns, ideas, and policy options for strengthening, increasing the efficiency, and improving the quality of the health care system;

(f) work with State, local, and community policymakers and public officials to expand coverage, improve quality and efficiency, and slow the growth of health costs;

(g) develop and implement strategic initiatives under the President’s agenda to strengthen the public agencies and private organizations that can improve the performance of the health care system;

(h) work with the Congress and executive departments and agencies to eliminate unnecessary legislative, regulatory, and other bureaucratic barriers that impede effective delivery of efficient and high-quality health care;

(i) monitor implementation of the President’s agenda on health reform; and

(j) help ensure that policymakers across the executive branch work toward the President’s health care agenda.

Sec. 4. Administration. (a) The Health Reform Office may work with established or ad hoc committees, task forces, or interagency groups.

(b) The Health Reform Office shall have a staff headed by the Director of the Health Reform Office (Director). The Health Reform Office shall have such staff and other assistance as may be necessary to carry out the provisions of this order.

(c) As requested by the Director, each executive department and agency shall designate a liaison to work with the Health Reform Office on improving access to health care, the quality of health care, and the sustainability of the health care system.

(d) All executive departments and agencies shall cooperate with the Health Reform Office and provide such information, support, and assistance to the Health Reform Office as it may request, to the extent permitted by law.

Sec. 5. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to a department, agency, or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.
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(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA

The White House,
April 8, 2009.

Executive Order 13508 of May 12, 2009

Chesapeake Bay Protection and Restoration

By the authority vested in me as President by the Constitution and the laws of the United States of America and in furtherance of the purposes of the Clean Water Act of 1972, as amended (33 U.S.C. 1251 et seq.), and other laws, and to protect and restore the health, heritage, natural resources, and social and economic value of the Nation’s largest estuarine ecosystem and the natural sustainability of its watershed, it is hereby ordered as follows:

PART 1—PREAMBLE

The Chesapeake Bay is a national treasure constituting the largest estuary in the United States and one of the largest and most biologically productive estuaries in the world. The Federal Government has nationally significant assets in the Chesapeake Bay and its watershed in the form of public lands, facilities, military installations, parks, forests, wildlife refuges, monuments, and museums.

Despite significant efforts by Federal, State, and local governments and other interested parties, water pollution in the Chesapeake Bay prevents the attainment of existing State water quality standards and the “fishable and swimmable” goals of the Clean Water Act. At the current level and scope of pollution control within the Chesapeake Bay’s watershed, restoration of the Chesapeake Bay is not expected for many years. The pollutants that are largely responsible for pollution of the Chesapeake Bay are nutrients, in the form of nitrogen and phosphorus, and sediment. These pollutants come from many sources, including sewage treatment plants, city streets, development sites, agricultural operations, and deposition from the air onto the waters of the Chesapeake Bay and the lands of the watershed.

Restoration of the health of the Chesapeake Bay will require a renewed commitment to controlling pollution from all sources as well as protecting and restoring habitat and living resources, conserving lands, and improving management of natural resources, all of which contribute to improved water quality and ecosystem health. The Federal Government should lead this effort. Executive departments and agencies (agencies), working in collaboration, can use their expertise and resources to contribute significantly to improving the health of the Chesapeake Bay. Progress in restoring the
Chesapeake Bay also will depend on the support of State and local governments, the enterprise of the private sector, and the stewardship provided to the Chesapeake Bay by all the people who make this region their home.

PART 2—SHARED FEDERAL LEADERSHIP, PLANNING, AND ACCOUNTABILITY

Sec. 201. Federal Leadership Committee. In order to begin a new era of shared Federal leadership with respect to the protection and restoration of the Chesapeake Bay, a Federal Leadership Committee (Committee) for the Chesapeake Bay is established to oversee the development and coordination of programs and activities, including data management and reporting, of agencies participating in protection and restoration of the Chesapeake Bay. The Committee shall manage the development of strategies and program plans for the watershed and ecosystem of the Chesapeake Bay and oversee their implementation. The Committee shall be chaired by the Administrator of the Environmental Protection Agency (EPA), or the Administrator’s designee, and include senior representatives of the Departments of Agriculture (USDA), Commerce (DOC), Defense (DOD), Homeland Security (DHS), the Interior (DOI), Transportation (DOT), and such other agencies as determined by the Committee. Representatives serving on the Committee shall be officers of the United States.

Sec. 202. Reports on Key Challenges to Protecting and Restoring the Chesapeake Bay. Within 120 days from the date of this order, the agencies identified in this section as the lead agencies shall prepare and submit draft reports to the Committee making recommendations for accomplishing the following steps to protect and restore the Chesapeake Bay:

(a) define the next generation of tools and actions to restore water quality in the Chesapeake Bay and describe the changes to be made to regulations, programs, and policies to implement these actions;

(b) target resources to better protect the Chesapeake Bay and its tributary waters, including resources under the Food Security Act of 1985 as amended, the Clean Water Act, and other laws;

(c) strengthen storm water management practices at Federal facilities and on Federal lands within the Chesapeake Bay watershed and develop storm water best practices guidance;

(d) assess the impacts of a changing climate on the Chesapeake Bay and develop a strategy for adapting natural resource programs and public infrastructure to the impacts of a changing climate on water quality and living resources of the Chesapeake Bay watershed;

(e) expand public access to waters and open spaces of the Chesapeake Bay and its tributaries from Federal lands and conserve landscapes and ecosystems of the Chesapeake Bay watershed;

(f) strengthen scientific support for decisionmaking to restore the Chesapeake Bay and its watershed, including expanded environmental research and monitoring and observing systems; and

(g) develop focused and coordinated habitat and research activities that protect and restore living resources and water quality of the Chesapeake Bay and its watershed.

The EPA shall be the lead agency for subsection (a) of this section and the development of the storm water best practices guide under subsection (c).
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The USDA shall be the lead agency for subsection (b). The DOD shall lead on storm water management practices at Federal facilities and on Federal lands under subsection (c). The DOI and the DOC shall share the lead on subsections (d), (f), and (g), and the DOI shall be lead on subsection (e). The lead agencies shall provide final reports to the Committee within 180 days of the date of this order.

Sec. 203. Strategy for Protecting and Restoring the Chesapeake Bay. The Committee shall prepare and publish a strategy for coordinated implementation of existing programs and projects to guide efforts to protect and restore the Chesapeake Bay. The strategy shall, to the extent permitted by law:

(a) define environmental goals for the Chesapeake Bay and describe milestones for making progress toward attainment of these goals;

(b) identify key measurable indicators of environmental condition and changes that are critical to effective Federal leadership;

(c) describe the specific programs and strategies to be implemented, including the programs and strategies described in draft reports developed under section 202 of this order;

(d) identify the mechanisms that will assure that governmental and other activities, including data collection and distribution, are coordinated and effective, relying on existing mechanisms where appropriate; and

(e) describe a process for the implementation of adaptive management principles, including a periodic evaluation of protection and restoration activities.

The Committee shall review the draft reports submitted by lead agencies under section 202 of this order and, in consultation with relevant State agencies, suggest appropriate revisions to the agency that provided the draft report. It shall then integrate these reports into a coordinated strategy for restoration and protection of the Chesapeake Bay consistent with the requirements of this order. Together with the final reports prepared by the lead agencies, the draft strategy shall be published for public review and comment within 180 days of the date of this order and a final strategy shall be published within 1 year. To the extent practicable and authorized under their existing authorities, agencies may begin implementing core elements of restoration and protection programs and strategies, in consultation with the Committee, as soon as possible and prior to release of a final strategy.

Sec. 204. Collaboration with State Partners. In preparing the reports under section 202 and the strategy under section 203, the lead agencies and the Committee shall consult extensively with the States of Virginia, Maryland, Pennsylvania, West Virginia, New York, and Delaware and the District of Columbia. The goal of this consultation is to ensure that Federal actions to protect and restore the Chesapeake Bay are closely coordinated with actions by State and local agencies in the watershed and that the resources, authorities, and expertise of Federal, State, and local agencies are used as efficiently as possible for the benefit of the Chesapeake Bay’s water quality and ecosystem and habitat health and viability.

Sec. 205. Annual Action Plan and Progress Report. Beginning in 2010, the Committee shall publish an annual Chesapeake Bay Action Plan (Action Plan) describing how Federal funding proposed in the President’s Budget
will be used to protect and restore the Chesapeake Bay during the upcom-
ing fiscal year. This plan will be accompanied by an Annual Progress Re-
port reviewing indicators of environmental conditions in the Chesapeake 
Bay, assessing implementation of the Action Plan during the preceding fis-
cal year, and recommending steps to improve progress in restoring and pro-
tecting the Chesapeake Bay. The Committee shall consult with stakeholders 
(including relevant State agencies) and members of the public in devel-
oping the Action Plan and Annual Progress Report.

Sec. 206. Strengthen Accountability. The Committee, in collaboration with 
State agencies, shall ensure that an independent evaluator periodically re-
ports to the Committee on progress toward meeting the goals of this order. 
The Committee shall ensure that all program evaluation reports, including 
data on practice or system implementation and maintenance funded 
through agency programs, as appropriate, are made available to the public 
by posting on a website maintained by the Chair of the Committee.

PART 3—RESTORE CHESAPEAKE BAY WATER QUALITY

Sec. 301. Water Pollution Control Strategies. In preparing the report re-
quired by subsection 202(a) of this order, the Administrator of the EPA 
(Administrator) shall, after consulting with appropriate State agencies, ex-
amine how to make full use of its authorities under the Clean Water Act 
to protect and restore the Chesapeake Bay and its tributary waters and, as 
appropriate, shall consider revising any guidance and regulations. The Ad-
ministrator shall identify pollution control strategies and actions author-
ized by the EPA’s existing authorities to restore the Chesapeake Bay that:

(a) establish a clear path to meeting, as expeditiously as practicable, 
water quality and environmental restoration goals for the Chesapeake Bay;

(b) are based on sound science and reflect adaptive management prin-
ciples;

(c) are performance oriented and publicly accountable;

(d) apply innovative and cost-effective pollution control measures;

(e) can be replicated in efforts to protect other bodies of water, where 
appropriate; and

(f) build on the strengths and expertise of Federal, State, and local gov-
ernments, the private sector, and citizen organizations.

Sec. 302. Elements of EPA Reports. The strategies and actions identified by 
the Administrator of the EPA in preparing the report under subsection 
202(a) shall include, to the extent permitted by law:

(a) using Clean Water Act tools, including strengthening existing permit 
programs and extending coverage where appropriate;

(b) establishing new, minimum standards of performance where appro-
priate, including:

(i) establishing a schedule for the implementation of key actions in co-
operation with States, local governments, and others;

(ii) constructing watershed-based frameworks that assign pollution re-
duction responsibilities to pollution sources and maximize the reliability 
and cost-effectiveness of pollution reduction programs; and

(iii) implementing a compliance and enforcement strategy.
PART 4—AGRICULTURAL PRACTICES TO PROTECT THE CHESAPEAKE BAY

Sec. 401. In developing recommendations for focusing resources to protect the Chesapeake Bay in the report required by subsection 202(b) of this order, the Secretary of Agriculture shall, as appropriate, concentrate the USDA’s working lands and land retirement programs within priority watersheds in counties in the Chesapeake Bay watershed. These programs should apply priority conservation practices that most efficiently reduce nutrient and sediment loads to the Chesapeake Bay, as identified by USDA and EPA data and scientific analysis. The Secretary of Agriculture shall work with State agriculture and conservation agencies in developing the report.

PART 5—REDUCE WATER POLLUTION FROM FEDERAL LANDS AND FACILITIES

Sec. 501. Agencies with land, facilities, or installation management responsibilities affecting ten or more acres within the watershed of the Chesapeake Bay shall, as expeditiously as practicable and to the extent permitted by law, implement land management practices to protect the Chesapeake Bay and its tributary waters consistent with the report required by section 202 of this order and as described in guidance published by the EPA under section 502.

Sec. 502. The Administrator of the EPA shall, within 1 year of the date of this order and after consulting with the Committee and providing for public review and comment, publish guidance for Federal land management in the Chesapeake Bay watershed describing proven, cost-effective tools and practices that reduce water pollution, including practices that are available for use by Federal agencies.

PART 6—PROTECT CHESAPEAKE BAY AS THE CLIMATE CHANGES

Sec. 601. The Secretaries of Commerce and the Interior shall, to the extent permitted by law, organize and conduct research and scientific assessments to support development of the strategy to adapt to climate change impacts on the Chesapeake Bay watershed as required in section 202 of this order and to evaluate the impacts of climate change on the Chesapeake Bay in future years. Such research should include assessment of:

(a) the impact of sea level rise on the aquatic ecosystem of the Chesapeake Bay, including nutrient and sediment load contributions from stream banks and shorelines;

(b) the impacts of increasing temperature, acidity, and salinity levels of waters in the Chesapeake Bay;

(c) the impacts of changing rainfall levels and changes in rainfall intensity on water quality and aquatic life;

(d) potential impacts of climate change on fish, wildlife, and their habitats in the Chesapeake Bay and its watershed; and

(e) potential impacts of more severe storms on Chesapeake Bay resources.

PART 7—EXPAND PUBLIC ACCESS TO THE CHESAPEAKE BAY AND CONSERVE LANDSCAPES AND ECOSYSTEMS

Sec. 701. (a) Agencies participating in the Committee shall assist the Secretary of the Interior in development of the report addressing expanded
public access to the waters of the Chesapeake Bay and conservation of landscapes and ecosystems required in subsection 202(e) of this order by providing to the Secretary:

(i) a list and description of existing sites on agency lands and facilities where public access to the Chesapeake Bay or its tributary waters is offered;

(ii) a description of options for expanding public access at these agency sites;

(iii) a description of agency sites where new opportunities for public access might be provided;

(iv) a description of safety and national security issues related to expanded public access to Department of Defense installations;

(v) a description of landscapes and ecosystems in the Chesapeake Bay watershed that merit recognition for their historical, cultural, ecological, or scientific values; and

(vi) options for conserving these landscapes and ecosystems.

(b) In developing the report addressing expanded public access on agency lands to the waters of the Chesapeake Bay and options for conserving landscapes and ecosystems in the Chesapeake Bay, as required in subsection 202(e) of this order, the Secretary of the Interior shall coordinate any recommendations with State and local agencies in the watershed and programs such as the Captain John Smith Chesapeake National Historic Trail, the Chesapeake Bay Gateways and Watertrails Network, and the Star-Spangled Banner National Historic Trail.

PART 8—MONITORING AND DECISION SUPPORT FOR ECOSYSTEM MANAGEMENT

Sec. 801. The Secretaries of Commerce and the Interior shall, to the extent permitted by law, organize and conduct their monitoring, research, and scientific assessments to support decisionmaking for the Chesapeake Bay ecosystem and to develop the report addressing strengthening environmental monitoring of the Chesapeake Bay and its watershed required in section 202 of this order. This report will assess existing monitoring programs and gaps in data collection, and shall also include the following topics:

(a) the health of fish and wildlife in the Chesapeake Bay watershed;

(b) factors affecting changes in water quality and habitat conditions; and

(c) using adaptive management to plan, monitor, evaluate, and adjust environmental management actions.

PART 9—LIVING RESOURCES PROTECTION AND RESTORATION

Sec. 901. The Secretaries of Commerce and the Interior shall, to the extent permitted by law, identify and prioritize critical living resources of the Chesapeake Bay and its watershed, conduct collaborative research and habitat protection activities that address expected outcomes for these species, and develop a report addressing these topics as required in section 202 of this order. The Secretaries of Commerce and the Interior shall coordinate agency activities related to living resources in estuarine waters to ensure maximum benefit to the Chesapeake Bay resources.

PART 10—EXCEPTIONS
Sec. 1001. The heads of agencies may authorize exceptions to this order, in the following circumstances:

(a) during time of war or national emergency;

(b) when necessary for reasons of national security;

(c) during emergencies posing an unacceptable threat to human health or safety or to the marine environment and admitting of no other feasible solution; or

(d) 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.

PART 11—GENERAL PROVISIONS

Sec. 1101. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to a department, agency, or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA

The White House,
May 12, 2009.

Executive Order 13509 of June 23, 2009

Establishing a White House Council on Automotive Communities and Workers

Section 1. Policy. Over the last decade, the United States has experienced a decline in employment in the auto industry and among part suppliers. This decline has accelerated dramatically over the past year, with more than 400,000 jobs being lost in the industry. Unemployment in the automotive sector in towns and cities across the country has reached levels not seen in decades, with resulting increases in poverty and high home foreclosure rates.

The purpose of this order is to establish a coordinated Federal response to issues that particularly impact automotive communities and workers and to ensure that Federal programs and policies address and take into account these concerns.

Sec. 2. White House Council on Automotive Communities and Workers. There is established within the Executive Office of the President the White House Council on Automotive Communities and Workers (Council).
(a) Membership. The Council shall consist of the following members:

(1) the Secretary of Labor and the Assistant to the President for Economic Policy and Director of the National Economic Council, who shall serve as Co-Chairs of the Council;

(2) the Secretary of the Treasury;

(3) the Secretary of Defense;

(4) the Attorney General;

(5) the Secretary of the Interior;

(6) the Secretary of Agriculture;

(7) the Secretary of Commerce;

(8) the Secretary of Health and Human Services;

(9) the Secretary of Housing and Urban Development;

(10) the Secretary of Transportation;

(11) the Secretary of Energy;

(12) the Secretary of Education;

(13) the Secretary of Veterans Affairs;

(14) the Chair of the Council of Economic Advisers;

(15) the Administrator of the Environmental Protection Agency;

(16) the Director of the Office of Management and Budget;

(17) the United States Trade Representative;

(18) the Administrator of General Services;

(19) the Administrator of the Small Business Administration;

(20) the Senior Advisor and Assistant to the President for Intergovernmental Affairs and Public Engagement;

(21) the Assistant to the President and Cabinet Secretary;

(22) the Assistant to the President and Director of the Domestic Policy Council;

(23) the Chair of the Council on Environmental Quality;

(24) the Assistant to the President for Energy and Climate Change; and

(25) the heads of such other executive departments, agencies, and offices as the President may, from time to time, designate.

A member of the Council may designate, to perform the Council functions of the member, a senior-level official who is a part of the member’s department, agency, or office, and who is a full-time officer or employee of the Federal Government.

(b) Administration. The Co-Chairs shall convene regular meetings of the Council, determine its agenda, and direct its work. The Director for Recovery of Auto Communities and Workers (Director of Recovery) shall serve as Executive Director of the Council and shall coordinate the Council’s activities. At the direction of the Co-Chairs, the Council may establish subgroups consisting exclusively of Council members or their designees, as appropriate.
Sec. 3. Mission and Functions. The Council shall perform the following functions, to the extent permitted by law:

(a) Provide leadership and coordinate the development of policies and programs across executive departments and agencies to ensure a coordinated Federal response to issues that have a distinct impact on automotive communities and workers;

(b) Advise the President on the effects of pending legislation and executive branch policy proposals on automotive communities and workers;

(c) Provide recommendations to the President on changes to Federal policies and programs to address issues of special importance to automotive communities and workers; and

(d) Help ensure that officials across the executive branch, including officials on existing committees or task forces addressing automotive issues, advance the President’s agenda for automotive communities and support the Director of Recovery’s coordination of Federal economic adjustment assistance activities. Such support may include the use of personnel, technical expertise, and available financial resources. It may be used to provide a coordinated Federal response to the needs of individual States, regions, municipalities, and communities adversely affected by auto industry changes.

Sec. 4. Outreach. Consistent with the objectives set forth in this order, the Council, in accordance with applicable law, in addition to regular meetings, shall conduct outreach to representatives of nonprofit organizations, business, labor, State and local government agencies, elected officials, and other interested persons that will assist in bringing to the President’s attention concerns, ideas, and policy options for expanding and improving efforts to revitalize automotive communities.

Sec. 5. Termination. The Council shall terminate 2 years after the date of this order unless extended by the President.

Sec. 6. General Provisions. (a) The heads of executive departments and agencies shall assist and provide information to the Council, consistent with applicable law, as may be necessary to carry out the functions of the Council. Each executive department and agency shall bear its own expense for participating in the Council.

(b) Executive departments and agencies shall afford consideration to requests from automotive communities for Federal technical assistance, financial resources, excess or surplus property, or other resources.

(c) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to an executive department, agency, or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(d) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(e) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party
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against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA

The White House,
June 23, 2009.

Executive Order 13510 of July 1, 2009

Waiver Under the Trade Act of 1974 With Respect to the Republic of Belarus

By the authority vested in me as President by the Constitution and the laws of the United States of America, including subsection 402(c)(2) of the Trade Act of 1974, as amended (the “Act”) (19 U.S.C. 2432(c)(2)), which continues to apply to the Republic of Belarus pursuant to subsection 402(d) of the Act (19 U.S.C. 2432(d)), and having made the report to the Congress set forth in subsection 402(c)(2), I hereby waive the application of subsections (a) and (b) of section 402 of the Act with respect to the Republic of Belarus.

BARACK OBAMA

The White House,
July 1, 2009.

Executive Order 13511 of September 29, 2009

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 consistent 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, 2011.

(a) Committee for the Preservation of the White House; Executive Order 11145, as amended (Department of the Interior).

(b) National Infrastructure Advisory Council; Executive Order 13231, as amended (Department of Homeland Security).

(c) Federal Advisory Council on Occupational Safety and Health; Executive Order 12196, as amended (Department of Labor).

(d) President’s Board of Advisors on Historically Black Colleges and Universities; Executive Order 13256 (Department of Education).

(e) President’s Board of Advisors on Tribal Colleges and Universities; Executive Order 13270 (Department of Education).

(f) President’s Commission on White House Fellowships; Executive Order 11183, as amended (Office of Personnel Management).
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(g) President’s Committee for People with Intellectual Disabilities; Executive Order 12994, as amended (Department of Health and Human Services).

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

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

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

(k) President’s Council on Physical Fitness and Sports; Executive Order 13265 (Department of Health and Human Services).

(l) President’s Council of Advisors on Science and Technology; Executive Order 13226, as amended (Office of Science and Technology Policy).

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

(n) President’s National Security Telecommunications Advisory Committee; Executive Order 12382, as amended (Department of Homeland Security).

(o) 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. Sections 1 and 2 of Executive Order 13446 are superseded by sections 1 and 2 of this order.

Sec. 4. This order shall be effective September 30, 2009.

BARACK OBAMA

The White House,

September 29, 2009.

Executive Order 13512 of September 29, 2009

Amending Executive Order 13390

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Robert T. Stafford Disaster Relief and Emergency Assistance Act, as amended (42 U.S.C. 5121 et seq.), and in order to extend the work of the Coordinator of Federal Support for the Recovery and Rebuilding of the Gulf Coast Region, Executive Order
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13390 of November 1, 2005, as amended, is further amended by striking “September 30, 2009,” and inserting in lieu thereof “April 1, 2010.”

BARACK OBAMA
The White House,
September 29, 2009.

Executive Order 13513 of October 1, 2009
Federal Leadership on Reducing Text Messaging While Driving

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 7902(c) of title 5, United States Code, and the Federal Property and Administrative Services Act of 1949, as amended, 40 U.S.C. 101 et seq., and in order to demonstrate Federal leadership in improving safety on our roads and highways and to enhance the efficiency of Federal contracting, it is hereby ordered as follows:

Section 1. Policy. With nearly 3 million civilian employees, the Federal Government can and should demonstrate leadership in reducing the dangers of text messaging while driving. Recent deadly crashes involving drivers distracted by text messaging while behind the wheel highlight a growing danger on our roads. Text messaging causes drivers to take their eyes off the road and at least one hand off the steering wheel, endangering both themselves and others. Every day, Federal employees drive Government-owned, Government-leased, or Government-rented vehicles (collectively, GOV) or privately-owned vehicles (POV) on official Government business, and some Federal employees use Government-supplied electronic devices to text or e-mail while driving. A Federal Government-wide prohibition on the use of text messaging while driving on official business or while using Government-supplied equipment will help save lives, reduce injuries, and set an example for State and local governments, private employers, and individual drivers. Extending this policy to cover Federal contractors is designed to promote economy and efficiency in Federal procurement. Federal contractors and contractor employees who refrain from the unsafe practice of text messaging while driving in connection with Government business are less likely to experience disruptions to their operations that would adversely impact Federal procurement.

Sec. 2. Text Messaging While Driving by Federal Employees. Federal employees shall not engage in text messaging (a) when driving GOV, or when driving POV while on official Government business, or (b) when using electronic equipment supplied by the Government while driving.

Sec. 3. Scope of Order. (a) All agencies of the executive branch are directed to take appropriate action within the scope of their existing programs to further the policies of this order and to implement section 2 of this order. This includes, but is not limited to, considering new rules and programs, and reevaluating existing programs to prohibit text messaging while driving, and conducting education, awareness, and other outreach for Federal employees about the safety risks associated with texting while driving.
These initiatives should encourage voluntary compliance with the agency’s text messaging policy while off duty.

(b) Within 90 days of the date of this order, each agency is directed, consistent with all applicable laws and regulations: (i) to take appropriate measures to implement this order, (ii) to adopt measures to ensure compliance with section 2 of this order, including through appropriate disciplinary actions, and (iii) to notify the Secretary of Transportation of the measures it undertakes hereunder.

(c) Agency heads may exempt from the requirements of this order, in whole or in part, certain employees, devices, or vehicles in their respective agencies that are engaged in or used for protective, law enforcement, or national security responsibilities or on the basis of other emergency conditions.

Sec. 4. Text Messaging While Driving by Government Contractors, Subcontractors, and Recipients and Subrecipients. Each Federal agency, in procurement contracts, grants, and cooperative agreements, and other grants to the extent authorized by applicable statutory authority, entered into after the date of this order, shall encourage contractors, subcontractors, and recipients and subrecipients to adopt and enforce policies that ban text messaging while driving company-owned or -rented vehicles or GOV, or while driving POV when on official Government business or when performing any work for or on behalf of the Government. Agencies should also encourage Federal contractors, subcontractors, and grant recipients and subrecipients as described in this section to conduct initiatives of the type described in section 3(a) of this order.

Sec. 5. Coordination. The Secretary of Transportation, in consultation with the Administrator of General Services and the Director of the Office of Personnel Management, shall provide leadership and guidance to the heads of executive branch agencies to assist them with any action pursuant to this order.

Sec. 6. Definitions.

(a) The term “agency” as used in this order means an executive agency, as defined in 5 U.S.C. 105, except for the Government Accountability Office.

(b) “Texting” or “Text Messaging” means reading from or entering data into any handheld or other electronic device, including for the purpose of SMS texting, e-mailing, instant messaging, obtaining navigational information, or engaging in any other form of electronic data retrieval or electronic data communication.

(c) “Driving” means operating a motor vehicle on an active roadway with the motor running, including while temporarily stationary because of traffic, a traffic light or stop sign, or otherwise. It does not include operating a motor vehicle with or without the motor running when one has pulled over to the side of, or off, an active roadway and has halted in a location where one can safely remain stationary.

Sec. 7. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect or alter:

(i) Authority granted by law or Executive Order to an agency, or the head thereof;
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(iii) Rights, duties, or procedures under the National Labor Relations Act, 29 U.S.C. 151 et seq.; or
(iv) Functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA

The White House,

October 1, 2009.

Executive Order 13514 of October 5, 2009

Federal Leadership in Environmental, Energy, and Economic Performance

By the authority vested in me as President by the Constitution and the laws of the United States of America, and to establish an integrated strategy towards sustainability in the Federal Government and to make reduction of greenhouse gas emissions a priority for Federal agencies, it is hereby ordered as follows:

Section 1. Policy. In order to create a clean energy economy that will increase our Nation’s prosperity, promote energy security, protect the interests of taxpayers, and safeguard the health of our environment, the Federal Government must lead by example. It is therefore the policy of the United States that Federal agencies shall increase energy efficiency; measure, report, and reduce their greenhouse gas emissions from direct and indirect activities; conserve and protect water resources through efficiency, reuse, and stormwater management; eliminate waste, recycle, and prevent pollution; leverage agency acquisitions to foster markets for sustainable technologies and environmentally preferable materials, products, and services; design, construct, maintain, and operate high performance sustainable buildings in sustainable locations; strengthen the vitality and livability of the communities in which Federal facilities are located; and inform Federal employees about and involve them in the achievement of these goals.

It is further the policy of the United States that to achieve these goals and support their respective missions, agencies shall prioritize actions based on a full accounting of both economic and social benefits and costs and shall
drive continuous improvement by annually evaluating performance, extending or expanding projects that have net benefits, and reassessing or discontinuing under-performing projects.

Finally, it is also the policy of the United States that agencies' efforts and outcomes in implementing this order shall be transparent and that agencies shall therefore disclose results associated with the actions taken pursuant to this order on publicly available Federal websites.

Sec. 2. Goals for Agencies. In implementing the policy set forth in section 1 of this order, and preparing and implementing the Strategic Sustainability Performance Plan called for in section 8 of this order, the head of each agency shall:

(a) within 90 days of the date of this order, establish and report to the Chair of the Council on Environmental Quality (CEQ Chair) and the Director of the Office of Management and Budget (OMB Director) a percentage reduction target for agency-wide reductions of scope 1 and 2 greenhouse gas emissions in absolute terms by fiscal year 2020, relative to a fiscal year 2008 baseline of the agency’s scope 1 and 2 greenhouse gas emissions. Where appropriate, the target shall exclude direct emissions from excluded vehicles and equipment and from electric power produced and sold commercially to other parties in the course of regular business. This target shall be subject to review and approval by the CEQ Chair in consultation with the OMB Director under section 5 of this order. In establishing the target, the agency head shall consider reductions associated with:

(i) reducing energy intensity in agency buildings;
(ii) increasing agency use of renewable energy and implementing renewable energy generation projects on agency property; and
(iii) reducing the use of fossil fuels by:
   (A) using low greenhouse gas emitting vehicles including alternative fuel vehicles;
   (B) optimizing the number of vehicles in the agency fleet; and
   (C) reducing, if the agency operates a fleet of at least 20 motor vehicles, the agency fleet’s total consumption of petroleum products by a minimum of 2 percent annually through the end of fiscal year 2020, relative to a baseline of fiscal year 2005;

(b) within 240 days of the date of this order and concurrent with submission of the Strategic Sustainability Performance Plan as described in section 8 of this order, establish and report to the CEQ Chair and the OMB Director a percentage reduction target for reducing agency-wide scope 3 greenhouse gas emissions in absolute terms by fiscal year 2020, relative to a fiscal year 2008 baseline of agency scope 3 emissions. This target shall be subject to review and approval by the CEQ Chair in consultation with the OMB Director under section 5 of this order. In establishing the target, the agency head shall consider reductions associated with:

(i) pursuing opportunities with vendors and contractors to address and incorporate incentives to reduce greenhouse gas emissions (such as changes to manufacturing, utility or delivery services, modes of transportation used, or other changes in supply chain activities);
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(ii) implementing strategies and accommodations for transit, travel, training, and conferencing that actively support lower-carbon commuting and travel by agency staff;

(iii) greenhouse gas emission reductions associated with pursuing other relevant goals in this section; and

(iv) developing and implementing innovative policies and practices to address scope 3 greenhouse gas emissions unique to agency operations;

(c) establish and report to the CEQ Chair and OMB Director a comprehensive inventory of absolute greenhouse gas emissions, including scope 1, scope 2, and specified scope 3 emissions (i) within 15 months of the date of this order for fiscal year 2010, and (ii) thereafter, annually at the end of January, for the preceding fiscal year.

(d) improve water use efficiency and management by:

(i) reducing potable water consumption intensity by 2 percent annually through fiscal year 2020, or 26 percent by the end of fiscal year 2020, relative to a baseline of the agency’s water consumption in fiscal year 2007, by implementing water management strategies including water-efficient and low-flow fixtures and efficient cooling towers;

(ii) reducing agency industrial, landscaping, and agricultural water consumption by 2 percent annually or 20 percent by the end of fiscal year 2020 relative to a baseline of the agency’s industrial, landscaping, and agricultural water consumption in fiscal year 2010;

(iii) consistent with State law, identifying, promoting, and implementing water reuse strategies that reduce potable water consumption; and

(iv) implementing and achieving the objectives identified in the stormwater management guidance referenced in section 14 of this order;

(e) promote pollution prevention and eliminate waste by:

(i) minimizing the generation of waste and pollutants through source reduction;

(ii) diverting at least 50 percent of non-hazardous solid waste, excluding construction and demolition debris, by the end of fiscal year 2015;

(iii) diverting at least 50 percent of construction and demolition materials and debris by the end of fiscal year 2015;

(iv) reducing printing paper use and acquiring uncoated printing and writing paper containing at least 30 percent postconsumer fiber;

(v) reducing and minimizing the quantity of toxic and hazardous chemicals and materials acquired, used, or disposed of;

(vi) increasing diversion of compostable and organic material from the waste stream;

(vii) implementing integrated pest management and other appropriate landscape management practices;

(viii) increasing agency use of acceptable alternative chemicals and processes in keeping with the agency’s procurement policies;

(ix) decreasing agency use of chemicals where such decrease will assist the agency in achieving greenhouse gas emission reduction targets under section 2(a) and (b) of this order; and
(x) reporting in accordance with the requirements of sections 301 through 313 of the Emergency Planning and Community Right-to-Know Act of 1986 (42 U.S.C. 11001 et seq.); 

(f) advance regional and local integrated planning by:

(i) participating in regional transportation planning and recognizing existing community transportation infrastructure;

(ii) aligning Federal policies to increase the effectiveness of local planning for energy choices such as locally generated renewable energy;

(iii) ensuring that planning for new Federal facilities or new leases includes consideration of sites that are pedestrian friendly, near existing employment centers, and accessible to public transit, and emphasizes existing central cities and, in rural communities, existing or planned town centers;

(iv) identifying and analyzing impacts from energy usage and alternative energy sources in all Environmental Impact Statements and Environmental Assessments for proposals for new or expanded Federal facilities under the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 et seq.); and

(v) coordinating with regional programs for Federal, State, tribal, and local ecosystem, watershed, and environmental management;

(g) implement high performance sustainable Federal building design, construction, operation and management, maintenance, and deconstruction including by:

(i) beginning in 2020 and thereafter, ensuring that all new Federal buildings that enter the planning process are designed to achieve zero-net-energy by 2030;

(ii) ensuring that all new construction, major renovation, or repair and alteration of Federal buildings complies with the Guiding Principles for Federal Leadership in High Performance and Sustainable Buildings, (Guiding Principles);

(iii) ensuring that at least 15 percent of the agency’s existing buildings (above 5,000 gross square feet) and building leases (above 5,000 gross square feet) meet the Guiding Principles by fiscal year 2015 and that the agency makes annual progress toward 100-percent conformance with the Guiding Principles for its building inventory;

(iv) pursuing cost-effective, innovative strategies, such as highly reflective and vegetated roofs, to minimize consumption of energy, water, and materials;

(v) managing existing building systems to reduce the consumption of energy, water, and materials, and identifying alternatives to renovation that reduce existing assets’ deferred maintenance costs;

(vi) when adding assets to the agency’s real property inventory, identifying opportunities to consolidate and dispose of existing assets, optimize the performance of the agency’s real-property portfolio, and reduce associated environmental impacts; and

(vii) ensuring that rehabilitation of federally owned historic buildings utilizes best practices and technologies in retrofitting to promote long-term viability of the buildings;
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(h) advance sustainable acquisition to ensure that 95 percent of new contract actions including task and delivery orders, for products and services with the exception of acquisition of weapon systems, are energy-efficient (Energy Star or Federal Energy Management Program (FEMP) designated), water-efficient, biobased, environmentally preferable (e.g., Electronic Product Environmental Assessment Tool (EPEAT) certified), non-ozone depleting, contain recycled content, or are non-toxic or less-toxic alternatives, where such products and services meet agency performance requirements;

(i) promote electronics stewardship, in particular by:
   (i) ensuring procurement preference for EPEAT-registered electronic products;
   (ii) establishing and implementing policies to enable power management, duplex printing, and other energy-efficient or environmentally preferable features on all eligible agency electronic products;
   (iii) employing environmentally sound practices with respect to the agency’s disposition of all agency excess or surplus electronic products;
   (iv) ensuring the procurement of Energy Star and FEMP designated electronic equipment;
   (v) implementing best management practices for energy-efficient management of servers and Federal data centers; and

(j) sustain environmental management, including by:
   (i) continuing implementation of formal environmental management systems at all appropriate organizational levels; and
   (ii) ensuring these formal systems are appropriately implemented and maintained to achieve the performance necessary to meet the goals of this order.

Sec. 3. Steering Committee on Federal Sustainability. The OMB Director and the CEQ Chair shall:

(a) establish an interagency Steering Committee (Steering Committee) on Federal Sustainability composed of the Federal Environmental Executive, designated under section 6 of Executive Order 13423 of January 24, 2007, and Agency Senior Sustainability Officers, designated under section 7 of this order, and that shall:
   (i) serve in the dual capacity of the Steering Committee on Strengthening Federal Environmental, Energy, and Transportation Management designated by the CEQ Chair pursuant to section 4 of Executive Order 13423;
   (ii) advise the OMB Director and the CEQ Chair on implementation of this order;
   (iii) facilitate the implementation of each agency’s Strategic Sustainability Performance Plan; and
   (iv) share information and promote progress towards the goals of this order;

(b) enlist the support of other organizations within the Federal Government to assist the Steering Committee in addressing the goals of this order;
(c) establish and disband, as appropriate, interagency subcommittees of
the Steering Committee, to assist the Steering Committee in carrying out
its responsibilities;

(d) determine appropriate Federal actions to achieve the policy of section
1 and the goals of section 2 of this order;

(e) ensure that Federal agencies are held accountable for conformance
with the requirements of this order; and

(f) in coordination with the Department of Energy’s Federal Energy Man-
agement Program and the Office of the Federal Environmental Executive
designated under section 6 of Executive Order 13423, provide guidance
and assistance to facilitate the development of agency targets for green-
house gas emission reductions required under subsections 2(a) and (b) of
this order.

Sec. 4. Additional Duties of the Director of the Office of Management and
Budget. In addition to the duties of the OMB Director specified elsewhere
in this order, the OMB Director shall:

(a) review and approve each agency’s multi-year Strategic Sustainability
Performance Plan under section 8 of this order and each update of the
Plan. The Director shall, where feasible, review each agency’s Plan con-
currently with OMB’s review and evaluation of the agency’s budget re-
quest;

(b) prepare scorecards providing periodic evaluation of Federal agency
performance in implementing this order and publish scorecard results on
a publicly available website; and

(c) approve and issue instructions to the heads of agencies concerning
budget and appropriations matters relating to implementation of this
order.

Sec. 5. Additional Duties of the Chair of the Council on Environmental
Quality. In addition to the duties of the CEQ Chair specified elsewhere in
this order, the CEQ Chair shall:

(a) issue guidance for greenhouse gas accounting and reporting required
under section 2 of this order;

(b) issue instructions to implement this order, in addition to instructions
within the authority of the OMB Director to issue under subsection 4(c)
of this order;

(c) review and approve each agency’s targets, in consultation with the
OMB Director, for agency-wide reductions of greenhouse gas emissions
under section 2 of this order;

(d) prepare, in coordination with the OMB Director, streamlined report-
ing metrics to determine each agency’s progress under section 2 of this
order;

(e) review and evaluate each agency’s multi-year Strategic Sustainability
Performance Plan under section 8 of this order and each update of the
Plan;

(f) assess agency progress toward achieving the goals and policies of this
order, and provide its assessment of the agency’s progress to the OMB
Director;
(g) within 120 days of the date of this order, provide the President with an aggregate Federal Government-wide target for reducing scope 1 and 2 greenhouse gas emissions in absolute terms by fiscal year 2020 relative to a fiscal year 2008 baseline;

(h) within 270 days of the date of this order, provide the President with an aggregate Federal Government-wide target for reducing scope 3 greenhouse gas emissions in absolute terms by fiscal year 2020 relative to a fiscal year 2008 baseline;

(i) establish and disband, as appropriate, interagency working groups to provide recommendations to the CEQ for areas of Federal agency operational and managerial improvement associated with the goals of this order; and

(j) administer the Presidential leadership awards program, established under subsection 4(c) of Executive Order 13423, to recognize exceptional and outstanding agency performance with respect to achieving the goals of this order and to recognize extraordinary innovation, technologies, and practices employed to achieve the goals of this order.

Sec. 6. Duties of the Federal Environmental Executive. The Federal Environmental Executive designated by the President to head the Office of the Federal Environmental Executive, pursuant to section 6 of Executive Order 13423, shall:

(a) identify strategies and tools to assist Federal implementation efforts under this order, including through the sharing of best practices from successful Federal sustainability efforts; and

(b) monitor and advise the CEQ Chair and the OMB Director on the agencies’ implementation of this order and their progress in achieving the order’s policies and goals.

Sec. 7. Agency Senior Sustainability Officers. (a) Within 30 days of the date of this order, the head of each agency shall designate from among the agency’s senior management officials a Senior Sustainability Officer who shall be accountable for agency conformance with the requirements of this order; and shall report such designation to the OMB Director and the CEQ Chair.

(b) The Senior Sustainability Officer for each agency shall perform the functions of the senior agency official designated by the head of each agency pursuant to section 3(d)(i) of Executive Order 13423 and shall be responsible for:

(i) preparing the targets for agency-wide reductions and the inventory of greenhouse gas emissions required under subsections 2(a), (b), and (c) of this order;

(ii) within 240 days of the date of this order, and annually thereafter, preparing and submitting to the CEQ Chair and the OMB Director, for their review and approval, a multi-year Strategic Sustainability Performance Plan (Sustainability Plan or Plan) as described in section 8 of this order;

(iii) preparing and implementing the approved Plan in coordination with appropriate offices and organizations within the agency including the General Counsel, Chief Information Officer, Chief Acquisition Officer, Chief Financial Officer, and Senior Real Property Officers, and in coordination with other agency plans, policies, and activities;
Sec. 8. Agency Strategic Sustainability Performance Plan. Each agency shall develop, implement, and annually update an integrated Strategic Sustainability Performance Plan that will prioritize agency actions based on lifecycle return on investment. Each agency Plan and update shall be subject to approval by the OMB Director under section 4 of this order. With respect to the period beginning in fiscal year 2011 and continuing through the end of fiscal year 2021, each agency Plan shall:

(a) include a policy statement committing the agency to compliance with environmental and energy statutes, regulations, and Executive Orders;

(b) achieve the sustainability goals and targets, including greenhouse gas reduction targets, established under section 2 of this order;

(c) be integrated into the agency’s strategic planning and budget process, including the agency’s strategic plan under section 3 of the Government Performance and Results Act of 1993, as amended (5 U.S.C. 306);

(d) identify agency activities, policies, plans, procedures, and practices that are relevant to the agency’s implementation of this order, and where necessary, provide for development and implementation of new or revised policies, plans, procedures, and practices;

(e) identify specific agency goals, a schedule, milestones, and approaches for achieving results, and quantifiable metrics for agency implementation of this order;

(f) take into consideration environmental measures as well as economic and social benefits and costs in evaluating projects and activities based on lifecycle return on investment;

(g) outline planned actions to provide information about agency progress and performance with respect to achieving the goals of this order on a publicly available Federal website;

(h) incorporate actions for achieving progress metrics identified by the OMB Director and the CEQ Chair;

(i) evaluate agency climate-change risks and vulnerabilities to manage the effects of climate change on the agency’s operations and mission in both the short and long term; and

(j) identify in annual updates opportunities for improvement and evaluation of past performance in order to extend or expand projects that have net lifecycle benefits, and reassess or discontinue under-performing projects.

Sec. 9. Recommendations for Greenhouse Gas Accounting and Reporting. The Department of Energy, through its Federal Energy Management Program, and in coordination with the Environmental Protection Agency, the Department of Defense, the General Services Administration, the Department of the Interior, the Department of Commerce, and other agencies as appropriate, shall:
(a) within 180 days of the date of this order develop and provide to the CEQ Chair recommended Federal greenhouse gas reporting and accounting procedures for agencies to use in carrying out their obligations under subsections 2(a), (b), and (c) of this order, including procedures that will ensure that agencies:

(i) accurately and consistently quantify and account for greenhouse gas emissions from all scope 1, 2, and 3 sources, using accepted greenhouse gas accounting and reporting principles, and identify appropriate opportunities to revise the fiscal year 2008 baseline to address significant changes in factors affecting agency emissions such as reorganization and improvements in accuracy of data collection and estimation procedures or other major changes that would otherwise render the initial baseline information unsuitable;

(ii) consider past Federal agency efforts to reduce greenhouse gas emissions; and

(iii) consider and account for sequestration and emissions of greenhouse gases resulting from Federal land management practices;

(b) within 1 year of the date of this order, to ensure consistent and accurate reporting under this section, provide electronic accounting and reporting capability for the Federal greenhouse gas reporting procedures developed under subsection (a) of this section, and to the extent practicable, ensure compatibility between this capability and existing Federal agency reporting systems; and

(c) every 3 years from the date of the CEQ Chair’s issuance of the initial version of the reporting guidance, and as otherwise necessary, develop and provide recommendations to the CEQ Chair for revised Federal greenhouse gas reporting procedures for agencies to use in implementing subsections 2(a), (b), and (c) of this order.

Sec. 10. Recommendations for Sustainable Locations for Federal Facilities. Within 180 days of the date of this order, the Department of Transportation, in accordance with its Sustainable Partnership Agreement with the Department of Housing and Urban Development and the Environmental Protection Agency, and in coordination with the General Services Administration, the Department of Homeland Security, the Department of Defense, and other agencies as appropriate, shall:

(a) review existing policies and practices associated with site selection for Federal facilities; and

(b) provide recommendations to the CEQ Chair regarding sustainable location strategies for consideration in Sustainability Plans. The recommendations shall be consistent with principles of sustainable development including prioritizing central business district and rural town center locations, prioritizing sites well served by transit, including site design elements that ensure safe and convenient pedestrian access, consideration of transit access and proximity to housing affordable to a wide range of Federal employees, adaptive reuse or renovation of buildings, avoidance of development of sensitive land resources, and evaluation of parking management strategies.

