executive agencies to conduct records management studies with respect to establishing systems and techniques designed to save time and effort in records management;

(7) to conduct inspections or surveys of the records and the records management programs and practices within and between Federal agencies;

(8) to report to the appropriate oversight and appropriations committees of the Congress and to the Director of the Office of Management and Budget in January of each year and at such other times as the Archivist or the Administrator (as the case may be) deems desirable—

(A) on the results of activities conducted pursuant to paragraphs (1) through (7) of this section,

(B) on evaluations of responses by Federal agencies to any recommendations resulting from inspections or studies conducted under paragraphs (6) and (7) of this section, and

(C) to the extent practicable, estimates of costs to the Federal Government resulting from the failure of agencies to implement such recommendations.

(d) In addition, the Administrator, in carrying out subsection (b), shall have the responsibility to promote economy and efficiency in the selection and utilization of space, staff, equipment, and supplies for records management.


PRIOR PROVISIONS

A prior section 2904, Pub. L. 90–620, Oct. 22, 1968, 82 Stat. 1296, contained provisions similar to those comprising pars. (1) and (2) of this section, prior to repeal by Pub. L. 94–575, § 2(a)(2).

Provisions similar to those comprising pars. (6) to (10) of this section were contained in section 2902, Pub. L. 90–620, Oct. 22, 1968, 82 Stat. 1296, prior to repeal by Pub. L. 94–575, § 2(a)(1).

AMENDMENTS


Subsec. (a). Pub. L. 98–497 designated existing first sentence as subsec. (a) and substituted “Archivist” for “Administrator” and “ensuring adequate and proper documentation of the policies and transactions of the Federal Government and ensuring proper records disposition” for “records creation, records maintenance and, and records disposition”.


Subsec. (c). Pub. L. 98–497 designated existing second sentence as subsec. (c), substituted “In carrying out the responsibilities under subsection (a) or (b), respectively” for “In providing such guidance and assistance,”, and inserted reference to Archivist in text preceding par. (1).

Subsec. (c)(1). Pub. L. 98–497 redesignated par. (2) as (1), provisions contained in former par. (1) are now contained substantially in subsec. (d).

Subsec. (c)(2). Pub. L. 98–497 redesignated par. (3) as (2), former par. (2) redesignated (1).

Subsec. (c)(3). Pub. L. 98–497 redesignated par. (6) as (3) and inserted “to collect and,” “training programs”, and “other activities”, former par. (3) redesignated (2).

Subsec. (c)(4). Pub. L. 98–497 redesignated par. (5) as (4), former par. (4), which read “serve as a clearinghouse for information with respect to records management and as a central source for reference and training materials with respect to records management”, was struck out.

Subsec. (c)(5). Pub. L. 98–497 redesignated par. (7) as (5) and struck out “and the burden placed on the Federal Government by unnecessary paperwork” after “Congress on,” “creation” before “maintenance”, and “and use, and disposition” after “maintenance”. Former par. (5) redesignated (4).

Subsec. (c)(6). Pub. L. 98–497 redesignated par. (8) as (6) and struck out “with particular attention given to standards and procedures governing records creation” at end. Former par. (6) redesignated (3).

Subsec. (c)(7). Pub. L. 98–497 redesignated par. (9) as (7) and substituted “surveys of the records and the records management programs and practices within and between Federal agencies” for “records management studies which involve a review of the programs and practices of more than one Federal agency and which examine interaction among and relationships between Federal agencies with respect to records and records management”. Former par. (7) redesignated (5).

Subsec. (c)(8). Pub. L. 98–497 redesignated par. (10) as (8) and inserted “in January of each year”, “the Archivist or”, and substituted “(7)” for “(9)” and “(6)” and “(7)” for “(8)” and “(9)”, respectively, in subpars. (A) and (B).

Subsec. (c)(9)(A). Pub. L. 98–497 redesignated par. (9) as (7) and added cl. (C).


