

AMENDMENTS

2017—Par. (7). Pub. L. 115–85, §2(a)(1), amended Pub. L. 113–187, §9(a)(3). See 2014 Amendment note below.

2014—Par. (4). Pub. L. 113–187, §9(a)(1), substituted “creation, maintenance, transfer, and use” for “creation and of records maintenance and use”.

Par. (6). Pub. L. 113–187, §9(a)(2), inserted before period at end “and the transfer of records from Federal agencies to the National Archives of the United States in digital or electronic form to the greatest extent possible”.

Par. (7). Pub. L. 113–187, §9(a)(3), as amended by Pub. L. 115–85, §2(a)(1), substituted “the Archivist or the Administrator” for “the Administrator or the Archivist”.

1984—Par. (7). Pub. L. 98–497 inserted “or the Archivist” after “Administrator”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2017 AMENDMENT

Pub. L. 115–85, §2(b), Nov. 21, 2017, 131 Stat. 1275, provided that: “The amendments made by this section [amending this section and sections 2904, 2906, and 3102 of this title] shall take effect as if included in the Presidential and Federal Records Act Amendments of 2014 (Public Law 113–187).”

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.

§ 2903. Custody and control of property

(a) The Archivist shall have immediate custody and control of the National Archives Building and its contents, and may design, construct, purchase, lease, maintain, operate, protect, and improve buildings used by him for the storage of records of Federal agencies in the District of Columbia and elsewhere.

(b) When the Archivist considers it to be in the public interest, the Archivist may charge and collect reasonable fees from the public for the occasional, non-official use of rooms and spaces, and services related to such use, in the buildings subject to this section. Fees collected under this subsection shall be paid into an account in the National Archives Trust Fund and shall be held, administered, and expended for the benefit and in the interest of the national archival and records activities administered by the National Archives and Records Administration, including educational and public program purposes.

(Pub. L. 90–620, Oct. 22, 1968, 82 Stat. 1296; Pub. L. 98–497, title I, §107(b)(15)(A), Oct. 19, 1984, 98 Stat. 2288; Pub. L. 108–383, §4(b), Oct. 30, 2004, 118 Stat. 2218.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., §392 (June 30, 1949, ch. 288, title V, §502, as added Sept. 5, 1950, ch. 849, §6(d), 64 Stat. 583).

Editorial Notes

AMENDMENTS

2004—Pub. L. 108–383 designated existing provisions as subsec. (a) and added subsec. (b).

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

Statutory Notes and Related Subsidiaries

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.

§ 2904. General responsibilities for records management

(a) The Archivist shall provide guidance and assistance to Federal agencies with respect to ensuring—

- (1) economical and effective records management;
- (2) adequate and proper documentation of the policies and transactions of the Federal Government; and
- (3) proper records disposition.

(b) The Administrator shall provide guidance and assistance to Federal agencies to ensure economical and effective processing of mail by Federal agencies.

(c) In carrying out the responsibilities under subsection (a), the Archivist shall have the responsibility—

- (1) to promulgate standards, procedures, and guidelines with respect to records management and the conduct of records management studies;
- (2) to conduct research with respect to the improvement of records management practices and programs;
- (3) to collect and disseminate information on training programs, technological developments, and other activities relating to records management;
- (4) to establish such interagency committees and boards as may be necessary to provide an exchange of information among Federal agencies with respect to records management;
- (5) to direct the continuing attention of Federal agencies and the Congress on the need for adequate policies governing records management;
- (6) to conduct records management studies and, in the Archivist's discretion, designate the heads of executive agencies to conduct records management studies with respect to establishing systems and techniques designed to save time and effort in records management;
- (7) to conduct inspections or surveys of the records and the records management programs and practices within and between Federal agencies;
- (8) to report to the appropriate oversight and appropriations committees of the Congress and to the Director of the Office of Management and Budget in January of each year and at such other times as the Archivist deems desirable—

(A) on the results of activities conducted pursuant to paragraphs (1) through (7) of this section,

(B) on evaluations of responses by Federal agencies to any recommendations resulting from inspections or studies conducted under paragraphs (6) and (7) of this section, and

(C) to the extent practicable, estimates of costs to the Federal Government resulting from the failure of agencies to implement such recommendations.

(d) The Archivist shall promulgate regulations requiring all Federal agencies to transfer all digital or electronic records to the National Archives of the United States in digital or electronic form to the greatest extent possible.

(e) The Administrator, in carrying out subsection (b), shall have the responsibility to promote economy and efficiency in the selection and utilization of space, staff, equipment, and supplies for processing mail at Federal facilities.

(Added Pub. L. 94-575, §2(a)(2), Oct. 21, 1976, 90 Stat. 2725; amended Pub. L. 96-511, §2(c)(1), Dec. 11, 1980, 94 Stat. 2825; Pub. L. 98-497, title I, §107(b)(16), Oct. 29, 1984, 98 Stat. 2288; Pub. L. 113-187, §§8(7), 9(c), Nov. 26, 2014, 128 Stat. 2012, 2013; Pub. L. 115-85, §2(a)(2), Nov. 21, 2017, 131 Stat. 1274.)

