

“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, 3505, 3538, 3549 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”.

1976—Pub. L. 94–575 struck out “; approval by President” after “standards for reproduction” in section catchline.

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 3105, 3303, 3303a, 3308, 3312 of this title.

§ 3303. Lists and schedules of records to be submitted to the Archivist by head of each Government agency

The head of each agency of the United States Government shall submit to the Archivist, under regulations promulgated as provided by section 3302 of this title—

(1) lists of any records in the custody of the agency that have been photographed or microphotographed under the regulations and that, as a consequence, do not appear to have sufficient value to warrant their further preservation by the Government;

(2) lists of other records in the custody of the agency not needed by it in the transaction of its current business and that do not appear to have sufficient administrative, legal, research, or other value to warrant their further preservation by the Government; and

(3) schedules proposing the disposal after the lapse of specified periods of time of records of a specified form or character that either have accumulated in the custody of the agency or may accumulate after the submission of the schedules and apparently will not after the lapse of the period specified have sufficient administrative, legal, research, or other value to warrant their further preservation by the Government.

(Pub. L. 90–620, Oct. 22, 1968, 82 Stat. 1299; Pub. L. 98–497, title I, § 107(b)(23), (25)(A), Oct. 19, 1984, 98 Stat. 2290.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 368 (July 7, 1943, ch. 192, § 3, 57 Stat. 381; June 30, 1949, ch. 288, title I, § 104(a), 63 Stat. 381).

AMENDMENTS

1984—Pub. L. 98–497 substituted “the Archivist” for “Administrator of General Services” in section catchline, and “Archivist” for “Administrator of General Services” in text.

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 3105, 3303a of this title.

§ 3303a. Examination by Archivist of lists and schedules of records lacking preservation value; disposal of records

(a) The Archivist shall examine the lists and schedules submitted to him under section 3303 of this title. If the Archivist determines that any

of the records listed in a list or schedule submitted to him do not, or will not after the lapse of the period specified, have sufficient administrative, legal, research, or other value to warrant their continued preservation by the Government, he may, after publication of notice in the Federal Register and an opportunity for interested persons to submit comment thereon—

- (1) notify the agency to that effect; and
- (2) empower the agency to dispose of those records in accordance with regulations promulgated under section 3302 of this title.

(b) Authorizations granted under lists and schedules submitted to the Archivist under section 3303 of this title, and schedules promulgated by the Archivist under subsection (d) of this section, shall be mandatory, subject to section 2909 of this title. As between an authorization granted under lists and schedules submitted to the Archivist under section 3303 of this title and an authorization contained in a schedule promulgated under subsection (d) of this section, application of the authorization providing for the shorter retention period shall be required, subject to section 2909 of this title.

(c) The Archivist may request advice and counsel from the Committee on Rules and Administration of the Senate and the Committee on House Oversight of the House of Representatives with respect to the disposal of any particular records under this chapter whenever he considers that—

- (1) those particular records may be of special interest to the Congress; or
- (2) consultation with the Congress regarding the disposal of those particular records is in the public interest.

However, this subsection does not require the Archivist to request such advice and counsel as a regular procedure in the general disposal of records under this chapter.

(d) The Archivist shall promulgate schedules authorizing the disposal, after the lapse of specified periods of time, of records of a specified form or character common to several or all agencies if such records will not, at the end of the periods specified, have sufficient administrative, legal, research, or other value to warrant their further preservation by the United States Government. A Federal agency may request changes in such schedules for its records pursuant to section 2909 of this title.

(e) The Archivist may approve and effect the disposal of records that are in his legal custody, provided that records that had been in the custody of another existing agency may not be disposed of without the written consent of the head of the agency.

(f) The Archivist shall make an annual report to the Congress concerning the disposal of records under this chapter, including general descriptions of the types of records disposed of and such other information as he considers appropriate to keep the Congress fully informed regarding the disposal of records under this chapter.

(Added Pub. L. 91-287, §1, June 23, 1970, 84 Stat. 320; amended Pub. L. 95-440, §1, Oct. 10, 1978, 92 Stat. 1063; Pub. L. 98-497, title I, §107(b)(24), (25)(B), title II, §204, Oct. 19, 1984, 98 Stat. 2290,

2294; Pub. L. 104-186, title II, §223(10), Aug. 20, 1996, 110 Stat. 1752.)

AMENDMENTS

1996—Subsec. (c). Pub. L. 104-186 substituted “House Oversight” for “House Administration”.

1984—Pub. L. 98-497, §107(b)(25)(B), substituted “Archivist” for “Administrator of General Services” in section catchline.

Subsec. (a). Pub. L. 98-497, §107(b)(24), substituted “Archivist” for “Administrator of General Services” and “Archivist” for “Administrator”.

Pub. L. 98-497, §204, inserted “, after publication of notice in the Federal Register and an opportunity for interested persons to submit comment thereon” after “may” in second sentence.

Subsecs. (b) to (f). Pub. L. 98-497, §107(b)(24)(B), substituted “Archivist” for “Administrator” wherever appearing.

1978—Subsec. (b). Pub. L. 95-440, §1(a), made schedules promulgated by Administrator under subsec. (d) of this section mandatory; inserted provision for application of authorization providing for shorter retention period as between an authorization granted under lists and schedules submitted under section 3303 of this title and an authorization in a schedule promulgated under subsec. (d) of this section; and struck out provision making permissive authorizations granted under subsec. (d) schedules.

Subsec. (d). Pub. L. 95-440, §1(b), (c), substituted “shall” for “may” in first sentence and authorized Federal agencies to request changes in disposal schedules for its records pursuant to section 2909 of this title.

CHANGE OF NAME

Committee on House Oversight of House of Representatives changed to Committee on House Administration of House of Representatives by House Resolution No. 5, One Hundred Sixth Congress, Jan. 6, 1999.

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.

TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of reporting provisions in subsec. (f) of this section, see section 3003 of Pub. L. 104-66, as amended, set out as a note under section 1113 of Title 31, Money and Finance, and the 7th item on page 180 of House Document No. 103-7.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in section 3105 of this title.

[§§ 3304 to 3307. Repealed. Pub. L. 91-287, §2(c), June 23, 1970, 84 Stat. 321]

Section 3304, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1300, related to submission of lists and schedules of records lacking preservation value by the Administrator of General Services to Congress. See section 3303a of this title.

Section 3305, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1300, related to examination of lists and schedules by joint congressional committees and report to Congress. See section 3303a of this title.

Section 3306, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1300, related to disposal of records by head of Government agency upon notification by Administrator of action by joint congressional committee. See section 3303a of this title.

Section 3307, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1301, related to disposal of records upon failure of joint congressional committees to act. See section 3303a of this title.

§ 3308. Disposal of similar records where prior disposal was authorized

When it appears to the Archivist that an agency has in its custody, or is accumulating,