

Public Law 94-575
94th Congress

An Act

To amend title 44, United States Code, to strengthen the authority of the Administrator of General Services with respect to records management by Federal agencies, and for other purposes.

Oct. 21, 1976
[H.R. 13828]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Federal Records
Management
Amendments of
1976.
44 USC 2901
note.

SHORT TITLE

SECTION 1. This Act may be cited as the "Federal Records Management Amendments of 1976".

AMENDMENT OF CHAPTER 29, TITLE 44, UNITED STATES CODE

SEC. 2. (a) Chapter 29 of title 44, United States Code, is amended—

(1) by striking out sections 2901 and 2902 of such chapter and inserting in lieu thereof the following:

“§ 2901. Definitions

44 USC 2901.

“As used in this chapter, and chapters 21, 25, 27, 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;

“(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 Administrator 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 management practices or programs with respect to effectiveness and compliance with records management laws and making necessary recommendations for correction or improvement of records management;

"(9) the term 'servicing' means making available for use information in records and other materials in the custody of the Administrator, or in a records center—

"(A) by furnishing the records or other materials, 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 authenticated or unauthenticated copies or reproductions 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 historical or other value to warrant their continued preservation by the Federal Government, and which have been accepted by the Administrator for deposit in his custody;

"(12) the term 'Administrator' means the Administrator of General Services;

"(13) the terms 'executive agency' and 'Federal agency' shall have the meanings given such terms by subsections (a) and (b), respectively, of section 3 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472 (a) and (b)).

44 USC 2902.

"§ 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 considers necessary to carry out the purposes of this chapter, and chapters 21, 31, and 33 of this title.";

(2) by striking out section 2904 of such chapter and inserting in lieu thereof the following:

"§ 2904. General responsibilities of Administrator

44 USC 2904.

"The Administrator shall provide guidance and assistance to Federal agencies with respect to records creation, records maintenance and use, and records disposition. In providing such guidance and assistance, the Administrator shall have responsibility to—

"(1) promote economy and efficiency in the selection and utilization of space, staff, equipment, and supplies for records management;

"(2) promulgate standards, procedures, and guidelines with respect to records management and records management studies;

Standards and guidelines.

"(3) conduct research with respect to the improvement of records management practices and programs;

"(4) 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;

"(5) establish such interagency committees and boards as may be necessary to provide an exchange of information among Federal agencies with respect to records management;

"(6) disseminate information with respect to technological development in records management;

"(7) direct the continuing attention of Federal agencies and the Congress on the burden placed on the Federal Government by unnecessary paperwork, and on the need for adequate policies governing records creation, maintenance and use, and disposition;

"(8) 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, with particular attention given to standards and procedures governing records creation;

Studies.

"(9) conduct inspections or 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; and

"(10) report to the Congress and to the Director of the Office of Management and Budget each year, at such time or times as he may deem desirable, on the results of the foregoing activities, including evaluations of responses by Federal agencies to any recommendations resulting from studies or inspections conducted by him.";

Report to Congress and Director of OMB.

(3) by striking out sections 2906 and 2907 of such chapter and inserting in lieu thereof the following:

"§ 2906. Inspection of agency records

44 USC 2906.

"(a) (1) In carrying out his duties and responsibilities under this chapter, the Administrator of General Services or his designee 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, subject to the approval of the head of the agency concerned or of the President.

5 USC 552a.

"(3) If the Administrator or his 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 Administrator or his 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 or his 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.

44 USC 2907.

"§ 2907. Records centers and centralized microfilming services

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

Repeal.

44 USC 2910.

(4) by striking out section 2910.

(b) The table of sections for chapter 29 of title 44, United States Code, is amended to read as follows:

"2901. Definitions.

"2902. Objectives of records management.

"2903. Custody and control of property.

"2904. General responsibilities of Administrator.

"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."

AMENDMENT OF CHAPTER 31, TITLE 44, UNITED STATES CODE

SEC. 3. (a) Chapter 31 of title 44, United States Code, is amended—

(1) by striking out "maintenance," in section 3102 and inserting in lieu thereof "and over the maintenance";

(2) by striking out "2901, 2903-2909" in section 3102(3) and inserting in lieu thereof "2901-2909";

(3) by striking out section 3103 of such chapter and inserting in lieu thereof the following:

44 USC 3103.

"§ 3103. Transfer of records to records centers

"When the head of a Federal agency determines that such action may affect substantial economies or increased operating efficiency, he shall provide for the transfer of records to a records center maintained and operated by the Administrator, or, when approved by the Administrator, to a center maintained and operated by the head of the Federal agency."; and

(4) by striking out, in the text of section 3107, everything preceding the word "title" and inserting in lieu thereof "Chapters 21, 25, 27, 29, and 31 of this".

(b) The table of sections for chapter 31 of title 44, United States Code, is amended by striking out the item relating to section 3103 and inserting in lieu thereof the following:

"3103. Transfer of records to records centers."

TECHNICAL AND CONFORMING AMENDMENTS

SEC. 4. (a) Chapter 21 of title 44, United States Code, is amended by striking out "section 3106" each place it appears in sections 2103(4) and 2108 (b) and (c), and inserting in lieu thereof "section 2107".

(b) Chapter 21 of such title is further amended by striking out "or 31" in section 2111(b) and "and 31" in section 2112, and inserting in lieu thereof "31, or 33" and "31, and 33", respectively.

(c) Chapter 33 of such title is amended—

(1) by striking out "; approval by President" in the table of sections item relating to section 3302 and in the heading of such section; and

(2) by inserting "machine readable materials," immediately after "photographs," in section 3301.

EFFECT ON OTHER LAWS

SEC. 5. (a) The provisions of this Act 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. 44 USC 2901 note.

(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.

Approved October 21, 1976.

LEGISLATIVE HISTORY:

HOUSE REPORT No. 94-1426 (Comm. on Government Operations).

SENATE REPORT No. 94-1326 (Comm. on Government Operations).

CONGRESSIONAL RECORD, Vol. 122 (1976):

Aug. 24, considered and passed House.

Sept. 28, considered and passed Senate, amended; proceedings vacated.

Oct. 1, considered and passed Senate, amended; House agreed to Senate amendment.