Editorial Notes

PRIOR PROVISIONS

A prior section 2904, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1296, contained provisions similar to those comprising pars. (1) and (2) of this section, prior to repeal by Pub. L. 94-575, §2(a)(2).

Provisions similar to those comprising pars. (8) to (10) of this section were contained in section 2902, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1296, prior to repeal by Pub. L. 94-575, §2(a)(1).

AMENDMENTS

2017—Pub. L. 115-85, §2(a)(2), amended Pub. L. 113-187, §9(c). See 2014 Amendment notes below.

2014—Subsec. (a). Pub. L. 113-187, §9(c)(1), as amended by Pub. L. 115-85, §2(a)(2)(A), amended subsec. (a) generally. Prior to amendment, subsec. (a) read as follows: “The Archivist shall provide guidance and assistance to Federal agencies with respect to ensuring adequate and proper documentation of the policies and transactions of the Federal Government and ensuring proper records disposition.”

Subsec. (b). Pub. L. 113-187, §9(c)(2), as added by Pub. L. 115-85, §2(a)(2)(C), substituted “effective processing of mail by Federal agencies” for “effective records management by such agencies”.

Subsec. (c). Pub. L. 113-187, §9(c)(3)(A), formerly §9(c)(2)(A), as renumbered and amended by Pub. L. 115-85, §2(c)(2)(B), (D)(i), substituted “the responsibilities under subsection (a), the Archivist shall have” for “their responsibilities under subsection (a) or (b), respectively, the Archivist and the Administrator shall each have” in introductory provisions.

Subsec. (c)(6). Pub. L. 113-187, §8(7), substituted “the Archivist’s” for “his”.

Subsec. (c)(8). Pub. L. 113-187, §9(c)(3)(B), formerly §9(c)(2)(B), as renumbered and amended by Pub. L. 115-85, §2(a)(2)(B), (D)(ii), struck out “or the Administrator (as the case may be)” after “Archivist”.

Subsec. (d). Pub. L. 113-187, §9(c)(4), formerly §9(c)(3), as renumbered and amended by Pub. L. 115-85, §2(c)(2)(B), (E), amended subsec. (d) generally. Prior to amendment, subsec. (d) read as follows: “In addition, the Administrator, in carrying out subsection (b), shall have the responsibility to promote economy and efficiency in the selection and utilization of space, staff, equipment, and supplies for records management.”

Subsec. (e). Pub. L. 113-187, §9(c)(5), as added by Pub. L. 115-85, §2(a)(2)(F), added subsec. (e).

1984—Pub. L. 98-497 substituted “for records management” for “of Administrator” in section catchline.

Subsec. (a). Pub. L. 98-497 designated existing first sentence as subsec. (a) and substituted “Archivist” for “Administrator” and “ensuring adequate and proper documentation of the policies and transactions of the Federal Government and ensuring proper records dis-

position” for “records creation, records maintenance and use, and records disposition”.

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

Subsec. (c). Pub. L. 98-497 designated existing second sentence as subsec. (c), substituted “In carrying out the responsibilities under subsection (a) or (b), respectively” for “In providing such guidance and assistance,” and inserted reference to Archivist in text preceding par. (1).

Subsec. (c)(1). Pub. L. 98-497 redesignated par. (2) as (1). Provisions contained in former par. (1) are now contained substantially in subsec. (d).

Subsec. (c)(2). Pub. L. 98-497 redesignated par. (3) as (2). Former par. (2) redesignated (1).

Subsec. (c)(3). Pub. L. 98-497 redesignated par. (6) as (3) and inserted “to collect and”, “training programs”, and “other activities”. Former par. (3) redesignated (2).

Subsec. (c)(4). Pub. L. 98-497 redesignated par. (5) as (4). Former par. (4), which read “serve as a clearinghouse for information with respect to records management and as a central source for reference and training materials with respect to records management”, was struck out.

Subsec. (c)(5). Pub. L. 98-497 redesignated par. (7) as (5) and struck out “the burden placed on the Federal Government by unnecessary paperwork” after “Congress on”, “creation” before “maintenance”, and “and use, and disposition” after “maintenance”. Former par. (5) redesignated (4).

Subsec. (c)(6). Pub. L. 98-497 redesignated par. (8) as (6) and struck out “with particular attention given to standards and procedures governing records creation” at end. Former par. (6) redesignated (3).

Subsec. (c)(7). Pub. L. 98-497 redesignated par. (9) as (7) and substituted “surveys of the records and the records management programs and practices within and between Federal agencies” for “records management studies which involve a review of the programs and practices of more than one Federal agency and which examine interaction among and relationships between 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).

Statutory Notes and Related Subsidiaries

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 requirements 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).

Editorial Notes

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).

Statutory Notes and Related Subsidiaries

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 the¹ 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

(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.)

Editorial Notes

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.

¹ So in original.