As used in this chapter—

(1) “Presidential archival depository” means an institution operated by the United States to house and preserve the papers and books of a President or former President of the United States, together with other historical materials belonging to a President or former President of the United States, or related to his personal life, and may include research facilities and museum facilities in accordance with this chapter;

(2) “historical materials” including books, correspondence, documents, papers, pamphlets, works of art, models, pictures, photographs, prints, maps, films, motion pictures, sound recordings, and other objects or materials having historical or commemorative value;

(3) “Archivist” means the Archivist of the United States appointed under section 2103 of this title; and

(4) “Administration” means the National Archives and Records Administration established under section 2102 of this title.

Effective Date of 1984 Amendment

Amendment by Pub. L. 98–497 substituted provisions directing that there shall be an independent establishment in the executive branch of the Government to be known as the National Archives and Records Administration and that the Administration shall be administered under the supervision and direction of the Archivist for provisions which had formerly directed only that the Administrator of General Services appoint the Archivist of the United States.

Historical and Revision Notes

Based on 44 U.S. Code, 1964 ed., §391(a) (June 30, 1949, ch. 288, title I, §104, 63 Stat. 381). This section incorporates only the last sentence of paragraph (a) of former section 391. The balance of that section will be found in sections 1506, 2301, 2501, and 2902 of the revision.

Amendments

1984—Pub. L. 98–497 substituted provisions directing that there shall be an independent establishment in the executive branch of the Government to be known as the National Archives and Records Administration and that the Administration shall be administered under the supervision and direction of the Archivist for provisions which had formerly directed only that the Administrator of General Services appoint the Archivist of the United States.

Effective Date of 1984 Amendment

Section 301 of Pub. L. 98–497 provided that: “The provisions of this Act [enacting sections 2103 to 2108 of this title and provisions set out as notes under this section] shall be effective Apr. 1, 1985, except that the provisions set out as notes under this section shall be effective Apr. 1, 1985.”
taken therefrom, and payments shall be made pursuant to such orders, as if this Act had not been enacted; and orders issued in any such proceedings shall continue in effect until modified, terminated, superseded, or revoked by the Archivist, by a court of competent jurisdiction, or by operation of law. Nothing in this subsection shall be deemed to prohibit the discontinuance of any proceeding under the same terms and conditions and to the same extent that such proceeding could have been discontinued or modified if this Act had not been enacted.

"(2) The Archivist is authorized to promulgate regulations providing for the orderly transfer of proceedings continued under paragraph (1) from the General Services Administration to the Archivist.

"(c) Except as provided in subsection (a)—

"(1) the provisions of this Act [Pub. L. 98–497] and of the amendments made by this Act shall not affect actions commenced prior to the effective date of this Act [Apr. 1, 1985], and

"(2) in all such actions, proceedings shall be had, appeals taken, and judgments rendered in the same manner and effect as if this Act had not been enacted.

"(d) No action or other proceeding lawfully commenced by or against any officer of the United States acting in the official capacity of such officer shall be abated by reason of any transfer of functions by this Act [Pub. L. 98–497] or by an amendment made by this Act. No cause of action by or against the General Services Administration or by or against any officer thereof in the official capacity of such officer shall abate by reason of any such transfer of functions.

"(e) If, before the date on which this Act takes effect [Apr. 1, 1985], the General Services Administration or any other officer thereof in the official capacity of such officer, is a party to an action, and under this Act [Pub. L. 98–497] or the amendments made by this Act any function in connection with such action is transferred to the Archivist or any other official of the Administration, then such action shall be continued with the Archivist or other appropriate official of the Administration substituted or added as a party.

"(f) Orders and actions of the Archivist in the exercise of functions transferred by this Act [Pub. L. 98–497] or by amendments made by this Act shall be subject to judicial review to the same extent and in the same manner as if such orders and actions had been by the individual holding the office of Archivist of the United States on the day before the effective date of this Act. Where functions transferred by this Act and the amendments made by this Act shall be exercised by the Archivist of the United States.

"(f) Prior to the appointment and confirmation of an individual to serve as Archivist of the United States under section 2103 of title 44, United States Code, the individual holding the office of Archivist of the United States on the day before the effective date of this Act [Apr. 1, 1985] may serve as Archivist under such section, and while so serving shall be compensated at the rate provided under subsection (b) of such section.

"SEC. 104. (a) Except as otherwise provided in this Act (Pub. L. 98–497), the personnel employed in connection with, and the assets, liabilities, contracts, property, records, and unexpended balances of appropriations, authorizations, allocations, and other funds employed, held, used, arising from, available to or to be made available in connection with the functions and agencies transferred by this Act and the amendments made by this Act, subject to section 1531 of title 31, United States Code, are transferred to the Archivist for appropriate allocation. Pursuant to the preceding sentence, there shall be transferred to the Archivist for appropriate allocation (1) for the remainder of fiscal year 1985, an amount equal to not less than $2,760,000 (adjusted to reflect actual salaries and benefits of transferred employees and other costs) from the unexpended balances of the fiscal year 1985 funds and appropriations available to the General Services Administration, and (2) 115.5 full-time equivalent employee positions, of which not less than 30 percent shall be vacant. Unexpended funds transferred pursuant to this subsection shall be used only for the purposes for which the funds were originally authorized and appropriated.

"(b) The transfer pursuant to this title (§§101–108) of Pub. L. 98–497 of full-time personnel (except special Government employees) and part-time personnel holding permanent positions shall not cause any such employees to be separated or reduced in compensation for one year after such transfer or after the effective date of this Act [Apr. 1, 1985], whichever is later.