Sec. 11. Recommendations for Federal Local Transportation Logistics. Within 180 days of the date of this order, the General Services Administration, in coordination with the Department of Transportation, the Department of the Treasury, the Department of Energy, the Office of Personnel
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Management, and other agencies as appropriate, shall review current policies and practices associated with use of public transportation by Federal personnel, Federal shuttle bus and vehicle transportation routes supported by multiple Federal agencies, and use of alternative fuel vehicles in Federal shuttle bus fleets, and shall provide recommendations to the CEQ Chair on how these policies and practices could be revised to support the implementation of this order and the achievement of its policies and goals.

**Sec. 12. Guidance for Federal Fleet Management.** Within 180 days of the date of this order, the Department of Energy, in coordination with the General Services Administration, shall issue guidance on Federal fleet management that addresses the acquisition of alternative fuel vehicles and use of alternative fuels; the use of biodiesel blends in diesel vehicles; the acquisition of electric vehicles for appropriate functions; improvement of fleet fuel economy; the optimizing of fleets to the agency mission; petroleum reduction strategies, such as the acquisition of low greenhouse gas emitting vehicles and the reduction of vehicle miles traveled; and the installation of renewable fuel pumps at Federal fleet fueling centers.

**Sec. 13. Recommendations for Vendor and Contractor Emissions.** Within 180 days of the date of this order, the General Services Administration, in coordination with the Department of Defense, the Environmental Protection Agency, and other agencies as appropriate, shall review and provide recommendations to the CEQ Chair and the Administrator of OMB’s Office of Federal Procurement Policy regarding the feasibility of working with the Federal vendor and contractor community to provide information that will assist Federal agencies in tracking and reducing scope 3 greenhouse gas emissions related to the supply of products and services to the Government. These recommendations should consider the potential impacts on the procurement process, and the Federal vendor and contractor community including small businesses and other socioeconomic procurement programs. Recommendations should also explore the feasibility of:

(a) requiring vendors and contractors to register with a voluntary registry or organization for reporting greenhouse gas emissions;

(b) requiring contractors, as part of a new or revised registration under the Central Contractor Registration or other tracking system, to develop and make available its greenhouse gas inventory and description of efforts to mitigate greenhouse gas emissions;

(c) using Federal Government purchasing preferences or other incentives for products manufactured using processes that minimize greenhouse gas emissions; and

(d) other options for encouraging sustainable practices and reducing greenhouse gas emissions.

**Sec. 14. Stormwater Guidance for Federal Facilities.** Within 60 days of the date of this order, the Environmental Protection Agency, in coordination with other Federal agencies as appropriate, shall issue guidance on the implementation of section 438 of the Energy Independence and Security Act of 2007 (42 U.S.C. 17094).

**Sec. 15. Regional Coordination.** Within 180 days of the date of this order, the Federal Environmental Executive shall develop and implement a regional implementation plan to support the goals of this order taking into
account energy and environmental priorities of particular regions of the United States.

Sec. 16. Agency Roles in Support of Federal Adaptation Strategy. In addition to other roles and responsibilities of agencies with respect to environmental leadership as specified in this order, the agencies shall participate actively in the interagency Climate Change Adaptation Task Force, which is already engaged in developing the domestic and international dimensions of a U.S. strategy for adaptation to climate change, and shall develop approaches through which the policies and practices of the agencies can be made compatible with and reinforce that strategy. Within 1 year of the date of this order the CEQ Chair shall provide to the President, following consultation with the agencies and the Climate Change Adaptation Task Force, as appropriate, a progress report on agency actions in support of the national adaptation strategy and recommendations for any further such measures as the CEQ Chair may deem necessary.

Sec. 17. Limitations. (a) This order shall apply to an agency with respect to the activities, personnel, resources, and facilities of the agency that are located within the United States. The head of an agency may provide that this order shall apply in whole or in part with respect to the activities, personnel, resources, and facilities of the agency that are not located within the United States, if the head of the agency determines that such application is in the interest of the United States.

(b) The head of an agency shall manage activities, personnel, resources, and facilities of the agency that are not located within the United States, and with respect to which the head of the agency has not made a determination under subsection (a) of this section, in a manner consistent with the policy set forth in section 1 of this order to the extent the head of the agency determines practicable.

Sec. 18. Exemption Authority.

(a) The Director of National Intelligence may exempt an intelligence activity of the United States, and related personnel, resources, and facilities, from the provisions of this order, other than this subsection and section 20, to the extent the Director determines necessary to protect intelligence sources and methods from unauthorized disclosure.

(b) The head of an agency may exempt law enforcement activities of that agency, and related personnel, resources, and facilities, from the provisions of this order, other than this subsection and section 20, to the extent the head of an agency determines necessary to protect undercover operations from unauthorized disclosure.

(c) (i) The head of an agency may exempt law enforcement, protective, emergency response, or military tactical vehicle fleets of that agency from the provisions of this order, other than this subsection and section 20.

(ii) Heads of agencies shall manage fleets to which paragraph (i) of this subsection refers in a manner consistent with the policy set forth in section 1 of this order to the extent they determine practicable.

(d) The head of an agency may exempt particular agency activities and facilities from the provisions of this order, other than this subsection and section 20, where it is in the interest of national security. If the head of
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an agency issues an exemption under this section, the agency must notify the CEQ Chair in writing within 30 days of issuance of the exemption under this subsection. To the maximum extent practicable, and without compromising national security, each agency shall strive to comply with the purposes, goals, and implementation steps in this order.

(e) The head of an agency may submit to the President, through the CEQ Chair, a request for an exemption of an agency activity, and related personnel, resources, and facilities, from this order.

Sec. 19. Definitions. As used in this order:

(a) “absolute greenhouse gas emissions” means total greenhouse gas emissions without normalization for activity levels and includes any allowable consideration of sequestration;

(b) “agency” means an executive agency as defined in section 105 of title 5, United States Code, excluding the Government Accountability Office;

(c) “alternative fuel vehicle” means vehicles defined by section 301 of the Energy Policy Act of 1992, as amended (42 U.S.C. 13211), and otherwise includes electric fueled vehicles, hybrid electric vehicles, plug-in hybrid electric vehicles, dedicated alternative fuel vehicles, dual fueled alternative fuel vehicles, qualified fuel cell motor vehicles, advanced lean burn technology motor vehicles, self-propelled vehicles such as bicycles and any other alternative fuel vehicles that are defined by statute;

(d) “construction and demolition materials and debris” means materials and debris generated during construction, renovation, demolition, or dismantling of all structures and buildings and associated infrastructure;

(e) “divert” and “diverting” means redirecting materials that might otherwise be placed in the waste stream to recycling or recovery, excluding diversion to waste-to-energy facilities;

(f) “energy intensity” means energy consumption per square foot of building space, including industrial or laboratory facilities;

(g) “environmental” means environmental aspects of internal agency operations and activities, including those aspects related to energy and transportation functions;

(h) “excluded vehicles and equipment” means any vehicle, vessel, aircraft, or non-road equipment owned or operated by an agency of the Federal Government that is used in:

(i) combat support, combat service support, tactical or relief operations, or training for such operations;

(ii) Federal law enforcement (including protective service and investigation);

(iii) emergency response (including fire and rescue); or

(iv) spaceflight vehicles (including associated ground-support equipment);

(i) “greenhouse gases” means carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons, and sulfur hexafluoride;

(j) “renewable energy” means energy produced by solar, wind, biomass, landfill gas, ocean (including tidal, wave, current, and thermal), geothermal, municipal solid waste, or new hydroelectric generation capacity
achieved from increased efficiency or additions of new capacity at an existing hydroelectric project;

(k) “scope 1, 2, and 3” mean;

(i) scope 1: direct greenhouse gas emissions from sources that are owned or controlled by the Federal agency;
(ii) scope 2: direct greenhouse gas emissions resulting from the generation of electricity, heat, or steam purchased by a Federal agency; and
(iii) scope 3: greenhouse gas emissions from sources not owned or directly controlled by a Federal agency but related to agency activities such as vendor supply chains, delivery services, and employee travel and commuting;

(l) “sustainability” and “sustainable” mean to create and maintain conditions, under which humans and nature can exist in productive harmony, that permit fulfilling the social, economic, and other requirements of present and future generations;

(m) “United States” means the fifty States, the District of Columbia, the Commonwealth of Puerto Rico, Guam, American Samoa, the United States Virgin Islands, and the Northern Mariana Islands, and associated territorial waters and airspace;

(n) “water consumption intensity” means water consumption per square foot of building space; and

(o) “zero-net-energy building” means a building that is designed, constructed, and operated to require a greatly reduced quantity of energy to operate, meet the balance of energy needs from sources of energy that do not produce greenhouse gases, and therefore result in no net emissions of greenhouse gases and be economically viable.

Sec. 20. General Provisions.

(a) This order shall be implemented in a manner consistent with applicable law and subject to the availability of appropriations.

(b) Nothing in this order shall be construed to impair or otherwise affect the functions of the OMB Director relating to budgetary, administrative, or legislative proposals.

(c) This order is intended only to improve the internal management of the Federal Government and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA

The White House,

October 5, 2009.
Executive Order 13515 of October 14, 2009

Increasing Participation of Asian Americans and Pacific Islanders in Federal Programs

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. Policy. The more than 16 million Asian Americans and Pacific Islanders (AAPIs) across our country have helped build a strong and vibrant America. The AAPI communities represent many ethnicities and languages that span generations, and their shared achievements are an important part of the American experience. They have started businesses and generated jobs, including founding some of our Nation’s most successful and innovative enterprises. The AAPI communities have made important contributions to science and technology, culture and the arts, and the professions, including business, law, medicine, education, and politics.

While we acknowledge the many contributions of the AAPI communities to our Nation, we also recognize the challenges still faced by many AAPIs. Of the more than a million AAPI-owned businesses, many firms are small sole-proprietorships that continue to need assistance to access available resources such as business development counseling and small business loans. The AAPI community also continues to face barriers to employment and workplace advancement. Specific challenges experienced by AAPI subgroups include lower college-enrollment rates by Pacific Islanders than other ethnic groups and high poverty rates among Hmong Americans, Cambodian Americans, Malaysian Americans, and other individual AAPI communities. Additionally, one in five non-elderly AAPIs lacks health insurance.

The purpose of this order is to establish a President’s Advisory Commission on Asian Americans and Pacific Islanders and a White House Initiative on Asian Americans and Pacific Islanders. Each will work to improve the quality of life and opportunities for Asian Americans and Pacific Islanders through increased participation in Federal programs in which they may be underserved. In addition, each will work to advance relevant evidence-based research, data collection, and analysis for AAPI populations and subpopulations.

Section 2. President’s Advisory Commission on Asian Americans and Pacific Islanders. There is established in the Department of Education the President’s Advisory Commission on Asian Americans and Pacific Islanders (Commission).

(a) Mission and Function of the Commission. The Commission shall provide advice to the President, through the Secretaries of Education and Commerce, as Co-Chairs of the Initiative described in section 3 of this order, on: (i) the development, monitoring, and coordination of executive branch efforts to improve the quality of life of AAPIs through increased participation in Federal programs in which such persons may be underserved; (ii) the compilation of research and data related to AAPI populations and subpopulations; (iii) the development, monitoring, and coordination of Federal efforts to improve the economic and community development of AAPI
businesses; and (iv) strategies to increase public and private-sector collaboration, and community involvement in improving the health, education, environment, and well-being of AAPIs.

(b) Membership of the Commission. The Commission shall consist of not more than 20 members appointed by the President. The Commission shall include members who: (i) have a history of involvement with the AAPI communities; (ii) are from the fields of education, commerce, business, health, human services, housing, environment, arts, agriculture, labor and employment, transportation, justice, veterans affairs, and economic and community development; (iii) are from civic associations representing one or more of the diverse AAPI communities; or (iv) have such other experience as the President deems appropriate. The President shall designate one member of the Commission to serve as Chair, who shall convene regular meetings of the Commission, determine its agenda, and direct its work.

(c) Administration of the Commission. The Secretary of Education, in consultation with the Secretary of Commerce, shall designate an Executive Director for the Commission. The Department of Education shall provide funding and administrative support for the Commission to the extent permitted by law and within existing appropriations. Members of the Commission shall serve without compensation, but shall 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). Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.) (the “Act”), may apply to the administration of the Commission, any functions of the President under the Act, except that of reporting to the Congress, shall be performed by the Secretary of Education, in accordance with the guidelines issued by the Administrator of General Services.

(d) Termination Date. The Commission shall terminate 2 years from the date of this order, unless renewed by the President.

Sec. 3. White House Initiative on Asian Americans and Pacific Islanders. There is established the White House Initiative on Asian Americans and Pacific Islanders (Initiative), a Federal interagency working group whose members shall be selected by their respective agencies. The Secretary of Commerce and the Secretary of Education shall serve as the Co-Chairs of the Initiative. The Executive Director of the Commission established in section 2 of this order shall also serve as the Executive Director of the Initiative and shall report to the Secretaries on Initiative matters.

(a) Mission and Function of the Initiative. The Initiative shall work to improve the quality of life of AAPIs through increased participation in Federal programs in which AAPIs may be underserved. The Initiative shall advise the Co-Chairs on the implementation and coordination of Federal programs as they relate to AAPIs across executive departments and agencies.

(b) Membership of the Initiative. In addition to the Co-Chairs, the Initiative shall consist of senior officials from the following executive branch departments, agencies, and offices:

(i) the Department of State;
(ii) the Department of the Treasury;
(iii) the Department of Defense;
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(iv) the Department of Justice;
(v) the Department of the Interior;
(vi) the Department of Agriculture;
(vii) the Department of Labor;
(viii) the Department of Housing and Urban Development;
(ix) the Department of Transportation;
(x) the Department of Energy;
(xi) the Department of Health and Human Services;
(xii) the Department of Veterans Affairs;
(xiii) the Department of Homeland Security;
(xiv) the Office of Management and Budget;
(xv) the Environmental Protection Agency;
(xvi) the Small Business Administration;
(xvii) the Office of Personnel Management;
(xviii) the Social Security Administration;
(xix) the White House Office of Cabinet Affairs;
(xx) the White House Office of Intergovernmental Affairs and Public Engagement;
(xxi) the National Economic Council;
(xxii) the Domestic Policy Council;
(xxiii) the Office of Science and Technology Policy; and
(xxiv) other executive branch departments, agencies, and offices as the President may, from time to time, designate.

At the direction of the Co-Chairs, the Initiative may establish subgroups consisting exclusively of Initiative members or their designees under this section, as appropriate.

(c) Administration of the Initiative. The Department of Education shall provide funding and administrative support for the Initiative to the extent permitted by law and within existing appropriations. The Co-Chairs shall convene regular meetings of the Initiative, determine its agenda, and direct its work.

(d) Federal Agency Plans and Interagency Plan. Each executive department and agency designated by the Initiative shall prepare a plan (agency plan) for, and shall document, its efforts to improve the quality of life of Asian Americans and Pacific Islanders through increased participation in Federal programs in which Asian Americans and Pacific Islanders may be underserved. Where appropriate, this agency plan shall address, among other things, the agency’s efforts to:

(i) identify Federal programs in which AAPIs may be underserved and improve the quality of life for AAPIs through increased participation in these programs;

(ii) identify ways to foster the recruitment, career development, and advancement of AAPIs in the Federal Government;
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(iii) identify high-priority action items for which measurable progress may be achieved within 2 years to improve the health, environment, opportunity, and well-being of AAPIs, and implement those action items;

(iv) increase public-sector, private-sector, and community involvement in improving the health, environment, opportunity, and well-being of AAPIs;

(v) foster evidence-based research, data-collection, and analysis on AAPI populations and subpopulations, including research and data on public health, environment, education, housing, employment, and other economic indicators of AAPI community well-being; and

(vi) solicit public input from AAPI communities on ways to increase and improve opportunities for public participation in Federal programs considering a number of factors, including language barriers.

Each agency, in its plan, shall provide appropriate measurable objectives and, after the first year, shall provide for the assessment of that agency’s performance on the goals set in the previous year’s plan. Each agency plan shall be submitted to the Co-Chairs by a date to be established by the Co-Chairs. The Co-Chairs shall review the agency plans and develop for submission to the President a Federal interagency plan to improve the quality of life of AAPIs through increased participation in Federal programs in which such persons may be underserved. Actions described in the Federal interagency plan shall address improving access by AAPIs to Federal programs and fostering advances in relevant research and data.

Sec. 4. General Provisions.

(a) This order supersedes Executive Order 13125 of June 7, 1999, and Executive Order 13339 of May 13, 2004.

(b) The heads of executive departments and agencies shall assist and provide information to the Commission, consistent with applicable law, as may be necessary to carry out the functions of the Commission. Each executive department and agency shall bear its own expenses of participating in the Commission.

(c) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to an executive department, agency, or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(d) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(e) For purposes of this order, the term “Asian American and Pacific Islander” includes persons within the jurisdiction of the United States having ancestry of any of the original peoples of East Asia, Southeast Asia, or South Asia, or any of the aboriginal, indigenous, or native peoples of Hawaii and other Pacific Islands.

(f) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party.
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against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA

The White House,
October 14, 2009.

Executive Order 13516 of October 28, 2009

Amending Executive Order 13462

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. Executive Order 13462 of February 29, 2008, is amended as follows:

(a) by striking subsection (b) of section 2 and inserting in lieu thereof the following:

“(b) “intelligence activities” has the meaning specified in section 3.5 of Executive Order 12333 of December 4, 1981, as amended; and”

(b) by striking subsection (b) of section 3 and inserting in lieu thereof the following:

“(b) The PIAB shall consist of not more than 16 members appointed by the President from among individuals who are not full-time employees of the Federal Government.”

(c) by striking subsection (c) of section 3 and inserting in lieu thereof the following:

“(c) The President shall designate a Chair or Co-Chairs from among the members of the PIAB, who shall convene and preside at meetings of the PIAB, determine its agenda, and direct its work.”

(d) by inserting after subsection (b) of section 6 the following new subsection:

“(c) forward to the Attorney General information concerning intelligence activities that involve possible violations of Federal criminal laws or otherwise implicate the authority of the Attorney General;”, and renumbering the subsequent subsections of section 6 accordingly.

(e) by striking subsection (a) of section 8 and inserting in lieu thereof:

“To the extent permitted by law, the DNI and the heads of departments concerned shall provide such information and assistance as the PIAB and the IOB determine is needed to perform their functions under this order.”

(f) by substituting “section 1.6(c) of Executive Order 12333, as amended” for “section 1.7(d) of Executive Order 12333” each time it appears in the order.

(g) by striking subsection (b) of section 11 and inserting in lieu thereof:

“(b) Any person who is a member of the PIAB or the IOB, or who is granted access to classified national security information in relation to the activities of the PIAB or the IOB, as a condition of access to such
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information, shall sign and comply with appropriate agreements to pro-
tect such information from unauthorized disclosure. This order shall be
implemented in a manner consistent with Executive Order 12958 of
April 17, 1995, as amended, and Executive Order 12968 of August 2,
1995, as amended.”

Sec. 2. General Provisions.

(a) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to a department or agency, or the head there-
of; or

(ii) functions of the Director of the Office of Management and Budget re-
    lating to budget, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and
    subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit,
    substantive or procedural, enforceable at law or in equity, by any party
    against the United States, its departments, agencies, or entities, its officers,
    employees, or agents, or any other person.

The White House,
October 28, 2009.

BARACK OBAMA

Executive Order 13517 of October 30, 2009

Amendments to Executive Orders 13183 and 13494

By the authority vested in me as President by the Constitution and the laws
of the United States of America, including 40 U.S.C. 101, it is hereby or-
dered as follows:

Section 1. Executive Order 13183 of December 23, 2000, as amended, is
further amended as follows:

(a) The preamble is amended by deleting “, including Public Law 106–
346.”

(b) Section 1 is amended by adding the following sentence after the sec-
second sentence: “It is also the policy of the executive branch to improve
the treatment of Puerto Rico in Federal programs and to promote job creation,
education, health care, clean energy, and economic development on the is-
lands.”

(c) Section 3 is amended by deleting the second, third, and fourth sen-
tences and inserting in lieu thereof the following: “The Task Force shall
ensure official attention to and facilitate action on matters related to pro-
possals for Puerto Rico’s status and provide advice and recommendations on
such matters to the President and the Congress. The Task Force shall also
identify and promote existing Federal initiatives that benefit Puerto Rico;
provide advice and recommendations to the President and the Congress on
the treatment of Puerto Rico in Federal programs; and provide advice and
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recommendations to the President and the Congress on policies and initiatives that promote job creation, education, health care, clean energy, and economic development on the islands.”

(d) Section 4 is amended by deleting the first sentence and inserting in lieu thereof the following: “The Task Force shall submit to the President a report on the actions it has taken to perform the functions set forth in section 3 no later than 1 year from the date of this order. The Task Force shall also report to the President, as appropriate, on other matters relating to the Task Force’s responsibilities under this order.”

Sec. 2. In furtherance of the policy set forth in section 1 of Executive Order 13494 of January 30, 2009, section 3 of that order is amended to read as follows: “Sec. 3. Contracting departments and agencies shall treat as allowable costs incurred in maintaining satisfactory relations between the contractor and its employees (other than the costs of any activities undertaken to persuade employees to exercise or not to exercise, or concerning the manner of exercising, the right to organize and bargain collectively), including costs of labor management committees, employee publications, and other related activities. See 48 C.F.R. 31.205–21.”

Sec. 3. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

The White House,

October 30, 2009.

BARACK OBAMA

Executive Order 13518 of November 9, 2009

Employment of Veterans in the Federal Government

By the authority vested in me by the Constitution and the laws of the United States of America, including section 301 of title 3 of the United States Code, I hereby order as follows:

Section 1. Policy. Veterans have served and sacrificed in defense of our Nation. When they complete their service, we must do everything in our power to assist them in re-entering civilian life and finding employment. Government as well as private employers should play a prominent role in helping veterans who may be struggling to find jobs. As one of the Nation’s leading employers, the Federal Government is in need of highly skilled individuals to meet agency staffing needs and to support mission objectives. Our veterans, who have benefited from training and development during their military service, possess a wide variety of skills and experiences, as well as the motivation for public service, that will help fulfill Federal agencies’ staffing needs. It is therefore the policy of my Administration to enhance recruitment of and promote employment opportunities for veterans within the executive branch, consistent with merit system principles and veterans’ preferences prescribed by law. The Federal Government will thereby help lead by example in promoting veterans’ employment.
Sec. 2. Council on Veterans Employment. There is hereby established an interagency Council on Veterans Employment (Council), to be co-chaired by the Secretaries of Labor and Veterans Affairs. The Director of the Office of Personnel Management (OPM) shall serve as Vice Chair of the Council.

(a) Mission and Function of the Council. The Council shall:

(i) advise and assist the President and the Director of OPM in establishing a coordinated Government-wide effort to increase the number of veterans employed by the Federal Government by enhancing recruitment and training;

(ii) serve as a national forum for promoting veterans’ employment opportunities in the executive branch; and

(iii) establish performance measures to assess the effectiveness of, and submit an annual report to the President on the status of, the Veterans Employment Initiative described in section 3 of this order.

(b) Membership of the Council. The Council shall consist of the heads of the following agencies and such other executive branch agencies as the President may designate:

(i) the Department of State;
(ii) the Department of the Treasury;
(iii) the Department of Defense;
(iv) the Department of Justice;
(v) the Department of the Interior;
(vi) the Department of Agriculture;
(vii) the Department of Commerce;
(viii) the Department of Labor;
(ix) the Department of Health and Human Services;
(x) the Department of Housing and Urban Development;
(xi) the Department of Transportation;
(xii) the Department of Energy;
(xiii) the Department of Education;
(xiv) the Department of Veterans Affairs;
(xv) the Department of Homeland Security;
(xvi) the Environmental Protection Agency;
(xvii) the National Aeronautics and Space Administration;
(xviii) the Agency for International Development;
(xix) the General Services Administration;
(xx) the National Science Foundation;
(xxi) the Nuclear Regulatory Commission;
(xxii) the Office of Personnel Management;
(xxiii) the Small Business Administration; and
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(xxiv) the Social Security Administration.

A member of the Council may designate, to perform the Council functions of the member, a senior official who is part of the member’s agency, and who is a full-time officer or employee of the Federal Government.

(c) Administration of the Council. The Co-Chairs shall convene meetings of the Council, determine its agenda, and direct its work. At the direction of the Co-Chairs, the Council may establish subgroups consisting exclusively of Council members or their designees, as appropriate. The Vice Chair shall designate an Executive Director for the Council to support the Vice Chair in managing the Council’s activities. The OPM shall provide administrative support for the Council to the extent permitted by law and within existing appropriations.

(d) Steering Committee. There is established within the Council a Steering Committee consisting of the Secretaries of Defense, Labor, Veterans Affairs, and Homeland Security, the Director of OPM, and any other Council member designated by the Co-Chairs. The Steering Committee shall be responsible for providing leadership, accountability, and strategic direction to the Council.

Sec. 3. Veterans Employment Initiative. The agencies represented on the Council shall participate in a Veterans Employment Initiative (Initiative). Under the Initiative, each participating agency shall, to the extent permitted by law:

(a) develop an agency-specific Operational Plan for promoting employment opportunities for veterans, consistent with the Government-wide Veterans Recruitment and Employment Strategic Plan described in section 4 of this order, merit system principles, the agency’s strategic human capital plan, and other applicable workforce planning strategies and initiatives;

(b) within 120 days of the date of this order, establish a Veterans Employment Program Office, or designate an agency officer or employee with full-time responsibility for its Veterans Employment Program, to be responsible for enhancing employment opportunities for veterans within the agency, consistent with law and merit system principles, including developing and implementing the agency’s Operational Plan, veterans recruitment programs, and training programs for veterans with disabilities, and for coordinating employment counseling to help match the career aspirations of veterans to the needs of the agency;

(c) provide mandatory annual training to agency human resources personnel and hiring managers concerning veterans’ employment, including training on veterans’ preferences and special authorities for the hiring of veterans;

(d) identify key occupations for which the agency will provide job counseling and training to better enable veterans to meet agency staffing needs associated with those occupations; and

(e) coordinate with the Departments of Defense and Veterans Affairs to promote further development and application of technology designed to assist transitioning service members and veterans with disabilities.

Sec. 4. Additional Responsibilities of the Director of the Office of Personnel Management. The Director of OPM shall, in consultation with the Council and to the extent permitted by law:
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(a) develop a Government-wide Veterans Recruitment and Employment Strategic Plan, to be updated at least every 3 years, addressing barriers to the employment of veterans in the executive branch and focusing on:

(i) identifying actions that agency leaders should take to improve employment opportunities for veterans;

(ii) developing the skills of transitioning military service members and veterans;

(iii) marketing the Federal Government as an employer of choice to transitioning service members and veterans;

(iv) marketing the talent, experience, and dedication of transitioning service members and veterans to Federal agencies; and

(v) disseminating Federal employment information to veterans and hiring officials;

(b) provide Government-wide leadership in recruitment and employment of veterans in the executive branch;

(c) identify key occupations, focusing on positions in high-demand occupations where talent is needed to meet Government-wide staffing needs, for which the Federal Government will provide job counseling and training under section 5(a) of this order to veterans and transitioning military service personnel;

(d) develop mandatory training for both human resources personnel and hiring managers on veterans’ employment, including veterans’ preference and special hiring authorities;

(e) compile and post on the OPM website Government-wide statistics on the hiring of veterans; and

(f) within 1 year of the date of this order and with the advice of the Council, provide recommendations to the President on improving the ability of veterans’ preference laws to meet the needs of the new generation of veterans, especially those transitioning from the conflicts in Iraq and Afghanistan, and the needs of Federal hiring officials.

Sec. 5. Responsibilities of the Secretaries of Defense, Labor, Veterans Affairs, and Homeland Security. The Secretaries of Defense, Labor, Veterans Affairs, and Homeland Security shall take the following actions, to the extent permitted by law:

(a) The Secretaries of Defense, Labor, Veterans Affairs, and Homeland Security shall, in consultation with OPM, develop and implement counseling and training programs to align veterans’ and transitioning service members’ skills and career aspirations to Federal employment opportunities, targeting Federal occupations that are projected to have heavy recruitment needs.

(b) The Secretary of Labor shall conduct employment workshops for veterans and transitioning military service personnel as part of the Transition Assistance Program (TAP), and integrate in those workshops information about the Federal hiring process, veterans’ preference laws, special hiring authorities, and Federal job opportunities.

(c) The Secretary of Defense and Secretary of Homeland Security (with respect to the Coast Guard) shall:
(i) reinforce military leadership’s commitment and support of the service members’ transition process; and

(ii) institute policies that encourage every eligible service member to take the opportunity to enroll in any or all of the four components of the TAP.

(d) The Secretaries of Labor and Veterans Affairs shall:

(i) assist veterans and transitioning service members in translating military skills, training, and education to Federal occupations through programs developed under subsection (a) of this section; and

(ii) provide training to employment and rehabilitation counselors on the Federal hiring process, veterans’ preferences, special hiring authorities, and identifying Federal employment opportunities for veterans.

Sec. 6. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to a department or agency or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA

The White House,
November 9, 2009.

Executive Order 13519 of November 17, 2009

Establishment of the Financial Fraud Enforcement Task Force

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to strengthen the efforts of the Department of Justice, in conjunction with Federal, State, tribal, territorial, and local agencies, to investigate and prosecute significant financial crimes and other violations relating to the current financial crisis and economic recovery efforts, recover the proceeds of such crimes and violations, and ensure just and effective punishment of those who perpetrate financial crimes and violations, it is hereby ordered as follows:

Section 1. Establishment. There is hereby established an interagency Financial Fraud Enforcement Task Force (Task Force) led by the Department of Justice.
Sec. 2. Membership and Operation. The Task Force shall be chaired by the Attorney General and consist of senior-level officials from the following departments, agencies, and offices, selected by the heads of the respective departments, agencies, and offices in consultation with the Attorney General:

(a) the Department of Justice;
(b) the Department of the Treasury;
(c) the Department of Commerce;
(d) the Department of Labor;
(e) the Department of Housing and Urban Development;
(f) the Department of Education;
(g) the Department of Homeland Security;
(h) the Securities and Exchange Commission;
(i) the Commodity Futures Trading Commission;
(j) the Federal Trade Commission;
(k) the Federal Deposit Insurance Corporation;
(l) the Board of Governors of the Federal Reserve System;
(m) the Federal Housing Finance Agency;
(n) the Office of Thrift Supervision;
(o) the Office of the Comptroller of the Currency;
(p) the Small Business Administration;
(q) the Federal Bureau of Investigation;
(r) the Social Security Administration;
(s) the Internal Revenue Service, Criminal Investigations;
(t) the Financial Crimes Enforcement Network;
(u) the United States Postal Inspection Service;
(v) the United States Secret Service;
(w) the United States Immigration and Customs Enforcement;
(x) relevant Offices of Inspectors General and related Federal entities, including without limitation the Office of the Inspector General for the Department of Housing and Urban Development, the Recovery Accountability and Transparency Board, and the Office of the Special Inspector General for the Troubled Asset Relief Program; and
(y) such other executive branch departments, agencies, or offices as the President may, from time to time, designate or that the Attorney General may invite.

The Attorney General shall convene and, through the Deputy Attorney General, direct the work of the Task Force in fulfilling all its functions under this order. The Attorney General shall convene the first meeting of the Task Force within 30 days of the date of this order and shall thereafter convene the Task Force at such times as he deems appropriate. At the direction of the Attorney General, the Task Force may establish subgroups consisting
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exclusively of Task Force members or their designees under this section, including but not limited to a Steering Committee chaired by the Deputy Attorney General, and subcommittees addressing enforcement efforts, training and information sharing, and victims’ rights, as the Attorney General deems appropriate.

Sec. 3. Mission and Functions. Consistent with the authorities assigned to the Attorney General by law, and other applicable law, the Task Force shall:

(a) provide advice to the Attorney General for the investigation and prosecution of cases of bank, mortgage, loan, and lending fraud; securities and commodities fraud; retirement plan fraud; mail and wire fraud; tax crimes; money laundering; False Claims Act violations; unfair competition; discrimination; and other financial crimes and violations (hereinafter financial crimes and violations), when such cases are determined by the Attorney General, for purposes of this order, to be significant;

(b) make recommendations to the Attorney General, from time to time, for action to enhance cooperation among Federal, State, local, tribal, and territorial authorities responsible for the investigation and prosecution of significant financial crimes and violations; and

(c) coordinate law enforcement operations with representatives of State, local, tribal, and territorial law enforcement.

Sec. 4. Coordination with State, Local, Tribal, and Territorial Law Enforcement. Consistent with the objectives set out in this order, and to the extent permitted by law, the Attorney General is encouraged to invite the following representatives of State, local, tribal, and territorial law enforcement to participate in the Task Force’s subcommittee addressing enforcement efforts in the subcommittee’s performance of the functions set forth in section 3(c) of this order relating to the coordination of Federal, State, local, tribal, and territorial law enforcement operations involving financial crimes and violations:

(a) the National Association of Attorneys General;

(b) the National District Attorneys Association; and

(c) such other representatives of State, local, tribal, and territorial law enforcement as the Attorney General deems appropriate.

Sec. 5. Outreach. Consistent with the law enforcement objectives set out in this order, the Task Force, in accordance with applicable law, in addition to regular meetings, shall conduct outreach with representatives of financial institutions, corporate entities, nonprofit organizations, State, local, tribal, and territorial governments and agencies, and other interested persons to foster greater coordination and participation in the detection and prosecution of financial fraud and financial crimes, and in the enforcement of antitrust and antidiscrimination laws.

Sec. 6. Administration. The Department of Justice, to the extent permitted by law and subject to the availability of appropriations, shall provide administrative support and funding for the Task Force.

Sec. 7. General Provisions. (a) Nothing in this order shall be construed to impair or otherwise affect:
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(i) authority granted by law to an executive department, agency, or the head thereof, or the status of that department or agency within the Federal Government; or

(ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This Task Force shall replace, and continue the work of, the Corporate Fraud Task Force created by Executive Order 13271 of July 9, 2002. Executive Order 13271 is hereby terminated pursuant to section 6 of that order.

(c) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Sec. 8. Termination. The Task Force shall terminate when directed by the President or, with the approval of the President, by the Attorney General.

BARACK OBAMA

The White House,
November 17, 2009.

Executive Order 13520 of November 20, 2009

Reducing Improper Payments

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in the interest of reducing payment errors and eliminating waste, fraud, and abuse in Federal programs, it is hereby ordered as follows:

Section 1. Purpose. When the Federal Government makes payments to individuals and businesses as program beneficiaries, grantees, or contractors, or on behalf of program beneficiaries, it must make every effort to confirm that the right recipient is receiving the right payment for the right reason at the right time. The purpose of this order is to reduce improper payments by intensifying efforts to eliminate payment error, waste, fraud, and abuse in the major programs administered by the Federal Government, while continuing to ensure that Federal programs serve and provide access to their intended beneficiaries. No single step will fully achieve these goals. Therefore, this order adopts a comprehensive set of policies, including transparency and public scrutiny of significant payment errors throughout the Federal Government; a focus on identifying and eliminating the highest improper payments; accountability for reducing improper payments among executive branch agencies and officials; and coordinated Federal, State, and local government action in identifying and eliminating improper payments. Because this order targets error, waste, fraud, and abuse—not legitimate use of Government services—efforts to reduce improper payments under this order must protect access to Federal programs by their intended beneficiaries.
Sec. 2. Transparency and Public Participation.

(a) Within 90 days of the date of this order, the Director of the Office of Management and Budget (OMB) shall:

(i) identify Federal programs in which the highest dollar value or majority of Government-wide improper payments occur (high-priority programs);

(ii) establish, in coordination with the executive department or agency (agency) responsible for administering the high-priority program annual or semi-annual targets (or where such targets already exist, supplemental targets), as appropriate, for reducing improper payments associated with each high-priority program;

(iii) issue Government-wide guidance on the implementation of this order, including procedures for identifying and publicizing the list of entities described in subsection (b)(v) of this section and for administrative appeal of the decision to publish the identity of those entities, prior to publication; and

(iv) establish a working group consisting of Federal, State, and local officials to make recommendations to the Director of OMB designed to improve the Federal Government’s measurement of access to Federal programs by the programs’ intended beneficiaries. The working group’s recommendations shall be prepared in consultation with the Council of Inspectors General on Integrity and Efficiency (CIGIE) and submitted within 180 days of the date of this order, and the recommended measurements may be incorporated by the Secretary of the Treasury in the information published pursuant to subsection (b) of this section.

(b) Within 180 days of the date of this order, the Secretary of the Treasury in coordination with the Attorney General and the Director of OMB, shall publish on the Internet information about improper payments under high-priority programs. The information shall include, subject to Federal privacy policies and to the extent permitted by law:

(i) the names of the accountable officials designated under section 3 of this order;

(ii) current and historical rates and amounts of improper payments, including, where known and appropriate, causes of the improper payments;

(iii) current and historical rates and amounts of recovery of improper payments, where appropriate (or, where improper payments are identified solely on the basis of a sample, recovery rates and amounts estimated on the basis of the applicable sample);

(iv) targets for reducing as well as recovering improper payments, where appropriate; and

(v) the entities that have received the greatest amount of outstanding improper payments (or, where improper payments are identified solely on the basis of a sample, the entities that have received the greatest amount of outstanding improper payments in the applicable sample).

Information on entities that have received the greatest amount of outstanding improper payments shall not include any referrals the agency made or anticipates making to the Department of Justice, or any information provided in connection with such referrals.
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(c) Within 180 days of the date of this order, the Secretary of the Treasury in coordination with the Attorney General and the Director of OMB and in consultation with the CIGIE, shall establish a central Internet-based method to collect from the public information concerning suspected incidents of waste, fraud, and abuse by an entity receiving Federal funds that have led or may lead to improper payments by the Federal Government.

(d) Agencies shall place a prominently displayed link to Internet-based resources for addressing improper payments, including the resources established under subsections (b) and (c) of this section, on their Internet home pages.

Sec. 3. Agency Accountability and Coordination.

(a) Within 120 days of the date of this order, the head of each agency responsible for operating a high-priority program shall designate an official who holds an existing Senate-confirmed position to be accountable for meeting the targets established under section 2 of this order without unduly burdening program access and participation by eligible beneficiaries. In those agencies where the majority of payments are isolated to a single component, the head of the agency shall name a second accountable official for that component whose sole responsibility would be for program integrity activities and, as appropriate, shall consolidate and coordinate all program integrity activities within the component.

(b) Within 180 days of the date of this order, each agency official designated under subsection (a) of this section, or otherwise designated by the Director of OMB, shall provide the agency’s Inspector General a report containing:

(i) the agency’s methodology for identifying and measuring improper payments by the agency’s high-priority programs;

(ii) the agency’s plans, together with supporting analysis, for meeting the reduction targets for improper payments in the agency’s high-priority programs; and

(iii) the agency’s plan, together with supporting analysis, for ensuring that initiatives undertaken pursuant to this order do not unduly burden program access and participation by eligible beneficiaries.

Following the receipt and review of this information, the agency Inspector General shall assess the level of risk associated with the applicable programs, determine the extent of oversight warranted, and provide the agency head with recommendations, if any, for modifying the agency’s methodology, improper payment reduction plans, or program access and participation plans.

(c) If an agency fails to meet the targets established under section 2 of this order or implement the plan described in subsection (b)(iii) of this section for 2 consecutive years, that agency’s accountable official designated under subsection (a) of this section shall submit to the agency head, Inspector General, and Chief Financial Officer a report describing the likely causes of the agency’s failure and proposing a remedial plan. The agency head shall review this plan and, in consultation with the Inspector General and Chief Financial Officer, forward the plan with any additional comments and analysis to the Director of OMB.
(d) Within 180 days of the date of this order, the Chief Financial Officers Council (CFOC) in consultation with the CIGIE, the Department of Justice, and program experts, shall make recommendations to the Director of OMB and the Secretary of the Treasury on actions (including actions related to forensic accounting and audits) agencies should take to more effectively tailor their methodologies for identifying and measuring improper payments to those programs, or components of programs, where improper payments are most likely to occur. Recommendations shall address the manner in which the recommended actions would affect program access and participation by eligible beneficiaries.

(e) Within 180 days of the date of this order, the Secretary of the Treasury and the Director of OMB in consultation with the CIGIE, the Department of Justice, and program experts, shall recommend to the President actions designed to reduce improper payments by improving information sharing among agencies and programs, and where applicable, State and local governments and other stakeholders. The recommendations shall address the ways in which information sharing may improve eligibility verification and pre-payment scrutiny, shall identify legal or regulatory impediments to effective information sharing, and shall address the manner in which the recommended actions would affect program access and participation by eligible beneficiaries.

(f) Within 180 days of the date of this order, and at least once every quarter thereafter, the head of each agency shall submit to the agency’s Inspector General and the CIGIE, and make available to the public, a report on any high-dollar improper payments identified by the agency, subject to Federal privacy policies and to the extent permitted by law. The report shall describe any actions the agency has taken or plans to take to recover improper payments, as well as any actions the agency intends to take to prevent improper payments from occurring in the future. The report shall not include any referrals the agency made or anticipates making to the Department of Justice, or any information provided in connection with such referrals. Following the review of each report, the agency Inspector General and the CIGIE shall assess the level of risk associated with the applicable program, determine the extent of oversight warranted, and provide the agency head with recommendations, if any, for modifying the agency’s plans.

Sec. 4. Enhanced Focus on Contractors and Working with State and Local Stakeholders.

(a) Within 180 days of the date of this order, the Federal Acquisition Regulatory Council, in coordination with the Director of OMB, and in consultation with the National Procurement Fraud Task Force (or its successor group), the CIGIE, and appropriate agency officials, shall recommend to the President actions designed to enhance contractor accountability for improper payments. The recommendations may include, but are not limited to, subjecting contractors to debarment, suspension, financial penalties, and identification through a public Internet website, subject to Federal privacy policies and to the extent permitted by law and where the identification would not interfere with or compromise an ongoing criminal or civil investigation, for knowingly failing timely to disclose credible evidence of significant overpayments received on Government contracts.

(b) Within 30 days of the date of this order, the Director of OMB shall establish a working group consisting of Federal and elected State and local
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The President

officials to make recommendations to the Director of OMB designed to improve the effectiveness of single audits of State and local governments and non-profit organizations that are expending Federal funds. The Director of OMB may designate an appropriate official to serve as Chair of the working group to convene its meetings and direct its work. The working group’s recommendations shall be prepared in consultation with the CIGIE and submitted within 180 days of the date of this order. The recommendations shall address, among other things, the effectiveness of single audits in identifying improper payments and opportunities to streamline or eliminate single audit requirements where their value is minimal.

(c) Within 30 days of the date of this order, the Director of OMB shall establish a working group (which may be separate from the group established under subsection (b) of this section) consisting of Federal and elected State and local officials to make recommendations to the Director of OMB for administrative actions designed to improve the incentives and accountability of State and local governments, as well as other entities receiving Federal funds, for reducing improper payments. The Director of OMB may designate an appropriate official to serve as Chair of the working group to convene its meetings and direct its work. The working group’s recommendations shall be prepared in consultation with the CIGIE and submitted within 180 days of the date of this order.

Sec. 5. Policy Proposals. The Director of OMB, in consultation with the appropriate agencies and the CIGIE, shall develop policy recommendations, including potential legislative proposals, designed to reduce improper payments, including those caused by error, waste, fraud, and abuse, across Federal programs without compromising program access, to be included, as appropriate, in the Budget of the United States Government for Fiscal Year 2011 and future years, or other Administration proposals.

Sec. 6. General Provisions.

(a) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to a department, agency, the head thereof, or any agency Inspector General; or

(ii) functions of the Director of OMB relating to budgetary, administrative, or legislative proposals.

(b) Nothing in this order shall be construed to require the disclosure of classified information, law enforcement sensitive information, or other information that must be protected in the interests of national security.

(c) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA

The White House,
November 20, 2009.
Establishing the Presidential Commission for the Study of Bioethical Issues

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. Establishment. There is established within the Department of Health and Human Services the Presidential Commission for the Study of Bioethical Issues (Commission).

Sec. 2. Mission.

(a) The Commission shall advise the President on bioethical issues that may emerge as a consequence of advances in biomedicine and related areas of science and technology. The Commission shall pursue its work with the goal of identifying and promoting policies and practices that ensure scientific research, healthcare delivery, and technological innovation are conducted in an ethically responsible manner. To achieve this goal, the Commission shall:

(i) identify and examine specific bioethical, legal, and social issues related to the potential impacts of advances in biomedical and behavioral research, healthcare delivery, or other areas of science and technology;

(ii) recommend any legal, regulatory, or policy actions it deems appropriate to address these issues; and

(iii) critically examine diverse perspectives and explore possibilities for useful international collaboration on these issues.

(b) In support of its mission, the Commission may examine issues linked to specific technologies, including but not limited to the creation of stem cells by novel means; intellectual property issues involving genetic sequencing, biomarkers, and other screening tests used for risk assessment; and the application of neuro- and robotic sciences. It may also examine broader issues not linked to specific technologies, including but not limited to the protection of human research participants; scientific integrity and conflicts of interest in research; and the intersection of science and human rights.

(c) The Commission shall not be responsible for the review and approval of specific projects.

(d) The Commission may accept suggestions of issues for consideration from executive departments and agencies and the public as it deems appropriate in support of its mission.

(e) In establishing priorities for its activities, the Commission shall consider, among other things, the significance of particular issues; the need for legal, regulatory, and policy guidance with respect to such issues; the connection of the issues to the goal of Federal advancement of science and technology; and the availability of other appropriate entities or fora for deliberating on the issues.
(f) The Commission is authorized to conduct original empirical and conceptual research, commission papers and studies, hold hearings, and establish committees and subcommittees, as necessary. The Commission is authorized to develop reports or other materials.

