and disbursing officers for rendition of their accounts for settlement by the Government Accountability Office.


HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 306(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


AMENDMENTS


CHAPTER 33—DISPOSAL OF RECORDS

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.
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 Repealed.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.
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. Definitions.
3316. Establishment of Commission.
3317. Duties of Commission.
3318. Membership.
3319. Director and staff; experts and consultants.
3321. Support services.
3323. Termination.
3324. Authorization of appropriations.

AMENDMENTS


1Does not conform to section catchline.
§ 3303a. Examination by Archivist of lists and schedules of records lacking preservation value; disposal of records

(a) The Archivist shall examine the lists and schedules submitted to him under section 3303 of this title. If the Archivist determines that any of the records listed in a list or schedule submitted to him do not, or 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 agency, he may, after publication of notice in the Federal Register and an opportunity for interested persons to submit comment thereon—

(1) notify the agency to that effect; and

(2) empower the agency to dispose of those records in accordance with regulations promulgated under section 3302 of this title.

(b) Authorizations granted under lists and schedules submitted to the Archivist under section 3303 of this title, and schedules promulgated by the Archivist under subsection (d) of this section, shall be mandatory, subject to section 2909 of this title. As between an authorization granted under lists and schedules submitted to the Archivist under section 3303 of this title and an authorization contained in a schedule promulgated under subsection (d) of this section, application of the authorization providing for the shorter retention period shall be required, subject to section 2909 of this title.

(c) The Archivist may request advice and counsel from the Committee on Rules and Administration of the Senate and the Committee on House Oversight of the House of Representatives with respect to the disposal of any particular records under this chapter whenever he considers that—

(1) those particular records may be of special interest to the Congress; or

(2) consultation with the Congress regarding the disposal of those particular records is in the public interest.

However, this subsection does not require the Archivist to request such advice and counsel as a regular procedure in the general disposal of records under this chapter.

(d) The Archivist shall promulgate schedules authorizing the disposal, after the lapse of specified periods of time, of records of a specified form or character common to several or all agencies if such records will not, at the end of the periods specified, have sufficient administrative, legal, research, or other value to warrant their further preservation by the United States Government.

(e) The Archivist may approve and effect the disposal of records that are in his legal custody, provided that records that had been in the custody of another existing agency may not be disposed of without the written consent of the head of that agency.

(f) The Archivist shall make an annual report to the Congress concerning the disposal of records under this chapter; including general descriptions of types of records disposed of and such other information as he considers appropriate to keep the Congress fully informed regarding the disposal of records under this chapter.


AMENDMENTS

1984—Subsec. (d). Pub. L. 108–383 struck out at end "A Federal agency may request changes in such schedules for its records pursuant to section 2909 of this title."
§ 3304. Disposal of similar records where prior disposal was authorized

When it appears to the Archivist that an agency has in its custody, or is accumulating, records of the same form or character as those of the same agency previously authorized to be disposed of, he may empower the head of the agency to dispose of the records, after they have been in existence a specified period of time, in accordance with regulations promulgated under section 3302 of this title and without listing or scheduling them.


HISTORICAL AND REVISION NOTES


AMENDMENTS


EFFECTIVE DATE OF 1984 AMENDMENT


§ 3309. Preservation of claims of Government until settled in Government Accountability Office; disposal authorized upon written approval of Comptroller General

Records pertaining to claims and demands by or against the Government of the United States or to accounts in which the Government of the United States is concerned, either as debtor or creditor, may not be disposed of by the head of an agency under authorization granted under this chapter, until the claims, demands, and accounts have been settled and adjusted in the Government Accountability Office, except upon the written approval of the Comptroller General of the United States.


HISTORICAL AND REVISION NOTES


AMENDMENTS


1970—Pub. L. 91–287 substituted “under this chapter” for “under sections 3306–3308 of this title”.

