

**The original documents are located in Box 20, folder “John F. Kennedy Center for the Performing Arts (1)” of the Philip Buchen Files at the Gerald R. Ford Presidential Library.**

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THE WHITE HOUSE

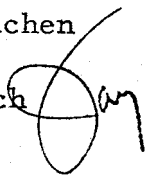
WASHINGTON

April 30, 1975

MEMORANDUM FOR:

Philip W. Buchen

FROM:

Jay T. French 

The purpose of this memo is to consider the legal implications raised by a proposal to convert a portion of the John F. Kennedy Center for the Performing Arts ("Center") for use as a Presidential archival depository for the papers and historical materials of President Kennedy.

By Public Law 85-874, September 2, 1958, 72 Stat. 1698 ("the Center Act"), attached in Tab A, the Congress established a bureau in the Smithsonian Institution directed by a Board of Trustees for the purpose of constructing, maintaining, and administering a National Cultural Center. Subsequently, the Center Act was amended by the following statutes: Public Law 86-297, September 21, 1959; Public Law 88-100, August 19, 1963; Public Law 88-260, January 23, 1964; Public Law 91-90, October 17, 1969; Public Law 92-313, June 16, 1972; Public Law 93-67, July 10, 1973. All of these amendments are attached in Tab A.

By Public Law 90-620, October 22, 1968, 82 Stat. 1289 ("the Archival Act"), (44 U.S.C. § 2101-2114, attached in Tab B), the Congress provided for the establishment of Presidential archival depositories. These depositories may be established in two ways. First, the Administrator of the General Services ("Administrator") may accept the papers and historical materials of a President for deposit with the National Archives. See 44 U.S.C. § 2107 attached in Tab B. Second, the Administrator may (a) accept land and buildings for the purpose of creating and maintaining a Presidential archival depository as part of the national archival system, and (b) enter into an agreement with a State, political subdivision, university, institute, or foundation to use and maintain land and buildings belonging to that entity for a



Presidential archival depository as part of the national archival system. See 44 U.S.C. § 2108 attached in Tab B. The word "institute" is not defined. Therefore, it is unknown whether the Smithsonian Institution is an "institute" for the purposes of the Archival Act. 11

Regardless of the method selected for establishing the depository under the Archival Act, the Center Act would have to be amended and the permission of several officials and agencies would have to be obtained. Set forth below is a discussion of these points.

1. Section 4 of the Center Act, as amended, lists five specific uses for the Center facilities. None of these uses could be interpreted to permit the establishment of an archival depository. Therefore, this section of the Center Act would have to be amended to permit such use.

The evidence that the Congress did not intend the Center to be an archival depository is reflected by the enactment of separate legislation permitting the establishment of the John F. Kennedy Library in Cambridge, Massachusetts. See Public Law 89-547, August 27, 1966, 80 Stat. 370, attached in Tab C.

2. Pursuant to the Center Act, the approval of the following officials and agencies would be required prior to the establishment of an archival depository at the Center.
  - (a) Board of Trustees - The Board has statutory authority to administer the Center. Section 2(a) of the Center Act (see Tab A).

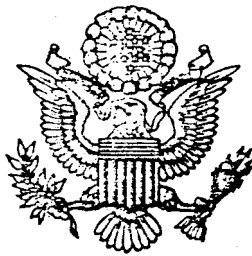
11 While the meaning of the word "institute" might be explained in the legislative history of the Archival Act, it is unnecessary to research this point because this memo concludes in paragraph 3 below that the Archival Act is not an impediment to the proposed depository if the Administrator concurs.



- (b) Board of Regents, Smithsonian Institution - The Institution is the owner of the Center's building under section 3 of the Center Act (see Tab A).
  - (c) National Capital Park and Planning Commission - The Commission holds title to the real property under section 3 of the Center Act (see Tab A).
  - (d) Commission of Fine Arts - The Commission must approve building plans and specifications for the Center under section 3 of the Center Act (see Tab A).
  - (e) Secretary of Interior - The Secretary acting through the National Park Service provides maintenance, security, information, interpretation, janitorial and all other services necessary to the nonperforming arts functions of the Center. See section 6(e) of the Center Act.
3. The establishment of any Presidential archival depository pursuant to the Archival Act requires the approval of the Administrator because he has the statutory responsibility for operating, maintaining, protecting and preserving the papers and historical materials. See 44 U.S.C. §§ 2105 and 2108, attached in Tab B. If such permission is given, there is no other impediment in the Archival Act to the establishment of a Presidential archival depository at the Center.







## JOHN F. KENNEDY CENTER ACT

Public Law 85-874, 85th Congress, 72 Stat. 1698, September 2, 1958

Amended September 21, 1959, Public Law 86-297, 73 Stat. 573

Amended August 19, 1963, Public Law 88-100, 77 Stat. 128

Amended January 23, 1964, Public Law 88-260, 78 Stat. 4

Amended October 17, 1969, Public Law 91-90, 83 Stat. 135

Amended June 16, 1972, Public Law 92-313, 86 Stat. 222

### AN ACT

To provide for a John F. Kennedy Center for the Performing Arts which will be constructed, with funds raised by voluntary contributions, on a site made available in the District of Columbia.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.*

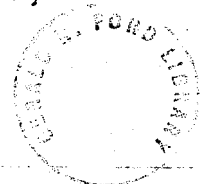
SECTION 1. This Act may be cited as the "John F. Kennedy Center Act".

### BOARD OF TRUSTEES

SEC. 2. (a) There is hereby established in the Smithsonian Institution a bureau, which shall be directed by a board to be known as the Trustees of the John F. Kennedy Center for the Performing Arts (hereafter in this Act referred to as the "Board"), whose duty it shall be to maintain and administer the John F. Kennedy Center for the Performing Arts and site thereof and to execute such other functions as are vested in the Board by this Act. The Board shall be composed as follows: The Secretary of Health, Education, and Welfare, the Librarian of Congress, the Assistant Secretary of State for Public Affairs, the Chairman of the Commission of Fine Arts, the President of the Board of Commissioners of the District of Columbia, the Chairman of the District of Columbia Recreation Board, the Director of the National Park Service, the Commissioner of the United States Office of Education, the Secretary of the Smithsonian Institution, three Members of the Senate appointed by the President of the Senate, and three Members of the House of Representatives appointed by the Speaker of the House of Representatives ex officio; and thirty general trustees who shall be citizens of the United States, to be chosen as hereinafter provided.

(b) The general trustees shall be appointed by the President of the United States and each such trustee shall hold office as a member of the Board for a term of ten years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, (2) the terms of any members appointed prior to the date of enactment of the National Cultural Center Amendments Act of 1963 shall expire as designated by the President at the time of appointment, and (3) the terms of the first fifteen members appointed to the Board pursuant to the amendments made by the National Cultural Center Amendments Act of 1963 shall expire, as designated by the President at the time of appointment, three on September 1, 1964, three on September 1, 1966, three on September 1, 1968, three on September 1, 1970, and three on September 1, 1972.

(c) There shall be an Advisory Committee on the Arts composed of such members as the President may designate, to serve at the pleasure of the President. Persons appointed to the Advisory Committee on the Arts, including officers or employees of the United States, shall be persons who are recognized for their knowledge of, or experience or interest in, one or more of the arts in the fields covered by the John F. Kennedy Center for the Performing Arts. The President shall designate the Chairman of the Advisory



Committee on the Arts. In making such appointments the President shall give consideration to such recommendations as may from time to time be submitted to him by leading national organizations in the appropriate art fields. The Advisory Committee on the Arts shall advise and consult with the Board and make recommendations to the Board regarding existing and prospective cultural activities to be carried on in the John F. Kennedy Center for the Performing Arts. The Advisory Committee on the Arts shall assist the Board in carrying out section 5(a) of this Act. Members of the Advisory Committee on the Arts shall serve without compensation, but each member of such Committee shall be reimbursed for travel, subsistence, and other necessary expenses incurred by him in connection with the work of such Committee.

#### JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

SEC. 3. The Board shall construct for the Smithsonian Institution, with funds raised by voluntary contributions, a building to be designated as the John F. Kennedy Center for the Performing Arts on a site in the District of Columbia bounded by the Inner Loop Freeway on the east, the Theodore Roosevelt Bridge approaches on the south, Rock Creek Parkway on the west, New Hampshire Avenue and F Street on the north, which shall be selected for such purpose by the National Capital Planning Commission. The National Capital Planning Commission shall acquire by purchase, condemnation, or otherwise, lands necessary to provide for the John F. Kennedy Center for the Performing Arts and related facilities. Such building shall be in accordance with plans and specifications approved by the Commission of Fine Arts.

#### DUTIES OF THE BOARD

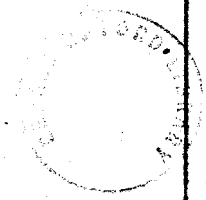
SEC. 4. The Board shall—

- (1) present classical and contemporary music, opera, drama, dance, and poetry from this and other countries,
- (2) present lectures and other programs,
- (3) develop programs for children and youth and the elderly (and for other age groups as well) in such arts designed specifically for their participation, education, and recreation,
- (4) provide facilities for other civic activities at the John F. Kennedy Center for the Performing Arts,
- (5) provide within the John F. Kennedy Center for the Performing Arts a suitable memorial in honor of the late President.

#### POWERS OF THE BOARD

SEC. 5. (a) The Board is authorized to solicit and accept for the Smithsonian Institution and to hold and administer gifts, bequests, or devises of money, securities or other property of whatsoever character for the benefit of the John F. Kennedy Center for the Performing Arts. Unless otherwise restricted by the terms of the gift, bequest, or devise, the Board is authorized to sell or exchange and to invest or reinvest in such investments as it may determine from time to time the moneys, securities, or other property composing trust funds given, bequeathed, or devised to or for the benefit of the John F. Kennedy Center of the Performing Arts. The income as and when collected shall be placed in such depositaries as the Board shall determine and shall be subject to expenditure by the Board.

(b) The Board shall appoint and fix the compensation and duties of a director, an assistant director, and a secretary of the John F. Kennedy Center for the Performing Arts and of such other officers and employees of the John F. Kennedy Center for the Performing Arts as may be necessary for the efficient administration of the functions of the Board. The director, assistant director, and secretary shall be well qualified by experience and training to perform the duties of their office.



(c) The actions of the Board, including any payment made or directed to be made by it from any trust funds, shall not be subject to review by any officer or agency other than a court of law.

#### ADMINISTRATION

SEC. 6. (a) The Board is authorized to adopt an official seal which shall be judicially noticed and to make such bylaws, rules, and regulations, as it deems necessary for the administration of its functions under this Act, including, among other matters, bylaws, rules, and regulations relating to the administration of its trust funds and the organization and procedure of the Board. The Board may function notwithstanding vacancies and twelve members of the Board shall constitute a quorum for the transaction of business.

(b) The Board shall have all the usual powers and obligations of a trustee in respect of all trust funds administered by it.

(c) The Board shall submit to the Smithsonian Institution and to Congress an annual report of its operations under this Act, including a detailed statement of all public and private moneys received and disbursed by it.

(d) The Board shall transmit to Congress a detailed report of any memorial which it proposes to provide within the John F. Kennedy Center for the Performing Arts under authority of paragraph (5) of section 4 of this Act, and no such memorial shall be provided until the Board of Regents of the Smithsonian Institution shall have approved such memorial.

(e) The Secretary of the Interior, acting through the National Park Service, shall provide maintenance, security, information, interpretation, janitorial and all other services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1973, to the Secretary of the Interior such sums as may be necessary for carrying out this subsection.

#### TERMINATION

SEC. 7. (a) This Act shall cease to be effective, and all offices created by this Act and all appointments made under this Act shall terminate, if the Board of Regents of the Smithsonian Institution does not find that sufficient funds to construct the John F. Kennedy Center for the Performing Arts have been received by the Trustees of the John F. Kennedy Center for the Performing Arts within eight years after the date of enactment of this Act.

(b) If the offices of Trustees of the John F. Kennedy Center for the Performing Arts terminate under the provisions of subsection (a), all funds and property (real and personal) accepted by the Trustees of the John F. Kennedy Center for the Performing Arts under section 5(a), and income therefrom, shall vest in the Board of Regents of the Smithsonian Institution and shall be used by the Board of Regents of the Smithsonian Institution to carry out the purposes of the Act entitled "An Act to provide for the transfer of the Civil Service Commission Building in the District of Columbia to the Smithsonian Institution to house certain art collections of the Smithsonian Institution," approved March 28, 1958, and for the acquisition of works of art to be housed in the building referred to in such Act; except that such funds or property, and the income therefrom, shall vest in an organization designated by the donor of such funds or property at the time of the making of the donation thereof, if, at such time, such organization described in section 501(c)(3) of the Internal Revenue Code of 1954 and is exempt under section 501(a) of such Code, and if, at such time, a contribution, bequest, legacy, devise, or transfer to such organization is deductible under section 170, 2055, or 2106 of such Code.

