Executive Order 12916—
Implementation of the Border
Environment Cooperation
Commission and the North American
Development Bank
May 13, 1994

By the authority vested in me as President
by the Constitution and the laws of the
United States of America, including the
North American Free Trade Agreement Im-
plementation Act, Public Law 103-182; 107
Stat. 2057 ("NAFTA Implementation Act"),
and section 301 of title 3, United States
Code, it is hereby ordered as follows:

Section 1. The Agreement Between the
Government of the United States of America
and the Government of the United Mexican
States Concerning the Establishment of a
Border Environment Cooperation Commiss-
ion and a North American Development
Bank ("Agreement") shall be implemented
consistent with United States policy for the
protection of human, animal or plant life or
health, and the environment. The Agreement
shall also be implemented to advance sus-
tainable development, pollution prevention,
environmental justice, ecosystem protection,
and biodiversity preservation and in a man-
ner that promotes transparency and public
participation in accordance with the North
American Free Trade Agreement and the
Agreement.

Sec. 2. (a) The Administrator of the En-
vironmental Protection Agency and the United
States Commissioner, International Bound-
ary and Water Commission, United States
and Mexico ("Commissioner"), shall rep-
resent the United States as Members of the
Board of Directors of the Border Environ-
ment Cooperation Commission in accord-
ance with the Agreement.

(b) The policies and positions of the
United States in the Border Environment
Cooperation Commission shall be coordi-
nated through applicable interagency pro-
cedures, which shall include participation by
the Department of State, the Department of
the Treasury, the Department of Housing
and Urban Development, the Department of
the Interior, the Agency for International
Development, the Environmental Protection
Agency, and, as appropriate, other Federal
agencies.

(c) The Commissioner shall promote co-
operation, as appropriate, between the Inter-
national Boundary and Water Commission
and the Border Environment Cooperation
Commission in planning, developing, carry-
ing out border sanitation, and other environ-
mental activities.

Sec. 3. (a) The United States Government
representatives to the Board of the North
American Development Bank shall be the
Secretary of the Treasury, the Secretary of
State, and the Administrator of the Environ-
mental Protection Agency.

(b) For purposes of loans or guarantees
for projects certified by the Border Environ-
ment Cooperation Commission, the repre-
sentatives shall be instructed in accordance
with the procedures of the National Advisory
Council on International Monetary and Fi-
nancial Policies ("Council") as established by
Executive Order No. 11269. For purposes of
this section only, the membership of the
Council shall be expanded to include the
Secretary of the Department of Housing and
Urban Development, the Secretary of the In-
terior, and the Administrator of the Environ-
mental Protection Agency.

(c) For purposes of loans or guarantees
for projects certified by the Border Environ-
ment Cooperation Commission, the rep-
presentatives shall consult with the Commu-
ity Adjustment and Investment Program Advisory
Committee ("Advisory Committee"), estab-
lished pursuant to section 543(b) of the
NAFTA Implementation Act concerning
community adjustment and investment as-
psects of such loans or guarantees.

(d) For purposes of loans, guarantees, or
grants endorsed by the United States for
community adjustment and investment, the
representatives shall be instructed by the
Secretary of the Treasury in accordance with
procedures established by the Community
Adjustment and Investment Program Fi-
nance Committee established pursuant to
section 7 of this order.

Sec. 4. The functions vested in the Presi-
dent by section 543(a)(1) of the NAFTA Im-
plementation Act are delegated to the Sec-
retary of the Treasury.
Sec. 5. The functions vested in the President by section 543(a)(2) and (3) of the NAFTA Implementation Act are delegated to the Secretary of the Treasury, who shall exercise such functions in accordance with the recommendations of the Community Adjustment and Investment Program Finance Committee established pursuant to section 7 of this order.

Sec. 6. The functions vested in the President by section 543(a)(5) and section 543(d) of the NAFTA Implementation Act are delegated to the Community Adjustment and Investment Program Finance Committee established pursuant to section 7 of this order, which shall exercise such functions in consultation with the Advisory Committee.

Sec. 7. (a) There is hereby established a Community Adjustment and Investment Program Finance Committee ("Finance Committee").

(b) The Finance Committee shall be composed of representatives from the Department of the Treasury, the Department of Agriculture, the Department of Housing and Urban Development, the Small Business Administration, and any other Federal agencies selected by the Chair of the Finance Committee to assist in carrying out the community adjustment and investment program pursuant to section 543(a)(3) of the NAFTA Implementation Act.

(c) The Department of the Treasury representative shall serve as Chair of the Finance Committee. The Chair shall be responsible for presiding over the meetings of the Finance Committee, ensuring that the views of all other Members are taken into account, coordinating with other appropriate United States Government agencies in carrying out the community adjustment and investment program, and requesting meetings of the Advisory Committee pursuant to section 543(b)(4)(C) of the NAFTA Implementation Act.

Sec. 8. Any advice or conclusions of reviews provided to the President by the Advisory Committee pursuant to section 543(b)(3) of the NAFTA Implementation Act shall be provided through the Finance Committee.

Sec. 9. Any summaries of public comments or conclusions of investigations and audits provided to the President by the ombudsman pursuant to section 543(c)(1) of the NAFTA Implementation Act shall be provided through the Finance Committee.

Sec. 10. The authority of the President under section 6 of Public Law 102-532; 7 U.S.C. 5404, to establish an advisory board to be known as the Good Neighbor Environmental Board is delegated to the Administrator of the Environmental Protection Agency.

Sec. 11. 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 or trust responsibility, substantive or procedural, enforceable by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

William J. Clinton


Filed with the Office of the Federal Register, 2:53 p.m., May 16, 1994

NOTE: This Executive order was released by the Office of the Press Secretary on May 16, and it was published in the Federal Register on May 18.

Message to the Congress on Iran

May 14, 1994

To the Congress of the United States: