§ 2307. Trust fund account; disbursements; sales of publications and releases

The income from trust funds held by the Board and the proceeds from the sale of securities and other personal property, as and when collected, shall be covered into the Treasury of the United States in a trust fund account to be known as the National Archives Trust Fund, subject to disbursement on the basis of certified vouchers of the Archivist of the United States (or his designee) for activities approved by the Board and in the interest of the national archival and records activities administered by the National Archives and Records Administration, including but not restricted to the preparation and publication of special works, and collections of sources and the preparation, duplication, editing, and release of historical photographic materials and sound recordings. The Archivist may sell publications and releases authorized by this section and paid for out of the income derived from trust funds at a price which will cover their cost, plus 10 percent, and moneys received from these sales shall be paid into, administered, and expended as part of the National Archives Trust Fund.


HISTORICAL AND REVISION NOTES


§ 2308. Tax exemption for gifts

Gifts and bequests received by the Board under this chapter, and the income from them are exempt from taxes.


HISTORICAL AND REVISION NOTES


CHAPTER 25—NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

Sec.

2501. Creation; composition; appointment and tenure; vacancies; meetings.

2502. Vacancies.

2503. Executive director; staff; transportation expenses.

2504. Duties; authorization of grants for historical publications and records programs; authorization for appropriations.

2505. Special advisory committees; membership; reimbursement.

2506. Records to be kept by grantees.

[2507. Repealed.]

AMENDMENTS


§ 2501. Creation; composition; appointment and tenure; meetings

(a) The National Historical Publications and Records Commission shall consist of 15 members as follows:

(1) the following ex officio members:

(A) the Archivist of the United States, who shall be chairman;

(B) the Librarian of Congress (or an alternate designated by the Librarian);

(C) one Senator, appointed by the President of the Senate;

(D) one Representative, appointed by the Speaker of the House of Representatives;

(E) one member of the judicial branch of the Government, appointed by the Chief Justice of the United States;

(F) one representative of the Department of State to be appointed by the Secretary of State; and

1 So in original. Does not conform to section catchline.
(G) one representative of the Department of Defense to be appointed by the Secretary of Defense; 
(2) one member from each of the following organizations, appointed by the governing council or board of the respective organization: 
(A) the American Historical Association; 
(B) the Organization of American Historians; 
(C) the Society of American Archivists; 
(D) the American Association for State and Local History; 
(E) the Association for Documentary Editing; and 
(F) the National Association for Government Archives and Records Administrators; and 
(3) two other members, outstanding in the fields of the social or physical sciences, the arts, or archival or library science, appointed by the President of the United States. 
(b) The members appointed under subsection (a) shall be appointed for not more than 2 terms of 4 years, except that—
(A) a member appointed under subsection (a)(1)(D) shall be appointed for not more than 4 terms of 2 years; and 
(B) the Archivist and the Librarian of Congress are permanent ex officio members.

(2) A member may continue to serve after the expiration of a term until a successor has been appointed, but not to exceed one year.

(c) The Commission shall meet at least annually and at call of the Chairman.

(d) RECUSAL.—Members of the Commission shall recuse themselves from voting on any matter that poses, or could potentially pose, a conflict of interest, including a matter that could benefit them or an entity they represent.


Pub. L. 110–404, § 3(b)(2), Oct. 13, 2008, 122 Stat. 4283, provided that: ‘‘The requirement of recusal provided in the amendment made by paragraph (1) [amending this section] shall apply to members of the National Historical Publications and Records Commission serving on or after the date of enactment of this Act [Oct. 13, 2008].’’

Effective Date of 2008 Amendment
Pub. L. 110–404, § 3(a)(2), Oct. 13, 2008, 122 Stat. 4282, provided that: ‘‘The restrictions on the terms of members of the National Historical Publications and Records Commission provided in the amendments made by paragraph (1) [amending this section] shall apply to members serving on or after the date of enactment of this Act [Oct. 13, 2008].’’

Effective Date of 1988 Amendment
Section 2(b) of Pub. L. 100–365 provided that: ‘‘The amendment made by this section [amending this section] shall be effective on January 1, 1989, and shall apply to the appointment of any member on the expiration of a predecessor’s term as follows: ‘‘(1) The next two members appointed to such Commission after such date shall be appointed pursuant to section 2501(a)(2)(E) and (F) of title 44, United States Code, as amended by this section. ‘‘(2) Notwithstanding section 2501(b)(1), the first members appointed pursuant to section 2501(a)(2)(B) and (C) after January 1, 1991, shall be appointed for terms of one year.’’

