

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, records of the same form or character as those of the same agency previously authorized to be disposed of, he may empower the head of the agency to dispose of the records, after they have been in existence a specified period of time, in accordance with regulations promulgated under section 3302 of this title and without listing or scheduling them.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1301; Pub. L. 91-287, § 2(a), June 23, 1970, 84 Stat. 321; 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., § 373 (July 7, 1943, ch. 192, § 8, 57 Stat. 382; June 30, 1949, ch. 288, title I, § 104(a), 63 Stat. 381).

AMENDMENTS

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

1970—Pub. L. 91-287 struck out “by Congress” after “authorized”.

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.

§ 3309. Preservation of claims of Government until settled in Government Accountability Office; disposal authorized upon written approval of Comptroller General

Records pertaining to claims and demands by or against the Government of the United States or to accounts in which the Government of the United States is concerned, either as debtor or creditor, may not be disposed of by the head of an agency under authorization granted under this chapter, until the claims, demands, and accounts have been settled and adjusted in the Government Accountability Office, except upon the written approval of the Comptroller General of the United States.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1301; Pub. L. 91-287, § 2(b), June 23, 1970, 84 Stat. 321; Pub. L. 108-271, § 8(b), July 7, 2004, 118 Stat. 814.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 374 (July 7, 1943, ch. 192, § 9, 57 Stat. 382).

AMENDMENTS

2004—Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office” in section catchline and text.

1970—Pub. L. 91-287 substituted “under this chapter” for “under sections 3306-3308 of this title”.

§ 3310. Disposal of records constituting menace to health, life, or property

When the Archivist and the head of the agency that has custody of them jointly determine that records in the custody of an agency of the United States Government are a continuing menace to human health or life or to property, the Archivist shall eliminate the menace immediately by any method he considers necessary. When records in the custody of the Archivist are disposed of under this section, the Archivist shall report their disposal to the agency from which they were transferred.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1301; Pub. L. 98-497, title I, § 107(b)(24), Oct. 19, 1984, 98 Stat. 2290.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 375 (July 7, 1943, ch. 192, § 10, 57 Stat. 382; June 30, 1949, ch. 288, title I, § 104(a), 63 Stat. 381).

AMENDMENTS

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

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.

§ 3311. Destruction of records outside continental United States in time of war or when hostile action seems imminent; written report to Archivist

During a state of war between the United States and another nation, or when hostile action by a foreign power appears imminent, the head of an agency of the United States Government may authorize the destruction of records in his legal custody situated in a military or naval establishment, ship, or other depository outside the territorial limits of continental United States—

(1) the retention of which would be prejudicial to the interests of the United States or

(2) which occupy space urgently needed for military purposes and are, in his opinion, without sufficient administrative, legal, research, or other value to warrant their continued preservation.

Within six months after their disposal, the official who directed the disposal shall submit a written report to the Archivist in which he shall describe the character of the records and state when and where he disposed of them.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1301; Pub. L. 98-497, title I, § 107(b)(23), (25)(C), Oct. 19, 1984, 98 Stat. 2290.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 376 (July 7, 1943, ch. 192, § 11, 57 Stat. 382; June 30, 1949, ch. 288, title I, § 104(a), 63 Stat. 381).

AMENDMENTS

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

§ 3312. Photographs or microphotographs of records considered as originals; certified reproductions admissible in evidence

Photographs or microphotographs of records made in compliance with regulations under section 3302 of this title shall have the same effect as the originals and shall be treated as originals for the purpose of their admissibility in evidence. Certified or authenticated reproductions of the photographs or microphotographs shall be admitted in evidence equally with the original photographs or microphotographs.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1302.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 378 (July 7, 1943, ch. 192, § 13, 57 Stat. 382).

§ 3313. Moneys from sale of records payable into the Treasury

Moneys derived by agencies of the Government from the sale of records disposed of under this chapter shall be paid into the Treasury of the United States unless otherwise required by law.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1302.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 379 (July 7, 1943, ch. 192, § 14, 57 Stat. 383).

§ 3314. Procedures for disposal of records exclusive

The procedures prescribed by this chapter are exclusive, and records of the United States Government may not be alienated or destroyed except under this chapter.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1302.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 380 (July 7, 1943, ch. 192, § 15, 57 Stat. 383).

§ 3315. Definitions

For purposes of this section and section 3316 through section 3324 of this title—

(1) the term “Federal official” means any individual holding the office of President or Vice President of the United States, or Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, or any officer of the executive, judicial, or legislative branch of the Federal Government;

(2) the term “Commission” means the National Study Commission on Records and Documents of Federal Officials; and

(3) the term “records and documents” shall include handwritten and typewritten docu-

ments, motion pictures, television tapes and recordings, magnetic tapes, automated data processing documentation in various forms, and other records that reveal the history of the Nation.

(Added Pub. L. 93-526, title II, § 202, Dec. 19, 1974, 88 Stat. 1698.)

TERMINATION OF COMMISSION

For provision that Commission is to cease to exist sixty days after transmitting its report, see section 3323 of this title.

§ 3316. Establishment of Commission

There is established a commission to be known as the National Study Commission on Records and Documents of Federal Officials.

(Added Pub. L. 93-526, title II, § 202, Dec. 19, 1974, 88 Stat. 1699.)

TERMINATION OF COMMISSION

For provision that Commission is to cease to exist sixty days after transmitting its report, see section 3323 of this title.

§ 3317. Duties of Commission

It shall be the duty of the Commission to study problems and questions with respect to the control, disposition, and preservation of records and documents produced by or on behalf of Federal officials, with a view toward the development of appropriate legislative recommendations and other recommendations regarding appropriate rules and procedures with respect to such control, disposition, and preservation. Such study shall include consideration of—

(1) whether the historical practice regarding the records and documents produced by or on behalf of Presidents of the United States should be rejected or accepted and whether such practice should be made applicable with respect to all Federal officials;

(2) the relationship of the findings of the Commission to the provisions of chapter 19 of this title, section 2101 through section 2108¹ of this title, and other Federal laws relating to the control, disposition, and preservation of records and documents of Federal officials;

(3) whether the findings of the Commission should affect the control, disposition, and preservation of records and documents of agencies within the Executive Office of the President created for short-term purposes by the President;

(4) the recordkeeping procedures of the White House Office, with a view toward establishing means to determine which records and documents are produced by or on behalf of the President;

(5) the nature of rules and procedures which should apply to the control, disposition, and preservation of records and documents produced by Presidential task forces, commissions, and boards;

(6) criteria which may be used generally in determining the scope of materials which should be considered to be the records and documents of Members of the Congress;

¹ See References in Text note below.