Statutory Notes and Related Subsidiaries

Effective Date of 2017 Amendment

Amendment by Pub. L. 115–85 effective Apr. 1, 2018, see section 301 of Pub. L. 115–85, 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 related 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 records to the National Archives of the United States in digital or electronic form to the greatest extent possible.

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.


Editorial Notes

PRIOR PROVISIONS

A prior section 2901, 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


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(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. (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 redesignated 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:,

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 "into” 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”, and “at end. Former par. (6) redesignated (3).

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


1980—Pub. L. 96–511 designated existing first paragraph as subsec. (a) and added following five paragraphs.


Effective Date of 1984 Amendment


Effective Date of 1980 Amendment

§ 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.

(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.

(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 and for determining whether the records of Federal agencies have sufficient value to warrant continued preservation or lack sufficient value to justify continued preservation.

§ 2906. Inspection of agency records

(a)(1) In carrying out the duties and responsibilities under this chapter, the Archivist (or the the 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.

(c) The Administrator (or the Administrator's designee) may inspect the records of Federal agencies 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.

(d) 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, and programs. Officers and employees of such agencies shall cooperate fully in such inspections of mail processing practices and programs.

(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.

(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, and programs. Officers and employees of such agencies shall cooperate fully in such inspections of mail processing practices and programs.

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(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.

(c) The Administrator (or the Administrator's designee) may inspect 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.

(d) 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, and programs. Officers and employees of such agencies shall cooperate fully in such inspections of mail processing practices and programs.