#### APPROPRIATIONS

SEC. 8. (a) There is hereby authorized to be appropriated to the Board for use in accordance with this Act, amounts which in the aggregate will equal gifts, bequests,



## JOHN F. KENNEDY CENTER ACT

and devises of money, securities, and other property, held by the Board under this Act, except that not to exceed \$ 23,000,000 shall be appropriated pursuant to this section.

(b) There is hereby authorized to be appropriated to the Board not to exceed \$1,500,000 for the fiscal year ending June 30, 1972, for the public costs of maintaining and operating the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts.

## BORROWING AUTHORITY

SEC. 9. To finance necessary parking facilities for the Center, the Board may issue revenue bonds to the Secretary of the Treasury payable from revenues accruing to the Board. The total face value of all bonds so issued shall not be greater than \$20,400,000. The interest payments on such bonds may be deferred with the approval of the Secretary of the Treasury but any interest payments so deferred shall themselves bear interest after June 30, 1972. Deferred interest may not be charged against the debt limitation of \$20,400,000. Such obligations shall have maturities agreed upon by the Board and the Secretary of the Treasury but not in excess of fifty years. Such obligations may be redeemable at the option of the Board before maturity in such manner as may be stipulated in such obligations, but the obligations thus redeemed shall not be refinanced by the Board. Each such obligation shall bear interest at a rate determined by the Secretary of the Treasury taking into consideration the current average rate on current marketable obligations of the United States of comparable maturities as of the last day of the month preceding the issuance of the obligations of the Board. The Secretary of the Treasury is authorized and directed to purchase any obligations of the Board to be issued under this section and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under the Second Liberty Bond Act, as amended, are extended to include any purchases of the Board's obligations under this section.

## GIFTS TO UNITED STATES

SEC. 10. The Secretary of the Treasury is authorized to accept on behalf of the United States any gift to the United States which he finds has been contributed in honor of or in memory of the late President John F. Kennedy and to pay the money to such appropriation or other accounts, including the appropriation accounts established pursuant to appropriations authorized by this Act, as in his judgment will best effectuate the intent of the donor.

## NATIONAL MEMORIAL

SEC. 11. The John F. Kennedy Center for the Performing Arts, designated by this Act, shall be the sole national memorial to the late John Fitzgerald Kennedy within the city of Washington and its environs.

NOTE.—Public Law 88-260 entitled "Joint Resolution providing for renaming the National Cultural Center as the John F. Kennedy Center for the Performing Arts, authorizing an appropriation therefor and for other purposes," approved January 23, 1964; contained the following preamble and section:

"Whereas the late John Fitzgerald Kennedy served with distinction as President of the United States, and as a Member of the Senate and House of Representatives; and  
 "Whereas the late John Fitzgerald Kennedy dedicated his life to the advancement of the welfare of mankind;  
 and

"Whereas the late John Fitzgerald Kennedy was particularly devoted to the advancement of the performing arts within the United States; and

"Whereas by his untimely death this Nation and the world has suffered a great loss; and  
 "Whereas it is the sense of the Congress that it is only fitting and proper that a suitable monument be dedicated to the memory of this great leader; and

"Whereas the living memorial to be named in his honor by this joint resolution shall be the sole national monument to his memory within the city of Washington and its environs:

\* \* \* \* \*  
 "SEC. 2. In addition to the amendments made by the first section of this Act, any designation or reference to the National Cultural Center in any other law, map, regulation, document, record, or other paper of the United States shall be held to designate or refer to such Center as the John F. Kennedy Center for the Performing Arts."

*Compilation by Ralph E. Becker, General Counsel,  
 John F. Kennedy Center for the Performing Arts.  
 July 1, 1972.*



Public Law 93-67  
93rd Congress, S. 1759  
July 10, 1973

## An Act

87 STAT. 161

Authorizing further appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the second sentence of subsection (e) of section 6 of the John F. Kennedy Center Act (72 Stat. 1698), as amended, is amended to read as follows: "There are hereby authorized to be appropriated for the purpose of carrying out this subsection, not to exceed \$2,400,000 for the fiscal year ending June 30, 1974, and \$2,500,000 for the fiscal year ending June 30, 1975."

John F. Kennedy  
Center for the  
Performing Arts.  
86 Stat. 222.

Approved July 10, 1973.

### LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-210 accompanying H. R. 5858 (Comm. on Public Works).

SENATE REPORT No. 93-241 (Comm. on Public Works).

CONGRESSIONAL RECORD, Vol. 119 (1973):

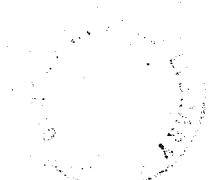
May 30, H. R. 5858 considered and passed House.

June 27, considered and passed Senate.

June 29, considered and passed House.



Tab B



ularly where copy of regulations was offered. *Cresap v. Pacific Inland Nav. Co.*, 1970, 473 P.2d 223, 73 Wash.2d 563.

In absence of showing of place of publication in Federal Register of provisions of handbook of public assistance administration prepared by Secretary of Health, Education and Welfare, allegedly requiring 60-day processing for permanent and total disability cases, Court of

Appeals was limited to matters pleaded and proved at hearing, to review denial of retroactive disability payments sought on ground processing of application took more than 60 days, and to state law, even if judicial notice requirement in this section extended to state courts. *Allen v. State Dept. of Public Health and Welfare*, Mo.App.1972, 479 S.W.2d 183.

§ 1508. Publication in Federal Register as notice of hearing

Supplementary Index to Notes

Generally in

1a. Generally  
Publication in the Federal Register is legally deemed notice to all interested parties. *Buckner Trucking, Inc. v. U. S.*, D.C.Tex.1973, 354 F.Supp. 1210.

CHAPTER 19.—DEPOSITORY LIBRARY PROGRAM

Sec.  
1915. Highest State appellate court libraries as depository libraries.

1972 Amendment. Pub.L. 92-368, § 1(b), Aug. 10, 1972, 86 Stat. 507, added item 1915.

§ 1915. Highest State appellate court libraries as depository libraries

Upon the request of the highest appellate court of a State, the Public Printer is authorized to designate the library of that court as a depository library. The provisions of section 1911 of this title shall not apply to any library so designated.

Added Pub.L. 92-368, § 1(a), Aug. 10, 1972, 86 Stat. 507.

Legislative History. For legislative history and purpose of Pub.L. 92-368, see 1972 U.S.Code Cong. and Adm.News, p. 2919.

CHAPTER 21.—ARCHIVAL ADMINISTRATION

§ 2107. Material accepted for deposit

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Depositor, status of 3  
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1. Authority of Administrator

Under this section and section 2108 of this title governing archival depository, Administrator of General Services Administration has a continuing responsibility to negotiate and take such steps for deposit and preservation of presidential historical materials so as to secure for government, as far as possible, right to have continuous and permanent possession of such materials, and, in fulfilling responsibility, he is authorized to accept papers, documents, or other historical materials (records are not mentioned but presumably intended to be included) subject to such restrictions as to availability of use as may be specified in writing by donor or depositors. *Nichols v. U. S.*, D.C.Kan.1971, 325 F.Supp. 130, affirmed 460 F.2d 671, certiorari denied 93 S.Ct. 268, 409 U.S. 966, 34 L.Ed.2d 232.

2. Production of materials

Government could justify its refusal to produce for examination items relating to assassination of President Kennedy on ground that items were in possession of Archivist Division of General Services Administration pursuant to a letter agreement with executors of the Kennedy Estate, notwithstanding claim that donor did not have full title to items, since this

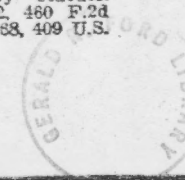
section and section 2108 of this title governing archival depository do not require that items of property deposited with archivist be owned by donor if they fall within description of those things which may be deposited, and, under provisions of letter agreement, no examination of material could be permitted without permission of a Kennedy family representative. *Nichols v. U. S.*, D.C.Kan.1971, 325 F.Supp. 130, affirmed 460 F.2d 671, certiorari denied 93 S.Ct. 268, 409 U.S. 966, 34 L.Ed.2d 232.

3. Depositor, status of

This section and section 2108 of this title authorizing General Services Administrator to accept historical materials of president of United States does not require that depositor of such materials be owner thereof. *Nichols v. U. S.*, C.A. Kan.1972, 460 F.2d 671, certiorari denied 93 S.Ct. 268, 409 U.S. 966, 34 L.Ed.2d 232.

4. Construction with other laws

Personal clothing worn by president at time of assassination and photographs and x-ray films taken at autopsy acquired under this section and section 2108 of this title, permitting deposit of historical materials of president and pursuant to agreement with executors of president's estate which contained restrictions on their accessibility were within exception of Freedom of Information Act, section 532 of Title 5, relating to matters exempted from disclosure by statute. *Nichols v. U. S.*, C.A.Kan.1972, 460 F.2d 671, certiorari denied 93 S.Ct. 268, 409 U.S. 966, 34 L.Ed.2d 232.



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Director of the Assistant Director of Budget were Director of Management and Budget, the Office of Management and Budget, respectively. and funds were transferred to the organization in the Appendix to the Budget and

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## § 2108. Presidential archival depository

## Index to Notes

Authority of Administrator 3  
 Proceedings 1  
 Production of materials 2

## 1. Proceedings

Proceedings taken by government for purpose of acquiring and preserving certain items of evidence pertaining to assassination of President Kennedy were valid. *Nichols v. U. S.*, D.C.Kan.1971, 325 F.Supp. 130, affirmed 460 F.2d 671, certiorari denied 93 S.Ct. 268, 409 U.S. 968, 34 L.Ed.2d 232.

## 2. Production of materials

Fact that various materials pertaining to assassination of President Kennedy were deposited with Archivist Division of General Services Administration in April of 1963, while letter agreement with Kennedy family placing restrictions on use of materials was not entered into until October of 1966, was of no significance in determining whether materials could be produced for inspection on request. *Nichols v. U. S.*, D.C.Kan.1971, 325 F.Supp. 130, affirmed 460 F.2d 671, certiorari denied 93 S.Ct. 268, 409 U.S. 968, 34 L.Ed.2d 232.

Government could justify its refusal to produce for examination items relating to assassination of President Kennedy on ground that items were in possession of Archivist Division of General Services

Administration pursuant to a letter agreement with executors of the Kennedy Estate, notwithstanding claim that donor did not have full title to items, since this section and section 2107 of this title governing archival depository do not require that items of property deposited with archivist be owned by donor if they fall within description of those things which may be deposited, and, under provisions of letter agreement, no examination of material could be permitted without permission of a Kennedy family representative. *Id.*

## 3. Authority of Administrator

Under this section and section 2107 of this title governing archival depository, Administrator of General Services Administration has a continuing responsibility to negotiate and take such steps for deposit and preservation of presidential historical materials so as to secure for government, as far as possible, right to have continuous and permanent possession of such materials, and, in fulfilling responsibility, he is authorized to accept papers, documents, or other historical materials (records are not mentioned but presumably intended to be included) subject to such restrictions as to availability of use as may be specified in writing by donor or depositories. *Nichols v. U. S.*, D.C.Kan.1971, 325 F.Supp. 130, affirmed 460 F.2d 671, certiorari denied 93 S.Ct. 268, 409 U.S. 968, 34 L.Ed.2d 232.

## CHAPTER 25.—NATIONAL HISTORICAL PUBLICATIONS COMMISSION

## § 2501. Creation; composition; appointment and tenure

The National Historical Publications Commission shall consist of the Archivist of the United States (or an alternate designated by him), who shall be Chairman; the Librarian of Congress (or an alternate designated by him); one Senator to be appointed, for a term of four years, by the President of the Senate; one Representative to be appointed, for a term of two years, by the Speaker of the House of Representatives; one member of the judicial branch of the Government to be appointed, for a term of four years, by the Chief Justice of the United States; one representative of the Department of State to be appointed, for a term of four years, by the Secretary of State; one representative of the Department of Defense to be appointed, for a term of four years, by the Secretary of Defense; two members of the American Historical Association to be appointed for terms of four years by the council of the Association; two members of the Organization of American Historians to be appointed for terms of four years by the Executive Board of the Organization, one of whom shall be appointed for an initial term of two years, and whose successors shall each serve four years; and two other members outstanding in the fields of the social or physical sciences to be appointed for terms of four years by the President of the United States.

The Commission shall meet annually and on call of the Chairman.

The authority of the Administrator of General Services under section 754 of title 40 to regroup, transfer, and distribute functions within the General Services Administration does not extend to the Commission or its functions.

As amended Pub.L. 92-546, § 1(a), Oct. 25, 1972, 86 Stat. 1155.

