§ 2705. Compensation and travel expenses

A member of the Committee may not be paid compensation for service performed as a member of the Committee. However, members of the Committee shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of service for the Committee.


§ 2706. Administrative provisions

(a) Upon request of the Committee, the head of any Federal agency is authorized to detail to the Committee, on a nonreimbursable basis, any of the personnel of such agency to assist the Committee in carrying out the duties referred to under section 2703 and such detail shall be without interruption or loss of civil service status or privilege.

(b) For purposes of supporting the Committee, the Archivist may obtain the services of experts and consultants in accordance with the provisions of section 3109 of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the minimum annual rate of basic pay payable for GS–16 of the General Schedule under section 5332 of such title.


REFERENCES IN OTHER LAWS TO GS–16, 17, OR 18 PAY RATES

References in laws to the rates of pay for GS–16, 17, or 18, or to maximum rates of pay under the General Schedule, to be considered references to rates payable under specified sections of Title 5, Government Organization and Employees, see section 529 [title I, §160(c)(1)] of Pub. L. 101–509, set out in a note under section 5376 of Title 5.

CHAPTER 29—RECORDS MANAGEMENT BY THE ARCHIVIST OF THE UNITED STATES AND BY THE ADMINISTRATOR OF GENERAL SERVICES

Sec. 2901. Definitions.
2902. Objectives of records management.
2903. Custody and control of property.
2904. General responsibilities of Administrator.1
2905. Establishment of standards for selective retention of records; security measures.
2906. Inspection of agency records.
2907. Records centers and centralized microfilming services.
2908. Regulations.
2909. Retention of records.
2910. Preservation of Freedmen’s Bureau records.

AMENDMENTS

1 Section catchline amended by Pub. L. 98–497 without corresponding amendment of chapter analysis.

1976—Pub. L. 94–575, §2(b), Oct. 21, 1976, 90 Stat. 2726, substituted “‘Objectives of records management’” for “‘Records management, surveys, and reports’” in item 2902, “‘General responsibilities of Administrator’” for “‘Records management by Administrator; duties generally’” in item 2904, “‘Inspection of agency records’” for “‘Personal inspection and survey of records’” in item 2906, “‘Records centers and centralized microfilming services’” for “‘Records centers for storage, process, and servicing of records’” in item 2907, reenacted without change items 2901, 2903, 2905, 2908, and 2909, and struck out item 2910 “‘Final authority of Administrator in records practices’”.

§ 2901. Definitions

As used in this chapter, and chapters 21, 25, 31, and 33 of this title—

(1) the term “records” has the meaning given it by section 3301 of this title;

(2) the term “records management” means the planning, controlling, directing, organizing, training, promoting, and other managerial activities involved with respect to records creation, records maintenance and use, and records disposition in order to achieve adequate and proper documentation of the policies and transactions of the Federal Government and effective and economical management of agency operations;

(3) the term “records creation” means the production or reproduction of any record;

(4) the term “records maintenance and use” means any activity involving—

(A) location of records of a Federal agency;

(B) storage, retrieval, and handling of records kept at office file locations by or for a Federal agency;

(C) processing of mail by a Federal agency; or

(D) selection and utilization of equipment and supplies associated with records and copying;

(5) the term “records disposition” means any activity with respect to—

(A) disposal of temporary records no longer necessary for the conduct of business by destruction or donation;

(B) transfer of records to Federal agency storage facilities or records centers;

(C) transfer to the National Archives of the United States of records determined to have sufficient historical or other value to warrant continued preservation; or

(D) transfer of records from one Federal agency to any other Federal agency;

(6) the term “records center” means an establishment maintained and operated by the Archivist or by another Federal agency primarily for the storage, servicing, security, and processing of records which need to be preserved for varying periods of time and need not be retained in office equipment or space;

(7) the term “records management study” means an investigation and analysis of any Federal agency records, or records management practices or programs (whether manual or automated), with a view toward rendering findings and recommendations with respect thereto;

(8) the term “inspection” means reviewing any Federal agency’s records or records man-
agement practices or programs with respect to
effectiveness and compliance with records
management laws and making necessary rec-
ommendations for correction or improvement
of records management;
(b) the term “servicing” means making
available for use information in records and
other materials in the custody of the Archi-
vist, or in a records center—
(A) by furnishing the records or other ma-
terials, or information from them, or copies
or reproductions thereof, to any Federal
agency for official use, or to the public; or
(B) by making and furnishing authenti-
cated or unauthenticated copies or reproduc-
tions of the records or other materials;
(10) the term “unauthenticated copies”
means exact copies or reproductions of records
or other materials that are not certified as
such under seal and that need not be legally
accepted as evidence;
(11) the term “National Archives of the
United States” means those official records
which have been determined by the Archivist
of the United States to have sufficient histori-
cal or other value to warrant their continued
preservation by the Federal Government, and
which have been accepted by the Archivist for
deposit in his custody;
(12) the term “Archivist” means the Archi-
vist of the United States;
(13) the term “executive agency” shall have
the meaning given such term by section 102 of
title 40;
(14) the term “Federal agency” means any
executive agency or any establishment in the
legislative or judicial branch of the Govern-
ment (except the Supreme Court, the Senate,
the House of Representatives, and the Archi-
tect of the Capitol and any activities under
the direction of the Architect of the Capitol); and
(15) the term “Administrator” means the
Administrator of General Services.