Sec. 3. Membership.

(a) The Commission shall be an expert panel composed of not more than 13 members appointed by the President, drawn from the fields of bioethics, science, medicine, technology, engineering, law, philosophy, theology, or other areas of the humanities or social sciences, at least one and not more than three of whom may be bioethicists or scientists drawn from the executive branch, as designated by the President.

(b) The President shall designate a Chair and Vice Chair from among the members of the Commission. The Chair shall convene and preside at meetings of the Commission, determine its agenda, and direct its work. The Vice Chair shall perform the duties of the Chair in the absence or disability of the Chair and shall perform such other functions as the Chair may from time to time assign.

(c) Members shall serve for a term of 2 years and shall be eligible for reappointment. Members may continue to serve after the expiration of their terms until the appointment of a successor.

Sec. 4. Administration.

(a) The Department of Health and Human Services shall provide funding and administrative support for the Commission to the extent permitted by law and within existing appropriations.

(b) All executive departments and agencies and all entities within the Executive Office of the President shall provide information and assistance to the Commission as the Chair may request for purposes of carrying out the Commission’s functions, to the extent permitted by law.

(c) The Commission shall have a staff headed by an Executive Director, who shall be appointed by the Secretary of Health and Human Services in consultation with the Chair and Vice Chair.

(d) Members of the Commission shall serve without compensation, but shall be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in Government service (5 U.S.C. 5701–5707), consistent with the availability of funds.

Sec. 5. Termination. The Commission shall terminate 2 years after the date of this order unless extended by the President.

Sec. 6. General Provisions.

(a) This order supersedes Executive Order 13237 of November 28, 2001.

(b) Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.), may apply to the Commission, any functions of the President under that Act, except that of reporting to the Congress, shall be performed by the Secretary of Health and Human Services in accordance with the guidelines that have been issued by the Administrator of General Services.

(c) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to an executive department, agency, or the head thereof; or
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(ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(d) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(e) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA

The White House,
November 24, 2009.

Executive Order 13522 of December 9, 2009

Creating Labor-Management Forums To Improve Delivery of Government Services

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to establish a cooperative and productive form of labor-management relations throughout the executive branch, it is hereby ordered as follows:

Section 1. Policy. Federal employees and their union representatives are an essential source of front-line ideas and information about the realities of delivering Government services to the American people. A nonadversarial forum for managers, employees, and employees’ union representatives to discuss Government operations will promote satisfactory labor relations and improve the productivity and effectiveness of the Federal Government. Labor-management forums, as complements to the existing collective bargaining process, will allow managers and employees to collaborate in continuing to deliver the highest quality services to the American people. Management should discuss workplace challenges and problems with labor and endeavor to develop solutions jointly, rather than advise union representatives of predetermined solutions to problems and then engage in bargaining over the impact and implementation of the predetermined solutions.

The purpose of this order is to establish a cooperative and productive form of labor-management relations throughout the executive branch.


(a) Membership. The Council shall be composed of the following members appointed or designated by the President:

(i) the Director of the Office of Personnel Management (OPM) and Deputy Director for Management of the Office of Management and Budget (OMB), who shall serve as Co-Chairs of the Council;
(ii) the Chair of the Federal Labor Relations Authority;
(iii) a Deputy Secretary or other officer with department- or agency-wide authority from each of five executive departments or agencies not
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otherwise represented on the Council, who shall serve for terms of 2 years;
(iv) the President of the American Federation of Government Employees, AFL–CIO;
(v) the President of the National Federation of Federal Employees;
(vi) the President of the National Treasury Employees Union;
(vii) the President of the International Federation of Professional and Technical Engineers, AFL–CIO;
(viii) the heads of three other labor unions that represent Federal employees and are not otherwise represented on the Council, who shall serve for terms of 2 years;
(ix) the President of the Senior Executives Association; and
(x) the President of the Federal Managers Association.

(b) Responsibilities and Functions. The Council shall advise the President on matters involving labor-management relations in the executive branch. Its activities shall include, to the extent permitted by law:

(i) supporting the creation of department- or agency-level labor-management forums and promoting partnership efforts between labor and management in the executive branch;
(ii) developing suggested measurements and metrics for the evaluation of the effectiveness of the Council and department or agency labor-management forums in order to promote consistent, appropriate, and administratively efficient measurement and evaluation processes across departments and agencies;
(iii) collecting and disseminating information about, and providing guidance on, labor-management relations improvement efforts in the executive branch, including results achieved;
(iv) utilizing the expertise of individuals both within and outside the Federal Government to foster successful labor-management relations, including through training of department and agency personnel in methods of dispute resolution and cooperative methods of labor-management relations;
(v) developing recommendations for innovative ways to improve delivery of services and products to the public while cutting costs and advancing employee interests;
(vi) serving as a venue for addressing systemic failures of department- or agency-level forums established pursuant to section 3 of this order; and
(vii) providing recommendations to the President for the implementation of several pilot programs within the executive branch, described in section 4 of this order, for bargaining over subjects set forth in 5 U.S.C. 7106(b)(1).

(c) Administration.

(i) The Co-Chairs shall convene and preside at meetings of the Council, determine its agenda, and direct its work.
(ii) The Council shall seek input from nonmember executive departments and agencies, particularly smaller agencies. It also may, from
time to time, invite persons from the private and public sectors to submit information. The Council shall also seek input from Federal manager and professional associations, companies, nonprofit organizations, State and local governments, Federal employees, and customers of Federal services, as needed.

(iii) To the extent permitted by law and subject to the availability of appropriations, OPM shall provide such facilities, support, and administrative services to the Council as the Director of OPM deems appropriate.

(iv) Members of the Council shall serve without compensation for their work on the Council, but may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by law for persons serving intermittently in Government service (5 U.S.C. 5701–5707), consistent with the availability of funds.

(v) The heads of executive departments and agencies shall, to the extent permitted by law, provide to the Council such assistance, information, and advice as the Council may require for purposes of carrying out its functions.

(vi) Insofar as the Federal Advisory Committee Act, as amended (5 U.S.C. App.), may apply to the Council, any functions of the President under that Act, except that of reporting to the Congress, shall be performed by the Director of OPM in accordance with the guidelines that have been issued by the Administrator of General Services.

(d) **Termination.** The Council shall terminate 2 years after the date of this order unless extended by the President.

**Sec. 3. Implementation of Labor-Management Forums Throughout the Executive Branch.**

(a) The head of each executive department or agency that is subject to the provisions of the Federal Service Labor-Management Relations Act (5 U.S.C. 7101 et seq.), or any other authority permitting employees of such department or agency to select an exclusive representative shall, to the extent permitted by law:

(i) establish department- or agency-level labor-management forums by creating labor-management committees or councils at the levels of recognition and other appropriate levels agreed to by labor and management, or adapting existing councils or committees if such groups exist, to help identify problems and propose solutions to better serve the public and agency missions;

(ii) allow employees and their union representatives to have pre-decisional involvement in all workplace matters to the fullest extent practicable, without regard to whether those matters are negotiable subjects of bargaining under 5 U.S.C. 7106; provide adequate information on such matters expeditiously to union representatives where not prohibited by law; and make a good-faith attempt to resolve issues concerning proposed changes in conditions of employment, including those involving the subjects set forth in 5 U.S.C. 7106(b)(1), through discussions in its labor-management forums; and

(iii) evaluate and document, in consultation with union representatives and consistent with the purposes of this order and any further guidance provided by the Council, changes in employee satisfaction,
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Manager satisfaction, and organizational performance resulting from the labor-management forums.

(b) Each head of an executive department or agency in which there exists one or more exclusive representatives shall, in consultation with union representatives, prepare and submit for approval, within 90 days of the date of this order, a written implementation plan to the Council. The plan shall:

(i) describe how the department or agency will conduct a baseline assessment of the current state of labor relations within the department or agency;

(ii) report the extent to which the department or agency has established labor-management forums, as set forth in subsection (a)(i) of this section, or may participate in the pilot projects described in section 4 of this order;

(iii) address how the department or agency will work with the exclusive representatives of its employees through its labor-management forums to develop department-, agency-, or bargaining unit-specific metrics to monitor improvements in areas such as labor-management satisfaction, productivity gains, cost savings, and other areas as identified by the relevant labor-management forum’s participants; and

(iv) explain the department’s or agency’s plan for devoting sufficient resources to the implementation of the plan.

(c) The Council shall review each executive department or agency implementation plan within 30 days of receipt and provide a recommendation to the Co-Chairs as to whether to certify that the plan satisfies all requirements of this order. Plans that are determined by the Co-Chairs to be insufficient will be returned to the department or agency with guidance for improvement and resubmission within 30 days. Each department or agency covered by subsection (b) of this section must have a certified implementation plan in place no later than 150 days after the date of this order, unless the Co-Chairs of the Council authorize an extension of the deadline.

Sec. 4. Negotiation over Permissive Subjects of Bargaining.

(a) In order to evaluate the impact of bargaining over permissive subjects, several pilot projects of specified duration shall be established in which some executive departments or agencies elect to bargain over some or all of the subjects set forth in 5 U.S.C. 7106(b)(1) and waive any objection to participating in impasse procedures set forth in 5 U.S.C. 7119 that is based on the subjects being permissive. The Council shall develop recommendations for establishing the pilot projects, including (i) recommendations for evaluating such pilot projects on the basis, among other things, of their impacts on organizational performance, employee satisfaction, and labor relations of the affected departments or agencies; (ii) recommended methods for evaluating the effectiveness of dispute resolution procedures adopted and followed in the course of the pilot projects; and (iii) a recommended timeline for expeditious implementation of the pilot programs.

(b) The Council shall present its recommendations to the President within 150 days after the date of this order.

(c) No later than 18 months after implementation of the pilot projects, the Council shall submit a report to the President evaluating the results of the pilots and recommending appropriate next steps with respect to agency bargaining over the subjects set forth in 5 U.S.C. 7106(b)(1).
Sec. 5. General Provisions.

(a) Nothing in this order shall abrogate any collective bargaining agreements in effect on the date of this order.

(b) Nothing in this order shall be construed to limit, preclude, or prohibit any head of an executive department or agency from electing to negotiate over any or all of the subjects set forth in 5 U.S.C. 7106(b)(1) in any negotiation.

(c) Nothing in this order shall be construed to impair or otherwise affect:
   (i) authority granted by law to an executive department, agency, or the head thereof; or
   (ii) functions of the Director of OMB relating to budgetary, administrative, or legislative proposals.

(d) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(e) 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 to administrative or judicial review, or any other right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA

The White House,
December 9, 2009.

Executive Order 13523 of December 11, 2009

Half-Day Closing of Executive Departments and Agencies on Thursday, December 24, 2009

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. All executive branch departments and agencies of the Federal Government shall be closed and their employees excused from duty for the last half of the scheduled workday on Thursday, December 24, 2009, the day before Christmas Day, except as provided in section 2 of this order.

Sec. 2. The heads of executive branch departments and agencies may determine that certain offices and installations of their organizations, or parts thereof, must remain open and that certain employees must remain on duty for the full scheduled workday on December 24, 2009, for reasons of national security, defense, or other public need.

Sec. 3. Thursday, December 24, 2009, shall be considered as falling within the scope of Executive Order 11582 of February 11, 1971, and of 5 U.S.C. 5546 and 6103(b) and other similar statutes so far as they relate to the pay and leave of employees of the United States.

Sec. 4. This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party
against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

The White House,
December 11, 2009.

Executive Order 13524 of December 16, 2009

Amending Executive Order 12425 Designating Interpol as a Public International Organization Entitled To Enjoy Certain Privileges, Exemptions, and Immunities

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 1 of the International Organizations Immunities Act (22 U.S.C. 288), and in order to extend the appropriate privileges, exemptions, and immunities to the International Criminal Police Organization (INTERPOL), it is hereby ordered that Executive Order 12425 of June 16, 1983, as amended, is further amended by deleting from the first sentence the words “except those provided by Section 2(c), Section 3, Section 4, Section 5, and Section 6 of that Act” and the semicolon that immediately precedes them.

The White House,
December 16, 2009.

Executive Order 13525 of December 23, 2009

Adjustments of Certain Rates of Pay

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

Section 1. Statutory Pay Systems. The rates of basic pay or salaries of the statutory pay systems (as defined in 5 U.S.C. 5302(1)), as adjusted under 5 U.S.C. 5303 and section 744 of Division C of the Consolidated Appropriations Act, 2010 (Public Law 111–117, December 16, 2009), are set forth on the schedules attached hereto and made a part hereof:

(a) The General Schedule (5 U.S.C. 5332(a)) at Schedule 1;
(b) The Foreign Service Schedule (22 U.S.C. 3963) at Schedule 2; and
(c) The schedules for the Veterans Health Administration of the Department of Veterans Affairs (38 U.S.C. 7306, 7404; section 301(a) of Public Law 102–40) at Schedule 3.

Sec. 2. Senior Executive Service. The ranges of rates of basic pay for senior executives in the Senior Executive Service, as established pursuant to 5
U.S.C. 5382, are set forth on Schedule 4 attached hereto and made a part hereof.

Sec. 3. Certain Executive, Legislative, and Judicial Salaries. The rates of basic pay or salaries for the following offices and positions are set forth on the schedules attached hereto and made a part hereof:

(a) The Executive Schedule (5 U.S.C. 5312–5318) at Schedule 5;

(b) The Vice President (3 U.S.C. 104) and the Congress (2 U.S.C. 31) at Schedule 6; and

(c) Justices and judges (28 U.S.C. 5, 44(d), 135, 252, and 461(a), and section 140 of Public Law 97–92) at Schedule 7.

Sec. 4. Uniformed Services. The rates of monthly basic pay (37 U.S.C. 203(a)) for members of the uniformed services, as adjusted under 37 U.S.C. 1009, and section 601 of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84, October 28, 2009), and the rate of monthly cadet or midshipman pay (37 U.S.C. 203(c)) are set forth on Schedule 8 attached hereto and made a part hereof.

Sec. 5. Locality-Based Comparability Payments.

(a) Pursuant to section 5304 of title 5, United States Code, and section 744 of Division C of the Consolidated Appropriations Act, 2010 (Public Law 111–117, December 16, 2009), locality-based comparability payments shall be paid in accordance with Schedule 9 attached hereto and made a part hereof.

(b) The Director of the Office of Personnel Management shall take such actions as may be necessary to implement these payments and to publish appropriate notice of such payments in the Federal Register.

Sec. 6. Administrative Law Judges. The rates of basic pay for administrative law judges, as adjusted under 5 U.S.C. 5372(b)(4), are set forth on Schedule 10 attached hereto and made a part hereof.

Sec. 7. Effective Dates. Schedule 8 is effective January 1, 2010. The other schedules contained herein are effective on the first day of the first applicable pay period beginning on or after January 1, 2010.


BARACK OBAMA

The White House,

December 23, 2009.
## SCHEDULE 1—GENERAL SCHEDULE

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2010)

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<td>$27,431</td>
<td>$28,345</td>
<td>$29,259</td>
<td>$30,173</td>
<td>$31,087</td>
<td>$32,001</td>
<td>$32,915</td>
<td>$33,829</td>
<td>$34,743</td>
<td>$35,657</td>
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<tr>
<td>GS-6</td>
<td>$30,577</td>
<td>$31,596</td>
<td>$32,615</td>
<td>$33,634</td>
<td>$34,653</td>
<td>$35,672</td>
<td>$36,691</td>
<td>$37,710</td>
<td>$38,729</td>
<td>$39,748</td>
</tr>
<tr>
<td>GS-7</td>
<td>$33,979</td>
<td>$35,112</td>
<td>$36,245</td>
<td>$37,278</td>
<td>$38,511</td>
<td>$39,648</td>
<td>$40,777</td>
<td>$41,910</td>
<td>$43,043</td>
<td>$44,176</td>
</tr>
<tr>
<td>GS-8</td>
<td>$37,631</td>
<td>$38,885</td>
<td>$40,139</td>
<td>$41,393</td>
<td>$42,647</td>
<td>$43,901</td>
<td>$45,155</td>
<td>$46,409</td>
<td>$47,663</td>
<td>$48,917</td>
</tr>
<tr>
<td>GS-9</td>
<td>$41,563</td>
<td>$42,948</td>
<td>$44,333</td>
<td>$45,718</td>
<td>$47,103</td>
<td>$48,488</td>
<td>$49,873</td>
<td>$51,258</td>
<td>$52,643</td>
<td>$54,028</td>
</tr>
<tr>
<td>GS-10</td>
<td>$45,771</td>
<td>$47,297</td>
<td>$48,823</td>
<td>$50,349</td>
<td>$51,875</td>
<td>$53,401</td>
<td>$54,927</td>
<td>$56,453</td>
<td>$57,979</td>
<td>$59,505</td>
</tr>
<tr>
<td>GS-11</td>
<td>$50,287</td>
<td>$51,963</td>
<td>$53,639</td>
<td>$55,315</td>
<td>$56,991</td>
<td>$58,667</td>
<td>$60,343</td>
<td>$62,019</td>
<td>$63,695</td>
<td>$65,371</td>
</tr>
<tr>
<td>GS-12</td>
<td>$60,274</td>
<td>$62,283</td>
<td>$64,292</td>
<td>$66,301</td>
<td>$68,310</td>
<td>$70,319</td>
<td>$72,328</td>
<td>$74,337</td>
<td>$76,346</td>
<td>$78,355</td>
</tr>
<tr>
<td>GS-13</td>
<td>$71,674</td>
<td>$74,063</td>
<td>$76,452</td>
<td>$78,841</td>
<td>$81,230</td>
<td>$83,619</td>
<td>$86,008</td>
<td>$88,397</td>
<td>$90,786</td>
<td>$93,175</td>
</tr>
<tr>
<td>GS-14</td>
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<td>$87,520</td>
<td>$90,343</td>
<td>$93,166</td>
<td>$95,989</td>
<td>$98,812</td>
<td>$101,635</td>
<td>$104,458</td>
<td>$107,281</td>
<td>$110,104</td>
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<tr>
<td>GS-15</td>
<td>$99,628</td>
<td>$102,949</td>
<td>$106,270</td>
<td>$109,591</td>
<td>$112,912</td>
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<td>$119,554</td>
<td>$122,875</td>
<td>$126,196</td>
<td>$129,517</td>
</tr>
</tbody>
</table>
## SCHEDULE 2--FOREIGN SERVICE SCHEDULE

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2010)

<table>
<thead>
<tr>
<th>Step</th>
<th>Class 1</th>
<th>Class 2</th>
<th>Class 3</th>
<th>Class 4</th>
<th>Class 5</th>
<th>Class 6</th>
<th>Class 7</th>
<th>Class 8</th>
<th>Class 9</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>$99,628</td>
<td>$80,728</td>
<td>$65,413</td>
<td>$53,003</td>
<td>$42,948</td>
<td>$38,394</td>
<td>$34,324</td>
<td>$30,684</td>
<td>$27,431</td>
</tr>
<tr>
<td>2</td>
<td>102,617</td>
<td>83,150</td>
<td>67,375</td>
<td>54,593</td>
<td>44,236</td>
<td>39,546</td>
<td>35,354</td>
<td>31,605</td>
<td>28,254</td>
</tr>
<tr>
<td>3</td>
<td>105,695</td>
<td>85,644</td>
<td>69,397</td>
<td>56,231</td>
<td>45,564</td>
<td>40,732</td>
<td>36,414</td>
<td>32,553</td>
<td>29,102</td>
</tr>
<tr>
<td>4</td>
<td>108,866</td>
<td>88,214</td>
<td>71,479</td>
<td>57,918</td>
<td>46,930</td>
<td>41,954</td>
<td>37,507</td>
<td>33,529</td>
<td>29,975</td>
</tr>
<tr>
<td>5</td>
<td>112,132</td>
<td>90,860</td>
<td>73,623</td>
<td>59,655</td>
<td>48,338</td>
<td>43,213</td>
<td>38,632</td>
<td>34,535</td>
<td>30,874</td>
</tr>
<tr>
<td>6</td>
<td>115,496</td>
<td>93,586</td>
<td>75,832</td>
<td>61,445</td>
<td>49,789</td>
<td>44,509</td>
<td>39,791</td>
<td>35,571</td>
<td>31,800</td>
</tr>
<tr>
<td>7</td>
<td>118,961</td>
<td>96,393</td>
<td>78,107</td>
<td>63,288</td>
<td>51,282</td>
<td>45,844</td>
<td>40,985</td>
<td>36,638</td>
<td>32,754</td>
</tr>
<tr>
<td>8</td>
<td>122,530</td>
<td>99,205</td>
<td>80,450</td>
<td>65,187</td>
<td>52,821</td>
<td>47,220</td>
<td>42,214</td>
<td>37,737</td>
<td>33,737</td>
</tr>
<tr>
<td>9</td>
<td>126,206</td>
<td>102,264</td>
<td>82,863</td>
<td>67,143</td>
<td>54,405</td>
<td>48,636</td>
<td>43,481</td>
<td>38,870</td>
<td>34,749</td>
</tr>
<tr>
<td>10</td>
<td>129,517</td>
<td>105,332</td>
<td>85,349</td>
<td>69,157</td>
<td>56,037</td>
<td>50,095</td>
<td>44,785</td>
<td>40,036</td>
<td>35,791</td>
</tr>
<tr>
<td>11</td>
<td>129,517</td>
<td>108,492</td>
<td>87,910</td>
<td>71,232</td>
<td>57,719</td>
<td>51,598</td>
<td>46,129</td>
<td>41,237</td>
<td>36,865</td>
</tr>
<tr>
<td>12</td>
<td>129,517</td>
<td>111,746</td>
<td>90,547</td>
<td>73,369</td>
<td>59,550</td>
<td>53,146</td>
<td>47,512</td>
<td>42,474</td>
<td>37,971</td>
</tr>
<tr>
<td>13</td>
<td>129,517</td>
<td>115,099</td>
<td>93,263</td>
<td>75,570</td>
<td>61,234</td>
<td>54,741</td>
<td>48,938</td>
<td>43,748</td>
<td>39,110</td>
</tr>
<tr>
<td>14</td>
<td>129,517</td>
<td>118,552</td>
<td>96,061</td>
<td>77,837</td>
<td>63,071</td>
<td>56,383</td>
<td>50,406</td>
<td>45,060</td>
<td>40,283</td>
</tr>
</tbody>
</table>
EO 13525  Title 3—The President

SCHEDULE 3—VETERANS HEALTH ADMINISTRATION SCHEDULES
DEPARTMENT OF VETERANS AFFAIRS

(Rule effective on the first day of the first applicable pay period
beginning on or after January 1, 2010)

Schedule for the Office of the Under Secretary for Health
(38 U.S.C. 7306)**

(Only applies to incumbents who are not physicians or dentists)

<table>
<thead>
<tr>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Service Directors</td>
<td>$116,644</td>
</tr>
<tr>
<td>Director, National Center for Preventive Health</td>
<td>$98,628</td>
</tr>
<tr>
<td>Physician and Dentist Base and Longevity Schedule***</td>
<td></td>
</tr>
<tr>
<td>Physician Grade</td>
<td>$97,987</td>
</tr>
<tr>
<td>Dentist Grade</td>
<td>$97,987</td>
</tr>
<tr>
<td>Clinical Podiatrist, Chiropractor, and Optometrist Schedule</td>
<td></td>
</tr>
<tr>
<td>Chief Grade</td>
<td>$99,628</td>
</tr>
<tr>
<td>Senior Grade</td>
<td>$109,104</td>
</tr>
<tr>
<td>Intermediate Grade</td>
<td>$99,174</td>
</tr>
<tr>
<td>Full Grade</td>
<td>$80,274</td>
</tr>
<tr>
<td>Associate Grade</td>
<td>$50,267</td>
</tr>
<tr>
<td>Physician Assistant and Expanded-Function Dental Auxiliary Schedule ****</td>
<td></td>
</tr>
<tr>
<td>Director Grade</td>
<td>$99,628</td>
</tr>
<tr>
<td>Assistant Director Grade</td>
<td>$94,697</td>
</tr>
<tr>
<td>Chief Grade</td>
<td>$71,674</td>
</tr>
<tr>
<td>Senior Grade</td>
<td>$60,274</td>
</tr>
<tr>
<td>Intermediate Grade</td>
<td>$50,287</td>
</tr>
<tr>
<td>Full Grade</td>
<td>$41,563</td>
</tr>
<tr>
<td>Associate Grade</td>
<td>$33,766</td>
</tr>
<tr>
<td>Junior Grade</td>
<td>$30,577</td>
</tr>
</tbody>
</table>

* This schedule does not apply to the Deputy Under Secretary for Health, the Associate Deputy Under Secretary for Health, Assistant Under Secretaries for Health who are physicians or dentists, Medical Directors, the Assistant Under Secretary for Nursing Programs, or the Director of Nursing Services.

** Pursuant to 38 U.S.C. 7444(d), the rate of basic pay payable to these employees is limited to the rate for level V of the Executive Schedule, which is $146,790.

*** Pursuant to section 3 of Public Law 104-44 and 38 U.S.C. 7431, Veterans Health Administration physicians and dentists may also be paid market pay and performance pay.

**** Pursuant to section 301(a) of Public Law 103-40, these positions are paid according to the Nurse Schedule in 38 U.S.C. 4107(b), as in effect on August 14, 1990, with subsequent adjustments.
## Executive Orders EO 13525

### SCHEDULE 4--SENIOR EXECUTIVE SERVICE

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2010)

<table>
<thead>
<tr>
<th>Agency Type</th>
<th>Minimum</th>
<th>Maximum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Agencies with a Certified SES</td>
<td>$119,554</td>
<td>$179,700</td>
</tr>
<tr>
<td>Performance Appraisal System</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Agencies without a Certified SES</td>
<td>$119,554</td>
<td>$165,300</td>
</tr>
<tr>
<td>Performance Appraisal System</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### SCHEDULE 5--EXECUTIVE SCHEDULE

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2010)

<table>
<thead>
<tr>
<th>Level</th>
<th>Minimum</th>
</tr>
</thead>
<tbody>
<tr>
<td>I</td>
<td>$199,700</td>
</tr>
<tr>
<td>II</td>
<td>179,700</td>
</tr>
<tr>
<td>III</td>
<td>165,300</td>
</tr>
<tr>
<td>IV</td>
<td>155,500</td>
</tr>
<tr>
<td>V</td>
<td>145,700</td>
</tr>
</tbody>
</table>

### SCHEDULE 6--VICE PRESIDENT AND MEMBERS OF CONGRESS

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2010)

<table>
<thead>
<tr>
<th>Role</th>
<th>Minimum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Vice President</td>
<td>$230,700</td>
</tr>
<tr>
<td>Senators</td>
<td>174,000</td>
</tr>
<tr>
<td>Members of the House of Representatives</td>
<td>174,000</td>
</tr>
<tr>
<td>Delegates to the House of Representatives</td>
<td>174,000</td>
</tr>
<tr>
<td>Resident Commissioner from Puerto Rico</td>
<td>174,000</td>
</tr>
<tr>
<td>President pro tempore of the Senate</td>
<td>193,400</td>
</tr>
<tr>
<td>Majority leader and minority leader of the Senate</td>
<td>193,400</td>
</tr>
<tr>
<td>Majority leader and minority leader of the House</td>
<td>223,500</td>
</tr>
<tr>
<td>Speaker of the House of Representatives</td>
<td>223,500</td>
</tr>
</tbody>
</table>

### SCHEDULE 7--JUDICIAL SALARIES

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2010)

<table>
<thead>
<tr>
<th>Role</th>
<th>Minimum</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chief Justice of the United States</td>
<td>$223,500</td>
</tr>
<tr>
<td>Associate Justices of the Supreme Court</td>
<td>213,900</td>
</tr>
<tr>
<td>Circuit Judges</td>
<td>184,500</td>
</tr>
<tr>
<td>District Judges</td>
<td>174,000</td>
</tr>
<tr>
<td>Judges of the Court of International Trade</td>
<td>174,000</td>
</tr>
</tbody>
</table>
### Schedule 8: Pay of the Uniformed Services

#### (Effective January 1, 2010)

#### Part I: Monthly Basic Pay

**Years of Service (Computed under 37 U.S.C. 205)**

<table>
<thead>
<tr>
<th>Pay Grade</th>
<th>2 or Less</th>
<th>Over 2</th>
<th>Over 3</th>
<th>Over 4</th>
<th>Over 6</th>
<th>Over 8</th>
<th>Over 10</th>
<th>Over 12</th>
<th>Over 14</th>
<th>Over 16</th>
<th>Over 18</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Commissioned Officers</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>O-1**</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
</tr>
<tr>
<td>O-2</td>
<td>$29,269.00</td>
<td>$29,706.00</td>
<td>$29,911.10</td>
<td>$29,948.40</td>
<td>$30,223.40</td>
<td>$30,445.18</td>
<td>$30,744.40</td>
<td>$31,152.00</td>
<td>$31,268.00</td>
<td>$31,617.20</td>
<td>$32,262.00</td>
</tr>
<tr>
<td>O-3</td>
<td>$7,809.90</td>
<td>$8,172.90</td>
<td>$8,446.60</td>
<td>$8,474.10</td>
<td>$8,719.60</td>
<td>$8,956.40</td>
<td>$9,250.40</td>
<td>$9,508.60</td>
<td>$9,781.80</td>
<td>$10,468.10</td>
<td>$11,381.40</td>
</tr>
<tr>
<td>O-4</td>
<td>$6,326.80</td>
<td>$6,426.80</td>
<td>$6,812.90</td>
<td>$6,839.30</td>
<td>$6,893.30</td>
<td>$6,177.90</td>
<td>$6,258.60</td>
<td>$6,567.60</td>
<td>$6,794.10</td>
<td>$7,382.90</td>
<td>$7,815.10</td>
</tr>
<tr>
<td>O-5</td>
<td>$4,163.70</td>
<td>$4,819.80</td>
<td>$5,141.60</td>
<td>$5,213.10</td>
<td>$5,511.80</td>
<td>$6,209.10</td>
<td>$6,401.10</td>
<td>$6,506.60</td>
<td>$6,766.60</td>
<td>$6,905.20</td>
<td>$6,931.50</td>
</tr>
<tr>
<td>O-6****</td>
<td>3,960.90</td>
<td>4,169.90</td>
<td>4,697.30</td>
<td>4,823.40</td>
<td>5,177.10</td>
<td>5,737.90</td>
<td>5,940.10</td>
<td>6,313.60</td>
<td>6,955.60</td>
<td>5,955.60</td>
<td>5,955.60</td>
</tr>
<tr>
<td>O-7****</td>
<td>3,862.90</td>
<td>3,602.40</td>
<td>4,149.00</td>
<td>4,269.10</td>
<td>4,377.30</td>
<td>4,377.30</td>
<td>4,377.30</td>
<td>4,577.20</td>
<td>4,577.20</td>
<td>4,577.20</td>
<td>4,577.20</td>
</tr>
<tr>
<td>O-8****</td>
<td>2,766.80</td>
<td>2,887.80</td>
<td>3,484.20</td>
<td>3,484.20</td>
<td>3,484.20</td>
<td>3,544.20</td>
<td>3,544.20</td>
<td>3,744.20</td>
<td>3,744.20</td>
<td>3,844.20</td>
<td>3,944.20</td>
</tr>
</tbody>
</table>

| **Warrant Officers** | | | | | | | | | | | |
| W-1 | - | - | - | - | - | - | - | - | - | - | - |
| W-2 | $3,763.00 | $3,609.50 | $3,186.30 | $4,301.10 | $4,689.00 | $4,883.80 | $5,191.80 | $5,483.40 | $5,702.10 | $5,930.50 | |
| W-3 | 3,554.60 | 3,598.60 | 3,746.10 | 3,794.70 | 3,949.50 | 4,254.05 | 4,871.10 | 4,926.20 | 4,992.70 | 5,079.90 | 5,396.00 |
| W-4 | 3,057.00 | 3,346.20 | 3,436.40 | 3,484.60 | 3,694.80 | 4,002.90 | 4,255.30 | 4,489.50 | 4,699.20 | 4,833.20 | 4,963.40 |
| W-5 | 2,683.50 | 2,991.80 | 3,049.80 | 3,213.90 | 3,408.20 | 3,627.70 | 4,034.80 | 4,397.90 | 4,342.20 | 4,475.40 | |

*Basic pay is limited to the rate of basic pay for level 17 of the Executive Schedule, which is $14,975.10 per month for officers at pay grades C-7 through O-10, and limited to the rate of basic pay for level V of the Executive Schedule, which is $12,161.60 per month, for officers at C-6 and below.*

**For officers serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, Commandant of the Coast Guard, or commander of a unified or specified combatant command (as defined in 10 U.S.C. 161(a)(1)), basic pay for this grade is calculated to be $19,985.60 per month, regardless of cumulative years of service computed under 37 U.S.C. 205. Nevertheless, actual basic pay for these officers is limited to the rate of basic pay for level 17 of the Executive Schedule, which is $14,975.10 per month.*

***Does not apply to commissioned officers who have been credited with 4 years of active duty service as an enlisted member or warrant officer.***

****Reservists with at least 1,460 points as an enlisted member and/or warrant officer who are creditable toward reserve retirement also qualify for these rates.
### SCHEDULE 8—PAY OF THE UNIFORMED SERVICES (PAGE 2)

**Effective January 1, 2010**

#### YEARS OF SERVICE (COMPUTED UNDER 37 U.S.C. 205)

<table>
<thead>
<tr>
<th>Pay Grade</th>
<th>Over 20</th>
<th>Over 22</th>
<th>Over 24</th>
<th>Over 26</th>
<th>Over 28</th>
<th>Over 30</th>
<th>Over 32</th>
<th>Over 34</th>
<th>Over 36</th>
<th>Over 38</th>
<th>Over 40</th>
</tr>
</thead>
<tbody>
<tr>
<td>C-10</td>
<td>$21,285.20*</td>
<td>$15,262.20*</td>
<td>$10,875.40*</td>
<td>$6,132.20*</td>
<td>$1,832.20*</td>
<td>$6,339.20*</td>
<td>$6,785.20*</td>
<td>$7,185.20*</td>
<td>$7,585.20*</td>
<td>$7,985.20*</td>
<td>$8,385.20*</td>
</tr>
<tr>
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<td>3,378.90</td>
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#### COMMISSIONED OFFICERS WITH OVER 4 YEARS ACTIVE DUTY SERVICE

<table>
<thead>
<tr>
<th>Pay Grade</th>
<th>Over 20</th>
<th>Over 22</th>
<th>Over 24</th>
<th>Over 26</th>
<th>Over 28</th>
<th>Over 30</th>
<th>Over 32</th>
<th>Over 34</th>
<th>Over 36</th>
<th>Over 38</th>
<th>Over 40</th>
</tr>
</thead>
<tbody>
<tr>
<td>O-3E</td>
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<td>$6,355.80</td>
<td>$6,355.80</td>
<td>$6,355.80</td>
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<td>$6,355.80</td>
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<td>$6,355.80</td>
<td>$6,355.80</td>
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<td>O-3B</td>
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<td>4,289.15</td>
<td>4,289.15</td>
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</tr>
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</table>

#### WARRANT OFFICERS

<table>
<thead>
<tr>
<th>Pay Grade</th>
<th>Over 20</th>
<th>Over 22</th>
<th>Over 24</th>
<th>Over 26</th>
<th>Over 28</th>
<th>Over 30</th>
<th>Over 32</th>
<th>Over 34</th>
<th>Over 36</th>
<th>Over 38</th>
<th>Over 40</th>
</tr>
</thead>
<tbody>
<tr>
<td>W-5</td>
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<td>$5,357.10</td>
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<td>$3,836.10</td>
<td>$3,076.10</td>
<td>$2,316.10</td>
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<td>$896.10</td>
<td>$236.10</td>
<td>$176.10</td>
<td>$116.10</td>
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<tr>
<td>W-4</td>
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<td>6,039.10</td>
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<td>5,909.10</td>
<td>5,844.10</td>
<td>5,779.10</td>
<td>5,714.10</td>
<td>5,649.10</td>
<td>5,584.10</td>
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<td>5,454.10</td>
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<tr>
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<td>3,741.70</td>
<td>3,436.70</td>
<td>3,131.70</td>
<td>2,826.70</td>
<td>2,521.70</td>
<td>2,216.70</td>
<td>1,911.70</td>
<td>1,606.70</td>
<td>1,301.70</td>
<td>996.70</td>
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<td>4,496.80</td>
<td>4,441.80</td>
<td>4,386.80</td>
</tr>
</tbody>
</table>

* Basic pay is limited to the rate of basic pay for level II of the Executive Schedule, which is $24,975.20 per month for officers at pay grades G-7 through G-10, and limited to the rate of basic pay for level V of the Executive Schedule, which is $12,143.60 per month, for officers at G-6 and below. ** For officers serving as Chairman or Vice Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army, Chief of Naval Operations, Chief of Staff of the Air Force, Commandant of the Marine Corps, Commandant of the Coast Guard, or commander of a unified or specified combatant command (as defined in 10 U.S.C. 161(c)), basic pay for this grade is calculated to be $29,983.60 per month, regardless of cumulative years of service computed under 37 U.S.C. 205. Nevertheless, actual basic pay for these officers is limited to the rate of basic pay for level II of the Executive Schedule, which is $14,975.10 per month. *** Does not apply to commissioned officers who have been credited with over 4 years of active duty service as an enlisted member or warrant officer. **** Reservists with at least 1,440 points as an enlisted member and/or warrant officer who are creditable toward reserve retirement also qualify for these rates.
### SCHEDULE E—PAY OF THE UNIFORMED SERVICES (PAGE 3)
(Effective January 1, 2010)

**Part I—MONTHLY BASIC PAY**

### YEARS OF SERVICE (COMPUTED UNDER 37 U.S.C. 205)

<table>
<thead>
<tr>
<th>Pay Grade</th>
<th>2 or less</th>
<th>Over 2</th>
<th>Over 3</th>
<th>Over 4</th>
<th>Over 6</th>
<th>Over 8</th>
<th>Over 10</th>
<th>Over 12</th>
<th>Over 14</th>
<th>Over 16</th>
<th>Over 18</th>
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<tbody>
<tr>
<td>E-3**</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
<td>-</td>
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<td>-</td>
<td>-</td>
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<td>$3,709.00</td>
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<td>2,583.90</td>
<td>2,762.80</td>
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<td>2,924.70</td>
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<td>2,385.80</td>
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<td>1,923.00</td>
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<td>1,923.00</td>
<td>1,923.00</td>
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<td>E-2</td>
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<td>1,622.10</td>
<td>1,622.10</td>
<td>1,622.10</td>
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<td>1,622.10</td>
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<td>1,447.20</td>
<td>1,447.20</td>
<td>1,447.20</td>
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<td>-</td>
<td>-</td>
<td>-</td>
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<td>-</td>
<td>-</td>
</tr>
</tbody>
</table>

---

* For noncommissioned officers serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy, or CPO, Chief Warrant Officer of the Air Force, Sergeant Major of the Marine Corps, or Senior Enlisted Advisor to the Chairman of the Joint Chiefs of Staff, basic pay for this grade is $7,984.20 per month, regardless of cumulative years of service under 37 U.S.C. 205.

** Applies to personnel who have served 4 months or more on active duty.

*** Applies to personnel who have served less than 4 months on active duty.
### Schedule E: Pay of the Uniformed Services (Page 4)

**Effective January 1, 2010**

#### Part I - Monthly Basic Pay

**Years of Service (Computed Under 37 U.S.C. 205)**

<table>
<thead>
<tr>
<th>Pay Grade</th>
<th>Over 20</th>
<th>Over 22</th>
<th>Over 24</th>
<th>Over 26</th>
<th>Over 28</th>
<th>Over 30</th>
<th>Over 32</th>
<th>Over 34</th>
<th>Over 36</th>
<th>Over 38</th>
<th>Over 40</th>
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<tbody>
<tr>
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<td>7,894.50</td>
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<td>8,569.80</td>
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<td>E-7</td>
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<td>5,398.10</td>
<td>5,623.30</td>
<td>5,848.50</td>
<td>6,073.70</td>
<td>6,298.90</td>
<td>6,524.00</td>
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<td>7,199.60</td>
<td>7,424.80</td>
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<td>4,682.40</td>
<td>4,907.60</td>
<td>5,132.80</td>
<td>5,358.00</td>
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<td>3,600.30</td>
<td>3,825.50</td>
<td>4,050.70</td>
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<td>4,501.10</td>
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<tr>
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<td>3,268.80</td>
<td>3,494.00</td>
<td>3,719.20</td>
</tr>
</tbody>
</table>

**Enlisted Members**

- For noncommissioned officers serving as Sergeant Major of the Army, Master Chief Petty Officer of the Navy or Coast Guard, Chief Master Sergeant of the Air Force, Sergeant Major of the Marine Corps, or Senior Enlisted Advisor to the Chairman of the Joint Chiefs of Staff, basic pay for this grade is $7,366.30 per month, regardless of cumulative years of service under 37 U.S.C. 205.

** Applies to personnel who have served 4 months or more on active duty.

*** Applies to personnel who have served less than 4 months on active duty.
EO 13525  Title 3—The President

SCHEDULE 8—PAY OF THE UNIFORMED SERVICES (PAGE 5)

Part II—RATES OF MONTHLY CADET OR MIDSHIPMAN PAY

The rate of monthly cadet or midshipman pay authorized by 37 U.S.C. 203(c) is $960.90.

Note: As a result of the enactment of sections 802, 604 of Public Law 105-85, the National Defense Authorization Act for Fiscal Year 1998, the Secretary of Defense now has the authority to adjust the rates of basic allowances for subsistence and housing. Therefore, these allowances are no longer adjusted by the President in conjunction with the adjustment of basic pay for members of the uniformed services. Accordingly, the tables of allowances included in previous orders are not included here.
Executive Orders  EO 13525

SCHEDULE 9 -- LOCALITY-BASED COMPARABILITY PAYMENTS

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2010)

<table>
<thead>
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<th>Locality Pay Area</th>
<th>Rate</th>
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</thead>
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<td>Atlanta-Sandy Springs-Gainesville, GA-AL</td>
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</tr>
<tr>
<td>Boston-Worcester-Manchester, MA-NH-RI-ME</td>
<td>24.80%</td>
</tr>
<tr>
<td>Buffalo-Niagara-Cattaraugus, NY</td>
<td>16.98%</td>
</tr>
<tr>
<td>Chicago-Naperville-Michigan City, IL-IN-WI</td>
<td>25.10%</td>
</tr>
<tr>
<td>Cincinnati-Middletown-Wilmington, OH-KY-IN</td>
<td>18.55%</td>
</tr>
<tr>
<td>Cleveland-Akron-Elyria, OH</td>
<td>18.68%</td>
</tr>
<tr>
<td>Columbus-Marion-Chillicothe, OH</td>
<td>17.16%</td>
</tr>
<tr>
<td>Dallas-Forth Worth, TX</td>
<td>20.67%</td>
</tr>
<tr>
<td>Dayton-Springfield-Greenville, OH</td>
<td>16.24%</td>
</tr>
<tr>
<td>Denver-Aurora-Boulder, CO</td>
<td>22.52%</td>
</tr>
<tr>
<td>Detroit-Warren-Flint, MI</td>
<td>24.09%</td>
</tr>
<tr>
<td>Hartford-West Hartford-Willimantic, CT-MA</td>
<td>25.82%</td>
</tr>
<tr>
<td>Houston-Baytown-Huntsville, TX</td>
<td>28.71%</td>
</tr>
<tr>
<td>Huntsville-Decatur, AL</td>
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</tr>
<tr>
<td>Indianapolis-Anderson-Columbus, IN</td>
<td>14.68%</td>
</tr>
<tr>
<td>Los Angeles-Long Beach-Riverside, CA</td>
<td>27.16%</td>
</tr>
<tr>
<td>Miami-Fort Lauderdale-Pompano Beach, FL</td>
<td>20.79%</td>
</tr>
<tr>
<td>Milwaukee-Racine-Naukesha, WI</td>
<td>18.10%</td>
</tr>
<tr>
<td>Minneapolis-St. Paul-St. Cloud, MN-WI</td>
<td>20.96%</td>
</tr>
<tr>
<td>New York-Newark-Bridgeport, NY-NJ-CT-PA</td>
<td>28.72%</td>
</tr>
<tr>
<td>Philadelphia-Camden-Vineland, PA-NJ-DE-MD</td>
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</tr>
<tr>
<td>Phoenix-Mesa-Scottsdale, AZ</td>
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</tr>
<tr>
<td>Pittsburgh-Butler, PA</td>
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</tr>
<tr>
<td>Portland-Vancouver-Beaverton, OR-WA</td>
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</tr>
<tr>
<td>Raleigh-Durham-Cary, NC</td>
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<tr>
<td>Richmond, VA</td>
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<tr>
<td>Sacramento-Arden-Arcade-Yuba City, CA-NV</td>
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<tr>
<td>San Diego-Carlsbad-San Marcos, CA</td>
<td>24.19%</td>
</tr>
<tr>
<td>San Jose-San Francisco-Oakland, CA</td>
<td>35.15%</td>
</tr>
<tr>
<td>Seattle-Tacoma-Olympia, WA</td>
<td>21.81%</td>
</tr>
<tr>
<td>Washington-Baltimore-Northern Virginia, DC-MD-WV-PA</td>
<td>24.22%</td>
</tr>
<tr>
<td>Rest of U.S.</td>
<td>14.16%</td>
</tr>
</tbody>
</table>

SCHEDULE 10 -- ADMINISTRATIVE LAW JUDGES

(Effective on the first day of the first applicable pay period beginning on or after January 1, 2010)

<table>
<thead>
<tr>
<th>Schedule 10 Level</th>
<th>Pay Rate</th>
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<td>$103,900</td>
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<tr>
<td>AL-3/B</td>
<td>111,800</td>
</tr>
<tr>
<td>AL-3/C</td>
<td>119,900</td>
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<td>AL-3/D</td>
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<td>AL-1</td>
<td>155,500</td>
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</table>

1Locality Pay Areas are defined in 5 CFR 531.603.
Executive Order 13526 of December 29, 2009

Classified National Security Information

This order prescribes a uniform system for classifying, safeguarding, and declassifying national security information, including information relating to defense against transnational terrorism. Our democratic principles require that the American people be informed of the activities of their Government. Also, our Nation’s progress depends on the free flow of information both within the Government and to the American people. Nevertheless, throughout our history, the national defense has required that certain information be maintained in confidence in order to protect our citizens, our democratic institutions, our homeland security, and our interactions with foreign nations. Protecting information critical to our Nation’s security and demonstrating our commitment to open Government through accurate and accountable application of classification standards and routine, secure, and effective declassification are equally important priorities.

