

## HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., §375 (July 7, 1943, ch. 192, §10, 57 Stat. 382; June 30, 1949, ch. 288, title I, §104(a), 63 Stat. 381).

## AMENDMENTS

1984—Pub. L. 98-497 substituted “Archivist” for “Administrator of General Services” and “Archivist” for “Administrator” wherever appearing.

## EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

**§ 3311. Destruction of records outside continental United States in time of war or when hostile action seems imminent; written report to Archivist**

During a state of war between the United States and another nation, or when hostile action by a foreign power appears imminent, the head of an agency of the United States Government may authorize the destruction of records in his legal custody situated in a military or naval establishment, ship, or other depository outside the territorial limits of continental United States—

- (1) the retention of which would be prejudicial to the interests of the United States or
- (2) which occupy space urgently needed for military purposes and are, in his opinion, without sufficient administrative, legal, research, or other value to warrant their continued preservation.

Within six months after their disposal, the official who directed the disposal shall submit a written report to the Archivist in which he shall describe the character of the records and state when and where he disposed of them.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1301; Pub. L. 98-497, title I, §107(b)(23), (25)(C), Oct. 19, 1984, 98 Stat. 2290.)

## HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., §376 (July 7, 1943, ch. 192, §11, 57 Stat. 382; June 30, 1949, ch. 288, title I, §104(a), 63 Stat. 381).

## AMENDMENTS

1984—Pub. L. 98-497 substituted “Archivist” for “Administrator of General Services” in section catchline and text.

## EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

**§ 3312. Photographs or microphotographs of records considered as originals; certified reproductions admissible in evidence**

Photographs or microphotographs of records made in compliance with regulations under section 3302 of this title shall have the same effect as the originals and shall be treated as originals for the purpose of their admissibility in evidence. Certified or authenticated reproductions of the photographs or microphotographs shall be admitted in evidence equally with the original photographs or microphotographs.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1302.)

## HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., §378 (July 7, 1943, ch. 192, §13, 57 Stat. 382).

**§ 3313. Moneys from sale of records payable into the Treasury**

Moneys derived by agencies of the Government from the sale of records disposed of under this chapter shall be paid into the Treasury of the United States unless otherwise required by law.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1302.)

## HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., §379 (July 7, 1943, ch. 192, §14, 57 Stat. 383).

**§ 3314. Procedures for disposal of records exclusive**

The procedures prescribed by this chapter are exclusive, and records of the United States Government may not be alienated or destroyed except under this chapter.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1302.)

## HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., §380 (July 7, 1943, ch. 192, §15, 57 Stat. 383).

**§ 3315. Definitions**

For purposes of this section and section 3316 through section 3324 of this title—

(1) the term “Federal official” means any individual holding the office of President or Vice President of the United States, or Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, or any officer of the executive, judicial, or legislative branch of the Federal Government;

(2) the term “Commission” means the National Study Commission on Records and Documents of Federal Officials; and

(3) the term “records and documents” shall include handwritten and typewritten documents, motion pictures, television tapes and recordings, magnetic tapes, automated data processing documentation in various forms, and other records that reveal the history of the Nation.

(Added Pub. L. 93-526, title II, §202, Dec. 19, 1974, 88 Stat. 1698.)

## TERMINATION OF COMMISSION

For provision that Commission is to cease to exist sixty days after transmitting its report, see section 3323 of this title.

**§ 3316. Establishment of Commission**

There is established a commission to be known as the National Study Commission on Records and Documents of Federal Officials.

(Added Pub. L. 93-526, title II, §202, Dec. 19, 1974, 88 Stat. 1699.)

## TERMINATION OF COMMISSION

For provision that Commission is to cease to exist sixty days after transmitting its report, see section 3323 of this title.

