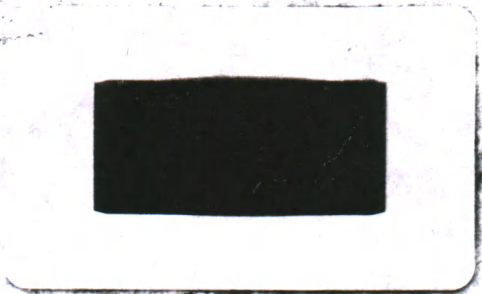


HHS Proposed Executive Order re
The President's Council on
Physical Fitness and Sports



THE WHITE HOUSE
WASHINGTON

DATE: 08/16/94



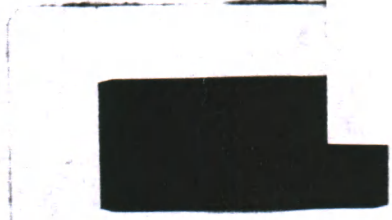
TO: BOB DAMUS
MAC REED

FROM: JOHN D. PODESTA
Assistant to the President and
Staff Secretary

For your clearance.

The original package is in my
office.

*Mac Reed putting into
final for circulation and
clearance. 8/30/94
ppr*



12/2/94
MAC REED
says HHS ~~is~~ &
OMB still working
on this.
— 1.

To

8115

OMB

clean thru
Bob Amus
mack feed



Washington, D.C. 20201

AUG 11 1994

MEMORANDUM FOR THE HONORABLE CHRISTINE VARNEY
SECRETARY TO THE CABINET

FROM: Kevin Thurm *KT*

SUBJECT: The President's Council on Physical Fitness and Sports
(PCPFS) Executive Order

The President's Council on Physical Fitness and Sports (PCPFS) has been conducting its physical fitness activities under Executive Order (E.O.) 12345 issued February 2, 1982. The Department and the PCPFS recommend that the E.O. be amended as indicated in the attached E.O. for the President's signature. If I can be of additional assistance, please let me know.

Attachment

Laurie O.K. to go to Podesta

*John send entire
pkg to omB 8/16
give omB
a copy
return TO handle*

074593



THE SECRETARY OF HEALTH AND HUMAN SERVICES
WASHINGTON, D.C. 20201

AUG 11 1994

94 AUG 15 P4:22

MEMORANDUM FOR THE PRESIDENT

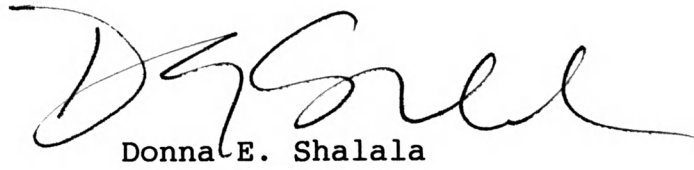
The President's Council on Physical Fitness and Sports (PCPFS) has been conducting its physical fitness activities under Executive Order (E.O.) 12345 (Tab A), issued February 2, 1982. The Department and the PCPFS recommend that the E.O. be amended to update the E.O. as specified below. Please note that previously there have been ten Executive Orders which amended E.O. 12345 in minor ways and/or continued the PCPFS.

In addition to a number of editorial changes, the following substantive changes are proposed:

1. Section 1(e) would be amended expressly to include special populations in the categories of individuals for whom community recreation and sports participation will be encouraged.
2. Section 1(i) would be amended to emphasize safety in recreational and sports activity by national sports governing bodies.
3. Section 1 would be amended by adding a new paragraph (k) to encourage the national sports associations to be more populist in their outlooks and programs.
4. Section 1 would be amended by adding a new paragraph (l) relating to the promotion of American sports internationally.
5. Sections 2 and 5(e) would be amended to clarify the relationship between the Department and the PCPFS and to establish the administrative structure to coordinate their activities.
6. Finally, section 5(f), as redesignated, would be deleted. This paragraph is obsolete in that it continues the Council seal prescribed by a 1959 Executive Order; that seal has not been used since 1968 when the Council adopted its present seal.

Page 2 - The President

The complete text of E.O. 12345 as amended by the new and yet unnumbered Executive Order appears at Tab B. The Executive Order which would be issued is at Tab C.

A handwritten signature in black ink, appearing to read "D. Shalala", with a large, sweeping initial "D".

