

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 No. 13592, §5(c), Dec. 2, 2011, 76 F.R. 76607, partially superseded by Ex.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 No. 13511, Sept. 29, 2009, 74 F.R. 50909, partially superseded by Ex.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 No. 13446, Sept. 28, 2007, 72 F.R. 56175, partially superseded by Ex.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 No. 13385, Sept. 29, 2005, 70 F.R. 57989, partially superseded by Ex.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 No. 13316, Sept. 17, 2003, 68 F.R. 55255, partially superseded by Ex.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 No. 13225, Sept. 28, 2001, 66 F.R. 50291, superseded by Ex.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 No. 13226, §4(c), Sept. 30, 2001, 66 F.R. 50524, partially superseded by Ex.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 No. 13062, Sept. 29, 1997, 62 F.R. 51755, partially superseded by Ex.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 No. 12974, Sept. 29, 1995, 60 F.R. 51875, superseded by Ex.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 No. 12882, §4(c), Nov. 23, 1993, 58 F.R. 62493, superseded by Ex.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 No. 12774, Sept. 27, 1991, 56 F.R. 49835, superseded by Ex.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 No. 12704, Feb. 26, 1990, 55 F.R. 6969, superseded by Ex.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 No. 12610, Sept. 30, 1987, 52 F.R. 36901, superseded by Ex.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 No. 12534, Sept. 30, 1985, 50 F.R. 40319, superseded by Ex.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 No. 12489, Sept. 28, 1984, 49 F.R. 38927, superseded by Ex.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 No. 12399, Dec. 31, 1982, 48 F.R. 379, superseded by Ex.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

sory 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

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 appointments before they are made or, if the Academy determines prior comment is not practicable, in the period immediately following the appointments. The Academy shall require that any individual 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. 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.

(2) **PUBLIC NOTICE OF COMMITTEE MEETINGS.**—The Academy shall determine and provide public notice of committee meetings that will be open to the public.

(3) **DATA-GATHERING MEETINGS.**—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 this title. 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 section 552(b) of this title.

(4) **OTHER MEETINGS.**—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 this title. The summary shall identify the committee members present, the topics discussed, materials made available to the committee, and other matters the Academy determines should be included.

(5) **FINAL REPORT.**—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 this title. If the Academy determines that the report would disclose matters described in section 552(b) of this title, the Academy shall make public an abbreviated version of the report that does not disclose those matters.

(6) **REVIEWERS OF REPORT.**—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. 117-286, §3(a), Dec. 27, 2022, 136 Stat. 4205.)

#### HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
1014 .....	5 U.S.C. App. (FACA §15)	Pub. L. 92-463, §15, as added Pub. L. 105-153, §2(b), Dec. 17, 1997, 111 Stat. 2689.

In subsection (a)(2), the date “December 17, 1997” is substituted for “the date of the enactment of the Federal Advisory Committee Act Amendments of 1997” for clarity.

## PART II—CIVIL SERVICE FUNCTIONS AND RESPONSIBILITIES

Chap.		Sec.
<b>11.</b>	<b>Office of Personnel Management ....</b>	<b>1101</b>
<b>12.</b>	<b>Merit Systems Protection Board, Office of Special Counsel, and Employee Right of Action .....</b>	<b>1201</b>
<b>13.</b>	<b>Special Authority .....</b>	<b>1301</b>
<b>14.</b>	<b>Agency Chief Human Capital Officers .....</b>	<b>1401</b>
<b>15.</b>	<b>Political Activity of Certain State and Local Employees .....</b>	<b>1501</b>

#### Editorial Notes

##### AMENDMENTS

2002—Pub. L. 107-296, title XIII, §1302(b), Nov. 25, 2002, 116 Stat. 2288, added item for chapter 14.

1992—Pub. L. 102-378, §2(1), Oct. 2, 1992, 106 Stat. 1346, substituted “Employee” for “Individual” in item for chapter 12.

1989—Pub. L. 101-12, §3(b)(1), Apr. 10, 1989, 103 Stat. 31, substituted “, Office of Special Counsel, and Individual Right of Action” for “and Special Counsel” in item for chapter 12.

1978—Pub. L. 95-454, title II, §201(c)(1), Oct. 13, 1978, 92 Stat. 1121, substituted “CIVIL SERVICE FUNCTIONS AND RESPONSIBILITIES” for “THE UNITED STATES CIVIL SERVICE COMMISSION” in heading for Part II.

Pub. L. 95-454, title II, §201(c)(2), Oct. 13, 1978, 92 Stat. 1121, substituted “Office of Personnel Management” for “Organization” in item for chapter 11.

Pub. L. 95-454, title II, §202(d), Oct. 13, 1978, 92 Stat. 1131, added item for chapter 12.

## CHAPTER 11—OFFICE OF PERSONNEL MANAGEMENT

Sec.	
<b>1101.</b>	<b>Office of Personnel Management.</b>
<b>1102.</b>	<b>Director; Deputy Director; Associate Directors.</b>
<b>1103.</b>	<b>Functions of the Director.</b>
<b>1104.</b>	<b>Delegation of authority for personnel management.</b>
<b>1105.</b>	<b>Administrative procedure.</b>

#### Editorial Notes

##### AMENDMENTS

1978—Pub. L. 95-454, title II, §201(a), Oct. 13, 1978, 92 Stat. 1119, substituted in chapter heading “OFFICE OF