

(b) Subsection (a) shall not be deemed to authorize a Vice President or former Vice President to invoke any constitutional privilege of a President or former President except as authorized by that President or former President.

(c) Nothing in this section shall be construed to grant, limit, or otherwise affect any privilege of a President, Vice President, former President, or former Vice President.

SEC. 12. *Judicial Review.*

This order is intended to improve the internal management of the executive branch and is not intended to create any right or benefit, substantive or procedural, enforceable at law by a party, other than a former President or his designated representative, against the United States, its agencies, its officers, or any person.

SEC. 13. *Revocation.*

Executive Order 12667 of January 18, 1989, is revoked.

GEORGE W. BUSH.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2205, 2206 of this title; title 22 section 4352.

§ 2205. Exceptions to restricted access

Notwithstanding any restrictions on access imposed pursuant to section 2204—

(1) the Archivist and persons employed by the National Archives and Records Administration who are engaged in the performance of normal archival work shall be permitted access to Presidential records in the custody of the Archivist;

(2) subject to any rights, defenses, or privileges which the United States or any agency or person may invoke, Presidential records shall be made available—

(A) pursuant to subpoena or other judicial process issued by a court of competent jurisdiction for the purposes of any civil or criminal investigation or proceeding;

(B) to an incumbent President if such records contain information that is needed for the conduct of current business of his office and that is not otherwise available; and

(C) to either House of Congress, or, to the extent of matter within its jurisdiction, to any committee or subcommittee thereof if such records contain information that is needed for the conduct of its business and that is not otherwise available; and

(3) the Presidential records of a former President shall be available to such former President or his designated representative.

(Added Pub. L. 95-591, § 2(a), Nov. 4, 1978, 92 Stat. 2527; amended Pub. L. 98-497, title I, § 107(b)(7), Oct. 19, 1984, 98 Stat. 2287.)

AMENDMENTS

1984—Par. (1). Pub. L. 98-497 substituted “National Archives and Records Administration” for “National Archives and Records Service of the General Services Administration”.

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.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 2206 of this title.

§ 2206. Regulations

The Archivist shall promulgate in accordance with section 553 of title 5, United States Code,

regulations necessary to carry out the provisions of this chapter. Such regulations shall include—

(1) provisions for advance public notice and description of any Presidential records scheduled for disposal pursuant to section 2203(f)(3);

(2) provisions for providing notice to the former President when materials to which access would otherwise be restricted pursuant to section 2204(a) are to be made available in accordance with section 2205(2);

(3) provisions for notice by the Archivist to the former President when the disclosure of particular documents may adversely affect any rights and privileges which the former President may have; and

(4) provisions for establishing procedures for consultation between the Archivist and appropriate Federal agencies regarding materials which may be subject to section 552(b)(7) of title 5, United States Code.

(Added Pub. L. 95-591, § 2(a), Nov. 4, 1978, 92 Stat. 2527.)

§ 2207. Vice-Presidential records

Vice-Presidential records shall be subject to the provisions of this chapter in the same manner as Presidential records. The duties and responsibilities of the Vice President, with respect to Vice-Presidential records, shall be the same as the duties and responsibilities of the President under this chapter with respect to Presidential records. The authority of the Archivist with respect to Vice-Presidential records shall be the same as the authority of the Archivist under this chapter with respect to Presidential records, except that the Archivist may, when the Archivist determines that it is in the public interest, enter into an agreement for the deposit of Vice-Presidential records in a non-Federal archival depository. Nothing in this chapter shall be construed to authorize the establishment of separate archival depositories for such Vice-Presidential records.

(Added Pub. L. 95-591, § 2(a), Nov. 4, 1978, 92 Stat. 2527.)

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

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

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.”

1978—Pub. L. 95-379 substituted references to the Secretary of the Treasury and the Chairman of the National Endowment for the Humanities, for references to the chairman of the House Committee on Government Operations and the Senate Committee on Post Office and Civil Service.

1976—Pub. L. 94-391 substituted reference to House Committee on Government Operations for reference to House Committee on Post Office and Civil Service.

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.

§ 2302. Authority of the Board; seal; services; by-laws; rules; regulations; employees

In carrying out the purposes of this chapter, the Board—

(1) may adopt an official seal, which shall be judicially noticed;

(2) may utilize on a reimbursable basis the services and personnel of the National Archives and Records Administration necessary (as determined by the Archivist) to assist the Board in the administration of the trust fund, and in the preparation and publication of special works and collections of sources and preparation, duplication, editing, and release of historical photographic materials and sound recordings, and may utilize on a reimbursable basis the services and personnel of other Federal agencies for such purposes;

(3) may adopt bylaws, rules, and regulations necessary for the administration of its functions under this chapter; and

(4) may, subject to the laws and regulations governing appointments in the civil service, appoint and fix the compensation of such personnel as may be necessary to carry out its functions.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1292; Pub. L. 98-497, title II, § 202(a), Oct. 19, 1984, 98 Stat. 2293.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 300hh (July 9, 1941, ch. 284, § 8, 55 Stat. 582).

REFERENCES IN TEXT

The laws governing appointments in the civil service, referred to in par. (4), are set out in Title 5, Government Organization and Employees. See, particularly, section 3301 et seq. of Title 5.

AMENDMENTS

1984—Pub. L. 98-497 amended section generally. Prior to amendment, section read as follows: “In carrying out the purposes of this chapter, the Board may—

“(1) adopt an official seal, which shall be judicially noticed;

“(2) appoint, or authorize the Chairman to appoint, without regard to the civil-service laws, necessary employees, and fix their duties; and

“(3) adopt bylaws, rules, and regulations necessary for the administration of its functions under this chapter.”

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.

§ 2303. Powers and obligations of the Board; liability of members

Except as otherwise provided by this chapter, the Board shall have all the usual powers and obligations of a trustee with respect to property and funds administered by it, but the members of the Board are not personally liable, except for malfeasance.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1292; Pub. L. 98-497, title II, § 202(a), Oct. 19, 1984, 98 Stat. 2293.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 300ff (July 9, 1941, ch. 284, § 6, 55 Stat. 582).

AMENDMENTS

1984—Pub. L. 98-497 amended section generally, inserting “Except as otherwise provided by this chapter.”

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.

§ 2304. Compensation of members; availability of trust funds for expenses of the Board

Compensation may not be paid to the members of the Board for their services as members. Costs incurred by the Board in carrying out its duties under this chapter, including the obligations necessarily incurred by the members of the Board in the performance of their duties and the compensation of persons employed by the Board, shall be paid by the Archivist of the United States from trust funds available to the Board for this purpose. The Board, by resolution, may authorize the transfer of funds (including the principal or interest of a gift or bequest) to the National Archives and Records Administration to be expended on an archival or records activity approved by the Board or to accomplish the purpose of a gift or bequest.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1292; Pub. L. 98-497, title II, § 202(a), Oct. 19, 1984, 98 Stat. 2293.)

HISTORICAL AND REVISION NOTES

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