The President]; relating to documents and the Administrative Committee of the Federal Register), and by Executive Order Nunbered [sic] 11440 of December 11, 1968 (33 Fed. Reg. 18475 [set out as a note under section 2109 of this title]; relating to supplemental use of Federal exhibits and displays), shall be exercised by the Archivist of the United States.

''(2) All functions pertaining to the maintenance, operation, and protection of a Presidential archival depository which were assigned to the Administrator of General Services by the Act of September 6, 1965 (Public Law 89–169, 79 Stat. 648) [set out as a note under section 2112 of this title], relating to the Lyndon Baines Johnson Presidential Archival Depository, and by the Act of August 27, 1966 (Public Law 89–547, 80 Stat. 370) [set out as a note under section 2112 of this title] and the Act of May 26, 1977 (Public Law 95–34, 91 Stat. 174), relating to the John Fitzgerald Kennedy Library, shall be exercised by the Archivist of the United States.

''(c) In the exercise of the functions transferred by this Act [Pub. L. 98–497] and the amendments made by this Act, the Archivist shall have the same authority as had the Administrator of General Services prior to the transfer of such functions, and the actions of the Archivist shall have the same force and effect as when exercised by such Administrator.

''(d) Prior to the appointment and confirmation of an individual to serve as Archivist of the United States under section 2103 of title 44, United States Code, the individual holding the office of Archivist of the United States on the day before the effective date of this Act [Apr. 1, 1985] may serve as Archivist under such section, and while so serving shall be compensated at the rate provided under subsection (b) of such section.

''SEC. 104. (a) Except as otherwise provided in this Act [Pub. L. 98–497], the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to or to be made available in connection with the functions and agencies transferred by this Act and the amendments made by this Act, subject to section 1531 of title 31, United States Code, are transferred to the Archivist for appropriate allocation. Pursuant to the preceding sentence, there shall be transferred to the Archivist for appropriate allocation (1) for the remainder of fiscal year 1985, an amount equal to not less than $2,760,000 (adjusted to reflect actual salaries and benefits of transferred employees and other costs) from the unexpended balances of the fiscal year 1985 funds and appropriations available to the General Services Administration, and (2) 115.5 full-time equivalent employee positions, of which not less than 30 percent shall be vacant. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

''(b) The transfer pursuant to this title [title I (§§ 101–108) of Pub. L. 98–497] of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employees to be separated or reduced in grade or compensation for one year after such transfer or after the effective date of this Act [Apr. 1, 1985], whichever is later.''

ANNUAL CAPITAL NEEDS ASSESSMENT FOR FUNDING OF REPAIRS AND RESTORATION

Pub. L. 111–8, div. D, title V, Mar. 11, 2009, 123 Stat. 668, provided that: ''Hereafter, the National Archives and Records Administration shall include in its annual budget submission a comprehensive capital needs assessment for funding provided under the 'Repairs and Restoration' appropriations account to be updated yearly: *Provided*, That funds proposed under the 'Repairs and Restoration' appropriations account for each fiscal year shall be allocated to projects on a priority basis established under a comprehensive capital needs assessment.''

ESTABLISHMENT OF POSITIONS OF DIRECTOR OF THE CENTER FOR LEGISLATIVE ARCHIVES AND SPECIALIST IN CONGRESSIONAL HISTORY

Pub. L. 101–509, title IV, §1(a)–(c), Nov. 5, 1990, 104 Stat. 1416, 1417, as amended by Pub. L. 103–329, title V, §541, Sept. 30, 1994, 108 Stat. 2415, provided that:

''(a)(1) The Director of the Center for Legislative Archives within the National Archives and Records Administration shall be established without regard to chapter 51 of title 5 and shall be paid at a rate determined without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5 governing General Schedule classification and pay rates: *Provided*, That such pay shall be no less than 120 percent of the rate of pay for GS–15, step 1 of the General Schedule nor more than the rate of pay in effect for level one of the Senior Executive Schedule.

''(2) There is established within the Center for Legislative Archives within the National Archives and Records Administration the position of Specialist in Congressional History.

''(b) There shall be made available from funds appropriated in each fiscal year to the National Archives and Records Administration, $20,000 for the administrative expenses of the Advisory Committee on the Records of Congress established under section 2701 of title 44, United States Code.

''(c) There are authorized to be appropriated such sums as may be necessary to carry out the purposes of subsections (a) and (b) of this section.''

REFERENCES IN OTHER LAWS

Pub. L. 98–497, title I, §106, Oct. 19, 1984, 98 Stat. 2285, provided that: ''With respect to any functions transferred by this Act [Pub. L. 98–497] or by an amendment made by this Act and exercised after the effective date of this Act [Apr. 1, 1985], reference in any other Federal law to the office of the Archivist of the United States as in existence on the date before the effective date of this Act, or the National Archives and Records Service of the General Services Administration, or any office or officer thereof, shall be deemed to refer to the Archivist or the Administration.''

SPENDING AUTHORITY

Pub. L. 98–497, title III, §302, Oct. 19, 1984, 98 Stat. 2295, provided that: ''Any new spending authority (within the meaning of section 401 of the Congressional Budget Act of 1974 [2 U.S.C. 651]) which is provided under this Act shall be effective for any fiscal year only to the extent or in such amounts as provided in appropriations Acts.''

