

and facilitate the segregation and disposal of records of temporary value; and

(4) compliance with sections 2101–2117, 2501–2507, 2901–2909, and 3101–3107, of this title and the regulations issued under them.

(Pub. L. 90–620, Oct. 22, 1968, 82 Stat. 1298; Pub. L. 94–575, §3(a)(1), (2), Oct. 21, 1976, 90 Stat. 2726; Pub. L. 98–497, title I, §107(b)(19), Oct. 19, 1984, 98 Stat. 2290; Pub. L. 113–187, §9(f), formerly §9(g), Nov. 26, 2014, 128 Stat. 2014, renumbered §9(f), Pub. L. 115–85, §2(a)(5), Nov. 21, 2017, 131 Stat. 1275; Pub. L. 114–185, §4, June 30, 2016, 130 Stat. 544.)

HISTORICAL AND REVISION NOTES

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

AMENDMENTS

2016—Pars. (2) to (4). Pub. L. 114–185 added par. (2) and redesignated former pars. (2) and (3) as (3) and (4), respectively.

2014—Par. (2). Pub. L. 113–187 struck out “the Administrator of General Services and” before “the Archivist”.

1984—Pars. (2), (3). Pub. L. 98–497 inserted “and the Archivist” after “Administrator of General Services” in par. (2), and substituted “sections 2101–2117” for “sections 2101–2113” and struck out “2701,” before “2901” in par. (3).

1976—Pub. L. 94–575, §3(a)(1), (2), substituted in par. (1) “the creation and over the maintenance” for “the creation, maintenance,” and in par. (3) reference to sections “2901–2909” for “2901, 2903–2909” of this title.

EFFECTIVE DATE OF 2016 AMENDMENT

Amendment by Pub. L. 114–185 applicable to any request for records under section 552 of title 5 made after June 30, 2016, see section 6 of Pub. L. 114–185, set out as a note under section 552 of Title 5, Government Organization and Employees.

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.

§ 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, the head of such agency 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; Pub. L. 113–187, §8(9), Nov. 26, 2014, 128 Stat. 2012.)

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

2014—Pub. L. 113–187 substituted “the head of such agency” for “he”.

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 such official’s custody, may certify to facts on the basis of records that have been transferred by such official or such official’s 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; Pub. L. 113–187, §8(10), Nov. 26, 2014, 128 Stat. 2012.)

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

2014—Pub. L. 113–187 substituted “such official’s custody” for “his custody” and “such official or such official’s predecessors” for “him or his predecessors”.

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 the head of such agency 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; 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, 27,¹ 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

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| 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. ¹ |
| 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. |
| 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”.

¹ See References in Text note below.

¹ Does not conform to section catchline.