Effects of the Federal Records Improvement
Act of 1984

Par. (13). Pub. L. 98-497, §107(b)(13)(D), struck out references
to “Federal agency” and to subsec. (b) of section 3 of the Federal Property and Administrative
Services Act of 1949. See par. (14) of this section.

Par. (14), (15). Pub. L. 98-497, §107(b)(13)(D), added pars. (14) and (15).

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.

Records Center Revolving Fund

Pub. L. 106-58, title IV, (a)–(e), Sept. 29, 1999, 113
2004, 118 Stat. 2219, provided that:

(a) Establishment of Fund.—There is hereby estab-
lished in the Treasury a revolving fund to be available
for expenses (including expenses for uniforms or allow-
ances for uniforms authorized under section 5 of chapter
59 of title 5 [United States Code]) and equipment
necessary to provide for storage and related serv-
ices for all temporary and pre-archival Federal records,
which are to be stored or stored at Federal National
and Regional Records Centers by agencies and other in-
strumentalities of the Federal Government. The Fund
shall be available without fiscal year limitation for
expenses necessary for operation of these activities.

(b) Start-Up Capital.—

(1) There is appropriated $22,000,000 as initial cap-
itization of the Fund.

(2) In addition, the initial capital of the Fund
shall include the fair and reasonable value at the
Fund’s inception of the inventories, equipment, re-
ceivables, and other assets, less the liabilities, trans-
ferred to the Fund. The Archivist of the United
States is authorized to accept inventories, equip-
ment, receivables and other assets from other Federal
titles that were used to provide for storage and re-
lated services for temporary and pre-archival Federal
records.

(c) User Charges.—The Fund shall be credited with
user charges received from other Federal Government
accounts as payment for providing personnel, storage,
materials, supplies, equipment, and services as author-
ized by subsection (a). Such payments may be made in
advance or by way of reimbursement. The rates
charged will return in full the expenses of operation,
including reserves for accrued annual leave, worker’s
compensation, depreciation of capitalized equipment
and shelving, and amortization of information tech-
ology software and systems.

(d) Funds Returned to Miscellaneous Receipts of
the Department of the Treasury.—

(1) In addition to funds appropriated to and assets
transferred to the Fund in subsection (b), an amount
not to exceed 4 percent of the total annual income
may be retained in the Fund as an operating reserve
or for the replacement or acquisition of capital equip-
ment, including shelving, and the improvement and
implementation of the financial management, informa-
tion technology, and other support systems of the
National Archives and Records Administration.

(2) Funds in excess of the 4 percent at the close of
each fiscal year shall be returned to the Treasury of
the United States as miscellaneous receipts.

(e) Reporting Requirement.—The National
Archives and Records Administration shall provide quar-
terly reports to the Committees on Appropriations and
Governmental Affairs of the Senate, and the Commit-
tees on Appropriations and Government Reform [now
Oversight and Government Reform] of the House of
Representatives on the operation of the Records Center
Revolving Fund.

Federal Records Management Provisions Without
Effect on Authorities and Responsibilities of
Administrator of General Services, Joint Com-
mittee, or Government Printing Office

Section 5 of Pub. L. 94-575 provided that:
“(a) The provisions of this Act [see Short Title of 1976 Amendment note set out under section 101 of this title] relating to the authority of the Administrator of General Services do not limit or repeal additional authorities provided by statute or otherwise recognized by law.

“(b) The provisions of this Act do not limit or repeal the authority or responsibilities of the Joint Committee on Printing or the Government Printing Office under chapters 1 through 19 of title 44, United States Code.”

§ 2902. Objectives of records management

It is the purpose of this chapter, and chapters 21, 31, and 33 of this title, to require the establishment of standards and procedures to assure efficient and effective records management. Such records management standards and procedures shall seek to implement the following goals:

(1) Accurate and complete documentation of the policies and transactions of the Federal Government.

(2) Control of the quantity and quality of records produced by the Federal Government.

(3) Establishment and maintenance of mechanisms of control with respect to records creation in order to prevent the creation of unnecessary records and with respect to the effective and economical operations of an agency.

(4) Simplification of the activities, systems, and processes of records creation and of records maintenance and use.

(5) Judicious preservation and disposal of records.

