

“(5) All notes and other writings prepared by an individual, other than covered personnel, during the course of a review of classified records shall be retained by the National Archives and Records Administration in a secure facility until such notes and other writings are determined to be unclassified, are declassified, or are securely transferred to another secure facility.

“(b) DEFINITIONS.—In this section:

“(1) COVERED PERSONNEL.—The term ‘covered personnel’ means any individual—

“(A) who has an appropriate and necessary reason for accessing classified records, as determined by the Archivist; and

“(B) who is either—

“(i) an officer or employee of the United States Government with appropriate security clearances; or

“(ii) any personnel with appropriate security clearances of a Federal contractor authorized in writing to act for purposes of this section by an officer or employee of the United States Government.

“(2) RECORDS.—The term ‘records’ has the meaning given that term under section 3301 of title 44, United States Code.”

§ 2109. Preservation, arrangement, duplication, exhibition of records

The Archivist shall provide for the preservation, arrangement, repair and rehabilitation, duplication and reproduction (including microcopy publications), description, and exhibition of records or other documentary material transferred to him as may be needful or appropriate, including the preparation and publication of inventories, indexes, catalogs, and other finding aids or guides to facilitate their use. He may also prepare guides and other finding aids to Federal records and, when approved by the National Historical Publications and Records Commission, publish such historical works and collections of sources as seem appropriate for printing or otherwise recording at the public expense.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1288, § 2105; renumbered § 2109 and amended Pub. L. 98-497, title I, §§ 102(a)(1), 107(a)(3), Oct. 19, 1984, 98 Stat. 2280, 2285.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 397(c) (June 30, 1949, ch. 288, title V, § 507, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583; July 12, 1952, ch. 703, § 1(o), 66 Stat. 594).

Editorial Notes

PRIOR PROVISIONS

A prior section 2109 was renumbered section 2113 of this title.

AMENDMENTS

1984—Pub. L. 98-497, § 107(a)(3), substituted “Archivist” for “Administrator of General Services” and inserted “and Records” after “National Historical Publications”.

Pub. L. 98-497, § 102(a)(1), renumbered section 2105 of this title as this section.

Statutory Notes and Related Subsidiaries

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.

Executive Documents

EX. ORD. NO. 11440. SUPPLEMENTAL USE OF EXHIBITS AND DISPLAYS CREATED IN FURTHERANCE OF AUTHORIZED PROGRAMS OF EXECUTIVE DEPARTMENTS AND AGENCIES

Ex. Ord. No. 11440, Dec. 11, 1968, 33 F.R. 18475, as amended by Ex. Ord. No. 12608, Sept. 9, 1987, 52 F.R. 34617, provided:

WHEREAS the executive departments and agencies of the Government, in discharging their various responsibilities, create a large volume of materials (including books, correspondence, documents, papers, pamphlets, works of art, models, pictures, photographs, plats, maps, films, motion pictures, sound recordings, and other objects of historical or commemorative value) which from time to time are incorporated into or reproduced for use in exhibits or other types of visual displays needed for use in carrying out their programs; and

WHEREAS under Chapter 21 of Title 44, United States Code, the Archivist of the United States is authorized to accept for deposit in the National Archives of the United States the records of any Federal agency or of the Congress of the United States that are determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government, as well as the papers and other historical materials of any official or former official of the Government, and to make provisions for the exhibition of materials transferred to him; and

WHEREAS many of the exhibits and displays so prepared, produced, or otherwise created by the executive departments and agencies possess historical significance which warrants their preservation and exhibition as part of the archival and cultural heritage of the United States:

NOW, THEREFORE, by virtue of the authority vested in me, as President of the United States, it is hereby ordered as follows:

SECTION 1. The heads of all executive departments and agencies are directed—

(a) when initiating plans for the preparation, production, or other creation of exhibits and displays in furtherance of their program missions, to confer with the Archivist of the United States, or his designee, for the purpose of assuring that any such exhibits or displays which the Archivist finds appropriate for supplemental exhibition as part of the archival and cultural heritage of the United States are prepared, produced, or otherwise created in a manner which assures, to the maximum possible extent, their appropriateness, after they have served their primary program purpose, for such supplemental exhibition, and

(b) to transfer to the Archivist, without reimbursement, such exhibits or displays as he determines are appropriate for such supplemental exhibition after they have served their primary program purpose, subject to such conditions requiring return to the department or agency of all or any of the materials incorporated in the exhibits or displays as may be mutually agreeable.

SEC. 2. The Archivist of the United States is directed to—

(a) provide advice, counsel, and assistance to the heads of executive departments and agencies in the preparation, production, or other creation of exhibits and displays which he finds will have future value for exhibition as part of the archival and cultural heritage of the United States; and

(b) accept any such exhibit or display when it has served its primary program purpose and (1) arrange for its supplemental exhibition as appropriate, (2) preserve any such exhibit or display which possesses sufficient historical or other value to warrant continued preservation, or (3) dispose of any such exhibit or display when, in his judgment, the reasons for its continued preservation or exhibition cease to exist, all subject to the conditions agreed upon incident to transfer to the Archivist of the United States of the exhibit or display.

