

2910. Preservation of Freedmen's Bureau records.
 2911. Disclosure requirement for official business conducted using non-official electronic messaging accounts.
 2912. Preservation of electronic messages and other records.

Editorial Notes

AMENDMENTS

2021—Pub. L. 116-283, div. H, title XCVI, §9602(b)(4), Jan. 1, 2021, 134 Stat. 4829, added item 2912.

2017—Pub. L. 115-85, §2(a)(4), Nov. 21, 2017, 131 Stat. 1275, repealed Pub. L. 113-187, §9(f)(1). See 2014 Amendment note below.

2014—Pub. L. 113-187, §9(f)(1), Nov. 26, 2014, 128 Stat. 2014, which directed striking out “AND BY THE ADMINISTRATOR OF GENERAL SERVICES” in chapter heading, was repealed by Pub. L. 115-85, §2(a)(4), (b), Nov. 21, 2017, 131 Stat. 1275, effective as if included in Pub. L. 113-187.

Pub. L. 113-187, §§9(b)(2), 10(b), Nov. 26, 2014, 128 Stat. 2013-2015, inserted “or digitization” after “microfilming” in item 2907 and added item 2911.

2000—Pub. L. 106-444, §2(b), Nov. 6, 2000, 114 Stat. 1929, added item 2910.

1984—Pub. L. 98-497, title I, §107(b)(18)(A), Oct. 19, 1984, 98 Stat. 2290, inserted “THE ARCHIVIST OF THE UNITED STATES AND BY THE” in chapter heading.

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 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 Archivist, 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 Archivist for deposit in the Archivist's custody;

(12) the term “Archivist” means the Archivist 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 Government (except the Supreme Court, the Senate, the House of Representatives, and the Architect of the Capitol and any activities under the direction of the Architect of the Capitol);

(15) the term “electronic messages” means electronic mail and other electronic messaging systems that are used for purposes of communicating between individuals; and

(16) the term “electronic records management system” means software designed to manage electronic records, including by—

- (A) categorizing and locating records;
- (B) ensuring that records are retained as long as necessary;
- (C) identifying records that are due for disposition; and
- (D) ensuring the storage, retrieval, and disposition of records.

(Added Pub. L. 94-575, §2(a)(1), Oct. 21, 1976, 90 Stat. 2723; amended Pub. L. 98-497, title I, §107(b)(13), Oct. 19, 1984, 98 Stat. 2287; Pub. L. 107-217, §3(l)(2), Aug. 21, 2002, 116 Stat. 1301; Pub. L. 113-187, §8(6), Nov. 26, 2014, 128 Stat. 2012; Pub. L. 116-283, div. H, title XCVI, §9602(b)(5), Jan. 1, 2021, 134 Stat. 4829.)

Editorial Notes

PRIOR PROVISIONS

A prior section 2901, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1295, related to definitions, prior to repeal by Pub. L. 94-575, §2(a)(1).

AMENDMENTS

2021—Pars. (15), (16). Pub. L. 116-283 added pars. (15) and (16) and struck out former par. (15) which defined “Administrator”.

2014—Par. (11). Pub. L. 113-187 substituted “the Archivist” for “his”.

2002—Par. (13). Pub. L. 107-217 substituted “section 102 of title 40” for “section 3(a) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 472(a))”.

1984—Pub. L. 98-497, §107(b)(13)(A), struck out reference to chapter 27 in provisions preceding par. (1).

Par. (2). Pub. L. 98-497, §107(b)(13)(B), inserted “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”.

Pars. (6), (9), (11). Pub. L. 98-497, §107(b)(13)(C), substituted “Archivist” for “Administrator”.

Par. (12). Pub. L. 98-497, §107(b)(13)(D), substituted “Archivist” and “Archivist of the United States” for “Administrator” and “Administrator of General Services”, respectively. See par. (15) of this section.

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.

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

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.

RECORDS CENTER REVOLVING FUND

Pub. L. 106-58, title IV, [(a)-(e)], Sept. 29, 1999, 113 Stat. 460, 461, as amended by Pub. L. 108-383, §3, Oct. 30, 2004, 118 Stat. 2218, provided that:

“(a) ESTABLISHMENT OF FUND.—There is hereby established in the Treasury a revolving fund to be available for expenses (including expenses for uniforms or allowances for uniforms as authorized by subchapter I of chapter 59 of title 5 [United States Code]) and equipment necessary to provide for storage and related services 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 instrumentalities 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 capitalization 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, receivables, and other assets, less the liabilities, transferred to the Fund. The Archivist of the United States is authorized to accept inventories, equipment, receivables and other assets from other Federal entities that were used to provide for storage and related 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 authorized 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 technology 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 equipment, including shelving, and the improvement and implementation of the financial management, information 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 quarterly reports to the Committees on Appropriations and Governmental Affairs of the Senate, and the Committees on Appropriations and Government Reform [now Committee on Oversight and Accountability] 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 COMMITTEE, OR GOVERNMENT PUBLISHING OFFICE

Pub. L. 94-575, §5, Oct. 21, 1976, 90 Stat. 2727, as amended by Pub. L. 113-235, div. H, title I, §1301(b), Dec. 16, 2014, 128 Stat. 2537, 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 Publishing 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.