NOW, THEREFORE, I, BARACK OBAMA, 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:

PART 1—ORIGINAL CLASSIFICATION

Section 1.1. Classification Standards. (a) Information may be originally classified under the terms of this order only if all of the following conditions are met:

1. an original classification authority is classifying the information;
2. the information is owned by, produced by or for, or is under the control of the United States Government;
3. the information falls within one or more of the categories of information listed in section 1.4 of this order; and
4. the original classification authority determines that the unauthorized disclosure of the information reasonably could be expected to result in damage to the national security, which includes defense against transnational terrorism, and the original classification authority is able to identify or describe the damage.

(b) If there is significant doubt about the need to classify information, it shall not be classified. This provision does not:

1. amplify or modify the substantive criteria or procedures for classification; or
2. create any substantive or procedural rights subject to judicial review.
3. Classified information shall not be declassified automatically as a result of any unauthorized disclosure of identical or similar information.
4. The unauthorized disclosure of foreign government information is presumed to cause damage to the national security.

Sec. 1.2. Classification Levels. (a) Information may be classified at one of the following three levels:

1. “Top Secret” shall be applied to information, the unauthorized disclosure of which reasonably could be expected to cause exceptionally
grave damage to the national security that the original classification authority is able to identify or describe.

(2) “Secret” shall be applied to information, the unauthorized disclosure of which reasonably could be expected to cause serious damage to the national security that the original classification authority is able to identify or describe.

(3) “Confidential” shall be applied to information, the unauthorized disclosure of which reasonably could be expected to cause damage to the national security that the original classification authority is able to identify or describe.

(b) Except as otherwise provided by statute, no other terms shall be used to identify United States classified information.

(c) If there is significant doubt about the appropriate level of classification, it shall be classified at the lower level.

Sec. 1.3. Classification Authority. (a) The authority to classify information originally may be exercised only by:

(1) the President and the Vice President;
(2) agency heads and officials designated by the President; and
(3) United States Government officials delegated this authority pursuant to paragraph (c) of this section.

(b) Officials authorized to classify information at a specified level are also authorized to classify information at a lower level.

(c) Delegation of original classification authority.

(1) Delegations of original classification authority shall be limited to the minimum required to administer this order. Agency heads are responsible for ensuring that designated subordinate officials have a demonstrable and continuing need to exercise this authority.

(2) “Top Secret” original classification authority may be delegated only by the President, the Vice President, or an agency head or official designated pursuant to paragraph (a)(2) of this section.

(3) “Secret” or “Confidential” original classification authority may be delegated only by the President, the Vice President, an agency head or official designated pursuant to paragraph (a)(2) of this section, or the senior agency official designated under section 5.4(d) of this order, provided that official has been delegated “Top Secret” original classification authority by the agency head.

(4) Each delegation of original classification authority shall be in writing and the authority shall not be re-delegated except as provided in this order. Each delegation shall identify the official by name or position.

(5) Delegations of original classification authority shall be reported or made available by name or position to the Director of the Information Security Oversight Office.

(d) All original classification authorities must receive training in proper classification (including the avoidance of over-classification) and declassification as provided in this order and its implementing directives at least once a calendar year. Such training must include instruction on the proper safeguarding of classified information and on the sanctions in section 5.5
of this order that may be brought against an individual who fails to classify information properly or protect classified information from unauthorized disclosure. Original classification authorities who do not receive such mandatory training at least once within a calendar year shall have their classification authority suspended by the agency head or the senior agency official designated under section 5.4(d) of this order until such training has taken place. A waiver may be granted by the agency head, the deputy agency head, or the senior agency official if an individual is unable to receive such training due to unavoidable circumstances. Whenever a waiver is granted, the individual shall receive such training as soon as practicable.

(e) Exceptional cases. When an employee, government contractor, licensee, certificate holder, or grantee of an agency who does not have original classification authority originates information believed by that person to require classification, the information shall be protected in a manner consistent with this order and its implementing directives. The information shall be transmitted promptly as provided under this order or its implementing directives to the agency that has appropriate subject matter interest and classification authority with respect to this information. That agency shall decide within 30 days whether to classify this information.

Sec. 1.4. Classification Categories. Information shall not be considered for classification unless its unauthorized disclosure could reasonably be expected to cause identifiable or describable damage to the national security in accordance with section 1.2 of this order, and it pertains to one or more of the following:

(a) military plans, weapons systems, or operations;
(b) foreign government information;
(c) intelligence activities (including covert action), intelligence sources or methods, or cryptology;
(d) foreign relations or foreign activities of the United States, including confidential sources;
(e) scientific, technological, or economic matters relating to the national security;
(f) United States Government programs for safeguarding nuclear materials or facilities;
(g) vulnerabilities or capabilities of systems, installations, infrastructures, projects, plans, or protection services relating to the national security; or
(h) the development, production, or use of weapons of mass destruction.

Sec. 1.5. Duration of Classification. (a) At the time of original classification, the original classification authority shall establish a specific date or event for declassification based on the duration of the national security sensitivity of the information. Upon reaching the date or event, the information shall be automatically declassified. Except for information that should clearly and demonstrably be expected to reveal the identity of a confidential human source or a human intelligence source or key design concepts of weapons of mass destruction, the date or event shall not exceed the time frame established in paragraph (b) of this section.

(b) If the original classification authority cannot determine an earlier specific date or event for declassification, information shall be marked for declassification 10 years from the date of the original decision, unless the
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original classification authority otherwise determines that the sensitivity of the information requires that it be marked for declassification for up to 25 years from the date of the original decision.

(c) An original classification authority may extend the duration of classification up to 25 years from the date of origin of the document, change the level of classification, or reclassify specific information only when the standards and procedures for classifying information under this order are followed.

(d) No information may remain classified indefinitely. Information marked for an indefinite duration of classification under predecessor orders, for example, marked as “Originating Agency’s Determination Required,” or classified information that contains incomplete declassification instructions or lacks declassification instructions shall be declassified in accordance with part 3 of this order.

Sec. 1.6. Identification and Markings. (a) At the time of original classification, the following shall be indicated in a manner that is immediately apparent:

(1) one of the three classification levels defined in section 1.2 of this order;
(2) the identity, by name and position, or by personal identifier, of the original classification authority;
(3) the agency and office of origin, if not otherwise evident;
(4) declassification instructions, which shall indicate one of the following:
   (A) the date or event for declassification, as prescribed in section 1.5(a);
   (B) the date that is 10 years from the date of original classification, as prescribed in section 1.5(b);
   (C) the date that is up to 25 years from the date of original classification, as prescribed in section 1.5(b); or
   (D) in the case of information that should clearly and demonstrably be expected to reveal the identity of a confidential human source or a human intelligence source or key design concepts of weapons of mass destruction, the marking prescribed in implementing directives issued pursuant to this order; and
(5) a concise reason for classification that, at a minimum, cites the applicable classification categories in section 1.4 of this order.

(b) Specific information required in paragraph (a) of this section may be excluded if it would reveal additional classified information.

(c) With respect to each classified document, the agency originating the document shall, by marking or other means, indicate which portions are classified, with the applicable classification level, and which portions are unclassified. In accordance with standards prescribed in directives issued under this order, the Director of the Information Security Oversight Office may grant and revoke temporary waivers of this requirement. The Director shall revoke any waiver upon a finding of abuse.
(d) Markings or other indicia implementing the provisions of this order, including abbreviations and requirements to safeguard classified working papers, shall conform to the standards prescribed in implementing directives issued pursuant to this order.

(e) Foreign government information shall retain its original classification markings or shall be assigned a U.S. classification that provides a degree of protection at least equivalent to that required by the entity that furnished the information. Foreign government information retaining its original classification markings need not be assigned a U.S. classification marking provided that the responsible agency determines that the foreign government markings are adequate to meet the purposes served by U.S. classification markings.

(f) Information assigned a level of classification under this or predecessor orders shall be considered as classified at that level of classification despite the omission of other required markings. Whenever such information is used in the derivative classification process or is reviewed for possible declassification, holders of such information shall coordinate with an appropriate classification authority for the application of omitted markings.

(g) The classification authority shall, whenever practicable, use a classified addendum whenever classified information constitutes a small portion of an otherwise unclassified document or prepare a product to allow for dissemination at the lowest level of classification possible or in unclassified form.

(h) Prior to public release, all declassified records shall be appropriately marked to reflect their declassification.

Sec. 1.7. Classification Prohibitions and Limitations. (a) In no case shall information be classified, continue to be maintained as classified, or fail to be declassified in order to:

1. conceal violations of law, inefficiency, or administrative error;
2. prevent embarrassment to a person, organization, or agency;
3. restrain competition; or
4. prevent or delay the release of information that does not require protection in the interest of the national security.

(b) Basic scientific research information not clearly related to the national security shall not be classified.

(c) Information may not be reclassified after declassification and release to the public under proper authority unless:

1. the reclassification is personally approved in writing by the agency head based on a document-by-document determination by the agency that reclassification is required to prevent significant and demonstrable damage to the national security;
2. the information may be reasonably recovered without bringing undue attention to the information;
3. the reclassification action is reported promptly to the Assistant to the President for National Security Affairs (National Security Advisor) and the Director of the Information Security Oversight Office; and
(4) for documents in the physical and legal custody of the National Archives and Records Administration (National Archives) that have been available for public use, the agency head has, after making the determinations required by this paragraph, notified the Archivist of the United States (Archivist), who shall suspend public access pending approval of the reclassification action by the Director of the Information Security Oversight Office. Any such decision by the Director may be appealed by the agency head to the President through the National Security Advisor. Public access shall remain suspended pending a prompt decision on the appeal.

(d) Information that has not previously been disclosed to the public under proper authority may be classified or reclassified after an agency has received a request for it under the Freedom of Information Act (5 U.S.C. 552), the Presidential Records Act, 44 U.S.C. 2204(c)(1), the Privacy Act of 1974 (5 U.S.C. 552a), or the mandatory review provisions of section 3.5 of this order only if such classification meets the requirements of this order and is accomplished on a document-by-document basis with the personal participation or under the direction of the agency head, the deputy agency head, or the senior agency official designated under section 5.4 of this order. The requirements in this paragraph also apply to those situations in which information has been declassified in accordance with a specific date or event determined by an original classification authority in accordance with section 1.5 of this order.

(e) Compilations of items of information that are individually unclassified may be classified if the compiled information reveals an additional association or relationship that:

(1) meets the standards for classification under this order; and
(2) is not otherwise revealed in the individual items of information.

Sec. 1.8. Classification Challenges. (a) Authorized holders of information who, in good faith, believe that its classification status is improper are encouraged and expected to challenge the classification status of the information in accordance with agency procedures established under paragraph (b) of this section.

(b) In accordance with implementing directives issued pursuant to this order, an agency head or senior agency official shall establish procedures under which authorized holders of information, including authorized holders outside the classifying agency, are encouraged and expected to challenge the classification of information that they believe is improperly classified or unclassified. These procedures shall ensure that:

(1) individuals are not subject to retribution for bringing such actions;
(2) an opportunity is provided for review by an impartial official or panel; and
(3) individuals are advised of their right to appeal agency decisions to the Interagency Security Classification Appeals Panel (Panel) established by section 5.3 of this order.

(c) Documents required to be submitted for prepublication review or other administrative process pursuant to an approved nondisclosure agreement are not covered by this section.

Sec. 1.9. Fundamental Classification Guidance Review. (a) Agency heads shall complete on a periodic basis a comprehensive review of the agency's
classification guidance, particularly classification guides, to ensure the guidance reflects current circumstances and to identify classified information that no longer requires protection and can be declassified. The initial fundamental classification guidance review shall be completed within 2 years of the effective date of this order.

(b) The classification guidance review shall include an evaluation of classified information to determine if it meets the standards for classification under section 1.4 of this order, taking into account an up-to-date assessment of likely damage as described under section 1.2 of this order.

(c) The classification guidance review shall include original classification authorities and agency subject matter experts to ensure a broad range of perspectives.

(d) Agency heads shall provide a report summarizing the results of the classification guidance review to the Director of the Information Security Oversight Office and shall release an unclassified version of this report to the public.

PART 2—DERIVATIVE CLASSIFICATION

Sec. 2.1. Use of Derivative Classification. (a) Persons who reproduce, extract, or summarize classified information, or who apply classification markings derived from source material or as directed by a classification guide, need not possess original classification authority.

(b) Persons who apply derivative classification markings shall:

(1) be identified by name and position, or by personal identifier, in a manner that is immediately apparent for each derivative classification action;

(2) observe and respect original classification decisions; and

(3) carry forward to any newly created documents the pertinent classification markings. For information derivatively classified based on multiple sources, the derivative classifier shall carry forward:

(A) the date or event for declassification that corresponds to the longest period of classification among the sources, or the marking established pursuant to section 1.6(a)(4)(D) of this order; and

(B) a listing of the source materials.

(c) Derivative classifiers shall, whenever practicable, use a classified addendum whenever classified information constitutes a small portion of an otherwise unclassified document or prepare a product to allow for dissemination at the lowest level of classification possible or in unclassified form.

(d) Persons who apply derivative classification markings shall receive training in the proper application of the derivative classification principles of the order, with an emphasis on avoiding over-classification, at least once every 2 years. Derivative classifiers who do not receive such training at least once every 2 years shall have their authority to apply derivative classification markings suspended until they have received such training. A waiver may be granted by the agency head, the deputy agency head, or the senior agency official if an individual is unable to receive such training due to unavoidable circumstances. Whenever a waiver is granted, the individual shall receive such training as soon as practicable.
Sec. 2.2. Classification Guides. (a) Agencies with original classification authority shall prepare classification guides to facilitate the proper and uniform derivative classification of information. These guides shall conform to standards contained in directives issued under this order.

(b) Each guide shall be approved personally and in writing by an official who:

(1) has program or supervisory responsibility over the information or is the senior agency official; and

(2) is authorized to classify information originally at the highest level of classification prescribed in the guide.

(c) Agencies shall establish procedures to ensure that classification guides are reviewed and updated as provided in directives issued under this order.

(d) Agencies shall incorporate original classification decisions into classification guides on a timely basis and in accordance with directives issued under this order.

(e) Agencies may incorporate exemptions from automatic declassification approved pursuant to section 3.3(j) of this order into classification guides, provided that the Panel is notified of the intent to take such action for specific information in advance of approval and the information remains in active use.

(f) The duration of classification of a document classified by a derivative classifier using a classification guide shall not exceed 25 years from the date of the origin of the document, except for:

(1) information that should clearly and demonstrably be expected to reveal the identity of a confidential human source or a human intelligence source or key design concepts of weapons of mass destruction; and

(2) specific information incorporated into classification guides in accordance with section 2.2(e) of this order.

PART 3—DECLASSIFICATION AND DOWNGRADING

Sec. 3.1. Authority for Declassification. (a) Information shall be declassified as soon as it no longer meets the standards for classification under this order.

(b) Information shall be declassified or downgraded by:

(1) the official who authorized the original classification, if that official is still serving in the same position and has original classification authority;

(2) the originator’s current successor in function, if that individual has original classification authority;

(3) a supervisory official of either the originator or his or her successor in function, if the supervisory official has original classification authority; or (4) officials delegated declassification authority in writing by the agency head or the senior agency official of the originating agency.

(c) The Director of National Intelligence (or, if delegated by the Director of National Intelligence, the Principal Deputy Director of National Intelligence) may, with respect to the Intelligence Community, after consultation with the head of the originating Intelligence Community element or
department, declassify, downgrade, or direct the declassification or downgrading of information or intelligence relating to intelligence sources, methods, or activities.

(d) It is presumed that information that continues to meet the classification requirements under this order requires continued protection. In some exceptional cases, however, the need to protect such information may be outweighed by the public interest in disclosure of the information, and in these cases the information should be declassified. When such questions arise, they shall be referred to the agency head or the senior agency official. That official will determine, as an exercise of discretion, whether the public interest in disclosure outweighs the damage to the national security that might reasonably be expected from disclosure. This provision does not:

(1) amplify or modify the substantive criteria or procedures for classification; or

(2) create any substantive or procedural rights subject to judicial review.

(e) If the Director of the Information Security Oversight Office determines that information is classified in violation of this order, the Director may require the information to be declassified by the agency that originated the classification. Any such decision by the Director may be appealed to the President through the National Security Advisor. The information shall remain classified pending a prompt decision on the appeal.

(f) The provisions of this section shall also apply to agencies that, under the terms of this order, do not have original classification authority, but had such authority under predecessor orders.

(g) No information may be excluded from declassification under section 3.3 of this order based solely on the type of document or record in which it is found. Rather, the classified information must be considered on the basis of its content.

(h) Classified nonrecord materials, including artifacts, shall be declassified as soon as they no longer meet the standards for classification under this order.

(i) When making decisions under sections 3.3, 3.4, and 3.5 of this order, agencies shall consider the final decisions of the Panel.

Sec. 3.2. Transferred Records.

(a) In the case of classified records transferred in conjunction with a transfer of functions, and not merely for storage purposes, the receiving agency shall be deemed to be the originating agency for purposes of this order.

(b) In the case of classified records that are not officially transferred as described in paragraph (a) of this section, but that originated in an agency that has ceased to exist and for which there is no successor agency, each agency in possession of such records shall be deemed to be the originating agency for purposes of this order. Such records may be declassified or downgraded by the agency in possession of the records after consultation with any other agency that has an interest in the subject matter of the records.

(c) Classified records accessioned into the National Archives shall be declassified or downgraded by the Archivist in accordance with this order,
the directives issued pursuant to this order, agency declassification guides, and any existing procedural agreement between the Archivist and the relevant agency head.

(d) The originating agency shall take all reasonable steps to declassify classified information contained in records determined to have permanent historical value before they are accessioned into the National Archives. However, the Archivist may require that classified records be accessioned into the National Archives when necessary to comply with the provisions of the Federal Records Act. This provision does not apply to records transferred to the Archivist pursuant to section 2203 of title 44, United States Code, or records for which the National Archives serves as the custodian of the records of an agency or organization that has gone out of existence.

(e) To the extent practicable, agencies shall adopt a system of records management that will facilitate the public release of documents at the time such documents are declassified pursuant to the provisions for automatic declassification in section 3.3 of this order.

Sec. 3.3 Automatic Declassification.

(a) Subject to paragraphs (b)–(d) and (g)–(j) of this section, all classified records that (1) are more than 25 years old and (2) have been determined to have permanent historical value under title 44, United States Code, shall be automatically declassified whether or not the records have been reviewed. All classified records shall be automatically declassified on December 31 of the year that is 25 years from the date of origin, except as provided in paragraphs (b)–(d) and (g)–(j) of this section. If the date of origin of an individual record cannot be readily determined, the date of original classification shall be used instead.

(b) An agency head may exempt from automatic declassification under paragraph (a) of this section specific information, the release of which should clearly and demonstrably be expected to:

(1) reveal the identity of a confidential human source, a human intelligence source, a relationship with an intelligence or security service of a foreign government or international organization, or a nonhuman intelligence source; or impair the effectiveness of an intelligence method currently in use, available for use, or under development;

(2) reveal information that would assist in the development, production, or use of weapons of mass destruction;

(3) reveal information that would impair U.S. cryptologic systems or activities;

(4) reveal information that would impair the application of state-of-the-art technology within a U.S. weapon system;

(5) reveal formally named or numbered U.S. military war plans that remain in effect, or reveal operational or tactical elements of prior plans that are contained in such active plans;

(6) reveal information, including foreign government information, that would cause serious harm to relations between the United States and a foreign government, or to ongoing diplomatic activities of the United States;

(7) reveal information that would impair the current ability of United States Government officials to protect the President, Vice President, and
other protectees for whom protection services, in the interest of the national security, are authorized;

(8) reveal information that would seriously impair current national security emergency preparedness plans or reveal current vulnerabilities of systems, installations, or infrastructures relating to the national security; or

(9) violate a statute, treaty, or international agreement that does not permit the automatic or unilateral declassification of information at 25 years.

c)(1) An agency head shall notify the Panel of any specific file series of records for which a review or assessment has determined that the information within that file series almost invariably falls within one or more of the exemption categories listed in paragraph (b) of this section and that the agency proposes to exempt from automatic declassification at 25 years.

(2) The notification shall include:

(A) a description of the file series;

(B) an explanation of why the information within the file series is almost invariably exempt from automatic declassification and why the information must remain classified for a longer period of time; and

(C) except when the information within the file series almost invariably identifies a confidential human source or a human intelligence source or key design concepts of weapons of mass destruction, a specific date or event for declassification of the information, not to exceed December 31 of the year that is 50 years from the date of origin of the records.

(3) The Panel may direct the agency not to exempt a designated file series or to declassify the information within that series at an earlier date than recommended. The agency head may appeal such a decision to the President through the National Security Advisor.

(4) File series exemptions approved by the President prior to December 31, 2008, shall remain valid without any additional agency action pending Panel review by the later of December 31, 2010, or December 31 of the year that is 10 years from the date of previous approval.

d) The following provisions shall apply to the onset of automatic declassification:

(1) Classified records within an integral file block, as defined in this order, that are otherwise subject to automatic declassification under this section shall not be automatically declassified until December 31 of the year that is 25 years from the date of the most recent record within the file block.

(2) After consultation with the Director of the National Declassification Center (the Center) established by section 3.7 of this order and before the records are subject to automatic declassification, an agency head or senior agency official may delay automatic declassification for up to five additional years for classified information contained in media that make a review for possible declassification exemptions more difficult or costly.

(3) Other than for records that are properly exempted from automatic declassification, records containing classified information that originated
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with other agencies or the disclosure of which would affect the interests or activities of other agencies with respect to the classified information and could reasonably be expected to fall under one or more of the exemptions in paragraph (b) of this section shall be identified prior to the onset of automatic declassification for later referral to those agencies.

(A) The information of concern shall be referred by the Center established by section 3.7 of this order, or by the centralized facilities referred to in section 3.7(e) of this order, in a prioritized and scheduled manner determined by the Center.

(B) If an agency fails to provide a final determination on a referral made by the Center within 1 year of referral, or by the centralized facilities referred to in section 3.7(e) of this order within 3 years of referral, its equities in the referred records shall be automatically declassified.

(C) If any disagreement arises between affected agencies and the Center regarding the referral review period, the Director of the Information Security Oversight Office shall determine the appropriate period of review of referred records.

(D) Referrals identified prior to the establishment of the Center by section 3.7 of this order shall be subject to automatic declassification only in accordance with subparagraphs (d)(3)(A)–(C) of this section.

(4) After consultation with the Director of the Information Security Oversight Office, an agency head may delay automatic declassification for up to 3 years from the date of discovery of classified records that were inadvertently not reviewed prior to the effective date of automatic declassification.

(e) Information exempted from automatic declassification under this section shall remain subject to the mandatory and systematic declassification review provisions of this order.

(f) The Secretary of State shall determine when the United States should commence negotiations with the appropriate officials of a foreign government or international organization of governments to modify any treaty or international agreement that requires the classification of information contained in records affected by this section for a period longer than 25 years from the date of its creation, unless the treaty or international agreement pertains to information that may otherwise remain classified beyond 25 years under this section.

(g) The Secretary of Energy shall determine when information concerning foreign nuclear programs that was removed from the Restricted Data category in order to carry out provisions of the National Security Act of 1947, as amended, may be declassified. Unless otherwise determined, such information shall be declassified when comparable information concerning the United States nuclear program is declassified.

(h) Not later than 3 years from the effective date of this order, all records exempted from automatic declassification under paragraphs (b) and (c) of this section shall be automatically declassified on December 31 of a year that is no more than 50 years from the date of origin, subject to the following:
(1) Records that contain information the release of which should clearly and demonstrably be expected to reveal the following are exempt from automatic declassification at 50 years:

   (A) the identity of a confidential human source or a human intelligence source; or

   (B) key design concepts of weapons of mass destruction.

(2) In extraordinary cases, agency heads may, within 5 years of the onset of automatic declassification, propose to exempt additional specific information from declassification at 50 years.

(3) Records exempted from automatic declassification under this paragraph shall be automatically declassified on December 31 of a year that is no more than 75 years from the date of origin unless an agency head, within 5 years of that date, proposes to exempt specific information from declassification at 75 years and the proposal is formally approved by the Panel.

(i) Specific records exempted from automatic declassification prior to the establishment of the Center described in section 3.7 of this order shall be subject to the provisions of paragraph (h) of this section in a scheduled and prioritized manner determined by the Center.

(j) At least 1 year before information is subject to automatic declassification under this section, an agency head or senior agency official shall notify the Director of the Information Security Oversight Office, serving as Executive Secretary of the Panel, of any specific information that the agency proposes to exempt from automatic declassification under paragraphs (b) and (h) of this section.

(1) The notification shall include:

   (A) a detailed description of the information, either by reference to information in specific records or in the form of a declassification guide;

   (B) an explanation of why the information should be exempt from automatic declassification and must remain classified for a longer period of time; and

   (C) a specific date or a specific and independently verifiable event for automatic declassification of specific records that contain the information proposed for exemption.

(2) The Panel may direct the agency not to exempt the information or to declassify it at an earlier date than recommended. An agency head may appeal such a decision to the President through the National Security Advisor. The information will remain classified while such an appeal is pending.

(k) For information in a file series of records determined not to have permanent historical value, the duration of classification beyond 25 years shall be the same as the disposition (destruction) date of those records in each Agency Records Control Schedule or General Records Schedule, although the duration of classification shall be extended if the record has been retained for business reasons beyond the scheduled disposition date.

Sec. 3.4. Systematic Declassification Review.
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(a) Each agency that has originated classified information under this order or its predecessors shall establish and conduct a program for systematic declassification review for records of permanent historical value exempted from automatic declassification under section 3.3 of this order. Agencies shall prioritize their review of such records in accordance with priorities established by the Center.

(b) The Archivist shall conduct a systematic declassification review program for classified records:
(1) accessioned into the National Archives; (2) transferred to the Archivist pursuant to 44 U.S.C. 2203; and (3) for which the National Archives serves as the custodian for an agency or organization that has gone out of existence.

Sec. 3.5. Mandatory Declassification Review.

(a) Except as provided in paragraph (b) of this section, all information classified under this order or predecessor orders shall be subject to a review for declassification by the originating agency if:
(1) the request for a review describes the document or material containing the information with sufficient specificity to enable the agency to locate it with a reasonable amount of effort;
(2) the document or material containing the information responsive to the request is not contained within an operational file exempted from search and review, publication, and disclosure under 5 U.S.C. 552 in accordance with law; and
(3) the information is not the subject of pending litigation.

(b) Information originated by the incumbent President or the incumbent Vice President; the incumbent President’s White House Staff or the incumbent Vice President’s Staff; committees, commissions, or boards appointed by the incumbent President; or other entities within the Executive Office of the President that solely advise and assist the incumbent President is exempted from the provisions of paragraph (a) of this section. However, the Archivist shall have the authority to review, downgrade, and declassify papers or records of former Presidents and Vice Presidents under the control of the Archivist pursuant to 44 U.S.C. 2107, 2111, 2111 note, or 2203. Review procedures developed by the Archivist shall provide for consultation with agencies having primary subject matter interest and shall be consistent with the provisions of applicable laws or lawful agreements that pertain to the respective Presidential papers or records. Agencies with primary subject matter interest shall be notified promptly of the Archivist’s decision. Any final decision by the Archivist may be appealed by the requester or an agency to the Panel. The information shall remain classified pending a prompt decision on the appeal.

(c) Agencies conducting a mandatory review for declassification shall declassify information that no longer meets the standards for classification under this order. They shall release this information unless withholding is otherwise authorized and warranted under applicable law.

(d) If an agency has reviewed the requested information for declassification within the past 2 years, the agency need not conduct another review and may instead inform the requester of this fact and the prior review decision and advise the requester of appeal rights provided under subsection (e) of this section.
(e) In accordance with directives issued pursuant to this order, agency heads shall develop procedures to process requests for the mandatory review of classified information. These procedures shall apply to information classified under this or predecessor orders. They also shall provide a means for administratively appealing a denial of a mandatory review request, and for notifying the requester of the right to appeal a final agency decision to the Panel.

(f) After consultation with affected agencies, the Secretary of Defense shall develop special procedures for the review of cryptologic information; the Director of National Intelligence shall develop special procedures for the review of information pertaining to intelligence sources, methods, and activities; and the Archivist shall develop special procedures for the review of information accessioned into the National Archives.

(g) Documents required to be submitted for prepublication review or other administrative process pursuant to an approved nondisclosure agreement are not covered by this section.

(h) This section shall not apply to any request for a review made to an element of the Intelligence Community that is made by a person other than an individual as that term is defined by 5 U.S.C. 552a(a)(2), or by a foreign government entity or any representative thereof.

Sec. 3.6. Processing Requests and Reviews. Notwithstanding section 4.1(i) of this order, in response to a request for information under the Freedom of Information Act, the Presidential Records Act, the Privacy Act of 1974, or the mandatory review provisions of this order:

(a) An agency may refuse to confirm or deny the existence or nonexistence of requested records whenever the fact of their existence or nonexistence is itself classified under this order or its predecessors.

(b) When an agency receives any request for documents in its custody that contain classified information that originated with other agencies or the disclosure of which would affect the interests or activities of other agencies with respect to the classified information, or identifies such documents in the process of implementing sections 3.3 or 3.4 of this order, it shall refer copies of any request and the pertinent documents to the originating agency for processing and may, after consultation with the originating agency, inform any requester of the referral unless such association is itself classified under this order or its predecessors. In cases in which the originating agency determines in writing that a response under paragraph (a) of this section is required, the referring agency shall respond to the requester in accordance with that paragraph.

(c) Agencies may extend the classification of information in records determined not to have permanent historical value or nonrecord materials, including artifacts, beyond the time frames established in sections 1.5(b) and 2.2(f) of this order, provided:

(1) the specific information has been approved pursuant to section 3.3(j) of this order for exemption from automatic declassification; and

(2) the extension does not exceed the date established in section 3.3(j) of this order.
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Sec. 3.7. National Declassification Center. (a) There is established within the National Archives a National Declassification Center to streamline declassification processes, facilitate quality-assurance measures, and implement standardized training regarding the declassification of records determined to have permanent historical value. There shall be a Director of the Center who shall be appointed or removed by the Archivist in consultation with the Secretaries of State, Defense, Energy, and Homeland Security, the Attorney General, and the Director of National Intelligence.

(b) Under the administration of the Director, the Center shall coordinate:

(1) timely and appropriate processing of referrals in accordance with section 3.3(d)(3) of this order for accessioned Federal records and transferred presidential records.

(2) general interagency declassification activities necessary to fulfill the requirements of sections 3.3 and 3.4 of this order;

(3) the exchange among agencies of detailed declassification guidance to enable the referral of records in accordance with section 3.3(d)(3) of this order;

(4) the development of effective, transparent, and standard declassification work processes, training, and quality assurance measures;

(5) the development of solutions to declassification challenges posed by electronic records, special media, and emerging technologies;

(6) the linkage and effective utilization of existing agency databases and the use of new technologies to document and make public declassification review decisions and support declassification activities under the purview of the Center; and

(7) storage and related services, on a reimbursable basis, for Federal records containing classified national security information.

(c) Agency heads shall fully cooperate with the Archivist in the activities of the Center and shall:

(1) provide the Director with adequate and current declassification guidance to enable the referral of records in accordance with section 3.3(d)(3) of this order; and

(2) upon request of the Archivist, assign agency personnel to the Center who shall be delegated authority by the agency head to review and exempt or declassify information originated by their agency contained in records accessioned into the National Archives, after consultation with subject-matter experts as necessary.

(d) The Archivist, in consultation with representatives of the participants in the Center and after input from the general public, shall develop priorities for declassification activities under the purview of the Center that take into account the degree of researcher interest and the likelihood of declassification.

(e) Agency heads may establish such centralized facilities and internal operations to conduct internal declassification reviews as appropriate to achieve optimized records management and declassification business processes. Once established, all referral processing of accessioned records shall take place at the Center, and such agency facilities and operations shall be coordinated with the Center to ensure the maximum degree of consistency.
in policies and procedures that relate to records determined to have permanent historical value.

(f) Agency heads may exempt from automatic declassification or continue the classification of their own originally classified information under section 3.3(a) of this order except that in the case of the Director of National Intelligence, the Director shall also retain such authority with respect to the Intelligence Community.

(g) The Archivist shall, in consultation with the Secretaries of State, Defense, Energy, and Homeland Security, the Attorney General, the Director of National Intelligence, the Director of the Central Intelligence Agency, and the Director of the Information Security Oversight Office, provide the National Security Advisor with a detailed concept of operations for the Center and a proposed implementing directive under section 5.1 of this order that reflects the coordinated views of the aforementioned agencies.

PART 4—SAFEGUARDING

Sec. 4.1. General Restrictions on Access.

(a) A person may have access to classified information provided that:

(1) a favorable determination of eligibility for access has been made by an agency head or the agency head’s designee;

(2) the person has signed an approved nondisclosure agreement; and

(3) the person has a need-to-know the information.

(b) Every person who has met the standards for access to classified information in paragraph (a) of this section shall receive contemporaneous training on the proper safeguarding of classified information and on the criminal, civil, and administrative sanctions that may be imposed on an individual who fails to protect classified information from unauthorized disclosure.

(c) An official or employee leaving agency service may not remove classified information from the agency’s control or direct that information be declassified in order to remove it from agency control.

(d) Classified information may not be removed from official premises without proper authorization.

(e) Persons authorized to disseminate classified information outside the executive branch shall ensure the protection of the information in a manner equivalent to that provided within the executive branch.

(f) Consistent with law, executive orders, directives, and regulations, an agency head or senior agency official or, with respect to the Intelligence Community, the Director of National Intelligence, shall establish uniform procedures to ensure that automated information systems, including networks and telecommunications systems, that collect, create, communicate, compute, disseminate, process, or store classified information:

(1) prevent access by unauthorized persons;

(2) ensure the integrity of the information; and

(3) to the maximum extent practicable, use:

(A) common information technology standards, protocols, and interfaces that maximize the availability of, and access to, the information in a form and manner that facilitates its authorized use; and
(B) standardized electronic formats to maximize the accessibility of information to persons who meet the criteria set forth in section 4.1(a) of this order.

(g) Consistent with law, executive orders, directives, and regulations, each agency head or senior agency official, or with respect to the Intelligence Community, the Director of National Intelligence, shall establish controls to ensure that classified information is used, processed, stored, reproduced, transmitted, and destroyed under conditions that provide adequate protection and prevent access by unauthorized persons.

(h) Consistent with directives issued pursuant to this order, an agency shall safeguard foreign government information under standards that provide a degree of protection at least equivalent to that required by the government or international organization of governments that furnished the information. When adequate to achieve equivalency, these standards may be less restrictive than the safeguarding standards that ordinarily apply to U.S. “Confidential” information, including modified handling and transmission and allowing access to individuals with a need-to-know who have not otherwise been cleared for access to classified information or executed an approved nondisclosure agreement.

(i)(1) Classified information originating in one agency may be disseminated to another agency or U.S. entity by any agency to which it has been made available without the consent of the originating agency, as long as the criteria for access under section 4.1(a) of this order are met, unless the originating agency has determined that prior authorization is required for such dissemination and has marked or indicated such requirement on the medium containing the classified information in accordance with implementing directives issued pursuant to this order.

(2) Classified information originating in one agency may be disseminated by any other agency to which it has been made available to a foreign government in accordance with statute, this order, directives implementing this order, direction of the President, or with the consent of the originating agency. For the purposes of this section, “foreign government” includes any element of a foreign government, or an international organization of governments, or any element thereof.

(3) Documents created prior to the effective date of this order shall not be disseminated outside any other agency to which they have been made available without the consent of the originating agency. An agency head or senior agency official may waive this requirement for specific information that originated within that agency.

(4) For purposes of this section, the Department of Defense shall be considered one agency, except that any dissemination of information regarding intelligence sources, methods, or activities shall be consistent with directives issued pursuant to section 6.2(b) of this order.

(5) Prior consent of the originating agency is not required when referring records for declassification review that contain information originating in more than one agency.

Sec. 4.2 Distribution Controls.

(a) The head of each agency shall establish procedures in accordance with applicable law and consistent with directives issued pursuant to this order.
order to ensure that classified information is accessible to the maximum extent possible by individuals who meet the criteria set forth in section 4.1(a) of this order.

(b) In an emergency, when necessary to respond to an imminent threat to life or in defense of the homeland, the agency head or any designee may authorize the disclosure of classified information (including information marked pursuant to section 4.1(i)(1) of this order) to an individual or individuals who are otherwise not eligible for access. Such actions shall be taken only in accordance with directives implementing this order and any procedure issued by agencies governing the classified information, which shall be designed to minimize the classified information that is disclosed under these circumstances and the number of individuals who receive it. Information disclosed under this provision or implementing directives and procedures shall not be deemed declassified as a result of such disclosure or subsequent use by a recipient. Such disclosures shall be reported promptly to the originator of the classified information. For purposes of this section, the Director of National Intelligence may issue an implementing directive governing the emergency disclosure of classified intelligence information.

(c) Each agency shall update, at least annually, the automatic, routine, or recurring distribution mechanism for classified information that it distributes. Recipients shall cooperate fully with distributors who are updating distribution lists and shall notify distributors whenever a relevant change in status occurs.

Sec. 4.3. Special Access Programs. (a) Establishment of special access programs. Unless otherwise authorized by the President, only the Secretaries of State, Defense, Energy, and Homeland Security, the Attorney General, and the Director of National Intelligence, or the principal deputy of each, may create a special access program. For special access programs pertaining to intelligence sources, methods, and activities (but not including military operational, strategic, and tactical programs), this function shall be exercised by the Director of National Intelligence. These officials shall keep the number of these programs at an absolute minimum, and shall establish them only when the program is required by statute or upon a specific finding that:

(1) the vulnerability of, or threat to, specific information is exceptional; and

(2) the normal criteria for determining eligibility for access applicable to information classified at the same level are not deemed sufficient to protect the information from unauthorized disclosure.

(b) Requirements and limitations.

(1) Special access programs shall be limited to programs in which the number of persons who ordinarily will have access will be reasonably small and commensurate with the objective of providing enhanced protection for the information involved.

(2) Each agency head shall establish and maintain a system of accounting for special access programs consistent with directives issued pursuant to this order.

(3) Special access programs shall be subject to the oversight program established under section 5.4(d) of this order. In addition, the Director of
the Information Security Oversight Office shall be afforded access to these programs, in accordance with the security requirements of each program, in order to perform the functions assigned to the Information Security Oversight Office under this order. An agency head may limit access to a special access program to the Director of the Information Security Oversight Office and no more than one other employee of the Information Security Oversight Office or, for special access programs that are extraordinarily sensitive and vulnerable, to the Director only.

(4) The agency head or principal deputy shall review annually each special access program to determine whether it continues to meet the requirements of this order.

(5) Upon request, an agency head shall brief the National Security Advisor, or a designee, on any or all of the agency’s special access programs.

(6) For the purposes of this section, the term “agency head” refers only to the Secretaries of State, Defense, Energy, and Homeland Security, the Attorney General, and the Director of National Intelligence, or the principal deputy of each.

(c) Nothing in this order shall supersede any requirement made by or under 10 U.S.C. 119.

Sec. 4.4. Access by Historical Researchers and Certain Former Government Personnel.

(a) The requirement in section 4.1(a)(3) of this order that access to classified information may be granted only to individuals who have a need-to-know the information may be waived for persons who:

(1) are engaged in historical research projects;

(2) previously have occupied senior policy-making positions to which they were appointed or designated by the President or the Vice President; or

(3) served as President or Vice President.

(b) Waivers under this section may be granted only if the agency head or senior agency official of the originating agency:

(1) determines in writing that access is consistent with the interest of the national security;

(2) takes appropriate steps to protect classified information from unauthorized disclosure or compromise, and ensures that the information is safeguarded in a manner consistent with this order; and

(3) limits the access granted to former Presidential appointees or designees and Vice Presidential appointees or designees to items that the person originated, reviewed, signed, or received while serving as a Presidential or Vice Presidential appointee or designee.

PART 5—IMPLEMENTATION AND REVIEW

Sec. 5.1. Program Direction. (a) The Director of the Information Security Oversight Office, under the direction of the Archivist and in consultation with the National Security Advisor, shall issue such directives as are necessary to implement this order. These directives shall be binding on the agencies. Directives issued by the Director of the Information Security Oversight Office shall establish standards for:
(1) classification, declassification, and marking principles;
(2) safeguarding classified information, which shall pertain to the handling, storage, distribution, transmittal, and destruction of and accounting for classified information;
(3) agency security education and training programs;
(4) agency self-inspection programs; and
(5) classification and declassification guides.

(b) The Archivist shall delegate the implementation and monitoring functions of this program to the Director of the Information Security Oversight Office.

c) The Director of National Intelligence, after consultation with the heads of affected agencies and the Director of the Information Security Oversight Office, may issue directives to implement this order with respect to the protection of intelligence sources, methods, and activities. Such directives shall be consistent with this order and directives issued under paragraph (a) of this section.

Sec. 5.2. Information Security Oversight Office. (a) There is established within the National Archives an Information Security Oversight Office. The Archivist shall appoint the Director of the Information Security Oversight Office, subject to the approval of the President.

(b) Under the direction of the Archivist, acting in consultation with the National Security Advisor, the Director of the Information Security Oversight Office shall:

(1) develop directives for the implementation of this order;
(2) oversee agency actions to ensure compliance with this order and its implementing directives;
(3) review and approve agency implementing regulations prior to their issuance to ensure their consistency with this order and directives issued under section 5.1(a) of this order;
(4) have the authority to conduct on-site reviews of each agency’s program established under this order, and to require of each agency those reports and information and other cooperation that may be necessary to fulfill its responsibilities. If granting access to specific categories of classified information would pose an exceptional national security risk, the affected agency head or the senior agency official shall submit a written justification recommending the denial of access to the President through the National Security Advisor within 60 days of the request for access. Access shall be denied pending the response;
(5) review requests for original classification authority from agencies or officials not granted original classification authority and, if deemed appropriate, recommend Presidential approval through the National Security Advisor;
(6) consider and take action on complaints and suggestions from persons within or outside the Government with respect to the administration of the program established under this order;
(7) have the authority to prescribe, after consultation with affected agencies, standardization of forms or procedures that will promote the implementation of the program established under this order;
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(8) report at least annually to the President on the implementation of this order; and

(9) convene and chair interagency meetings to discuss matters pertaining to the program established by this order.

Sec. 5.3. Interagency Security Classification Appeals Panel.

(a) Establishment and administration.

(1) There is established an Interagency Security Classification Appeals Panel. The Departments of State, Defense, and Justice, the National Archives, the Office of the Director of National Intelligence, and the National Security Advisor shall each be represented by a senior-level representative who is a full-time or permanent part-time Federal officer or employee designated to serve as a member of the Panel by the respective agency head. The President shall designate a Chair from among the members of the Panel.

(2) Additionally, the Director of the Central Intelligence Agency may appoint a temporary representative who meets the criteria in paragraph (a)(1) of this section to participate as a voting member in all Panel deliberations and associated support activities concerning classified information originated by the Central Intelligence Agency.

(3) A vacancy on the Panel shall be filled as quickly as possible as provided in paragraph (a)(1) of this section.

(4) The Director of the Information Security Oversight Office shall serve as the Executive Secretary of the Panel. The staff of the Information Security Oversight Office shall provide program and administrative support for the Panel.

(5) The members and staff of the Panel shall be required to meet eligibility for access standards in order to fulfill the Panel’s functions.

(6) The Panel shall meet at the call of the Chair. The Chair shall schedule meetings as may be necessary for the Panel to fulfill its functions in a timely manner.

(7) The Information Security Oversight Office shall include in its reports to the President a summary of the Panel’s activities.

(b) Functions. The Panel shall:

(1) decide on appeals by persons who have filed classification challenges under section 1.8 of this order;

(2) approve, deny, or amend agency exemptions from automatic declassification as provided in section 3.3 of this order;

(3) decide on appeals by persons or entities who have filed requests for mandatory declassification review under section 3.5 of this order; and

(4) appropriately inform senior agency officials and the public of final Panel decisions on appeals under sections 1.8 and 3.5 of this order.

(c) Rules and procedures. The Panel shall issue bylaws, which shall be published in the Federal Register. The bylaws shall establish the rules and procedures that the Panel will follow in accepting, considering, and issuing decisions on appeals. The rules and procedures of the Panel shall provide that the Panel will consider appeals only on actions in which:
(1) the appellant has exhausted his or her administrative remedies within the responsible agency;

(2) there is no current action pending on the issue within the Federal courts; and

(3) the information has not been the subject of review by the Federal courts or the Panel within the past 2 years.

(d) Agency heads shall cooperate fully with the Panel so that it can fulfill its functions in a timely and fully informed manner. The Panel shall report to the President through the National Security Advisor any instance in which it believes that an agency head is not cooperating fully with the Panel.