DEFINITIONS

Pub. L. 98–497, title I, §108, Oct. 19, 1984, 98 Stat. 2292, provided that: ''For purposes of sections 103 through 106 [set out as notes above]—

''(1) the term 'Archivist' means the Archivist of the United States appointed under section 2103 of title 44, United States Code, as added by section 102(a)(2) of this Act;

''(2) the term 'Administration' means the National Archives and Records Administration established under section 2102 of such title (as amended by section 101 of this Act); and

''(3) the term 'function' includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.''

§ 2103. Officers

(a) The Archivist of the United States shall be appointed by the President by and with the advice and consent of the Senate. The Archivist shall be appointed without regard to political affiliations and solely on the basis of the profes-

sional qualifications required to perform the duties and responsibilities of the office of Archivist. The Archivist may be removed from office by the President. The President shall communicate the reasons for any such removal to each House of the Congress.

(b) The Archivist shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5.

(c) There shall be in the Administration a Deputy Archivist of the United States, who shall be appointed by and who shall serve at the pleasure of the Archivist. The Deputy Archivist shall be established as a career reserved position in the Senior Executive Service within the meaning of section 3132(a)(8) of title 5. The Deputy Archivist shall perform such functions as the Archivist shall designate. During any absence or disability of the Archivist, the Deputy Archivist shall act as Archivist. In the event of a vacancy in the office of the Archivist, the Deputy Archivist shall act as Archivist until an Archivist is appointed under subsection (a).

(Added Pub. L. 98–497, title I, § 102(a)(2), Oct. 19, 1984, 98 Stat. 2280.)

Editorial Notes

PRIOR PROVISIONS

A prior section 2103 was renumbered section 2107 of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Apr. 1, 1985, see section 301 of Pub. L. 98–497, set out as an Effective Date of 1984 Amendment note under section 2102 of this title.

§ 2104. Administrative provisions

(a) The Archivist shall prescribe such regulations as the Archivist deems necessary to effectuate the functions of the Archivist, and the head of each executive agency shall cause to be issued such orders and directives as such agency head deems necessary to carry out such regulations.

(b) Except as otherwise expressly provided by law, the Archivist may delegate any of the functions of the Archivist to such officers and employees of the Administration as the Archivist may designate, and may authorize such successive redelegations of such functions as the Archivist may deem to be necessary or appropriate. A delegation of functions by the Archivist shall not relieve the Archivist of responsibility for the administration of such functions.

(c) The Archivist may organize the Administration as the Archivist finds necessary or appropriate.

(d) The Archivist is authorized to establish, maintain, alter, or discontinue such regional, local, or other field offices as the Archivist finds necessary or appropriate to perform the functions of the Archivist or the Administration.

(e) The Archivist shall cause a seal of office to be made for the Administration of such design as the Archivist shall approve. Judicial notice shall be taken of such seal.

(f) The Archivist may establish advisory committees to provide advice with respect to any function of the Archivist or the Administration. Members of any such committee shall serve without compensation but shall be entitled to transportation expenses and per diem in lieu of subsistence in accordance with section 5703 of title 5.

(g) The Archivist shall advise and consult with interested Federal agencies with a view to obtaining their advice and assistance in carrying out the purposes of this chapter.

(h) If authorized by the Archivist, officers and employees of the Administration having investigatory functions are empowered, while engaged in the performance of their duties in conducting investigations, to administer oaths.

(Added Pub. L. 98–497, title I, § 102(a)(2), Oct. 19, 1984, 98 Stat. 2281.)

Editorial Notes

PRIOR PROVISIONS

A prior section 2104 was renumbered section 2108 of this title.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective Apr. 1, 1985, see section 301 of Pub. L. 98–497, set out as an Effective Date of 1984 Amendment note under section 2102 of this title.

Executive Documents

EMERGENCY PREPAREDNESS FUNCTIONS

For assignment of certain emergency preparedness functions to Archivist of United States, see Parts 1, 2, and 20 of Ex. Ord. No. 12656, Nov. 18, 1988, 53 F.R. 47491, set out as a note under section 5195 of Title 42, The Public Health and Welfare.

§ 2105. Personnel and services

(a)(1) The Archivist is authorized to select, appoint, employ, and fix the compensation of such officers and employees, pursuant to part III of title 5, as are necessary to perform the functions of the Archivist and the Administration.

(2) Notwithstanding paragraph (1), the Archivist is authorized to appoint, subject to the consultation requirements set forth in paragraph (f)(2) of section 2203 of this title,[1] a director at each Presidential archival depository established under section 2112 of this title. The Archivist may appoint a director without regard to subchapter I and subchapter VIII of chapter 33 of title 5, United States Code, governing appointments in the competitive service and the Senior Executive Service. A director so appointed shall be responsible for the care and preservation of the Presidential records and historical materials deposited in a Presidential archival depository, shall serve at the pleasure of the Archivist and shall perform such other functions as the Archivist may specify.

(b) The Archivist is authorized to obtain the services of experts and consultants under section 3109 of title 5.

(c) Notwithstanding the provisions of section 973 of title 10 or any other provision of law, the Archivist, in carrying out the functions of the

[1] See References in Text note below.