Effective Date of 1984 Amendment

§ 2502. Vacancies

A person appointed to fill a vacancy in the membership of the Commission shall be appointed only for the unexpired term of the member whom he succeeds, and his appointment shall be made in the same manner as the appointment of his predecessor.


Historical and Revision Notes

This section incorporates only the last sentence of paragraph (b) of former section 391. The balance of that section will be found in sections 1506, 2102, 2902, 2301, and 2902 of the revision.

Amendments

Subsec. (b)(1)(A). Pub. L. 110–404, §3(a)(1)(B), substituted ‘‘not more than 4 terms’’ for ‘‘a term’’.

1968—Pub. L. 100–365 substituted ‘‘appointment and tenure; meetings’’ for ‘‘appointment and tenure in section catchline, and amended text generally, revising and restating as subsecs. (a) to (c) provisions formerly contained in a single undesignated paragraph.

§ 2503. Executive director, staff, transportation expenses

(a) The Commission may appoint, without reference to chapter 51 of title 5, an executive director. The Chairman may appoint such other employees as may be necessary to carry out the purposes of this chapter.

(b) Members of the Commission shall be allowed travel expenses (including per diem allow-
ance in lieu of subsistence) in the same amount and to the same extent as persons serving intermittently in the Government service are allowed travel expenses under section 5703 of title 5, United States Code.


HISTORICAL AND REVISION NOTES

Based on 44 U. S. Code, 1964 ed., §393(c) (June 30, 1949, ch. 288, title V, §503(c), as added Sept. 5, 1950, ch. 449, §6(d), 64 Stat. 580).

AMENDMENTS

1988—Pub. L. 100-365 substituted current section catchline for “Executive director; editorial and clerical expenses; honorarium”, and amended text generally, revising and restating as subsecs. (a) and (b) provisions formerly contained in a single undesignated paragraph.

1979—Pub. L. 96-98 substituted provisions relating to per diem allowance, instead of subsistence, pursuant to section 5703 of title 5, for provisions relating to receipt of a sum, not to exceed $40, instead of subsistence en route to or from or at place of service.


EFFECTIVE DATE OF 1979 AMENDMENT

Section 2(a) of Pub. L. 96-98 provided that the amendment made by that section is effective Oct. 1, 1979.

§ 2504. Duties; authorization of grants for historical publications and records programs; authorization for appropriations

(a) The Commission shall make plans, estimates, and recommendations for historical works and collections of sources it considers appropriate for preserving, publishing or otherwise recording at the public expense. The Chairman of the Commission shall transmit to the President and the Congress from time to time, and at least biennially, the plans, estimates, and recommendations developed and approved by the Commission.

(b) The Commission shall cooperate with, assist and encourage appropriate Federal, State, and local agencies and nongovernmental institutions, societies, and individuals in collecting and preserving and, when it considers it desirable, in editing and publishing papers of outstanding citizens of the United States, and other documents as may be important for an understanding and appreciation of the history of the United States.

(c) The Commission may conduct institutes, training and educational programs, and recommend candidates for fellowships related to the activities of the Commission and may disseminate information about documentary sources through guides, directories, and other technical publications.

(d) The Commission may recommend the expenditure of appropriated or donated funds for the collecting, describing, preserving, compiling and publishing (including microfilming and other forms of reproduction) of documentary sources significant to the history of the United States and for the activities described in subsection (c).

(e) The Archivist of the United States may, within the limits of available appropriated and donated funds, make grants to State and local agencies and to nonprofit organizations, institutions, and individuals, for those activities in subsection (d) after considering the advice and recommendations of the Commission.

(f) GRANTS FOR PRESIDENTIAL CENTERS OF HISTORICAL EXCELLENCE.—

(1) IN GENERAL.—The Archivist, with the recommendation of the Commission, may make grants, on a competitive basis and in accordance with this subsection, to eligible entities to promote the historical preservation of, and public access to, historical records and documents relating to any former President who does not have a Presidential archival depository currently managed and maintained by the Federal Government pursuant to section 2112 (commonly known as the “Presidential Libraries Act of 1955”).

