

(Added Pub. L. 108-383, §5(a), Oct. 30, 2004, 118 Stat. 2219.)

#### Statutory Notes and Related Subsidiaries

##### CHANGE OF NAME

Committee on Government Reform of House of Representatives changed to Committee on Oversight and Government Reform of House of Representatives by House Resolution No. 6, One Hundred Tenth Congress, Jan. 5, 2007. Committee on Oversight and Government Reform of House of Representatives changed to Committee on Oversight and Reform of House of Representatives by House Resolution No. 6, One Hundred Sixteenth Congress, Jan. 9, 2019.

Committee on Governmental Affairs of Senate changed to Committee on Homeland Security and Governmental Affairs of Senate, effective Jan. 4, 2005, by Senate Resolution No. 445, One Hundred Eighth Congress, Oct. 9, 2004.

#### § 2120. Online access of founding fathers documents

The Archivist may enter into a cooperative agreement to provide online access to the published volumes of the papers of—

- (1) George Washington;
- (2) Alexander Hamilton;
- (3) Thomas Jefferson;
- (4) Benjamin Franklin;
- (5) John Adams;
- (6) James Madison; and
- (7) other prominent historical figures, as determined appropriate by the Archivist of the United States.

(Added Pub. L. 110-404, §4(a), Oct. 13, 2008, 122 Stat. 4283.)

#### Statutory Notes and Related Subsidiaries

##### TRANSFER OF FUNDS

Pub. L. 110-404, §4(b), Oct. 13, 2008, 122 Stat. 4283, provided that:

“(1) IN GENERAL.—The Archivist of the United States, in the role as chairman of the National Historical Publications and Records Commission may enter into cooperative agreements pursuant to section 6305 of title 31, United States Code, that involve the transfer of funds from the National Historical Publications and Records Commission to State and local governments, tribal governments, other public entities, educational institutions, or private nonprofit organizations for the public purpose of carrying out section 2120 of title 44, United States Codes [sic].

“(2) REPORT.—Not later than December 31st of each year, the Archivist of the United States shall submit to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Oversight and Government Reform [now Committee on Oversight and Reform] of the House of Representatives a report on the provisions, amount, and duration of each cooperative agreement entered into as authorized by paragraph (1) during the preceding fiscal year.”

#### CHAPTER 22—PRESIDENTIAL RECORDS

Sec.	
2201.	Definitions.
2202.	Ownership of Presidential records.
2203.	Management and custody of Presidential records.
2204.	Restrictions on access to Presidential records.
2205.	Exceptions to restriction on access. <sup>1</sup>

<sup>1</sup> So in original. Does not conform to section catchline.

2206.	Regulations.
2207.	Vice-Presidential records.
2208.	Claims of constitutionally based privilege against disclosure.
2209.	Disclosure requirement for official business conducted using non-official electronic messaging accounts.

#### Editorial Notes

##### AMENDMENTS

2014—Pub. L. 113-187, §2(a)(3), (e)(2), Nov. 26, 2014, 128 Stat. 2005, 2007, added items 2208 and 2209.

#### § 2201. Definitions

As used in this chapter—

(1) The term “documentary material” means all books, correspondence, memoranda, documents, papers, pamphlets, works of art, models, pictures, photographs, plats, maps, films, and motion pictures, including, but not limited to, audio and visual records, or other electronic or mechanical recordings, whether in analog, digital, or any other form.

(2) The term “Presidential records” means documentary materials, or any reasonably segregable portion thereof, created or received by the President, the President’s immediate staff, or a unit or individual of the Executive Office of the President whose function is to advise or assist the President, in the course of conducting activities which 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—

(A) includes any documentary materials relating to the political activities of the President or members of the President’s staff, but only if such activities relate to or have a direct effect upon the carrying out of constitutional, statutory, or other official or ceremonial duties of the President; but

(B) does not include any documentary materials that are (i) official records of an agency (as defined in section 552(e)<sup>1</sup> 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,<sup>2</sup> 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

<sup>1</sup> See References in Text note below.

<sup>2</sup> So in original. Probably should be “thereof.”