

OIRA notifies the agency that OIRA has waived its review of the action or has completed its review without any requests for further consideration, or (2) the applicable time period in section 6(b)(2) expires without OIRA having notified the agency that it is returning the regulatory action for further consideration under section 6(b)(3), whichever occurs first. If the terms of the preceding sentence have not been satisfied and an agency wants to publish or otherwise issue a regulatory action, the head of that agency may request Presidential consideration through the Vice President, as provided under section 7 of this order. Upon receipt of this request, the Vice President shall notify OIRA and the Advisors. The guidelines and time period set forth in section 7 shall apply to the publication of regulatory actions for which Presidential consideration has been sought.

**Sec. 9. Agency Authority.** Nothing in this order shall be construed as displacing the agencies' authority or responsibilities, as authorized by law.

**Sec. 10. Judicial Review.** Nothing in this Executive order shall affect any otherwise available judicial review of agency action. This Executive order is intended only to improve the internal management of the Federal Government and does not create any right or benefit, substantive or procedural, enforceable at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

**Sec. 11. Revocations.** Executive Orders Nos. 12291 and 12498; all amendments to those Executive orders; all guidelines issued under those orders; and any exemptions from those orders heretofore granted for any category of rule are revoked.

**William J. Clinton**

The White House,  
September 30, 1993.

[Filed with the Office of the Federal Register,  
12:12 p.m., October 1, 1993]

NOTE: This Executive order was published in the *Federal Register* on October 4.

## **Memorandum on Agency Rulemaking**

*September 30, 1993*

*Memorandum for Heads of Departments and Agencies*

*Subject: Agency Rulemaking Procedures*

Today, I issued an Executive order setting forth the Administration's regulatory philosophy; defining a more effective and accountable role for the Executive Office of the President in regulatory planning and review; and establishing the procedures to be followed by agencies and the Office of Information and Regulatory Affairs ("OIRA") in promulgating and reviewing regulations. One primary objective of this order is to streamline the regulatory review process, thus reducing the delay in the developing and promulgating rules.

We cannot, however, reduce delay in the rulemaking process without reforms within the agencies themselves. The National Performance Review team examining the issue found that many agencies require numerous clearances within the agency before a rule is submitted to OIRA for review. (Indeed, one agency found that its internal review process could only be described by using an 18-foot flow chart.) The team also learned that too often agencies use the same internal review procedures for all rules—regardless of their complexity or significance.

In order to streamline the entire rulemaking process, agencies must, consistent with any applicable laws, utilize internally the most efficient method of developing and reviewing regulations. Accordingly, I direct the head of each agency and department to examine its internal review procedures to determine whether, and if so, how those procedures can be improved and streamlined. In conducting this examination, the agency or

department shall consider the number of clearances required by its review process and whether the review process varies according to the complexity or significance of a rule.

I further direct the head of each agency and department to submit to the Vice President and me, within 6 months of this memorandum, the results of its examination.

**William J. Clinton**

### **Memorandum on Negotiated Rulemaking**

*September 30, 1993*

*Memorandum for Executive Departments and Selected Agencies, Administrator of the Office of Information and Regulatory Affairs*

*Subject: Negotiated Rulemaking*

Today, I issued the Executive order on Regulatory Planning and Review, which sets forth the Administration's regulatory philosophy and establishes the procedures to be followed by agencies in promulgating regulations. This order also enhances public disclosure requirements and public involvement in the regulatory review process. In Section 6(a) of the order, I direct each agency to explore and, where appropriate, use consensual mechanisms for developing regulations, including negotiated rulemaking. Consistent with that directive and the recommendation of the National Performance Review on this issue, I further direct each agency, within 90 days of this order, to (i) identify to OIRA at least one rulemaking which the agency will, within the upcoming year, develop through the use of negotiated rulemaking or (ii) explain to OIRA why the use of negotiated rulemaking will not be feasible in the upcoming year.

I further direct the Administrator of OIRA to publish this memorandum in the *Federal Register*.

**William J. Clinton**

### **Memorandum on Report of Regulatory Review**

*September 30, 1993*

*Memorandum for the Administrator, Office of Information and Regulatory Affairs*

*Subject: Report of Regulations Reviewed*

Today, I issued an Executive order setting forth the Administration's regulatory philosophy; defining a more effective and accountable role for the Executive Office of the President in regulatory planning and review; and establishing the procedures to be followed by agencies and your office in promulgating and reviewing regulations. The review process set forth in the order is designed to assist agencies in issuing better regulations by, among other things, streamlining the review process and enhancing accountability.

In order to ascertain the success of the regulatory review process, I direct you to monitor your review activities over the next 6 months and, at the end of this period, to prepare a report on your activities. This report shall include a list of the regulatory actions reviewed by OIRA, specifying the issuing agency; the nature of the regulatory action (e.g., advance notice of proposed rulemaking, notice of proposed rulemaking, interim final rule, or final rule); whether the agency or OIRA identified the reviewed regulatory action as "significant," within the meaning of the order; and the time dedicated to the review, including whether there were any extensions of the time periods set forth in the order, and, if so, the reason for such extensions. The report shall include any other information that your office may have with respect to the kind or amount of regulatory actions that were not reviewed by your office. Finally, the report shall identify any provisions of the order that, based on your experience or on comments from interested persons, warrant reconsideration so that the purposes and objectives of this order can be better achieved.

I further direct you to submit this report to the Vice President and me by May 1, 1994, and to publish the report in the *Federal Register*.

**William J. Clinton**