Donna E. Shalala

Enclosures

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Divider Title: TAB A

EXECUTIVE ORDER #12345

- - - - -

PHYSICAL FITNESS AND SPORTS

By virtue of the authority vested in me as President of the United States of America, and in accordance with the Federal Advisory Committee Act, as amended (5 U.S.C. App.), in order to expand the program for physical fitness and sports and to continue the President's Council on Physical Fitness and Sports, it is hereby ordered as follows:

Section 1. The Secretary of Health and Human Services shall, in carrying out responsibilities for public health and human services, develop and coordinate a national program for physical fitness and sports. The Secretary shall:

- (a) Enlist the active support and assistance of individual citizens, civic groups, private enterprise, voluntary organizations, and others in efforts to promote and improve the fitness and health of all Americans through regular participation in physical fitness and sports activities.
- (b) Initiate programs, special events, and media campaigns to inform the general public of the importance of exercise and the link that exists between regular physical activity and such qualities as good health, safety and effective performance.
- (c) Strengthen coordination of Federal services and programs relating to physical activity and sports participation and invite appropriate Federal agencies to participate in an interagency committee to coordinate physical fitness and sports activities.
- (d) Encourage Federal agencies and State and local governments to emphasize the importance of regular physical activity and sports participation by supporting programs in schools and communities to the extent permitted by law.
- (e) Advance the physical fitness and health of children, youth, adults, older adults and special populations by systematically encouraging the development of community recreation, physical activity and sports participation programs.

- (f) Develop cooperative programs with medical, dental, and other similar professional societies to encourage the implementation of sound physical fitness practices and sports medicine services.
- (g) Stimulate and encourage research in the areas of sports medicine, physical fitness, physical activity and sports performance.
- (h) Stimulate and encourage educational agencies at all levels in developing high quality, innovative health and physical education programs which emphasize the importance of exercise to good health.
- (i) Stimulate and encourage recreation agencies and national sports governing bodies at all levels in developing "sports for all" programs which emphasize the value of sports to physical, mental and emotional fitness and which promote safety in recreational and sports activities.
- (j) Assist business, industry, government, and labor organizations in establishing sound physical fitness programs to elevate employee fitness and to reduce the financial and human costs resulting from physical inactivity.
- (k) Encourage the promotion of physical fitness and sports for all Americans consistent with the intent of the Amateur Sports Act.
- (l) Encourage the international exchange and promotion of American sports and physical activity.

Section 2. In carrying out his or her functions under this Executive Order, the Secretary shall work with the President's Council on Physical Fitness and Sports.

Section 3. President's Council on Physical Fitness and Sports.

- (a) There is hereby continued the President's Council on Physical Fitness and Sports.
- (b) The Council shall be composed of twenty members appointed by the President. The President may, as he deems appropriate, designate one or more of the members to be Chairmen and to be Vice Chairmen.

Section 4. Functions of the Council

- (a) The Council shall advise the President and the Secretary concerning progress made in carrying out the provisions of this Order and shall recommend to the President and the Secretary, as necessary, actions to accelerate progress.
- (b) The Council shall advise the Secretary on matters pertaining to the ways and means of enhancing opportunities for participation in physical fitness and sports activities.
- (c) The Council shall also advise the Secretary on State, local, and private actions to extend and improve physical activity programs and services.
- (d) In carrying out its functions, the Council may bring together and consult with other individuals and organizations in arriving at recommendations to the President and Secretary regarding needed changes in public policy concerning physical activity, sports and health initiatives.

Section 5. Administrative Provisions Concerning the Council

- (a) The Secretary and the Council are authorized to request from any Federal agency such information or assistance deemed necessary to carry out their functions under this Order.
- (b) Each Federal agency is authorized, to the extent permitted by law and within available funds, to furnish such information and assistance to the Secretary and the Council as they may request.
- (c) The members of the Council shall serve without compensation for their work on the Council. However, members of the Council may receive 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).
- (d) To the extent permitted by law, the Secretary shall furnish the Council with necessary staff, supplies, facilities and other administrative services. The expenses of the Council shall be paid from funds available to the Secretary.
- (e) The Secretary shall appoint an Executive Director of the Council who shall also serve as the Staff Director. In those capacities, the Director shall, among other things, serve as a liaison between the Council and the Department of Health and Human Services and shall be

authorized to implement, subject to the availability of funds, such of those Council recommendations as the President or Secretary may approve.

Section 6. General Provisions Concerning the Council.

- (a) Notwithstanding the provisions of any other Executive Order, the functions of the President under the Federal Advisory Committee Act, as amended (5 U.S.C. App.), except that of reporting annually to the Congress, shall be performed by the Secretary in accordance with guidelines and procedures established by the Administrator of General Services.
- (b) In accordance with the Federal Advisory Committee Act, as amended, the Council shall terminate on September 30, 1995, unless sooner extended.