1972 Amendment. Pub.L. 92-546 provided for two additional members of the Organization of American Historians to be appointed for terms of four years by the Executive Board of the Organization, one to be appointed for a term of two

years and his successors for a term of four years.

Legislative History. For legislative history and purpose of Pub.L. 92-546, see 1972 U.S.Code Cong. and Adm.News, p. 4462.

## § 2503. Executive director; appointment of members for transport

The Commission may appoint 5, an executive director and such members to be necessary. Member of a branch or agency of the Government without additional compensation shall be reimbursed for traveling expenses of the Commission representing a branch or agency shall receive instead of subsistence allowance, for each day actually spent in the performance of their duties as members of the Commission as prescribed by the Commission. As amended Pub.L. 92-546, § 1

1972 Amendment. Pub.L. 92-546 substituted daily allowance of \$40 for \$25.

## § 2504. Duties; authorization and publication of documentary history

(a) The Commission shall make arrangements for the printing and collection of historical works and records, and shall operate with and encourage appropriate and nongovernmental institutions and organizations to acquire, preserve, and publish the papers of outstanding citizens as may be important for the history of the United States. The Commission may, within the limits of available appropriations to Federal agencies, and non-profit organizations and institutions, make arrangements for the printing and publication (in such forms of reproduction) of documents of the United States. Before making any arrangement, the Commission should seek the advice and approval of the Administrator of General Services, and shall submit plans, estimates, and recommendations to the Administrator for his approval.

(b) There is hereby authorized to be appropriated for the fiscal year ending in the fiscal year of the four succeeding fiscal years such sums as may be necessary, provided, That such appropriation shall be available for the purposes specified in appropriation Acts. As amended Pub.L. 92-546, § 1(c)

1972 Amendment. Pub.L. 92-546 designated existing provisions as subsection (b) and added subsection (c).

Authorization of Appropriations. Section 503(f) of Act June 30, 1949, c. 361, Title V, as added July 28, 1964, Pub.L. 88-383, 78 Stat. 325, and amended Aug. 1968, Pub.L. 90-461, 82 Stat. 633 which authorized appropriation to the General Services Administration for the fis

## CHAPTER 21—ARCHIVAL ADMINISTRATION

Sec.

- 2101. Definitions.
- 2102. Archivist of the United States.
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### Cross References

- Accounting systems, forms, and procedures: authority of Comptroller General; settlement of accounts of collecting and disbursing officers with General Accounting Office, responsibility for, see section 3107 of this title.
- Exemptions from provisions of this chapter, see section 474 of Title 40, Public Buildings, Property, and Works.
- Federal agency management program to provide for compliance with this chapter and regulations thereunder, see section 3102 of this title.
- Federal Records Council, consultation of Administrator of General Services with Council with view of obtaining advice and assistance in carrying out the purposes of this chapter, see section 2701 of this title.
- Legal status of reproductions made under regulations to carry out this chapter, see section 2112 of this title.
- Reports from Federal agencies on their activities under this chapter, authority of Administrator of General Services to obtain; correction of violations, see section 2111 of this title.

### § 2101. Definitions

As used in sections 2103-2113 of this title—

“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 papers or to the events of his official or personal life;

“historical materials” including books, correspondence, documents, papers, pamphlets, works of art, models, pictures, photo-



graphs, plats, maps, films, motion pictures, sound recordings, and other objects or materials having historical or commemorative value. Pub.L. 90-620, Oct. 22, 1968, 82 Stat. 1287.

**Historical and Revision Notes**

Reviser's Note. Based on 44 U.S.Code, 1964 ed., § 397(j) (June 30, 1949, ch. 288, title V, § 507, as added Sept. 5, 1950, ch. 949, § 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. 559, 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).

Legislative History. For legislative history and purpose of Pub.L. 90-620, see 1968 U.S.Code Cong. and Adm.News, p. 4438.

**Cross References**

Definitions applicable to provisions of Federal Property and Administrative Services Act of 1949, see section 472 of Title 40, Public Buildings, Property, and Works. Definitions used in provisions respecting records management by Administrator of General Services to have same meaning when used in this chapter, see section 2901 of this title.

**§ 2102. Archivist of the United States**

The Administrator of General Services shall appoint the Archivist of the United States.

Pub.L. 90-620, Oct. 22, 1968, 82 Stat. 1287.

**Historical and Revision Notes**

Reviser's Note. Based on 44 U.S.Code, 1964 ed., § 391(a) (June 30, 1949, ch. 288, title I, § 104, 63 Stat. 381).

will be found in sections 1506, 2301, 2301, and 2902 of the revision.

This section incorporates only the last sentence of paragraph (a) of former section 391. The balance of that section

Legislative History. For legislative history and purpose of Pub.L. 90-620, see 1968 U.S.Code Cong. and Adm.News, p. 4438.

**Cross References**

Compensation, see section 5315(21) of Title 5, Government Organization and Employees.

**§ 2103. Acceptance of records for historical preservation**

When it appears to the Administrator of General Services to be in the public interest, he may—

(1) accept for deposit with the National Archives of the United States the records of a Federal agency or of the Congress determined by the Archivist of the United States to have sufficient historical or other value to warrant their continued preservation by the United States Government;

(2) direct and effect the transfer to the National Archives of the United States of records of a Federal agency that have

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Pub.L. 90-620,

Reviser's Note. 1964 ed., § 397(a) title V, § 507, as a 549, § 6(d), 64 St July 12, 1952, ch. Stat. 594; July 12 297; Aug. 12, 1955

Records 13.

**§ 2104.**

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been in existence for more than fifty years and determined by the Archivist of the United States to have sufficient historical or other value to warrant their continued preservation by the United States Government, unless the head of the agency which has custody of them certifies in writing to the Administrator that they must be retained in his custody for use in the conduct of the regular current business of the agency;

(3) direct and effect, with the approval of the head of the originating agency, or if the existence of the agency has been terminated, then with the approval of his successor in function, if any, the transfer of records deposited or approved for deposit with the National Archives of the United States to public or educational institutions or associations; title to the records to remain vested in the United States unless otherwise authorized by Congress; and

(4) transfer materials from private sources authorized to be received by the Administrator by section 3106 of this title.

Pub.L. 90-620, Oct. 22, 1968, 82 Stat. 1287.

**Historical and Revision Notes**

Reviser's Note. Based on 44 U.S.Code, 1964 ed., § 397(a) (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).

Legislative History. For legislative history and purpose of Pub.L. 90-620, see 1968 U.S.Code Cong. and Adm.News, p. 4433.

**Library References**

Records 13.

C.J.S. Records §§ 34, 40.

**§ 2104. Responsibility for custody, use, and withdrawal of records**

The Administrator of General Services shall be responsible for the custody, use, and withdrawal of records transferred to him. When records, the use of which is subject to statutory limitations and restrictions, are so transferred, permissive and restrictive statutory provisions with respect to the examination and use of records applicable to the head of the agency from which the records were transferred or to employees of that agency are applicable to the Administrator, the Archivist of the United States, and to the employees of the General Services Administration, respectively. When the head of an agency states in writing restrictions that appear to him to be necessary or desirable in the public interest on the use or examination of records being considered for transfer



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from his custody to the Administrator, the Administrator shall impose the restrictions on the records so transferred, and may not remove or relax the restrictions without the concurrence in writing of the head of the agency from which the material was transferred, or of his successor in function, if any. Statutory and other restrictions referred to in this section shall remain in force until the records have been in existence for fifty years unless the Administrator by order determines as to specific bodies of records that the restrictions shall remain in force for a longer period. Restriction on the use or examination of records deposited with the National Archives of the United States imposed by section 3 of the National Archives Act, approved June 19, 1934, shall continue in force regardless of the expiration of the tenure of office of the official who imposed them but may be removed or relaxed by the Administrator with the concurrence in writing of the head of the agency from which material was transferred or of his successor in function, if any.

Pub.L. 90-620, Oct. 22, 1968, 82 Stat. 1288.

Historical and Revision Notes

Reviser's Note. Based on 44 U.S.Code, 1964 ed., § 397(b) (June 30, 1949, ch. 288, title V, § 507, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583).

References in Text. Section 3 of the National Archives Act, approved June 19, 1934, referred to in the text, was classified to former section 300c of Title 44, Public Printing and Documents, and

was repealed by Act June 30, 1949, c. 288, title VI, § 602(a) (32), renumbered and added Sept. 5, 1950, c. 849, § 7(d), 64 Stat. 590. The subject matter is now covered by this section.

Legislative History. For legislative history and purpose of Pub.L. 90-620, see 1968 U.S.Code Cong. and Adm.News, p. 4433.

Notes of Decisions

1. Census records

The Archivist of the United States was legally bound to observe the various provisions of the census laws governing the confidential treatment of census

records with respect to those census records which were transferred into his custody pursuant to former section 300c of this title [now this section]. 1944, 40 Op.Atty.Gen. 326.

§ 2105. Preservation, arrangement, duplication, exhibition of records

The Administrator of General Services shall provide for the preservation, arrangement, repair and rehabilitation, duplication and reproduction (including microcopy publications), description, and exhibition of records or other documentary material transferred to him as may be needful or appropriate, including the preparation and publication of inventories, indexes, catalogs, and other finding aids or guides to facilitate their use. He may also prepare guides and other finding aids to Federal records and, when approved by

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the National Historical Publications Commission, publish such historical works and collections of sources as seem appropriate for printing or otherwise recording at the public expense.

Pub.L. 90-620, Oct. 22, 1968, 82 Stat. 1288.

Historical and Revision Notes

Reviser's Note. Based on 44 U.S.Code, 1964 ed., § 307(c) (June 30, 1949, ch. 283, title V, § 507, as added Sept. 3, 1950, ch. 849, § 6(d), 64 Stat. 583; July 12, 1952, ch. 703, § 1(o), 68 Stat. 504).

Legislative History. For legislative history and purpose of Pub.L. 90-620, see 1968 U.S.Code Cong. and Adm.News, p. 4433.

EXECUTIVE ORDER NO. 11440

Dec. 11, 1968, 33 F.R. 18475

SUPPLEMENTAL USE OF EXHIBITS AND DISPLAYS-CREATED IN FURTHERANCE OF AUTHORIZED PROGRAMS OF EXECUTIVE DEPARTMENTS AND AGENCIES

WHEREAS the executive departments and agencies of the Government, in discharging their various responsibilities, create a large volume of materials (including books, correspondence, documents, papers, pamphlets, works of art, models, pictures, photographs, plats, maps, films, motion pictures, sound recordings, and other objects of historical or commemorative value) which from time to time are incorporated into or reproduced for use in exhibits or other types of visual displays needed for use in carrying out their programs; and

United States, it is hereby ordered as follows:

Section 1. The heads of all executive departments and agencies are directed—

(a) when initiating plans for the preparation, production, or other creation of exhibits and displays in furtherance of their program missions, to confer with the Administrator of General Services, or his designee, for the purpose of assuring that any such exhibits or displays which the Administrator finds appropriate for supplemental exhibition as part of the archival and cultural heritage of the United States are prepared, produced, or otherwise created in a manner which assures, to the maximum possible extent, their appropriateness, after they have served their primary program purpose, for such supplemental exhibition, and

WHEREAS under Chapter 21 of Title 44, United States Code [this chapter], the Administrator of General Services is authorized to accept for deposit in the National Archives of the United States the records of any Federal agency or of the Congress of the United States that are determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government, as well as the papers and other historical materials of any official or former official of the Government, and to make provisions for the exhibition of materials transferred to him; and

(b) to transfer to the Administrator, without reimbursement, such exhibits or displays as he determines are appropriate for such supplemental exhibition after they have served their primary program purpose, subject to such conditions requiring return to the department or agency of all or any of the materials incorporated in the exhibits or displays as may be mutually agreeable.

WHEREAS many of the exhibits and displays so prepared, produced, or otherwise created by the executive departments and agencies possess historical significance which warrants their preservation and exhibition as part of the archival and cultural heritage of the United States:

Sec. 2. The Administrator of General Services is directed to—

(a) provide advice, counsel, and assistance to the heads of executive departments and agencies in the preparation, production, or other creation of exhibits and displays which he finds will have future value for exhibition as part

NOW, THEREFORE, by virtue of the authority vested in me as President of the



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of the archival and cultural heritage of the United States; and

(b) accept any such exhibit or display when it has served its primary program purpose and (1) arrange for its supplemental exhibition as appropriate, (2) preserve any such exhibit or display which possesses sufficient historical or other value to warrant continued preser-

vation, or (3) dispose of any such exhibit or display when, in his judgment, the reasons for its continued preservation or exhibition cease to exist, all subject to the conditions agreed upon incident to transfer to the Administrator of General Services of the exhibit or display.

LYNDON B. JOHNSON

§ 2106. Servicing records

The Administrator of General Services shall provide and maintain facilities he considers necessary or desirable for servicing records in his custody that are not exempt from examination by statutory or other restrictions.