§ 3310. Disposal of records constituting menace to health, life, or property

When the Archivist and the head of the agency that has custody of them jointly determine that records in the custody of an agency of the United States Government are a continuing menace to human health or life or to property, the Archivist shall eliminate the menace immediately by any method he considers necessary. When records in the custody of the Archivist are disposed of under this section, the Archivist shall report their disposal to the agency from which they were transferred.


HISTORICAL AND REVISION NOTES

§ 3311. Destruction of records outside continental United States in time of war or when hostile action seems imminent; written report to Archivist

During a state of war between the United States and another nation, or when hostile action by a foreign power appears imminent, the head of an agency of the United States Government may authorize the destruction of records in his legal custody situated in a military or naval establishment, ship, or other depository outside the territorial limits of continental United States—

(1) the retention of which would be prejudicial to the interests of the United States or

(2) which occupy space urgently needed for military purposes and are, in his opinion, without sufficient administrative, legal, re-

search, or other value to warrant their continued preservation.

Within six months after their disposal, the official who directed the disposal shall submit a written report to the Archivist in which he shall describe the character of the records and state when and where he disposed of them.


HISTORICAL AND REVISION NOTES


AMENDMENTS


Effective Date of 1984 Amendment


§ 3312. Photographs or microphotographs of records considered as originals; certified reproductions admissible in evidence

Photographs or microphotographs of records made in compliance with regulations under section 3302 of this title shall have the same effect as the originals and shall be treated as originals for the purpose of their admissibility in evidence. Certified or authenticated reproductions of the photographs or microphotographs shall be admitted in evidence equally with the original photographs or microphotographs.


HISTORICAL AND REVISION NOTES


AMENDMENTS


Effective Date of 1984 Amendment


§ 3313. Moneys from sale of records payable into the Treasury

Moneys derived by agencies of the Government from the sale of records disposed of under this chapter shall be paid into the Treasury of the United States unless otherwise required by law.


HISTORICAL AND REVISION NOTES


§ 3314. Procedures for disposal of records exclusive

The procedures prescribed by this chapter are exclusive, and records of the United States Government may not be alienated or destroyed except under this chapter.


HISTORICAL AND REVISION NOTES


§ 3315. Definitions

For purposes of this section and section 3316 through section 3324 of this title—

(1) the term “Federal official” means any individual holding the office of President or Vice President of the United States, or Senator or Representative in, or Delegate or Resident Commissioner to, the Congress of the United States, or any officer of the executive, judicial, or legislative branch of the Federal Government;

(2) the term “Commission” means the National Study Commission on Records and Documents of Federal Officials; and

(3) the term “records and documents” shall include handwritten and typewritten documents, motion pictures, television tapes and recordings, magnetic tapes, automated data processing documentation in various forms, and other records that reveal the history of the Nation.


Termination of Commission

For provision that Commission is to cease to exist sixty days after transmitting its report, see section 3323 of this title.

§ 3316. Establishment of Commission

There is established a commission to be known as the National Study Commission on Records and Documents of Federal Officials.


Termination of Commission

For provision that Commission is to cease to exist sixty days after transmitting its report, see section 3323 of this title.
§ 3317. Duties of Commission

It shall be the duty of the Commission to study problems and questions with respect to the control, disposition, and preservation of records and documents produced by or on behalf of Federal officials, with a view toward the development of appropriate legislative recommendations and other recommendations regarding appropriate rules and procedures with respect to such control, disposition, and preservation. Such study shall include consideration of—
(1) whether the historical practice regarding the records and documents produced by or on behalf of Presidents of the United States should be rejected or accepted and whether such practice should be made applicable with respect to all Federal officials;
(2) the relationship of the findings of the Commission to the provisions of chapter 19 of this title, section 2101 through section 2108 of this title, and other Federal laws relating to the control, disposition, and preservation of records and documents of Federal officials;
(3) whether the findings of the Commission should affect the control, disposition, and preservation of records and documents of agencies within the Executive Office of the President created for short-term purposes by the President;
(4) the recordkeeping procedures of the White House Office, with a view toward establishing means to determine which records and documents are produced by or on behalf of the President;
(5) the nature of rules and procedures which should apply to the control, disposition, and preservation of records and documents produced by Presidential task forces, commissions, and boards;
(6) criteria which may be used generally in determining the scope of materials which should be considered to be the records and documents of Members of the Congress;
(7) the privacy interests of individuals whose communications with Federal officials, and with task forces, commissions, and boards, are a part of the records and documents produced by such officials, task forces, commissions, and boards; and
(8) any other problems, questions, or issues which the Commission considers relevant to carrying out its duties under section 3315 through section 3324 of this title.

