

higher education. More importantly, for today's session, Grace is a stage-three colorectal cancer survivor. And as a result of that experience—much like Becky has committed much of her post-education years to working with us to fight this disease and—she's founded a non-profit organization called "Hope Through Grace."

Grace, I think you have some comments you'd like to make today.

Grace L. Butler. I do. Thank you, John. I thank you so much, Mr. President—

The President. Thank you, Doctor.

[*Ms. Butler, president and founder, Hope Through Grace, Inc., made brief remarks, concluding as follows.*]

Ms. Butler. And I thank you, Mr. President, for your presence, for your listening, and for your understanding and your empathy.

The President. Thank you for answering a call.

Michael.

Secretary Leavitt. Mr. President, I think we could summarize today by saying that the future of medicine is personalized to prevent and to preempt. We've heard today about progress that's being made, the elimination of discrimination—of genetic discrimination. There's a very important—it's a vital step in reaching that vision. We've seen good examples of the progress, and we thank you for the time you've taken. You may wish to sum up.

The President. Well, thanks for coming. I'm excited, and I appreciate the work being done here in Washington, the work being done at the grassroots level. I thank you for your articulate presentation, both of you all. And this Government needs to support what's happening in order to save lives, and we will.

Thanks.

NOTE: The President spoke at 11:11 a.m. at the National Institutes of Health.

Executive Order 13422—Further Amendment to Executive Order 12866 on Regulatory Planning and Review

January 18, 2007

By the authority vested in me as President by the Constitution and laws of the United States of America, it is hereby ordered that Executive Order 12866 of September 30, 1993, as amended, is further amended as follows:

Section 1. Section 1 is amended as follows:

(a) Section 1(b)(1) is amended to read as follows:

"(1) Each agency shall identify in writing the specific market failure (such as externalities, market power, lack of information) or other specific problem that it intends to address (including, where applicable, the failures of public institutions) that warrant new agency action, as well as assess the significance of that problem, to enable assessment of whether any new regulation is warranted."

(b) by inserting in section 1(b)(7) after "regulation" the words "or guidance document";

(c) by inserting in section 1(b)(10) in both places after "regulations" the words "and guidance documents";

(d) by inserting in section 1(b)(11) after "its regulations" the words "and guidance documents";

(e) by inserting in section 1(b)(12) after "regulations" the words "and guidance documents";

Sec. 2. Section 2 is amended as follows:

(a) by inserting in section 2(a) in both places after "regulations" the words "and guidance documents";

(b) by inserting in section 2(b) in both places after "regulations" the words "and guidance documents";

Sec. 3. Section 3 is amended as follows:

(a) by striking in section 3(d) "or 'rule' " after " 'Regulation' ";

(b) by striking in section 3(d)(1) "or rules" after "Regulations";

(c) by striking in section 3(d)(2) "or rules" after "Regulations";

(d) by striking in section 3(d)(3) “or rules” after “Regulations”;

(e) by striking in section 3(e) “rule or” from “final rule or regulation”;

(f) by striking in section 3(f) “rule or” from “rule or regulation”;

(g) by inserting after section 3(f) the following:

“(g) “Guidance document” means an agency statement of general applicability and future effect, other than a regulatory action, that sets forth a policy on a statutory, regulatory, or technical issue or an interpretation of a statutory or regulatory issue.

(h) “Significant guidance document” —

(1) Means a guidance document disseminated to regulated entities or the general public that, for purposes of this order, may reasonably be anticipated to:

- (A) Lead to an annual effect of \$100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;
- (B) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (C) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights or obligations of recipients thereof; or
- (D) Raise novel legal or policy issues arising out of legal mandates, the President’s priorities, or the principles set forth in this Executive order; and

(2) Does not include:

- (A) Guidance documents on regulations issued in accordance with the formal rulemaking provisions of 5 U.S.C. 556, 557;
- (B) Guidance documents that pertain to a military or foreign affairs function of the United States, other than procurement regulations and regulations involving the import or export of non-defense articles and services;
- (C) Guidance documents on regulations that are limited to agency organization, management, or personnel matters; or

(D) Any other category of guidance documents exempted by the Administrator of OIRA.”