(e) The Panel is established for the sole purpose of advising and assisting the President in the discharge of his constitutional and discretionary authority to protect the national security of the United States. Panel decisions are committed to the discretion of the Panel, unless changed by the President.

(f) An agency head may appeal a decision of the Panel to the President through the National Security Advisor. The information shall remain classified pending a decision on the appeal.

Sec. 5.4. General Responsibilities. Heads of agencies that originate or handle classified information shall:

(a) demonstrate personal commitment and commit senior management to the successful implementation of the program established under this order;

(b) commit necessary resources to the effective implementation of the program established under this order;

(c) ensure that agency records systems are designed and maintained to optimize the appropriate sharing and safeguarding of classified information, and to facilitate its declassification under the terms of this order when it no longer meets the standards for continued classification; and

(d) designate a senior agency official to direct and administer the program, whose responsibilities shall include:

(1) overseeing the agency’s program established under this order, provided an agency head may designate a separate official to oversee special access programs authorized under this order. This official shall provide a full accounting of the agency’s special access programs at least annually;

(2) promulgating implementing regulations, which shall be published in the Federal Register to the extent that they affect members of the public;

(3) establishing and maintaining security education and training programs;

(4) establishing and maintaining an ongoing self-inspection program, which shall include the regular reviews of representative samples of the agency’s original and derivative classification actions, and shall authorize appropriate agency officials to correct misclassification actions not covered by sections 1.7(c) and 1.7(d) of this order; and reporting annually to the Director of the Information Security Oversight Office on the agency’s self-inspection program;
(5) establishing procedures consistent with directives issued pursuant to this order to prevent unnecessary access to classified information, including procedures that:

(A) require that a need for access to classified information be established before initiating administrative clearance procedures; and

(B) ensure that the number of persons granted access to classified information meets the mission needs of the agency while also satisfying operational and security requirements and needs;

(6) developing special contingency plans for the safeguarding of classified information used in or near hostile or potentially hostile areas;

(7) ensuring that the performance contract or other system used to rate civilian or military personnel performance includes the designation and management of classified information as a critical element or item to be evaluated in the rating of:

(A) original classification authorities;

(B) security managers or security specialists; and

(C) all other personnel whose duties significantly involve the creation or handling of classified information, including personnel who regularly apply derivative classification markings;

(8) accounting for the costs associated with the implementation of this order, which shall be reported to the Director of the Information Security Oversight Office for publication;

(9) assigning in a prompt manner agency personnel to respond to any request, appeal, challenge, complaint, or suggestion arising out of this order that pertains to classified information that originated in a component of the agency that no longer exists and for which there is no clear successor in function; and

(10) establishing a secure capability to receive information, allegations, or complaints regarding over-classification or incorrect classification within the agency and to provide guidance to personnel on proper classification as needed.

Sec. 5.5. Sanctions. (a) If the Director of the Information Security Oversight Office finds that a violation of this order or its implementing directives has occurred, the Director shall make a report to the head of the agency or to the senior agency official so that corrective steps, if appropriate, may be taken.

(b) Officers and employees of the United States Government, and its contractors, licensees, certificate holders, and grantees shall be subject to appropriate sanctions if they knowingly, willfully, or negligently:

(1) disclose to unauthorized persons information properly classified under this order or predecessor orders;

(2) classify or continue the classification of information in violation of this order or any implementing directive;

(3) create or continue a special access program contrary to the requirements of this order; or

(4) contravene any other provision of this order or its implementing directives.
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(c) Sanctions may include reprimand, suspension without pay, removal, termination of classification authority, loss or denial of access to classified information, or other sanctions in accordance with applicable law and agency regulation.

(d) The agency head, senior agency official, or other supervisory official shall, at a minimum, promptly remove the classification authority of any individual who demonstrates reckless disregard or a pattern of error in applying the classification standards of this order.

(e) The agency head or senior agency official shall:

(1) take appropriate and prompt corrective action when a violation or infraction under paragraph (b) of this section occurs; and

(2) notify the Director of the Information Security Oversight Office when a violation under paragraph (b)(1), (2), or (3) of this section occurs.

PART 6—GENERAL PROVISIONS

Sec. 6.1. Definitions. For purposes of this order:

(a) “Access” means the ability or opportunity to gain knowledge of classified information.

(b) “Agency” means any “Executive agency,” as defined in 5 U.S.C. 105; any “Military department” as defined in 5 U.S.C. 102; and any other entity within the executive branch that comes into the possession of classified information.

(c) “Authorized holder” of classified information means anyone who satisfies the conditions for access stated in section 4.1(a) of this order.

(d) “Automated information system” means an assembly of computer hardware, software, or firmware configured to collect, create, communicate, compute, disseminate, process, store, or control data or information.

(e) “Automatic declassification” means the declassification of information based solely upon:

(1) the occurrence of a specific date or event as determined by the original classification authority; or

(2) the expiration of a maximum time frame for duration of classification established under this order.

(f) “Classification” means the act or process by which information is determined to be classified information.

(g) “Classification guidance” means any instruction or source that prescribes the classification of specific information.

(h) “Classification guide” means a documentary form of classification guidance issued by an original classification authority that identifies the elements of information regarding a specific subject that must be classified and establishes the level and duration of classification for each such element.

(i) “Classified national security information” or “classified information” means information that has been determined pursuant to this order or any predecessor order to require protection against unauthorized disclosure and is marked to indicate its classified status when in documentary form.
(j) “Compilation” means an aggregation of preexisting unclassified items of information.

(k) “Confidential source” means any individual or organization that has provided, or that may reasonably be expected to provide, information to the United States on matters pertaining to the national security with the expectation that the information or relationship, or both, are to be held in confidence.

(l) “Damage to the national security” means harm to the national defense or foreign relations of the United States from the unauthorized disclosure of information, taking into consideration such aspects of the information as the sensitivity, value, utility, and provenance of that information.

(m) “Declassification” means the authorized change in the status of information from classified information to unclassified information.

(n) “Declassification guide” means written instructions issued by a declassification authority that describes the elements of information regarding a specific subject that may be declassified and the elements that must remain classified.

(o) “Derivative classification” means the incorporating, paraphrasing, restating, or generating in new form information that is already classified, and marking the newly developed material consistent with the classification markings that apply to the source information. Derivative classification includes the classification of information based on classification guidance. The duplication or reproduction of existing classified information is not derivative classification.

(p) “Document” means any recorded information, regardless of the nature of the medium or the method or circumstances of recording.

(q) “Downgrading” means a determination by a declassification authority that information classified and safeguarded at a specified level shall be classified and safeguarded at a lower level.

(r) “File series” means file units or documents arranged according to a filing system or kept together because they relate to a particular subject or function, result from the same activity, document a specific kind of transaction, take a particular physical form, or have some other relationship arising out of their creation, receipt, or use, such as restrictions on access or use.

(s) “Foreign government information” means:

1. information provided to the United States Government by a foreign government or governments, an international organization of governments, or any element thereof, with the expectation that the information, the source of the information, or both, are to be held in confidence;

2. information produced by the United States Government pursuant to or as a result of a joint arrangement with a foreign government or governments, an international organization of governments, or any element thereof, requiring that the information, the arrangement, or both, are to be held in confidence; or

3. information received and treated as “foreign government information” under the terms of a predecessor order.
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(t) “Information” means any knowledge that can be communicated or documentary material, regardless of its physical form or characteristics, that is owned by, is produced by or for, or is under the control of the United States Government.

(u) “Infraction” means any knowing, willful, or negligent action contrary to the requirements of this order or its implementing directives that does not constitute a “violation,” as defined below.

(v) “Integral file block” means a distinct component of a file series, as defined in this section, that should be maintained as a separate unit in order to ensure the integrity of the records. An integral file block may consist of a set of records covering either a specific topic or a range of time, such as a Presidential administration or a 5-year retirement schedule within a specific file series that is retired from active use as a group. For purposes of automatic declassification, integral file blocks shall contain only records dated within 10 years of the oldest record in the file block.

(w) “Integrity” means the state that exists when information is unchanged from its source and has not been accidentally or intentionally modified, altered, or destroyed.

(x) “Intelligence” includes foreign intelligence and counterintelligence as defined by Executive Order 12333 of December 4, 1981, as amended, or by a successor order.

(y) “Intelligence activities” means all activities that elements of the Intelligence Community are authorized to conduct pursuant to law or Executive Order 12333, as amended, or by a successor order.

(z) “Intelligence Community” means an element or agency of the U.S. Government identified in or designated pursuant to section 3(4) of the National Security Act of 1947, as amended, or section 3.5(h) of Executive Order 12333, as amended.

(aa) “Mandatory declassification review” means the review for declassification of classified information in response to a request for declassification that meets the requirements under section 3.5 of this order.

(bb) “Multiple sources” means two or more source documents, classification guides, or a combination of both.

(cc) “National security” means the national defense or foreign relations of the United States.

(dd) “Need-to-know” means a determination within the executive branch in accordance with directives issued pursuant to this order that a prospective recipient requires access to specific classified information in order to perform or assist in a lawful and authorized governmental function.

(ee) “Network” means a system of two or more computers that can exchange data or information.

(ff) “Original classification” means an initial determination that information requires, in the interest of the national security, protection against unauthorized disclosure.

(gg) “Original classification authority” means an individual authorized in writing, either by the President, the Vice President, or by agency heads or
other officials designated by the President, to classify information in the first instance.

(hh) “Records” means the records of an agency and Presidential papers or Presidential records, as those terms are defined in title 44, United States Code, including those created or maintained by a government contractor, licensee, certificate holder, or grantee that are subject to the sponsoring agency’s control under the terms of the contract, license, certificate, or grant.

(ii) “Records having permanent historical value” means Presidential papers or Presidential records and the records of an agency that the Archivist has determined should be maintained permanently in accordance with title 44, United States Code.

(jj) “Records management” means the planning, controlling, directing, organizing, training, promoting, and other managerial activities involved with respect to records creation, records maintenance and use, and records disposition in order to achieve adequate and proper documentation of the policies and transactions of the Federal Government and effective and economical management of agency operations.

(kk) “Safeguarding” means measures and controls that are prescribed to protect classified information.

(ll) “Self-inspection” means the internal review and evaluation of individual agency activities and the agency as a whole with respect to the implementation of the program established under this order and its implementing directives.

(mm) “Senior agency official” means the official designated by the agency head under section 5.4(d) of this order to direct and administer the agency’s program under which information is classified, safeguarded, and declassified.

(nn) “Source document” means an existing document that contains classified information that is incorporated, paraphrased, restated, or generated in new form into a new document.

(oo) “Special access program” means a program established for a specific class of classified information that imposes safeguarding and access requirements that exceed those normally required for information at the same classification level.

(pp) “Systematic declassification review” means the review for declassification of classified information contained in records that have been determined by the Archivist to have permanent historical value in accordance with title 44, United States Code.

(qq) “Telecommunications” means the preparation, transmission, or communication of information by electronic means.

(rr) “Unauthorized disclosure” means a communication or physical transfer of classified information to an unauthorized recipient.

(ss) “U.S. entity” includes:

(1) State, local, or tribal governments;

(2) State, local, and tribal law enforcement and firefighting entities;

(3) public health and medical entities;
Title 3—The President

EO 13526

(4) regional, state, local, and tribal emergency management entities, including State Adjutants General and other appropriate public safety entities; or

(5) private sector entities serving as part of the nation’s Critical Infrastructure/Key Resources.

(tt) “Violation” means:

(1) any knowing, willful, or negligent action that could reasonably be expected to result in an unauthorized disclosure of classified information;

(2) any knowing, willful, or negligent action to classify or continue the classification of information contrary to the requirements of this order or its implementing directives; or

(3) any knowing, willful, or negligent action to create or continue a special access program contrary to the requirements of this order.

(uu) “Weapons of mass destruction” means any weapon of mass destruction as defined in 50 U.S.C. 1801(p).

Sec. 6.2. General Provisions. (a) Nothing in this order shall supersede any requirement made by or under the Atomic Energy Act of 1954, as amended, or the National Security Act of 1947, as amended. “Restricted Data” and “Formerly Restricted Data” shall be handled, protected, classified, downgraded, and declassified in conformity with the provisions of the Atomic Energy Act of 1954, as amended, and regulations issued under that Act.

(b) The Director of National Intelligence may, with respect to the Intelligence Community and after consultation with the heads of affected departments and agencies, issue such policy directives and guidelines as the Director of National Intelligence deems necessary to implement this order with respect to the classification and declassification of all intelligence and intelligence-related information, and for access to and dissemination of all intelligence and intelligence-related information, both in its final form and in the form when initially gathered. Procedures or other guidance issued by Intelligence Community element heads shall be in accordance with such policy directives or guidelines issued by the Director of National Intelligence. Any such policy directives or guidelines issued by the Director of National Intelligence shall be in accordance with directives issued by the Director of the Information Security Oversight Office under section 5.1(a) of this order.

(c) The Attorney General, upon request by the head of an agency or the Director of the Information Security Oversight Office, shall render an interpretation of this order with respect to any question arising in the course of its administration.

(d) Nothing in this order limits the protection afforded any information by other provisions of law, including the Constitution, Freedom of Information Act exemptions, the Privacy Act of 1974, and the National Security Act of 1947, as amended. This order is not intended to and does not create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person. The foregoing is in addition to the specific provisos set forth in sections 1.1(b), 3.1(c) and 5.3(e) of this order.
Executive Orders  EO 13527

(e) Nothing in this order shall be construed to obligate action or otherwise affect functions by the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(f) This order shall be implemented subject to the availability of appropriations.

(g) Executive Order 12958 of April 17, 1995, and amendments thereto, including Executive Order 13292 of March 25, 2003, are hereby revoked as of the effective date of this order.

Sec. 6.3. Effective Date. This order is effective 180 days from the date of this order, except for sections 1.7, 3.3, and 3.7, which are effective immediately.

Sec. 6.4. Publication. The Archivist of the United States shall publish this Executive Order in the Federal Register.

BARACK OBAMA

The White House,
December 29, 2009.

Executive Order 13527 of December 30, 2009

Establishing Federal Capability for the Timely Provision of Medical Countermeasures Following a Biological Attack

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. Policy. It is the policy of the United States to plan and prepare for the timely provision of medical countermeasures to the American people in the event of a biological attack in the United States through a rapid Federal response in coordination with State, local, territorial, and tribal governments.

This policy would seek to: (1) mitigate illness and prevent death; (2) sustain critical infrastructure; and (3) complement and supplement State, local, territorial, and tribal government medical countermeasure distribution capacity.

Sec. 2. United States Postal Service Delivery of Medical Countermeasures. (a) The U.S. Postal Service has the capacity for rapid residential delivery of medical countermeasures for self administration across all communities in the United States. The Federal Government shall pursue a national U.S. Postal Service medical countermeasures dispensing model to respond to a large-scale biological attack.

(b) The Secretaries of Health and Human Services and Homeland Security, in coordination with the U.S. Postal Service, within 180 days of the date of this order, shall establish a national U.S. Postal Service medical countermeasures dispensing model for U.S. cities to respond to a large-scale biological attack, with anthrax as the primary threat consideration.
Title 3—The President

(c) In support of the national U.S. Postal Service model, the Secretaries of Homeland Security, Health and Human Services, and Defense, and the Attorney General, in coordination with the U.S. Postal Service, and in consultation with State and local public health, emergency management, and law enforcement officials, within 180 days of the date of this order, shall develop an accompanying plan for supplementing local law enforcement personnel, as necessary and appropriate, with local Federal law enforcement, as well as other appropriate personnel, to escort U.S. Postal workers delivering medical countermeasures.

Sec. 3. Federal Rapid Response. (a) The Federal Government must develop the capacity to anticipate and immediately supplement the capabilities of affected jurisdictions to rapidly distribute medical countermeasures following a biological attack. Implementation of a Federal strategy to rapidly dispense medical countermeasures requires establishment of a Federal rapid response capability.

(b) The Secretaries of Homeland Security and Health and Human Services, in coordination with the Secretary of Defense, within 90 days of the date of this order, shall develop a concept of operations and establish requirements for a Federal rapid response to dispense medical countermeasures to an affected population following a large-scale biological attack.

Sec. 4. Continuity of Operations. (a) The Federal Government must establish mechanisms for the provision of medical countermeasures to personnel performing mission-essential functions to ensure that mission-essential functions of Federal agencies continue to be performed following a biological attack.

(b) The Secretaries of Health and Human Services and Homeland Security, within 180 days of the date of this order, shall develop a plan for the provision of medical countermeasures to ensure that mission-essential functions of executive branch departments and agencies continue to be performed following a large-scale biological attack.

Sec. 5. General Provisions.

(a) Nothing in this order shall be construed to impair or otherwise affect:

(i) authority granted by law to a department or agency, or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA

The White House,
December 30, 2009.
Presidential Determination No. 2009–10 of January 1, 2009


Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 10(d)(1) of the United Nations Participation Act of 1945, as amended (22 U.S.C. 287e–2(d)(1)), I hereby determine that provision of assistance to the United Nations/African Union Mission in Darfur to support the airlift of equipment for peacekeeping in Darfur without reimbursement from the United Nations is important to the security interests of the United States.

You are authorized and directed to report this determination to the Congress and to arrange for its publication in the Federal Register.

GEORGE W. BUSH

THE WHITE HOUSE,

Title 3—The President


Limited Waiver of Certain Sanctions Imposed by, and Delegation of Certain Authorities Pursuant to, the Tom Lantos Block Burmese JADE (Junta’s Anti-Democratic Efforts) Act of 2008

Memorandum for the Secretary of State [and] the Secretary of the Treasury

By the authority vested in me as President by the Constitution and laws of the United States, including the Tom Lantos Block Burmese JADE (Junta’s Anti-Democratic Efforts) Act of 2008 (Public Law 110–286) (JADE Act) and section 301 of title 3, United States Code, in order to ensure that the United States Government’s sanctions against the Burmese leadership and its supporters continue to be implemented effectively, to allow the reconciliation of measures applicable to persons sanctioned under the JADE Act with measures applicable to the same persons sanctioned under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), and to allow for the implementation of additional appropriate sanctions:

(1) I hereby waive, pursuant to section 5(i) of the JADE Act, the provisions of section 5(b) of the JADE Act with respect to those persons described in section 5(a)(1) of the JADE Act who are not included on the Department of the Treasury’s List of Specially Designated Nationals and Blocked Persons. Because the imposition of effective and meaningful blocking sanctions requires the identification of those individuals and entities targeted for sanction and the authorization of certain limited exceptions to the prohibitions and restrictions that would otherwise apply, I hereby determine and certify that such a limited waiver is in the national interest of the United States.

(2) I hereby delegate to the Secretary of the Treasury the waiver authority set forth in section 5(i) of the JADE Act, including the authority to invoke or revoke the waiver with respect to any person or persons or any transaction or category of transactions or prohibitions by making the necessary determination and certification regarding the national interest of the United States set forth in that section. I hereby direct the Secretary of the Treasury, after consultation with the Secretary of State and with necessary support from the Intelligence Community, as defined in section 3(4) of the National Security Act of 1947, as amended (50 U.S.C. 401a(4)), to continue to target aggressively the Burmese regime and its lines of support. I further delegate to the Secretary of the Treasury the authority to take such actions as may be necessary to carry out the purposes of section 5(b) of the JADE Act. The Secretary of the Treasury may redelegat any of these functions to other officers and agencies of the United States Government consistent with applicable law. The authorities delegated to the Secretary of the Treasury under this memorandum shall be exercised after consultation with the Secretary of State.

(3) I authorize the Secretary of State, after consultation with the Secretary of the Treasury, to take such actions as may be necessary to make the submissions to the appropriate congressional committees pursuant to section 5(d) of the JADE Act.
Other Presidential Documents

I hereby authorize and direct the Secretary of the Treasury to report this determination to the appropriate congressional committees and to publish it in the Federal Register.

THE WHITE HOUSE,

Presidential Determination No. 2009–12 of January 15, 2009

Proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the United Arab Emirates Concerning Peaceful Uses of Nuclear Energy

Memorandum for the Secretary of State [and] the Secretary of Energy

I have considered the proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the United Arab Emirates Concerning Peaceful Uses of Nuclear Energy, along with the views, recommendations, and statements of the interested agencies.

I have determined that the performance of the Agreement will promote, and will not constitute an unreasonable risk to, the common defense and security. Pursuant to section 123 b. of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b)), I hereby approve the proposed Agreement and authorize the Secretary of State to arrange for its execution.

The Secretary of State is authorized and directed to publish this determination in the Federal Register.

THE WHITE HOUSE,

Notice of January 15, 2009

Continuation of the National Emergency Relating to Cuba and of the Emergency Authority Relating to the Regulation of the Anchorage and Movement of Vessels

On March 1, 1996, by Proclamation 6867, a national emergency was declared to address the disturbance or threatened disturbance of international relations caused by the February 24, 1996, destruction by the Cuban government of two unarmed U.S.-registered civilian aircraft in international airspace north of Cuba. In July 1996 and on subsequent occasions, the Cuban government stated its intent to forcefully defend its sovereignty against any U.S.-registered vessels or aircraft that might enter Cuban territorial waters or airspace while involved in a flotilla or peaceful protest.
Since these events, the Cuban government has not demonstrated that it will refrain from the future use of reckless and excessive force against U.S. vessels or aircraft that may engage in memorial activities or peaceful protest north of Cuba. On February 26, 2004, by Proclamation 7757, the scope of the national emergency was expanded in order to deny monetary and material support to the repressive Cuban government, which had taken a series of steps to destabilize relations with the United States, including threatening to abrogate the Migration Accords with the United States and to close the United States Interests Section. Further, Cuba’s most senior officials repeatedly asserted that the United States intended to invade Cuba, despite explicit denials from the U.S. Secretaries of State and Defense that such action is planned. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing the national emergency with respect to Cuba and the emergency authority relating to the regulation of the anchorage and movement of vessels set out in Proclamation 6867 as amended and expanded by Proclamation 7757.

This notice shall be published in the Federal Register and transmitted to the Congress.

GEORGE W. BUSH

THE WHITE HOUSE,


Notice of January 15, 2009

Continuation of the National Emergency with Respect to Terrorists Who Threaten to Disrupt the Middle East Peace Process

On January 23, 1995, by Executive Order 12947, the President declared a national emergency pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by grave acts of violence committed by foreign terrorists who threaten to disrupt the Middle East peace process. On August 20, 1998, by Executive Order 13099, the President modified the Annex to Executive Order 12947 to identify four additional persons, including Usama bin Laden, who threaten to disrupt the Middle East peace process.

Because these terrorist activities continue to threaten the Middle East peace process and to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, the national emergency declared on January 23, 1995, as expanded on August 20, 1998, and the measures adopted on those dates to deal with that emergency must continue in effect beyond January 23, 2009. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to foreign terrorists who threaten to disrupt the Middle East peace process.
Other Presidential Documents

This notice shall be published in the Federal Register and transmitted to the Congress.

THE WHITE HOUSE,

GEORGE W. BUSH

Presidential Determination No. 2009–13 of January 16, 2009

Eligibility of the Southern African Development Community To Receive Defense Articles and Defense Services Under the Foreign Assistance Act of 1961, as Amended, and the Arms Export Control Act, as Amended

Memorandum for the Secretary of State

Pursuant to the authority vested in me by the Constitution and the laws of the United States, including section 503(a) of the Foreign Assistance Act of 1961, as amended, and section 3(a)(1) of the Arms Export Control Act, as amended, I hereby find that the furnishing of defense articles and defense services to the Southern African Development Community will strengthen the security of the United States and promote world peace.

You are authorized and directed to transmit this determination to the Congress and to arrange for its publication in the Federal Register.

THE WHITE HOUSE,

GEORGE W. BUSH

Presidential Determination No. 2009–14 of January 16, 2009

Waiving the Prohibition on the Use of Economic Support Funds With Respect to Various Parties to the Rome Statute Establishing the International Criminal Court

Memorandum for the Secretary of State

Pursuant to the authority vested in me by the Constitution and laws of the United States, including section 671(b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2008 (Division J, Public Law 110–161), I hereby:

• determine and report that it is important to the national interests of the United States to waive the prohibition of aforementioned section 671(a) with respect to Barbados, Bolivia, Costa Rica, Cyprus, Ecuador, Kenya, Mali, Mexico, Namibia, Niger, Paraguay, Peru, Samoa, South Africa, St. Vincent and the Grenadines, Tanzania, and Trinidad and Tobago; and

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Memorandum of January 16, 2009

Designation of Officers of the National Aeronautics And Space Administration To Act as Administrator

Memorandum for the Administrator of the National Aeronautics and Space Administration

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 et seq., it is hereby ordered that:

Section 1. Order of Succession. Subject to the provisions of section 2 of this memorandum, the following officials of the National Aeronautics and Space Administration (NASA), in the order listed, shall act as and perform the functions and duties of the office of the Administrator of NASA (Administrator), during any period in which both the Administrator and Deputy Administrator of NASA (Deputy Administrator) have died, resigned, or otherwise become unable to perform the functions and duties of the office of Administrator, until such time as the Administrator or Deputy Administrator is able to perform the functions and duties of that office:

(a) Associate Administrator;
(b) Chief of Staff to the NASA Administrator;
(c) Director for Johnson Space Flight Center;
(d) Director for Kennedy Space Flight Center; and
(e) Director for Marshall Space Flight Center.

Sec. 2. Exceptions. (a) No individual who is serving in an office listed in section 1 in an acting capacity, by virtue of so serving, shall act as Administrator pursuant to this memorandum.

(b) No individual listed in section 1 shall act as Administrator unless that individual is otherwise eligible to so serve under the Federal Vacancies Reform Act of 1998.

(c) Notwithstanding the provisions of this memorandum, the President retains discretion, to the extent permitted by law, to depart from this memorandum in designating an acting Administrator.

Sec. 3. This memorandum is intended to improve the internal management of the executive branch and is not intended to, and does not, create any
Memorandum of January 16, 2009

Designation of Officers To Act as President of the Overseas Private Investment Corporation

Memorandum for the President of the Overseas Private Investment Corporation

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 et seq., it is hereby ordered that:

Section 1. Order of Succession. Subject to the provisions of section 2 of this memorandum, the following officials of the Overseas Private Investment Corporation, in the order listed, shall act as and perform the functions and duties of the office of the President of the Overseas Private Investment Corporation (POPIC), during any period in which the POPIC has died, resigned, or otherwise become unable to perform the functions and duties of the office of POPIC, until such time as the POPIC is able to perform the functions and duties of that office:

(a) Executive Vice President;
(b) Vice President and General Counsel;
(c) Vice President and Chief Financial Officer;
(d) Deputy General Counsel; and
(e) Director of Operations.

Sec. 2. Exceptions.

(a) No individual who is serving in an office listed in section 1 in an acting capacity, by virtue of so serving, shall act as POPIC pursuant to this memorandum.

(b) No individual listed in section 1 shall act as POPIC unless that individual is otherwise eligible to so serve under the Federal Vacancies Reform Act of 1998.

(c) Notwithstanding the provisions of this memorandum, the President retains discretion, to the extent permitted by law, to depart from this memorandum in designating an acting POPIC.
Title 3—The President

Sec. 3. This memorandum is intended 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 in equity by any party against the United States, its agencies, instrumentalities, or entities, its officers, employees, or agents, or any other person.

Sec. 4. You are authorized and directed to publish this memorandum in the Federal Register.

GEORGE W. BUSH

THE WHITE HOUSE,

Memorandum of January 21, 2009

Pay Freeze

Memorandum for the Assistant to the President and Chief of Staff
The United States is in a period of severe economic stress. Too many Americans have lost their jobs, their homes, their health insurance, or a substantial part of their retirement savings, and many more feel uncertain about the future.

In these circumstances, Government must act forcefully and creatively to stimulate our economic recovery, investing in infrastructure, innovative energy technologies, and education. It must act quickly to provide assistance to average Americans.

Many have accepted the call to serve in Government and to assist me in restoring a sound economy and in improving the lives of average Americans. In this challenging economic period, it is only appropriate that senior officials on the White House staff forgo pay increases until further notice.

Accordingly, as a signal of our shared commitment to restoring the country’s economic vitality and because of the serious economic conditions we are facing, I intend to freeze the salaries of senior members of the White House staff, to the extent permitted by law. I direct you to report back to me within 30 days with recommendations for actions to implement this freeze.

This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

This memorandum shall be published in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,
Memorandum of January 21, 2009

Freedom of Information Act

Memorandum for the Heads of Executive Departments and Agencies

A democracy requires accountability, and accountability requires transparency. As Justice Louis Brandeis wrote, “sunlight is said to be the best of disinfectants.” In our democracy, the Freedom of Information Act (FOIA), which encourages accountability through transparency, is the most prominent expression of a profound national commitment to ensuring an open Government. At the heart of that commitment is the idea that accountability is in the interest of the Government and the citizenry alike.

The Freedom of Information Act should be administered with a clear presumption: In the face of doubt, openness prevails. The Government should not keep information confidential merely because public officials might be embarrassed by disclosure, because errors and failures might be revealed, or because of speculative or abstract fears. Nondisclosure should never be based on an effort to protect the personal interests of Government officials at the expense of those they are supposed to serve. In responding to requests under the FOIA, executive branch agencies (agencies) should act promptly and in a spirit of cooperation, recognizing that such agencies are servants of the public.

All agencies should adopt a presumption in favor of disclosure, in order to renew their commitment to the principles embodied in FOIA, and to usher in a new era of open Government. The presumption of disclosure should be applied to all decisions involving FOIA.

The presumption of disclosure also means that agencies should take affirmative steps to make information public. They should not wait for specific requests from the public. All agencies should use modern technology to inform citizens about what is known and done by their Government. Disclosure should be timely.

I direct the Attorney General to issue new guidelines governing the FOIA to the heads of executive departments and agencies, reaffirming the commitment to accountability and transparency, and to publish such guidelines in the Federal Register. In doing so, the Attorney General should review FOIA reports produced by the agencies under Executive Order 13392 of December 14, 2005. I also direct the Director of the Office of Management and Budget to update guidance to the agencies to increase and improve information dissemination to the public, including through the use of new technologies, and to publish such guidance in the Federal Register.

This memorandum does not create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.
Title 3—The President

The Director of the Office of Management and Budget is hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,

Memorandum of January 21, 2009

Transparency and Open Government

Memorandum for the Heads of Executive Departments and Agencies

My Administration is committed to creating an unprecedented level of openness in Government. We will work together to ensure the public trust and establish a system of transparency, public participation, and collaboration. Openness will strengthen our democracy and promote efficiency and effectiveness in Government.

Government should be transparent. Transparency promotes accountability and provides information for citizens about what their Government is doing. Information maintained by the Federal Government is a national asset. My Administration will take appropriate action, consistent with law and policy, to disclose information rapidly in forms that the public can readily find and use. Executive departments and agencies should harness new technologies to put information about their operations and decisions online and readily available to the public. Executive departments and agencies should also solicit public feedback to identify information of greatest use to the public.

Government should be participatory. Public engagement enhances the Government’s effectiveness and improves the quality of its decisions. Knowledge is widely dispersed in society, and public officials benefit from having access to that dispersed knowledge. Executive departments and agencies should offer Americans increased opportunities to participate in policy-making and to provide their Government with the benefits of their collective expertise and information. Executive departments and agencies should also solicit public input on how we can increase and improve opportunities for public participation in Government.

Government should be collaborative. Collaboration actively engages Americans in the work of their Government. Executive departments and agencies should use innovative tools, methods, and systems to cooperate among themselves, across all levels of Government, and with nonprofit organizations, businesses, and individuals in the private sector. Executive departments and agencies should solicit public feedback to assess and improve their level of collaboration and to identify new opportunities for cooperation.
Other Presidential Documents

I direct the Chief Technology Officer, in coordination with the Director of the Office of Management and Budget (OMB) and the Administrator of General Services, to coordinate the development by appropriate executive departments and agencies, within 120 days, of recommendations for an Open Government Directive, to be issued by the Director of OMB, that instructs executive departments and agencies to take specific actions implementing the principles set forth in this memorandum. The independent agencies should comply with the Open Government Directive.

This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

This memorandum shall be published in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,

Memorandum of January 23, 2009

Mexico City Policy and Assistance for Voluntary Population Planning

Memorandum for the Secretary of State [and] the Administrator of the United States Agency for International Development

The Foreign Assistance Act of 1961 (22 U.S.C. 2151b(f)(1)), prohibits non-governmental organizations (NGOs) that receive Federal funds from using those funds “to pay for the performance of abortions as a method of family planning, or to motivate or coerce any person to practice abortions.” The August 1984 announcement by President Reagan of what has become known as the “Mexico City Policy” directed the United States Agency for International Development (USAID) to expand this limitation and withhold USAID funds from NGOs that use non-USAID funds to engage in a wide range of activities, including providing advice, counseling, or information regarding abortion, or lobbying a foreign government to legalize or make abortion available. The Mexico City Policy was in effect from 1985 until 1993, when it was rescinded by President Clinton. President George W. Bush reinstated the policy in 2001, implementing it through conditions in USAID grant awards, and subsequently extended the policy to “voluntary population planning” assistance provided by the Department of State.

These excessively broad conditions on grants and assistance awards are unwarranted. Moreover, they have undermined efforts to promote safe and effective voluntary family planning programs in foreign nations. Accordingly, I hereby revoke the Presidential memorandum of January 22, 2001, for the Administrator of USAID (Restoration of the Mexico City Policy), the Presidential memorandum of March 28, 2001, for the Administrator of USAID (Restoration of the Mexico City Policy), and the Presidential memorandum
Title 3—The President

of August 29, 2003, for the Secretary of State (Assistance for Voluntary Population Planning). In addition, I direct the Secretary of State and the Administrator of USAID to take the following actions with respect to conditions in voluntary population planning assistance and USAID grants that were imposed pursuant to either the 2001 or 2003 memoranda and that are not required by the Foreign Assistance Act or any other law: (1) immediately waive such conditions in any current grants, and (2) notify current grantees, as soon as possible, that these conditions have been waived. I further direct that the Department of State and USAID immediately cease imposing these conditions in any future grants.

This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

The Secretary of State is authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,

Memorandum of January 26, 2009

State of California Request for Waiver Under 42 U.S.C. 7543(b), the Clean Air Act

Memorandum for the Administrator of the Environmental Protection Agency

Under the Clean Air Act (42 U.S.C. 7401–7671q), the Environmental Protection Agency (EPA) sets emissions standards for new motor vehicles. California may also adopt standards for new motor vehicles if the Administrator of the EPA, based on criteria set out in the statute, waives the general statutory prohibition on State adoption or enforcement of emissions standards. Other States may adopt emissions standards for new motor vehicles if they are identical to the California standards for which a waiver has been granted and comply with other statutory criteria.

For decades, the EPA has granted the State of California such waivers. The EPA’s final decision to deny California’s application for a waiver permitting the State to adopt limitations on greenhouse gas emissions from motor vehicles was published in the Federal Register on March 6, 2008.

In order to ensure that the EPA carries out its responsibilities for improving air quality, you are hereby requested to assess whether the EPA’s decision to deny a waiver based on California’s application was appropriate in light of the Clean Air Act. I further request that, based on that assessment, the EPA initiate any appropriate action.
Other Presidential Documents

This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

You are hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,

Memorandum of January 26, 2009

The Energy Independence and Security Act of 2007

Memorandum for the Secretary of Transportation [and] the Administrator of the National Highway Traffic Safety Administration

In 2007, the Congress passed the Energy Independence and Security Act (EISA). This law mandates that, as part of the Nation’s efforts to achieve energy independence, the Secretary of Transportation prescribe annual fuel economy increases for automobiles, beginning with model year 2011, resulting in a combined fuel economy fleet average of at least 35 miles per gallon by model year 2020. On May 2, 2008, the National Highway Traffic Safety Administration (NHTSA) published a Notice of Proposed Rulemaking entitled Average Fuel Economy Standards, Passenger Cars and Light Trucks; Model Years 2011–2015, 73 Fed. Reg. 24352. In the notice and comment period, the NHTSA received numerous comments, some of them contending that certain aspects of the proposed rule, including appendices providing for preemption of State laws, were inconsistent with provisions of EISA and the Supreme Court’s decision in Massachusetts v. Environmental Protection Agency, 549 U.S. 497 (2007).

Federal law requires that the final rule regarding fuel economy standards be adopted at least 18 months before the beginning of the model year (49 U.S.C. 32902(g)(2)). In order for the model year 2011 standards to meet this requirement, the NHTSA must publish the final rule in the Federal Register by March 30, 2009. To date, the NHTSA has not published a final rule.

Therefore, I request that:

(a) in order to comply with the EISA requirement that fuel economy increases begin with model year 2011, you take all measures consistent with law, and in coordination with the Environmental Protection Agency, to publish in the Federal Register by March 30, 2009, a final rule prescribing increased fuel economy for model year 2011;

(b) before promulgating a final rule concerning model years after model year 2011, you consider the appropriate legal factors under the EISA, the
comments filed in response to the Notice of Proposed Rulemaking, the relevant technological and scientific considerations, and to the extent feasible, the forthcoming report by the National Academy of Sciences mandated under section 107 of EISA; and

(c) in adopting the final rules in paragraphs (a) and (b) above, you consider whether any provisions regarding preemption are consistent with the EISA, the Supreme Court's decision in Massachusetts v. EPA and other relevant provisions of law and the policies underlying them.

This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

The Secretary of Transportation is hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,


Unexpected Urgent Refugee and Migration Needs Related to Gaza

Memorandum for the Secretary of State

By the authority vested in me by the Constitution and the laws of the United States, including section 2(c)(1) of the Migration and Refugee Assistance Act of 1962 (the “Act”), as amended (22 U.S.C. 2601), I hereby determine, pursuant to section 2(c)(1) of the Act, that it is important to the national interest to furnish assistance under the Act in an amount not to exceed $20.3 million from the United States Emergency Refugee and Migration Assistance Fund for the purpose of meeting unexpected and urgent refugee and migration needs, including by contributions to international, governmental, and nongovernmental organizations and payment of administrative expenses of Bureau of Population, Refugees, and Migration of the Department of State, related to humanitarian needs of Palestinian refugees and conflict victims in Gaza.

You are authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,
Other Presidential Documents

Memorandum of January 30, 2009

Regulatory Review

Memorandum for the Heads of Executive Departments and Agencies

For well over two decades, the Office of Information and Regulatory Affairs (OIRA) at the Office of Management and Budget (OMB) has reviewed Federal regulations. The purposes of such review have been to ensure consistency with Presidential priorities, to coordinate regulatory policy, and to offer a dispassionate and analytical “second opinion” on agency actions. I strongly believe that regulations are critical to protecting public health, safety, our shared resources, and our economic opportunities and security. While recognizing the expertise and authority of executive branch departments and agencies, I also believe that, if properly conducted, centralized review is both legitimate and appropriate as a means of promoting regulatory goals.

The fundamental principles and structures governing contemporary regulatory review were set out in Executive Order 12866 of September 30, 1993. A great deal has been learned since that time. Far more is now known about regulation—not only about when it is justified, but also about what works and what does not. Far more is also known about the uses of a variety of regulatory tools such as warnings, disclosure requirements, public education, and economic incentives. Years of experience have also provided lessons about how to improve the process of regulatory review. In this time of fundamental transformation, that process—and the principles governing regulation in general—should be revisited.

I therefore direct the Director of OMB, in consultation with representatives of regulatory agencies, as appropriate, to produce within 100 days a set of recommendations for a new Executive Order on Federal regulatory review. Among other things, the recommendations should offer suggestions for the relationship between OIRA and the agencies; provide guidance on disclosure and transparency; encourage public participation in agency regulatory processes; offer suggestions on the role of cost-benefit analysis; address the role of distributional considerations, fairness, and concern for the interests of future generations; identify methods of ensuring that regulatory review does not produce undue delay; clarify the role of the behavioral sciences in formulating regulatory policy; and identify the best tools for achieving public goals through the regulatory process.

This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

The Director of OMB is hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA

Title 3—The President

Memorandum of January 30, 2009

White House Task Force on Middle-Class Working Families

Memorandum for the Heads of Executive Departments and Agencies

For many years, middle-class Americans have been working harder, yet not enjoying their fair share of the fruits of a growing economy. While the productivity of the American workforce grew during the decade ending in 2007, middle-income workers saw their real incomes fall. The current economic situation has exacerbated the challenges facing middle-class Americans, with health care coverage, safe and steady employment opportunities, effective and affordable education, owning a home, and saving for retirement slipping out of reach. It is a high priority of my Administration to achieve a secure future for middle-class working families, one in which they share in prosperous times and are cushioned during hard times. To these ends, I hereby direct the following:

Section 1. White House Task Force on Middle-Class Working Families. There is established within the Office of the Vice President, a White House Task Force on Middle-Class Working Families (Task Force) to focus on raising the living standards of middle-class working families in the United States of America. The Vice President shall serve as Chair of the Task Force.

(a) Membership of the Task Force. In addition to the Vice President, the Task Force shall consist exclusively of the heads of the executive branch departments, agencies, and offices listed below:

1. the Department of Commerce;
2. the Department of Labor;
3. the Department of Health and Human Services;
4. the Department of Education;
5. the Office of Management and Budget;
6. the National Economic Council;
7. the Domestic Policy Council;
8. the Council of Economic Advisers; and
9. such other executive branch departments, agencies, or offices as the President may designate.

A member of the Task Force may designate, to perform the Task Force functions of the member, any person who is a part of the member’s department, agency, or office, and who is a full-time officer or employee of the Federal Government. At the direction of the Chair, the Task Force may establish subgroups consisting exclusively of Task Force members or their designees under this section, as appropriate.

(b) Administration of the Task Force. The Department of Labor shall provide funding and administrative support for the Task Force to the extent permitted by law and within existing appropriations. The Vice President shall designate an Executive Director of the Task Force, who shall coordinate the work of the Task Force.
Sec. 2. Mission and Functions of the Task Force. The Task Force shall work with a wide array of executive departments and agencies that have responsibility for key issues facing middle-class working families, expedite administrative reforms, propose Executive Orders, and develop legislative and policy proposals that can be of special importance to middle-class working families. The functions of the Task Force are advisory only and shall include, but shall not be limited to, producing a detailed set of recommendations to:

(a) expand education and lifelong training opportunities;
(b) improve work and family balance;
(c) restore labor standards, including workplace safety;
(d) protect the incomes of middle-class working families; and
(e) protect retirement security.

Sec. 3. Outreach. Consistent with the objectives set out in section 2 of this memorandum, the Task Force, in accordance with applicable law, in addition to regular meetings, shall conduct outreach with representatives of labor, business, nonprofit organizations, State and local government agencies, and other interested persons that will assist with the Task Force’s development of a detailed set of recommendations.

Sec. 4. Transparency and Reports. The Task Force shall facilitate the posting on the Internet of submissions by outside parties and engage in an open, two-way dialogue with the American people. The Task Force shall present to the President annual reports, beginning 1 year from the date of this memorandum, on its findings and recommendations, which shall be made available to the public and posted on the Internet.

Sec. 5. General Provisions. (a) The heads of executive departments and agencies shall assist and provide information to the Task Force, consistent with applicable law, as may be necessary to carry out the functions of the Task Force. Each executive department and agency shall bear its own expense for participating in the Task Force.

(b) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) authority granted by law to an executive department, agency, or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(d) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.
Title 3—The President

Sec. 6. Publication. The Secretary of Labor is authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,

Memorandum of February 4, 2009

State Children’s Health Insurance Program

Memorandum for the Secretary of Health and Human Services

The State Children’s Health Insurance Program (SCHIP) encourages States to provide health coverage for uninsured children in families whose incomes are too high to qualify for Medicaid but too low to afford private insurance. Since 1997, when SCHIP was enacted, States have had the authority to set their SCHIP income eligibility levels, subject to available funding. In recent years, as the cost of private insurance has increased, States have raised eligibility levels to offer health care coverage to more families, with families paying a share of the cost based on their income.


The August 17, 2007, letter imposes additional requirements that States must meet in order to cover children under SCHIP plans, including plans that CMS had previously approved. These requirements have limited coverage under several State plans that otherwise would have covered additional, uninsured children. As a result, tens of thousands of children have been denied health care coverage. Unless the August 17, 2007, letter is withdrawn, many more children will be denied coverage.

By this memorandum, I request that you immediately withdraw the August 17, 2007, and May 7, 2008, letters to State health officials and implement SCHIP without the requirements imposed by those letters.

This memorandum does not create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.
Other Presidential Documents

You are hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,

Notice of February 4, 2009

Continuation of the National Emergency With Respect to the Situation in or in Relation to Côte d’Ivoire

On February 7, 2006, by Executive Order 13396, the President declared a national emergency and ordered related measures blocking the property of certain persons contributing to the conflict in Côte d’Ivoire, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706). The President took this action to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the situation in or in relation to Côte d’Ivoire, which has been addressed by the United Nations Security Council in Resolution 1572 of November 15, 2004, and subsequent resolutions, and has resulted in the massacre of large numbers of civilians, widespread human rights abuses, significant political violence and unrest, and attacks against international peacekeeping forces leading to fatalities. Because the situation in or in relation to Côte d’Ivoire continues to pose an unusual and extraordinary threat to the national security and foreign policy of the United States, the national emergency declared on February 7, 2006, and the measures adopted on that date to deal with that emergency, must continue in effect beyond February 7, 2009.

Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13396.

This notice shall be published in the Federal Register and transmitted to the Congress.

BARACK OBAMA

THE WHITE HOUSE,
Memorandum of February 5, 2009

Appliance Efficiency Standards

Memorandum for the Secretary of Energy

Under the Energy Policy and Conservation Act of 1975 (EPCA), the Department of Energy (DOE) is required to establish by certain dates energy efficiency standards for a broad class of residential and commercial products. These products are appliances and other equipment used in consumers’ homes and in commercial establishments. In the Energy Policy Act of 2005 (EPACT), the Congress directed the DOE to develop a plan to issue expeditiously efficiency standards for those products with respect to which the Department had not yet met the deadlines specified in the EPCA.