Pub.L. 90-620, Oct. 22, 1968, 82 Stat. 1288.

Historical and Revision Notes

Reviser's Note. Based on 44 U.S.Code, 1964 ed., § 307(d) (June 30, 1949, ch. 288, title V, § 507, as added Sept. 5, 1950, ch. 819, § 6(d), 64 Stat. 533).

Legislative History. For legislative history and purpose of Pub.L. 90-620, see 1968 U.S.Code Cong. and Adm.News, p. 4138.

§ 2107. Material accepted for deposit

When the Administrator of General Services considers it to be in the public interest he may accept for deposit—

(1) the papers and other historical materials of a President, or former President, of the United States, or other official or former official of the Government, and other papers relating to and contemporary with a President or former President of the United States, subject to restrictions agreeable to the Administrator as to their use; and

(2) documents, including motion-picture films, still pictures, and sound recordings, from private sources that are appropriate for preservation by the Government as evidence of its organization, functions, policies, decisions, procedures, and transactions.

Pub.L. 90-620, Oct. 22, 1968, 82 Stat. 1288.

Historical and Revision Notes

Reviser's Note. Based on 44 U.S.Code, 1964 ed., § 307(e) (June 30, 1949, ch. 288, title V, § 507, as added Sept. 5, 1950, ch. 819, § 6(d), 64 Stat. 533; July 12, 1952, ch. 703, § 1(p), 66 Stat. 594; July 12, 1953, ch. 329, 69 Stat. 297; Aug. 12, 1953, ch. 859, 69 Stat. 635).

Legislative History. For legislative history and purpose of Pub.L. 90-620, see 1968 U.S.Code Cong. and Adm.News, p. 4138.



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§ 2108. Presidential archival depository

(a) When the Administrator of General Services considers it to be in the public interest he may accept for and in the name of the United States land, buildings, and equipment offered as a gift to the United States for the purposes of creating a Presidential archival depository, and take title to the land, buildings, and equipment on behalf of the United States, and maintain, operate, and protect them as a Presidential archival depository, and as part of the national archives system; and make agreements, upon terms and conditions he considers proper, with a State, political subdivision, university, institution of higher learning, institute, or foundation to use as a Presidential archival depository land, buildings, and equipment of the State, subdivision, university, or other organization, to be made available by it without transfer of title to the United States, and maintain, operate, and protect the depository as a part of the national archives system.

The Administrator shall submit a report in writing on a proposed Presidential archival depository to the President of the Senate and the Speaker of the House of Representatives, and include—

a description of the land, buildings, and equipment offered as a gift or to be made available without transfer of title;

a statement of the terms of the proposed agreement, if any;

a general description of the types of papers, documents, or other historical materials proposed to be deposited in the Presidential archival depository so to be created, and of the terms of the proposed deposit;

a statement of the additional improvements and equipment, if any, necessary to the satisfactory operation of the depository, together with an estimate of the cost; and

an estimate of the annual cost to the United States of maintaining, operating, and protecting the depository.

The Administrator may not take title to land, buildings, and equipment or make an agreement, until the expiration of the first period of 60 calendar days of continuous session of the Congress following the date on which the report is transmitted, computed as follows:

Continuity of session is broken only by an adjournment sine die, but the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded.

(b) When the Administrator considers it to be in the public interest, he may deposit in a Presidential archival depository papers,



documents, or other historical materials accepted under section 3106 of this title, or Federal records appropriate for preservation.

(c) When the Administrator considers it to be in the public interest, he may exercise, with respect to papers, documents, or other historical materials deposited under this section, or otherwise, in a Presidential archival depository, all the functions and responsibilities otherwise vested in him pertaining to Federal records or other documentary materials in his custody or under his control. The Administrator, in negotiating for the deposit of Presidential historical materials, shall take steps to secure to the Government, as far as possible, the right to have continuous and permanent possession of the materials. Papers, documents, or other historical materials accepted and deposited under section 3106 of this title and this section are subject to restrictions as to their availability and use stated in writing by the donors or depositors, including the restriction that they shall be kept in a Presidential archival depository. The restrictions shall be respected for the period stated, or until revoked or terminated by the donors or depositors or by persons legally qualified to act on their behalf. Subject to the restrictions, the Administrator may dispose by sale, exchange, or otherwise, of papers, documents, or other materials which the Archivist determines to have no permanent value or historical interest or to be surplus to the needs of a Presidential archival depository.

(d) When the Administrator considers it to be in the public interest, he may cooperate with and assist a university, institution of higher learning, institute, foundation, or other organization or qualified individual to further or to conduct study or research in historical materials deposited in a Presidential archival depository.

(e) When the Administrator considers it to be in the public interest, he may charge and collect reasonable fees for the privilege of visiting and viewing exhibit rooms or museum space in a Presidential archival depository.

(f) When the Administrator considers it to be in the public interest, he may provide reasonable office space in a Presidential archival depository for the personal use of a former President of the United States.

(g) When the Administrator considers it be in the public interest, he may accept gifts or bequests of money or other property for the purpose of maintaining, operating, protecting, or improving a Presidential archival depository. The proceeds of gifts or bequests, together with the proceeds from fees or from sales of historical materials, copies or reproductions, catalogs, or other items, having to do with a Presidential archival depository, shall be paid into the

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National Archives Trust Fund to be held, administered, and expended for the benefit and in the interest of the Presidential archival depository in connection with which they were received, including administrative and custodial expenses as the Administrator determines.

Pub.L. 90-620, Oct. 22, 1968, 82 Stat. 1289.

Historical and Revision Notes

Reviser's Note. Based on 44 U.S.Code, 1964 ed., § 397(f) (June 30, 1949, ch. 253, title V, § 507, as added Sept. 3, 1950, ch. 849, § 6(d), 64 Stat. 553; and amended July 12, 1952, ch. 703, § 1(o), (p), 66 Stat. 504; July 12, 1953, ch. 329, 69 Stat. 297; Aug. 12, 1953, ch. 830, 69 Stat. 695).

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."

Lyndon Baines Johnson Presidential Archival Depository. Pub.L. 89-160, 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."

Legislative History. For legislative history and purpose of Pub.L. 90-620, see 1968 U.S.Code Cong. and Adm.News, p. 4433.

Library References

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C.J.S. Records §§ 34, 40.

§ 2109. Depository for agreements between States

The Administrator of General Services may receive duplicate originals or authenticated copies of agreements or compacts entered



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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.

Historical and Revision Notes

Reviser's Note. Based on 44 U.S.Code, 1964 ed., § 397(h) (June 30, 1949, ch. 283, title V, § 507, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 533, and amended July 12, 1952, ch. 703, § 1(o), (p), 68 Stat. 594; July 12, 1955, ch. 329, 69 Stat. 297; Aug. 12, 1955, ch. 839, 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).

Legislative History. For legislative history and purpose of Pub.L. 90-620, see 1968 U.S.Code Cong. and Adm.News, p. 4438.

§ 2110. Preservation of motion-picture films, still pictures, and sound recordings

The Administrator of General Services may make and preserve motion-picture films, still pictures, and sound recordings pertaining to and illustrative of the historical development of the United States Government and its activities, and provide for preparing, editing, titling, scoring, processing, duplicating, reproducing, exhibiting, and releasing for non-profit educational purposes, motion-picture films, still pictures, and sound recordings in his custody.

Pub.L. 90-620, Oct. 22, 1968, 82 Stat. 1290.

Historical and Revision Notes

Reviser's Note. Based on 44 U.S.Code, 1964 ed., § 397(i) (June 30, 1949, ch. 283, title V, § 507, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 533; and amended July 12, 1952, ch. 703, § 1(o), (p), 68 Stat. 594; July 12, 1955, ch. 329, 69 Stat. 297; Aug. 12, 1955, ch. 839, 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).

Legislative History. For legislative history and purpose of Pub.L. 90-620, see 1968 U.S.Code Cong. and Adm.News, p. 4438.

Cross References

Secretary of Agriculture—

Loan, rental, or sale of films, see section 2246 of Title 7, Agriculture.

Sale of photographic prints and maps, see section 2243 of Title 7.

Sale of prints and lantern slides, see section 2245 of Title 7.

Secretary of Health, Education, and Welfare, establishment of loan service of captioned films and educational media for handicapped, see section 2401 et seq. of Title 42, The Public Health and Welfare.

§ 2111. Reports; correction of violations.

(a) When the Administrator of General Services considers it necessary, he may obtain reports from Federal agencies on their activities under chapters 21, 25, 27, 29, 31, and 33 of this title.



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(b) Wh 21, 25, 27, shall info violation corrective ed within report of Pub.L. 90-

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Ch. 21 ARCHIVAL ADMINISTRATION 44 § 2112.

(b) When the Administrator finds that a provision of chapter 21, 25, 27, 29, or 31 of this title has been or is being violated, he shall inform in writing the head of the agency concerned of the violation and make recommendations for its correction. Unless corrective measures satisfactory to the Administrator are inaugurated within a reasonable time, the Administrator shall submit a written report of the matter to the President and the Congress.

Pub.L. 90-620, Oct. 22, 1968, 82 Stat. 1290.

Historical and Revision Notes

Reviser's Note. Based on 44 U.S.Code, 1964 ed., § 393 (June 30, 1949, ch. 283, title V, § 503, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583).

Legislative History. For legislative history and purpose of Pub.L. 90-620, see 1968 U.S.Code Cong. and Adm.News, p. 4433.

Library References

Records 13.

C.J.S. Records §§ 34, 40.

§ 2112. 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, or other processes, in accordance with standards established by the Administrator of General Services the indefinite retention by the photographic, microphotographic, 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, and 31 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 Administrator, the copy or reproduction shall be admitted in evidence equally with the original from which it was made.

(c) The Administrator may charge a fee not in excess of 10 percent above the costs or expenses for making or authenticating copies or reproductions of materials transferred to his custody. Fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund. He may not charge for making or authenticating copies or reproductions of materials for official use by the United States Government. Reimbursement may be accepted to cover the cost of furnishing copies or reproductions that could not otherwise be furnished.

Pub.L. 90-620, Oct. 22, 1968, 82 Stat. 1291.





Historical and Revision Notes

Reviser's Note. 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).

Legislative History. For legislative history and purpose of Pub.L. 90-620, see 1968 U.S.Code Cong. and Adm.News, p. 4438.

§ 2113. Limitation on liability

When letters and other intellectual productions, exclusive of material copyrighted or patented, come into the custody or possession of the Administrator of General Services, the United States or its agents are not liable for infringement of literary property rights or analogous rights arising out of use of the materials for display, inspection, research, reproduction, or other purposes.

Pub.L. 90-620, Oct. 22, 1968, 82 Stat. 1291.

Historical and Revision Notes

Reviser's Note. Based on 44 U.S.Code, 1964 ed., § 400 (June 30, 1949, ch. 288, title V, § 510, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583).

Legislative History. For legislative history and purpose of Pub.L. 90-620, see 1968 U.S.Code Cong. and Adm.News, p. 4438.

Library References

United States ⇨78(5).

C.J.S. United States § 118.

§ 2114. Records of Congress

The Secretary of the Senate and the Clerk of the House of Representatives, acting jointly, shall obtain at the close of each Congress all the noncurrent records of the Congress and of each congressional committee and transfer them to the General Services Administration for preservation, subject to the orders of the Senate or the House of Representatives, respectively.

Pub.L. 90-620, Oct. 22, 1968, 82 Stat. 1291.

Historical and Revision Notes

Reviser's Note. Based on 44 U.S.Code, 1964 ed., § 402 (Aug. 2, 1946, ch. 753, title I, § 140, 60 Stat. 833).

Legislative History. For legislative history and purpose of Pub.L. 90-620, see 1968 U.S.Code Cong. and Adm.News, p. 4438.

Library References

Records ⇨13.

C.J.S. Records §§ 34, 40.



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Tab C



National Archives Trust Fund to be held, administered, and expended for the benefit and in the interest of the Presidential archival depository in connection with which they were received, including administrative and custodial expenses as the Administrator determines.

Pub.L. 90-620, Oct. 22, 1968, 82 Stat. 1289.

#### Historical and Revision Notes

**Reviser's Note.** Based on 41 U.S. Code, 1904 ed., § 307(f) (June 30, 1949, ch. 258, title V, § 507, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 553; and amended July 12, 1952, ch. 703, § 1(o), (p), 66 Stat. 594; July 12, 1953, ch. 329, 69 Stat. 207; Aug. 12, 1953, ch. 859, 69 Stat. 695).

**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] 307(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."

**Lyndon Baines Johnson Presidential Archival Depository.** Pub.L. 89-160, 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] 307(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."

**Legislative History.** For legislative history and purpose of Pub.L. 90-620, see 1968 U.S. Code Cong. and Adm. News, p. 4433.

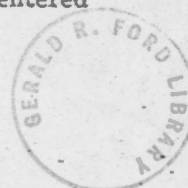
#### Library References

Records  $\hookrightarrow$  13.