(2) ELIGIBLE ENTITY.—For purposes of this subsection, an eligible entity is—

(A) an organization described under section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from taxation under section 501(a) of that Code; or

(B) a State or local government of the United States.

(3) USE OF FUNDS.—Amounts received by an eligible entity under paragraph (1) shall be used to promote the historical preservation of, and public access to, historical records or historical documents relating to any former President covered under paragraph (1).

(4) PROHIBITION ON USE OF FUNDS.—Amounts received by an eligible entity under paragraph (1) may not be used for the maintenance, operating costs, or construction of any facility to house the historical records or historical documents relating to any former President covered under paragraph (1).

(5) APPLICATION.—

(A) IN GENERAL.—An eligible entity seeking a grant under this subsection shall submit to the Commission an application at such time, in such manner, and containing or accompanied by such information as the Commission may require, including a description of the activities for which a grant under this subsection is sought.

(B) APPROVAL OF APPLICATION.—The Commission shall not consider or recommend a grant application submitted under subparagraph (A) unless an eligible entity establishes that such entity—

(i) possesses, with respect to any former President covered under paragraph (1), historical works and collections of historical sources that the Commission considers appropriate for preserving, publishing, or otherwise recording at the public expense;

(ii) has appropriate facilities and space for preservation of, and public access to, the historical works and collections of historical sources;

(iii) shall ensure preservation of, and public access to, such historical works and collections of historical sources at no charge to the public;
(iv) has educational programs that make the use of such documents part of the mission of such entity;

(v) has raised funds from non-Federal sources in support of the efforts of the entity to promote the historical preservation of, and public access to, such historical works and collections of historical sources in an amount equal to the amount of the grant the entity seeks under this subsection;

(vi) shall coordinate with any relevant Federal, program or activity, including programs and activities relating to Presidential archival depositories;

(vii) shall coordinate with any relevant non-Federal program or activity, including programs and activities conducted by State and local governments and private educational historical entities; and

(viii) has a workable plan for preserving and providing public access to such historical works and collections of historical sources.

(g)(1) For the purposes specified in this section, there is hereby authorized to be appropriated to the National Historical Publications and Records Commission—

(A) $6,000,000 for fiscal year 1989;

(B) $8,000,000 for fiscal year 1990;

(C) $10,000,000 for each of the fiscal years 1991, 1992, and 1993;

(D) $8,000,000 for fiscal year 1994;

(E) $7,000,000 for fiscal year 1995;

(F) $8,000,000 for fiscal year 1996;

(G) $10,000,000 for fiscal year 1997;

(H) $10,000,000 for fiscal year 1998;

(I) $10,000,000 for fiscal year 1999;

(J) $10,000,000 for fiscal year 2000;

(K) $10,000,000 for fiscal year 2001;

(L) $10,000,000 for fiscal year 2002;

(M) $10,000,000 for fiscal year 2003;

(N) $10,000,000 for fiscal year 2004;

(O) $10,000,000 for fiscal year 2005;

(P) $10,000,000 for fiscal year 2006;

(Q) $10,000,000 for fiscal year 2007;

(R) $10,000,000 for fiscal year 2008; and

(S) $10,000,000 for fiscal year 2009.

(2) Amounts appropriated under this subsection shall be available until expended when so provided in appropriation Acts.

References in Text

Amendments
2008—Subsecs. (f), (g). Pub. L. 110–404 added subsec. (f) and redesignated former subsec. (f) as (g).


1994—Subsec. (f)(1)(D) to (G). Pub. L. 103–262 added subpars. (D) to (G).

1988—Pub. L. 100–365 substituted current section catchline for “Duties; authorization of grants for collection, reproduction, and publication of documentary historical source material”, and amended text generally, revising and restating as subsecs. (a) to (f) provisions of former subsecs. (a) and (b).


Subsec. (b). Pub. L. 98–497, § 107(b)(10)(E), substituted “National Archives and Records Administration” for “General Services Administration”.


1974—Subsec. (b). Pub. L. 93–536 substituted “1973” and “$4,000,000” for “$2,000,000”.

1972—Pub. L. 92–546 designated existing provisions as subsec. (a) and added subsec. (b).

Effective Date of 1984 Amendment

Termination of Reporting Requirements
For termination, effective May 15, 2000, of provisions in subsec. (a) of this section relating to the requirement that the Chairman of the Commission transmit biennial reports to Congress, see section 3003 of Pub. L. 104–66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and the 16th item on page 183 of House Document No. 103–7.

