

In the case of Presidential advisory committees, such services may be provided by the General Services Administration.

(Pub. L. 92-463, § 12, Oct. 6, 1972, 86 Stat. 775.)

§ 13. Responsibilities of Library of Congress; reports and background papers; depository

Subject to section 552 of title 5, United States Code, the Administrator shall provide for the filing with the Library of Congress of at least eight copies of each report made by every advisory committee and, where appropriate, background papers prepared by consultants. The Librarian of Congress shall establish a depository for such reports and papers where they shall be available to public inspection and use.

(Pub. L. 92-463, § 13, Oct. 6, 1972, 86 Stat. 775; 1977 Reorg. Plan No. 1, § 5F, eff. Nov. 20, 1977, 42 F.R. 56101, 91 Stat. 1634.)

TRANSFER OF FUNCTIONS

“Administrator”, meaning Administrator of General Services, substituted in text for “Director”, meaning Director of Office of Management and Budget, pursuant to Reorg. Plan No. 1 of 1977, § 5F, 42 F.R. 56101, 91 Stat. 1634, set out in this Appendix, which transferred functions of Office of Management and Budget and Director thereof relating to Committee Management Secretariat to Administrator of General Services, effective Nov. 20, 1977, as provided by section 1 of Ex. Ord. No. 12024, Dec. 1, 1977, 42 F.R. 61445, set out under section 2 of this Act in this Appendix.

§ 14. Termination of advisory committees; renewal; continuation

(a)(1) Each advisory committee which is in existence on the effective date of this Act shall terminate not later than the expiration of the two-year period following such effective date unless—

(A) in the case of an advisory committee established by the President or an officer of the Federal Government, such advisory committee is renewed by the President or that officer by appropriate action prior to the expiration of such two-year period; or

(B) in the case of an advisory committee established by an Act of Congress, its duration is otherwise provided for by law.

(2) Each advisory committee established after such effective date shall terminate not later than the expiration of the two-year period beginning on the date of its establishment unless—

(A) in the case of an advisory committee established by the President or an officer of the Federal Government such advisory committee is renewed by the President or such officer by appropriate action prior to the end of such period; or

(B) in the case of an advisory committee established by an Act of Congress, its duration is otherwise provided for by law.

(b)(1) Upon the renewal of any advisory committee, such advisory committee shall file a charter in accordance with section 9(c).

(2) Any advisory committee established by an Act of Congress shall file a charter in accordance with such section upon the expiration of each successive two-year period following the date of enactment of the Act establishing such advisory committee.

(3) No advisory committee required under this subsection to file a charter shall take any action (other than preparation and filing of such charter) prior to the date on which such charter is filed.

(c) Any advisory committee which is renewed by the President or any officer of the Federal Government may be continued only for successive two-year periods by appropriate action taken by the President or such officer prior to the date on which such advisory committee would otherwise terminate.

(Pub. L. 92-463, § 14, Oct. 6, 1972, 86 Stat. 776.)

REFERENCES IN TEXT

Effective date of this Act, referred to in subsec. (a)(1), as meaning effective upon expiration of ninety days following enactment of Pub. L. 92-463 on Oct. 6, 1972, see section 15 of Pub. L. 92-463.

EX. ORD. NO. 12838. TERMINATION AND LIMITATION OF FEDERAL ADVISORY COMMITTEES

Ex. Ord. No. 12838, Feb. 10, 1993, 58 F.R. 8207, provided: By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Advisory Committee Act (“FACA”), as amended (5 U.S.C. App.), it is hereby ordered as follows:

SECTION 1. Each executive department and agency shall terminate not less than one-third of the advisory committees subject to FACA (and not required by statute) that are sponsored by the department or agency by no later than the end of fiscal year 1993.

SEC. 2. Within 90 days, the head of each executive department and agency shall submit to the Director of the Office of Management and Budget, for each advisory committee subject to FACA sponsored by that department or agency: (a) a detailed justification for the continued existence, or a brief description in support of the termination, of any advisory committee not required by statute; and (b) a detailed recommendation for submission to the Congress to continue or to terminate any advisory committee required by statute. The Administrator of General Services shall prepare such justifications and recommendations for each advisory committee subject to FACA and not sponsored by a department or agency.