C.J.S. Records §§ 34, 40.

### § 2109. Depository for agreements between States

The Administrator of General Services may receive duplicate originals or authenticated copies of agreements or compacts entered



J. F. K. Center

or

?

Percy, <sup>Chas.</sup>  
(cong)

THE WHITE HOUSE

WASHINGTON

May 6, 1975

Dear Chuck:

The Vice President told me of the idea presented at the last meeting of the Board of the John F. Kennedy Center for the Performing Arts which involves construction at the site of facilities to house Presidential materials of former President Kennedy.

I have reviewed the John F. Kennedy Center Act and find that such a use of the Center appears to exceed the authority granted the Board in Section 4 of the Act for the use of the Center. Further evidence that Congress did not intend the Center to be an archival depository is reflected by its enactment of separate legislation providing for the establishment of the John F. Kennedy Library in Cambridge, Massachusetts (Public Law 89-547), August 27, 1966, 80 Stat. 370.

Also, as I read the Center's Act, not only would the authority of the Board have to be changed if the purposes of the Center should be changed, but I believe permission would have to be obtained from:

- (1) The Board of Regents of the Smithsonian Institution which owns the building;
- (2) The National Capital Park and Planning Commission which holds the title to the real property;
- (3) The Commission of Fine Arts which must approve building plans and specifications for the Center; and
- (4) The Secretary of Interior because of the responsibility of the National Park Service for operation of the building.



I hope this information will be of assistance to you in dealing with the proposal which may come before your Board again. If there are any questions you have concerning the above points, please call me.

Sincerely,



Philip W. Buchen  
Counsel to the President

The Honorable Charles H. Percy  
United States Senate  
Washington, D. C. 20510

CC: The Honorable Nelson Rockefeller  
The Vice President



THE WHITE HOUSE

WASHINGTON

April 30, 1975

MEMORANDUM FOR:

Philip W. Buchen

FROM:

Jay T. French

The purpose of this memo is to consider the legal implications raised by a proposal to convert a portion of the John F. Kennedy Center for the Performing Arts ("Center") for use as a Presidential archival depository for the papers and historical materials of President Kennedy.

By Public Law 85-874, September 2, 1958, 72 Stat. 1698 ("the Center Act"), attached in Tab A, the Congress established a bureau in the Smithsonian Institution directed by a Board of Trustees for the purpose of constructing, maintaining, and administering a National Cultural Center. Subsequently, the Center Act was amended by the following statutes: Public Law 86-297, September 21, 1959; Public Law 88-100, August 19, 1963; Public Law 88-260, January 23, 1964; Public Law 91-90, October 17, 1969; Public Law 92-313, June 16, 1972; Public Law 93-67, July 10, 1973. All of these amendments are attached in Tab A.

By Public Law 90-620, October 22, 1968, 82 Stat. 1289 ("the Archival Act"), (44 U.S.C. § 2101-2114, attached in Tab B), the Congress provided for the establishment of Presidential archival depositories. These depositories may be established in two ways. First, the Administrator of the General Services ("Administrator") may accept the papers and historical materials of a President for deposit with the National Archives. See 44 U.S.C. § 2107 attached in Tab B. Second, the Administrator may (a) accept land and buildings for the purpose of creating and maintaining a Presidential archival depository as part of the national archival system, and (b) enter into an agreement with a State, political subdivision, university, institute, or foundation to use and maintain land and buildings belonging to that entity for a



Presidential archival depository as part of the national archival system. See 44 U.S.C. § 2108 attached in Tab B. The word "institute" is not defined. Therefore, it is unknown whether the Smithsonian Institution is an "institute" for the purposes of the Archival Act. 1)

Regardless of the method selected for establishing the depository under the Archival Act, the Center Act would have to be amended and the permission of several officials and agencies would have to be obtained. Set forth below is a discussion of these points.

1. Section 4 of the Center Act, as amended, lists five specific uses for the Center facilities. None of these uses could be interpreted to permit the establishment of an archival depository. Therefore, this section of the Center Act would have to be amended to permit such use.

The evidence that the Congress did not intend the Center to be an archival depository is reflected by the enactment of separate legislation permitting the establishment of the John F. Kennedy Library in Cambridge, Massachusetts. See Public Law 89-547, August 27, 1966, 80 Stat. 370, attached in Tab C.

2. Pursuant to the Center Act, the approval of the following officials and agencies would be required prior to the establishment of an archival depository at the Center.
  - (a) Board of Trustees - The Board has statutory authority to administer the Center. Section 2(a) of the Center Act (see Tab A).

---

1) While the meaning of the word "institute" might be explained in the legislative history of the Archival Act, it is unnecessary to research this point because this memo concludes in paragraph 3 below that the Archival Act is not an impediment to the proposed depository if the Administrator concurs.





- (b) Board of Regents, Smithsonian Institution - The Institution is the owner of the Center's building under section 3 of the Center Act (see Tab A).
  - (c) National Capital Park and Planning Commission - The Commission holds title to the real property under section 3 of the Center Act (see Tab A).
  - (d) Commission of Fine Arts - The Commission must approve building plans and specifications for the Center under section 3 of the Center Act (see Tab A).
  - (e) Secretary of Interior - The Secretary acting through the National Park Service provides maintenance, security, information, interpretation, janitorial and all other services necessary to the nonperforming arts functions of the Center. See section 6(e) of the Center Act.
3. The establishment of any Presidential archival depository pursuant to the Archival Act requires the approval of the Administrator because he has the statutory responsibility for operating, maintaining, protecting and preserving the papers and historical materials. See 44 U.S.C. §§ 2105 and 2108, attached in Tab B. If such permission is given, there is no other impediment in the Archival Act to the establishment of a Presidential archival depository at the Center.







## JOHN F. KENNEDY CENTER ACT

Public Law 85-874, 85th Congress, 72 Stat. 1698, September 2, 1958

Amended September 21, 1959, Public Law 86-297, 73 Stat. 573

Amended August 19, 1963, Public Law 88-100, 77 Stat. 128

Amended January 23, 1964, Public Law 88-260, 78 Stat. 4

Amended October 17, 1969, Public Law 91-90, 83 Stat. 135

Amended June 16, 1972, Public Law 92-313, 86 Stat. 222

### AN ACT

To provide for a John F. Kennedy Center for the Performing Arts which will be constructed, with funds raised by voluntary contributions, on a site made available in the District of Columbia.

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.*

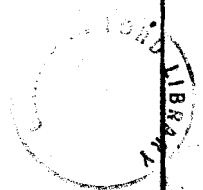
SECTION 1. This Act may be cited as the "John F. Kennedy Center Act".

### BOARD OF TRUSTEES

SEC. 2. (a) There is hereby established in the Smithsonian Institution a bureau, which shall be directed by a board to be known as the Trustees of the John F. Kennedy Center for the Performing Arts (hereafter in this Act referred to as the "Board"), whose duty it shall be to maintain and administer the John F. Kennedy Center for the Performing Arts and site thereof and to execute such other functions as are vested in the Board by this Act. The Board shall be composed as follows: The Secretary of Health, Education, and Welfare, the Librarian of Congress, the Assistant Secretary of State for Public Affairs, the Chairman of the Commission of Fine Arts, the President of the Board of Commissioners of the District of Columbia, the Chairman of the District of Columbia Recreation Board, the Director of the National Park Service, the Commissioner of the United States Office of Education, the Secretary of the Smithsonian Institution, three Members of the Senate appointed by the President of the Senate, and three Members of the House of Representatives appointed by the Speaker of the House of Representatives ex officio; and thirty general trustees who shall be citizens of the United States, to be chosen as hereinafter provided.

(b) The general trustees shall be appointed by the President of the United States and each such trustee shall hold office as a member of the Board for a term of ten years, except that (1) any member appointed to fill a vacancy occurring prior to the expiration of the term for which his predecessor was appointed shall be appointed for the remainder of such term, (2) the terms of any members appointed prior to the date of enactment of the National Cultural Center Amendments Act of 1963 shall expire as designated by the President at the time of appointment, and (3) the terms of the first fifteen members appointed to the Board pursuant to the amendments made by the National Cultural Center Amendments Act of 1963 shall expire, as designated by the President at the time of appointment, three on September 1, 1964, three on September 1, 1966, three on September 1, 1968, three on September 1, 1970, and three on September 1, 1972.

(c) There shall be an Advisory Committee on the Arts composed of such members as the President may designate, to serve at the pleasure of the President. Persons appointed to the Advisory Committee on the Arts, including officers or employees of the United States, shall be persons who are recognized for their knowledge of, or experience or interest in, one or more of the arts in the fields covered by the John F. Kennedy Center for the Performing Arts. The President shall designate the Chairman of the Advisory



Committee on the Arts. In making such appointments the President shall give consideration to such recommendations as may from time to time be submitted to him by leading national organizations in the appropriate art fields. The Advisory Committee on the Arts shall advise and consult with the Board and make recommendations to the Board regarding existing and prospective cultural activities to be carried on in the John F. Kennedy Center for the Performing Arts. The Advisory Committee on the Arts shall assist the Board in carrying out section 5(a) of this Act. Members of the Advisory Committee on the Arts shall serve without compensation, but each member of such Committee shall be reimbursed for travel, subsistence, and other necessary expenses incurred by him in connection with the work of such Committee.

#### JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

SEC. 3. The Board shall construct for the Smithsonian Institution, with funds raised by voluntary contributions, a building to be designated as the John F. Kennedy Center for the Performing Arts on a site in the District of Columbia bounded by the Inner Loop Freeway on the east, the Theodore Roosevelt Bridge approaches on the south, Rock Creek Parkway on the west, New Hampshire Avenue and F Street on the north, which shall be selected for such purpose by the National Capital Planning Commission. The National Capital Planning Commission shall acquire by purchase, condemnation, or otherwise, lands necessary to provide for the John F. Kennedy Center for the Performing Arts and related facilities. Such building shall be in accordance with plans and specifications approved by the Commission of Fine Arts.

#### DUTIES OF THE BOARD

SEC. 4. The Board shall—

- (1) present classical and contemporary music, opera, drama, dance, and poetry from this and other countries,
- (2) present lectures and other programs,
- (3) develop programs for children and youth and the elderly (and for other age groups as well) in such arts designed specifically for their participation, education, and recreation,
- (4) provide facilities for other civic activities at the John F. Kennedy Center for the Performing Arts,
- (5) provide within the John F. Kennedy Center for the Performing Arts a suitable memorial in honor of the late President.

#### POWERS OF THE BOARD

SEC. 5. (a) The Board is authorized to solicit and accept for the Smithsonian Institution and to hold and administer gifts, bequests, or devises of money, securities or other property of whatsoever character for the benefit of the John F. Kennedy Center for the Performing Arts. Unless otherwise restricted by the terms of the gift, bequest, or devise, the Board is authorized to sell or exchange and to invest or reinvest in such investments as it may determine from time to time the moneys, securities, or other property composing trust funds given, bequeathed, or devised to or for the benefit of the John F. Kennedy Center of the Performing Arts. The income as and when collected shall be placed in such depositories as the Board shall determine and shall be subject to expenditure by the Board.

(b) The Board shall appoint and fix the compensation and duties of a director, an assistant director, and a secretary of the John F. Kennedy Center for the Performing Arts and of such other officers and employees of the John F. Kennedy Center for the Performing Arts as may be necessary for the efficient administration of the functions of the Board. The director, assistant director, and secretary shall be well qualified by experience and training to perform the duties of their office.



(c) The actions of the Board, including any payment made or directed to be made by it from any trust funds, shall not be subject to review by any officer or agency other than a court of law.

#### ADMINISTRATION

SEC. 6. (a) The Board is authorized to adopt an official seal which shall be judicially noticed and to make such bylaws, rules, and regulations, as it deems necessary for the administration of its functions under this Act, including, among other matters, bylaws, rules, and regulations relating to the administration of its trust funds and the organization and procedure of the Board. The Board may function notwithstanding vacancies and twelve members of the Board shall constitute a quorum for the transaction of business.

(b) The Board shall have all the usual powers and obligations of a trustee in respect of all trust funds administered by it.

(c) The Board shall submit to the Smithsonian Institution and to Congress an annual report of its operations under this Act, including a detailed statement of all public and private moneys received and disbursed by it.

(d) The Board shall transmit to Congress a detailed report of any memorial which it proposes to provide within the John F. Kennedy Center for the Performing Arts under authority of paragraph (5) of section 4 of this Act, and no such memorial shall be provided until the Board of Regents of the Smithsonian Institution shall have approved such memorial.

(e) The Secretary of the Interior, acting through the National Park Service, shall provide maintenance, security, information, interpretation, janitorial and all other services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts. There is hereby authorized to be appropriated for the fiscal year ending June 30, 1973, to the Secretary of the Interior such sums as may be necessary for carrying out this subsection.