In 2005, 14 States and various other entities brought suit alleging that the DOE had failed to comply with deadlines and other requirements in the EPCA. In November 2006, the DOE entered into a consent decree under which the DOE agreed to publish final rules regarding 22 product categories by specific deadlines, the latest of which is June 30, 2011. The consent decree includes target dates for the rulemaking processes and sets deadlines for issuance of final rules with respect to each product category. The Energy Independence and Security Act of 2007 (EISA) directed the DOE to establish energy standards for additional product categories.

The DOE remains subject to outstanding deadlines with respect to 15 of the 22 product categories covered by the consent decree, as well as statutory deadlines for a number of additional product categories. These efficiency standards, once implemented, will result in significant energy savings for the American people.

Therefore, I request that:

(a) the DOE take all necessary steps, consistent with the consent decree, EPACT, and EISA, to finalize legally required efficiency standards as expeditiously as possible and consistent with all applicable judicial and statutory deadlines. Such standards include, most immediately, those covered by the five energy efficiency rules with deadlines prior to and including August 8, 2009;

(b) with respect to standards subject to judicial and statutory deadlines later than August 8, 2009, the DOE work to complete prior to the applicable deadline those standards that will result in the greatest energy savings. To undertake this task, the DOE should quantify, to the extent feasible and consistent with statutory requirements, the expected annual energy savings from the relevant standards. The DOE must, however, ensure that it meets applicable deadlines for all standards.

This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by a party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.
Other Presidential Documents

You are hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,

Memorandum of March 3, 2009

The Endangered Species Act

Memorandum for the Heads of Executive Departments and Agencies

The Endangered Species Act (ESA), 16 U.S.C. 1531 et seq., reflects one of the Nation’s profound commitments. Pursuant to that Act, the Federal Government has long required a process of broad interagency consultation to ensure the application of scientific and technical expertise to decisions that may affect threatened or endangered species. Under that interagency process, executive departments and agencies (agencies) contemplating an action that may affect endangered or threatened species have long been required, except in certain limited circumstances, to consult with, and in some circumstances obtain the prior written concurrence of, the Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS)—the expert agencies that have the primary responsibility to ensure that the ESA is implemented in accordance with the law.

On December 16, 2008, the Departments of the Interior and Commerce issued a joint regulation that modified these longstanding requirements. See 73 Fed. Reg. 76272. This new regulation expands the circumstances in which an agency may determine not to consult with, or obtain the written concurrence of, the FWS or NMFS prior to undertaking an action that may affect threatened or endangered species. But under the new regulation, agencies may continue the previous practice of consulting with, and obtaining the written concurrence of, the FWS and NMFS as a matter of discretion.

I hereby request the Secretaries of the Interior and Commerce to review the regulation issued on December 16, 2008, and to determine whether to undertake new rulemaking procedures with respect to consultative and concurrence processes that will promote the purposes of the ESA.

Until such review is completed, I request the heads of all agencies to exercise their discretion, under the new regulation, to follow the prior longstanding consultation and concurrence practices involving the FWS and NMFS.

This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person. Agencies shall carry out the provisions of this memorandum to the extent permitted by law and consistent with statutory authorities.
Title 3—The President

The Secretary of the Interior is hereby authorized and directed to publish this memorandum in the *Federal Register*.

BARACK OBAMA

THE WHITE HOUSE,

Notice of March 3, 2009

Continuation of the National Emergency With Respect to Zimbabwe

On March 6, 2003, by Executive Order 13288, the President declared a national emergency and blocked the property of persons undermining democratic processes or institutions in Zimbabwe, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706). He took this action to deal with the unusual and extraordinary threat to the foreign policy of the United States constituted by the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe’s democratic processes or institutions. These actions have contributed to the deliberate breakdown in the rule of law in Zimbabwe, to politically motivated violence and intimidation, and to political and economic instability in the southern African region.

On November 22, 2005, the President issued Executive Order 13391 to take additional steps with respect to the national emergency declared in Executive Order 13288 by ordering the blocking of the property of additional persons undermining democratic processes or institutions in Zimbabwe.

On July 25, 2008, the President issued Executive Order 13469, which expanded the scope of the national emergency declared in Executive Order 13288 and ordered the blocking of the property of additional persons undermining democratic processes or institutions in Zimbabwe.

Because the actions and policies of these persons continue to pose an unusual and extraordinary threat to the foreign policy of the United States, the national emergency declared on March 6, 2003, and the measures adopted on that date, on November 22, 2005, and on July 25, 2008, to deal with that emergency, must continue in effect beyond March 6, 2009. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to the actions and policies of certain members of the Government of Zimbabwe and other persons to undermine Zimbabwe’s democratic processes or institutions.

This notice shall be published in the *Federal Register* and transmitted to the Congress.

BARACK OBAMA

THE WHITE HOUSE,
Memorandum of March 4, 2009

Government Contracting

Memorandum for the Heads of Executive Departments and Agencies

The Federal Government has an overriding obligation to American taxpayers. It should perform its functions efficiently and effectively while ensuring that its actions result in the best value for the taxpayers.

Since 2001, spending on Government contracts has more than doubled, reaching over $500 billion in 2008. During this same period, there has been a significant increase in the dollars awarded without full and open competition and an increase in the dollars obligated through cost-reimbursement contracts. Between fiscal years 2000 and 2008, for example, dollars obligated under cost-reimbursement contracts nearly doubled, from $71 billion in 2000 to $135 billion in 2008. Reversing these trends away from full and open competition and toward cost-reimbursement contracts could result in savings of billions of dollars each year for the American taxpayer.

Excessive reliance by executive agencies on sole-source contracts (or contracts with a limited number of sources) and cost-reimbursement contracts creates a risk that taxpayer funds will be spent on contracts that are wasteful, inefficient, subject to misuse, or otherwise not well designed to serve the needs of the Federal Government or the interests of the American taxpayer. Reports by agency Inspectors General, the Government Accountability Office (GAO), and other independent reviewing bodies have shown that noncompetitive and cost-reimbursement contracts have been misused, resulting in wasted taxpayer resources, poor contractor performance, and inadequate accountability for results.

When awarding Government contracts, the Federal Government must strive for an open and competitive process. However, executive agencies must have the flexibility to tailor contracts to carry out their missions and achieve the policy goals of the Government. In certain exigent circumstances, agencies may need to consider whether a competitive process will not accomplish the agency’s mission. In such cases, the agency must ensure that the risks associated with noncompetitive contracts are minimized.

Moreover, it is essential that the Federal Government have the capacity to carry out robust and thorough management and oversight of its contracts in order to achieve programmatic goals, avoid significant overcharges, and curb wasteful spending. A GAO study last year of 95 major defense acquisitions projects found cost overruns of 26 percent, totaling $295 billion over the life of the projects. Improved contract oversight could reduce such sums significantly.

Government outsourcing for services also raises special concerns. For decades, the Federal Government has relied on the private sector for necessary commercial services used by the Government, such as transportation, food, and maintenance. Office of Management and Budget Circular A–76, first issued in 1966, was based on the reasonable premise that while inherently governmental activities should be performed by Government employees,
Title 3—The President

taxpayers may receive more value for their dollars if non-inherently governmental activities that can be provided commercially are subject to the forces of competition.

However, the line between inherently governmental activities that should not be outsourced and commercial activities that may be subject to private sector competition has been blurred and inadequately defined. As a result, contractors may be performing inherently governmental functions. Agencies and departments must operate under clear rules prescribing when outsourcing is and is not appropriate.

It is the policy of the Federal Government that executive agencies shall not engage in noncompetitive contracts except in those circumstances where their use can be fully justified and where appropriate safeguards have been put in place to protect the taxpayer. In addition, there shall be a preference for fixed-price type contracts. Cost-reimbursement contracts shall be used only when circumstances do not allow the agency to define its requirements sufficiently to allow for a fixed-price type contract. Moreover, the Federal Government shall ensure that taxpayer dollars are not spent on contracts that are wasteful, inefficient, subject to misuse, or otherwise not well designed to serve the Federal Government’s needs and to manage the risk associated with the goods and services being procured. The Federal Government must have sufficient capacity to manage and oversee the contracting process from start to finish, so as to ensure that taxpayer funds are spent wisely and are not subject to excessive risk. Finally, the Federal Government must ensure that those functions that are inherently governmental in nature are performed by executive agencies and are not outsourced.

I hereby direct the Director of the Office of Management and Budget (OMB), in collaboration with the Secretary of Defense, the Administrator of the National Aeronautics and Space Administration, the Administrator of General Services, the Director of the Office of Personnel Management, and the heads of such other agencies as the Director of OMB determines to be appropriate, and with the participation of appropriate management councils and program management officials, to develop and issue by July 1, 2009, Government-wide guidance to assist agencies in reviewing, and creating processes for ongoing review of, existing contracts in order to identify contracts that are wasteful, inefficient, or not otherwise likely to meet the agency’s needs, and to formulate appropriate corrective action in a timely manner. Such corrective action may include modifying or canceling such contracts in a manner and to the extent consistent with applicable laws, regulations, and policy.

I further direct the Director of OMB, in collaboration with the aforementioned officials and councils, and with input from the public, to develop and issue by September 30, 2009, Government-wide guidance to:

(1) govern the appropriate use and oversight of sole-source and other types of noncompetitive contracts and to maximize the use of full and open competition and other competitive procurement processes;

(2) govern the appropriate use and oversight of all contract types, in full consideration of the agency’s needs, and to minimize risk and maximize the value of Government contracts generally, consistent with the regulations to be promulgated pursuant to section 864 of Public Law 110–417;
Other Presidential Documents

(3) assist agencies in assessing the capacity and ability of the Federal acquisition workforce to develop, manage, and oversee acquisitions appropriately; and

(4) clarify when governmental outsourcing for services is and is not appropriate, consistent with section 321 of Public Law 110–417 (31 U.S.C. 501 note).

Executive departments and agencies shall carry out the provisions of this memorandum to the extent permitted by law. This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

The Director of OMB is hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,

Memorandum of March 9, 2009

Presidential Signing Statements

Memorandum for the Heads of Executive Departments and Agencies

For nearly two centuries, Presidents have issued statements addressing constitutional or other legal questions upon signing bills into law (signing statements). Particularly since omnibus bills have become prevalent, signing statements have often been used to ensure that concerns about the constitutionality of discrete statutory provisions do not require a veto of the entire bill.

In recent years, there has been considerable public discussion and criticism of the use of signing statements to raise constitutional objections to statutory provisions. There is no doubt that the practice of issuing such statements can be abused. Constitutional signing statements should not be used to suggest that the President will disregard statutory requirements on the basis of policy disagreements. At the same time, such signing statements serve a legitimate function in our system, at least when based on well-founded constitutional objections. In appropriately limited circumstances, they represent an exercise of the President’s constitutional obligation to take care that the laws be faithfully executed, and they promote a healthy dialogue between the executive branch and the Congress.

With these considerations in mind and based upon advice of the Department of Justice, I will issue signing statements to address constitutional concerns only when it is appropriate to do so as a means of discharging my constitutional responsibilities. In issuing signing statements, I shall adhere to the following principles:
Title 3—The President

1. The executive branch will take appropriate and timely steps, whenever practicable, to inform the Congress of its constitutional concerns about pending legislation. Such communication should facilitate the efforts of the executive branch and the Congress to work together to address these concerns during the legislative process, thus minimizing the number of occasions on which I am presented with an enrolled bill that may require a signing statement.

2. Because legislation enacted by the Congress comes with a presumption of constitutionality, I will strive to avoid the conclusion that any part of an enrolled bill is unconstitutional. In exercising my responsibility to determine whether a provision of an enrolled bill is unconstitutional, I will act with caution and restraint, based only on interpretations of the Constitution that are well-founded.

3. To promote transparency and accountability, I will ensure that signing statements identify my constitutional concerns about a statutory provision with sufficient specificity to make clear the nature and basis of the constitutional objection.

4. I will announce in signing statements that I will construe a statutory provision in a manner that avoids a constitutional problem only if that construction is a legitimate one.

To ensure that all signing statements previously issued are followed only when consistent with these principles, executive branch departments and agencies are directed to seek the advice of the Attorney General before relying on signing statements issued prior to the date of this memorandum as the basis for disregarding, or otherwise refusing to comply with, any provision of a statute.

This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

This memorandum shall be published in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,

Memorandum of March 9, 2009

Scientific Integrity

Memorandum for the Heads of Executive Departments and Agencies
Science and the scientific process must inform and guide decisions of my Administration on a wide range of issues, including improvement of public health, protection of the environment, increased efficiency in the use of energy and other resources, mitigation of the threat of climate change, and protection of national security.
Other Presidential Documents

The public must be able to trust the science and scientific process informing public policy decisions. Political officials should not suppress or alter scientific or technological findings and conclusions. If scientific and technological information is developed and used by the Federal Government, it should ordinarily be made available to the public. To the extent permitted by law, there should be transparency in the preparation, identification, and use of scientific and technological information in policymaking. The selection of scientists and technology professionals for positions in the executive branch should be based on their scientific and technological knowledge, credentials, experience, and integrity.

By this memorandum, I assign to the Director of the Office of Science and Technology Policy (Director) the responsibility for ensuring the highest level of integrity in all aspects of the executive branch’s involvement with scientific and technological processes. The Director shall confer, as appropriate, with the heads of executive departments and agencies, including the Office of Management and Budget and offices and agencies within the Executive Office of the President (collectively, the “agencies”), and recommend a plan to achieve that goal throughout the executive branch.

Specifically, I direct the following:

1. Within 120 days from the date of this memorandum, the Director shall develop recommendations for Presidential action designed to guarantee scientific integrity throughout the executive branch, based on the following principles:

   (a) The selection and retention of candidates for science and technology positions in the executive branch should be based on the candidate’s knowledge, credentials, experience, and integrity;
   
   (b) Each agency should have appropriate rules and procedures to ensure the integrity of the scientific process within the agency;
   
   (c) When scientific or technological information is considered in policy decisions, the information should be subject to well-established scientific processes, including peer review where appropriate, and each agency should appropriately and accurately reflect that information in complying with and applying relevant statutory standards;
   
   (d) Except for information that is properly restricted from disclosure under procedures established in accordance with statute, regulation, Executive Order, or Presidential Memorandum, each agency should make available to the public the scientific or technological findings or conclusions considered or relied on in policy decisions;
   
   (e) Each agency should have in place procedures to identify and address instances in which the scientific process or the integrity of scientific and technological information may be compromised; and
   
   (f) Each agency should adopt such additional procedures, including any appropriate whistleblower protections, as are necessary to ensure the integrity of scientific and technological information and processes on which the agency relies in its decisionmaking or otherwise uses or prepares.

2. Each agency shall make available any and all information deemed by the Director to be necessary to inform the Director in making recommendations to the President as requested by this memorandum. Each agency shall coordinate with the Director in the development of any interim procedures deemed necessary to ensure the integrity of scientific
decisionmaking pending the Director’s recommendations called for by this memorandum.

3. (a) Executive departments and agencies shall carry out the provisions of this memorandum to the extent permitted by law and consistent with their statutory and regulatory authorities and their enforcement mechanisms.

(b) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) authority granted by law to an executive department, agency, or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

4. The Director is hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,

Presidential Determination No. 2009–16 of March 11, 2009

Unexpected Urgent Refugee and Migration Needs Related to the Continuing Conflict in Pakistan

Memorandum for the Secretary of State

By the authority vested in me by the Constitution and the laws of the United States, including section 2(c)(1) of the Migration and Refugee Assistance Act of 1962 (the “Act”), as amended (22 U.S.C. 2601), I hereby determine, pursuant to section 2(c)(1) of the Act, that it is important to the national interest to furnish assistance under the Act in an amount not to exceed $8 million from the United States Emergency Refugee and Migration Assistance Fund for the purpose of meeting unexpected and urgent refugee and migration needs, including by contributions to international, governmental, and nongovernmental organizations and payment of administrative expenses of the Bureau of Population, Refugees, and Migration of the Department of State.

You are authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,
Other Presidential Documents

Notice of March 11, 2009

Continuation of the National Emergency With Respect to Iran

On March 15, 1995, by Executive Order 12957, the President declared a national emergency with respect to Iran pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the actions and policies of the Government of Iran. On May 6, 1995, the President issued Executive Order 12959 imposing more comprehensive sanctions to further respond to this threat, and on August 19, 1997, the President issued Executive Order 13059 consolidating and clarifying the previous orders.

Because the actions and policies of the Government of Iran continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, the national emergency declared on March 15, 1995, must continue in effect beyond March 15, 2009. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to Iran. Because the emergency declared by Executive Order 12957 constitutes an emergency separate from that declared on November 14, 1979, by Executive Order 12170, this renewal is distinct from the emergency renewal of November 2008. This notice shall be published in the Federal Register and transmitted to the Congress.

BARACK OBAMA
THE WHITE HOUSE,
March 11, 2009.

Memorandum of March 20, 2009

Ensuring Responsible Spending of Recovery Act Funds

Memorandum for the Heads of Executive Departments and Agencies

My Administration is committed to ensuring that public funds are expended responsibly and in a transparent manner. Last month, I signed into law the “American Recovery and Reinvestment Act of 2009,” Public Law 111–5 (the “Recovery Act” or “Act”), an investment package designed to provide a necessary boost to our economy in these difficult times and to create jobs, restore economic growth, and strengthen America’s middle class. The Recovery Act is designed to stimulate the economy through measures that, among other things, modernize the Nation’s infrastructure, jump start American energy independence, expand high-quality educational opportunities, preserve and improve access to affordable health care, provide middle-class tax relief, and protect those in greatest need. It is not intended to fund projects for special interests.

In implementing the Recovery Act, we have undertaken unprecedented efforts to ensure the responsible distribution of funds for the Act’s purposes and to provide public transparency and accountability of expenditures. We
must not allow Recovery Act funds to be distributed on the basis of factors other than the merits of proposed projects or in response to improper influence or pressure. We must also empower executive department and agency officials to exercise their available discretion and judgment to help ensure that Recovery Act funds are expended for projects that further the job creation, economic recovery, and other purposes of the Recovery Act and are not used for imprudent projects.

To these ends, I hereby direct that for any further commitments, obligations, or expenditures of funds under the Recovery Act, the head of each executive department or agency shall immediately take all necessary steps, to the extent consistent with the Act and other applicable law, to comply with this memorandum.

Section 1. Ensuring Merit-Based Decisionmaking for Grants and Other Forms of Federal Financial Assistance Under the Recovery Act. (a) Executive departments and agencies shall develop transparent, merit-based selection criteria that will guide their available discretion in committing, obligating, or expending funds under the Recovery Act for grants and other forms of Federal financial assistance. Such criteria shall be consistent with legal requirements, may be tailored to the particular funding activity, and shall be formulated to ensure that the funding furthers the job creation, economic recovery, and other purposes of the Recovery Act. To this end, merit-based selection criteria shall be designed to support particular projects, applications, or applicants for funding that, to the greatest extent, a demonstrated or potential ability to: (i) deliver programmatic results; (ii) achieve economic stimulus by optimizing economic activity and the number of jobs created or saved in relation to the Federal dollars obligated; (iii) achieve long-term public benefits by, for example, investing in technological advances in science and health to increase economic efficiency and improve quality of life; investing in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits; fostering energy independence; or improving educational quality; and (iv) satisfy the Recovery Act’s transparency and accountability objectives.

(b) No considerations contained in oral or written communications from any person or entity concerning particular projects, applications, or applicants for funding shall supersede or supplant consideration by executive departments and agencies of such projects, applications, or applicants for funding pursuant to applicable merit-based criteria.

Sec. 2. Avoiding Funding of Imprudent Projects. (a) Funds under the Recovery Act shall not be committed, obligated, or expended by any executive department or agency, and shall not be used by any State or local governmental or private grantee or awardee, to support projects of the type described in section 1604 of Division A of the Recovery Act, which states that “[n]one of the funds appropriated or otherwise made available in this Act may be used by any State or local government, or any private entity, for any casino or other gambling establishment, aquarium, zoo, golf course, or swimming pool.”

(b) In exercising their available discretion to commit, obligate, or expend funds under the Recovery Act for grants and other forms of Federal financial assistance, executive departments and agencies, to the extent permitted by law, shall not approve or otherwise support funding for projects that are
Other Presidential Documents

similar to those described in section 1604 of Division A of the Recovery Act.

(c) In exercising their available discretion to commit, obligate, or expend funds under the Recovery Act for grants and other forms of Federal financial assistance, executive departments and agencies, to the extent permitted by law, shall not approve or otherwise support any project, application, or applicant for funding that is imprudent or that does not further the job creation, economic recovery, and other purposes of the Act. To this end, executive departments and agencies shall exercise their available discretion to decline approving or otherwise supporting particular projects, applications, or applicants for funding unless the department or agency has affirmatively determined, in advance, that the project, application, or applicant has a demonstrated or potential ability to: (i) deliver programmatic results; (ii) achieve economic stimulus by optimizing economic activity and the number of jobs created or saved in relation to the Federal dollars obligated; (iii) achieve long-term public benefits by, for example, investing in technological advances in science and health to increase economic efficiency and improve quality of life; investing in transportation, environmental protection, and other infrastructure that will provide long-term economic benefits; fostering energy independence; or improving educational quality; or (iv) satisfy the Recovery Act’s transparency and accountability objectives.

(d) Where executive departments or agencies lack discretion under the Recovery Act to refuse funding for projects similar to those described in section 1604 of Division A of the Act, or other projects that the executive department or agency deems imprudent or as not furthering the job creation, economic recovery, or other purposes of the Act, the department or agency shall consult immediately with the Office of Management and Budget (OMB) about the project and its funding requirements. Where legally permissible, the department or agency shall:

(i) delay funding of the project for 30 days, or the longest period permitted by law if less than 30 days, in order to ensure adequate opportunity for public scrutiny of the project prior to commitment of funds; and

(ii) publish a description of the proposed project (or project plan) and its funding requirements on the agency’s recovery website as soon as practicable before or after commitment, obligation, or expenditure of funds for the project.

(e) Executive departments and agencies, including their respective Offices of Inspector General, shall monitor compliance with the prohibition in section 1604 of Division A of the Recovery Act, referenced in paragraph (a) above, by contractors, grantees, and other recipients of Federal financial assistance (recipients). If a department or agency believes that a recipient has not complied with section 1604, then the department or agency shall (i) promptly notify the Recovery Accountability and Transparency Board; and (ii) take appropriate corrective action that may include, but not be limited to, disallowing or otherwise recovering improperly spent amounts, imposing additional requirements on the recipient to ensure compliance with section 1604 (and other applicable prohibitions and obligations), initiating a proceeding for administrative civil penalties, and initiating a proceeding for suspension and debarment.
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Sec. 3. Ensuring Transparency of Registered Lobbyist Communications. (a) An executive department or agency official shall not consider the view of a lobbyist registered under the Lobbying Disclosure Act of 1995, 2 U.S.C. 1601 et seq., concerning particular projects, applications, or applicants for funding under the Recovery Act unless such views are in writing.

(b) Upon the scheduling of, and again at the outset of, any oral communication (in-person or telephonic) with any person or entity concerning particular projects, applications, or applicants for funding under the Recovery Act, an executive department or agency official shall inquire whether any of the individuals or parties appearing or communicating concerning such particular project, application, or applicant is a lobbyist registered under the Lobbying Disclosure Act of 1995. If so, the lobbyist may not attend or participate in the telephonic or in-person contact, but may submit a communication in writing.

(c) All written communications from a registered lobbyist concerning the commitment, obligation, or expenditure of funds under the Recovery Act for particular projects, applications, or applicants shall be posted publicly by the receiving agency or governmental entity on its recovery website within 3 business days after receipt of such communication.

(d) An executive department or agency official may communicate orally with registered lobbyists concerning general Recovery Act policy issues; provided, however, that such oral communications shall not extend to or touch upon particular projects, applications, or applicants for funding, and further that the official must contemporaneously or immediately thereafter document in writing: (i) the date and time of the contact on policy issues; (ii) the names of the registered lobbyists and the official(s) between whom the contact took place; and (iii) a short description of the substance of the communication. This writing must be posted publicly by the executive department or agency on its recovery website within 3 business days of the communication.

(e) Upon the scheduling of, and again at the outset of, any oral communications with any person or entity concerning general Recovery Act policy issues, an executive department or agency official shall inquire whether any of the individuals or parties appearing or communicating concerning such issues is a lobbyist registered under the Lobbying Disclosure Act. If so, the official shall comply with paragraph (d) above.

Sec. 4. General Provisions. (a) The Director of OMB shall assist and, as appropriate, issue guidance to the heads of executive departments and agencies to carry out their responsibilities under this memorandum. Within 60 days of the date of this memorandum, the Director of OMB shall review the implementation of this memorandum by executive departments and agencies and shall forward to me any recommendations for modifications or revisions to this memorandum.

(b) This memorandum does not apply to tax-related provisions in Division B of the Recovery Act.

(c) Nothing in this memorandum shall be construed to impair or otherwise affect: (i) authority granted by law or Executive Order to an executive department, agency, or the head thereof; or (ii) functions of the Director of OMB relating to budgetary, administrative, or legislative proposals.
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(d) This memorandum shall be implemented consistent with applicable law and all OMB implementing guidance, and shall be subject to the availability of appropriations.

(e) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Sec. 5. Publication. The Director of OMB is hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,

Presidential Determination No. 2009–17 of April 9, 2009

Waiver and Certification of Statutory Provisions Regarding the Palestine Liberation Organization Office

Memorandum for the Secretary of State
Pursuant to the authority and conditions contained in Section 7034(b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (Div. H, Public Law 111–8), I hereby determine and certify that it is important to the national security interests of the United States to waive the provisions of Section 1003 of the Anti-Terrorism Act of 1987, Public Law 100–204.

This waiver shall be effective for a period of 6 months. You are hereby authorized and directed to transmit this determination to the Congress and to publish it in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,
Washington, April 9, 2009.

Memorandum of April 30, 2009


Memorandum for the Secretary of State
By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to you the functions conferred upon the
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You are authorized and directed to transmit this determination and certification to the appropriate committees of the Congress and to publish it in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,

Memorandum of May 1, 2009

Establishment of the Interagency Committee on Trade in Timber Products from Peru and Assignment of Function under Section 501 of the United States-Peru Trade Promotion Agreement Implementation Act

Memorandum for the Secretary of State, the Secretary of the Treasury, the Attorney General, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Homeland Security, United States Trade Representative, [and] Administrator of the United States Agency for International Development

Section 501 of the United States-Peru Trade Promotion Agreement Implementation Act (the “Act”), Public Law 110–138, calls for the establishment of an interagency committee with responsibility for overseeing the implementation of Annex 18.3.4 of the United States-Peru Trade Promotion Agreement (the “Agreement”) within 90 days after the date on which the Agreement enters into force. The Agreement entered into force on February 1, 2009. Therefore, by the authority vested in me as President under the Constitution and the laws of the United States, including section 301 of title 3, United States Code, and section 501 of the Act, I order as follows:

Section 1. Establishment of Interagency Committee. The Interagency Committee on Trade in Timber Products from Peru (Committee) is hereby established to oversee the implementation of Annex 18.3.4 of the Agreement, including by undertaking such actions and making such determinations provided for in section 501 of the Act that are not otherwise authorized under law.

Sec. 2. Membership. The Committee shall be composed of representatives of the Departments of State, Justice, the Interior, and Agriculture, and the Office of the United States Trade Representative (USTR), and all representatives shall be officers of the United States. The USTR’s representative shall serve as chair. Representatives of the Department of Homeland Security and the United States Agency for International Development shall participate on the Committee as observers. The chair may invite representatives from other departments or agencies, as appropriate, to participate as observers.
Other Presidential Documents

Sec. 3. Assignment of Function. The function vested in the President by section 501(h) of the Act is assigned to the USTR.

Sec. 4. Committee Decision-making. The Committee shall endeavor to make any decision on an action or determination under section 501 of the Act by consensus, which shall be deemed to exist where no Committee member objects to the proposed action or determination. If the Committee is unable to reach a consensus on a proposed action or determination and the chair determines that allotting further time will cause a decision to be unduly delayed, the Committee shall decide the matter by majority vote of its members.

Sec. 5. Implementing Measures. The Secretaries of the Treasury, the Interior, Agriculture, and Homeland Security are directed to issue, in consultation with the USTR, such regulations and other measures as are necessary or appropriate to implement section 501 of the Act.

Sec. 6. General Provisions.

(a) Each department and agency shall bear its own expenses incurred in connection with the Committee’s functions, including expenses it incurs in carrying out verification visits described in section 501(c)(3) of the Act.

(b) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) authority granted by law to a department, agency, or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(d) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Sec. 7. Publication. The USTR is authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,
Washington, May 1, 2009.
Title 3—The President

Memorandum of May 5, 2009

Biofuels and Rural Economic Development

Memorandum for the Secretary of Agriculture, the Secretary of Energy, [and] the Administrator of the Environmental Protection Agency

In the Nation’s ongoing efforts to achieve energy independence, biomass and biofuels promise to play a key role by providing the Nation with homegrown sustainable energy options and energizing our economy with new industries and jobs. While producing clean renewable fuels locally is a powerful engine of economic growth, they must be developed and used in a way that limits environmental impact. Today, the Environmental Protection Agency (EPA) is issuing a Notice of Proposed Rulemaking, as required by the Energy Independence and Security Act of 2007, to set new national renewable fuel standards and implement those standards. The public will have an opportunity to provide input on this proposal through a 60-day comment period, and the EPA is conducting peer reviews on key aspects of the environmental impact assessments within the proposal.

In order to shepherd our Nation’s development of this important industry and to coordinate interagency policy, I hereby establish a Biofuels Interagency Working Group (Working Group), to be co-chaired by the Secretaries of Agriculture and Energy and the Administrator of the EPA. This Working Group will coordinate with the National Science and Technology Council’s Biomass Research and Development Board in undertaking its work. The responsibilities of the Working Group shall include:

(a) Developing the Nation’s first comprehensive biofuel market development program, which shall use existing authorities and identify new policies to support the development of next-generation biofuels, increase flexible fuel vehicle use, and assist in retail marketing efforts;

(b) Coordinating infrastructure policies affecting the supply, secure transport, and distribution of biofuels; and

(c) Identifying new policy options to promote the environmental sustainability of biofuels feedstock production, taking into consideration land use, habitat conservation, crop management practices, water efficiency and water quality, as well as lifecycle assessments of greenhouse gas emissions. Alongside the Working Group’s efforts, the Secretary of Agriculture may pursue other important biofuel development efforts. The Rural Development Act of 1972 and the Rural Development Policy Act of 1980 direct the Secretary of Agriculture to develop, in coordination with State and local governments, a nationwide rural development program to assure rural America’s health and prosperity. In keeping with that mandate, and recognizing the key role rural America will play in the development of biofuel technology and development, I request that the Secretary of Agriculture take the following steps, to the extent permitted by law:

(a) Immediately begin restructuring existing investments in renewable fuels as needed to preserve industry employment; and

(b) Develop a comprehensive approach to accelerating the investment in and production of American biofuels and reducing our dependence on fossil fuels by providing, within 30 days, under the authorities made available in the Food, Conservation, and Energy Act of 2008:
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(i) Loan guarantees for the development, construction, and retrofitting of commercial-scale biorefineries and grants to help pay for the development and construction costs of demonstration-scale biorefineries;

(ii) Expedited funding to encourage biorefineries to replace the use of fossil fuels in plant operations by installing new biomass energy systems or producing new energy from renewable biomass;

(iii) Expedited funding to biofuels producers to encourage production of next-generation biofuels from cellulosic biomass and other feedstocks;

(iv) Expansion of the Renewable Energy Systems and Energy Efficiency Improvements Program, which has been renamed the Rural Energy for America Program, to include hydroelectric source technologies, energy audits, and higher loan guarantee limits; and

(v) Guidance and support for collection, harvest, storage, and transportation assistance for eligible materials for use in biomass conversion facilities.

This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

The Secretary of Agriculture is hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,

Notice of May 7, 2009

Continuation of the National Emergency With Respect to the Actions of the Government of Syria

On May 11, 2004, pursuant to his authority under the International Emergency Economic Powers Act, 50 U.S.C. 1701–1706, and the Syria Accountability and Lebanese Sovereignty Restoration Act of 2003, Public Law 108–175, the President issued Executive Order 13338, in which he declared a national emergency with respect to the actions of the Government of Syria. To deal with this national emergency, Executive Order 13338 authorized the blocking of property of certain persons and prohibited the exportation or re-exportation of certain goods to Syria. On April 25, 2006, and February 13, 2008, the President issued Executive Order 13399 and Executive Order 13460, respectively, to take additional steps with respect to this national emergency.

The President took these actions to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the
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United States constituted by the actions of the Government of Syria in supporting terrorism, maintaining its then-existing occupation of Lebanon, pursuing weapons of mass destruction and missile programs, and undermining U.S. and international efforts with respect to the stabilization and reconstruction of Iraq.

Because the actions and policies of the Government of Syria continue to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States, the national emergency declared on May 11, 2004, and the measures adopted on that date, on April 25, 2006, in Executive Order 13399, and on February 13, 2008, in Executive Order 13460, to deal with that emergency must continue in effect beyond May 11, 2009. Therefore, in accordance with section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), I am continuing for 1 year the national emergency declared with respect to certain actions of the Government of Syria.

This notice shall be published in the Federal Register and transmitted to the Congress.

BARACK OBAMA

THE WHITE HOUSE,
May 7, 2009.

Notice of May 14, 2009

Continuation of the National Emergency With Respect to Burma

On May 20, 1997, the President issued Executive Order 13047, certifying to the Congress under section 570(b) of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1997 (Public Law 104–208), that the Government of Burma has committed large-scale repression of the democratic opposition in Burma after September 30, 1996, thereby invoking the prohibition on new investment in Burma by United States persons contained in that section. The President also declared a national emergency to deal with the threat posed to the national security and foreign policy of the United States by the actions and policies of the Government of Burma, invoking the authority, inter alia, of the International Emergency Economic Powers Act, 50 U.S.C. 1701 et seq.

On July 28, 2003, the President issued Executive Order 13310, taking additional steps with respect to that national emergency by putting in place an import ban required by the Burmese Freedom and Democracy Act of 2003 and prohibiting exports of financial services to Burma and the dealing in property in which certain designated persons have an interest. On October 18, 2007, the President issued Executive Order 13448, expanding the national emergency declared in Executive Order 13047 and taking additional steps to prohibit transactions or dealings with certain persons, including the Burmese regime’s financial supporters and their companies, as well as individuals determined to be responsible for or to have participated in human rights abuses or to have engaged in activities facilitating public corruption in Burma.
On April 30, 2008, the President issued Executive Order 13464, taking ad-
ditional steps with respect to the national emergency declared in Executive
Order 13047, in order to address the Government of Burma’s continued re-
pression of the democratic opposition in Burma.

Because the actions and policies of the Government of Burma continue to
pose an unusual and extraordinary threat to the national security and for-
egn policy of the United States, the national emergency declared on May
20, 1997, and the measures adopted on that date, July 28, 2003, October
18, 2007, and April 30, 2008, to deal with that emergency, must continue
in effect beyond May 20, 2009. Therefore, in accordance with section
202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am con-
tinuing for 1 year the national emergency with respect to Burma. This no-
tice shall be published in the Federal Register and transmitted to the Con-
gress.

BARACK OBAMA

THE WHITE HOUSE,
May 14, 2009.

Memorandum of May 15, 2009

Assignment of Reporting Function Under the American
Recovery and Reinvestment Act of 2009

Memorandum for the Chair of the Council On Environmental Quality

By the authority vested in me as President by the Constitution and the laws
of the United States, including section 301 of title 3, United States Code,
I hereby assign to you the authority to perform the function conferred upon
the President by section 1609(c) of Division A of the American Recovery
and Reinvestment Act of 2009 (Public Law 111–5) of providing specified
reports to the Congress.

You are authorized and directed to publish this memorandum in the Fed-
eral Register.

BARACK OBAMA

THE WHITE HOUSE,
Title 3—The President

Presidential Determination No. 2009–18 of May 19, 2009

Proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the United Arab Emirates Concerning Peaceful Uses of Nuclear Energy

Memorandum for the Secretary of State [and] the Secretary of Energy

I have considered the proposed Agreement for Cooperation Between the Government of the United States of America and the Government of the United Arab Emirates Concerning Peaceful Uses of Nuclear Energy, along with the views, recommendations, and statements of the interested agencies.

I have determined that the performance of the Agreement will promote, and will not constitute an unreasonable risk to, the common defense and security. Pursuant to section 123(b) of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2153(b)), I hereby approve the proposed Agreement and authorize the Secretary of State to arrange for its execution.

The Secretary of State is authorized and directed to publish this determination in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,

Notice of May 19, 2009

Continuation of the National Emergency With Respect to the Stabilization of Iraq

On May 22, 2003, by Executive Order 13303, the President declared a national emergency protecting the Development Fund for Iraq and certain other property in which Iraq has an interest, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706). The President took this action to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States posed by obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and the development of political, administrative, and economic institutions in Iraq.

In Executive Order 13315 of August 28, 2003, Executive Order 13350 of July 29, 2004, Executive Order 13364 of November 29, 2004, and Executive Order 13438 of July 17, 2007, the President modified the scope of the national emergency declared in Executive Order 13303 and amended the steps taken pursuant to it.

Because the obstacles to the orderly reconstruction of Iraq, the restoration and maintenance of peace and security in the country, and the development of political, administrative, and economic institutions in Iraq continue to pose an unusual and extraordinary threat to the national security
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and foreign policy of the United States, the national emergency declared on May 22, 2003, and the measures adopted on that date, August 28, 2003, July 29, 2004, November 29, 2004, and July 17, 2007, to deal with that emergency must continue in effect beyond May 22, 2009. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to the stabilization of Iraq.

This notice shall be published in the Federal Register and transmitted to the Congress.

BARACK OBAMA

THE WHITE HOUSE,
May 19, 2009.

Memorandum of May 20, 2009

Preemption

Memorandum for the Heads of Executive Departments and Agencies

From our Nation’s founding, the American constitutional order has been a Federal system, ensuring a strong role for both the national Government and the States. The Federal Government’s role in promoting the general welfare and guarding individual liberties is critical, but State law and national law often operate concurrently to provide independent safeguards for the public. Throughout our history, State and local governments have frequently protected health, safety, and the environment more aggressively than has the national Government.

An understanding of the important role of State governments in our Federal system is reflected in longstanding practices by executive departments and agencies, which have shown respect for the traditional prerogatives of the States. In recent years, however, notwithstanding Executive Order 13132 of August 4, 1999 (Federalism), executive departments and agencies have sometimes announced that their regulations preempt State law, including State common law, without explicit preemption by the Congress or an otherwise sufficient basis under applicable legal principles.

The purpose of this memorandum is to state the general policy of my Administration that preemption of State law by executive departments and agencies should be undertaken only with full consideration of the legitimate prerogatives of the States and with a sufficient legal basis for preemption. Executive departments and agencies should be mindful that in our Federal system, the citizens of the several States have distinctive circumstances and values, and that in many instances it is appropriate for them to apply to themselves rules and principles that reflect these circumstances and values. As Justice Brandeis explained more than 70 years ago, “[i]t is one of the happy incidents of the federal system that a single courageous state may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.”
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To ensure that executive departments and agencies include statements of preemption in regulations only when such statements have a sufficient legal basis:

1. Heads of departments and agencies should not include in regulatory preambles statements that the department or agency intends to preempt State law through the regulation except where preemption provisions are also included in the codified regulation.

2. Heads of departments and agencies should not include preemption provisions in codified regulations except where such provisions would be justified under legal principles governing preemption, including the principles outlined in Executive Order 13132.

3. Heads of departments and agencies should review regulations issued within the past 10 years that contain statements in regulatory preambles or codified provisions intended by the department or agency to preempt State law, in order to decide whether such statements or provisions are justified under applicable legal principles governing preemption. Where the head of a department or agency determines that a regulatory statement of preemption or codified regulatory provision cannot be so justified, the head of that department or agency should initiate appropriate action, which may include amendment of the relevant regulation.

Executive departments and agencies shall carry out the provisions of this memorandum to the extent permitted by law and consistent with their statutory authorities. Heads of departments and agencies should consult as necessary with the Attorney General and the Office of Management and Budget’s Office of Information and Regulatory Affairs to determine how the requirements of this memorandum apply to particular situations.

This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

The Director of the Office of Management and Budget is authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,

Memorandum of May 27, 2009

Classified Information and Controlled Unclassified Information

Memorandum for the Heads of Executive Departments and Agencies
As outlined in my January 21, 2009, memoranda to the heads of executive departments and agencies on Transparency and Open Government and on
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the Freedom of Information Act, my Administration is committed to operating with an unprecedented level of openness. While the Government must be able to prevent the public disclosure of information where such disclosure would compromise the privacy of American citizens, national security, or other legitimate interests, a democratic government accountable to the people must be as transparent as possible and must not withhold information for self-serving reasons or simply to avoid embarrassment.

To these ends, I hereby direct the following:

Section 1. Review of Executive Order 12958. (a) Within 90 days of the date of this memorandum, and after consulting with the relevant executive departments and agencies (agencies), the Assistant to the President for National Security Affairs shall review Executive Order 12958, as amended (Classified National Security Information), and submit to me recommendations and proposed revisions to the order.

(b) The recommendations and proposed revisions shall address:

(i) Establishment of a National Declassification Center to bring appropriate agency officials together to perform collaborative declassification review under the administration of the Archivist of the United States;

(ii) Effective measures to address the problem of over classification, including the possible restoration of the presumption against classification, which would preclude classification of information where there is significant doubt about the need for such classification, and the implementation of increased accountability for classification decisions;

(iii) Changes needed to facilitate greater sharing of classified information among appropriate parties;

(iv) Appropriate prohibition of reclassification of material that has been declassified and released to the public under proper authority;

(v) Appropriate classification, safeguarding, accessibility, and declassification of information in the electronic environment, as recommended by the Commission on the Intelligence Capabilities of the United States Regarding Weapons of Mass Destruction and others; and

(vi) Any other measures appropriate to provide for greater openness and transparency in the Government’s security classification and declassification program while also affording necessary protection to the Government’s legitimate interests.

Sec. 2. Review of Procedures for Controlled Unclassified Information. (a) Background. There has been a recognized need in recent years to enhance national security by establishing an information sharing environment that facilitates the sharing of terrorism-related information among government personnel addressing common problems across agencies and levels of government. The global nature of the threats facing the United States requires that our Nation’s entire network of defenders be able rapidly to share sensitive but unclassified information so that those who must act have the information they need.

To this end, efforts have been made to standardize procedures for designating, marking, and handling information that had been known collectively as “Sensitive But Unclassified” (SBU) information. Sensitive But Unclassified refers collectively to the various designations used within the Federal Government for documents and information that are sufficiently
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sensitive to warrant some level of protection, but that do not meet the standards for national security classification. Because each agency has implemented its own protections for categorizing and handling SBU, there are more than 107 unique markings and over 130 different labeling or handling processes and procedures for SBU information.

A Presidential Memorandum of December 16, 2005, created a process for establishing a single, standardized, comprehensive designation within the executive branch for most SBU information. A related Presidential Memorandum of May 9, 2008 (hereafter the “May 2008 Presidential Memorandum”), adopted the phrase “Controlled Unclassified Information” (CUI) to refer to such information. That memorandum adopted, instituted, and defined CUI as the single designation for information within the scope of the CUI definition, including terrorism-related information previously designated SBU. The memorandum also established a CUI Framework for designating, marking, safeguarding, and disseminating CUI terrorism-related information; designated the National Archives and Records Administration as the Executive Agent responsible for overseeing and managing implementation of the CUI Framework, and created a CUI Council to perform an advisory and coordinating role.

The May 2008 Presidential Memorandum had the salutary effect of establishing a framework for standardizing agency-specific approaches to designating terrorism-related information that is sensitive but not classified. As anticipated, the process of implementing the new CUI Framework is still ongoing and is not expected to be completed until 2013. Moreover, the scope of the May 2008 Presidential Memorandum is limited to terrorism-related information within the information sharing environment. In the absence of a single, comprehensive framework that is fully implemented, the persistence of multiple categories of SBU, together with institutional and perceived technological obstacles to moving toward an information sharing culture, continue to impede collaboration and the otherwise authorized sharing of SBU information among agencies, as well as between the Federal Government and its partners in State, local, and tribal governments and the private sector.

Agencies and other relevant actors should continue their efforts toward implementing the CUI framework. At the same time, new measures should be considered to further and expedite agencies’ implementation of appropriate frameworks for standardized treatment of SBU information and information sharing.

(b) Interagency Task Force on CUI. (i) The Attorney General and the Secretary of Homeland Security, in consultation with the Secretary of State, the Archivist of the United States, the Director of the Office of Management and Budget, the Director of National Intelligence, the Program Manager, Information Sharing Environment (established in section 1016 of the Intelligence Reform and Terrorism Prevention Act of 2004, as amended (6 U.S.C. 485)), and the CUI Council (established in the May 2008 Presidential Memorandum), shall lead an Interagency Task Force on CUI (Task Force). The Task Force shall be composed of senior representatives from a broad range of agencies from both inside and outside the information sharing environment.

(ii) The objective of the Task Force shall be to review current procedures for categorizing and sharing SBU information in order to determine
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whether such procedures strike the proper balance among the relevant imperatives. These imperatives include protecting legitimate security, law enforcement, and privacy interests as well as civil liberties, providing clear rules to those who handle SBU information, and ensuring that the handling and dissemination of information is not restricted unless there is a compelling need. The Task Force shall also consider measures to track agencies’ progress with implementing the CUI Framework, other measures to enhance implementation of an effective information sharing environment across agencies and levels of government, and whether the scope of the CUI Framework should remain limited to terrorism-related information within the information sharing environment or be expanded to apply to all SBU information.

