

tween Federal agencies with respect to records and records management". Former par. (7) redesignated (5).

Subsec. (c)(8). Pub. L. 98-497 redesignated par. (10) as (8) and inserted "in January of each year", "the Archivist or", and substituted "(7)" for "(9)" and "(6)" and "(7)" for "(8)" and "(9)", respectively, in subpars. (A) and (B).

Subsec. (c)(9), (10). Pub. L. 98-497 redesignated pars. (9) and (10) as (7) and (8), respectively.

Subsec. (d). Pub. L. 98-497 added subsec. (d).

1980—Par. (10). Pub. L. 96-511 prescribed that the report be to appropriate oversight and appropriations committees, incorporated existing provisions in cls. (A) and (B) and added cl. (C).

#### EFFECTIVE DATE OF 2017 AMENDMENT

Amendment by Pub. L. 115-85 effective as if included in Pub. L. 113-187, see section 2(b) of Pub. L. 115-85, set out as a note under section 2902 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.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Pub. L. 96-511, § 5, Dec. 11, 1980, 94 Stat. 2826, provided: "This Act [enacting chapter 35 of this title, amending this section, section 2905 of this title, section 5315 of Title 5, Government Organization and Employees, section 1221-3 of Title 20, Education, section 1211 of Title 30, Mineral Lands and Mining, and section 292h of Title 42, The Public Health and Welfare, and enacting provisions set out as notes under sections 101 and 3503 of this title] shall take effect on April 1, 1981."

#### TERMINATION OF REPORTING REQUIREMENTS

For termination, effective May 15, 2000, of provisions of law requiring submittal to Congress of any annual, semiannual, or other regular periodic report listed in House Document No. 103-7 (in which a report to appropriate oversight and appropriations committees of Congress under subsec. (c)(8) of this section is listed as the 9th item on page 173 and as the 5th item on page 180), see section 3003 of Pub. L. 104-66, as amended, and section 1(a)(4) [div. A, § 1402(1)] of Pub. L. 106-554, set out as notes under section 1113 of Title 31, Money and Finance.

### § 2905. Establishment of standards for selective retention of records; security measures

(a) The Archivist shall establish standards for the selective retention of records of continuing value, and assist Federal agencies in applying the standards to records in their custody. The Archivist shall notify the head of a Federal agency of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of the agency that shall come to the Archivist's attention, and assist the head of the agency in initiating action through the Attorney General for the recovery of records unlawfully removed and for other redress provided by law. 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.

(b) The Archivist shall assist the Administrator for the Office of Information and Regulatory Affairs in conducting studies and developing standards relating to record retention re-

quirements imposed on the public and on State and local governments by Federal agencies.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1296; Pub. L. 96-511, § 2(c)(2), Dec. 11, 1980, 94 Stat. 2825; Pub. L. 98-497, title I, § 107(b)(15)(B), title II, § 203(a), Oct. 19, 1984, 98 Stat. 2288, 2294; Pub. L. 113-187, § 8(8), Nov. 26, 2014, 128 Stat. 2012.)

#### HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 395(b) (June 30, 1949, ch. 288, title V, § 505(b), as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583).

#### AMENDMENTS

2014—Subsec. (a). Pub. L. 113-187 substituted "The Archivist shall notify" for "He shall notify" and "the Archivist's attention" for "his attention".

1984—Subsec. (a). Pub. L. 98-497, § 107(b)(15)(B), substituted "Archivist" for "Administrator of General Services".

Pub. L. 98-497, § 203(a), inserted "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."

Subsec. (b). Pub. L. 98-497, § 107(b)(15)(B), substituted "Archivist" for "Administrator of General Services".

1980—Pub. L. 96-511 designated existing provisions as subsec. (a) and added subsec. (b).

#### 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.

#### EFFECTIVE DATE OF 1980 AMENDMENT

Amendment by Pub. L. 96-511 effective on Apr. 1, 1981, see section 5 of Pub. L. 96-511, set out as a note under section 2904 of this title.

### § 2906. Inspection of agency records

(a)(1) In carrying out the duties and responsibilities under this chapter, the Archivist (or the the<sup>1</sup> Archivist's designee) may inspect the records or the records management practices and programs of any Federal agency for the purpose of rendering recommendations for the improvement of records management practices and programs and for determining whether the records of Federal agencies have sufficient value to warrant continued preservation or lack sufficient value to justify continued preservation. Officers and employees of such agencies shall cooperate fully in such inspections, subject to the provisions of paragraphs (2) and (3) of this subsection.

(2) Records, the use of which is restricted by law or for reasons of national security or the public interest, shall be inspected, in accordance with regulations promulgated by the Archivist, subject to the approval of the head of the agency concerned or of the President.

(3) If the Archivist (or the Archivist's designee) inspects a record, as provided in this subsection, which is contained in a system of records which is subject to section 552a of title 5, such record shall be—

(A) maintained by the Archivist or such designee as a record contained in a system of records; or

<sup>1</sup> So in original.

(B) deemed to be a record contained in a system of records for purposes of subsections (b), (c), and (i) of section 552a of title 5.