§ 2110. Servicing records

The Archivist shall provide and maintain facilities he considers necessary or desirable for servicing records in his custody that are not exempt from examination by statutory or other restrictions.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1288, § 2106; renumbered § 2110 and amended Pub. L. 98-497, title I, §§ 102(a)(1), 107(a)(4), Oct. 19, 1984, 98 Stat. 2280, 2286.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 397(d) (June 30, 1949, ch. 288, title V, § 507, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583).

Editorial Notes

PRIOR PROVISIONS

A prior section 2110 was renumbered section 2114 of this title.

AMENDMENTS

1984—Pub. L. 98-497, § 107(a)(4), substituted “Archivist” for “Administrator of General Services”.

Pub. L. 98-497, § 102(a)(1), renumbered section 2106 of this title as this section.

Statutory Notes and Related Subsidiaries

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.

§ 2111. Material accepted for deposit

(a) IN GENERAL.—When the Archivist considers it to be in the public interest the Archivist may accept for deposit—

(1) the papers and other historical materials of a President or former President of the United States, or other official or former official of the Government, and other papers relating to and contemporary with a President or former President of the United States, subject to restrictions agreeable to the Archivist as to their use; and

(2) recorded information (as such term is defined in section 3301(a)(2) of this title) from private sources that are appropriate for preservation by the Government as evidence of its organization, functions, policies, decisions, procedures, and transactions.

(b) EXCEPTION.—This section shall not apply in the case of any Presidential records which are subject to the provisions of chapter 22 of this title.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1288, § 2107; Pub. L. 95-591, § 2(b)(2), Nov. 4, 1978, 92 Stat. 2528; renumbered § 2111 and amended Pub. L. 98-497, title I, §§ 102(a)(1), 107(a)(5), Oct. 19, 1984, 98 Stat. 2280, 2286; Pub. L. 113-187, § 3(b), Nov. 26, 2014, 128 Stat. 2008.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code 1964 ed., § 397(e) (June 30, 1949, ch. 288, title V, § 507, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583; July 12, 1952, ch. 703, § 1(p), 66 Stat. 594; July 12, 1955, ch. 329, 69 Stat. 297; Aug. 12, 1955, ch. 859, 69 Stat. 695).

Editorial Notes

PRIOR PROVISIONS

A prior section 2111 was renumbered section 2115 of this title.

AMENDMENTS

2014—Pub. L. 113-187 amended section generally, substituting subsecs. (a) and (b) for similar provisions contained in pars. (1) and (2) and concluding provisions.

1984—Pub. L. 98-497, § 107(a)(5), substituted “Archivist” for “Administrator of General Services” in provisions preceding par. (1), and substituted “Archivist” for “Administrator” in par. (1).

Pub. L. 98-497, § 102(a)(1), renumbered section 2107 of this title as this section.

1978—Pub. L. 95-591 inserted provision excluding Presidential records which are subject to provisions of chapter 22 of this title from application of this section.

Statutory Notes and Related Subsidiaries

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.

EFFECTIVE DATE OF 1978 AMENDMENT

Amendment by Pub. L. 95-591 effective with respect to Presidential records created during a term of office of President beginning on or after Jan. 20, 1981, see section 3 of Pub. L. 95-591, set out as an Effective Date note under section 2201 of this title.

PRESIDENTIAL RECORDINGS AND MATERIALS
PRESERVATION ACT

Pub. L. 93-526, title I, §§ 101-106, Dec. 19, 1974, 88 Stat. 1695-1698, as amended by Pub. L. 98-497, title I, § 107(c), Oct. 19, 1984, 98 Stat. 2291; Pub. L. 108-199, div. F, title V, § 543(a), Jan. 23, 2004, 118 Stat. 346, provided: “That this Act [enacting this note, former sections 3315 to 3324 of this title, and provisions set out as a note under former section 3315 of this title] may be cited as the ‘Presidential Recordings and Materials Preservation Act’.

“TITLE I—PRESERVATION OF PRESIDENTIAL RECORDINGS
AND MATERIALS“DELIVERY AND RETENTION OF CERTAIN PRESIDENTIAL
MATERIALS

“SEC. 101. (a) Notwithstanding any other law or any agreement or understanding made pursuant to section 2111 of title 44, United States Code any Federal employee in possession shall deliver, and the Archivist of the United States (hereinafter referred to as the ‘Archivist’) shall receive, obtain, or retain, complete possession and control of all original tape recordings of conversations which were recorded or caused to be recorded by any officer or employee of the Federal Government and which—

“(1) involve former President Richard M. Nixon or other individuals who, at the time of the conversation, were employed by the Federal Government;

“(2) were recorded in the White House or in the office of the President in the Executive Office Buildings located in Washington, District of Columbia; Camp David, Maryland; Key Biscayne, Florida; or San Clemente, California; and

“(3) were recorded during the period beginning January 20, 1969, and ending August 9, 1974.

“(b)(1) Notwithstanding any other law or any agreement or understanding made pursuant to section 2111 of title 44, United States Code, the Archivist shall receive, retain, or make reasonable efforts to obtain, complete possession and control of all papers, documents, memorandums, transcripts, and other objects and materials which constitute the Presidential historical materials