(iii) Within 90 days of the date of this memorandum, the Task Force shall submit to me recommendations regarding how the executive branch should proceed with respect to the CUI Framework and the information sharing environment. The recommendations shall recognize and reflect a balancing of the following principles:

(A) A presumption in favor of openness in accordance with my memoranda of January 21, 2009, on Transparency and Open Government and on the Freedom of Information Act;

(B) The value of standardizing the procedures for designating, marking, and handling all SBU information; and

(C) The need to prevent the public disclosure of information where disclosure would compromise privacy or other legitimate interests.

Sec. 3. General Provisions. (a) The heads of agencies shall assist and provide information to the Task Force, consistent with applicable law, as may be necessary to carry out the functions of their activities under this memorandum. Each agency shall bear its own expense for participating in the Task Force.

(b) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) Authority granted by law or Executive Order to an agency, or the head thereof; or

(ii) Functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(c) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(d) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Sec. 4. Publication. The Attorney General is hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA
Suspension of Limitations Under the Jerusalem Embassy Act

Memorandum for the Secretary of State

Pursuant to the authority vested in me as President by the Constitution and the laws of the United States, including section 7(a) of the Jerusalem Embassy Act of 1995 (Public Law 104–45) (the “Act”), I hereby determine that it is necessary, in order to protect the national security interests of the United States, to suspend for a period of 6 months the limitations set forth in sections 3(b) and 7(b) of the Act.

You are hereby authorized and directed to transmit this determination to the Congress, accompanied by a report in accordance with section 7(a) of the Act, and to publish the determination in the Federal Register.

This suspension shall take effect after transmission of this determination and report to the Congress.

BARACK OBAMA

THE WHITE HOUSE,

Memorandum of June 8, 2009

Delegation of Certain Functions Under Section 201 of Public Law 110–429

Memorandum for the Secretary of State

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of title 3, United States Code, I hereby delegate to you all functions conferred upon the President by subsections (a), (b), and (c) of section 201 of Public Law 110–429. You will exercise these functions in coordination with the Secretary of Defense.

You are authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,
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Presidential Determination No. 2009–20 of June 12, 2009

Presidential Determination for the Kingdom of Cambodia
Under Section 2(b)(2) of the Export-Import Bank Act of 1945, as amended

Memorandum for the Secretary of State
Pursuant to the authority vested in me by section 2(b)(C) of the Export-Import Bank Act of 1945, as amended (12 U.S.C. 635(b)(2)(C)), I hereby determine that the Kingdom of Cambodia has ceased to be a Marxist-Leninist country within the definition of such term in section 2(b)(2)(B)(i) of that Act.
You are authorized and directed to publish this determination in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,

Presidential Determination No. 2009–21 of June 12, 2009

Presidential Determination for the Lao People’s Democratic Republic Under Section 2(b)(2) of the Export-Import Bank Act of 1945, as amended

Memorandum for the Secretary of State
Pursuant to the authority vested in me by section 2(b)(C) of the Export-Import Bank Act of 1945, as amended (12 U.S.C. 635(b)(2)(C)), I hereby determine that The Lao People’s Democratic Republic has ceased to be a Marxist-Leninist country within the definition of such term in section 2(b)(2)(B)(i) of that Act.
You are authorized and directed to publish this determination in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,

Memorandum of June 12, 2009

National Policy for the Oceans, Our Coasts, and the Great Lakes

Memorandum for the Heads of Executive Departments and Agencies
The oceans, our coasts, and the Great Lakes provide jobs, food, energy resources, ecological services, recreation, and tourism opportunities, and play
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critical roles in our Nation’s transportation, economy, and trade, as well as the global mobility of our Armed Forces and the maintenance of international peace and security. We have a stewardship responsibility to maintain healthy, resilient, and sustainable oceans, coasts, and Great Lakes resources for the benefit of this and future generations.

Yet, the oceans, coasts, and Great Lakes are subject to substantial pressures and face significant environmental challenges. Challenges include water pollution and degraded coastal water quality caused by industrial and commercial activities both onshore and offshore, habitat loss, fishing impacts, invasive species, disease, rising sea levels, and ocean acidification. Oceans both influence and are affected by climate change. They not only affect climate processes but they are also under stress from the impacts of climate change. Renewable energy, shipping, and aquaculture are also expected to place growing demands on ocean and Great Lakes resources. These resources therefore require protection through the numerous Federal, State, and local authorities with responsibility and jurisdiction over the oceans, coasts, and Great Lakes.

To succeed in protecting the oceans, coasts, and Great Lakes, the United States needs to act within a unifying framework under a clear national policy, including a comprehensive, ecosystem-based framework for the longterm conservation and use of our resources.

In order to better meet our Nation’s stewardship responsibilities for the oceans, coasts, and Great Lakes, there is established an Interagency Ocean Policy Task Force (Task Force), to be led by the Chair of the Council on Environmental Quality. The Task Force shall be composed of senior policy-level officials from the executive departments, agencies, and offices represented on the Committee on Ocean Policy established by section 3 of Executive Order 13366 of December 17, 2004. This Task Force is not meant to duplicate that structure, but rather is intended to be a temporary entity with the following responsibilities:

1. Within 90 days from the date of this memorandum, the Task Force shall develop recommendations that include:

a. A national policy that ensures the protection, maintenance, and restoration of the health of ocean, coastal, and Great Lakes ecosystems and resources, enhances the sustainability of ocean and coastal economies, preserves our maritime heritage, provides for adaptive management to enhance our understanding of and capacity to respond to climate change, and is coordinated with our national security and foreign policy interests. The recommendations should prioritize upholding our stewardship responsibilities and ensuring accountability for all of our actions affecting ocean, coastal, and Great Lakes resources, and be consistent with international law, including customary international law as reflected in the 1982 United Nations Convention on the Law of the Sea.

b. A United States framework for policy coordination of efforts to improve stewardship of the oceans, our coasts, and the Great Lakes. The Task Force should review the Federal Government’s existing policy coordination framework to ensure integration and collaboration across jurisdictional lines in meeting the objectives of a national policy for the oceans, our coasts, and the Great Lakes. This will include coordination with the work of the National Security Council and Homeland Security Council as they formulate and coordinate policy involving national and homeland security,
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including maritime security. The framework should also address specific
recommendations to improve coordination and collaboration among Fed-
eral, State, tribal, and local authorities, including regional governance
structures.

c. An implementation strategy that identifies and prioritizes a set of objec-
tives the United States should pursue to meet the objectives of a national
policy for the oceans, our coasts, and the Great Lakes.

2. Within 180 days from the date of this memorandum, the Task Force
shall develop, with appropriate public input, a recommended framework
for effective coastal and marine spatial planning. This framework should be
a comprehensive, integrated, ecosystem-based approach that addresses con-
servation, economic activity, user conflict, and sustainable use of ocean,
coastal, and Great Lakes resources consistent with international law, in-
cluding customary international law as reflected in the 1982 United Na-

3. The Task Force shall terminate upon the completion of its duties.

The Task Force’s recommendations and frameworks should be cost effec-
tive and improve coordination across Federal agencies.

This memorandum covers matters involving the oceans, the Great Lakes,
the coasts of the United States (including its territories and possessions),
and related seabed, subsoil, and living and non-living resources.

This memorandum is not intended to, and does not, create any right or
benefit, substantive or procedural, enforceable at law or in equity by any
party against the United States, its departments, agencies, or entities, its of-
ficers, employees, or agents, or any other person. Nothing in this memo-
randum shall be construed to impair or otherwise affect the functions of
the Director of the Office of Management and Budget relating to budgetary,
administrative, regulatory, and legislative proposals.

The Chair of the Council on Environmental Quality is hereby authorized
and directed to publish this memorandum in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,

Notice of June 12, 2009

Continuation of the National Emergency With Respect to the
Actions and Policies of Certain Members of the Government
of Belarus and Other Persons that Undermine Democratic
Processes or Institutions in Belarus

On June 16, 2006, by Executive Order 13405, the President declared a na-
tional emergency and ordered related measures blocking the property of
certain persons undermining democratic processes or institutions in
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Belarus, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706). The President took this action to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the actions and policies of certain members of the Government of Belarus and other persons that have undermined democratic processes or institutions; committed human rights abuses related to political repression, including detentions and disappearances; and engaged in public corruption, including by diverting or misusing Belarusian public assets or by misusing public authority.

Despite some positive developments in the past year, including the release of internationally recognized political prisoners, the actions and policies of certain members of the Government of Belarus and other persons continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. Accordingly, the national emergency declared on June 16, 2006, and the measures adopted on that date to deal with that emergency, must continue in effect beyond June 16, 2009. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13405.

This notice shall be published in the Federal Register and transmitted to the Congress.

THE WHITE HOUSE,
June 12, 2009.

BARACK OBAMA

Memorandum of June 17, 2009

Federal Benefits and Non-Discrimination

Memorandum for the Heads of Executive Departments and Agencies

Millions of hard-working, dedicated, and patriotic public servants are employed by the Federal Government as part of the civilian workforce, and many of these devoted Americans have same-sex domestic partners. Leading companies in the private sector are free to provide to same-sex domestic partners the same benefits they provide to married people of the opposite sex. Executive departments and agencies, however, may only provide benefits on that basis if they have legal authorization to do so. My Administration is not authorized by Federal law to extend a number of available Federal benefits to the same-sex partners of Federal employees. Within existing law, however, my Administration, in consultation with the Secretary of State, who oversees our Foreign Service employees, and the Director of the Office of Personnel Management, who oversees human resource management for our civil service employees, has identified areas in which statutory authority exists to achieve greater equality for the Federal workforce through extension to same-sex domestic partners of benefits currently available to married people of the opposite sex. Extending available benefits will help the Federal Government compete with the private sector to recruit and retain the best and the brightest employees.

I hereby request the following:
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Section 1. Extension of Identified Benefits. The Secretary of State and the Director of the Office of Personnel Management shall, in consultation with the Department of Justice, extend the benefits they have respectively identified to qualified same-sex domestic partners of Federal employees where doing so can be achieved and is consistent with Federal law.

Sec. 2. Review of Governmentwide Benefits. The heads of all other executive departments and agencies, in consultation with the Office of Personnel Management, shall conduct a review of the benefits provided by their respective departments and agencies to determine what authority they have to extend such benefits to same-sex domestic partners of Federal employees. The results of this review shall be reported within 90 days to the Director of the Office of Personnel Management, who, in consultation with the Department of Justice, shall recommend to me any additional measures that can be taken, consistent with existing law, to provide benefits to the same-sex domestic partners of Federal Government employees.

Sec. 3. Promoting Compliance with Existing Law Requiring Federal Workplaces to be Free of Discrimination Based on Non-Merit Factors. The Office of Personnel Management shall issue guidance within 90 days to all executive departments and agencies regarding compliance with, and implementation of, the civil service laws, rules, and regulations, including 5 U.S.C. 2302(b)(10), which make it unlawful to discriminate against Federal employees or applicants for Federal employment on the basis of factors not related to job performance.

Sec. 4. General Provisions. (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) Authority granted by law or Executive Order to an agency, or the head thereof; or

(ii) Functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Sec. 5. Publication. The Director of the Office of Personnel Management is hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,
Notice of June 18, 2009

Continuation of the National Emergency With Respect to the Risk of Nuclear Proliferation Created by the Accumulation of Weapons-Useable Fissile Material in the Territory of the Russian Federation

On June 21, 2000, the President issued Executive Order 13159 (the “order”) blocking property and interests in property of the Government of the Russian Federation that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of United States persons that are directly related to the implementation of the Agreement Between the Government of the United States of America and the Government of the Russian Federation Concerning the Disposition of Highly Enriched Uranium Extracted from Nuclear Weapons, dated February 18, 1993, and related contracts and agreements (collectively, the “HEU Agreements”). The HEU Agreements allow for the downblending of highly enriched uranium derived from nuclear weapons to low enriched uranium for peaceful commercial purposes. The order invoked the authority, inter alia, of the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.) and declared a national emergency to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States posed by the risk of nuclear proliferation created by the accumulation of a large volume of weapons-usable fissile material in the territory of the Russian Federation.

The national emergency declared on June 21, 2000, must continue beyond June 21, 2009, to provide continued protection from attachment, judgment, decree, lien, execution, garnishment, or other judicial process for the property and interests in property of the Government of the Russian Federation that are directly related to the implementation of the HEU Agreements and subject to U.S. jurisdiction. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to the risk of nuclear proliferation created by the accumulation of weapons-usable fissile material in the territory of the Russian Federation. This notice shall be published in the Federal Register and transmitted to the Congress.

BARACK OBAMA

THE WHITE HOUSE,
June 18, 2009.

Notice of June 22, 2009

Continuation of the National Emergency With Respect to the Western Balkans

On June 26, 2001, by Executive Order 13219, the President declared a national emergency with respect to the Western Balkans, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706), to
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deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the actions of persons engaged in, or assisting, sponsoring, or supporting (i) extremist violence in the Republic of Macedonia and elsewhere in the Western Balkans region, or (ii) acts obstructing implementation of the Dayton Accords in Bosnia or United Nations Security Council Resolution 1244 of June 10, 1999, in Kosovo. The President subsequently amended that order in Executive Order 13304 of May 28, 2003.

Because the actions of persons threatening the peace and international stabilization efforts in the Western Balkans continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States, the national emergency declared on June 26, 2001, and the measures adopted on that date and thereafter to deal with that emergency, must continue in effect beyond June 26, 2009. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to the Western Balkans.

This notice shall be published in the Federal Register and transmitted to the Congress.

BARACK OBAMA

THE WHITE HOUSE,

June 22, 2009.

Notice of June 24, 2009

Continuation of the National Emergency With Respect to North Korea

On June 26, 2008, by Executive Order 13466, the President declared a national emergency pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the current existence and risk of the proliferation of weapons-usable fissile material on the Korean Peninsula. The President also found that it was necessary to maintain certain restrictions with respect to North Korea that would otherwise have been lifted pursuant to Proclamation 8271 of June 26, 2008, which terminated the exercise of authorities under the Trading With the Enemy Act (50 U.S.C. App. 1–44) with respect to North Korea.

Because the existence and risk of the proliferation of weapons-usable fissile material on the Korean Peninsula continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States, the national emergency declared on June 26, 2008, and the measures adopted on that date to deal with that emergency, must continue in effect beyond June 26, 2009. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13466.

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This notice shall be published in the Federal Register and transmitted to the Congress.  

BARACK OBAMA

THE WHITE HOUSE,  
June 24, 2009.

Presidential Determination No. 2009–22 of July 1, 2009

Presidential Determination Under Section 402 (c)(2)(A) of the Trade Act of 1974—Republic of Belarus

Memorandum for the Secretary of State  
Pursuant to section 402(c)(2)(A) of the Trade Act of 1974 (Public Law 93–618), as amended (the “Act”), I determine that a waiver by Executive Order of the application of subsections (a) and (b) of section 402 of the Act with respect to Belarus will substantially promote the objectives of section 402.

You are authorized and directed to transmit this determination to the Congress and to publish it in the Federal Register.  

BARACK OBAMA

THE WHITE HOUSE,  
Washington, July 1, 2009.

Presidential Determination No. 2009–23 of July 8, 2009

Waiver of Restriction on Providing Funds to the Palestinian Authority

Memorandum for the Secretary of State  
By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 7040(b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (Division H, Public Law 111–8) (the “Act”), I hereby certify that it is important to the national security interests of the United States to waive the provisions of section 7040(a) of the Act, in order to provide funds appropriated to carry out chapter 4 of part II of the Foreign Assistance Act, as amended, to the Palestinian Authority.

You are directed to transmit this determination to the Congress, with a report pursuant to section 7040(d) of the Act, and to publish the determination in the Federal Register.  

BARACK OBAMA

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Notice of July 16, 2009

Continuation of the National Emergency With Respect to the Former Liberian Regime of Charles Taylor

On July 22, 2004, by Executive Order 13348, the President declared a national emergency and ordered related measures, including the blocking of the property of certain persons connected to the former Liberian regime of Charles Taylor, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706). The President took this action to deal with the unusual and extraordinary threat to the foreign policy of the United States constituted by the actions and policies of former Liberian President Charles Taylor and other persons, in particular their unlawful depletion of Liberian resources and their removal from Liberia and secreting of Liberian funds and property, which have undermined Liberia’s transition to democracy and the orderly development of its political, administrative, and economic institutions and resources. The President further noted that the Comprehensive Peace Agreement signed on August 18, 2003, and the related cease-fire had not yet been universally implemented throughout Liberia, and that the illicit trade in round logs and timber products was linked to the proliferation of and trafficking in illegal arms, which perpetuated the Liberian conflict and fueled and exacerbated other conflicts throughout West Africa.

The actions and policies of Charles Taylor and others have left a legacy of destruction that continues to undermine Liberia’s transformation and recovery. Because the actions and policies of these persons continue to pose an unusual and extraordinary threat to the foreign policy of the United States, the national emergency declared on July 22, 2004, and the measures adopted on that date to deal with that emergency, must continue in effect beyond July 22, 2009. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13348.

This notice shall be published in the Federal Register and transmitted to the Congress.

BARACK OBAMA

THE WHITE HOUSE,
July 16, 2009.

Memorandum of July 17, 2009

Assignment of Reporting Functions Under the Supplemental Appropriations Act, 2009

Memorandum for the Secretary of State[,] the Secretary of Defense[,] the Attorney General[, and] the Director of National Intelligence

By the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, I hereby assign the authority to perform the functions conferred upon the President by sections 319(a), (c), and (d) and sections 14103(d), (e), and (f)
Memorandum of July 30, 2009

Guidelines for Human Stem Cell Research

As outlined in Executive Order 13505 of March 9, 2009, my Administration is committed to supporting and conducting ethically responsible, scientifically worthy human stem cell research, including human embryonic stem cell research, to the extent permitted by law. Pursuant to that order, the National Institutes of Health (NIH) published final “National Institutes of Health Guidelines for Human Stem Cell Research” (Guidelines), effective July 7, 2009. These Guidelines apply to the expenditure of NIH funds for research using human embryonic stem cells and certain uses of human induced pluripotent stem cells. The Guidelines are based on the principles that responsible research with human embryonic stem cells has the potential to improve our understanding of human biology and aid in the discovery of new ways to prevent and treat illness, and that individuals donating embryos for research purposes should do so freely, with voluntary and informed consent. These Guidelines will ensure that NIH-funded research adheres to the highest ethical standards.

In order to ensure that all federally funded human stem cell research is conducted according to these same principles and to promote a uniform Federal policy across the executive branch, I hereby direct the heads of executive departments and agencies that support and conduct stem cell research to adopt these Guidelines, to the fullest extent practicable in light of legal authorities and obligations. I also direct those departments and agencies to submit to the Director of the Office of Management and Budget
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The Director of the OMB (OMB), within 90 days, proposed additions or revisions to any other guidance, policies, or procedures related to human stem cell research, consistent with Executive Order 13505 and this memorandum. The Director of the OMB shall, in coordination with the Director of NIH, review these proposals to ensure consistent implementation of Executive Order 13505 and this memorandum.

This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person. Executive departments and agencies shall carry out the provisions of this memorandum to the extent permitted by law and consistent with their statutory and regulatory authorities and their enforcement mechanisms.

The Director of the OMB is hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,

Notice of July 30, 2009

Continuation of the National Emergency With Respect to the Actions of Certain Persons To Undermine the Sovereignty of Lebanon or its Democratic Processes and Institutions

On August 1, 2007, by Executive Order 13441, the President declared a national emergency and ordered related measures blocking the property of certain persons undermining the sovereignty of Lebanon or its democratic processes or institutions and certain other persons, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706). The President determined that the actions of certain persons to undermine Lebanon’s legitimate and democratically elected government or democratic institutions; to contribute to the deliberate breakdown in the rule of law in Lebanon, including through politically motivated violence and intimidation; to reassert Syrian control or contribute to Syrian interference in Lebanon, or to infringe upon or undermine Lebanese sovereignty contribute to political and economic instability in that country and the region and constitute an unusual and extraordinary threat to the national security and foreign policy of the United States.

Despite some positive developments in the past year, including the establishment of diplomatic relations and an exchange of ambassadors between Syria and Lebanon, the actions of certain persons continue to contribute to political and economic instability in Lebanon and continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States. Therefore, the national emergency declared on August
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1, 2007, and the measures adopted on that date to deal with that emergency, must continue in effect beyond August 1, 2009. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13441.

This notice shall be published in the Federal Register and transmitted to the Congress.

BARACK OBAMA

THE WHITE HOUSE,
July 30, 2009.

Memorandum of August 5, 2009

Designation of Officers of the Office of Science and Technology Policy To Act as Director

Memorandum for the Director of the Office of Science and Technology Policy

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Vacancies Reform Act of 1998, 5 U.S.C. 3345 et seq., it is hereby ordered that:

Section 1. Order of Succession. Subject to the provisions of section 2 of this memorandum, the following officials of the Office of Science and Technology Policy (OSTP), in the order listed, shall act as and perform the functions and duties of the office of the Director of OSTP (Director), during any period in which the Director has died, resigned, or otherwise become unable to perform the functions and duties of the office of the Director, until such time as the Director is able to perform the functions and duties of that office:

(a) Associate Director (National Security and International Affairs);
(b) Associate Director (Technology);
(c) Associate Director (Science); and
(d) Associate Director (Environment).

Sec. 2. Exceptions.

(a) No individual who is serving in an office listed in section 1 in an acting capacity, by virtue of so serving, shall act as Director pursuant to this memorandum.

(b) No individual listed in section 1 shall act as Director unless that individual is otherwise eligible to so serve under the Federal Vacancies Reform Act of 1998.

(c) Notwithstanding the provisions of this memorandum, the President retains the discretion, to the extent permitted by law, to depart from this memorandum in designating an acting Director.

Sec. 3. Revocation. The President’s memorandum of December 11, 2002 (Designation of Officers of the Office of Science and Technology Policy to Act as Director), is hereby revoked.
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Sec. 4. This memorandum is intended 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 in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Sec. 5. You are authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,

Memorandum of August 6, 2009

Assignment of Function Under Section 601 of the American Recovery and Reinvestment Act of 2009

Memorandum for the Secretary of Homeland Security
By virtue of the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, I hereby assign to you the function of the President under section 601, title VI, Division A of the American Recovery and Reinvestment Act of 2009 (Public Law 111–5).

You are authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,

Presidential Determination No. 2009–24 of August 13, 2009

Continuation of U.S. Drug Interdiction Assistance to the Government of Colombia

Memorandum for the Secretary of State [and] the Secretary of Defense
Pursuant to the authority vested in me by section 1012 of the National Defense Authorization Act for Fiscal Year 1995, as amended (22 U.S.C. 2291–4), I hereby certify, with respect to Colombia, that (1) interdiction of aircraft reasonably suspected to be primarily engaged in illicit drug trafficking in that country’s airspace is necessary, because of the extraordinary threat posed by illicit drug trafficking to the national security of that country; and
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(2) that country has appropriate procedures in place to protect against innocent loss of life in the air and on the ground in connection with such interdiction, which shall at a minimum include effective means to identify and warn an aircraft before the use of force is directed against the aircraft.

The Secretary of State is authorized and directed to publish this determination in the Federal Register and to notify the Congress of this determination.

BARACK OBAMA

THE WHITE HOUSE,

Notice of August 13, 2009

Continuation of Emergency Regarding Export Control Regulations

On August 17, 2001, consistent with the authority provided to the President under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.), the President issued Executive Order 13222. In that order, he declared a national emergency with respect to the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States in light of the expiration of the Export Administration Act of 1979, as amended (50 U.S.C. App. 2401 et seq.). Because the Export Administration Act has not been renewed by the Congress, the national emergency declared on August 17, 2001, must continue in effect beyond August 17, 2009. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13222.

This notice shall be published in the Federal Register and transmitted to the Congress.

BARACK OBAMA

THE WHITE HOUSE,
August 13, 2009.

Memorandum of August 21, 2009

Provision of Aviation Insurance Coverage for Commercial Air Carrier Service in Domestic and International Operations

Memorandum for the Secretary of Transportation

By the authority vested in me as President by the Constitution and laws of the United States including 49 U.S.C. 44302, et seq., I hereby:
Other Presidential Documents

1. Determine that continuation of U.S. flag commercial air service is necessary in the interest of air commerce, national security, and the foreign policy of the United States.

2. Approve provision by the Secretary of Transportation of insurance or reinsurance to U.S. flag air carriers against loss or damage arising out of any risk from the operation of an aircraft in the manner and to the extent provided in Chapter 443 of 49 U.S.C., until August 31, 2010, when he determine that such insurance or reinsurance cannot be obtained on reasonable terms and conditions from any company authorized to conduct an insurance business in a State of the United States.

You are directed to bring this determination immediately to the attention of all air carriers within the meaning of 49 U.S.C. 40102 (a) (2), and to arrange for its publication in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,

Memorandum of August 31, 2009

Designation of Officers of the United States Section, International Boundary and Water Commission, United States and Mexico To Act as the Commissioner of the United States Section

Memorandum for the Commissioner of the United States Section, International Boundary and Water Commission, United States and Mexico

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

Section 1. Order of Succession. Subject to the provisions of section 2 of this memorandum, the following officials of the United States Section, International Boundary and Water Commission, United States and Mexico, in the order listed, shall act as and perform the functions and duties of the office of the Commissioner of the United States Section, International Boundary and Water Commission, United States and Mexico (Commissioner), during any period in which the Commissioner has died, resigned, or otherwise become unable to perform the functions and duties of the office of Commissioner, until such time as the Commissioner is able to perform the functions and duties of that office:

(a) United States Section Principal Engineer—Operations Department; and
(b) United States Section Principal Engineer—Engineering Department.

Sec. 2. Exceptions.

(a) No individual who is serving in an office listed in section 1 in an acting capacity, by virtue of so serving, shall act as Commissioner pursuant to this memorandum.
Title 3—The President

(b) Notwithstanding the provisions of this memorandum, the President retains discretion, to the extent permitted by law, to depart from this memorandum in designating an acting Commissioner.

Sec. 3. This memorandum is intended 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 in equity, by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

Sec. 4. You are authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,

Presidential Determination No. 2009–25 of September 7, 2009

Eligibility of the Maldives to Receive Defense Articles and Defense Services Under the Foreign Assistance Act of 1961, as Amended, and the Arms Export Control Act, as Amended

Memorandum for the Secretary of State

Pursuant to the authority vested in me by the Constitution and the laws of the United States, including section 503(a) of the Foreign Assistance Act of 1961, as amended, and section 3(a)(1) of the Arms Export Control Act, as amended, I hereby find that the furnishing of defense articles and defense services to the Maldives will strengthen the security of the United States and promote world peace.

You are authorized and directed to transmit this determination to the Congress and to arrange for its publication in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,
Other Presidential Documents

Presidential Determination No. 2009–26 of September 7, 2009

Eligibility of the Economic Community of Central African States To Receive Defense Articles and Defense Services Under the Foreign Assistance Act of 1961, as Amended, and the Arms Export Control Act, as Amended

Memorandum for the Secretary of State

Pursuant to the authority vested in me by the Constitution and the laws of the United States, including section 503(a) of the Foreign Assistance Act of 1961, as amended, and section 3(a)(1) of the Arms Export Control Act, as amended, I hereby find that the furnishing of defense articles and defense services to the Economic Community of Central African States will strengthen the security of the United States and promote world peace.

You are authorized and directed to transmit this determination to the Congress and to arrange for the publication of this determination in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,

Notice of September 10, 2009

Continuation of the National Emergency With Respect to Certain Terrorist Attacks

Consistent with section 202(d) of the National Emergencies Act, 50 U.S.C. 1622(d), I am continuing for 1 year the national emergency declared on September 14, 2001, in Proclamation 7463, with respect to the terrorist attacks of September 11, 2001, and the continuing and immediate threat of further attacks on the United States.

Because the terrorist threat continues, the national emergency declared on September 14, 2001, and the powers and authorities adopted to deal with that emergency, must continue in effect beyond September 14, 2009. Therefore, I am continuing in effect for an additional year the national emergency the former President declared on September 14, 2001, with respect to the terrorist threat.

This notice shall be published in the Federal Register and transmitted to the Congress.

BARACK OBAMA

THE WHITE HOUSE,
September 10, 2009.
Title 3—The President

Presidential Determination No. 2009–27 of September 11, 2009

Continuation of the Exercise of Certain Authorities Under the Trading With the Enemy Act

Memorandum for the Secretary of State [and] the Secretary of the Treasury

Under section 101(b) of Public Law 95–223(91 Stat. 1625; 50 U.S.C. App. 5(b) note), and a previous determination on September 12, 2008 (73 FR 54055, September 17, 2008), the exercise of certain authorities under the Trading With the Enemy Act is scheduled to terminate on September 14, 2009.

I hereby determine that the continuation for 1 year of the exercise of those authorities with respect to Cuba is in the national interest of the United States.

Therefore, consistent with the authority vested in me by section 101(b) of Public Law 95–223, I continue for 1 year, until September 14, 2010, the exercise of those authorities with respect to Cuba as implemented by the Cuban Assets Control Regulations, 31 C.F.R. Part 515.

The Secretary of the Treasury is authorized and directed to publish this determination in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,

Presidential Determination No. 2009–28 of September 11, 2009

Imports of Certain Passenger Vehicle and Light Truck Tires From the People’s Republic of China

Memorandum for the Secretary of Commerce[,] the Secretary of Labor[, and] the United States Trade Representative

On July 9, 2009, the United States International Trade Commission (USITC) submitted a report to me that contained a determination pursuant to its investigation under section 421 of the Trade Act of 1974, as amended (the “Trade Act”), that certain passenger vehicle and light truck tires from the People’s Republic of China (China) are being imported into the United States in such increased quantities or under such conditions as to cause or threaten to cause market disruption to the domestic producers of like or directly competitive products.

By proclamation I have issued today (the “proclamation”), and after considering all relevant aspects of the investigation, I have proclaimed actions of the type described in section 421(a) of the Trade Act. I have determined that the most appropriate action is application of an additional duty on imports of certain passenger vehicle and light truck tires from China, as defined in paragraph 4 of the proclamation. I have also determined that such action shall be in effect for a period of 3 years.

BARACK OBAMA

THE WHITE HOUSE,
Other Presidential Documents

Specifically, I have proclaimed an additional duty on imports of the products described in paragraph 4 of the proclamation, which for the first year shall be in the amount of 35 percent ad valorem above the column 1 general rate of duty. For the second year, the additional duty shall be in the amount of 30 percent ad valorem above the column 1 general rate of duty, and in the third year, the additional duty shall be in the amount of 25 percent ad valorem above the column 1 general rate of duty.

In order to assist workers, firms, and their communities that have been or are affected by the market disruption, I direct the Secretary of Commerce and the Secretary of Labor to expedite consideration of any Trade Adjustment Assistance applications received from domestic passenger vehicle and light truck tire producers, their workers, or communities and to provide such other requested assistance or relief as they deem appropriate, consistent with their statutory mandates.

The United States Trade Representative is authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,

Presidential Determination No. 2009–29 of September 14, 2009

Presidential Determination With Respect to Foreign Governments’ Efforts Regarding Trafficking in Persons

Memorandum for the Secretary of State

Consistent with section 110 of the Trafficking Victims Protection Act of 2000 (Division A of Public Law 106–386), as amended, (the “Act”), I hereby:

Make the determination provided in section 110(d)(1)(A)(i) of the Act, with respect to Burma, the Democratic People’s Republic of North Korea (DPRK), and Zimbabwe, not to provide certain funding for those countries’ governments for fiscal year 2010, until such government complies with the minimum standards or makes significant efforts to bring itself into compliance, as may be determined by the Secretary of State in a report to the Congress pursuant to section 110(b) of the Act;

Make the determination provided in section 110(d)(1)(A)(ii) of the Act, with respect to Cuba, Eritrea, Fiji, Iran, and Syria, not to provide certain funding for those countries’ governments for fiscal year 2010, until such government complies with the minimum standards or makes significant efforts to bring itself into compliance, as may be determined by the Secretary of State in a report to the Congress pursuant to section 110(b) of the Act;

Make the determination provided in section 110(d)(3) of the Act, concerning the determination of the Secretary of State with respect to Swaziland;
Title 3—The President

Determine, consistent with section 110(d)(4) of the Act, with respect to Chad, Kuwait, Malaysia, Mauritania, Niger, Papua New Guinea, Saudi Arabia, and Sudan, that provision to these countries’ governments of all programs, projects, or activities of assistance described in sections 110(d)(1)(A)(i) and 110(d)(1)(B) of the Act would promote the purposes of the Act or is otherwise in the national interest of the United States;

Determine, consistent with section 110(d)(4) of the Act, with respect to Burma, that a partial waiver to allow funding for programs described in section 110(d)(1)(A)(i) of the Act to combat infectious disease would promote the purposes of the Act or is otherwise in the national interest of the United States;

Determine, consistent with section 110(d)(4) of the Act, with respect to Eritrea, that a partial waiver to allow funding for participation by government officials and employees in educational and cultural exchange programs described in section 110(d)(1)(A)(ii) of the Act would promote the purposes of the Act or is otherwise in the national interest of the United States;

Determine, consistent with section 110(d)(4) of the Act, with respect to Fiji, that a partial waiver to allow funding for participation by government officials and employees in educational and cultural exchange programs described in section 110(d)(1)(A)(ii) of the Act would promote the purposes of the Act or is otherwise in the national interest of the United States;

Determine, consistent with section 110(d)(4) of the Act, with respect to Iran, that a partial waiver to allow funding for participation by government officials and employees in educational and cultural exchange programs described in section 110(d)(1)(A)(ii) of the Act would promote the purposes of the Act or is otherwise in the national interest of the United States;

Determine, consistent with section 110(d)(4) of the Act, with respect to Syria, that a partial waiver to allow funding for participation by government officials and employees in educational and cultural exchange programs described in section 110(d)(1)(A)(ii) of the Act would promote the purposes of the Act or is otherwise in the national interest of the United States;

Determine, consistent with section 110(d)(4) of the Act, with respect to Zimbabwe, that a partial waiver to allow funding for programs described in section 110(d)(1)(A)(i) of the Act for assistance for victims of trafficking in persons or to combat such trafficking, the promotion of health, good governance, education, agriculture, poverty reduction, livelihoods, or family planning, or which would have a significant adverse effect on vulnerable populations if suspended, would promote the purposes of the Act or is otherwise in the national interest of the United States;

Determine, consistent with section 110(d)(4) of the Act, that assistance to Eritrea, Fiji, and Zimbabwe, described in section 110(d)(1)(B) of the Act:

(1) is a regional program, project, or activity under which the total benefit to Eritrea, Fiji, or Zimbabwe does not exceed 10 percent of the total value of such program, project, or activity; or

(2) has as its primary objective the addressing of basic human needs, as defined by the Department of the Treasury with respect to other, existing legislative mandates concerning U.S. participation in the multilateral development banks; or
Other Presidential Documents

(3) is complementary to or has similar policy objectives to programs being implemented bilaterally by the United States Government; or

(4) has as its primary objective the improvement of the country’s legal system, including in areas that impact the country’s ability to investigate and prosecute trafficking cases or otherwise improve implementation of a country’s anti-trafficking policy, regulations, or legislation; or

(5) is engaging a government, international organization, or civil society organization, and seeks as its primary objective(s) to:
   (a) increase efforts to investigate and prosecute trafficking in persons crimes;
   (b) increase protection for victims of trafficking through better screening, identification, rescue/removal, aftercare (shelter, counseling), training, and reintegration; or
   (c) expand prevention efforts through education and awareness campaigns highlighting the dangers of trafficking or training and economic empowerment of populations clearly at risk of falling victim to trafficking would promote the purposes of the Act or is otherwise in the national interest of the United States.

The certification required by section 110(e) of the Act is provided herewith.

You are hereby authorized and directed to submit this determination to the Congress, and to publish it in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,

Presidential Determination No. 2009–30 of September 15, 2009

Presidential Determination on Major Illicit Drug Transit or Major Illicit Drug Producing Countries for Fiscal Year 2010

Memorandum for the Secretary of State

Pursuant to section 706(1) of the Foreign Relations Authorization Act, Fiscal Year 2003 (Public Law 107–228)(FRAA), I hereby identify the following countries as major drug transit or major illicit drug producing countries: Afghanistan, The Bahamas, Bolivia, Brazil, Burma, Colombia, Dominican Republic, Ecuador, Guatemala, Haiti, India, Jamaica, Laos, Mexico, Nigeria, Pakistan, Panama, Paraguay, Peru, and Venezuela.

A country’s presence on the Majors List is not necessarily an adverse reflection of its government’s counternarcotics efforts or level of cooperation with the United States. Consistent with the statutory definition of a major drug transit or drug producing country set forth in section 481(e)(2) and (5) of the Foreign Assistance Act of 1961, as amended (FAA), one of the reasons that major drug transit or illicit drug producing countries are placed on the list is the combination of geographic, commercial, and economic factors that allow drugs to transit or be produced despite the concerned government’s most assiduous enforcement measures.
Title 3—The President

Pursuant to section 706(2)(A) of the FRAA, I hereby designate Bolivia, Burma, and Venezuela as countries that have failed demonstrably during the previous 12 months to adhere to their obligations under international counternarcotics agreements and take the measures set forth in section 489(a)(1) of the FAA. Attached to this report are justifications for the determinations on Bolivia, Burma, and Venezuela, as required by section 706(2)(B).

I have also determined, in accordance with provisions of section 706(3)(A) of the FRAA, that support for programs to aid Venezuela’s democratic institutions and continued support for bilateral programs in Bolivia are vital to the national interests of the United States.

Afghanistan continues to be the world’s largest producer of opium poppy and a major source of heroin. The Government of Afghanistan, under the leadership of President Karzai and key governors in the provinces, has demonstrated its ongoing commitment to combating narcotics and has made notable improvements in this regard over the past year.

The connection between opium production, the resulting narcotics trade, corruption, and the insurgency continues to grow more evident in Afghanistan. Poppy cultivation remains largely confined to five contiguous provinces in the south where security problems greatly impede counternarcotics efforts, and nearly all significant poppy cultivation occurs in insecure areas with active insurgent elements. Counternarcotics efforts have shown greater impact where security exists, where public information messages can be conveyed, alternative development delivered, interdiction performed, and justice carried out. While the Government of Afghanistan made some progress during the past year, the country must dedicate far greater political will and programmatic effort to combat opium trafficking and production nationwide.

Pakistan is a major transit country for opiates and hashish for markets around the world, as well as for precursor chemicals moving into neighboring Afghanistan where they are used for processing heroin. Opium poppy cultivation in Pakistan is also a primary concern.

In 2008 and 2009, religious extremist groups controlled major portions of the Federally Administered Tribal Areas, where most of Pakistan’s poppy is grown. These extremist groups also pushed into settled areas of the country’s Northwest Frontier Province, such as the Peshawar Valley and the Swat Valley. The Government of Pakistan was compelled to divert manpower and equipment resources from poppy eradication efforts to contest these incursions.

The joint Narcotics Affairs Section and Pakistan’s Narcotics Control Cell indicated that 1,909 hectares of poppy were cultivated in 2008 (approximately one percent of the cultivation in Afghanistan). This is down from the 2,315 hectares cultivated in 2007. In 2007, when the insurgent problem was not as widespread, 614 hectares were eradicated, bringing harvested poppy down to 1,701 hectares. During 2008, there were significant narcotics and precursor chemical seizures in Pakistan. United States counternarcotics and border security assistance programs continue to build the counternarcotics capacity of law enforcement agencies, especially in Baluchistan and along the Makran coast.
Other Presidential Documents

As Mexico and Colombia continue to apply pressure on drug traffickers, the countries of Central America are increasingly targeted for trafficking, which is creating serious challenges for the region. In 2008, approximately 42 percent of the cocaine destined for the United States transited Central America directly from South America. Often unimpeded due to the region’s limited capabilities and resources, traffickers use land routes and Central America’s coastal waters for illegal drug movements. The Merida Initiative, which provides Central American countries $165 million for FY 2008 and FY 2009, offers the opportunity to boost the capabilities of the region’s rule of law institutions and promote greater regional law enforcement cooperation.

Within the Central America region, Guatemala has been listed as a major drug transit country since 1990. Guatemala continues to be challenged by increasing violence related to narcotics trafficking. Corruption and inadequate law enforcement efforts contributed to low interdiction levels during the past several years. The United States continues to support the Government of Guatemala to improve its counternarcotics efforts.

In Honduras, drug traffickers have capitalized on the country’s lack of resources, corruption, and ungoverned spaces. Despite the current political instability, Honduran security forces have been conducting counternarcotic operations and have already seized more illegal drugs than in all of 2008. Honduras has also agreed to a bilateral integrated strategy with the United States to strengthen the operational counternarcotics capabilities of its security and law enforcement forces.

Panama is a major drug transit country that seized 51 metric tons of cocaine in 2008 while working in partnership with the United States. El Salvador is not a primary transit country, but in 2008 the Salvadorean government seized 1.4 metric tons of cocaine, 300 kilograms of marijuana, and nine kilograms of heroin. El Salvador may see an increase in drug activity corresponding with rising drug trafficking levels in the eastern Pacific. The United States is increasingly concerned with the large amount of drugs trafficked through Costa Rica and Nicaragua. Interdiction efforts in these two countries in 2008 resulted in the seizure of 21.7 and 19.5 metric tons of cocaine seizures, respectively.

The trafficking of South American cocaine through Nigeria and other West African countries en route to Europe continues. Though the cocaine does not come to the United States, the proceeds of the trafficking flow back to the same organizations that move cocaine to the United States, reinforcing their financial strength. Drug trafficking is a destabilizing force in the region and undermines good governance. Initially focused on Guinea and Guinea-Bissau, drug trafficking is now a serious issue facing nearly all West African countries. There is limited capacity in many West African law enforcement and judicial sectors to investigate and prosecute the organizers of cocaine trafficking. Despite this, there have been some important counternarcotics victories, most notably in the arrest and successful prosecution of traffickers in Sierra Leone.

Nigeria, which remains a significant transit point for narcotics destined for the United States, made demonstrable progress in 2008 by combating narcotics through increased budgetary support of key counternarcotics and corruption agencies, continued evaluation of suspicious transaction reports, and acceptable progress in the arrests of drug kingpins, with one kingpin...
Title 3—The President

arrested in 2008 and another in early 2009. Drug seizures were down slightly from a high in 2007. However, this development is likely attributable to a decrease in the use of Nigeria’s international airports as a transshipment point after the successful deployment of narcotics scanning machines by the Nigerian Drug Law Enforcement Agency (NDLEA). At the same time, there was little progress in reform to expedite Nigerian extradition procedures, or to amend its Money Laundering Act to bring it in line with international standards. Cooperation between the NDLEA and U.S. law enforcement agencies remains robust.

International donors and organizations are working to assist West African governments in their counternarcotics efforts. The United States supports these efforts to preserve and protect stability and positive growth in this region.

The United States continues to maintain a strong and productive law enforcement relationship with Canada. Both countries are making significant efforts to disrupt the two-way flow of drugs, bulk currency, and other contraband. Canada remains a significant producer of MDMA (ecstasy) and high-potency marijuana that is trafficked to the United States. While Canada’s passage of several additional regulations in recent years has reduced the large scale diversion and smuggling of bulk precursor chemicals across the border, the increasing diversion of these chemicals to the production of methamphetamine within Canada could lead to greater methamphetamine availability in the United States. The frequent mixing of methamphetamine and other illegal drugs into pills that are marketed as MDMA by Canada-based criminal groups poses a particularly significant public health risk in the United States. The United States Government is appreciative of Canada’s efforts to address these and other drug-related challenges, including through bilateral initiatives and multilateral forums.

The Government of India maintains a credible record of regulating its licit opium grown for the production of pharmaceutical products through licensed opium farmers and monitoring of poppy cultivation sites. Diversion of licit opium crops into illegal markets continues despite India’s determined efforts to control such activity. Illicit opium poppy production has also been observed in certain areas of the country, such as West Bengal and the State of Uttarakhand. Enforcement agencies continue to eradicate illicit opium poppy crops although the actual number of hectares destroyed has declined in recent years. Indian authorities have made marked efforts to control the illicit drug trade as opium and heroin smuggled from Afghanistan and Pakistan enters India across the India-Pakistan border and is trafficked to destinations outside of India.

Indian authorities continue to pursue precursor chemical trafficking organizations operating in the country and to cooperate with international law enforcement counterparts to interdict the flow of narcotics. The Government of India has made noteworthy international efforts to target the misuse of internet pharmacies for trafficking controlled and non-controlled pharmaceuticals. Law enforcement undertakings in this area have resulted in numerous arrests and asset seizures in both the United States and India.
Other Presidential Documents

You are hereby authorized and directed to submit this report under section
706 of the FRAA, transmit it to the Congress, and publish it in the Federal
Register.

BARACK OBAMA

THE WHITE HOUSE,

Memorandum of September 17, 2009

Demonstration Grants for the Development, Implementation,
and Evaluation of Alternatives to the Current Medical
Liability System

Memorandum for the Secretary of Health and Human Services

As part of my Administration’s ongoing effort to reform our health care sys-
tem, we have reached out to members of both political parties and listened
to the concerns many have raised about the need to improve patient safety
and to reform our medical liability system. Between 44,000 and 98,000 pa-
tients die each year from medical errors. Many physicians continue to
struggle to pay their medical malpractice premiums, which vary tremen-
dously by specialty and by State. The cost of insurance continues to be one
of the highest practice expenses for some specialties. And although mal-
practice premiums do not account for a large percentage of total medical
costs, many physicians report that fear of lawsuits leads them to practice
defensive medicine, which may contribute to higher costs.

We should explore medical liability reform as one way to improve the
quality of care and patient-safety practices and to reduce defensive medi-
cine. But whatever steps we pursue, medical liability reform must be just
one part of broader health insurance reform—reform that offers more secu-
ritv and stability to Americans who have insurance, offers insurance to
Americans who lack coverage, and slows the growth of health care costs
for families, businesses, and government.