Sec. 4. Section 4 is amended as follows:

(a) Section 4(a) is amended to read as follows: “The Director may convene a meeting of agency heads and other government personnel as appropriate to seek a common understanding of priorities and to coordinate regulatory efforts to be accomplished in the upcoming year.”

(b) The last sentence of section 4(c)(1) is amended to read as follows: “Unless specifically authorized by the head of the agency, no rulemaking shall commence nor be included on the Plan without the approval of the agency’s Regulatory Policy Office, and the Plan shall contain at a minimum:”

(c) Section 4(c)(1)(B) is amended by inserting “of each rule as well as the agency’s best estimate of the combined aggregate costs and benefits of all its regulations planned for that calendar year to assist with the identification of priorities” after “of the anticipated costs and benefits”.

(d) Section 4(c)(1)(C) is amended by inserting “, and specific citation to such statute, order, or other legal authority” after “court order”.

Sec. 5. Section 6 is amended as follows:

(a) by inserting in section 6(a)(1) “In consultation with OIRA, each agency may also consider whether to utilize formal rulemaking procedures under 5 U.S.C. 556 and 557 for the resolution of complex determinations” after “comment period of not less than 60 days.”

(b) by amending the first sentence of section 6(a)(2) to read as follows: “Within 60 days of the date of this Executive order, each agency head shall designate one of the agency’s Presidential Appointees to be its Regulatory Policy Officer, advise OMB of such designation, and annually update OMB on the status of this designation.”

Sec. 6. Sections 9–11 are redesignated respectively as sections 10–12.

Sec. 7. After section 8, a new section 9 is inserted as follows:

“Sec. 9. Significant Guidance Documents. Each agency shall provide OIRA, at such times and in the manner specified by

the Administrator of OIRA, with advance notification of any significant guidance documents. Each agency shall take such steps as are necessary for its Regulatory Policy Officer to ensure the agency's compliance with the requirements of this section. Upon the request of the Administrator, for each matter identified as, or determined by the Administrator to be, a significant guidance document, the issuing agency shall provide to OIRA the content of the draft guidance document, together with a brief explanation of the need for the guidance document and how it will meet that need. The OIRA Administrator shall notify the agency when additional consultation will be required before the issuance of the significant guidance document."

Sec. 8. Newly designated section 10 is amended to read as follows:

"Sec. 10. Preservation of Agency Authority. Nothing in this order shall be construed to impair or otherwise affect the authority vested by law in an agency or the head thereof, including the authority of the Attorney General relating to litigation."

George W. Bush

The White House,
January 18, 2007.

[Filed with the Office of the Federal Register, 8:45 a.m., January 22, 2007]

NOTE: This Executive order will be published in the *Federal Register* on January 23.

Notice—Continuation of the National Emergency With Respect to Terrorists Who Threaten To Disrupt the Middle East Peace Process
January 18, 2007

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, 2007. 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. This notice shall be published in the *Federal Register* and transmitted to the Congress.

George W. Bush

The White House,
January 18, 2007.

[Filed with the Office of the Federal Register, 8:45 a.m., January 19, 2007]

NOTE: This notice was published in the *Federal Register* on January 22.

Message to the Congress on Continuation of the National Emergency With Respect to Terrorists Who Threaten To Disrupt the Middle East Peace Process
January 18, 2007

To the Congress of the United States:

Section 202(d) of the National Emergencies Act (50 U.S.C. 1622(d)) provides for the automatic termination of a national emergency unless, prior to the anniversary date of its declaration, the President publishes in the *Federal Register* and transmits to the Congress a notice stating that the emergency is to continue in effect beyond the anniversary date. In accordance with this provision, I have sent to the *Federal Register* for publication the enclosed notice, stating that the emergency declared with respect to foreign