

SEC. 6. *Revocation.* Executive Order 13233 of November 1, 2001, is revoked.

BARACK OBAMA.

§ 2205. Exceptions to restricted access

Notwithstanding any restrictions on access imposed pursuant to sections 2204 and 2208 of this title—

(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 the incumbent President's 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 the former President's 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; Pub. L. 113-187, §2(a)(2)(B), 8(5), Nov. 26, 2014, 128 Stat. 2005, 2012.)

AMENDMENTS

2014—Pub. L. 113-187, §2(a)(2)(B)(i), substituted “sections 2204 and 2208 of this title” for “section 2204” in introductory provisions.

Par. (2)(A). Pub. L. 113-187, §2(a)(2)(B)(ii), substituted “subpoena” for “subpena”.

Par. (2)(B). Pub. L. 113-187, §8(5)(A), substituted “the incumbent President's” for “his”.

Par. (3). Pub. L. 113-187, §8(5)(B), substituted “the former President's” for “his”.

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.

§ 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 sched-

uled for disposal pursuant to section 2203(f)(3);¹

(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.)

REFERENCES IN TEXT

Section 2203(f)(3), referred to in par. (1), was redesignated section 2203(g)(3) of this title by Pub. L. 113-187, §2(c)(3), Nov. 26, 2014, 128 Stat. 2006.

§ 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, except section 2208, 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; amended Pub. L. 113-187, §2(a)(2)(C), Nov. 26, 2014, 128 Stat. 2005.)

AMENDMENTS

2014—Pub. L. 113-187 inserted “, except section 2208,” after “chapter” in second sentence.

CONSTRUCTION

Pub. L. 113-187, §2(a)(4), Nov. 26, 2014, 128 Stat. 2005, provided that: “Nothing in the amendment made by paragraph (2)(C) [amending this section] shall be construed to—

“(A) affect the requirement of section 2207 of title 44, United States Code, that Vice Presidential records shall be subject to chapter 22 of that title in the same manner as Presidential records; or

“(B) affect any claim of constitutionally based privilege by a President or former President with respect to a Vice Presidential record.”

§ 2208. Claims of constitutionally based privilege against disclosure

(a)(1) When the Archivist determines under this chapter to make available to the public any

¹ See References in Text note below.