Effective Date of Amendment


Effective Date of 1980 Amendment

Section 5 of Pub. L. 96–511 provided: “This Act [enacting chapter 35 of this title, amending this section, section 2905 of this title, section 5315 of Title 5, Government Organization and Employees, section 1221–3 of Title 20, Education, section 1211 of Title 30, Mineral Lands and Mining, and section 292h of Title 42, The Public Health and Welfare, and enacting provisions set out as notes under sections 1113 and 3903 of this title] shall take effect on April 1, 1981.”

Termination of Reporting Requirements

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103–7 (in which a report to appropriate oversight and appropriations committees, incorporated existing provisions in cls. (A) and (B) and added cl. (C).
fully removed and for other redress provided by law. In any case in which the head of the agency does not initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action, the Archivist shall request the Attorney General to initiate such an action, and shall notify the Congress when such a request has been made.

(b) The Archivist shall assist the Administrator for the Office of Information and Regulatory Affairs in conducting studies and developing standards relating to record retention requirements imposed on the public and on State and local governments by Federal agencies.


HISTORICAL AND REVISION NOTES


AMENDMENTS


Pub. L. 98–497, §203(a), inserted “in any case in which the head of the agency does not initiate an action for such recovery or other redress within a reasonable period of time after being notified of any such unlawful action, the Archivist shall request the Attorney General to initiate such an action, and shall notify the Congress when such a request has been made.”

Subsec. (b), Pub. L. 98–497, §107(b)(15)(B), substituted “Archivist” for “Administrator of General Services”.

1980—Pub. L. 96–511 designated existing provisions as subsec. (a) and added subsec. (b).

EFFECTIVE DATE OF 1984 AMENDMENT


EFFECTIVE DATE OF 1980 AMENDMENT


§ 2906. Inspection of agency records

(a)(1) In carrying out their respective duties and responsibilities under this chapter, the Administrator of General Services and the Archivist (or the designee of either) may inspect the records or the records management practices and programs of any Federal agency solely for the purpose of rendering recommendations for the improvement of records management practices and programs. Officers and employees of such agencies shall cooperate fully in such inspections, subject to the provisions of paragraphs (2) and (3) of this subsection.

(2) Records, the use of which is restricted by law or for reasons of national security or the public interest, shall be inspected, in accordance with regulations promulgated by the Administrator and the Archivist, subject to the approval of the head of the agency concerned or of the President. The regulations promulgated by the Administrator and the Archivist under this paragraph shall, to the extent practicable, be identical.

(3) If the Administrator or the Archivist (or the designee of either) inspects a record, as provided in this subsection, which is contained in a system of records which is subject to section 552a of title 5, such record shall be—

(A) maintained by the Administrator, the Archivist, or such designee as a record contained in a system of records; or

(B) deemed to be a record contained in a system of records for purposes of subsections (b), (c), and (i) of section 552a of title 5.

(b) In conducting the inspection of agency records provided for in subsection (a) of this section, the Administrator and the Archivist (or the designee of either) shall, in addition to complying with the provisions of law cited in subsection (a)(3), comply with all other Federal laws and be subject to the sanctions provided therein.


PRIOR PROVISIONS


AMENDMENTS

1984—Pub. L. 98–497 inserted reference to Archivist in four places in subsecs. (a) and (b) and inserted at end of subsec. (b)(2) “The regulations promulgated by the Administrator and the Archivist under this paragraph shall, to the extent practicable, be identical.”

EFFECTIVE DATE OF 1984 AMENDMENT


§ 2907. Records centers and centralized micro-filming services

The Archivist may establish, maintain, and operate records centers and centralized micro-filming services for Federal agencies.


PRIOR PROVISIONS


AMENDMENTS


EFFECTIVE DATE OF 1984 AMENDMENT


§ 2908. Regulations

Subject to applicable law, the Archivist shall promulgate regulations governing the transfer of records from the custody of one executive agency to that of another.