

EXECUTIVE ORDER NO. 13446

Ex. Ord. No. 13446, Sept. 28, 2007, 72 F.R. 56175, which provided for the continuance of certain Federal advisory committees, was partially superseded by Ex. Ord. No. 13511, § 3, Sept. 29, 2009, 74 F.R. 50910, formerly set out below.

EXECUTIVE ORDER NO. 13511

Ex. Ord. No. 13511, Sept. 29, 2009, 74 F.R. 50909, which provided for the continuance of certain Federal advisory committees, was partially superseded by Ex. Ord. No. 13585, § 3, Sept. 30, 2011, 76 F.R. 62281, set out below.

EX. ORD. NO. 13585. CONTINUANCE OF CERTAIN FEDERAL ADVISORY COMMITTEES

Ex. Ord. No. 13585, Sept. 30, 2011, 76 F.R. 62281, as amended by Ex. Ord. No. 13592, § 5(c), Dec. 2, 2011, 76 F.R. 76607, provided:

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

SECTION 1. Each advisory committee listed below is continued until September 30, 2013.

(a) Committee for the Preservation of the White House; Executive Order 11145, as amended (Department of the Interior).

(b) President's Commission on White House Fellowships; Executive Order 11183, as amended (Office of Personnel Management).

(c) President's Committee on the National Medal of Science; Executive Order 11287, as amended (National Science Foundation).

(d) Federal Advisory Council on Occupational Safety and Health; Executive Order 11612 [12196], as amended (Department of Labor).

(e) President's Export Council; Executive Order 12131, as amended (Department of Commerce).

(f) President's Committee on the International Labor Organization; Executive Order 12216, as amended (Department of Labor).

(g) President's Committee on the Arts and the Humanities; Executive Order 12367, as amended (National Endowment for the Arts).

(h) President's National Security Telecommunications Advisory Committee; Executive Order 12382, as amended (Department of Homeland Security).

(i) National Industrial Security Program Policy Advisory Committee; Executive Order 12829, as amended (National Archives and Records Administration).

(j) Trade and Environment Policy Advisory Committee; Executive Order 12905, as amended (Office of the United States Trade Representative).

(k) President's Committee for People with Intellectual Disabilities; Executive Order 12994, as amended (Department of Health and Human Services).

(l) National Infrastructure Advisory Council; Executive Order 13231, as amended (Department of Homeland Security).

(m) President's Council on Fitness, Sports, and Nutrition; Executive Order 13265, as amended (Department of Health and Human Services).

(n) [Revoked by Ex. Ord. No. 13592, § 5(c), Dec. 2, 2011, 76 F.R. 76607.]

(o) President's Advisory Commission on Asian Americans and Pacific Islanders; Executive Order 13515 (Department of Education).

SEC. 2. Notwithstanding the provisions of any other Executive Order, the functions of the President under the Federal Advisory Committee Act that are applicable to the committees listed in section 1 of this order shall be performed by the head of the department or agency designated after each committee, in accordance with the guidelines and procedures established by the Administrator of General Services.

SEC. 3. Sections 1 and 2 of Executive Order 13511 are superseded by sections 1 and 2 of this order.

SEC. 4. [Amended Ex. Ord. No. 13515, set out as a note under section 1501 of Title 15, Commerce and Trade.]

SEC. 5. This order shall be effective September 30, 2011.

BARACK OBAMA.

EX. ORD. NO. 13591. CONTINUANCE OF CERTAIN FEDERAL ADVISORY COMMITTEES

Ex. Ord. No. 13591, Nov. 23, 2011, 76 F.R. 74623, provided:

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

SECTION 1. Each advisory committee listed below is continued until September 30, 2013.

(a) Presidential Commission for the Study of Bioethical Issues; Executive Order 13521 (Department of Health and Human Services).

(b) National Council on Federal Labor-Management Relations; Executive Order 13522 (Office of Personnel Management).

(c) President's Board of Advisors on Historically Black Colleges and Universities; Executive Order 13532 (Department of Education).

(d) President's Management Advisory Board; Executive Order 13538 (General Services Administration).

(e) President's Council of Advisors on Science and Technology; Executive Order 13539 (Office of Science and Technology Policy).

(f) Interagency Task Force on Veterans Small Business Development; Executive Order 13540 (Small Business Administration).

(g) State, Local, Tribal, and Private Sector (SLTPS) Policy Advisory Committee; Executive Order 13549, as amended (National Archives and Records Administration).

SEC. 2. The following advisory committee is continued until September 30, 2012: Advisory Group on Prevention, Health Promotion, and Integrative and Public Health; Executive Order 13544 (Department of Health and Human Services).

SEC. 3. [Amended Ex. Ord. No. 13530, set out as a note under section 9701 of Title 20, Education.]

