

2290; Pub. L. 113-187, §8(11), Nov. 26, 2014, 128 Stat. 2012.)

#### REFERENCES IN TEXT

Sections 3304 to 3307 of this title, included in the reference in par. (1) to sections 3301 to 3314 of this title, were repealed by Pub. L. 91-287, §2(c), June 23, 1970, 84 Stat. 321.

#### 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

2014—Pub. L. 113-187 substituted “the head of such agency” for “he” in introductory provisions.

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

(a) FEDERAL AGENCY NOTIFICATION.—The head of each Federal agency shall notify the Archivist of any actual, impending, or threatened unlawful removal, defacing, alteration, corruption, deletion, erasure, or other destruction of records in the custody of the agency, and with the assistance of the Archivist shall initiate action through the Attorney General for the recovery of records the head of the Federal agency knows or has reason to believe have been unlawfully removed from that agency, or from another Federal agency whose records have been transferred to the legal custody of that Federal agency.

(b) ARCHIVIST NOTIFICATION.—In any case in which the head of a Federal 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 described in subsection (a), or is participating in, or believed to be participating in 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; Pub. L. 113-187, §4, Nov. 26, 2014, 128 Stat. 2009.)

#### 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

2014—Pub. L. 113-187 amended section generally. Prior to amendment, text read as follows: “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.”

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 and disbursing officers for rendition of their accounts for settlement by the Government Accountability Office.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1298; Pub. L. 94-575, §3(a)(4), Oct. 21, 1976, 90 Stat. 2726; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814.)

#### HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., §396(g) (June 30, 1949, ch. 288, title V, §506(g), as added Sept. 5, 1950, ch. 849, §6(d), 64 Stat. 583).

#### REFERENCES IN TEXT

Chapter 27 of this title, referred to in text, was repealed by Pub. L. 95-378, §2(a), Sept. 22, 1978, 92 Stat. 723.

#### AMENDMENTS

2004—Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

1976—Pub. L. 94-575 substituted “Chapters 21, 25, 27, 29, and 31 of this title” for “Sections 2101-2113, 2501-2507, 2701, 2901, 2904-2910, and 3101-3107, of this title”.

## CHAPTER 33—DISPOSAL OF RECORDS

|                 |   |
|-----------------|---|
| Sec.            |   |
| 3301.           | Definition of records.  |
| 3302.           | Regulations covering lists of records for disposal, procedure for disposal, and standards for reproduction.   |
| 3303.           | Lists and schedules of records to be submitted to Archivist by head of each Government agency. <sup>1</sup>   |
| 3303a.          | Examination by Archivist of lists and schedules of records lacking preservation value; disposal of records.   |
| [3304 to 3307.] | Repealed.]  |
| 3308.           | Disposal of similar records where prior disposal was authorized.  |
| 3309.           | Preservation of claims of Government until settled in Government Accountability Office; disposal authorized upon written approval of Comptroller General. |

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

<sup>1</sup> Does not conform to section catchline.

3310. Disposal of records constituting menace to health, life, or property.
3311. Destruction of records outside continental United States in time of war or when hostile action seems imminent; written report to Archivist.
3312. Photographs or microphotographs of records considered as originals; certified reproductions admissible in evidence.
3313. Moneys from sale of records payable into the Treasury.
3314. Procedures for disposal of records exclusive. [3315 to 3324. Repealed.]

## AMENDMENTS

2014—Pub. L. 113-187, §7(b), Nov. 26, 2014, 128 Stat. 2011, struck out items 3315 “Definitions”, 3316 “Establishment of Commission”, 3317 “Duties of Commission”, 3318 “Membership”, 3319 “Director and staff; experts and consultants”, 3320 “Powers of Commission”, 3321 “Support services”, 3322 “Report”, 3323 “Termination”, and 3324 “Authorization of appropriations”.

2004—Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814, substituted “Government Accountability Office” for “General Accounting Office” in item 3309.

1984—Pub. L. 98-497, title I, §107(b)(25)(D), Oct. 19, 1984, 98 Stat. 2290, substituted “Archivist” for “Administrator of General Services” in items 3303, 3303a, and 3311.

1976—Pub. L. 94-575, §4(c)(1), Oct. 21, 1976, 90 Stat. 2727, struck out “; approval by President” after “standards for reproduction” in item 3302.

1974—Pub. L. 93-526, title II, §203, Dec. 19, 1974, 88 Stat. 1702, added items 3315 to 3324.

1970—Pub. L. 91-287, §3, June 23, 1970, 84 Stat. 322, inserted item 3303a and struck out items 3304 “Lists and schedules of records lacking preservation value; submission to Congress by Administrator of General Services”, 3305 “Examination of lists and schedules by joint congressional committee and report to Congress”, 3306 “Disposal of records by head of Government agency upon notification by Administrator of General Services of action by joint congressional committee”, and 3307 “Disposal of records upon failure of joint congressional committee to act”.

## § 3301. Definition of records

## (a) RECORDS DEFINED.—

(1) IN GENERAL.—As used in this chapter, the term “records”—

(A) includes all recorded information, regardless of form or characteristics, made or received by a Federal agency 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 United States Government or because of the informational value of data in them; and

(B) does not include—

(i) library and museum material made or acquired and preserved solely for reference or exhibition purposes; or

(ii) duplicate copies of records preserved only for convenience.

(2) RECORDED INFORMATION DEFINED.—For purposes of paragraph (1), the term “recorded information” includes all traditional forms of records, regardless of physical form or characteristics, including information created, manipulated, communicated, or stored in digital or electronic form.

(b) DETERMINATION OF DEFINITION.—The Archivist’s determination whether recorded informa-

tion, regardless of whether it exists in physical, digital, or electronic form, is a record as defined in subsection (a) shall be binding on all Federal agencies.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1299; Pub. L. 94-575, §4(c)(2), Oct. 21, 1976, 90 Stat. 2727; Pub. L. 113-187, §5(a), Nov. 26, 2014, 128 Stat. 2009.)

## HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., §366 (July 7, 1943, ch. 192, §1, 57 Stat. 380).

## AMENDMENTS

2014—Pub. L. 113-187 amended section generally. Prior to amendment, text read as follows: “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.”

1976—Pub. L. 94-575 expanded “records” to include “machine readable materials”.

## § 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 the Archivist 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, microphotographic, or digital 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; Pub. L. 113-187, §§5(b), 8(12), Nov. 26, 2014, 128 Stat. 2010, 2012.)

## 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

2014—Par. (1). Pub. L. 113-187, §8(12), substituted “the Archivist” for “him”.

Par. (3). Pub. L. 113-187, §5(b), substituted “photographic, microphotographic, or digital processes” for “photographic or microphotographic processes”.

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.