

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.

CAPITAL IMPROVEMENT PLAN FOR PRESIDENTIAL ARCHIVAL DEPOSITORIES

Pub. L. 110-404, §6(a), Oct. 13, 2008, 122 Stat. 4284, provided that:

“(1) PROVISION OF PLAN.—The Archivist of the United States shall provide to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives a 10-year capital improvement plan, in accordance with paragraph (2), for all Presidential archival depositories (as defined in section 2101 of title 44, United States Code), which shall include—

“(A) a prioritization of all capital projects at Presidential archival depositories that cost more than \$1,000,000;

“(B) the current estimate of the cost of each capital project; and

“(C) the basis upon which each cost estimate was developed.

“(2) PROVIDED TO CONGRESS.—The capital improvement plan shall be provided to the committees, as described in paragraph (1), at the same time as the first Budget of the United States Government after the date of enactment of this Act [Oct. 13, 2008] is submitted to Congress.

“(3) ANNUAL UPDATES AND EXPLANATION OF CHANGES IN COST ESTIMATES.—The Archivist of the United States shall provide to the Committee on Appropriations of the Senate and the Committee on Appropriations of the House of Representatives—

“(A) annual updates to the capital improvement plan described in paragraph (1) at the same time as each subsequent Budget of the United States Government is submitted to Congress; and

“(B) an explanation for any changes in cost estimates.”

JOHN FITZGERALD KENNEDY LIBRARY

Pub. L. 89-547, Aug. 27, 1966, 80 Stat. 370, provided: “That the Administrator of General Services is hereby authorized to accept title to the structure or structures to be erected and equipped at Cambridge, Massachusetts, by the John Fitzgerald Kennedy Library, Incorporated, to be transferred to the United States Government, without reimbursement, for use as a Presidential archival depository to be known as the John Fitzgerald Kennedy Library, and to maintain, operate, and protect such depository as a part of the National Archives system. The Administrator may enter into such agreements with the officers of the John Fitzgerald Kennedy Library, Incorporated, as are necessary to complete the transfer of title to the United States and may do so without regard to the provision of section 507(f)(1) of the Federal Property and Administrative Services Act of 1949, as amended (44 U.S.C. [former] 397(f)(1) [now subsec. (a) of this section]), that the Administrator shall not enter into any such agreement until the expiration of the first period of sixty calendar days of continuous session of the Congress following the date on which a report in writing of any such proposed Presidential archival depository is transmitted by the Administrator to the President of the Senate and the Speaker of the House of Representatives.”

[For transfer of certain functions of the Administrator of General Services under Pub. L. 89-547 to the Archivist of the United States, see section 103(b)(2) of Pub. L. 98-497, set out as a Transfer of Functions note under section 2102 of this title.]

LYNDON BAINES JOHNSON PRESIDENTIAL ARCHIVAL DEPOSITORY

Pub. L. 89-169, Sept. 6, 1965, 79 Stat. 648, provided: “That the Administrator of General Services is hereby authorized to enter into an agreement upon such terms and conditions as he determines proper with the University of Texas to utilize as the Lyndon Baines Johnson Archival Depository, land, buildings, and equipment of such university to be made available by it without transfer of title to the United States, and to maintain, operate and protect such depository as a part of the National Archives system. Such agreement may be entered into without regard to the provisions of section 507(f)(1) of the Federal Property and Administrative Services Act of 1949, as amended (44 U.S.C. [former] 397(f)(1) [now subsec. (a) of this section]), that the Administrator shall not enter into any such agreement until the expiration of the first period of sixty calendar days of continuous session of the Congress following the date on which a report in writing of any such proposed Presidential archival depository is transmitted by the Administrator to the President of the Senate and the Speaker of the House of Representatives.”

[For transfer of certain functions of the Administrator of General Services under Pub. L. 89-169 to the Archivist of the United States, see section 103(b)(2) of Pub. L. 98-497, set out as a Transfer of Functions note under section 2102 of this title.]

§ 2113. Depository for agreements between States

The Archivist may receive duplicate originals or authenticated copies of agreements or compacts entered into under the Constitution and laws of the United States, between States of the Union, and take necessary actions for their preservation and servicing.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1290, §2109; renumbered §2113 and amended Pub. L. 98-497, title I, §§102(a)(1), 107(a)(7), Oct. 19, 1984, 98 Stat. 2280, 2286.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., §397(h) (June 30, 1949, ch. 288, title V, §507, as added Sept. 5, 1950, ch. 849, §6(d), 64 Stat. 583, and amended July 12, 1952, ch. 703, §1(o), (p), 66 Stat. 594; July 12, 1955, ch. 329, 69 Stat. 297; Aug. 12, 1955, ch. 859, 69 Stat. 695; July 3, 1956, ch. 513, §4, 70 Stat. 494; June 13, 1957, Pub. L. 85-51, 71 Stat. 69; Mar. 15, 1958, Pub. L. 85-341, §1(1), 72 Stat. 34).

Editorial Notes

PRIOR PROVISIONS

A prior section 2113 was renumbered section 2117 of this title.

AMENDMENTS

1984—Pub. L. 98-497, §107(a)(7), substituted “Archivist” for “Administrator of General Services”.

