

subparagraph (A)(ii), and submit a report to the Congress.

(Added Pub. L. 101-509, title IV, §1(d)(1), Nov. 5, 1990, 104 Stat. 1418.)

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2704, 2706 of this title.

§ 2704. Powers of the Committee

(a) For purposes of carrying out the duties referred to under section 2703, the Committee or, on the authorization of the Committee, any subcommittee or member thereof, may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as is appropriate.

(b) The Committee may secure directly from any department or agency of the United States such information as the Committee may require to carry out the duties referred to under section 2703. Upon request of the Chairman of the Committee, the head of such department or agency shall furnish such information to the Committee.

(Added Pub. L. 101-509, title IV, §1(d)(1), Nov. 5, 1990, 104 Stat. 1418.)

§ 2705. Compensation and travel expenses

A member of the Committee may not be paid compensation for service performed as a member of the Committee. However, members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Committee.

(Added Pub. L. 101-509, title IV, §1(d)(1), Nov. 5, 1990, 104 Stat. 1418.)

§ 2706. Administrative provisions

(a) Upon request of the Committee, the head of any Federal agency is authorized to detail to the Committee, on a nonreimbursable basis, any of the personnel of such agency to assist the Committee in carrying out the duties referred to under section 2703 and such detail shall be without interruption or loss of civil service status or privilege.

(b) For purposes of supporting the Committee, the Archivist may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the minimum annual rate of basic pay payable for GS-16 of the General Schedule under section 5332 of such title.

(Added Pub. L. 101-509, title IV, §1(d)(1), Nov. 5, 1990, 104 Stat. 1418.)

REFERENCES IN OTHER LAWS TO GS-16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS-16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §101(c)(1)]

of Pub. L. 101-509, set out in a note under section 5376 of Title 5.

CHAPTER 29—RECORDS MANAGEMENT BY THE ARCHIVIST OF THE UNITED STATES AND BY THE ADMINISTRATOR OF GENERAL SERVICES

Sec.	
2901.	Definitions.
2902.	Objectives of records management.
2903.	Custody and control of property.
2904.	General responsibilities of Administrator. ¹
2905.	Establishment of standards for selective retention of records; security measures.
2906.	Inspection of agency records.
2907.	Records centers and centralized microfilming services.
2908.	Regulations.
2909.	Retention of records.
[2910.	Repealed.]

AMENDMENTS

1984—Pub. L. 98-497, title I, §107(b)(18)(A), Oct. 19, 1984, 98 Stat. 2290, inserted “THE ARCHIVIST OF THE UNITED STATES AND BY THE” in chapter heading.

1976—Pub. L. 94-575, §2(b), Oct. 21, 1976, 90 Stat. 2726, substituted “Objectives of records management” for “Records management, surveys, and reports” in item 2902, “General responsibilities of Administrator” for “Records management by Administrator; duties generally” in item 2904, “Inspection of agency records” for “Personal inspection and survey of records” in item 2906, “Records centers and centralized microfilming services” for “Records centers for storage, process, and servicing of records” in item 2907, reenacted without change items 2901, 2903, 2905, 2908, and 2909, and struck out item 2910 “Final authority of Administrator in records practices”.

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.

General Services Administration, see section 751 et seq. of Title 40, Public Buildings, Property, and Works.

Legal status of reproductions made under regulations to carry out this chapter, see section 2116 of this title.

Reports from Federal agencies on their activities under this chapter, authority of Archivist and Administrator of General Services to obtain; correction of violations, see section 2115 of this title.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2115, 2116, 3107, 3504 of this title; title 25 section 450j; title 28 section 594.

