

**§ 3103. Transfer of records to records centers**

When the head of a Federal agency determines that such action may affect substantial economies or increased operating efficiency, he shall provide for the transfer of records to a records center maintained and operated by the Archivist, or, when approved by the Archivist, to a center maintained and operated by the head of the Federal agency.

(Added Pub. L. 94-575, §3(a)(3), Oct. 21, 1976, 90 Stat. 2726; amended Pub. L. 98-497, title I, §107(b)(20), Oct. 19, 1984, 98 Stat. 2290.)

**PRIOR PROVISIONS**

A prior section 3103, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1298, contained provisions similar to those comprising this section, prior to repeal by Pub. L. 94-575, §3(a)(3).

**AMENDMENTS**

1984—Pub. L. 98-497 substituted “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.

**§ 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.

**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.

**§ 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**

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.

**§ 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.”

**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.

**§ 3107. Authority of Comptroller General**

Chapters 21, 25, 27,<sup>1</sup> 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

<sup>1</sup> See References in Text note below.