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Divider Title: TAB B

Executive Order _____ of _____, 1994

Amendments to Executive Order No. 12345--President's Council on Physical Fitness and Sports

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

Amendment of Executive Order No. 12345. Executive Order No. 12345 of February 2, 1982, is amended as follows:

- (a) Section 1(a) is amended by inserting "and health" after "fitness", the first time it appears.
- (b) Section 1(b) is amended by inserting a comma after "Initiate programs" and thereafter inserting "special events, and media campaigns" and by striking "which" and inserting instead "that".
- (c) Section 1(c) is amended by striking "fitness" the first time it appears and inserting instead "activity".
- (d) Section 1(d) is amended to read as follows:

Encourage Federal agencies and State and local governments to emphasize the importance of regular physical activity and sports participation by supporting programs in schools and communities to the extent permitted by law.
- (e) Section 1(e) is amended to read as follows:

Advance the physical fitness and health of children, youth, adults, older adults and special populations by systematically encouraging the development of community recreation, physical activity and sports participation programs.
- (f) Section 1(g) is amended by inserting "physical activity" after "physical fitness,".
- (g) Section 1(h) is amended by striking the word "Assist" and inserting instead "Stimulate and encourage".
- (h) Section 1(i) is amended by striking the word "Assist" and inserting instead "Stimulate and encourage" and by inserting the following phrase after the word "fitness" at the end of the sentence: "and which promote safety in recreational and sports activities".

- (i) Section 1 is amended by adding new paragraphs (k) and (l) to read as follows:

(k) Encourage the promotion of physical fitness and sports for all Americans consistent with the intent of the Amateur Sports Act.

(l) Encourage the international exchange and promotion of American sports and physical activity.

- (j) Sections 2 through 5 are amended by redesignating them as Sections 3 through 6 and a new Section 2 is inserted to read as follows:

Section 2. In carrying out his or her functions under this Executive Order, the Secretary shall work with the President's Council on Physical Fitness and Sports.

- (k) Section 4 is amended by adding a new paragraph (d) to read as follows:

In carrying out its functions, the Council may bring together and consult with other individuals and organizations in arriving at recommendations to the President and Secretary regarding needed changes in public policy concerning physical activity, sports and health initiatives.

- (l) Section 5(e) is amended by revising it to read as follows:

The Secretary shall appoint an Executive Director of the Council who shall also serve as the Staff Director. In those capacities, the Director shall, among other things, serve as a liaison between the Council and the Department of Health and Human Services and shall be authorized to implement, subject to the availability of funds, such of those Council recommendations as the President or Secretary may approve.

- (m) Section 5(f), as redesignated above, is deleted.

WILLIAM J. CLINTON

THE WHITE HOUSE
(DATE)

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Divider Title: TAB C

Codification of Presidential Proclamations and Executive Orders

under the direction of the head of their agency, the implementation of changes ordered by the President in sex-discriminatory Federal regulations, policies, and practices.

(b) The Task Force shall periodically report to the President on the progress made throughout the Government in implementing the President's directives.

(c) The Attorney General shall complete the review of Federal laws, regulations, policies, and practices which contain language that unjustifiably differentiates, or which effectively discriminates, on the basis of sex. The Attorney General or his designee shall, on a quarterly basis, report his findings to the President through the Cabinet Council on Legal Policy.

[Sec. 2 amended by EO 12355 of Apr. 1, 1982, 47 FR 14479, 3 CFR, 1982 Comp., p. 165]

SEC. 3. Administration. (a) The head of each Executive agency shall, to the extent permitted by law, provide the Task Force with such information and advice as the Task Force may identify as being useful to fulfill its functions.

(b) The agency with its representative chairing the Task Force shall, to the extent permitted by law, provide the Task Force with such administrative support as may be necessary for the effective performance of its functions.

(c) The head of each agency represented on the Task Force shall, to the extent permitted by law, furnish its representative such administrative support as is necessary and appropriate.

SEC. 4. General Provisions. (a) Section 1-101(h) of Executive Order No. 12258, as amended, is revoked.

(b) Executive Order No. 12135 is revoked.

(c) Section 6 of Executive Order No. 12050, as amended, is revoked.

Executive Order 12345—Physical fitness and sports

SOURCE. The provisions of Executive Order 12345 of Feb. 2, 1982, appear at 47 FR 5189, 3 CFR, 1982 Comp., p. 130, unless otherwise noted.

