

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; title 5 section 552a; title 25 section 458aaa-5.

§ 3104. Certifications and determinations on transferred records

An official of the Government who is authorized to certify to facts on the basis of records in his custody, may certify to facts on the basis of records that have been transferred by him or his predecessors to the Archivist, and may authorize the Archivist to certify to facts and to make administrative determinations on the basis of records transferred to the Archivist, notwithstanding any other law.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1298; Pub. L. 98-497, title I, § 107(b)(21), Oct. 19, 1984, 98 Stat. 2290.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 396(d) (June 30, 1949, ch. 288, title V, § 506(d), as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583, and amended Feb. 5, 1964, Pub. L. 88-265, 78 Stat. 8).

AMENDMENTS

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

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§ 3105. Safeguards

The head of each Federal agency shall establish safeguards against the removal or loss of records he determines to be necessary and required by regulations of the Archivist. Safeguards shall include making it known to officials and employees of the agency—

(1) that records in the custody of the agency are not to be alienated or destroyed except in accordance with sections 3301-3314 of this title, and

(2) the penalties provided by law for the unlawful removal or destruction of records.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1298; Pub. L. 98-497, title I, § 107(b)(22), Oct. 19, 1984, 98 Stat. 2290.)

HISTORICAL AND REVISION NOTES

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

AMENDMENTS

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§ 3106. Unlawful removal, destruction of records

The head of each Federal agency shall notify the Archivist of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of the agency of which he is the head that shall come to his attention, and with the assistance of the Archivist shall initiate action through the Attorney General for the recovery of records he knows or has reason to believe have been unlawfully removed from his agency, or from another Federal agency whose records have been transferred to his legal custody. 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.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1298; Pub. L. 98-497, title I, § 107(b)(21), title II, § 203(b), Oct. 19, 1984, 98 Stat. 2290, 2294.)

HISTORICAL AND REVISION NOTES

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

AMENDMENTS

1984—Pub. L. 98-497, § 107(b)(21), substituted “Archivist” for “Administrator of General Services” and “Archivist” for “Administrator”.

Pub. L. 98-497, § 203(b), inserted at end “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.”

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SECTION REFERRED TO IN OTHER SECTIONS

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§ 3107. Authority of Comptroller General

Chapters 21, 25, 27,¹ 29, and 31 of this title do not limit the authority of the Comptroller General of the United States with respect to prescribing accounting systems, forms, and procedures, or lessen the responsibility of collecting and disbursing officers for rendition of their accounts for settlement by the General Accounting Office.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1298; Pub. L. 94-575, § 3(a)(4), Oct. 21, 1976, 90 Stat. 2726.)

HISTORICAL AND REVISION NOTES

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

¹ See References in Text note below.

REFERENCES IN TEXT

Chapter 27 of this title, referred to in text, was repealed by Pub. L. 95-378, § 2(a), Sept. 22, 1978, 92 Stat. 723.

AMENDMENTS

1976—Pub. L. 94-575 substituted “Chapters 21, 25, 27, 29, and 31 of this title” for “Sections 2101-2113, 2501-2507, 2701, 2901, 2904-2910, and 3101-3107, of this title”.

SECTION REFERRED TO IN OTHER SECTIONS

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

CHAPTER 33—DISPOSAL OF RECORDS

- Sec.
 3301. Definition of records.
 3302. Regulations covering lists of records for disposal, procedure for disposal, and standards for reproduction.
 3303. Lists and schedules of records to be submitted to Archivist by head of each Government agency.¹
 3303a. Examination by Archivist of lists and schedules of records lacking preservation value; disposal of records.
 [3304 to 3307. Repealed.]
 3308. Disposal of similar records where prior disposal was authorized.
 3309. Preservation of claims of Government until settled in General Accounting Office; disposal authorized upon written approval of Comptroller General.
 3310. Disposal of records constituting menace to health, life, or property.
 3311. Destruction of records outside continental United States in time of war or when hostile action seems imminent; written report to Archivist.
 3312. Photographs or microphotographs of records considered as originals; certified reproductions admissible in evidence.
 3313. Moneys from sale of records payable into the Treasury.
 3314. Procedures for disposal of records exclusive.
 3315. Definitions.
 3316. Establishment of Commission.
 3317. Duties of Commission.
 3318. Membership.
 3319. Director and staff; experts and consultants.
 3320. Powers of Commission.
 3321. Support services.
 3322. Report.
 3323. Termination.
 3324. Authorization of appropriations.

AMENDMENTS

1984—Pub. L. 98-497, title I, § 107(b)(25)(D), Oct. 19, 1984, 98 Stat. 2290, substituted “Archivist” for “Administrator of General Services” in items 3303, 3303a, and 3311.

1976—Pub. L. 94-575, § 4(c)(1), Oct. 21, 1976, 90 Stat. 2727, struck out “; approval by President” after “standards for reproduction” in item 3302.

1974—Pub. L. 93-526, title II, § 203, Dec. 19, 1974, 88 Stat. 1702, added items 3315 to 3324.

1970—Pub. L. 91-287, § 3, June 23, 1970, 84 Stat. 322, inserted item 3303a and struck out items 3304 “Lists and schedules of records lacking preservation value; submission to Congress by Administrator of General Services”, 3305 “Examination of lists and schedules by joint congressional committee and report to Congress”, 3306 “Disposal of records by head of Government agency upon notification by Administrator of General Services of action by joint congressional committee”, and 3307

“Disposal of records upon failure of joint congressional committee to act”.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 1503, 2115, 2116, 2901, 2902, 3504 of this title; title 5 section 552b; title 28 section 594; title 49 section 30302.

§ 3301. Definition of records

As used in this chapter, “records” includes all books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1299; Pub. L. 94-575, § 4(c)(2), Oct. 21, 1976, 90 Stat. 2727.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 366 (July 7, 1943, ch. 192, § 1, 57 Stat. 380).

AMENDMENTS

1976—Pub. L. 94-575 expanded “records” to include “machine readable materials”.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 2901, 3105 of this title; title 10 section 7545.

§ 3302. Regulations covering lists of records for disposal, procedure for disposal, and standards for reproduction

The Archivist shall promulgate regulations, not inconsistent with this chapter, establishing—

- (1) procedures for the compiling and submitting to him of lists and schedules of records proposed for disposal,
- (2) procedures for the disposal of records authorized for disposal, and
- (3) standards for the reproduction of records by photographic or microphotographic processes with a view to the disposal of the original records.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1299; Pub. L. 94-575, § 4(c)(1), Oct. 21, 1976, 90 Stat. 2727; Pub. L. 98-497, title I, § 107(b)(23), Oct. 19, 1984, 98 Stat. 2290.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 367 (July 7, 1943, ch. 192, § 2, 57 Stat. 381; June 30, 1949, ch. 288, title I, § 104, 63 Stat. 381).

AMENDMENTS

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

¹ Does not conform to section catchline.