

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 the Archivist 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; Pub. L. 108-383, §2(b), Oct. 30, 2004, 118 Stat. 2218; Pub. L. 113-187, §§5(d), 8(13), Nov. 26, 2014, 128 Stat. 2010, 2012.)

AMENDMENTS

2014—Subsec. (a). Pub. L. 113-187, §8(13)(A), in introductory provisions, substituted “submitted to the Archivist” for “submitted to him” in two places and “the Archivist may” for “he may”.

Subsec. (c). Pub. L. 113-187, §8(13)(B), substituted “the Archivist considers” for “he considers” in introductory provisions.

Pub. L. 113-187, §5(d), substituted “the Committee on Oversight and Government Reform of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate” for “the Committee on Rules and Administration of the Senate and the Committee on House Oversight of the House of Representatives” in introductory provisions.

Subsec. (e). Pub. L. 113-187, §8(13)(C), substituted “the Archivist’s” for “his”.

Subsec. (f). Pub. L. 113-187, §8(13)(D), substituted “the Archivist considers” for “he considers”.

2004—Subsec. (d). Pub. L. 108-383 struck out at end “A Federal agency may request changes in such schedules for its records pursuant to section 2909 of this title.”

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.

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.

[[§§ 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, 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, microphotographs of records, or digitized 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, microphotographs, or digitized records shall be admitted in evidence equally with the original photographs, microphotographs, or digitized records.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1302; Pub. L. 113-187, §5(e), Nov. 26, 2014, 128 Stat. 2010.)

HISTORICAL AND REVISION NOTES

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

AMENDMENTS

2014—Pub. L. 113-187 substituted “Photographs, microphotographs of records, or digitized records” for “Photographs or microphotographs of records” and substituted “photographs, microphotographs, or digitized records” for “photographs or microphotographs” in two places.

§ 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).