

§ 1012. Responsibilities of Library of Congress

Subject to section 552 of this title, the Administrator shall provide for the filing with the Library of Congress of at least 8 copies of each report made by each advisory committee and, where appropriate, background papers prepared by consultants. The Librarian of Congress shall establish a depository for the reports and papers and make them available for public inspection and use.

(Pub. L. 117–286, §3(a), Dec. 27, 2022, 136 Stat. 4204.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1012	5 U.S.C. App. (FACA §13)	Pub. L. 92–463, §13, Oct. 6, 1972, 86 Stat. 775.

In this section, the word “Administrator” is substituted for “Director” (meaning the Director of the Office of Management and Budget) because of section 5F of Reorganization Plan No. 1 of 1977 (5 U.S.C. App.).

§ 1013. Termination of advisory committees

(a) IN GENERAL.—

(1) ADVISORY COMMITTEES IN EXISTENCE ON JANUARY 5, 1973.—Each advisory committee that is in existence on January 5, 1973, shall terminate not later than the expiration of the 2-year period following that 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 2-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) ADVISORY COMMITTEES ESTABLISHED AFTER JANUARY 5, 1973.—Each advisory committee established after January 5, 1973, shall terminate not later than the expiration of the 2-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 Government¹ 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) CHARTERS.—

(1) UPON RENEWAL.—Upon the renewal of an advisory committee, the advisory committee shall file a charter in accordance with section 1008(c) of this title.

(2) UPON EXPIRATION OF SUCCESSIVE 2-YEAR PERIODS.—An advisory committee established by an Act of Congress shall file a charter in accordance with section 1008(c) of this title upon the expiration of each successive 2-year period following the date of enactment of the Act establishing the advisory committee.

¹ So in original. Probably should be followed by a comma.

(3) PROHIBITION ON ACTION PRIOR TO FILING CHARTER.—An advisory committee required to file a charter under this subsection shall not take any action (other than preparation and filing of the charter) prior to the date on which the charter is filed.

(c) SUCCESSIVE TWO-YEAR PERIODS.—An advisory committee that is renewed by the President or an officer of the Federal Government may be continued only for successive 2-year periods by appropriate action taken by the President or the officer prior to the date on which the advisory committee would otherwise terminate.

(Pub. L. 117–286, §3(a), Dec. 27, 2022, 136 Stat. 4204.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1013	5 U.S.C. App. (FACA §14)	Pub. L. 92–463, §14, Oct. 6, 1972, 86 Stat. 776.

In subsection (a)(1) (matter before subparagraph (A)), the date “January 5, 1973” is substituted for “the effective date of this Act”, and in subsection (a)(2) (matter before subparagraph (A)), the date “January 5, 1973” is substituted for “such effective date”, for clarity. In accordance with section 16 (formerly section 15) of the Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 776), which provides “this Act shall become effective upon the expiration of ninety days following the date of enactment”, the effective date of the Act is January 5, 1973.

Executive Documents

CONTINUANCE OF CERTAIN FEDERAL ADVISORY COMMITTEES

Ex. Ord. No. 14109, Sept. 29, 2023, 88 F.R. 68447, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and consistent with chapter 10 of title 5, United States Code (commonly known as the Federal Advisory Committee Act), it is hereby ordered as follows:

SECTION 1. Each advisory committee listed below is continued until September 30, 2025.

(a) Committee for the Preservation of the White House; Executive Order 11145, as amended [3 U.S.C. 110 note] (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 [42 U.S.C. 1881 note] (National Science Foundation).

(d) Federal Advisory Council on Occupational Safety and Health; Executive Order 11612, as amended [see Ex. Ord. No. 12196, 5 U.S.C. 7902 note] (Department of Labor).

(e) President’s Export Council; Executive Order 12131, as amended [50 U.S.C. 4601 note] (Department of Commerce).

(f) President’s Committee on the International Labor Organization; Executive Order 12216, as amended [22 U.S.C. 271 note] (Department of Labor).

(g) President’s National Security Telecommunications Advisory Committee; Executive Order 12382, as amended [47 U.S.C. 901 note] (Department of Homeland Security).

(h) National Industrial Security Program Policy Advisory Committee; Executive Order 12829, as amended [50 U.S.C. 3161 note] (National Archives and Records Administration).

(i) Trade and Environment Policy Advisory Committee; Executive Order 12905 [19 U.S.C. 2155 note] (Office of the United States Trade Representative).

(j) Governmental Advisory Committee to the United States Representative to the North American Commission for Environmental Cooperation; Executive Order 12915 [19 U.S.C. 3472 note] (Environmental Protection Agency).

(k) National Advisory Committee to the United States Representative to the North American Commission for Environmental Cooperation; Executive Order 12915 [19 U.S.C. 3472 note] (Environmental Protection Agency).

(l) Good Neighbor Environmental Board; Executive Order 12916, as amended [19 U.S.C. 3473 note] (Environmental Protection Agency).

(m) Presidential Advisory Council on HIV/AIDS; Executive Order 12963, as amended [42 U.S.C. 300cc-1 note] (Department of Health and Human Services).

(n) President's Committee for People with Intellectual Disabilities; Executive Order 12994, as amended [42 U.S.C. 15001 note] (Department of Health and Human Services).

(o) Invasive Species Advisory Committee; Executive Order 13112, as amended [42 U.S.C. 4321 note] (Department of the Interior).

(p) Advisory Board on Radiation and Worker Health; Executive Order 13179 [42 U.S.C. 7384 note] (Department of Health and Human Services).

(q) National Infrastructure Advisory Council; Executive Order 13231, as amended [6 U.S.C. 121 note] (Department of Homeland Security).