By virtue of the authority vested in me as President of the United States of America, and in accordance with the Federal Advisory Committee Act, as amended (5 U.S.C. App. I), in order to expand the program for physical fitness and sports and to continue the President's Council on Physical Fitness and Sports, it is hereby ordered as follows:

SECTION 1. The Secretary of Health and Human Services shall, in carrying out his responsibilities for public health and human services, develop and coordinate a national program for physical fitness and sports. The Secretary shall:

(a) Enlist the active support and assistance of individual citizens, civic groups, private enterprise, voluntary organizations, and others in efforts to promote and improve the fitness of all Americans through regular participation in physical fitness and sports activities.

(b) Initiate programs to inform the general public of the importance of exercise and the link which exists between regular physical activity and such qualities as good health and effective performance.

(c) Strengthen coordination of Federal services and programs relating to physical fitness and sports participation and invite appropriate Feder-

Chapter 45—Public Welfare

al agencies to participate in an interagency committee to coordinate physical fitness and sports activities of the Federal establishment.

(d) Encourage State and local governments to emphasize the importance of regular physical fitness and sports participation.

(e) Seek to advance the physical fitness of children, youth, adults, and senior citizens by systematically encouraging the development of community recreation, physical fitness, and sports participation programs.

(f) Develop cooperative programs with medical, dental, and other similar professional societies to encourage the implementation of sound physical fitness practices and sports medicine services.

(g) Stimulate and encourage research in the areas of sports medicine, physical fitness, and sports performance.

(h) Assist educational agencies at all levels in developing high quality, innovative health and physical education programs which emphasize the importance of exercise to good health.

(i) Assist recreation agencies and national sports governing bodies at all levels in developing "sports for all" programs which emphasize the value of sports to physical, mental, and emotional fitness.

(j) Assist business, industry, government, and labor organizations in establishing sound physical fitness programs to elevate employee fitness and to reduce the financial and human costs resulting from physical inactivity.

SEC. 2. *President's Council on Physical Fitness and Sports.* (a) There is hereby continued the President's Council on Physical Fitness and Sports.

(b) The Council shall be composed of fifteen members appointed by the President. The President shall designate one of the members to be the Chairman.

SEC. 3. *Functions of the Council.* (a) The Council shall advise the President and the Secretary concerning progress made in carrying out the provisions of this Order and shall recommend to the President and the Secretary, as necessary, actions to accelerate progress.

(b) The Council shall advise the Secretary on matters pertaining to the ways and means of enhancing opportunities for participation in physical fitness and sports activities.

(c) The Council shall also advise the Secretary on State, local, and private actions to extend and improve physical activity programs and services.

SEC. 4. *Administrative Provisions Concerning the Council.* (a) The Secretary and the Council are authorized to request from any Federal agency such information or assistance deemed necessary to carry out their functions under this Order.

(b) Each Federal agency is authorized, to the extent permitted by law and within available funds, to furnish such information and assistance to the Secretary and the Council as they may request.

(c) The members of the Council shall serve without compensation for their work on the Council. However, members of the Council may receive 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).

(d) To the extent permitted by law, the Secretary shall furnish the Council with necessary staff, supplies, facilities, and other administra-

Codification of Presidential Proclamations and Executive Orders

tive services. The expenses of the Council shall be paid from funds available to the Secretary.

(e) The Secretary shall appoint an Executive Director of the Council.

(f) The seal prescribed by Executive Order No. 10830 of July 24, 1959, as amended, shall continue to be the seal of the President's Council on Physical Fitness and Sports continued by this Order.

SEC. 5. General Provisions Concerning the Council.

(a) Notwithstanding the provisions of any other Executive Order, the functions of the President under the Federal Advisory Committee Act, as amended (5 U.S.C. App. 1), except that of reporting annually to the Congress, shall be performed by the Secretary in accordance with guidelines and procedures established by the Administrator of General Services.

(b) In accordance with the Federal Advisory Committee Act, as amended, the Council shall terminate on December 31, 1982, unless sooner extended.

(c) Executive Order No. 11562, as amended, is revoked.

EDITORIAL NOTE: The President's Council on Physical Fitness and Sports was continued until Sept. 30, 1985, by EO 12489 of Sept. 28, 1984, 49 FR 38927, 3 CFR, 1984 Comp., p. 222. Executive Order 12489 also provides that, notwithstanding the provisions of any other Executive order, the functions of the President under the Federal Advisory Committee Act which are applicable to the Council, except that of reporting annually to Congress, shall be performed by the Secretary of Health and Human Services in accordance with guidelines and procedures established by the Administrator of General Services.

Executive Order 12367—President's Committee on the Arts and the Humanities

SOURCE: The provisions of Executive Order 12367 of June 15, 1982, appear at 47 FR 26119, 3 CFR, 1982 Comp., p. 186, unless otherwise noted.

