

issued in the *Federal Register*, provides to the Director of the Office of Management and Budget a description of the extent of the agency's prior consultation with representatives of affected Indian tribal governments, a summary of the nature of their concerns, and the agency's position supporting the need to issue the regulation; and

(B) makes available to the Director of the Office of Management and Budget any written communications submitted to the agency by such Indian tribal governments.

Sec. 4. Increasing Flexibility for Indian Tribal Waivers. (a) Agencies shall review the processes under which Indian tribal governments apply for waivers of statutory and regulatory requirements and take appropriate steps to streamline those processes.

(b) Each agency shall, to the extent practicable and permitted by law, consider any application by an Indian tribal government for a waiver of statutory or regulatory requirements in connection with any program administered by that agency with a general view toward increasing opportunities for utilizing flexible policy approaches at the Indian tribal level in cases in which the proposed waiver is consistent with the applicable Federal policy objectives and is otherwise appropriate.

(c) Each agency shall, to the extent practicable and permitted by law, render a decision upon a complete application for a waiver within 120 days of receipt of such application by the agency. The agency shall provide the applicant with timely written notice of the decision and, if the application for a waiver is not granted, the reasons for such denial.

(d) This section applies only to statutory or regulatory requirements that are discretionary and subject to waiver by the agency.

Sec. 5. Cooperation in developing regulations. On issues relating to tribal self-government, trust resources, or treaty and other rights, each agency should explore and, where appropriate, use consensual mechanisms for developing regulations, including negotiated rulemaking.

Sec. 6. Independent agencies. Independent regulatory agencies are encouraged to comply with the provisions of this order.

Sec. 7. General provisions. (a) This order is intended only to improve the internal man-

agement of the executive branch and is not intended to, and does not, create any right, benefit, or trust responsibility, 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.

(b) This order shall supplement but not supersede the requirements contained in Executive Order 12866 ("Regulatory Planning and Review"), Executive Order 12988 ("Civil Justice Reform"), OMB Circular A-19, and the Executive Memorandum of April 29, 1994, on Government-to-Government Relations with Native American Tribal Governments.

(c) This order shall complement the consultation and waiver provisions in sections 4 and 5 of the Executive order, entitled "Federalism," being issued on this day.

(d) This order shall be effective 90 days after the date of this order.

William J. Clinton

The White House,
May 14, 1998.

[Filed with the Office of the Federal Register,
11:24 a.m., May 18, 1998]

NOTE: This Executive order will be published in the *Federal Register* on May 19.

Memorandum on Privacy and Personal Information in Federal Records

May 14, 1998

Memorandum for the Heads of Executive Departments and Agencies

Subject: Privacy and Personal Information in Federal Records

Privacy is a cherished American value, closely linked to our concepts of personal freedom and well-being. At the same time, fundamental principles such as those underlying the First Amendment, perhaps the most important hallmark of American democracy, protect the free flow of information in our society.

The Federal Government requires appropriate information about its citizens to carry out its diverse missions mandated by the

Constitution and laws of the United States. Long mindful of the potential for misuse of Federal records on individuals, the United States has adopted a comprehensive approach to limiting the Government's collection, use, and disclosure of personal information. Protections afforded such information include the Privacy Act of 1974, the Computer Matching and Privacy Protection Act of 1988, the Paperwork Reduction Act of 1995, and the *Principles for Providing and Using Personal Information* ("Privacy Principles"), published by the Information Infrastructure Task Force on June 6, 1995, and available from the Department of Commerce.

Increased computerization of Federal records permits this information to be used and analyzed in ways that could diminish individual privacy in the absence of additional safeguards. As development and implementation of new information technologies create new possibilities for the management of personal information, it is appropriate to reexamine the Federal Government's role in promoting the interests of a democratic society in personal privacy and the free flow of information. Accordingly, I hereby direct the heads of executive departments and agencies ("agencies") as follows:

It shall be the policy of the executive branch that agencies shall:

- (a) assure that their use of new information technologies sustain, and do not erode, the protections provided in all statutes relating to agency use, collection, and disclosure of personal information;
- (b) assure that personal information contained in Privacy Act systems of records be handled in full compliance with fair information practices as set out in the Privacy Act of 1974;
- (c) evaluate legislative proposals involving collection, use, and disclosure of personal information by the Federal Government for consistency with the Privacy Act of 1974; and
- (d) evaluate legislative proposals involving the collection, use, and disclosure of personal information by any entity, public or private, for consistency with the Privacy Principles.

