

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.

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

Editorial Notes

PRIOR PROVISIONS

A prior section 2910, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1297, provided for final authority of Administrator in records practices, prior to repeal by Pub. L. 94-575, §2(a)(4), Oct. 21, 1976, 90 Stat. 2726.

§ 2911. Disclosure requirement for official business conducted using non-official electronic messaging accounts

(a) IN GENERAL.—An officer or employee of an executive agency may not create or send a record using a non-official electronic messaging account unless such officer or employee—

(1) copies an official electronic messaging account of the officer or employee in the original creation or transmission of the record; or

(2) forwards a complete copy of the record to an official electronic messaging account of the officer or employee not later than 20 days after the original creation or transmission of the record.

(b) ADVERSE ACTIONS.—The intentional violation of subsection (a) (including any rules, regulations, or other implementing guidelines), as determined by the appropriate supervisor, shall be a basis for disciplinary action in accordance with subchapter I, II, or V of chapter 75 of title 5, as the case may be.

(c) DEFINITIONS.—In this section:

(1) ELECTRONIC MESSAGES.—The term “electronic messages” means electronic mail and other electronic messaging systems that are used for purposes of communicating between individuals.

(2) ELECTRONIC MESSAGING ACCOUNT.—The term “electronic messaging account” means any account that sends electronic messages.

(3) EXECUTIVE AGENCY.—The term “executive agency” has the meaning given that term in section 105 of title 5.

(Added Pub. L. 113-187, §10(a), Nov. 26, 2014, 128 Stat. 2014.)

§ 2912. Preservation of electronic messages and other records

(a) REGULATIONS REQUIRED.—The Archivist shall promulgate regulations governing Federal agency preservation of electronic messages that are determined to be records. Such regulations shall, at a minimum—

(1) require the electronic capture, management, and preservation of such electronic records in accordance with the records disposition requirements of chapter 33;

(2) require that such electronic records are readily accessible for retrieval through electronic searches; and

(3) include timelines for Federal agency implementation of the regulations that ensure compliance as expeditiously as practicable.

(b) COVERAGE OF OTHER ELECTRONIC RECORDS.—To the extent practicable, the regulations promulgated under subsection (a) shall also include requirements for the capture, management, and preservation of other electronic records.

(c) REVIEW OF REGULATIONS REQUIRED.—The Archivist shall periodically review and, as necessary, amend the regulations promulgated under subsection (a).

(Added Pub. L. 116-283, div. H, title XCVI, §9602(b)(1), Jan. 1, 2021, 134 Stat. 4828.)

Statutory Notes and Related Subsidiaries

DEADLINE FOR REGULATIONS

Pub. L. 116-283, div. H, title XCVI, §9602(b)(2), Jan. 1, 2021, 134 Stat. 4828, provided that: “Not later than one year after the date of the enactment of this Act [Jan. 1, 2021], the Archivist shall propose the regulations required under section 2912(a) of title 44, United States Code, as added by paragraph (1).”

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.

Editorial Notes

AMENDMENTS

1976—Pub. L. 94-575, §3(b), Oct. 21, 1976, 90 Stat. 2727, substituted “Transfer of records to records centers” for “Storage, processing, and servicing of records” in item 3103.

§ 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.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1297.)

HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., §396(a) (June 30, 1949, ch. 288, title V, §506(a), as added Sept. 5, 1950, ch. 849, §6(d), 64 Stat. 583).