**§ 3317. Duties of Commission**

It shall be the duty of the Commission to study problems and questions with respect to the control, disposition, and preservation of records and documents produced by or on behalf of Federal officials, with a view toward the development of appropriate legislative recommendations and other recommendations regarding appropriate rules and procedures with respect to such control, disposition, and preservation. Such study shall include consideration of—

- (1) whether the historical practice regarding the records and documents produced by or on behalf of Presidents of the United States should be rejected or accepted and whether such practice should be made applicable with respect to all Federal officials;
- (2) the relationship of the findings of the Commission to the provisions of chapter 19 of this title, section 2101 through section 2108<sup>1</sup> of this title, and other Federal laws relating to the control, disposition, and preservation of records and documents of Federal officials;
- (3) whether the findings of the Commission should affect the control, disposition, and preservation of records and documents of agencies within the Executive Office of the President created for short-term purposes by the President;
- (4) the recordkeeping procedures of the White House Office, with a view toward establishing means to determine which records and documents are produced by or on behalf of the President;
- (5) the nature of rules and procedures which should apply to the control, disposition, and preservation of records and documents produced by Presidential task forces, commissions, and boards;
- (6) criteria which may be used generally in determining the scope of materials which should be considered to be the records and documents of Members of the Congress;
- (7) the privacy interests of individuals whose communications with Federal officials, and with task forces, commissions, and boards, are a part of the records and documents produced by such officials, task forces, commissions, and boards; and
- (8) any other problems, questions, or issues which the Commission considers relevant to carrying out its duties under section 3315 through section 3324 of this title.

(Added Pub. L. 93-526, title II, §202, Dec. 19, 1974, 88 Stat. 1699.)

**REFERENCES IN TEXT**

Sections 2103 through 2108 of this title, referred to in par. (2), were renumbered as sections 2107 through 2112 of this title by Pub. L. 98-497, title I, §102(a)(1), Oct. 19, 1984, 98 Stat. 2280.

**TERMINATION OF COMMISSION**

For provision that Commission is to cease to exist sixty days after transmitting its report, see section 3323 of this title.

**§ 3318. Membership**

(a)(1) The Commission shall be composed of seventeen members as follows:

(A) one Member of the House of Representatives appointed by the Speaker of the House upon recommendation made by the majority leader of the House;

(B) one Member of the House of Representatives appointed by the Speaker of the House upon recommendation made by the minority leader of the House;

(C) one Member of the Senate appointed by the President pro tempore of the Senate upon recommendation made by the majority leader of the Senate;

(D) one Member of the Senate appointed by the President pro tempore of the Senate upon recommendation made by the minority leader of the Senate;

(E) one member of the Federal judiciary appointed by the Chief Justice of the United States;

(F) one person employed by the Executive Office of the President or the White House Office, appointed by the President;

(G) three appointed by the President, by and with the advice and consent of the Senate, from persons who are not officers or employees of any government and who are specially qualified to serve on the Commission by virtue of their education, training, or experience;

(H) one representative of the Department of State, appointed by the Secretary of State;

(I) one representative of the Department of Defense, appointed by the Secretary of Defense;

(J) one representative of the Department of Justice, appointed by the Attorney General;

(K) the Administrator of General Services (or his delegate);

(L) the Librarian of Congress;

(M) one member of the American Historical Association, appointed by the counsel of such Association;

(N) one member of the Society of American Archivists, appointed by such Society; and

(O) one member of the Organization of American Historians, appointed by such Organization.

(2) No more than two members appointed under paragraph (1)(G) may be of the same political party.

(b) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(c) If any member of the Commission who was appointed to the Commission as a Member of the Congress leave such office, or if any member of the Commission who was appointed from persons who are not officers or employees of any government becomes an officer or employee of a government, he may continue as a member of the Commission for no longer than the sixty-day period beginning on the date he leaves such office or becomes such an officer or employee, as the case may be.

(d) Members shall be appointed for the life of the Commission.

(e)(1) Members of the Commission shall serve without pay.

(2) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses in the same

<sup>1</sup> See References in Text note below.