§ 2901. Definitions

As used in this chapter, and chapters 21, 25, 31, and 33 of this title—

(1) the term “records” has the meaning given it by section 3301 of this title;

(2) the term “records management” means the planning, controlling, directing, organizing, training, promoting, and other manage-

¹Section catchline amended by Pub. L. 98-497 without corresponding amendment of chapter analysis.

rial activities involved with respect to records creation, records maintenance and use, and records disposition in order to achieve adequate and proper documentation of the policies and transactions of the Federal Government and effective and economical management of agency operations;

(3) the term “records creation” means the production or reproduction of any record;

(4) the term “records maintenance and use” means any activity involving—

(A) location of records of a Federal agency;

(B) storage, retrieval, and handling of records kept at office file locations by or for a Federal agency;

(C) processing of mail by a Federal agency; or

(D) selection and utilization of equipment and supplies associated with records and copying;

(5) the term “records disposition” means any activity with respect to—

(A) disposal of temporary records no longer necessary for the conduct of business by destruction or donation;

(B) transfer of records to Federal agency storage facilities or records centers;

(C) transfer to the National Archives of the United States of records determined to have sufficient historical or other value to warrant continued preservation; or

(D) transfer of records from one Federal agency to any other Federal agency;

(6) the term “records center” means an establishment maintained and operated by the Archivist or by another Federal agency primarily for the storage, servicing, security, and processing of records which need to be preserved for varying periods of time and need not be retained in office equipment or space;

(7) the term “records management study” means an investigation and analysis of any Federal agency records, or records management practices or programs (whether manual or automated), with a view toward rendering findings and recommendations with respect thereto;

(8) the term “inspection” means reviewing any Federal agency’s records or records management practices or programs with respect to effectiveness and compliance with records management laws and making necessary recommendations for correction or improvement of records management;

(9) the term “servicing” means making available for use information in records and other materials in the custody of the Archivist, or in a records center—

(A) by furnishing the records or other materials, or information from them, or copies or reproductions thereof, to any Federal agency for official use, or to the public; or

(B) by making and furnishing authenticated or unauthenticated copies or reproductions of the records or other materials;

(10) the term “unauthenticated copies” means exact copies or reproductions of records or other materials that are not certified as such under seal and that need not be legally accepted as evidence;

(11) the term “National Archives of the United States” means those official records which have been determined by the Archivist of the United States to have sufficient historical or other value to warrant their continued preservation by the Federal Government, and which have been accepted by the Archivist for deposit in his custody;

(12) the term “Archivist” means the Archivist of the United States;

(13) the term “executive agency” shall have the meaning given such term by section 3(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472(a));

(14) the term “Federal agency” means any executive agency or any establishment in the legislative or judicial branch of the Government (except the Supreme Court, the Senate, the House of Representatives, and the Architect of the Capitol and any activities under the direction of the Architect of the Capitol); and

(15) the term “Administrator” means the Administrator of General Services.

(Added Pub. L. 94-575, §2(a)(1), Oct. 21, 1976, 90 Stat. 2723; amended Pub. L. 98-497, title I, §107(b)(13), Oct. 19, 1984, 98 Stat. 2287.)

PRIOR PROVISIONS

A prior section 2901, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1295, related to definitions, prior to repeal by Pub. L. 94-575, §2(a)(1).

AMENDMENTS

1984—Pub. L. 98-497, §107(b)(13)(A), struck out reference to chapter 27 in provisions preceding par. (1).

Par. (2). Pub. L. 98-497, §107(b)(13)(B), inserted “in order to achieve adequate and proper documentation of the policies and transactions of the Federal Government and effective and economical management of agency operations”.

Pars. (6), (9), (11). Pub. L. 98-497, §107(b)(13)(C), substituted “Archivist” for “Administrator”.

Par. (12). Pub. L. 98-497, §107(b)(13)(D), substituted “Archivist” and “Archivist of the United States” for “Administrator” and “Administrator of General Services”, respectively. See par. (15) of this section.

Par. (13). Pub. L. 98-497, §107(b)(13)(D), struck out references to “Federal agency” and to subsec. (b) of section 3 of the Federal Property and Administrative Services Act of 1949. See par. (14) of this section.

Pars. (14), (15). Pub. L. 98-497, §107(b)(13)(D), added pars. (14) and (15).