To carry out this memorandum, agency heads shall:

- (a) within 30 days of the date of this memorandum, designate a senior official within the agency to assume primary responsibility for privacy policy;
- (b) within 1 year of the date of this memorandum, conduct a thorough review of their Privacy Act systems of records in accordance with instructions to be issued by the Office of Management and Budget ("OMB"). Agencies should, in particular:
 - (1) review systems of records notices for accuracy and completeness, paying special attention to changes in technology, function, and organization that may have made the notices out of date, and review routine use disclosures under 5 U.S.C. 552a(b)(3) to ensure they continue to be necessary and compatible with the purpose for which the information was collected;
 - (2) identify any systems of records that may not have been described in a published notice, paying special attention to Internet and other electronic communications activities that may involve the collection, use, or disclosure of personal information;
 - (c) where appropriate, promptly publish notice in the *Federal Register* to add or amend any systems of records, in accordance with the procedures in OMB Circular A-130, Appendix I;
 - (d) conduct a review of agency practices regarding collection or disclosure of personal information in systems of records between the agency and State, local, and tribal governments in accordance with instructions to be issued by OMB; and
 - (e) within 1 year of the date of this memorandum, report to the OMB on the results of the foregoing reviews in accordance with instructions to be issued by OMB.

The Director of the OMB shall:

- (a) issue instructions to heads of agencies on conducting and reporting on the systems of record reviews required by this memorandum;

- (b) after considering the agency reports required by this memorandum, issue a summary of the results of the agency reports; and
- (c) issue guidance on agency disclosure of personal information via the routine use exception to the Privacy Act (5 U.S.C. 552a(b)(3)), including sharing of data by agencies with State, local, and tribal governments.

This memorandum is intended only to improve the internal management of the executive branch 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.

William J. Clinton

Proclamation 7096—National Safe Boating Week, 1998

May 14, 1998

By the President of the United States of America

A Proclamation

Recreational boating is one of our Nation's most popular and most rewarding pastimes. Blessed with an abundance of scenic rivers, lakes, streams, and coastal waters, our country is a haven for people who love the water. More than 78 million Americans take to the water each year with family and friends to appreciate nature, relax, and simply escape from the cares of the day. However, while boating can be a wonderful recreational activity, it can also be dangerous for the unprepared.

Tragically, more than 700 Americans die each year in boating-related accidents. In most cases, human error and poor judgment are to blame. Drinking or taking drugs while operating a boat, ignoring safe navigation rules, and failing to wear a life preserver are all examples of poor judgment that can lead to loss of life. The U.S. Coast Guard estimates that last year alone, 80 percent of boating-related fatalities could have been prevented had life jackets been worn. So, the theme of this year's Safe Boating Week,

"Boat Smart from the Start! Wear Your Life Jacket," is truly a matter of life and death. I encourage all Americans to wear life preservers every time they are on the water—this simply precaution can save hundreds of lives each year.

The National Safe Boating Council, the U.S. Coast Guard, other Federal agencies, State and local governments, and many recreational boating organizations actively promote boating safety and work to save lives on the water. However, it is ultimately up to each individual to take responsibility for his or her own safety and for the safety of friends and family. This year, during National Safe Boating Week, I urge all Americans who use our Nation's waterways to practice safe boating and to educate others about the importance of wearing life jackets, abstaining from drugs and alcohol, and following safe navigation rules. Together we can save lives and ensure that boating remains an enjoyable activity—for ourselves and for our loved ones.

In recognition of the importance of safe boating practices, the Congress, by joint resolution approved June 4, 1958 (36 U.S.C. 161), as amended, has authorized and requested the President to proclaim annually the seven-day period prior to Memorial Day as "National Safe Boating Week."

Now, Therefore, I, William J. Clinton, President of the United States of America, do hereby proclaim May 16 through May 22, 1998, as National Safe Boating Week. I encourage the Governors of the 50 States and the Commonwealth of Puerto Rico, and officials of other areas subject to the jurisdiction of the United States, to join in observing this occasion and to urge all Americans to practice safe boating not only during this week, but also throughout the year.

In Witness Whereof, I have hereunto set my hand this fourteenth day of May, in the year of our Lord nineteen hundred and ninety-eight, and of the Independence of the United States of America the two hundred and twenty-second.

William J. Clinton

[Filed with the Office of the Federal Register, 8:45 a.m., May 19, 1998]