By the authority vested in me as President of the United States, and to establish, in accordance with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App. 1), an advisory committee to assist in efforts to increase private sector support for the arts and the humanities, it is hereby ordered as follows:

SECTION 1. Establishment. (a) There is established the President's Committee on the Arts and the Humanities. The Committee shall be composed of the Chairman of the National Endowment for the Arts; the Chairman of the National Endowment for the Humanities; the Secretary of the Treasury; the Secretary of the Interior; the Secretary of Education; the Administrator of General Services; the Director of the Institute of Museum Services; the Director of the International Communication Agency; a member designated by the Secretary of State; and not more than twenty persons who are not full-time officers or employees of the Federal Government ("non-Federal members"), who shall be appointed by the President and shall be selected from among private individuals and State and local public officials who have a demonstrated interest in and commitment to support for the arts or the humanities. In addition, the Majority Leader of the Senate and the Speaker of the House of Representatives are each invited to designate a member of the Committee for appointment by the President, and the Librarian of Congress, the Secretary of the Smithsonian Institution, the

EO 12692

Title 3—The President

Sec. 5. This order shall be effective September 30, 1989.

GEORGE BUSH

THE WHITE HOUSE,

September 29, 1989.

Executive Order 12693 of September 29, 1989

Exclusion of the Defense Mapping Agency Reston Center and Elements Under the Joint Special Operations Command From the Federal Labor-Management Relations Program

By the authority vested in me as President by the Constitution and laws of the United States of America, including section 7103(b)(1) of title 5 of the United States Code, and having determined that the Defense Mapping Agency Reston Center and the elements under the operational control of the Joint Special Operations Command have as a primary function intelligence, counterintelligence, investigative, or national security work and that the provisions of Chapter 71 of title 5 of the United States Code cannot be applied to those organizations in a manner consistent with national security requirements and considerations, Executive Order No. 12171 of November 19, 1979, as amended, is further amended as follows:

Section 1. Section 1-212(v) is amended by deleting the period and inserting in lieu thereof "and all elements under its operational control."

Sec. 2. A new section is inserted after section 1-214 as follows:

"1-215. The Defense Mapping Agency Reston Center, Department of Defense."

GEORGE BUSH

THE WHITE HOUSE,

September 29, 1989.

Executive Order 12694 of October 11, 1989

Amending Executive Order No. 12345

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Federal Advisory Committee Act, as amended (5 U.S.C. App.), and in order to amend Executive Order No. 12345, as amended, to provide for the option of selecting one or more Chairmen and Vice Chairmen from among the members of the President's Council on Physical Fitness and Sports, it is hereby ordered that Executive Order No. 12345, as amended, is amended as follows:

Section 1. The second sentence of Section 2(b) shall read "The President may, as he deems appropriate, designate one or more members to be Chairmen and to be Vice Chairmen."

Executive Orders

EO 12696

Sec. 2. This order is effective immediately.

GEORGE BUSH

THE WHITE HOUSE,

October 11, 1989.

Executive Order 12695 of November 1, 1989

Delegation of Debt Relief Authority

By the authority vested in me as President by the Constitution and laws of the United States of America, including the Foreign Assistance Act of 1961, as amended, and section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100-461, 102 Stat. 2268), and in order to delegate certain relief authority to the Administrator of the Agency for International Development, it is hereby ordered as follows:

Section 1. *Delegation of Presidential Authority under Section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989.* Section 1-102(a) of Executive Order No. 12163, as amended, is further amended by (A) deleting "and" at the end of subsection (9), (B) deleting the period and inserting "and" at the end of subsection (10), and (C) adding a subsection (11) as follows:

"(11) section 572 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act, 1989 (Public Law 100-461), to be exercised by the Administrator of the Agency for International Development within IDCA, with the concurrence of the Development Coordination Committee, as established by section 640B of the Act and as provided for herein."

Sec. 2. Effective Date. This order shall take effect immediately.

GEORGE BUSH

THE WHITE HOUSE,

November 1, 1989.

Executive Order 12696 of November 13, 1989

President's Drug Advisory Council

By the authority vested in me as President by the Constitution and laws of the United States of America, and in order to establish, in accordance with the provisions of the Federal Advisory Committee Act, as amended (5 U.S.C. App. 2), an advisory committee to assist in the development, dissemination, explanation, and promotion of national drug control policy, it is hereby ordered as follows:

Section 1. Establishment. (a) There is established the President's Drug Advisory Council in the Federal Government. The Council shall be composed