(6) Direction of continuing attention on records from their initial creation to their final disposition, with particular emphasis on the prevention of unnecessary Federal paperwork.

(7) Establishment and maintenance of such other systems or techniques as the Administrator or the Archivist considers necessary to carry out the purposes of this chapter, and chapters 21, 31, and 33 of this title.


Prior Provisions


Amendments

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

Effective Date of 1984 Amendment


§ 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.


Historical and Revision Notes


Amendments

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


Effective Date of 1984 Amendment


§ 2904. General responsibilities for records management

(a) 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.

(b) The Administrator shall provide guidance and assistance to Federal agencies to ensure economical and effective records management by such agencies.

(c) In carrying out their responsibilities under subsection (a) or (b), respectively, the Archivist and the Administrator shall each 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 his 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 or the Administrator (as the case may be) 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) 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.


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)(2).

AMENDMENTS


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


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 struck out “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 “(1)” 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.


1980—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 1984 AMENDMENT


EFFECTIVE DATE OF 1980 AMENDMENT

Section 5 of Pub. L. 96–511 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 2901 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 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 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. He 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 his attention, and assist the head of the agency in initiating action through the Attorney General for the recovery of records unlaw-
fully 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.


HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 505(b) (June 30, 1949, ch. 288, title V, § 505(b), as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 585).

AMENDMENTS


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


EFFECTIVE DATE OF 1980 AMENDMENT


§ 2906. Inspection of agency records

(a)(1) In carrying out their respective duties and responsibilities under this chapter, the Administrator of General Services and the Archivist (or the designee of either) may inspect the records or the records management practices and programs of any Federal agency solely for the purpose of rendering recommendations for the improvement of records management practices and programs. 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 Administrator and the Archivist, subject to the approval of the head of the agency concerned or of the President. The regulations promulgated by the Administrator and the Archivist under this paragraph shall, to the extent practicable, be identical.

(3) If the Administrator or the Archivist (or the designee of either) 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 Administrator, 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 Administrator and the Archivist (or the designee of either) 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.


PRIOR PROVISIONS


AMENDMENTS

1984—Pub. L. 98–497 inserted reference to Archivist in four places in subsecs. (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 1984 AMENDMENT


§ 2907. Records centers and centralized microfilming services

The Archivist may establish, maintain, and operate records centers and centralized microfilming services for Federal agencies.


PRIOR PROVISIONS


AMENDMENTS


EFFECTIVE DATE OF 1984 AMENDMENT


§ 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.

§ 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.


HISTORICAL AND REVISION NOTES


AMENDMENTS


Effective Date of 1984 Amendment


§ 2910. Preservation of Freedmen’s Bureau records

The Archivist shall preserve the records of the Bureau of Refugees, Freedmen, and Abandoned Lands, commonly referred to as the “Freedmen’s Bureau”, by using—

1. microfilm technology for preservation of the documents comprising these records so that they can be maintained for future generations; and
2. the results of the pilot project with the University of Florida to create future partnerships with Howard University and other institutions for the purposes of indexing these records and making them more easily accessible to the public, including historians, genealogists, and students, and for any other purposes determined by the Archivist.

(Amended Pub. L. 106–444, §2(a), Nov. 6, 2000, 114 Stat. 1929.)

HISTORICAL AND REVISION NOTES


AMENDMENTS


CHAPTER 31—RECORDS MANAGEMENT BY FEDERAL AGENCIES

Sec. 3101. Records management by agency heads; general duties.

3102. Establishment of program of management.

3103. Transfer of records to records centers.

3104. Certifications and determinations on transferred records.

3105. Safeguards.

3106. Unlawful removal, destruction of records.

3107. Authority of Comptroller General.

AMENDMENTS


§ 3101. Records management by agency heads; general duties

The head of each Federal agency shall make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency’s activities.


HISTORICAL AND REVISION NOTES


MANAGING GOVERNMENT RECORDS

Memorandum of President of the United States, Nov. 28, 2011, 76 F.R. 75423, provided:

Memorandum for the Heads of Executive Departments and Agencies

SECTION I. Purpose. This memorandum begins an executive branch-wide effort to reform records management policies and practices. Improving records management will improve performance and promote openness and accountability by better documenting agency actions and decisions. Records transferred to the National Archives and Records Administration (NARA) provide the prism through which future generations will understand and learn from our actions and decisions. Modernized records management will also help executive departments and agencies (agencies) minimize costs and operate more efficiently. Improved records management will also help executive departments and agencies (agencies) focus on mission-critical functions.

When records are well-managed, agencies can use them to assess the impact of programs, to reduce redundant efforts, to save money, and to share knowledge within and across their organizations. In these ways, proper records management is the backbone of open Government.

Decades of technological advances have transformed agency operations, creating challenges and opportunities for agency records management. Greater reliance on electronic communication and systems has radically increased the volume and diversity of information that