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

FEDERAL RECORDS MANAGEMENT PROVISIONS WITHOUT EFFECT ON AUTHORITIES AND RESPONSIBILITIES OF ADMINISTRATOR OF GENERAL SERVICES, JOINT COMMITTEE, OR GOVERNMENT PRINTING OFFICE

Section 5 of Pub. L. 94-575 provided that:

“(a) The provisions of this Act [see Short Title of 1976 Amendment note set out under section 101 of this title] relating to the authority of the Administrator of General Services do not limit or repeal additional authorities provided by statute or otherwise recognized by law.
“(b) The provisions of this Act do not limit or repeal the authority or responsibilities of the Joint Committee on Printing or the Government Printing Office under chapters 1 through 19 of title 44, United States Code.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 1501, 3102 of this title; title 17 section 704.

§ 2902. Objectives of records management

It is the purpose of this chapter, and chapters 21, 31, and 33 of this title, to require the establishment of standards and procedures to assure efficient and effective records management. Such records management standards and procedures shall seek to implement the following goals:

- (1) Accurate and complete documentation of the policies and transactions of the Federal Government.
- (2) Control of the quantity and quality of records produced by the Federal Government.
- (3) Establishment and maintenance of mechanisms of control with respect to records creation in order to prevent the creation of unnecessary records and with respect to the effective and economical operations of an agency.
- (4) Simplification of the activities, systems, and processes of records creation and of records maintenance and use.
- (5) Judicious preservation and disposal of records.
- (6) Direction of continuing attention on records from their initial creation to their final disposition, with particular emphasis on the prevention of unnecessary Federal paperwork.
- (7) Establishment and maintenance of such other systems or techniques as the Administrator or the Archivist considers necessary to carry out the purposes of this chapter, and chapters 21, 31, and 33 of this title.

(Added Pub. L. 94-575, §2(a)(1), Oct. 21, 1976, 90 Stat. 2724; amended Pub. L. 98-497, title I, §107(b)(14), Oct. 19, 1984, 98 Stat. 2288.)

PRIOR PROVISIONS

A prior section 2902, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1296, related to activities of the Administrator of General Services with respect to records management, surveys, and reports, prior to repeal by Pub. L. 94-575, §2(a)(1). See section 2904 of this title.

AMENDMENTS

1984—Par. (7). Pub. L. 98-497 inserted “or the Archivist” after “Administrator”.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3102 of this title.

§ 2903. Custody and control of property

The Archivist shall have immediate custody and control of the National Archives Building and its contents, and may design, construct, purchase, lease, maintain, operate, protect, and improve buildings used by him for the storage of records of Federal agencies in the District of Columbia and elsewhere.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1296; Pub. L. 98-497, title I, §107(b)(15)(A), Oct. 19, 1984, 98 Stat. 2288.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., §392 (June 30, 1949, ch. 288, title V, §502, as added Sept. 5, 1950, ch. 849, §6(d), 64 Stat. 583).

AMENDMENTS

1984—Pub. L. 98-497 substituted “Archivist” for “Administrator”.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3102 of this title.

§ 2904. General responsibilities for records management

(a) The Archivist shall provide guidance and assistance to Federal agencies with respect to ensuring adequate and proper documentation of the policies and transactions of the Federal Government and ensuring proper records disposition.

(b) The Administrator shall provide guidance and assistance to Federal agencies to ensure economical and effective records management by such agencies.

(c) In carrying out their responsibilities under subsection (a) or (b), respectively, the Archivist and the Administrator shall each have the responsibility—

(1) to promulgate standards, procedures, and guidelines with respect to records management and the conduct of records management studies;

(2) to conduct research with respect to the improvement of records management practices and programs;

(3) to collect and disseminate information on training programs, technological developments, and other activities relating to records management;

(4) to establish such interagency committees and boards as may be necessary to provide an exchange of information among Federal agencies with respect to records management;

(5) to direct the continuing attention of Federal agencies and the Congress on the need for adequate policies governing records management;

(6) to conduct records management studies and, in his discretion, designate the heads of 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.

