

(B) does not include any documentary materials that are (i) official records of an agency (as defined in section 552(e)¹ of title 5, United States Code); (ii) personal records; (iii) stocks of publications and stationery; or (iv) extra copies of documents produced only for convenience of reference, when such copies are clearly so identified.

(3) The term “personal records” means all documentary materials, or any reasonably segregable portion thereof,² of a purely private or nonpublic character which do not relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of the President. Such term includes—

(A) diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal which are not prepared or utilized for, or circulated or communicated in the course of, transacting Government business;

(B) materials relating to private political associations, and having no relation to or direct effect upon the carrying out of constitutional, statutory, or other official or ceremonial duties of the President; and

(C) materials relating exclusively to the President’s own election to the office of the Presidency; and materials directly relating to the election of a particular individual or individuals to Federal, State, or local office, which have no relation to or direct effect upon the carrying out of constitutional, statutory, or other official or ceremonial duties of the President.

(4) The term “Archivist” means the Archivist of the United States.

(5) The term “former President”, when used with respect to Presidential records, means the former President during whose term or terms of office such Presidential records were created.

(Added Pub. L. 95–591, §2(a), Nov. 4, 1978, 92 Stat. 2523; amended Pub. L. 113–187, §§2(b), 8(2), Nov. 26, 2014, 128 Stat. 2005, 2011.)

REFERENCES IN TEXT

Section 552(e) of title 5, referred to in par. (2)(B)(i), was redesignated section 552(f) of title 5 by section 1802(b) of Pub. L. 99–570.

AMENDMENTS

2014—Par. (1). Pub. L. 113–187, §2(b)(1), substituted “memoranda” for “memorandums” and “audio and visual records” for “audio, audiovisual” and inserted “, whether in analog, digital, or any other form” after “mechanical recordings”.

Par. (2). Pub. L. 113–187, §8(2), substituted “the President’s” for “his” in introductory provisions and in subpar. (A).

Pub. L. 113–187, §2(b)(2), substituted “advise or assist” for “advise and assist” in introductory provisions.

EFFECTIVE DATE

Pub. L. 95–591, §3, Nov. 4, 1978, 92 Stat. 2528, provided that: “The amendments made by this Act [enacting this chapter, amending sections 2111 and 2112 of this

title, and enacting provisions set out as notes under this section] shall be effective with respect to any Presidential records (as defined in section 2201(2) of title 44, as amended by section 2 of this Act) created during a term of office of the President beginning on or after January 20, 1981.”

SHORT TITLE OF 1978 AMENDMENT

For short title of Pub. L. 95–591, which enacted this chapter, as the “Presidential Records Act of 1978”, see section 1 of Pub. L. 95–591, set out as a note under section 101 of this title.

SEPARABILITY

Pub. L. 95–591, §4, Nov. 4, 1978, 92 Stat. 2528, provided that: “If any provision of this Act [enacting this chapter, amending sections 2107 and 2108 of this title and enacting provisions set out as notes under this section] is held invalid for any reason by any court, the validity and legal effect of the remaining provisions shall not be affected thereby.”

§ 2202. Ownership of Presidential records

The United States shall reserve and retain complete ownership, possession, and control of Presidential records; and such records shall be administered in accordance with the provisions of this chapter.

(Added Pub. L. 95–591, §2(a), Nov. 4, 1978, 92 Stat. 2524.)

EFFECTIVE DATE

Section 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 a note under section 2201 of this title.

§ 2203. Management and custody of Presidential records

(a) Through the implementation of records management controls and other necessary actions, the President shall take all such steps as may be necessary to assure that the activities, deliberations, decisions, and policies that reflect the performance of the President’s constitutional, statutory, or other official or ceremonial duties are adequately documented and that such records are preserved and maintained as Presidential records pursuant to the requirements of this section and other provisions of law.

(b) Documentary materials produced or received by the President, the President’s staff, or units or individuals in the Executive Office of the President the function of which is to advise or assist the President, shall, to the extent practicable, be categorized as Presidential records or personal records upon their creation or receipt and be filed separately.

(c) During the President’s term of office, the President may dispose of those Presidential records of such President that no longer have administrative, historical, informational, or evidentiary value if—

(1) the President obtains the views, in writing, of the Archivist concerning the proposed disposal of such Presidential records; and

(2) the Archivist states that the Archivist does not intend to take any action under subsection (e) of this section.

(d) In the event the Archivist notifies the President under subsection (c) that the Archivist does intend to take action under subsection

¹ See References in Text note below.

² So in original. Probably should be “thereof.”