Grants for Establishment of State and Local Databases for Records of Servitude, Emancipation, and Post-Civil War Reconstruction

“(a) IN GENERAL.—The Executive Director of the National Historical Publications and Records Commission of the National Archives and Records Administration may make grants to States, colleges and universities, museums, libraries, and genealogical associations to preserve records and establish electronically searchable databases consisting of local records of servitude, emancipation, and post-Civil War reconstruction.

“(b) MAINTENANCE.—Any database established using a grant under this section shall be maintained by appropriate agencies or institutions designated by the Execu-
utive Director of the National Historical Publications and Records Commission.”

§ 2505. Special advisory committees; membership; reimbursement

The Commission may establish special advisory committees to consult with and make recommendations to it, from among the leading historians, political scientists, archivists, librarians, and other specialists of the Nation. Members of special advisory committees shall be reimbursed for transportation and other expenses on the same basis as members of the Commission.


HISTORICAL AND REVISION NOTES


TERMINATION OF ADVISORY COMMITTEES

Advisory committees in existence on Jan. 5, 1973, to terminate not later than the expiration of the 2-year period following Jan. 5, 1973, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

ADVISORY COMMITTEE ON FOUNDING FATHERS EDITORIAL PROJECTS


“(a) Establishment.—The Archivist of the United States may establish an advisory committee to—

(1) review the progress of the Founding Fathers editorial projects funded by the National Historical Publications and Records Commission;

(2) develop, in consultation with the various Founding Fathers editorial projects, appropriate completion goals for the projects described in paragraph (1);

(3) annually review such goals and report to the Archivist on the progress of the various projects in meeting the goals; and

(4) recommend to the Archivist measures that would aid or encourage the projects in meeting such goals.

(b) Reports to the Advisory Committee.—Each of the projects described in subsection (a)(1) shall provide annually to the advisory committee established under subsection (a) a report on the progress of the project toward accomplishing the completion goals and any assistance needed to achieve such goals, including the following:

(1) The proportion of total project funding for the funding year in which the report is submitted from—

(A) Federal, State, and local government sources;

(B) the host institution for the project;

(C) private or public foundations; and

(D) individuals.

(2) Information on all activities carried out using nongovernmental funding.

(3) Any and all information related to performance goals for the funding year in which the report is submitted.

(c) Composition; Meetings; Report; Sunset; Action.—The advisory committee established under subsection (a) shall—

(1) be comprised of 3 nationally recognized historians appointed for not more than 2 consecutive 4-year terms;

“(2) meet not less frequently than once a year;

“(3) provide a report on the information obtained under subsection (b) to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform of the House of Representatives not later than 1 year after the date of enactment of this Act (Oct. 13, 2008) and annually thereafter;

“(4) terminate on the date that is 8 years after the date of enactment of this Act; and

“(5) recommend legislative or executive action that would facilitate completion of the performance goals for the Founding Fathers editorial projects.”

§ 2506. Records to be kept by grantees

(a) Each recipient of grant assistance under section 2504 of this title shall keep such records as the Archivist of the United States prescribes, including records which fully disclose the amount and disposition by the recipient of the proceeds of the grants, the total cost of the project or undertaking in connection with which funds are given or used, and the amount of that portion of the cost of the project or undertaking supplied by other sources, and any other records as will facilitate an effective audit.

(b) The Archivist and the Comptroller General of the United States or their authorized representatives shall have access for the purposes of audit and examination to books, documents, papers, and records of the recipients that are pertinent to the grants received under section 2504 of this title.


HISTORICAL AND REVISION NOTES


AMENDMENTS


Subsec. (b). Pub. L. 98–497 substituted “Archivist” for “Administrator”.

EFFECTIVE DATE OF 1984 AMENDMENT


EFFECTIVE DATE OF REPEAL

Repeal effective Apr. 1, 1985, see section 301 of Pub. L. 98–497, set out as an Effective Date of 1984 Amendment note under section 2102 of this title.

CHAPTER 27—ADVISORY COMMITTEE ON THE RECORDS OF CONGRESS

Sec. 2701. Advisory Committee on the Records of Congress.

2702. Membership; chairman; meetings.

2703. Functions of the Committee.