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.

§ 2114. Preservation of audio and visual records

The Archivist may make and preserve audio and visual records, including motion-picture films, still photographs, and sound recordings, in analog, digital, or any other form, pertaining to and illustrative of the historical development of the United States Government and its activi-

ties, and provide for preparing, editing, titling, scoring, processing, duplicating, reproducing, exhibiting, and releasing for non-profit educational purposes, motion-picture films, still photographs, and sound recordings in the Archivist's custody.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1290, § 2110; renumbered § 2114 and amended Pub. L. 98-497, title I, §§ 102(a)(1), 107(a)(7), Oct. 19, 1984, 98 Stat. 2280, 2286; Pub. L. 113-187, § 3(c)(1), Nov. 26, 2014, 128 Stat. 2008.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 397(i) (June 30, 1949, ch. 288, title V, § 507, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583; and amended July 12, 1952, ch. 703, § 1(o), (p), 66 Stat. 594; July 12, 1955, ch. 329, 69 Stat. 297; Aug. 12, 1955, ch. 859, 69 Stat. 695; July 3, 1956, ch. 513, § 4, 70 Stat. 494; June 13, 1957, Pub. L. 85-51, 71 Stat. 69; Mar. 15, 1958, Pub. L. 85-341, § 1(1), 72 Stat. 34).

Editorial Notes

PRIOR PROVISIONS

A prior section 2114 was renumbered section 2118 of this title.

AMENDMENTS

2014—Pub. L. 113-187 amended section generally. Prior to amendment section related to preservation of motion-picture films, still pictures, and sound recordings.

1984—Pub. L. 98-497, § 107(a)(7), substituted "Archivist" for "Administrator of General Services".

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.

§ 2115. Reports; correction of violations

(a) In carrying out the duties and responsibilities under chapters 21, 25, 29, 31, and 33 of this title, the Archivist may obtain reports from any Federal agency on such agency's activities under such chapters.

(b) When the Archivist finds that a provision of any such chapter has been or is being violated, the Archivist shall (1) inform in writing the head of the agency concerned of the violation and make recommendations for its correction; and (2) unless satisfactory corrective measures are demonstrably commenced within a reasonable time, submit a written report of the matter to the President and the Congress.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1290, § 2111; Pub. L. 94-575, § 4(b), Oct. 21, 1976, 90 Stat. 2727; renumbered § 2115 and amended Pub. L. 98-497, title I, §§ 102(a)(1), 107(a)(8), Oct. 19, 1984, 98 Stat. 2280, 2286; Pub. L. 113-187, § 9(e), Nov. 26, 2014, 128 Stat. 2014.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 398 (June 30, 1949, ch. 288, title V, § 508, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583).

Editorial Notes

AMENDMENTS

2014—Subsec. (a). Pub. L. 113-187, § 9(e)(1), substituted "the duties" for "their respective duties" and struck

out "and the Administrator" after "the Archivist" and "each" before "obtain reports".

Subsec. (b). Pub. L. 113-187, § 9(e)(2), struck out "either" after "When", struck out "or the Administrator" after "the Archivist" in two places, and substituted "demonstrably commenced" for "inaugurated".

1984—Pub. L. 98-497, § 107(a)(8), amended section generally, inserting reference to Archivist and striking out reference to chapter 27 of this title.

1976—Subsec. (b). Pub. L. 94-575 inserted reference to chapter 33 of this title.

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.

§ 2116. Legal status of reproductions; official seal; fees for copies and reproductions

(a) When records that are required by statute to be retained indefinitely have been reproduced by photographic, microphotographic, digital, or other processes, in accordance with standards established by the Archivist the indefinite retention by the photographic, microphotographic, digital, or other reproductions constitutes compliance with the statutory requirement for the indefinite retention of the original records. The reproductions, as well as reproductions made under regulations to carry out chapter 21, 29, 31, and 33 of this title, shall have the same legal status as the originals.

(b) There shall be an official seal for the National Archives of the United States which shall be judicially noticed. When a copy or reproduction, furnished under this section, is authenticated by the official seal and certified by the Archivist, the copy or reproduction shall be admitted in evidence equally with the original from which it was made.

(c) The Archivist may charge a fee set to recover the costs for making or authenticating copies or reproductions of materials transferred to the Archivist's custody. Such fee shall be fixed by the Archivist at a level which will recover, so far as practicable, all elements of such costs, and may, in the Archivist's discretion, include increments for the estimated replacement cost of equipment. Such fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund. The Archivist may not charge for making or authenticating copies or reproductions of materials for official use by the United States Government unless appropriations available to the Archivist for this purpose are insufficient to cover the cost of performing the work.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1291, § 2112; Pub. L. 94-575, § 4(b), Oct. 21, 1976, 90 Stat. 2727; renumbered § 2116 and amended Pub. L. 98-497, title I, §§ 102(a)(1), 107(a)(9), title II, § 201, Oct. 19, 1984, 98 Stat. 2280, 2286, 2292; Pub. L. 113-187, §§ 3(d), 8(1), Nov. 26, 2014, 128 Stat. 2008, 2011.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 399 (June 30, 1949, ch. 288, title V, § 509, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583).