"ANNUAL CAPITAL NEEDS ASSESSMENT FOR FUNDING OF REPAIRS AND RESTORATION

Pub. L. 111–8, div. D, title V, Mar. 11, 2009, 123 Stat. 668, provided that: "Hereafter, the National Archives and Records Administration shall include in its annual budget submission a comprehensive capital needs assessment for funding provided under the 'Repairs and Restoration' appropriations account to be updated yearly: Provided, That funds proposed under the 'Repairs and Restoration' appropriations account for each fiscal year shall be allocated to projects on a priority basis established under a comprehensive capital needs assessment.

"ESTABLISHMENT OF POSITIONS OF DIRECTOR OF THE CENTER FOR LEGISLATIVE ARCHIVES AND SPECIALIST IN CONGRESSIONAL HISTORY


"(a) The Director of the Center for Legislative Archives within the National Archives and Records Administration shall be established without regard to
chapter 51 of title 5 and shall be paid at a rate determined without regard to the provisions of chapter 51 and subchapter III of chapter 53 of title 5 governing General Schedule classification and pay rates: Provided, That such pay shall be no less than 120 percent of the rate of pay for GS–15, step 1 of the General Schedule nor more than the rate of pay in effect for level one of the Senior Executive Schedule.

“(2) There is established within the Center for Legislative Archives within the National Archives and Congressional History the position of Specialist in Congressional History.

“(b) There shall be made available from funds appropriated in each fiscal year to the National Archives and Records Administration, $39,000 for the administrative expenses of the Advisory Committee on the Records of Congress established under section 2701 of title 44, United States Code.

“(c) There are authorized to be appropriated such sums as may be necessary to carry out the purposes of subsections (a) and (b) of this section.’’

REFERENCES IN OTHER LAWS

Section 106 of Pub. L. 98–497 provided that: ‘‘With respect to any functions transferred by this Act [Pub. L. 98–497] or by an amendment made by this Act and exercised after the effective date of this Act [Apr. 1, 1985], reference in any other Federal law to the office of the Archivist of the United States as in existence on the date before the effective date of this Act, or the National Archives and Records Service of the General Services Administration, or any office or officer thereof, shall be deemed to refer to the Archivist or the Administration.’’

SPENDING AUTHORITY

Section 302 of Pub. L. 98–497 provided that: ‘‘Any new spending authority (within the meaning of section 401 of the Congressional Budget Act of 1974 [2 U.S.C. 651]) which is provided under this Act shall be effective for any year only to the extent or in such amounts as provided in appropriations Acts.’’

DEFINITIONS

Section 108 of Pub. L. 98–497 provided that: ‘‘For purposes of sections 101 through 106 [set out as notes above]—

‘‘(1) the term ‘Archivist’ means the Archivist of the United States appointed under section 2103 of title 44, United States Code, as added by section 102(a)(2) of this Act;

‘‘(2) the term ‘Administration’ means the National Archives and Records Administration established under section 2102 of such title (as amended by section 101 of this Act); and

‘‘(3) the term ‘function’ includes any duty, obligation, power, authority, responsibility, right, privilege, activity, or program.’’

§ 2103. Officers

(a) The Archivist of the United States shall be appointed by the President by and with the advice and consent of the Senate. The Archivist shall be appointed without regard to political affiliations and solely on the basis of the professional qualifications required to perform the duties and responsibilities of the office of Archivist. The Archivist may be removed from office by the President. The President shall communicate the reasons for any such removal to each House of Congress.

(b) The Archivist shall be compensated at the rate provided for level III of the Executive Schedule under section 5314 of title 5.

(c) There shall be in the Administration a Deputy Archivist of the United States, who shall be appointed by and who shall serve at the pleasure of the Archivist. The Deputy Archivist shall be established as a career reserved position in the Senior Executive Service within the meaning of section 3132(a)(8) of title 5. The Deputy Archivist shall perform such functions as the Archivist shall designate. During any absence or disability of the Archivist, the Deputy Archivist shall act as Archivist. In the event of a vacancy in the office of the Archivist, the Deputy Archivist shall act as Archivist until an Archivist is appointed under subsection (a).


PRIOR PROVISIONS

A prior section 2103 was renumbered section 2107 of this title.

EFFECTIVE DATE

Section effective Apr. 1, 1985, see section 301 of Pub. L. 98–497, set out as an Effective Date of 1984 Amendment note under section 2102 of this title.

§ 2104. Administrative provisions

(a) The Archivist shall prescribe such regulations as the Archivist deems necessary to effectuate the functions of the Archivist, and the head of each executive agency shall cause to be issued such orders and directives as such agency head deems necessary to carry out such regulations.

(b) Except as otherwise expressly provided by law, the Archivist may delegate any of the functions of the Archivist to such officers and employees of the Administration as the Archivist may designate, and may authorize such successive redelegations of such functions as the Archivist may deem to be necessary or appropriate. A delegation of functions by the Archivist shall not relieve the Archivist of responsibility for the administration of such functions.

(c) The Archivist may organize the Administration as the Archivist finds necessary or appropriate.

(d) The Archivist is authorized to establish, maintain, alter, or discontinue such regional, local, or other field offices as the Archivist finds necessary or appropriate to perform the functions of the Archivist or the Administration.

(e) The Archivist shall cause a seal of office to be made for the Administration of such design as the Archivist shall approve. Judicial notice shall be taken of such seal.

(f) The Archivist may establish advisory committees to provide advice with respect to any function of the Archivist or the Administration. Members of any such committee shall serve without compensation but shall be entitled to transportation expenses and per diem in lieu of subsistence in accordance with section 5703 of title 5.

(g) The Archivist shall advise and consult with interested Federal agencies with a view to obtaining their advice and assistance in carrying out the purposes of this chapter.

(h) If authorized by the Archivist, officers and employees of the Administration having investigative functions are empowered, while engaged in the performance of their duties in conducting investigations, to administer oaths.