SEC. 3. Effective immediately, executive departments and agencies shall not create or sponsor a new advisory committee subject to FACA unless the committee is required by statute or the agency head (a) finds that compelling considerations necessitate creation of such a committee, and (b) receives the approval of the Director of the Office of Management and Budget. Such approval shall be granted only sparingly and only if compelled by considerations of national security, health or safety, or similar national interests. These requirements shall apply in addition to the notice and other approval requirements of FACA.

SEC. 4. The Director of the Office of Management and Budget shall issue detailed instructions regarding the implementation of this order, including exemptions necessary for the delivery of essential services and compliance with applicable law.

SEC. 5. All independent regulatory commissions and agencies are requested to comply with the provisions of this order.

WILLIAM J. CLINTON.

CONTINUANCE OF CERTAIN FEDERAL ADVISORY COMMITTEES

Ex. Ord. No. 13652, Sept. 30, 2013, 78 F.R. 61817, 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, 2015.

(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) President's Advisory Council on Faith-Based and Neighborhood Partnerships; Executive Order 13498, re-established by Executive Order 13569, and continued by Executive Order 13640 (Department of Health and Human Services).

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

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

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

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

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

(t) President's Council of Advisors on Science and Technology; Executive Order 13539, as amended (Department of Energy).

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

(v) Advisory Group on Prevention, Health Promotion, and Integrative and Public Health; Executive Order 13544, re-established by Executive Order 13631 (Department of Health and Human Services).

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

(x) President's Advisory Commission on Educational Excellence for Hispanics; Executive Order 13555, re-established by Executive Order 13634 (Department of Education).

(y) President's Global Development Council; Executive Order 13600 (United States Agency for International Development).

(z) President's Advisory Commission on Educational Excellence for African Americans; Executive Order 13621 (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 regulations, guidelines, and procedures established by the Administrator of General Services.

SEC. 3. Sections 1 and 2 of Executive Order 13585 of September 30, 2011, and sections 1, 2, and 4 of Executive Order 13591 of November 23, 2011, are superseded by sections 1 and 2 of this order.

SEC. 4. [Amended Ex. Ord. No. 13538, set out as a note under section 301 of Title 40, Public Buildings, Property, and Works.]

SEC. 5. [Amended Ex. Ord. No. 13043, set out as a note under section 402 of Title 23, Highways.]

SEC. 6. [Amended Ex. Ord. No. 13231, set out as a note under section 121 of Title 6, Domestic Security.]

SEC. 7. [Amended Ex. Ord. No. 13600, set out as a note under section 2151 of Title 22, Foreign Relations and Intercourse.]

SEC. 8. [Amended Ex. Ord. No. 13515, set out as a note under section 1501 of Title 15, Commerce and Trade.]

SEC. 9. This order shall be effective September 30, 2013.

BARACK OBAMA.

Provisions providing for the continuance of certain Federal advisory committees were contained in the following:

Ex. Ord. No. 13591, Nov. 23, 2011, 76 F.R. 74623, partially superseded by Ex. Ord. No. 13652, §3, Sept. 30, 2013, 78 F.R. 61818.

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, partially superseded by Ex. Ord. No. 13652, §3, Sept. 30, 2013, 78 F.R. 61818.

Ex. Ord. No. 13511, Sept. 29, 2009, 74 F.R. 50909, partially superseded by Ex. Ord. No. 13585, §3, Sept. 30, 2011, 76 F.R. 62281.

Ex. Ord. No. 13446, Sept. 28, 2007, 72 F.R. 56175, partially superseded by Ex. Ord. No. 13511, §3, Sept. 29, 2009, 74 F.R. 50910.

Ex. Ord. No. 13385, Sept. 29, 2005, 70 F.R. 57989, partially superseded by Ex. Ord. No. 13446, §4, Sept. 28, 2007, 72 F.R. 56176.

Ex. Ord. No. 13316, Sept. 17, 2003, 68 F.R. 55255, partially superseded by Ex. Ord. No. 13385, §4, Sept. 29, 2005, 70 F.R. 57990.

Ex. Ord. No. 13225, Sept. 28, 2001, 66 F.R. 50291, superseded by Ex. Ord. No. 13316, §4, Sept. 17, 2003, 68 F.R. 55256.