(A) one Member of the House of Representatives appointed by the Speaker of the House upon recommendation made by the majority leader of the House;
(B) one Member of the House of Representatives appointed by the Speaker of the House upon recommendation made by the minority leader of the House;
(C) one Member of the Senate appointed by the President pro tempore of the Senate upon recommendation made by the majority leader of the Senate;
(D) one Member of the Senate appointed by the President pro tempore of the Senate upon recommendation made by the minority leader of the Senate;
(E) one member of the Federal judiciary appointed by the Chief Justice of the United States;
(F) one person employed by the Executive Office of the President or the White House Office, appointed by the President;
(G) three appointed by the President, by and with the advice and consent of the Senate, from persons who are not officers or employees of any government and who are specially qualified to serve on the Commission by virtue of their education, training, or experience;
(H) one representative of the Department of State, appointed by the Secretary of State;
(I) one representative of the Department of Defense, appointed by the Secretary of Defense;
(J) one representative of the Department of Justice, appointed by the Attorney General;
(K) the Administrator of General Services (or his delegate);
(L) the Librarian of Congress;
(M) one member of the American Historical Association, appointed by the counsel of such Association;
(N) one member of the Society of American Archivists, appointed by such Society; and
(O) one member of the Organization of American Historians, appointed by such Organization.

(2) No more than two members appointed under paragraph (1)(G) may be of the same political party.
(b) A vacancy in the Commission shall be filled in the manner in which the original appointment was made.
(c) If any member of the Commission who was appointed to the Commission as a Member of the Congress leave such office, or if any member of the Commission who was appointed from persons who are not officers or employees of any government becomes an officer or employee of a government, he may continue as a member of the Commission for no longer than the sixty-day period beginning on the date he leaves such office or becomes such an officer or employee, as the case may be.
(d) Members shall be appointed for the life of the Commission.
(e)(1) Members of the Commission shall serve without pay.
(2) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses in the same
manner as persons employed intermittently in the service of the Federal Government are allowed expenses under section 5703 of title 5, United States Code, except that per diem in lieu of subsistence shall be paid only to those members of the Commission who are not full-time officers or employees of the United States or Members of the Congress.

(f) The Chairman of the Commission shall be designated by the President from among members appointed under subsection (a)(1)(G).

(g) The Commission shall meet at the call of the Chairman or a majority of its members.


AMENDMENTS


Subsec. (e)(2). Pub. L. 94–261, § 1(a)(2), substituted “section 5703 of title 5, United States Code” for “section 5703(b) of title 5, United States Code”.

§ 3320. Powers of Commission

(a) The Commission may, for the purpose of carrying out its duties under sections 3315 through 3324 of this title, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence, as the Commission may deem desirable.

(b) When so authorized by the Commission, any member or agent of the Commission may take any action which the Commission is authorized to take by this section.

(c) The Commission may secure directly from any department or agency of the United States information necessary to enable the Commission to carry out its duties under section 3315 through section 3324 of this title. Upon request of the Chairman of the Commission, the head of such department or agency shall furnish such information to the Commission.


TERMINATION OF COMMISSION

For provision that Commission is to cease to exist sixty days after transmitting its report, see section 3323 of this title.

§ 3321. Support services

(a) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services and assistance as the Commission may request.

(b) The Archivist of the United States shall provide to the Commission on a reimbursable basis such technical and expert advice, consultation, and support assistance as the Commission may request.


TERMINATION OF COMMISSION

For provision that Commission is to cease to exist sixty days after transmitting its report, see section 3323 of this title.