SEC. 4. Notwithstanding the provisions of any other Executive Order, the functions of the President under the Federal Advisory Committee Act that are applicable to the committees listed in sections 1 and 2 of this order shall be performed by the head of the department or agency designated after each committee, in accordance with the guidelines and procedures established by the Administrator of General Services.

BARACK OBAMA.

§ 15. Requirements relating to the National Academy of Sciences and the National Academy of Public Administration

(a) IN GENERAL.—An agency may not use any advice or recommendation provided by the National Academy of Sciences or National Academy of Public Administration that was developed by use of a committee created by that academy under an agreement with an agency, unless—

(1) the committee was not subject to any actual management or control by an agency or an officer of the Federal Government;

(2) in the case of a committee created after the date of the enactment of the Federal Advisory Committee Act Amendments of 1997, the membership of the committee was appointed in accordance with the requirements described in subsection (b)(1); and

(3) in developing the advice or recommendation, the academy complied with—

(A) subsection (b)(2) through (6), in the case of any advice or recommendation pro-

vided by the National Academy of Sciences; or

(B) subsection (b)(2) and (5), in the case of any advice or recommendation provided by the National Academy of Public Administration.

(b) REQUIREMENTS.—The requirements referred to in subsection (a) are as follows:

(1) The Academy shall determine and provide public notice of the names and brief biographies of individuals that the Academy appoints or intends to appoint to serve on the committee. The Academy shall determine and provide a reasonable opportunity for the public to comment on such appointments before they are made or, if the Academy determines such prior comment is not practicable, in the period immediately following the appointments. The Academy shall make its best efforts to ensure that (A) no individual appointed to serve on the committee has a conflict of interest that is relevant to the functions to be performed, unless such conflict is promptly and publicly disclosed and the Academy determines that the conflict is unavoidable, (B) the committee membership is fairly balanced as determined by the Academy to be appropriate for the functions to be performed, and (C) the final report of the Academy will be the result of the Academy's independent judgment. The Academy shall require that individuals that the Academy appoints or intends to appoint to serve on the committee inform the Academy of the individual's conflicts of interest that are relevant to the functions to be performed.

(2) The Academy shall determine and provide public notice of committee meetings that will be open to the public.

(3) The Academy shall ensure that meetings of the committee to gather data from individuals who are not officials, agents, or employees of the Academy are open to the public, unless the Academy determines that a meeting would disclose matters described in section 552(b) of title 5, United States Code. The Academy shall make available to the public, at reasonable charge if appropriate, written materials presented to the committee by individuals who are not officials, agents, or employees of the Academy, unless the Academy determines that making material available would disclose matters described in that section.

(4) The Academy shall make available to the public as soon as practicable, at reasonable charge if appropriate, a brief summary of any committee meeting that is not a data gather-

ing meeting, unless the Academy determines that the summary would disclose matters described in section 552(b) of title 5, United States Code. The summary shall identify the committee members present, the topics discussed, materials made available to the committee, and such other matters that the Academy determines should be included.

(5) The Academy shall make available to the public its final report, at reasonable charge if appropriate, unless the Academy determines that the report would disclose matters described in section 552(b) of title 5, United States Code. If the Academy determines that the report would disclose matters described in that section, the Academy shall make public an abbreviated version of the report that does not disclose those matters.

(6) After publication of the final report, the Academy shall make publicly available the names of the principal reviewers who reviewed the report in draft form and who are not officials, agents, or employees of the Academy.

(c) REGULATIONS.—The Administrator of General Services may issue regulations implementing this section.

(Pub. L. 92-463, §15, as added Pub. L. 105-153, §2(b), Dec. 17, 1997, 111 Stat. 2689.)

REFERENCES IN TEXT

The date of the enactment of the Federal Advisory Committee Act Amendments of 1997, referred to in subsec. (a)(2), is the date of enactment of Pub. L. 105-153, which was approved Dec. 17, 1997.

PRIOR PROVISIONS

A prior section 15 of the Federal Advisory Committee Act was renumbered section 16 by Pub. L. 105-153.

REPORT

Section 3 of Pub. L. 105-153 provided that: "Not later than 1 year after the date of the enactment of this Act [Dec. 17, 1997], the Administrator of General Services shall submit a report to the Congress on the implementation of and compliance with the amendments made by this Act [enacting this section, amending section 3 of Pub. L. 92-463, set out in this Appendix, and redesignating former section 15 of Pub. L. 92-463, set out in this Appendix, as section 16]."

§ 16. Effective date

Except as provided in section 7(b), this Act shall become effective upon the expiration of ninety days following October 6, 1972.

(Pub. L. 92-463, §16, formerly §15, Oct. 6, 1972, 86 Stat. 776; renumbered §16, Pub. L. 105-153, §2(b), Dec. 17, 1997, 111 Stat. 2689.)