

§ 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 information, 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.

§ 3303. Lists and schedules of records to be submitted to the Archivist by head of each Government agency

The head of each agency of the United States Government shall submit to the Archivist, under regulations promulgated as provided by section 3302 of this title—

(1) lists of any records in the custody of the agency that have been photographed, microphotographed, or digitized under the regulations and that, as a consequence, do not appear to have sufficient value to warrant their further preservation by the Government;

(2) lists of other records in the custody of the agency not needed by it in the transaction of its current business and that do not appear to have sufficient administrative, legal, research, or other value to warrant their further preservation by the Government; and

(3) schedules proposing the disposal after the lapse of specified periods of time of records of a specified form or character that either have accumulated in the custody of the agency or may accumulate after the submission of the schedules and apparently will not after the lapse of the period specified have sufficient administrative, legal, research, or other value to warrant their further preservation by the Government.

(Pub. L. 90–620, Oct. 22, 1968, 82 Stat. 1299; Pub. L. 98–497, title I, §107(b)(23), (25)(A), Oct. 19, 1984, 98 Stat. 2290; Pub. L. 113–187, §5(c), Nov. 26, 2014, 128 Stat. 2010.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., §368 (July 7, 1943, ch. 192, §3, 57 Stat. 381; June 30, 1949, ch. 288, title I, §104(a), 63 Stat. 381).