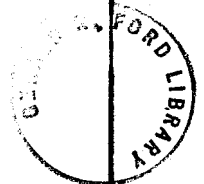
#### TERMINATION

SEC. 7. (a) This Act shall cease to be effective, and all offices created by this Act and all appointments made under this Act shall terminate, if the Board of Regents of the Smithsonian Institution does not find that sufficient funds to construct the John F. Kennedy Center for the Performing Arts have been received by the Trustees of the John F. Kennedy Center for the Performing Arts within eight years after the date of enactment of this Act.

(b) If the offices of Trustees of the John F. Kennedy Center for the Performing Arts terminate under the provisions of subsection (a), all funds and property (real and personal) accepted by the Trustees of the John F. Kennedy Center for the Performing Arts under section 5(a), and income therefrom, shall vest in the Board of Regents of the Smithsonian Institution and shall be used by the Board of Regents of the Smithsonian Institution to carry out the purposes of the Act entitled "An Act to provide for the transfer of the Civil Service Commission Building in the District of Columbia to the Smithsonian Institution to house certain art collections of the Smithsonian Institution," approved March 28, 1958, and for the acquisition of works of art to be housed in the building referred to in such Act; except that such funds or property, and the income therefrom, shall vest in an organization designated by the donor of such funds or property at the time of the making of the donation thereof, if, at such time, such organization described in section 501(c)(3) of the Internal Revenue Code of 1954 and is exempt under section 501(a) of such Code, and if, at such time, a contribution, bequest, legacy, devise, or transfer to such organization is deductible under section 170, 2055, or 2106 of such Code.

#### APPROPRIATIONS

SEC. 8. (a) There is hereby authorized to be appropriated to the Board for use in accordance with this Act, amounts which in the aggregate will equal gifts, bequests;



## JOHN F. KENNEDY CENTER ACT

and devises of money, securities, and other property, held by the Board under this Act, except that not to exceed \$ 23,000,000 shall be appropriated pursuant to this section.

(b) There is hereby authorized to be appropriated to the Board not to exceed \$1,500,000 for the fiscal year ending June 30, 1972, for the public costs of maintaining and operating the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts.

## BORROWING AUTHORITY

SEC. 9. To finance necessary parking facilities for the Center, the Board may issue revenue bonds to the Secretary of the Treasury payable from revenues accruing to the Board. The total face value of all bonds so issued shall not be greater than \$20,400,000. The interest payments on such bonds may be deferred with the approval of the Secretary of the Treasury but any interest payments so deferred shall themselves bear interest after June 30, 1972. Deferred interest may not be charged against the debt limitation of \$20,400,000. Such obligations shall have maturities agreed upon by the Board and the Secretary of the Treasury but not in excess of fifty years. Such obligations may be redeemable at the option of the Board before maturity in such manner as may be stipulated in such obligations, but the obligations thus redeemed shall not be refinanced by the Board. Each such obligation shall bear interest at a rate determined by the Secretary of the Treasury taking into consideration the current average rate on current marketable obligations of the United States of comparable maturities as of the last day of the month preceding the issuance of the obligations of the Board. The Secretary of the Treasury is authorized and directed to purchase any obligations of the Board to be issued under this section and for such purpose the Secretary of the Treasury is authorized to use as a public debt transaction the proceeds from the sale of any securities issued under the Second Liberty Bond Act, as amended, and the purposes for which securities may be issued under the Second Liberty Bond Act, as amended, are extended to include any purchases of the Board's obligations under this section.

## GIFTS TO UNITED STATES

SEC. 10. The Secretary of the Treasury is authorized to accept on behalf of the United States any gift to the United States which he finds has been contributed in honor of or in memory of the late President John F. Kennedy and to pay the money to such appropriation or other accounts, including the appropriation accounts established pursuant to appropriations authorized by this Act, as in his judgment will best effectuate the intent of the donor.

## NATIONAL MEMORIAL

SEC. 11. The John F. Kennedy Center for the Performing Arts, designated by this Act, shall be the sole national memorial to the late John Fitzgerald Kennedy within the city of Washington and its environs.

NOTE.—Public Law 88-260 entitled "Joint Resolution providing for renaming the National Cultural Center as the John F. Kennedy Center for the Performing Arts, authorizing an appropriation therefor and for other purposes," approved January 23, 1964, contained the following preamble and section:

"Whereas the late John Fitzgerald Kennedy served with distinction as President of the United States, and as a Member of the Senate and House of Representatives; and

"Whereas the late John Fitzgerald Kennedy dedicated his life to the advancement of the welfare of mankind; and

"Whereas the late John Fitzgerald Kennedy was particularly devoted to the advancement of the performing arts within the United States; and

"Whereas by his untimely death this Nation and the world has suffered a great loss; and

"Whereas it is the sense of the Congress that it is only fitting and proper that a suitable monument be dedicated to the memory of this great leader; and

"Whereas the living memorial to be named in his honor by this joint resolution shall be the sole national monument to his memory within the city of Washington and its environs:

\* \* \* \* \*

"SEC. 2. In addition to the amendments made by the first section of this Act, any designation or reference to the National Cultural Center in any other law, map, regulation, document, record, or other paper of the United States shall be held to designate or refer to such Center as the John F. Kennedy Center for the Performing Arts."

*Compilation by Ralph E. Becker, General Counsel,  
John F. Kennedy Center for the Performing Arts.  
July 1, 1972.*



Public Law 93-67  
93rd Congress, S. 1759  
July 10, 1973

**An Act**

87 STAT. 161

Authorizing further appropriations to the Secretary of the Interior for services necessary to the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, and for other purposes.

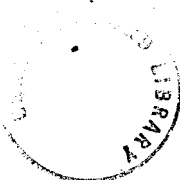
*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,* That the second sentence of subsection (e) of section 6 of the John F. Kennedy Center Act (72 Stat. 1698), as amended, is amended to read as follows: "There are hereby authorized to be appropriated for the purpose of carrying out this subsection, not to exceed \$2,400,000 for the fiscal year ending June 30, 1974, and \$2,500,000 for the fiscal year ending June 30, 1975."

John F. Kennedy  
Center for the  
Performing Arts.  
86 Stat. 222.

Approved July 10, 1973.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 93-210 accompanying H. R. 5858 (Comm. on Public Works).  
SENATE REPORT No. 93-241 (Comm. on Public Works).  
CONGRESSIONAL RECORD, Vol. 119 (1973):  
May 30, H. R. 5858 considered and passed House.  
June 27, considered and passed Senate.  
June 29, considered and passed House.



Tab B





ularly where copy of regulations was offered. *Cresap v. Pacific Inland Nav. Co.*, 1970, 478 P.2d 223, 78 Wash.2d 563.

In absence of showing of place of publication in Federal Register of provisions of handbook of public assistance administration prepared by Secretary of Health, Education and Welfare, allegedly requiring 60-day processing for permanent and total disability cases, Court of

Appeals was limited to matters pleaded and proved at hearing, to review denial of retroactive disability payments sought on ground processing of application took more than 60 days, and to state law, even if judicial notice requirement in this section extended to state courts. *Allen v. State Dept. of Public Health and Welfare, Mo.App.1972*, 479 S.W.2d 183.

§ 1508. Publication in Federal Register as notice of hearing

Supplementary Index to Notes

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Publication in the Federal Register is legally deemed notice to all interested parties. *Buckner Trucking, Inc. v. U. S.*, D.C.Tex.1973, 354 F.Supp. 1210.

CHAPTER 19.—DEPOSITORY LIBRARY PROGRAM

Sec.

1915. Highest State appellate court libraries as depository libraries.

1972 Amendment. Pub.L. 92-368, § 1(b), Aug. 10, 1972, 86 Stat. 507, added item 1915.

§ 1915. Highest State appellate court libraries as depository libraries

Upon the request of the highest appellate court of a State, the Public Printer is authorized to designate the library of that court as a depository library. The provisions of section 1911 of this title shall not apply to any library so designated.

Added Pub.L. 92-368, § 1(a), Aug. 10, 1972, 86 Stat. 507.

Legislative History. For legislative history and purpose of Pub.L. 92-368, see 1972 U.S.Code Cong. and Adm.News, p. 2919.

CHAPTER 21.—ARCHIVAL ADMINISTRATION

§ 2107. Material accepted for deposit

Index to Notes

Authority of Administrator 1  
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1. Authority of Administrator

Under this section and section 2108 of this title governing archival depository, Administrator of General Services Administration has a continuing responsibility to negotiate and take such steps for deposit and preservation of presidential historical materials so as to secure for government, as far as possible, right to have continuous and permanent possession of such materials, and, in fulfilling responsibility, he is authorized to accept papers, documents, or other historical materials (records are not mentioned but presumably intended to be included) subject to such restrictions as to availability of use as may be specified in writing by donor or depositors. *Nichols v. U. S.*, D.C.Kan.1971, 325 F.Supp. 130, affirmed 460 F.2d 671, certiorari denied 93 S.Ct. 268, 409 U.S. 966, 34 L.Ed.2d 232.

2. Production of materials

Government could justify its refusal to produce for examination items relating to assassination of President Kennedy on ground that items were in possession of Archivist Division of General Services Administration pursuant to a letter agreement with executors of the Kennedy Estate, notwithstanding claim that donor did not have full title to items, since this

section and section 2108 of this title governing archival depository do not require that items of property deposited with archivist be owned by donor if they fall within description of those things which may be deposited, and, under provisions of letter agreement, no examination of material could be permitted without permission of a Kennedy family representative. *Nichols v. U. S.*, D.C.Kan.1971, 325 F.Supp. 130, affirmed 460 F.2d 671, certiorari denied 93 S.Ct. 268, 409 U.S. 966, 34 L.Ed.2d 232.

3. Depositor, status of

This section and section 2108 of this title authorizing General Services Administrator to accept historical materials of president of United States does not require that depositor of such materials be owner thereof. *Nichols v. U. S.*, C.A. Kan.1972, 460 F.2d 671, certiorari denied 93 S.Ct. 268, 409 U.S. 966, 34 L.Ed.2d 232.

4. Construction with other laws

Personal clothing worn by president at time of assassination and photographs and x-ray films taken at autopsy acquired under this section and section 2108 of this title, permitting deposit of historical materials of president and pursuant to agreement with executors of president's estate which contained restrictions on their accessibility were within exception of Freedom of Information Act, section 552 of Title 5, relating to matters exempted from disclosure by statute. *Nichols v. U. S.*, C.A.Kan.1972, 460 F.2d 671, certiorari denied 93 S.Ct. 268, 409 U.S. 966, 34 L.Ed.2d 232.

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## § 2108. Presidential archival depository

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## 1. Proceedings

Proceedings taken by government for purpose of acquiring and preserving certain items of evidence pertaining to assassination of President Kennedy were valid. *Nichols v. U. S.*, D.C.Kan.1971, 325 F.Supp. 130, affirmed 460 F.2d 671, certiorari denied 93 S.Ct. 268, 409 U.S. 966, 34 L.Ed.2d 232.

## 2. Production of materials

Fact that various materials pertaining to assassination of President Kennedy were deposited with Archivist Division of General Services Administration in April of 1963, while letter agreement with Kennedy family placing restrictions on use of materials was not entered into until October of 1966, was of no significance in determining whether materials could be produced for inspection on request. *Nichols v. U. S.*, D.C.Kan.1971, 325 F.Supp. 130, affirmed 460 F.2d 671, certiorari denied 93 S.Ct. 268, 409 U.S. 966, 34 L.Ed.2d 232.

Government could justify its refusal to produce for examination items relating to assassination of President Kennedy on ground that items were in possession of Archivist Division of General Services

Administration pursuant to a letter agreement with executors of the Kennedy Estate, notwithstanding claim that donor did not have full title to items, since this section and section 2107 of this title governing archival depository do not require that items of property deposited with archivist be owned by donor if they fall within description of those things which may be deposited, and, under provisions of letter agreement, no examination of material could be permitted without permission of a Kennedy family representative *Id.*

## 3. Authority of Administrator

Under this section and section 2107 of this title governing archival depository, Administrator of General Services Administration has a continuing responsibility to negotiate and take such steps for deposit and preservation of presidential historical materials so as to secure for government, as far as possible, right to have continuous and permanent possession of such materials, and, in fulfilling responsibility, he is authorized to accept papers, documents, or other historical materials (records are not mentioned but presumably intended to be included) subject to such restrictions as to availability of use as may be specified in writing by donor or depositors. *Nichols v. U. S.*, D.C.Kan.1971, 325 F.Supp. 130, affirmed 460 F.2d 671, certiorari denied 93 S.Ct. 268, 409 U.S. 966, 34 L.Ed.2d 232.