(r) President's Council on Sports, Fitness, and Nutrition; Executive Order 13265, as amended [42 U.S.C. 300u note] (Department of Health and Human Services).

(s) Interagency Task Force on Veterans Small Business Development; Executive Order 13540 [15 U.S.C. 657b note] (Small Business Administration).

(t) State, Local, Tribal, and Private Sector (SLTPS) Policy Advisory Committee; Executive Order 13549 [50 U.S.C. 3161 note] (National Archives and Records Administration).

(u) President's Advisory Council on Doing Business in Africa; Executive Order 13675, as amended [15 U.S.C. 4727 note] (Department of Commerce).

(v) President's Council of Advisors on Science and Technology; Executive Order 14007, as amended [42 U.S.C. 6601 note] (Department of Energy).

(w) White House Environmental Justice Advisory Council; Executive Order 14008 [42 U.S.C. 4321 note] (Environmental Protection Agency).

(x) President's Advisory Commission on Asian Americans, Native Hawaiians, and Pacific Islanders; Executive Order 14031 [42 U.S.C. 3501 note] (Department of Health and Human Services).

(y) President's Board of Advisors on Historically Black Colleges and Universities; Executive Order 14041 [20 U.S.C. 1060 note] (Department of Education).

(z) Presidential Advisory Commission on Advancing Educational Equity, Excellence, and Economic Opportunity for Hispanics; Executive Order 14045 [20 U.S.C. 3411 note] (Department of Education).

(aa) Presidential Advisory Commission on Advancing Educational Equity, Excellence, and Economic Opportunity for Black Americans; Executive Order 14050 [20 U.S.C. 3411 note] (Department of Education).

(bb) President's Committee on the Arts and the Humanities; Executive Order 14084 [20 U.S.C. 9102 note] (Institute of Museum and Library Services).

(cc) President's Advisory Council on African Diaspora Engagement in the United States; Executive Order 14089 [22 U.S.C. 2656 note] (Department of State).

(dd) Commerce Spectrum Management Advisory Committee; initially established pursuant to Presidential Memorandum on Improving Spectrum Management for the 21st Century (November 29, 2004) (Department of Commerce).

(ee) Grand Staircase-Escalante National Monument Advisory Committee; Proclamation 6920 of September 18, 1996, as amended [listed in a table under 54 U.S.C. 320301] (Department of the Interior).

(ff) San Juan Islands National Monument Advisory Committee; Proclamation 8947 of March 25, 2013 [listed

in a table under 54 U.S.C. 320301] (Department of the Interior).

(gg) Bears Ears National Monument Advisory Committee; Proclamation 9558 of December 28, 2016, as amended [listed in a table under 54 U.S.C. 320301] (Department of the Interior).

(hh) Gold Butte National Monument Advisory Committee; Proclamation 9559 of December 28, 2016 [listed in a table under 54 U.S.C. 320301] (Department of the Interior).

(ii) Avi Kwa Ame National Monument Advisory Committee; Proclamation 10533 of March 21, 2023 [listed in a table under 54 U.S.C. 320301] (Department of the Interior).

(jj) Baaq Nwaavjo I'tah Kukveni-Ancestral Footprints of the Grand Canyon National Monument Advisory Committee; Proclamation 10606 of August 8, 2023 [listed in a table under 54 U.S.C. 320301] (Department of the Interior).

(kk) National Space-Based Positioning, Navigation, and Timing Advisory Board; Space Policy Directive 7, "The United States Space-Based Positioning, Navigation, and Timing Policy" (January 15, 2021) (National Aeronautics and Space Administration).

SEC. 2. Notwithstanding the provisions of any other Executive Order, the functions of the President under chapter 10 of title 5, United States Code, 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 14048 of September 30, 2021, are hereby superseded by sections 1 and 2 of this order.

SEC. 4. [Amended Ex. Ord. No. 14031, set out as a note under section 3501 of Title 42, The Public Health and Welfare.]

SEC. 5. [Amended Ex. Ord. No. 14084, set out as a note under section 9102 of Title 20, Education.]

SEC. 6. This order shall be effective September 30, 2023.

SEC. 7. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

J.R. BIDEN, JR.

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

Ex. Ord. No. 14048, Sept. 30, 2021, 86 F.R. 55465, partially superseded by Ex. Ord. No. 14109, § 3, Sept. 29, 2023, 88 F.R. 68449.

Ex. Ord. No. 13889, Sept. 27, 2019, 84 F.R. 52743, as amended by Ex. Ord. No. 13935, § 4(a), July 9, 2020, 85 F.R. 42685, partially superseded by Ex. Ord. No. 14048, § 3, Sept. 30, 2021, 86 F.R. 55466.

Ex. Ord. No. 13811, Sept. 29, 2017, 82 F.R. 46363, partially superseded by Ex. Ord. No. 13889, § 3, Sept. 27, 2019, 84 F.R. 52745.

Ex. Ord. No. 13708, Sept. 30, 2015, 80 F.R. 60271, partially superseded by Ex. Ord. No. 13811, § 3, Sept. 29, 2017, 82 F.R. 46365.

Ex. Ord. No. 13652, Sept. 30, 2013, 78 F.R. 61817, partially superseded by Ex. Ord. No. 13708, § 3, Sept. 30, 2015, 80 F.R. 60273.

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.

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 ([former] 5 U.S.C. App. [see 5 U.S.C. 1001 et seq.]), 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.

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.

§ 1014. Requirements relating to National Academy of Sciences and 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 December 17, 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) PUBLIC NOTICE REGARDING APPOINTEES.—The Academy shall determine and provide