(b) In conducting the inspection of agency records provided for in subsection (a) of this section, the Archivist (or the Archivist's designee) shall, in addition to complying with the provisions of law cited in subsection (a)(3), comply with all other Federal laws and be subject to the sanctions provided therein.

(c) The Administrator (or the Administrator's designee) may inspect the mail processing practices and programs of any Federal agency for the purpose of rendering recommendations for the improvement of mail processing practices and programs. Officers and employees of such agencies shall cooperate fully in such inspections of mail processing practices and programs.

(Added Pub. L. 94-575, §2(a)(3), Oct. 21, 1976, 90 Stat. 2725; amended Pub. L. 98-497, title I, §107(b)(17), Oct. 19, 1984, 98 Stat. 2289; Pub. L. 113-187, §9(d), Nov. 26, 2014, 128 Stat. 2013; Pub. L. 115-85, §2(a)(3), Nov. 21, 2017, 131 Stat. 1275.)

#### PRIOR PROVISIONS

A prior section 2906, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1297, contained provisions similar to those comprising subsec. (a)(1) and (2) of this section, prior to repeal by Pub. L. 94-575, §2(a)(3).

#### AMENDMENTS

2017—Subsec. (c). Pub. L. 115-85, §2(a)(3), added Pub. L. 113-187, §9(d)(3). See 2014 Amendment note below.

2014—Subsec. (a)(1). Pub. L. 113-187, §9(d)(1)(A), substituted “the duties” for “their respective duties” and “the Archivist’s designee” for “designee of either”, struck out “the Administrator of General Services and” before “the Archivist” and “solely” after “any Federal agency”, and inserted “and for determining whether the records of Federal agencies have sufficient value to warrant continued preservation or lack sufficient value to justify continued preservation” after “for the improvement of records management practices and programs”.

Subsec. (a)(2). Pub. L. 113-187, §9(d)(1)(B), struck out “the Administrator and” before “the Archivist” and “The regulations promulgated by the Administrator and the Archivist under this paragraph shall, to the extent practicable, be identical.” at end.

Subsec. (a)(3). Pub. L. 113-187, §9(d)(1)(C), in introductory provisions, struck out “the Administrator or” before “the Archivist” and substituted “Archivist’s designee” for “designee of either” and, in subpar. (A), substituted “the Archivist” for “the Administrator, the Archivist,”.

Subsec. (b). Pub. L. 113-187, §9(d)(2), struck out “the Administrator and” before “the Archivist” and substituted “Archivist’s designee” for “designee of either”.

Subsec. (c). Pub. L. 113-187, §9(d)(3), as added by Pub. L. 115-85, §2(a)(3), added subsec. (c).

1984—Pub. L. 98-497 inserted reference to Archivist in four places in subsections (a) and (b) and inserted at end of subsec. (b)(2) “The regulations promulgated by the Administrator and the Archivist under this paragraph shall, to the extent practicable, be identical.”

#### EFFECTIVE DATE OF 2017 AMENDMENT

Amendment by Pub. L. 115-85 effective as if included in Pub. L. 113-187, see section 2(b) of Pub. L. 115-85, set out as a note under section 2902 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.

### § 2907. Records centers and centralized micro-filming or digitization services

The Archivist may establish, maintain, and operate records centers and centralized micro-filming or digitization services for Federal agencies.

(Added Pub. L. 94-575, §2(a)(3), Oct. 21, 1976, 90 Stat. 2726; amended Pub. L. 98-497, title I, §107(b)(15)(A), Oct. 19, 1984, 98 Stat. 2288; Pub. L. 113-187, §9(b)(1), Nov. 26, 2014, 128 Stat. 2013.)

#### PRIOR PROVISIONS

A prior section 2907, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1297, contained provisions similar to those comprising this section, prior to repeal by Pub. L. 94-575, §2(a)(3).

#### AMENDMENTS

2014—Pub. L. 113-187 inserted “or digitization” after “microfilming” in section catchline and text.

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

#### 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.

### § 2908. Regulations

Subject to applicable law, the Archivist shall promulgate regulations governing the transfer of records from the custody of one executive agency to that of another.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1297; Pub. L. 98-497, title I, §107(b)(15)(B), Oct. 19, 1984, 98 Stat. 2288.)

#### HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., §395(e) (June 30, 1949, ch. 288, title V, §505(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.

### § 2909. Retention of records

The Archivist may empower a Federal agency to retain records for a longer period than that specified in disposal schedules, and may withdraw disposal authorizations covering records listed in disposal schedules. The Archivist shall promulgate regulations in accordance with section 2104(a) of this title to implement this section.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1297; Pub. L. 91-287, §4, June 23, 1970, 84 Stat. 322; Pub. L. 98-497, title I, §107(b)(15)(B), Oct. 19, 1984, 98 Stat. 2288; Pub. L. 108-383, §2(a), Oct. 30, 2004, 118 Stat. 2218.)

#### HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., §395(f) (June 30, 1949, ch. 288, title V, §505(f), as added Sept. 5, 1950, ch. 849, §6(d), 64 Stat. 583).

#### AMENDMENTS

2004—Pub. L. 108-383 struck out “, upon the submission of evidence of need,” after “Federal agency”, sub-