## CHAPTER 25.—NATIONAL HISTORICAL PUBLICATIONS COMMISSION

## § 2501. Creation; composition; appointment and tenure

The National Historical Publications Commission shall consist of the Archivist of the United States (or an alternate designated by him), who shall be Chairman; the Librarian of Congress (or an alternate designated by him); one Senator to be appointed, for a term of four years, by the President of the Senate; one Representative to be appointed, for a term of two years, by the Speaker of the House of Representatives; one member of the judicial branch of the Government to be appointed, for a term of four years, by the Chief Justice of the United States; one representative of the Department of State to be appointed, for a term of four years, by the Secretary of State; one representative of the Department of Defense to be appointed, for a term of four years, by the Secretary of Defense; two members of the American Historical Association to be appointed for terms of four years by the council of the Association; two members of the Organization of American Historians to be appointed for terms of four years by the Executive Board of the Organization, one of whom shall be appointed for an initial term of two years, and whose successors shall each serve four years; and two other members outstanding in the fields of the social or physical sciences to be appointed for terms of four years by the President of the United States.

The Commission shall meet annually and on call of the Chairman.

The authority of the Administrator of General Services under section 754 of title 40 to regroup, transfer, and distribute functions within the General Services Administration does not extend to the Commission or its functions.

As amended Pub.L. 92-546, § 1(a), Oct. 25, 1972, 86 Stat. 1155.

1972 Amendment. Pub.L. 92-546 provided for two additional members of the Organization of American Historians to be appointed for terms of four years by the Executive Board of the Organization, one to be appointed for a term of two

years and his successors for a term of four years.

Legislative History. For legislative history and purpose of Pub.L. 92-546, see 1972 U.S.Code Cong. and Adm.News, p. 4462.

## § 2503. Executive director; appointment of members for transportation

The Commission may appoint, 5, an executive director and such mines to be necessary. Member branch or agency of the Government mission without additional compensation shall be reimbursed for traveling meetings of the Commission represent a branch or agency of shall receive instead of subsistence service, for each day actually spent of their duties as members of the as the Commission prescribes.

As amended Pub.L. 92-546, § 1(c)

1972 Amendment. Pub.L. 92-546 substituted daily allowance of \$40 for \$25.

## § 2504. Duties; authorization and publication of documentary history

(a) The Commission shall make for historical works and collection for printing or otherwise recording operate with and encourage appropriate and nongovernmental institutions, and preserving and, when it considers the papers of outstanding citizens as may be important for the history of the United States. The within the limits of available appropriations to Federal agencies, and grant non-profit organizations and institutions serving and compiling, and publishing forms of reproduction) of documents of the United States. Before making a contract should seek the advice and approval of the National Historical Publications Commission.

(b) There is hereby authorized the Commission to make appropriations Administration for the fiscal year of the four succeeding fiscal years each year for the purposes specified *Provided*, That such appropriations so provided in appropriation Acts.

As amended Pub.L. 92-546, § 1(c), 1972 Amendment. Pub.L. 92-546 designated existing provisions as subsec. (a) and added subsec. (b).

Authorization of Appropriations. Section 503(f) of Act June 30, 1949, c. 283 Title V, as added July 28, 1964, Pub.L. 88-383, 78 Stat. 335, and amended Aug. 1, 1968, Pub.L. 90-461, 82 Stat. 638 which authorized appropriation to the General Services Administration for the fiscal



## CHAPTER 21—ARCHIVAL ADMINISTRATION

Sec.

- 2101. Definitions.
- 2102. Archivist of the United States.
- 2103. Acceptance of records for historical preservation.
- 2104. Responsibility for custody, use, and withdrawal of records.
- 2105. Preservation, arrangement, duplication, exhibition of records.
- 2106. Servicing records.
- 2107. Material accepted for deposit.
- 2108. Presidential archival depository.
- 2109. Depository for agreements between States.
- 2110. Preservation of motion-picture films, still pictures, and sound recordings.
- 2111. Reports; correction of violations.
- 2112. Legal status of reproductions; official seal; fees for copies and reproductions.
- 2113. Limitation on liability.
- 2114. Records of Congress.

### Cross References

- Accounting systems, forms, and procedures: authority of Comptroller General; settlement of accounts of collecting and disbursing officers with General Accounting Office, responsibility for, see section 3107 of this title.
- Exemptions from provisions of this chapter, see section 474 of Title 40, Public Buildings, Property, and Works.
- Federal agency management program to provide for compliance with this chapter and regulations thereunder, see section 3102 of this title.
- Federal Records Council, consultation of Administrator of General Services with Council with view of obtaining advice and assistance in carrying out the purposes of this chapter, see section 2701 of this title.
- Legal status of reproductions made under regulations to carry out this chapter, see section 2112 of this title.
- Reports from Federal agencies on their activities under this chapter, authority of Administrator of General Services to obtain; correction of violations, see section 2111 of this title.

### § 2101. Definitions

As used in sections 2103–2113 of this title—

“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 papers or to the events of his official or personal life;

“historical materials” including books, correspondence, documents, papers, pamphlets, works of art, models, pictures, photo-



graphs, plats, maps, films, motion pictures, sound recordings, and other objects or materials having historical or commemorative value. Pub.L. 90-620, Oct. 22, 1968, 82 Stat. 1287.

**Historical and Revision Notes**

**Reviser's Note.** Based on 44 U.S.Code, 1964 ed., § 397(j) (June 30, 1949, ch. 283, 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, 1953, ch. 329, 69 Stat. 297; Aug. 12, 1953, ch. 850, 69 Stat. 695; July 3, 1958, 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).

**Legislative History.** For legislative history and purpose of Pub.L. 90-620, see 1968 U.S.Code Cong. and Adm.News, p. 4438.

**Cross References**

Definitions applicable to provisions of Federal Property and Administrative Services Act of 1949, see section 472 of Title 40, Public Buildings, Property, and Works. Definitions used in provisions respecting records management by Administrator of General Services to have same meaning when used in this chapter, see section 2901 of this title.

**§ 2102. Archivist of the United States**

The Administrator of General Services shall appoint the Archivist of the United States.

Pub.L. 90-620, Oct. 22, 1968, 82 Stat. 1287.

**Historical and Revision Notes**

**Reviser's Note.** Based on 44 U.S.Code, 1961 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.

**Legislative History.** For legislative history and purpose of Pub.L. 90-620, see 1968 U.S.Code Cong. and Adm.News, p. 4438.

**Cross References**

Compensation, see section 5316(21) of Title 5, Government Organization and Employees.

**§ 2103. Acceptance of records for historical preservation**

When it appears to the Administrator of General Services to be in the public interest, he may—

(1) accept for deposit with the National Archives of the United States the records of a Federal agency or of the Congress determined by the Archivist of the United States to have sufficient historical or other value to warrant their continued preservation by the United States Government;

(2) direct and effect the transfer to the National Archives of the United States of records of a Federal agency that have

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been in existence for more than fifty years and determined by the Archivist of the United States to have sufficient historical or other value to warrant their continued preservation by the United States Government, unless the head of the agency which has custody of them certifies in writing to the Administrator that they must be retained in his custody for use in the conduct of the regular current business of the agency;

(3) direct and effect, with the approval of the head of the originating agency, or if the existence of the agency has been terminated, then with the approval of his successor in function, if any, the transfer of records deposited or approved for deposit with the National Archives of the United States to public or educational institutions or associations; title to the records to remain vested in the United States unless otherwise authorized by Congress; and

(4) transfer materials from private sources authorized to be received by the Administrator by section 3106 of this title. Pub.L. 90-620, Oct. 22, 1968, 82 Stat. 1287.

Historical and Revision Notes

Reviser's Note. Based on 41 U.S.Code, 1964 ed., § 307(a) (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. 504; July 12, 1955, ch. 329, 69 Stat. 297; Aug. 12, 1955, ch. 859, 69 Stat. 695;

July 3, 1956, ch. 513, § 4, 70 Stat. 491; June 13, 1957, Pub.L. 85-51, 71 Stat. 69).

Legislative History. For legislative history and purpose of Pub.L. 90-620, see 1968 U.S.Code Cong. and Adm.News, p. 4438.

Library References

Records 13.

C.J.S. Records §§ 34, 40.

§ 2104. Responsibility for custody, use, and withdrawal of records

The Administrator of General Services shall be responsible for the custody, use, and withdrawal of records transferred to him. When records, the use of which is subject to statutory limitations and restrictions, are so transferred, permissive and restrictive statutory provisions with respect to the examination and use of records applicable to the head of the agency from which the records were transferred or to employees of that agency are applicable to the Administrator, the Archivist of the United States, and to the employees of the General Services Administration, respectively. When the head of an agency states in writing restrictions that appear to him to be necessary or desirable in the public interest on the use or examination of records being considered for transfer



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from his custody to the Administrator, the Administrator shall impose the restrictions on the records so transferred, and may not remove or relax the restrictions without the concurrence in writing of the head of the agency from which the material was transferred, or of his successor in function, if any. Statutory and other restrictions referred to in this section shall remain in force until the records have been in existence for fifty years unless the Administrator by order determines as to specific bodies of records that the restrictions shall remain in force for a longer period. Restriction on the use or examination of records deposited with the National Archives of the United States imposed by section 3 of the National Archives Act, approved June 19, 1934, shall continue in force regardless of the expiration of the tenure of office of the official who imposed them but may be removed or relaxed by the Administrator with the concurrence in writing of the head of the agency from which material was transferred or of his successor in function, if any.

Pub.L. 90-620, Oct. 22, 1968, 82 Stat. 1288.

Historical and Revision Notes

Reviser's Note. Based on 41 U.S.Code, 1964 ed., § 307(b) (June 30, 1949, ch. 288, title V, § 507, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583).

References in Text. Section 3 of the National Archives Act, approved June 19, 1934, referred to in the text, was classified to former section 300c of Title 44, Public Printing and Documents, and

was repealed by Act June 30, 1949, c. 288, title VI, § 602(a) (32), renumbered and added Sept. 5, 1950, c. 849, § 7(d), 64 Stat. 590. The subject matter is now covered by this section.

Legislative History. For legislative history and purpose of Pub.L. 90-620, see 1968 U.S.Code Cong. and Adm.News, p. 4438.

Notes of Decisions

1. Census records

The Archivist of the United States was legally bound to observe the various provisions of the census laws governing the confidential treatment of census

records with respect to those census records which were transferred into his custody pursuant to former section 300c of this title [now this section]. 1944, 40 Op.Atty.Gen. 326.

§ 2105. Preservation, arrangement, duplication, exhibition of records

The Administrator of General Services shall provide for the preservation, arrangement, repair and rehabilitation, duplication and reproduction (including microcopy publications), description, and exhibition of records or other documentary material transferred to him as may be needful or appropriate, including the preparation and publication of inventories, indexes, catalogs, and other finding aids or guides to facilitate their use. He may also prepare guides and other finding aids to Federal records and, when approved by

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Reviser's Note 1964 ed., § 307 title V, § 507 849, § 6(d), ch. 703, § 1(o)

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WHEREAS displays so pr erwise created ments and a significance w ervation and archival and United States:

NOW, THERE authority vested



the National Historical Publications Commission, publish such historical works and collections of sources as seem appropriate for printing or otherwise recording at the public expense.

Pub.L. 90-620, Oct. 22, 1968, 82 Stat. 1288.

Historical and Revision Notes

Reviser's Note. Based on 41 U.S.Code, 1964 ed., § 307(c) (June 30, 1949, ch. 283, title V, § 507, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583; July 12, 1952, ch. 703, § 1(o), 66 Stat. 594).

Legislative History. For legislative history and purpose of Pub.L. 90-620, see 1968 U.S.Code Cong. and Adm.News, p. 4433.

EXECUTIVE ORDER NO. 11440

Dec. 11, 1968, 33 F.R. 18475

SUPPLEMENTAL USE OF EXHIBITS AND DISPLAYS-CREATED IN FURTHER-ANCE OF AUTHORIZED PROGRAMS OF EXECUTIVE DEPARTMENTS AND AGENCIES

WHEREAS the executive departments and agencies of the Government, in discharging their various responsibilities, create a large volume of materials (including books, correspondence, documents, papers, pamphlets, works of art, models, pictures, photographs, plats, maps, films, motion pictures, sound recordings, and other objects of historical or commemorative value) which from time to time are incorporated into or reproduced for use in exhibits or other types of visual displays needed for use in carrying out their programs; and

United States, it is hereby ordered as follows:

Section 1. The heads of all executive departments and agencies are directed— (a) when initiating plans for the preparation, production, or other creation of exhibits and displays in furtherance of their program missions, to confer with the Administrator of General Services, or his designee, for the purpose of assuring that any such exhibits or displays which the Administrator finds appropriate for supplemental exhibition as part of the archival and cultural heritage of the United States are prepared, produced, or otherwise created in a manner which assures, to the maximum possible extent, their appropriateness, after they have served their primary program purpose, for such supplemental exhibition, and

(b) to transfer to the Administrator, without reimbursement, such exhibits or displays as he determines are appropriate for such supplemental exhibition after they have served their primary program purpose, subject to such conditions requiring return to the department or agency of all or any of the materials incorporated in the exhibits or displays as may be mutually agreeable.