(Added Pub. L. 94-575, §2(a)(2), Oct. 21, 1976, 90 Stat. 2725; amended Pub. L. 96-511, §2(c)(1), Dec. 11, 1980, 94 Stat. 2825; Pub. L. 98-497, title I, §107(b)(16), Oct. 19, 1984, 98 Stat. 2288.)

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. (8) 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

1984—Pub. L. 98-497 substituted “for records management” for “of Administrator” in section catchline.

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 use, and records disposition”.

Subsec. (b). Pub. L. 98-497 added subsec. (b).

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 “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), (10). Pub. L. 98-497 redesignated pars. (9) and (10) as (7) and (8), respectively.

Subsec. (d). Pub. L. 98-497 added subsec. (d).

1980—Par. (10). Pub. L. 96-511 prescribed that the report be to appropriate oversight and appropriations committees, incorporated existing provisions in cls. (A) and (B) and added cl. (C).

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

EFFECTIVE DATE OF 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 101 and 3503 of this title] shall take effect on April 1, 1981.”

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2106, 3102 of this title.

§ 2905. Establishment of standards for selective retention of records; security measures

(a) The Archivist shall establish standards for the selective retention of records of continuing value, and assist Federal agencies in applying the standards to records in their custody. He shall notify the head of a Federal agency of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of the agency that shall come to his attention, and assist the head of the agency in initiating action through the Attorney General for the recovery of records unlawfully 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.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1296; Pub. L. 96-511, §2(c)(2), Dec. 11, 1980, 94 Stat. 2825; Pub. L. 98-497, title I, §107(b)(15)(B), title II, §203(a), Oct. 19, 1984, 98 Stat. 2288, 2294.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., §395(b) (June 30, 1949, ch. 288, title V, §505(b), as added Sept. 5, 1950, ch. 849, §6(d), 64 Stat. 583).

AMENDMENTS

1984—Subsec. (a). Pub. L. 98-497, §107(b)(15)(B), substituted “Archivist” for “Administrator of General Services”.

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 pe-

riod 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

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-511 effective on Apr. 1, 1981, see section 5 of Pub. L. 96-511, set out as a note under section 2904 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3102 of this title.

§ 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.

(Added Pub. L. 94-575, §2(a)(3), Oct. 21, 1976, 90 Stat. 2725; amended Pub. L. 98-497, title I, §107(b)(17), Oct. 19, 1984, 98 Stat. 2289.)

PRIOR PROVISIONS

A prior section 2906, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1297, contained provisions similar to those comprising subsec. (a)(1) and (2) of this section, prior to repeal by Pub. L. 94-575, §2(a)(3).

AMENDMENTS

1984—Pub. L. 98-497 inserted reference to Archivist in four places in subsections (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

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3102 of this title.

§ 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.

(Added Pub. L. 94-575, §2(a)(3), Oct. 21, 1976, 90 Stat. 2726; amended Pub. L. 98-497, title I, §107(b)(15)(A), Oct. 19, 1984, 98 Stat. 2288.)

PRIOR PROVISIONS

A prior section 2907, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1297, contained provisions similar to those comprising this section, prior to repeal by Pub. L. 94-575, §2(a)(3).

AMENDMENTS

1984—Pub. L. 98-497 substituted “Archivist” for “Administrator”.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3102 of this title.

§ 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.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1297; Pub. L. 98-497, title I, §107(b)(15)(B), Oct. 19, 1984, 98 Stat. 2288.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., §395(e) (June 30, 1949, ch. 288, title V, §505(e), as added Sept. 5, 1950, ch. 849, §6(d), 64 Stat. 583).

AMENDMENTS

1984—Pub. L. 98-497 substituted “Archivist” for “Administrator of General Services”.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3102 of this title.