§ 3322. Report

The Commission shall transmit to the President and to each House of the Congress a report not later than March 31, 1977. Such report shall contain a detailed statement of the findings and conclusions of the Commission, together with its recommendations for such legislation, administrative actions, and other actions, as it deems appropriate.


AMENDMENTS


TERMINATION OF COMMISSION

For provision that Commission is to cease to exist sixty days after transmitting its report, see section 3323 of this title.

§ 3323. Termination

The Commission shall cease to exist sixty days after transmitting its report under section 3322 of this title.

§ 3324. Authorization of appropriations

There is authorized to be appropriated such sums as may be necessary to carry out section 3315 through section 3324 of this title.


CHAPTER 35—COORDINATION OF FEDERAL INFORMATION POLICY

SUBCHAPTER I—FEDERAL INFORMATION POLICY

Sec. 3501. Purposes.
3502. Definitions.
3503. Office of Information and Regulatory Affairs.
3504. Authority and functions of Director.
3505. Assignment of tasks and deadlines.
3506. Federal agency responsibilities.
3507. Public information collection activities; submission to Director; approval and delegation.
3508. Determination of necessity for information; hearing.
3509. Designation of central collection agency.
3510. Cooperation of agencies in making information available.
3511. Establishment and operation of Government Information Locator Service.
3512. Public protection.
3513. Director review of agency activities; reporting; agency response.
3514. Responsiveness to Congress.
3515. Administrative powers.
3516. Rules and regulations.
3517. Consultation with other agencies and the public.
3518. Effect on existing laws and regulations.
3519. Access to information.
3520. Establishment of task force on information collection and dissemination.
3521. Authorization of appropriations.

SUBCHAPTER II—INFORMATION SECURITY

Sec. 3531. Purposes.
3532. Definitions.
3533. Authority and functions of the Director.
3534. Federal agency responsibilities.
3535. Annual independent evaluation.
3536. National security systems.
3537. Authorization of appropriations.
3538. Effect on existing law.

SUBCHAPTER III—INFORMATION SECURITY

Sec. 3541. Purposes.
3543. Authority and functions of the Director.
3544. Federal agency responsibilities.
3545. Annual independent evaluation.
3546. Federal information security incident center.
3547. National security systems.
3548. Authorization of appropriations.
3549. Effect on existing law.

AMENDMENTS


SUBCHAPTER I—FEDERAL INFORMATION POLICY

AMENDMENTS


§ 3501. Purposes

The purposes of this subchapter are to—

(1) minimize the paperwork burden for individuals, small businesses, educational and nonprofit institutions, Federal contractors, State, local and tribal governments, and other persons resulting from the collection of information by or for the Federal Government;

(2) ensure the greatest possible public benefit from and maximize the utility of information created, collected, maintained, used, shared and disseminated by or for the Federal Government;

(3) coordinate, integrate, and to the extent practicable and appropriate, make uniform Federal information resources management policies and practices as a means to improve the productivity, efficiency, and effectiveness of Government programs, including the reduction of information collection burdens on the public and the improvement of service delivery to the public;

(4) improve the quality and use of Federal information to strengthen decisionmaking, accountability, and openness in Government and society;

(5) minimize the cost to the Federal Government of the creation, collection, maintenance, use, dissemination, and disposition of information;

(6) strengthen the partnership between the Federal Government and State, local, and tribal governments by minimizing the burden and maximizing the utility of information created, collected, maintained, used, disseminated, and retained by or for the Federal Government;

(7) provide for the dissemination of public information on a timely basis, on equitable terms, and in a manner that promotes the utility of the information to the public and makes effective use of information technology;

(8) ensure that the creation, collection, maintenance, use, dissemination, and disposition of information by or for the Federal Government is consistent with applicable laws, including laws relating to—

(A) privacy and confidentiality, including section 552a of title 5;

(B) security of information, including section 11332 of title 40; and

(C) access to information, including section 552 of title 5;

(9) ensure the integrity, quality, and utility of the Federal statistical system;

1 See References in Text note below.