Sec. 2. The Administrator of General Services is directed to—

(a) provide advice, counsel, and assistance to the heads of executive departments and agencies in the preparation, production, or other creation of exhibits and displays which he finds will have future value for exhibition as part

WHEREAS under Chapter 21 of Title 44, United States Code [this chapter], the Administrator of General Services is authorized to accept for deposit in the National Archives of the United States the records of any Federal agency or of the Congress of the United States that are determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government, as well as the papers and other historical materials of any official or former official of the Government, and to make provisions for the exhibition of materials transferred to him; and

WHEREAS many of the exhibits and displays so prepared, produced, or otherwise created by the executive departments and agencies possess historical significance which warrants their preservation and exhibition as part of the archival and cultural heritage of the United States:

NOW, THEREFORE, by virtue of the authority vested in me as President of the



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of the archival and cultural heritage of the United States; and

(b) accept any such exhibit or display when it has served its primary program purpose and (1) arrange for its supplemental exhibition as appropriate, (2) preserve any such exhibit or display which possesses sufficient historical or other value to warrant continued preser-

vation, or (3) dispose of any such exhibit or display when, in his judgment, the reasons for its continued preservation or exhibition cease to exist, all subject to the conditions agreed upon incident to transfer to the Administrator of General Services of the exhibit or display.

LYNDON B. JOHNSON

§ 2106. Servicing records

The Administrator of General Services shall provide and maintain facilities he considers necessary or desirable for servicing records in his custody that are not exempt from examination by statutory or other restrictions.

Pub.L. 90-620, Oct. 22, 1968, 82 Stat. 1288.

Historical and Revision Notes

Reviser's Note. Based on 44 U.S.Code, 1964 ed., § 307(d) (June 30, 1949, ch. 288, title V, § 507, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583).

Legislative History. For legislative history and purpose of Pub.L. 90-620, see 1968 U.S.Code Cong. and Adm.News, p. 4438.

§ 2107. Material accepted for deposit

When the Administrator of General Services considers it to be in the public interest he may accept for deposit—

(1) the papers and other historical materials of a President or former President of the United States, or other official or former official of the Government, and other papers relating to and contemporary with a President or former President of the United States, subject to restrictions agreeable to the Administrator as to their use; and

(2) documents, including motion-picture films, still pictures, and sound recordings, from private sources that are appropriate for preservation by the Government as evidence of its organization, functions, policies, decisions, procedures, and transactions.

Pub.L. 90-620, Oct. 22, 1968, 82 Stat. 1288.

Historical and Revision Notes

Reviser's Note. Based on 44 U.S.Code, 1964 ed., § 307(e) (June 30, 1949, ch. 288, title V, § 507, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583; July 12, 1952, ch. 703, § 1(p), 68 Stat. 594; July 12, 1955, ch. 320, 69 Stat. 207; Aug. 12, 1955, ch. 850, 69 Stat. 695).

Legislative History. For legislative history and purpose of Pub.L. 90-620, see 1968 U.S.Code Cong. and Adm.News, p. 4438.



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§ 2108. Presidential archival depository

(a) When the Administrator of General Services considers it to be in the public interest he may accept, for and in the name of the United States, land, buildings, and equipment offered as a gift to the United States for the purposes of creating a Presidential archival depository, and take title to the land, buildings, and equipment on behalf of the United States, and maintain, operate, and protect them as a Presidential archival depository, and as part of the national archives system; and make agreements, upon terms and conditions he considers proper, with a State, political subdivision, university, institution of higher learning, institute, or foundation to use as a Presidential archival depository land, buildings, and equipment of the State, subdivision, university, or other organization, to be made available by it without transfer of title to the United States, and maintain, operate, and protect the depository as a part of the national archives system.

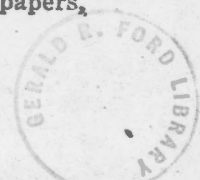
The Administrator shall submit a report in writing on a proposed Presidential archival depository to the President of the Senate and the Speaker of the House of Representatives, and include—

- a description of the land, buildings, and equipment offered as a gift or to be made available without transfer of title;
- a statement of the terms of the proposed agreement, if any;
- a general description of the types of papers, documents, or other historical materials proposed to be deposited in the Presidential archival depository so to be created, and of the terms of the proposed deposit;
- a statement of the additional improvements and equipment, if any, necessary to the satisfactory operation of the depository, together with an estimate of the cost; and
- an estimate of the annual cost to the United States of maintaining, operating, and protecting the depository.

The Administrator may not take title to land, buildings, and equipment or make an agreement, until the expiration of the first period of 60 calendar days of continuous session of the Congress following the date on which the report is transmitted, computed as follows:

Continuity of session is broken only by an adjournment sine die, but the days on which either House is not in session because of an adjournment of more than three days to a day certain are excluded.

(b) When the Administrator considers it to be in the public interest, he may deposit in a Presidential archival depository papers,



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documents, or other historical materials accepted under section 3106 of this title, or Federal records appropriate for preservation.

(c) When the Administrator considers it to be in the public interest, he may exercise, with respect to papers, documents, or other historical materials deposited under this section, or otherwise, in a Presidential archival depository, all the functions and responsibilities otherwise vested in him pertaining to Federal records or other documentary materials in his custody or under his control. The Administrator, in negotiating for the deposit of Presidential historical materials, shall take steps to secure to the Government, as far as possible, the right to have continuous and permanent possession of the materials. Papers, documents, or other historical materials accepted and deposited under section 3106 of this title and this section are subject to restrictions as to their availability and use stated in writing by the donors or depositors, including the restriction that they shall be kept in a Presidential archival depository. The restrictions shall be respected for the period stated, or until revoked or terminated by the donors or depositors or by persons legally qualified to act on their behalf. Subject to the restrictions, the Administrator may dispose by sale, exchange, or otherwise, of papers, documents, or other materials which the Archivist determines to have no permanent value or historical interest or to be surplus to the needs of a Presidential archival depository.

(d) When the Administrator considers it to be in the public interest, he may cooperate with and assist a university, institution of higher learning, institute, foundation, or other organization or qualified individual to further or to conduct study or research in historical materials deposited in a Presidential archival depository.

(e) When the Administrator considers it to be in the public interest, he may charge and collect reasonable fees for the privilege of visiting and viewing exhibit rooms or museum space in a Presidential archival depository.

(f) When the Administrator considers it to be in the public interest, he may provide reasonable office space in a Presidential archival depository for the personal use of a former President of the United States.

(g) When the Administrator considers it to be in the public interest, he may accept gifts or bequests of money or other property for the purpose of maintaining, operating, protecting, or improving a Presidential archival depository. The proceeds of gifts or bequests, together with the proceeds from fees or from sales of historical materials, copies or reproductions, catalogs, or other items, having to do with a Presidential archival depository, shall be paid into the

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National Archives Trust Fund to be held, administered, and expended for the benefit and in the interest of the Presidential archival depository in connection with which they were received, including administrative and custodial expenses as the Administrator determines.

Pub.L. 90-620, Oct. 22, 1968, 82 Stat. 1289.

#### Historical and Revision Notes

**Reviser's Note.** Based on 44 U.S.Code, 1964 ed., § 397(f) (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, 1953, ch. 320, 69 Stat. 297; Aug. 12, 1955, ch. 839, 69 Stat. 695).

**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."

**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."

**Legislative History.** For legislative history and purpose of Pub.L. 90-620, see 1968 U.S.Code Cong. and Adm.News, p. 4438.

#### Library References

Records  $\hookrightarrow$  13.

C.J.S. Records §§ 34, 40.

### § 2109. Depository for agreements between States

The Administrator of General Services may receive duplicate originals or authenticated copies of agreements or compacts entered



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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.

Historical and Revision Notes

Reviser's Note. 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, 1953, 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).

Legislative History. For legislative history and purpose of Pub.L. 90-620, see 1968 U.S.Code Cong. and Adm.News, p. 4438.

§ 2110. Preservation of motion-picture films, still pictures, and sound recordings

The Administrator of General Services may make and preserve motion-picture films, still pictures, and sound recordings pertaining to and illustrative of the historical development of the United States Government and its activities, and provide for preparing, editing, titling, scoring, processing, duplicating, reproducing, exhibiting, and releasing for non-profit educational purposes, motion-picture films, still pictures, and sound recordings in his custody.

Pub.L. 90-620, Oct. 22, 1968, 82 Stat. 1290.

Historical and Revision Notes

Reviser's Note. 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, 1953, 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).

Legislative History. For legislative history and purpose of Pub.L. 90-620, see 1968 U.S.Code Cong. and Adm.News, p. 4438.

Cross References

Secretary of Agriculture—

Loan, rental, or sale of films, see section 2246 of Title 7, Agriculture.

Sale of photographic prints and maps, see section 2243 of Title 7.

Sale of prints and lantern slides, see section 2245 of Title 7.

Secretary of Health, Education, and Welfare, establishment of loan service of captioned films and educational media for handicapped, see section 2491 et seq. of Title 42, The Public Health and Welfare.

§ 2111. Reports; correction of violations

(a) When the Administrator of General Services considers it necessary, he may obtain reports from Federal agencies on their activities under chapters 21, 25, 27, 29, 31, and 33 of this title.

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(b) When the Administrator finds that a provision of chapter 21, 25, 27, 29, or 31 of this title has been or is being violated, he shall inform in writing the head of the agency concerned of the violation and make recommendations for its correction. Unless corrective measures satisfactory to the Administrator are inaugurated within a reasonable time, the Administrator shall submit a written report of the matter to the President and the Congress.

Pub.L. 90-620, Oct. 22, 1968, 82 Stat. 1290.

#### Historical and Revision Notes

**Reviser's Note.** Based on 41 U.S.Code, 1964 ed., § 308 (June 30, 1949, ch. 288, title V, § 508, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583).

**Legislative History.** For legislative history and purpose of Pub.L. 90-620, see 1968 U.S.Code Cong. and Adm.News, p. 4438.

#### Library References

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C.J.S. Records §§ 34, 40.

### § 2112. 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, or other processes, in accordance with standards established by the Administrator of General Services the indefinite retention by the photographic, microphotographic, 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, and 31 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 Administrator, the copy or reproduction shall be admitted in evidence equally with the original from which it was made.

(c) The Administrator may charge a fee not in excess of 10 percent above the costs or expenses for making or authenticating copies or reproductions of materials transferred to his custody. Fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund. He may not charge for making or authenticating copies or reproductions of materials for official use by the United States Government. Reimbursement may be accepted to cover the cost of furnishing copies or reproductions that could not otherwise be furnished.

Pub.L. 90-620, Oct. 22, 1968, 82 Stat. 1291.



Historical and Revision Notes

Reviser's Note. Based on 41 U.S.Code, 1964 ed., § 399 (June 30, 1949, ch. 288, title V, § 500, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583).

Legislative History. For legislative history and purpose of Pub.L. 90-620, see 1968 U.S.Code Cong. and Adm.News, p. 4438.

§ 2113. Limitation on liability

When letters and other intellectual productions, exclusive of material copyrighted or patented, come into the custody or possession of the Administrator of General Services, the United States or its agents are not liable for infringement of literary property rights or analogous rights arising out of use of the materials for display, inspection, research, reproduction, or other purposes,

Pub.L. 90-620, Oct. 22, 1968, 82 Stat. 1291.

Historical and Revision Notes

Reviser's Note. Based on 41 U.S.Code, 1964 ed., § 400 (June 30, 1949, ch. 288, title V, § 510, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583).

Legislative History. For legislative history and purpose of Pub.L. 90-620, see 1968 U.S.Code Cong. and Adm.News, p. 4438.

Library References

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C.J.S. United States § 118.

§ 2114. Records of Congress

The Secretary of the Senate and the Clerk of the House of Representatives, acting jointly, shall obtain at the close of each Congress all the noncurrent records of the Congress and of each congressional committee and transfer them to the General Services Administration for preservation, subject to the orders of the Senate or the House of Representatives, respectively.

Pub.L. 90-620, Oct. 22, 1968, 82 Stat. 1291.

Historical and Revision Notes

Reviser's Note. Based on 41 U.S.Code, 1964 ed., § 402 (Aug. 2, 1946, ch. 753, title I, § 140, 60 Stat. 833).

Legislative History. For legislative history and purpose of Pub.L. 90-620, see 1968 U.S.Code Cong. and Adm.News, p. 4438.

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Pub.L. 90-620, Oct. 22, 1968, 82 Stat. 1289.

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**Legislative History.** For legislative history and purpose of Pub.L. 90-620, see 1968 U.S.Code Cong. and Adm.News, p. 4433.

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