§ 2909. Retention of records

The Archivist may empower a Federal agency, upon the submission of evidence of need, to retain records for a longer period than that speci-

fied in disposal schedules; and, in accordance with regulations promulgated by him, may withdraw disposal authorizations covering records listed in disposal schedules.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1297; Pub. L. 91-287, § 4, June 23, 1970, 84 Stat. 322; Pub. L. 98-497, title I, § 107(b)(15)(B), Oct. 19, 1984, 98 Stat. 2288.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 395(f) (June 30, 1949, ch. 288, title V, § 505(f), as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583).

AMENDMENTS

1984—Pub. L. 98-497 substituted “Archivist” for “Administrator of General Services”.

1970—Pub. L. 91-287 struck out “approved by Congress” after “disposal schedules” in two places.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 3102, 3303a of this title.

[§ 2910. Repealed. Pub. L. 94-575, § 2(a)(4), Oct. 21, 1976, 90 Stat. 2726]

Section, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1297, provided for final authority of Administrator in records practices.

CHAPTER 31—RECORDS MANAGEMENT BY FEDERAL AGENCIES

Sec.	
3101.	Records management by agency heads; general duties.
3102.	Establishment of program of management.
3103.	Transfer of records to records centers.
3104.	Certifications and determinations on transferred records.
3105.	Safeguards.
3106.	Unlawful removal, destruction of records.
3107.	Authority of Comptroller General.

AMENDMENTS

1976—Pub. L. 94-575, § 3(b), Oct. 21, 1976, 90 Stat. 2727, substituted “Transfer of records to records centers” for “Storage, processing, and servicing of records” in item 3103.

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 Archivist of the United States and by Administrator of General Services to have same meaning when used in this chapter, see section 2901 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 issued thereunder, see section 3102 of this title.

Legal status of reproductions made under regulations to carry out this chapter, see section 2116 of this title.

Reports from Federal agencies on their activities under this chapter, authority of Archivist and Administrator of General Services to obtain; correction of violations, see section 2115 of this title.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2115, 2116, 2901, 2902, 3107, 3504 of this title; title 25 section 450j.

§ 3101. Records management by agency heads; general duties

The head of each Federal agency shall make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1297.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 396(a) (June 30, 1949, ch. 288, title V, § 506(a), as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583).

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3102 of this title.

§ 3102. Establishment of program of management

The head of each Federal agency shall establish and maintain an active, continuing program for the economical and efficient management of the records of the agency. The program, among other things, shall provide for

(1) effective controls over the creation and over the maintenance and use of records in the conduct of current business;

(2) cooperation with the Administrator of General Services and the Archivist in applying standards, procedures, and techniques designed to improve the management of records, promote the maintenance and security of records deemed appropriate for preservation, and facilitate the segregation and disposal of records of temporary value; and

(3) compliance with sections 2101-2117, 2501-2507, 2901-2909, and 3101-3107, of this title and the regulations issued under them.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1298; Pub. L. 94-575, § 3(a)(1), (2), Oct. 21, 1976, 90 Stat. 2726; Pub. L. 98-497, title I, § 107(b)(19), Oct. 19, 1984, 98 Stat. 2290.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 396(b) (June 30, 1949, ch. 288, title V, § 506(b), as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583).

AMENDMENTS

1984—Pars. (2), (3). Pub. L. 98-497 inserted “and the Archivist” after “Administrator of General Services” in par. (2), and substituted “sections 2101-2117” for “sections 2101-2113” and struck out “2701,” before “2901” in par. (3).

1976—Pub. L. 94-575, § 3(a)(1), (2), substituted in par. (1) “the creation and over the maintenance” for “the creation, maintenance,” and in par. (3) reference to sections “2901-2909” for “2901, 2903-2909” of this title.

EFFECTIVE DATE OF 1984 AMENDMENT

Amendment by Pub. L. 98-497 effective Apr. 1, 1985, see section 301 of Pub. L. 98-497, set out as a note under section 2102 of this title.

§ 3103. Transfer of records to records centers

When the head of a Federal agency determines that such action may affect substantial econo-