

dent, the Archivist shall not make the Presidential record (or reasonably segregable part of a record) subject to the claim publicly available unless—

(i) the incumbent President withdraws the decision upholding the claim of privilege asserted by the former President; or

(ii) the Archivist is otherwise directed by a final court order that is not subject to appeal.

(C) If the incumbent President determines not to uphold the claim of privilege asserted by the former President, or fails to make the determination under paragraph (1) before the end of the period specified in subparagraph (A), the Archivist shall release the Presidential record subject to the claim at the end of the 90-day period beginning on the date on which the Archivist received notification of the claim, unless otherwise directed by a court order in an action initiated by the former President under section 2204(e) of this title or by a court order in another action in any Federal court.

(d) The Archivist shall not make publicly available a Presidential record (or reasonably segregable part of a record) that is subject to a privilege claim asserted by the incumbent President unless—

(1) the incumbent President withdraws the privilege claim; or

(2) the Archivist is otherwise directed by a final court order that is not subject to appeal.

(e) The Archivist shall adjust any otherwise applicable time period under this section as necessary to comply with the return date of any congressional subpoena, judicial subpoena, or judicial process.

(Added Pub. L. 113-187, §2(a)(1), Nov. 26, 2014, 128 Stat. 2003.)

§ 2209. Disclosure requirement for official business conducted using non-official electronic messaging accounts

(a) IN GENERAL.—The President, the Vice President, or a covered employee may not create or send a Presidential or Vice Presidential record using a non-official electronic message account unless the President, Vice President, or covered employee—

(1) copies an official electronic messaging account of the President, Vice President, or covered employee in the original creation or transmission of the Presidential record or Vice Presidential record; or

(2) forwards a complete copy of the Presidential or Vice Presidential record to an official electronic messaging account of the President, Vice President, or covered employee not later than 20 days after the original creation or transmission of the Presidential or Vice Presidential record.

(b) ADVERSE ACTIONS.—The intentional violation of subsection (a) by a covered employee (including any rules, regulations, or other implementing guidelines), as determined by the appropriate supervisor, shall be a basis for disciplinary action in accordance with subchapter I, II, or V of chapter 75 of title 5, as the case may be.

(c) DEFINITIONS.—In this section:

(1) COVERED EMPLOYEE.—The term “covered employee” means—

(A) the immediate staff of the President;

(B) the immediate staff of the Vice President;

(C) a unit or individual of the Executive Office of the President whose function is to advise and assist the President; and

(D) a unit or individual of the Office of the Vice President whose function is to advise and assist the Vice President.

(2) ELECTRONIC MESSAGES.—The term “electronic messages” means electronic mail and other electronic messaging systems that are used for purposes of communicating between individuals.

(3) ELECTRONIC MESSAGING ACCOUNT.—The term “electronic messaging account” means any account that sends electronic messages.

(Added Pub. L. 113-187, §2(e)(1), Nov. 26, 2014, 128 Stat. 2006.)

CHAPTER 23—NATIONAL ARCHIVES TRUST FUND BOARD

Sec.	
2301.	Establishment of Board; membership.
2302.	Authority of the Board; seal; services; bylaws; rules; regulations; employees.
2303.	Powers and obligations of Board; liability of members. ¹
2304.	Compensation of members; availability of trust funds for expenses of Board. ¹
2305.	Acceptance of gifts.
2306.	Investment of funds.
2307.	Trust fund account; disbursements; sales of publications and releases.
2308.	Tax exemption for gifts.

AMENDMENTS

1984—Pub. L. 98-497, title II, §202(c), Oct. 19, 1984, 98 Stat. 2294, amended item 2302 generally.

§ 2301. Establishment of Board; membership

The National Archives Trust Fund Board shall consist of the Archivist of the United States, as Chairman, and the Secretary of the Treasury and the Chairman of the National Endowment for the Humanities. Membership on the Board is not an office within the meaning of the statutes of the United States.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1292; Pub. L. 94-391, Aug. 19, 1976, 90 Stat. 1192; Pub. L. 95-379, Sept. 22, 1978, 92 Stat. 724; Pub. L. 98-497, title I, §107(b)(8), Oct. 19, 1984, 98 Stat. 2287.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., §§300bb, 391 (part) (July 9, 1941, ch. 284, §2, 55 Stat. 581; Aug. 2, 1946, ch. 753, title I, §§102, 121, 60 Stat. 814, 822; June 30, 1949, ch. 288, title I, §104, 63 Stat. 381).

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, 2501, and 2902 of the revision.

AMENDMENTS

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 Board or its functions.”

¹ Section catchline amended by Pub. L. 98-497 without corresponding amendment of analysis.