

as notes under section 1113 of Title 31, Money and Finance.

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 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

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 Ad-

ministrator 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 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

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-filing services

The Archivist may establish, maintain, and operate records centers and centralized micro-filing 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 specified 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. Preservation of Freedmen’s Bureau records

The Archivist shall preserve the records of the Bureau of Refugees, Freedmen, and Abandoned Lands, commonly referred to as the “Freedmen’s Bureau”, by using—

(1) microfilm technology for preservation of the documents comprising these records so that they can be maintained for future generations; and

(2) the results of the pilot project with the University of Florida to create future partnerships with Howard University and other institutions for the purposes of indexing these records and making them more easily accessible to the public, including historians, genealogists, and students, and for any other purposes determined by the Archivist.

(Added Pub. L. 106-444, §2(a), Nov. 6, 2000, 114 Stat. 1929.)

PRIOR PROVISIONS

A prior section 2910, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1297, provided for final authority of Administrator in records practices, prior to repeal by Pub. L. 94-575, §2(a)(4), Oct. 21, 1976, 90 Stat. 2726.

CHAPTER 31—RECORDS MANAGEMENT BY FEDERAL AGENCIES

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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.

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 2115, 2116, 2901, 2902, 3107, 3504, 3505, 3538, 3549 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).