

§ 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 2108¹ 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

¹ See References in Text note below.

manner as persons employed intermittently in the service of the Federal Government are allowed expenses under section 5703 of title 5, United States Code, except that per diem in lieu of subsistence shall be paid only to those members of the Commission who are not full-time officers or employees of the United States or Members of the Congress.

(f) The Chairman of the Commission shall be designated by the President from among members appointed under subsection (a)(1)(G).

(g) The Commission shall meet at the call of the Chairman or a majority of its members.

(Added Pub. L. 93-526, title II, §202, Dec. 19, 1974, 88 Stat. 1699; amended Pub. L. 94-261, §1(a), Apr. 11, 1976, 90 Stat. 326.)

AMENDMENTS

1976—Subsec. (a)(1)(E). Pub. L. 94-261, §1(a)(1), substituted “one member of the Federal judiciary appointed by the Chief Justice of the United States;” for “one Justice of the Supreme Court, appointed by the Chief Justice of the United States;”.

Subsec. (e)(2). Pub. L. 94-261, §1(a)(2), substituted “section 5703 of title 5, United States Code” for “section 5703(b) of title 5, United States Code”.

TERMINATION OF COMMISSION

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

§ 3319. Director and staff; experts and consultants

(a) The Commission shall appoint a Director who shall be paid at a rate not to exceed the rate of basic pay in effect for level V of the Executive Schedule (5 U.S.C. 5316).

(b) The Commission may appoint and fix the pay of such additional personnel as it deems necessary.

(c)(1) The Commission may procure temporary and intermittent services to the same extent as is authorized by section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the annual rate of basic pay in effect for grade GS-15 of the General Schedule (5 U.S.C. 5332).

(2) In procuring services under this subsection, the Commission shall seek to obtain the advice and assistance of constitutional scholars and members of the historical, archival, and journalistic professions.

(d) Upon request of the Commission, the head of any Federal agency is authorized to detail, on a reimbursable basis, any of the personnel of such agency to the Commission to assist it in carrying out its duties under sections 3315 through 3324 of this title.

(Added Pub. L. 93-526, title II, §202, Dec. 19, 1974, 88 Stat. 1701.)

TERMINATION OF COMMISSION

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

§ 3320. Powers of Commission

(a) The Commission may, for the purpose of carrying out its duties under sections 3315 through 3324 of this title, hold such hearings, sit

and act at such times and places, take such testimony, and receive such evidence, as the Commission may deem desirable.

(b) When so authorized by the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

(c) The Commission may secure directly from any department or agency of the United States information necessary to enable the Commission to carry out its duties under section 3315 through section 3324 of this title. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.

(Added Pub. L. 93-526, title II, §202, Dec. 19, 1974, 88 Stat. 1701.)

TERMINATION OF COMMISSION

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

§ 3321. Support services

(a) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services and assistance as the Commission may request.

(b) The Archivist of the United States shall provide to the Commission on a reimbursable basis such technical and expert advice, consultation, and support assistance as the Commission may request.

(Added Pub. L. 93-526, title II, §202, Dec. 19, 1974, 88 Stat. 1701.)

TERMINATION OF COMMISSION

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

§ 3322. Report

The Commission shall transmit to the President and to each House of the Congress a report not later than March 31, 1977. Such report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation, administrative actions, and other actions, as it deems appropriate.

(Added Pub. L. 93-526, title II, §202, Dec. 19, 1974, 88 Stat. 1701; amended Pub. L. 94-261, §1(b), Apr. 11, 1976, 90 Stat. 326.)

AMENDMENTS

1976—Pub. L. 94-261 substituted “March 31, 1977” for “March 31, 1976”.

TERMINATION OF COMMISSION

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

§ 3323. Termination

The Commission shall cease to exist sixty days after transmitting its report under section 3322 of this title.

(Added Pub. L. 93-526, title II, §202, Dec. 19, 1974, 88 Stat. 1701.)