Ex. Ord. No. 13138, Sept. 30, 1999, 64 F.R. 53879, as amended by Ex. Ord. No. 13226, §4(c), Sept. 30, 2001, 66 F.R. 50524, partially superseded by Ex. Ord. No. 13225, §4, Sept. 28, 2001, 66 F.R. 50292.

Ex. Ord. No. 13062, Sept. 29, 1997, 62 F.R. 51755, partially superseded by Ex. Ord. No. 13138, §4, Sept. 30, 1999, 64 F.R. 53880.

Ex. Ord. No. 12974, Sept. 29, 1995, 60 F.R. 51875, superseded by Ex. Ord. No. 13062, Sept. 29, 1997, 62 F.R. 51755.

Ex. Ord. No. 12869, Sept. 30, 1993, 58 F.R. 51751, as amended by Ex. Ord. No. 12882, §4(c), Nov. 23, 1993, 58 F.R. 62493, superseded by Ex. Ord. No. 12974, Sept. 29, 1995, 60 F.R. 51875.

Ex. Ord. No. 12774, Sept. 27, 1991, 56 F.R. 49835, superseded by Ex. Ord. No. 12869, §5, Sept. 30, 1993, 58 F.R. 51751.

Ex. Ord. No. 12692, Sept. 29, 1989, 54 F.R. 40627, as amended by Ex. Ord. No. 12704, Feb. 26, 1990, 55 F.R. 6969, superseded by Ex. Ord. No. 12774, §4, Sept. 27, 1991, 56 F.R. 49835.

Ex. Ord. No. 12610, Sept. 30, 1987, 52 F.R. 36901, superseded by Ex. Ord. No. 12692, Sept. 29, 1989, 54 F.R. 40627.

Ex. Ord. No. 12534, Sept. 30, 1985, 50 F.R. 40319, superseded by Ex. Ord. No. 12610, Sept. 30, 1987, 52 F.R. 36901.

Ex. Ord. No. 12489, Sept. 28, 1984, 49 F.R. 38927, superseded by Ex. Ord. No. 12534, Sept. 30, 1985, 50 F.R. 40319.

Ex. Ord. No. 12399, Dec. 31, 1982, 48 F.R. 379, superseded by Ex. Ord. No. 12534, Sept. 30, 1985, 50 F.R. 40319.

Ex. Ord. No. 12258, Dec. 31, 1980, 46 F.R. 1251, as amended by Ex. Ord. No. 12271, Jan. 15, 1981, 46 F.R. 4677; Ex. Ord. No. 12299, Mar. 17, 1981, 46 F.R. 17751; Ex. Ord. No. 12305, May 5, 1981, 46 F.R. 25421; Ex. Ord. No. 12336, Dec. 21, 1981, 46 F.R. 62239, superseded by Ex. Ord. No. 12399, Dec. 31, 1982, 48 F.R. 379.

Ex. Ord. No. 12110, Dec. 28, 1978, 44 F.R. 1069, superseded by Ex. Ord. No. 12258, Dec. 31, 1980, 46 F.R. 1251.

Ex. Ord. No. 11948, Dec. 20, 1976, 41 F.R. 55705, as amended by Ex. Ord. No. 12007, Aug. 22, 1977, 42 F.R. 42839; Ex. Ord. No. 12029, Dec. 14, 1977, 42 F.R. 63631, superseded by Ex. Ord. No. 12110, Dec. 28, 1978, 44 F.R. 1069.

Ex. Ord. No. 11827, Jan. 4, 1975, 40 F.R. 1217, as amended by Ex. Ord. No. 11915, May 10, 1976, 41 F.R. 19195, superseded by Ex. Ord. No. 11948, Dec. 20, 1976, 41 F.R. 55705.

TERMINATION OF CERTAIN FEDERAL ADVISORY COMMITTEES

Provisions providing for the termination of certain Federal advisory committees are contained in the following:

Ex. Ord. No. 12379, Aug. 17, 1982, 47 F.R. 36099.

Ex. Ord. No. 12305, May 5, 1981, 46 F.R. 25421.

Ex. Ord. No. 12029, Dec. 14, 1977, 42 F.R. 63631.

Ex. Ord. No. 12007, Aug. 22, 1977, 42 F.R. 42839.

§ 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 provided 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 con-

flict 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 gathering 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.