

(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)(1) 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. 90-620, Oct. 22, 1968, 82 Stat. 1293; Pub. L. 92-546, § 1(a), Oct. 25, 1972, 86 Stat. 1155; Pub. L. 93-536, § 1(b), Dec. 22, 1974, 88 Stat. 1735; Pub. L. 96-98, § 2(b), Nov. 1, 1979, 93 Stat. 731; Pub. L. 98-497, title I, § 107(b)(9), Oct. 19, 1984, 98 Stat. 2287; Pub. L. 100-365, § 2(a), July 13, 1988, 102 Stat. 823; Pub. L. 110-404, § 3(a)(1), (b)(1), Oct. 13, 2008, 122 Stat. 4282.)

#### HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., §§ 391 (part), 393(a) (June 30, 1949, ch. 288, title I, § 104, 63 Stat. 381, and title V, § 503(a) as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583).

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, 2301, and 2902 of the revision.

#### AMENDMENTS

2008—Subsec. (b)(1). Pub. L. 110-404, § 3(a)(1)(A), inserted “not more than 2” after “subsection (a) shall be appointed for” in introductory provisions.

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

Subsec. (d). Pub. L. 110-404, § 3(b)(1), added subsec. (d).

1988—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.

1984—Pub. L. 98-497 struck out “The authority of the Administrator of General Services under section 754 of title 40 to regroup, transfer, and distribute functions within the General Services Administration does not extend to the Commission or its functions.”

1979—Pub. L. 96-98 inserted “and Records” after “Publications”.

1974—Pub. L. 93-536 inserted provision relating to appointment and term of two members of Society of American Archivists, and two members of American Association for State and Local History.

1972—Pub. L. 92-546 provided for two additional members of the Organization of American Historians to be appointed for terms of four years by Executive Board of Organization, one to be appointed for a term of two years and his successors for a term of four years.

#### 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].”

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 1988 AMENDMENT

Pub. L. 100-365, § 2(b), July 13, 1988, 102 Stat. 824, 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

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.

### § 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.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1294.)

#### HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 393(b) (June 30, 1949, ch. 288, title V, § 503(b), as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583).

### § 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.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1294; Pub. L. 92-546, §1(b), Oct. 25, 1972, 86 Stat. 1155; Pub. L. 96-98, §2(a), Nov. 1, 1979, 93 Stat. 731; Pub. L. 100-365, §3, July 13, 1988, 102 Stat. 824.)

#### 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. 849, §6(d), 64 Stat. 583).

#### AMENDMENTS

1988—Pub. L. 100-365 substituted current section catchline for “Executive director; editorial and clerical staff; reimbursement of members for transportation 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.

1972—Pub. L. 92-546 increased daily allowance from \$25 to \$40.

#### EFFECTIVE DATE OF 1979 AMENDMENT

Pub. L. 96-98, §2(a), Nov. 1, 1979, 93 Stat. 731, provided that the amendment made by section 2(a) 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;