

AMENDMENTS

1984—Pub. L. 98-497 amended section generally. Prior to amendment, section read as follows: “The Board may accept, receive, hold, and administer gifts or bequests of money, securities, or other personal property, for the benefit of or in connection with the national archival and records activities administered by the General Services Administration as may be approved by the Board.”

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.

§ 2306. Investment of funds

The Secretary of the Treasury shall receipt for moneys or securities composing trust funds given or bequeathed to the Board and shall invest, reinvest, and retain the moneys or securities as the Board from time to time determines. The Board may not engage in business or exercise a voting privilege which may be incidental to securities in such trust funds, nor may the Secretary of the Treasury make investments for the account of the Board which could not lawfully be made by a trust company in the District of Columbia, unless directly authorized by the instrument of gift or bequest under which the funds to be invested are derived, and may retain investments accepted by the Board.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1292.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., §300dd (July 9, 1941, ch. 284, §4, 55 Stat. 581).

§ 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.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1293; Pub. L. 98-497, title II, §202(b), Oct. 19, 1984, 98 Stat. 2294.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., §300ee (July 9, 1941, ch. 284, §5, 55 Stat. 581).

AMENDMENTS

1984—Pub. L. 98-497 substituted “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” for “by the Division of Disbursement, Treasury Department, on the basis of certified vouchers of the Chairman or his authorized agent, unless otherwise restricted by the instrument of gift or bequest, for and in the interest of the national archival and records activities administered by the General Services Administration” and “Archivist” for “Chairman” in second sentence.

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.

TRANSFER OF FUNCTIONS

Division of Disbursement of Treasury Department consolidated into Fiscal Service of Treasury Department by section 1(a)(1) of Reorg. Plan No. III of 1940, eff. June 30, 1940, 5 F.R. 2107, 54 Stat. 1231, set out in the Appendix to Title 5, Government Organization and Employees. See section 306 of Title 31, Money and Finance.

§ 2308. Tax exemption for gifts

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

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1293.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., §300gg (July 9, 1941, ch. 284, §7, 55 Stat. 582).

CHAPTER 25—NATIONAL HISTORICAL PUBLICATIONS AND RECORDS COMMISSION

Sec.

- 2501. Creation; composition; appointment and tenure; vacancies; meetings.¹
- 2502. Vacancies.
- 2503. Executive director; staff; transportation expenses.¹
- 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

1988—Pub. L. 100-365, §5, July 13, 1988, 102 Stat. 825, amended analysis generally, inserting “; vacancies; meetings” after “tenure” in item 2501, substituted “staff; transportation expenses” for “editorial and clerical staff; reimbursement of members for transportation expenses; honorarium” in item 2503 and “historical publications and records programs; authorization for appropriations” for “collection, reproduction, and publication of documentary historical source material” in item 2504, and reenacting items 2502, 2505, and 2506 without change.

1984—Pub. L. 98-497, title I, §107(b)(12)(B), Oct. 19, 1984, 98 Stat. 2287, struck out item 2507 “Report to Congress”.

1974—Pub. L. 93-536, §1(a), Dec. 22, 1974, 88 Stat. 1734, inserted “AND RECORDS” after “PUBLICATIONS” in chapter heading.

¹ So in original. Does not conform to section catchline.

§ 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

(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 ap-