

**Editorial Notes****AMENDMENTS**

2016—Pars. (2) to (4). Pub. L. 114-185 added par. (2) and redesignated former pars. (2) and (3) as (3) and (4), respectively.

2014—Par. (2). Pub. L. 113-187 struck out “the Administrator of General Services and” before “the Archivist”.

1984—Pars. (2), (3). Pub. L. 98-497 inserted “and the Archivist” after “Administrator of General Services” in par. (2), and substituted “sections 2101-2117” for “sections 2101-2113” and struck out “2701,” before “2901” in par. (3).

1976—Pub. L. 94-575, §3(a)(1), (2), substituted in par. (1) “the creation and over the maintenance” for “the creation, maintenance,” and in par. (3) reference to sections “2901-2909” for “2901, 2903-2909” of this title.

**Statutory Notes and Related Subsidiaries****EFFECTIVE DATE OF 2016 AMENDMENT**

Amendment by Pub. L. 114-185 applicable to any request for records under section 552 of title 5 made after June 30, 2016, see section 6 of Pub. L. 114-185, set out as a note under section 552 of Title 5, Government Organization and Employees.

**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.

**§ 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, the head of such agency shall provide for the transfer of records to a records center maintained and operated by the Archivist, or, when approved by the Archivist, to a center maintained and operated by the head of the Federal agency.

(Added Pub. L. 94-575, §3(a)(3), Oct. 21, 1976, 90 Stat. 2726; amended Pub. L. 98-497, title I, §107(b)(20), Oct. 19, 1984, 98 Stat. 2290; Pub. L. 113-187, §8(9), Nov. 26, 2014, 128 Stat. 2012.)

**Editorial Notes****PRIOR PROVISIONS**

A prior section 3103, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1298, contained provisions similar to those comprising this section, prior to repeal by Pub. L. 94-575, §3(a)(3).

**AMENDMENTS**

2014—Pub. L. 113-187 substituted “the head of such agency” for “he”.

1984—Pub. L. 98-497 substituted “Archivist” for “Administrator” wherever appearing.

**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.

**§ 3104. Certifications and determinations on transferred records**

An official of the Government who is authorized to certify to facts on the basis of records in such official's custody, may certify to facts on the basis of records that have been transferred

by such official or such official's predecessors to the Archivist, and may authorize the Archivist to certify to facts and to make administrative determinations on the basis of records transferred to the Archivist, notwithstanding any other law.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1298; Pub. L. 98-497, title I, §107(b)(21), Oct. 19, 1984, 98 Stat. 2290; Pub. L. 113-187, §8(10), Nov. 26, 2014, 128 Stat. 2012.)

**HISTORICAL AND REVISION NOTES**

Based on 44 U.S. Code, 1964 ed., §396(d) (June 30, 1949, ch. 288, title V, §506(d), as added Sept. 5, 1950, ch. 849, §6(d), 64 Stat. 583, and amended Feb. 5, 1964, Pub. L. 88-265, 78 Stat. 8).

**Editorial Notes****AMENDMENTS**

2014—Pub. L. 113-187 substituted “such official's custody” for “his custody” and “such official or such official's predecessors” for “him or his predecessors”.

1984—Pub. L. 98-497 substituted “Archivist” for “Administrator of General Services” and “Archivist” for “Administrator” wherever appearing.

**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.

**§ 3105. Safeguards**

The head of each Federal agency shall establish safeguards against the removal or loss of records the head of such agency determines to be necessary and required by regulations of the Archivist. Safeguards shall include making it known to officials and employees of the agency—

(1) that records in the custody of the agency are not to be alienated or destroyed except in accordance with sections 3301-3314 of this title, and

(2) the penalties provided by law for the unlawful removal or destruction of records.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1298; Pub. L. 98-497, title I, §107(b)(22), Oct. 19, 1984, 98 Stat. 2290; Pub. L. 113-187, §8(11), Nov. 26, 2014, 128 Stat. 2012.)

**HISTORICAL AND REVISION NOTES**

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

**Editorial Notes****REFERENCES IN TEXT**

Sections 3304 to 3307 of this title, included in the reference in par. (1) to sections 3301 to 3314 of this title, were repealed by Pub. L. 91-287, §2(c), June 23, 1970, 84 Stat. 321.

**AMENDMENTS**

2014—Pub. L. 113-187 substituted “the head of such agency” for “he” in introductory provisions.

1984—Pub. L. 98-497 substituted “Archivist” for “Administrator of General Services”.