In recent years, there have been calls from organizations like The Joint
Commission and the Institute of Medicine to begin funding demonstration
projects that can test a variety of medical liability models and determine
which reforms work. These groups and others have identified several im-
portant goals and core commitments of malpractice reform that should
serve as a starting point for such projects. We must put patient safety first
and work to reduce preventable injuries. We must foster better communi-
cation between doctors and their patients. We must ensure that patients are
compensated in a fair and timely manner for medical injuries, while also
reducing the incidence of frivolous lawsuits. And we must work to reduce
liability premiums.

In 1999, the Congress authorized the Agency for Healthcare Research and
Quality, which is located within the Department of Health and Human
Title 3—The President

Services, to support demonstration projects and to evaluate the effectiveness of projects regarding all aspects of health care, including medical liability. I hereby request that you announce, within 30 days of this memorandum, that the Department will make available demonstration grants to States, localities, and health systems for the development, implementation, and evaluation of alternatives to our current medical liability system, consistent with the goals and core commitments outlined above.

This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

You are authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,
Washington, September 17, 2009.

Notice of September 21, 2009

Continuation of the National Emergency With Respect to Persons Who Commit, Threaten to Commit, or Support Terrorism

On September 23, 2001, by Executive Order 13224, the President declared a national emergency with respect to persons who commit, threaten to commit, or support terrorism, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706). The President took this action to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the grave acts of terrorism and threats of terrorism committed by foreign terrorists, including the terrorist attacks on September 11, 2001, in New York and Pennsylvania and against the Pentagon, and the continuing and immediate threat of further attacks against United States nationals or the United States. Because the actions of persons who commit, threaten to commit, or support terrorism continue to pose an unusual and extraordinary threat to the United States, the national emergency declared on September 23, 2001, and the measures adopted on that date to deal with that emergency must continue in effect beyond September 23, 2009. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to persons who commit, threaten to commit, or support terrorism.
Other Presidential Documents

This notice shall be published in the Federal Register and transmitted to the Congress.

BARACK OBAMA

THE WHITE HOUSE,
September 21, 2009.

Presidential Determination No. 2009–31 of September 29, 2009

Presidential Determination on the Delegation of Certifications Under Section 1512 of Public Law 105–261

Memorandum for the Secretary of Commerce

By virtue of the authority vested in me as President by the Constitution and the laws of the United States of America, including section 301 of Title 3, United States Code, I hereby delegate to you the functions of the President under section 1512 of the National Defense Authorization Act for Fiscal Year 1999 (NDAA).

In the performance of your responsibility under this memorandum, you shall consult, as appropriate, the heads of other executive departments and agencies.

You are authorized and directed to publish this determination in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,

Presidential Determination No. 2009–32 of September 30, 2009

Fiscal Year 2010 Refugee Admissions Numbers and Authorizations of In-country Refugee Status Pursuant to Sections 207 and 101(A)(42), Respectively, of the Immigration and Nationality Act, and Determination Pursuant to Section 2(B)(2) of the Migration and Refugee Assistance Act, as Amended

Memorandum for the Secretary of State

In accordance with section 207 of the Immigration and Nationality Act (the “Act”) (8 U.S.C. 1157), as amended, and after appropriate consultations with the Congress, I hereby make the following determinations and authorize the following actions:

The admission of up to 80,000 refugees to the United States during Fiscal Year (FY) 2010 is justified by humanitarian concerns or is otherwise in the...
Title 3—The President

national interest; provided that this number shall be understood as including persons admitted to the United States during FY 2010 with Federal refugee resettlement assistance under the Amerasian immigrant admissions program, as provided below.

The 80,000 admissions numbers shall be allocated among refugees of special humanitarian concern to the United States in accordance with the following regional allocations; provided that the number of admissions allocated to the East Asia region shall include persons admitted to the United States during FY 2010 with Federal refugee resettlement assistance under section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988, as contained in section 101(e) of Public Law 100–202 (Amerasian immigrants and their family members):

<table>
<thead>
<tr>
<th>Region</th>
<th>Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Africa</td>
<td>15,500</td>
</tr>
<tr>
<td>East Asia</td>
<td>17,000</td>
</tr>
<tr>
<td>Europe and Central Asia</td>
<td>2,500</td>
</tr>
<tr>
<td>Latin America/Caribbean</td>
<td>5,000</td>
</tr>
<tr>
<td>Near East/South Asia</td>
<td>35,000</td>
</tr>
<tr>
<td>Unallocated Reserve</td>
<td>5,000</td>
</tr>
</tbody>
</table>

The 5,000 unallocated refugee numbers shall be allocated to regional ceilings, as needed. Upon providing notification to the Judiciary Committees of the Congress, you are hereby authorized to use unallocated admissions in regions where the need for additional admissions arises.

Additionally, upon notification to the Judiciary Committees of the Congress, you are further authorized to transfer unused admissions allocated to a particular region to one or more other regions, if there is a need for greater admissions for the region or regions to which the admissions are being transferred. Consistent with section 2(b)(2) of the Migration and Refugee Assistance Act of 1962, as amended, I hereby determine that assistance to or on behalf of persons applying for admission to the United States as part of the overseas refugee admissions program will contribute to the foreign policy interests of the United States and designate such persons for this purpose.

Consistent with section 101(a)(42) of the Act (8 U.S.C.1101(a)(42)), and after appropriate consultation with the Congress, I also specify that, for FY 2010, the following persons may, if otherwise qualified, be considered refugees for the purpose of admission to the United States within their countries of nationality or habitual residence:

- a. Persons in Cuba
- b. Persons in the former Soviet Union
- c. Persons in Iraq
- d. In exceptional circumstances, persons identified by a United States Embassy in any location

You are authorized and directed to report this determination to the Congress immediately and to publish it in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,
Other Presidential Documents

Presidential Determination No. 2010–1 of October 8, 2009

Waiver of and Certification of Statutory Provisions Regarding the Palestine Liberation Organization Office

Memorandum for the Secretary of State

Pursuant to the authority and conditions contained in section 7034(b) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2009 (Division H, Public Law 111–8), as carried forward by the Continuing Appropriations Resolution, 2010 (Division B, Public Law 111–68), I hereby determine and certify that it is important to the national security interest of the United States to waive the provisions of section 1003 of the Anti-Terrorism Act of 1987, Public Law 100–204.

This waiver shall be effective for a period of 6 months. You are hereby authorized and directed to transmit this determination to the Congress and to publish it in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,
Washington, October 8, 2009.

Presidential Determination No. 2010–2 of October 16, 2009

Provision of U.S. Drug Interdiction Assistance to the Government of Brazil

Memorandum for the Secretary of State [and] the Secretary of Defense

Pursuant to the authority vested in me by section 1012 of the National Defense Authorization Act for Fiscal Year 1995, as amended (22 U.S.C. 2291–4), I hereby certify, with respect to Brazil, that (1) interdiction of aircraft reasonably suspected to be primarily engaged in illicit drug trafficking in that country’s airspace is necessary because of the extraordinary threat posed by illicit drug trafficking to the national security of that country; and (2) that country has appropriate procedures in place to protect against innocent loss of life in the air and on the ground in connection with such interdiction, which shall at a minimum include effective means to identify and warn an aircraft before the use of force is directed against the aircraft.

The Secretary of State is authorized and directed to publish this determination in the Federal Register and to notify the Congress of this determination.

BARACK OBAMA

THE WHITE HOUSE,
Notice of October 16, 2009

Continuation of the National Emergency With Respect to Significant Narcotics Traffickers Centered in Colombia

On October 21, 1995, by Executive Order 12978, the President declared a national emergency pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706) to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the actions of significant narcotics traffickers centered in Colombia, and the extreme level of violence, corruption, and harm such actions cause in the United States and abroad.

Because the actions of significant narcotics traffickers centered in Colombia continue to threaten the national security, foreign policy, and economy of the United States and to cause an extreme level of violence, corruption, and harm in the United States and abroad, the national emergency declared on October 21, 1995, and the measures adopted pursuant thereto to deal with that emergency, must continue in effect beyond October 21, 2009. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to significant narcotics traffickers centered in Colombia.

This notice shall be published in the Federal Register and transmitted to the Congress.

BARACK OBAMA

THE WHITE HOUSE,

October 16, 2009.

Notice of October 20, 2009

Continuation of the National Emergency With Respect to the Situation in or in Relation to the Democratic Republic of the Congo

On October 27, 2006, by Executive Order 13413, the President declared a national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo and, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706), ordered related measures blocking the property of certain persons contributing to the conflict in that country. The President took this action to deal with the unusual and extraordinary threat to the foreign policy of the United States constituted by the situation in or in relation to the Democratic Republic of the Congo, which has been marked by widespread violence and atrocities that continue to threaten regional stability.

Because this situation continues to pose an unusual and extraordinary threat to the foreign policy of the United States, the national emergency declared on October 27, 2006, and the measures adopted on that date to deal with that emergency, must continue in effect beyond October 27, 2009. Therefore, in accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to the situation in or in relation to the Democratic Republic of the Congo.

This notice shall be published in the Federal Register and transmitted to the Congress.

BARACK OBAMA

THE WHITE HOUSE,

October 20, 2009.
Other Presidential Documents

Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 13413.

This notice shall be published in the Federal Register and transmitted to the Congress.

BARACK OBAMA

THE WHITE HOUSE,

October 20, 2009.

Notice of October 27, 2009

Continuation of the National Emergency With Respect to Sudan

On November 3, 1997, by Executive Order 13067, the President declared a national emergency with respect to Sudan, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706), to deal with the unusual and extraordinary threat to the national security and foreign policy of the United States constituted by the actions and policies of the Government of Sudan. On April 26, 2006, in Executive Order 13400, the President determined that the conflict in Sudan’s Darfur region posed an unusual and extraordinary threat to the national security and foreign policy of the United States, expanded the scope of the national emergency to deal with that threat, and ordered the blocking of property of certain persons connected to the conflict. On October 13, 2006, the President issued Executive Order 13412 to take additional steps with respect to the national emergency and to implement the Darfur Peace and Accountability Act of 2006 (Public Law 109–344).

Because the actions and policies of the Government of Sudan continue to pose an unusual and extraordinary threat to the national security and foreign policy of the United States, the national emergency declared on November 3, 1997, as expanded on April 26, 2006, and with respect to which additional steps were taken on October 13, 2006, must continue in effect beyond November 3, 2009. Therefore, consistent with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency with respect to Sudan.

This notice shall be published in the Federal Register and transmitted to the Congress.

BARACK OBAMA

THE WHITE HOUSE,

October 27, 2009.
Title 3—The President

Memorandum of November 5, 2009

Tribal Consultation

*Memorandum for the Heads of Executive Departments and Agencies*

The United States has a unique legal and political relationship with Indian tribal governments, established through and confirmed by the Constitution of the United States, treaties, statutes, executive orders, and judicial decisions. In recognition of that special relationship, pursuant to Executive Order 13175 of November 6, 2000, executive departments and agencies (agencies) are charged with engaging in regular and meaningful consultation and collaboration with tribal officials in the development of Federal policies that have tribal implications, and are responsible for strengthening the government-to-government relationship between the United States and Indian tribes.

History has shown that failure to include the voices of tribal officials in formulating policy affecting their communities has all too often led to undesirable and, at times, devastating and tragic results. By contrast, meaningful dialogue between Federal officials and tribal officials has greatly improved Federal policy toward Indian tribes. Consultation is a critical ingredient of a sound and productive Federal-tribal relationship.

My Administration is committed to regular and meaningful consultation and collaboration with tribal officials in policy decisions that have tribal implications including, as an initial step, through complete and consistent implementation of Executive Order 13175. Accordingly, I hereby direct each agency head to submit to the Director of the Office of Management and Budget (OMB), within 90 days after the date of this memorandum, a detailed plan of actions the agency will take to implement the policies and directives of Executive Order 13175. This plan shall be developed after consultation by the agency with Indian tribes and tribal officials as defined in Executive Order 13175. I also direct each agency head to submit to the Director of the OMB, within 270 days after the date of this memorandum, and annually thereafter, a progress report on the status of each action included in its plan together with any proposed updates to its plan.

Each agency’s plan and subsequent reports shall designate an appropriate official to coordinate implementation of the plan and preparation of progress reports required by this memorandum. The Assistant to the President for Domestic Policy and the Director of the OMB shall review agency plans and subsequent reports for consistency with the policies and directives of Executive Order 13175.

In addition, the Director of the OMB, in coordination with the Assistant to the President for Domestic Policy, shall submit to me, within 1 year from the date of this memorandum, a report on the implementation of Executive Order 13175 across the executive branch based on the review of agency plans and progress reports. Recommendations for improving the plans and making the tribal consultation process more effective, if any, should be included in this report.

The terms “Indian tribe,” “tribal officials,” and “policies that have tribal implications” as used in this memorandum are as defined in Executive Order 13175.
Other Presidential Documents

The Director of the OMB is hereby authorized and directed to publish this memorandum in the Federal Register.

This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person. Executive departments and agencies shall carry out the provisions of this memorandum to the extent permitted by law and consistent with their statutory and regulatory authorities and their enforcement mechanisms.

BARACK OBAMA

THE WHITE HOUSE,

Notice of November 6, 2009

Continuation of Emergency With Respect to Weapons of Mass Destruction

On November 14, 1994, by Executive Order 12938, the President declared a national emergency with respect to the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States posed by the proliferation of nuclear, biological, and chemical weapons (weapons of mass destruction) and the means of delivering such weapons. On July 28, 1998, the President issued Executive Order 13094 amending Executive Order 12938 to respond more effectively to the worldwide threat of weapons of mass destruction proliferation activities. On June 28, 2005, the President issued Executive Order 13382 that, inter alia, further amended Executive Order 12938 to improve our ability to combat proliferation. The proliferation of weapons of mass destruction and the means of delivering them continues to pose an unusual and extraordinary threat to the national security, foreign policy, and economy of the United States; therefore, the national emergency first declared on November 14, 1994, and extended in each subsequent year, must continue. In accordance with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year the national emergency declared in Executive Order 12938, as amended.

This notice shall be published in the Federal Register and transmitted to the Congress.

BARACK OBAMA

THE WHITE HOUSE,
November 6, 2009.
Title 3—The President

Notice of November 12, 2009

Continuation of the National Emergency With Respect to Iran

On November 14, 1979, by Executive Order 12170, the President declared a national emergency with respect to Iran, pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701–1706), to deal with the unusual and extraordinary threat to the national security, foreign policy, and economy of the United States constituted by the situation in Iran. Because our relations with Iran have not yet returned to normal, and the process of implementing the January 19, 1981, agreements with Iran is still underway, the national emergency declared on November 14, 1979, must continue in effect beyond November 14, 2009. Therefore, consistent with section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)), I am continuing for 1 year this national emergency with respect to Iran.

This notice shall be published in the Federal Register and transmitted to the Congress.

BARACK OBAMA

THE WHITE HOUSE,
November 12, 2009.

Memorandum of November 30, 2009


Memorandum for the Secretary of State[,] the Secretary of Defense[,] and the Attorney General

By the authority vested in me as President by the Constitution and the laws of the United States, including section 301 of title 3, United States Code, I hereby assign the authority to perform the functions conferred upon the President by sections 1041(c) and (d) of the National Defense Authorization Act for Fiscal Year 2010 (Public Law 111–84) (NDAA); sections 552(d),(e), and (h) of the Department of Homeland Security Appropriations Act, 2010 (Public Law 111–83) (DHS Appropriations Act); sections 428(d), (e), and (g) of the Department of the Interior, Environment, and Related Agencies Appropriations Act, 2010 (Public Law 111–88) (DOI Appropriations Act); and sections 14103(d) and (f) of the Supplemental Appropriations Act, 2009 (Public Law 111–32), as continued in effect by section 115 of the Continuing Appropriations Resolution, 2010 (Division B of Public Law 111–68), as amended (Supplemental Appropriations Act), as follows:

1. To the Secretary of Defense, in consultation with the Attorney General, the function of providing to the Congress, regarding detainees who will remain in the custody of the Department of Defense, the plans specified in
Other Presidential Documents

section 1041(c) of the NDAA, section 552(d) of the DHS Appropriations Act, section 428(d) of the DOI Appropriations Act, and section 14103(d) of the Supplemental Appropriations Act;

2. To the Secretary of Defense, the consultation specified in section 1041(d) of the NDAA, regarding detainees who will remain in the custody of the Department of Defense;

3. To the Attorney General, in consultation with the Secretary of Defense, the function of submitting to the Congress the reports specified in section 1041(c) of the NDAA, section 552(d) of the DHS Appropriations Act, section 428(d) of the DOI Appropriations Act, and section 14103(d) of the Supplemental Appropriations Act, regarding detainees who will be transferred to the custody of the Department of Justice;

4. To the Attorney General, the consultation specified in section 1041(d) of the NDAA, regarding detainees who will be transferred to the custody of the Department of Justice;

5. To the Attorney General, in consultation with the Secretary of Defense, the function of submitting to the Congress the reports specified in section 552(h) of the DHS Appropriations Act, section 428(g) of the DOI Appropriations Act, and section 14103(f) of the Supplemental Appropriations Act; and

6. To the Secretary of State, in consultation with the Secretary of Defense, of providing to the Congress the information specified in section 552(e) of the DHS Appropriations Act, section 428(e) of the DOI Appropriations Act.

Any reference in this memorandum to the statutory provisions referenced herein shall be deemed to include references to any hereafter-enacted provisions of law that are the same or substantially the same as such provisions.

The Attorney General is authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,

Presidential Determination No. 2010–03 of December 3, 2009

Suspension of Limitations Under the Jerusalem Embassy Act

Memorandum for the Secretary of State

Pursuant to the authority vested in me as President by the Constitution and the laws of the United States, including section 7(a) of the Jerusalem Embassy Act of 1995 (Public Law 104–45) (the “Act”), I hereby determine that it is necessary, in order to protect the national security interests of the United States, to suspend for a period of 6 months the limitations set forth in sections 3(b) and 7(b) of the Act.
Title 3—The President

You are hereby authorized and directed to transmit this determination to the Congress, accompanied by a report in accordance with section 7(a) of the Act, and to publish the determination in the Federal Register.

This suspension shall take effect after transmission of this determination and report to the Congress.

THE WHITE HOUSE,

BARACK OBAMA

Memorandum of December 9, 2009

Medicare Demonstration To Test Medical Homes in Federally Qualified Health Centers

Memorandum for the Secretary of Health and Human Services

My Administration is committed to building a high-quality, efficient health care system and improving access to health care for all Americans. Health centers are a vital part of the health care delivery system. For more than 40 years, health centers have served populations with limited access to health care, treating all patients regardless of ability to pay. These include low-income populations, the uninsured, individuals with limited English proficiency, migrant and seasonal farm workers, individuals and families experiencing homelessness, and individuals living in public housing. There are over 1,100 health centers across the country, delivering care at over 7,500 sites. These centers served more than 17 million patients in 2008 and are estimated to serve more than 20 million patients in 2010.

The American Recovery and Reinvestment Act of 2009 (Recovery Act) provided $2 billion for health centers, including $500 million to expand health centers’ services to over 2 million new patients by opening new health center sites, adding new providers, and improving hours of operations. An additional $1.5 billion is supporting much-needed capital improvements, including funding to buy equipment, modernize clinic facilities, expand into new facilities, and adopt or expand the use of health information technology and electronic health records.

One of the key benefits health centers provide to the communities they serve is quality primary health care services. Health centers use inter-disciplinary teams to treat the “whole patient” and focus on chronic disease management to reduce the use of costlier providers of care, such as emergency rooms and hospitals.

Federally qualified health centers provide an excellent environment to demonstrate the further improvements to health care that may be offered by the medical homes approach. In general, this approach emphasizes the patient’s relationship with a primary care provider who coordinates the patient’s care and serves as the patient’s principal point of contact for care. The medical homes approach also emphasizes activities related to quality improvement, access to care, communication with patients, and care management and coordination. These activities are expected to improve the quality and efficiency of care and to help avoid preventable emergency and
Other Presidential Documents

inpatient hospital care. Demonstration programs establishing the medical homes approach have been recommended by the Medicare Payment Advisory Commission, an independent advisory body to the Congress.

Therefore, I direct you to implement a Medicare Federally Qualified Health Center Advanced Primary Care Practice demonstration, pursuant to your statutory authority to conduct experiments and demonstrations on changes in payments and services that may improve the quality and efficiency of services to beneficiaries. Health centers participating in this demonstration must have shown their ability to provide comprehensive, coordinated, integrated, and accessible health care.

This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

You are authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,
Washington, December 9, 2009.

Memorandum of December 15, 2009

Directing Certain Actions With Respect to Acquisition and Use of Thomson Correctional Center To Facilitate Closure of Detention Facilities at Guantanamo Bay Naval Base

Memorandum for the Secretary of Defense [and] the Attorney General

By the authority vested in me as President and as Commander in Chief of the Armed Forces of the United States by the Constitution and the laws of the United States of America, including the Authorization for Use of Military Force (Public Law 107–40, 115 Stat. 224), and in order to facilitate the closure of detention facilities at the Guantanamo Bay Naval Base, I hereby direct that the following actions be taken as expeditiously as possible with respect to the facility known as the Thomson Correctional Center (TCC) in Thomson, Illinois:

1. The Attorney General shall acquire and activate the TCC as a United States Penitentiary, which the Attorney General has determined would reduce the Bureau of Prisons’ shortage of high security, maximum custody cell space and could be used for other appropriate inmate or detainee management purposes. The Attorney General shall also provide to the Department of Defense a sufficient portion of the TCC to serve as a detention facility to be operated by the Department of Defense in order to accommodate the relocation of detainees by the Secretary of Defense in accordance with paragraph 2 of this memorandum.
2. The Secretary of Defense, working in consultation with the Attorney General, shall prepare the TCC for secure housing of detainees currently held at the Guantanamo Bay Naval Base who have been or will be designated for relocation, and shall relocate such detainees to the TCC, consistent with laws related to Guantanamo detainees and the findings in, and interagency Review established by, Executive Order 13492 of January 22, 2009.

This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity, by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

The Secretary of Defense is authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,

Memorandum of December 29, 2009

Implementation of the Executive Order, “Classified National Security Information”

Memorandum for the Heads of Executive Departments and Agencies

Today I have signed an executive order entitled, “Classified National Security Information” (the “order”), which substantially advances my goals for reforming the security classification and declassification processes. I expect that the order will produce measurable progress towards greater openness and transparency in the Government’s classification and declassification programs while protecting the Government’s legitimate interests, and I will closely monitor the results. I also look forward to reviewing recommendations from the study that the National Security Advisor will undertake in cooperation with the Public Interest Declassification Board to design a more fundamental transformation of the security classification system. To further assist in fulfilling the goal of measurable progress toward greater openness and transparency, I hereby direct the following actions.

1. Initial Implementation Efforts.

Successful implementation of the order requires personal commitment from the heads of departments and agencies, as well as their senior officials. It also requires effective security education and training programs, self-inspection programs, and measures designed to hold personnel accountable. In accordance with section 5.4 of the order, the head of each department and agency that creates or handles classified information shall provide the Director of the Information Security Oversight Office (ISOO) a copy of the department or agency regulations implementing the requirements of the order. Such regulations shall be issued in final form within 180 days of
Other Presidential Documents

ISOO’s publication of its implementing directive for the order. The Director of ISOO shall consider agency actions to implement the requirements of section 5.4 of the order as a key element in planning oversight of agencies. Each senior agency official designated under section 5.4(d) of the order shall provide ISOO with updates concerning agency plans and other actions to implement the requirements of the order. The Director of ISOO shall publish a periodic status report on agency implementation.

2. Declassification of Records of Permanent Historical Value.

Under the direction of the National Declassification Center (NDC), and utilizing recommendations of an ongoing Business Process Review in support of the NDC, referrals and quality assurance problems within a backlog of more than 400 million pages of accessioned Federal records previously subject to automatic declassification shall be addressed in a manner that will permit public access to all declassified records from this backlog no later than December 31, 2013. In order to promote the efficient and effective utilization of finite resources available for declassification, further referrals of these records are not required except for those containing information that would clearly and demonstrably reveal: (a) the identity of a confidential human source or a human intelligence source; or (b) key design concepts of weapons of mass destruction.

The Secretaries of State, Defense, and Energy, and the Director of National Intelligence shall provide the Archivist of the United States with sufficient guidance to complete this task. The Archivist shall make public a report on the status of the backlog every 6 months.

3. Delegation of Original Classification Authority.

Delegations of original classification authority shall be limited to the minimum necessary to implement the order and only those individuals or positions with a demonstrable and continuing need to exercise such authority shall be delegated original classification authority.

Accordingly, heads of departments and agencies with original classification authority shall commence a review to ensure that all delegations of original classification authority are so limited and otherwise in accordance with section 1.3(c) of the order. Each department and agency shall submit a report on the results of this review to the Director of ISOO within 120 days of the date of this memorandum.


Striking the critical balance between openness and secrecy is a difficult but necessary part of our democratic form of government. Striking this balance becomes more difficult as the volume and complexity of the information increases. Improving the capability of departments and agencies to identify still-sensitive information and to make declassified information available to the public are integral parts of the classification system.

Therefore, I am directing that the Secretary of Defense and the Director of National Intelligence each support research to assist the NDC in addressing the cross-agency challenges associated with declassification.
Title 3—The President

5. Publication. The Archivist of the United States is authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,

Order of December 29, 2009

Original Classification Authority

Pursuant to the provisions of section 1.3 of the Executive Order issued today, entitled “Classified National Security Information” (Executive Order), I hereby designate the following officials to classify information originally as “Top Secret” or “Secret”:

TOP SECRET

Executive Office of the President:
The Assistant to the President and Chief of Staff
The Assistant to the President for National Security Affairs (National Security Advisor)
The Assistant to the President for Homeland Security and Counterterrorism
The Director of National Drug Control Policy
The Director, Office of Science and Technology Policy
The Chair or Co-Chairs, President’s Intelligence Advisory Board

Departments and Agencies:
The Secretary of State
The Secretary of the Treasury
The Secretary of Defense
The Attorney General
The Secretary of Energy
The Secretary of Homeland Security
The Director of National Intelligence
The Secretary of the Army
The Secretary of the Navy
The Secretary of the Air Force
The Chairman, Nuclear Regulatory Commission
The Director of the Central Intelligence Agency
The Administrator of the National Aeronautics and Space Administration
Other Presidential Documents

The Director, Information Security Oversight Office

SECRET

Executive Office of the President:

The United States Trade Representative

Departments and Agencies:

The Secretary of Agriculture

The Secretary of Commerce

The Secretary of Health and Human Services

The Secretary of Transportation

The Administrator of the United States Agency for International Development

The Administrator of the Environmental Protection Agency

Any delegation of this authority shall be in accordance with section 1.3(c) of the Executive Order, except that the Director of the Information Security Oversight Office, the Secretary of Agriculture, and the Administrator of the Environmental Protection Agency may not delegate the authority granted in this order. If an agency head without original classification authority under this order, or otherwise delegated in accordance with section 1.3(c) of the Executive Order, has an exceptional need to classify information originated by their agency, the matter shall be referred to the agency head with appropriate subject matter interest and classification authority in accordance with section 1.3(e) of the Executive Order. If the agency with appropriate subject matter interest and classification authority cannot readily be determined, the matter shall be referred to the Director of the Information Security Oversight Office.

Presidential designations ordered prior to the issuance of the Executive Order are revoked as of the date of this order. However, delegations of authority to classify information originally that were made in accordance with the provisions of section 1.4 of Executive Order 12958 of April 17, 1995, as amended, by officials designated under this order shall continue in effect, provided that the authority of such officials is delegable under this order.

This order shall be published in the Federal Register.

BARACK OBAMA

THE WHITE HOUSE,

December 29, 2009.
# CHAPTER I—EXECUTIVE OFFICE OF THE PRESIDENT

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PART 100—STANDARDS OF CONDUCT

SOURCE: 64 FR 12881, Mar. 16, 1999, unless otherwise noted.

§ 100.1 Ethical conduct standards and financial disclosure regulations.

Employees of the Executive Office of the President are subject to the executive branch-wide standards of ethical conduct at 5 CFR part 2635, and the executive branch-wide financial disclosure regulations at 5 CFR part 2634.

PART 101—PUBLIC INFORMATION PROVISIONS OF THE ADMINISTRATIVE PROCEDURES ACT

Sec.
101.1 Executive Office of the President.
101.2 Office of Management and Budget.
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101.4 National Security Council.
101.5 Council on Environmental Quality.
101.6 Office of National Drug Control Policy.
101.7 Office of Science and Technology Policy.
101.8 Office of the United States Trade Representative.

AUTHORITY: 5 U.S.C. 552.
SOURCE: 40 FR 8061, Feb. 25, 1975 and 55 FR 46067, November 1, 1990, unless otherwise noted.

§ 101.1 Executive Office of the President.

Until further regulations are promulgated, the remainder of the entities within the Executive Office of the President, to the extent that 5 U.S.C. 552 is applicable, shall follow the procedures set forth in the regulations applicable to the Office of Management and Budget (5 CFR Ch. III). Requests for information from these other entities should be submitted directly to such entity.

§ 101.2 Office of Management and Budget.

Freedom of Information regulations for the Office of Management and Budget appear at 5 CFR Ch. III.

§ 101.3 Office of Administration.


§ 101.4 National Security Council.

Freedom of Information regulations for the National Security Council appear at 32 CFR Ch. XXI.

§ 101.5 Council on Environmental Quality.

Freedom of Information regulations for the Council on Environmental Quality appear at 40 CFR Ch. V.

§ 101.6 Office of National Drug Control Policy.


§ 101.7 Office of Science and Technology Policy.

Freedom of Information regulations for the Office of Science and Technology Policy appear at 32 CFR part 2402.

§ 101.8 Office of the United States Trade Representative.


PART 102—ENFORCEMENT OF NONDISCRIMINATION ON THE BASIS OF HANDICAP IN PROGRAMS OR ACTIVITIES CONDUCTED BY THE EXECUTIVE OFFICE OF THE PRESIDENT

Sec.
102.101 Purpose.
102.102 Application.
102.103 Definitions.
102.104–102.109 [Reserved]
102.110 Self-evaluation.
102.111 Notice.
102.112–102.129 [Reserved]
§ 102.101 Purpose.

The purpose of this regulation is to effectuate section 119 of the Rehabilitation, Comprehensive Services, and Developmental Disabilities Amendments of 1978, which amended section 504 of the Rehabilitation Act of 1973 to prohibit discrimination on the basis of handicap in programs or activities conducted by Executive agencies or the United States Postal Service.

§ 102.102 Application.

This regulation (§§ 102.101–102.170) applies to all programs or activities conducted by the agency, except for programs or activities conducted outside the United States that do not involve individuals with handicaps in the United States.

§ 102.103 Definitions.

For purposes of this regulation, the term—

Agency means, for purposes of this regulation only, the following entities in the Executive Office of the President: the White House Office, the Office of the Vice President, the Office of Management and Budget, the Office of Policy Development, the National Security Council, the Office of Science and Technology Policy, the Office of the United States Trade Representative, the Council on Environmental Quality, the Council of Economic Advisers, the Office of Administration, the Office of Federal Procurement Policy, and any committee, board, commission, or similar group established in the Executive Office of the President.

Agency head or head of the agency; as used in §§ 102.150(a)(3), 102.160(d) and 102.170 (i) and (j), shall be a three-member board which will include the Director, Office of Administration, the head of the Executive Office of the President, agency in which the issue needing resolution or decision arises and one other agency head selected by the two other board members. In the event that an issue needing resolution or decision arises within the Office of Administration, one of the board members shall be the Director of the Office of Management and Budget.

Assistant Attorney General means the Assistant Attorney General, Civil Rights Division, United States Department of Justice.

Auxiliary aids means services or devices that enable persons with impaired sensory, manual, or speaking skills to have an equal opportunity to participate in, and enjoy the benefits of, programs or activities conducted by Executive agencies or the United States Postal Service.

Complete complaint means a written statement that contains the complainant's name and address and describes the agency's alleged discriminatory action in sufficient detail to inform the agency of the nature and date of the alleged violation of section 504. It shall be signed by the complainant or by someone authorized to do so on his or her behalf. Complaints filed on behalf of classes or third parties shall describe or identify (by name, if possible) the alleged victims of discrimination.

Facility means all or any portion of buildings, structures, equipment, roads, walks, parking lots, rolling stock or other conveyances, or other real or personal property.

Historic preservation programs means programs conducted by the agency that
have preservation of historic properties as a primary purpose.

Historic properties means those properties that are listed or eligible for listing in the National Register of Historic Places or properties designated as historic under a statute of the appropriate State or local government body.

Individual with handicaps means any person who has a physical or mental impairment that substantially limits one or more major life activities, has a record of such an impairment, or is regarded as having such an impairment.

As used in this definition, the phrase:

(i) Physical or mental impairment includes—

(i) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more of the following body systems: neurological; musculoskeletal; special sense organs; respiratory, including speech organs; cardiovascular; reproductive; digestive; genitourinary; hemic and lymphatic; skin; and endocrine; or

(ii) Any mental or psychological disorder, such as mental retardation, organic brain syndrome, emotional or mental illness, and specific learning disabilities. The term “physical or mental impairment” includes, but is not limited to, such diseases and conditions as orthopedic, visual, speech, and hearing impairments, cerebral palsy, epilepsy, muscular dystrophy, multiple sclerosis, cancer, heart disease, diabetes, mental retardation, emotional illness, and drug addiction and alcoholism.

(ii) Major life activities includes functions such as caring for one's self, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working.

(3) Has a record of such an impairment means has a history of, or has been misclassified as having, a mental or physical impairment that substantially limits one or more major life activities.

(4) Is regarded as having an impairment means—

(i) Has a physical or mental impairment that does not substantially limit major life activities but is treated by the agency as constituting such a limitation;

(ii) Has a physical or mental impairment that substantially limits major life activities only as a result of the attitudes of others toward such impairment; or

(iii) Has none of the impairments defined in paragraph (1) of this definition that is treated by the agency as having such an impairment.

Qualified individual with handicaps means—

(1) With respect to preschool, elementary, or secondary education services provided by the agency, an individual with handicaps who is a member of a class of persons otherwise entitled by statute, regulation, or agency policy to receive education services from the agency;

(2) With respect to any other program or activity under which a person is required to perform services or to achieve a level of accomplishment, an individual with handicaps who meets the essential eligibility requirements and who can achieve the purpose of the program or activity without modifications in the program or activity that the agency can demonstrate would result in a fundamental alteration in its nature;

(3) With respect to any other program or activity, an individual with handicaps who meets the essential eligibility requirements for participation in, or receipt of benefits from, that program or activity that the agency can demonstrate would result in a fundamental alteration in its nature; and

(4) "Qualified handicapped person" as that term is defined for purposes of employment in 29 CFR 1613.702(f), which is made applicable to this regulation by §102.140.


Substantial impairment means a significant loss of the integrity of finished
materials, design quality, or special character resulting from a permanent alteration.

§§ 102.104–102.109 [Reserved]

§ 102.110 Self-evaluation.

(a) The agency shall, by September 6, 1989, evaluate its current policies and practices, and the effects thereof, that do not or may not meet the requirements of this regulation and, to the extent modification of any such policies and practices is required, the agency shall proceed to make the necessary modifications.

(b) The agency shall provide an opportunity to interested persons, including individuals with handicaps or organizations representing individuals with handicaps, to participate in the self-evaluation process by submitting comments (both oral and written).

(c) The agency shall, for at least three years following completion of the self-evaluation, maintain on file and make available for public inspection:

(1) A description of areas examined and any problems identified; and

(2) A description of any modifications made.

§ 102.111 Notice.

The agency shall make available to employees, applicants, participants, beneficiaries, and other interested persons such information regarding the provisions of this regulation and its applicability to the programs or activities conducted by the agency, and make such information available to them in such manner as the head of the agency finds necessary to apprise such persons of the protections against discrimination assured them by section 504 and this regulation.

§§ 102.112–102.129 [Reserved]

§ 102.130 General prohibitions against discrimination.

(a) No qualified individual with handicaps shall, on the basis of handicap, be excluded from participation in, be denied the benefits of, or otherwise be subjected to discrimination under any program or activity conducted by the agency.

(b)(1) The agency, in providing any aid, benefit, or service, may not, directly or through contractual, licensing, or other arrangements, on the basis of handicap—

(i) Deny a qualified individual with handicaps the opportunity to participate in or benefit from the aid, benefit, or service;

(ii) Afford a qualified individual with handicaps an opportunity to participate in or benefit from the aid, benefit, or service that is not equal to that afforded others;

(iii) Provide a qualified individual with handicaps with an aid, benefit, or service that is not as effective in affording equal opportunity to obtain the same result, to gain the same benefit, or to reach the same level of achievement as that provided to others;

(iv) Provide different or separate aid, benefits, or services to individuals with handicaps or to any class of individuals with handicaps than is provided to others unless such action is necessary to provide qualified individuals with handicaps with aid, benefits, or services that are as effective as those provided to others;

(v) Deny a qualified individual with handicaps the opportunity to participate as a member of planning or advisory boards;

(vi) Otherwise limit a qualified individual with handicaps in the enjoyment of any right, privilege, advantage, or opportunity enjoyed by others receiving the aid, benefit, or service.

(2) The agency may not deny a qualified individual with handicaps the opportunity to participate in programs or activities that are not separate or different, despite the existence of permissibly separate or different programs or activities.

(3) The agency may not, directly or through contractual or other arrangements, utilize criteria or methods of administration the purpose or effect of which would—

(i) Subject qualified individuals with handicaps to discrimination on the basis of handicap; or

(ii) Defeat or substantially impair accomplishment of the objectives of a program or activity with respect to individuals with handicaps.
§§ 102.131–102.139

(4) The agency may not, in determining the site or location of a facility, make selections the purpose or effect of which would—

(i) Exclude individuals with handicaps from, deny them the benefits of, or otherwise subject them to discrimination under any program or activity conducted by the agency; or

(ii) Defeat or substantially impair the accomplishment of the objectives of a program or activity with respect to individuals with handicaps.

(5) The agency, in the selection of procurement contractors, may not use criteria that subject qualified individuals with handicaps to discrimination on the basis of handicap.

(6) The agency may not administer a licensing or certification program in a manner that subjects qualified individuals with handicaps to discrimination on the basis of handicap, nor may the agency establish requirements for the programs or activities of licensees or certified entities that subject qualified individuals with handicaps to discrimination on the basis of handicap. However, the programs or activities of entities that are licensed or certified by the agency are not, themselves, covered by this regulation.

(c) The exclusion of nonhandicapped persons from the benefits of a program limited by Federal statute or Executive order to individuals with handicaps or the exclusion of a specific class of individuals with handicaps from a program limited by Federal statute or Executive order to a different class of individuals with handicaps is not prohibited by this regulation.

(d) The agency shall administer programs and activities in the most integrated setting appropriate to the needs of qualified individuals with handicaps.

§§ 102.131–102.139 [Reserved]

§ 102.140 Employment.

No qualified individual with handicaps shall, on the basis of handicap, be subject to discrimination in employment under any program or activity conducted by the agency. The definitions, requirements, and procedures of section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791), as established by the Equal Employment Opportunity Commission in 29 CFR part 1613, shall apply to employment in federally conducted programs or activities.

§ 102.141–102.148 [Reserved]

§ 102.149 Program accessibility: Discrimination prohibited.

Except as otherwise provided in §102.150, no qualified individual with handicaps shall, because the agency’s facilities are inaccessible to or unusable by individuals with handicaps, be denied the benefits of, be excluded from participation in, or otherwise be subjected to discrimination under any program or activity conducted by the agency.

§ 102.150 Program accessibility: Existing facilities.

(a) General. The agency shall operate each program or activity so that the program or activity, when viewed in its entirety, is readily accessible to and usable by individuals with handicaps.

(1) Necessarily require the agency to make each of its existing facilities accessible to and usable by individuals with handicaps;

(2) In the case of historic preservation programs, require the agency to take any action that would result in a substantial impairment of significant historic features of an historic property; or

(3) Require the agency to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens. In those circumstances where agency personnel believe that the proposed action would fundamentally alter the program or activity or would result in undue financial and administrative burdens, the agency has the burden of proving that compliance with §102.150(a) would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the agency head or his or her designee after considering all agency resources available for use in the funding and operation of the conducted program or activity, and must be accompanied by a written statement of the reasons...
Executive Office of the President

§ 102.151

Program accessibility: New construction and alterations.

Each building or part of a building that is constructed or altered by, or on behalf of, or for the use of the agency shall be designed, constructed, or altered so as to be readily accessible to and usable by individuals with handicaps. The definitions, requirements, and standards of the Architectural Barriers Act (42 U.S.C. 4151-4157), as established in 41 CFR 101-19.600 to 101-19.607,
apply to buildings covered by this section.

§§ 102.152–102.159 [Reserved]

§ 102.160 Communications.

(a) The agency shall take appropriate steps to ensure effective communication with applicants, participants, personnel of other Federal entities, and members of the public.

(1) The agency shall furnish appropriate auxiliary aids where necessary to afford an individual with handicaps an equal opportunity to participate in, and enjoy the benefits of, a program or activity conducted by the agency.

(i) In determining what type of auxiliary aid is necessary, the agency shall give primary consideration to the requests of the individual with handicaps.

(ii) The agency need not provide individually prescribed devices, readers for personal use or study, or other devices of a personal nature.

(2) Where the agency communicates with applicants and beneficiaries by telephone, telecommunication devices for deaf persons (TDD’s) or equally effective telecommunication systems shall be used to communicate with persons with impaired hearing.

(b) The agency shall ensure that interested persons, including persons with impaired vision or hearing, can obtain information as to the existence and location of accessible services, activities, and facilities.

(c) The agency shall provide signage at a primary entrance to each of its inaccessible facilities, directing users to a location at which they can obtain information about accessible facilities. The international symbol for accessibility shall be used at each primary entrance of an accessible facility.

(d) This section does not require the agency to take any action that it can demonstrate would result in a fundamental alteration in the nature of a program or activity or in undue financial and administrative burdens. In those circumstances where agency personnel believe that the proposed action would fundamentally alter the program or activity or would result in undue financial and administrative burdens, the agency has the burden of proving that compliance with § 102.160 would result in such alteration or burdens. The decision that compliance would result in such alteration or burdens must be made by the agency head or his or her designee after considering all agency resources available for use in the funding and operation of the conducted program or activity and must be accompanied by a written statement of the reasons for reaching that conclusion. If an action required to comply with this section would result in such an alteration or such burdens, the agency shall take any other action that would not result in such an alteration or such burdens but would nevertheless ensure that, to the maximum extent possible, individuals with handicaps receive the benefits and services of the program or activity.

§§ 102.161–102.169 [Reserved]

§ 102.170 Compliance procedures.

(a) Except as provided in paragraph (b) of this section, this section applies to all allegations of discrimination on the basis of handicap in programs and activities conducted by the agency.

(b) The agency shall process complaints alleging violations of section 504 with respect to employment according to the procedures established by the Equal Employment Opportunity Commission in 29 CFR part 1613 pursuant to section 501 of the Rehabilitation Act of 1973 (29 U.S.C. 791).

(c) The Director, Facilities Management, Office of Administration, Executive Office of the President, shall be responsible for coordinating implementation of this section. Complaints may be sent to the Director at the following address: Room 406, Old Executive Office Building, 17th and Pennsylvania Ave. NW., Washington, DC 20500.

(d) The agency shall accept and investigate all complete complaints for which it has jurisdiction. All complete complaints must be filed within 180 days of the alleged act of discrimination. The agency may extend this time period for good cause.
(e) If the agency receives a complaint over which it does not have jurisdiction, it shall promptly notify the complainant and shall make reasonable efforts to refer the complaint to the appropriate Government entity.

(f) The agency shall notify the Architectural and Transportation Barriers Compliance Board upon receipt of any complaint alleging that a building or facility that is subject to the Architectural Barriers Act of 1968, as amended (42 U.S.C. 4151–4157), is not readily accessible to and usable by individuals with handicaps.

(g) Within 180 days of the receipt of a complete complaint for which it has jurisdiction, the agency shall notify the complainant of the results of the investigation in a letter containing—

1. Findings of fact and conclusions of law;
2. A description of a remedy for each violation found; and
3. A notice of the right to appeal.

(h) Appeals of the findings of fact and conclusions of law or remedies must be filed by the complainant within 90 days of receipt from the agency of the letter required by §102.170(g). The agency may extend this time for good cause.

(i) Timely appeals shall be accepted and processed by the head of the agency.

(j) The head of the agency shall notify the complainant of the results of the appeal within 60 days of the receipt of the request. If the head of the agency determines that additional information is needed from the complainant, he or she shall have 60 days from the date of receipt of the additional information to make his or her determination on the appeal.

(k) The time limits cited in paragraphs (g) and (j) of this section may be extended with the permission of the Assistant Attorney General.

(l) The agency may delegate its authority for conducting complaint investigations to other Federal agencies, except that the authority for making the final determination may not be delegated to another agency.
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**Editorial note:** The following abbreviations are used in this table:

- EO ........................................... Executive Order
- FR ........................................... Federal Register
- PLO ......................................... Public Land Order (43 CFR, Appendix to Chapter II)
- Proc. ....................................... Proclamation
- Pub. L. ................................. Public Law
- Stat. ........................................ U.S. Statutes at Large
- WCPD ..................................... Weekly Compilation of Presidential Documents

### Proclamations

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**Editorial note:** Statutes which were cited as authority for the issuance of Presidential documents contained in this volume are listed under one of these headings. For authority cites for hortatory proclamations, see the text of each proclamation:

- United States Code
- United States Statutes at Large
- Public Laws
- Short Title of Act

Citations have been set forth in the style in which they appear in the documents. Since the form of citations varies from document to document, users of this table should search under all headings for pertinent references.

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