

RECORDS MANAGEMENT STAFF PAPER NUMBER 12

**LAWS AND REGULATIONS
RELATING TO
DISPOSITION OF
FEDERAL RECORDS**

DECEMBER 1971

Appendix II

Laws and Regulations Relating to the Disposition of Federal Records

The National Archives Act, Approved June 19, 1934, as Amended June 22, 1936, and March 3, June 8, and June 25, 1948¹

[48 Stat. 1122; 49 Stat. 1821; 62 Stat. 58, 344, 1026]

An Act to establish a National Archives of the United States Government, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That there is hereby created the Office of Archivist of the United States, the Archivist to be appointed by the President of the United States, by and with the advice and consent of the Senate.

SEC. 2. The salary of the Archivist shall be \$10,000 annually. All persons to be employed in the National Archives Establishment shall be appointed by the Archivist solely with reference to their fitness for their particular duties and without regard to civil-service law; and the Archivist shall make rules and regulations for the government of the National Archives; but any official or employee with salary of \$5,000 or over shall be appointed by the President by and with the advice and consent of the Senate.²

SEC. 3. All archives or records belonging to the Government of the United States (legislative, executive, judicial, and other) shall be under the charge and superintendence of the Archivist to this extent: He shall have full power to inspect personally or by deputy the records of any agency of the United States Government whatsoever and wheresoever located, and shall have the full cooperation of any and all persons in charge of such records in such inspections, and to requisition for transfer to the National Archives Establishment such archives, or records as the National Archives Council, hereafter provided shall approve for such transfer,

¹ Sections 3, 6a, and 8a appear as amended March 3, 1948; section 8 appears as amended June 22, 1936, and June 25, 1948; and section 10 appears as amended June 8, 1948.

² Some of the provisions of this section have been superseded by the following provisions in the Independent Offices Appropriation Act, 1939, approved May 23, 1938 (52 Stat. 421): "Provided further, That six months after the date of approval of this Act, notwithstanding any provisions to the contrary in section 2 of The National Archives Act, approved June 19, 1934, and section 1 of the Federal Register Act, approved July 26, 1935, all persons employed in The National Archives establishment under section 2 of The National Archives Act and section 1 of the Federal Register Act shall be appointed by the Archivist in accordance with the civil-service laws and the Classification Act of 1923, as amended: *And provided further, That all persons employed under section 2 of The National Archives Act and section 1 of the Federal Register Act in said establishment six months after the date of approval of this Act, regardless of the method by which they were appointed, who do not have a competitive classified civil-service status shall acquire such a status (1) upon recommendation by the Archivist and certification by him to the Civil Service Commission that such persons have rendered satisfactory service in said establishment for not less than six months and (2) upon passing such suitable non-competitive tests as the Civil Service Commission shall prescribe."*

and he shall have authority to make regulations for the arrangement, custody, use, and withdrawal of material deposited in the National Archives Building: *Provided, That whenever the head of any agency shall specify in writing restrictions on the use or examination of records being considered for transfer from his custody to that of the Archivist that appear to him to be necessary or desirable in the public interest, the Archivist shall impose such restrictions on such of the records as are transferred to his custody; and restrictions so imposed shall not be removed or relaxed by the Archivist without the concurrence in writing of the head of the agency from which the material shall have been transferred unless the existence of that agency shall have been terminated: And provided further, That restrictions on the use or examination of records in the custody of the Archivist heretofore imposed and now in force and effect under the terms of section 3 of the National Archives Act, approved June 18, 1934, shall continue in force and effect regardless of the expiration of the tenure of office of the official who imposed them but may be removed or relaxed by the Archivist with the concurrence in writing of the head of the agency from which the material has been transferred or by the Archivist alone if the existence of that agency shall have been terminated.*

SEC. 4. The immediate custody and control of the National Archives Building and such other buildings, grounds, and equipment as may from time to time become a part of the National Archives Establishment (except as the same is vested by law in the Director of National Buildings, Parks, and Reservations) and their contents shall be vested in the Archivist of the United States.

SEC. 5. That there is hereby created also a National Historical Publications Commission which shall make plans, estimates, and recommendations for such historical works and collections of sources as seem appropriate for publication and/or otherwise recording at the public expense, said Commission to consist of the Archivist of the United States, who shall be its chairman; the historical adviser of the Department of State; the chief of the historical section of the War Department, General Staff; the superintendent of naval records in the Navy Department; the Chief of the Division of Manuscripts in the Library of Congress; and two members of the American Historical Association appointed by the president thereof from among those persons who are or have been members of the executive council of the said association: *Provided, That the preparation and publication of annual and special reports on the archives and records of the Government, guides, inventory lists, catalogs, and other instru-*

ments facilitating the use of the collections shall have precedence over detailed calendars and textual reproductions. This Commission shall meet at least once a year, and the members shall serve without compensation except repayment of expenses actually incurred in attending meetings of the Commission.

SEC. 6. That there is hereby further created a National Archives Council composed of the Secretaries of each of the executive departments of the Government (or an alternate from each department to be named by the Secretary thereof), the Chairman of the Senate Committee on the Library, the Chairman of the House Committee on the Library, the Librarian of Congress, the Secretary of the Smithsonian Institution, and the Archivist of the United States. The said Council shall define the classes of material which shall be transferred to the National Archives Building and establish regulations governing such transfer; and shall have power to advise the Archivist in respect to regulations governing the disposition and use of the archives and records transferred to his custody.

SEC. 6a. Whenever any records the use of which is subject to statutory limitations and restrictions are transferred to the custody of the Archivist of the United States, permissive and restrictive statutory provisions with respect to the examination and use of such records applicable to the head of the agency having custody of them or to employees of that agency shall thereafter likewise be applicable to the Archivist of the United States and to the employees of the National Archives Establishment respectively.

SEC. 7. The National Archives may also accept, store, and preserve motion-picture films and sound recordings pertaining to and illustrative of historical activities of the United States, and in connection therewith maintain a projecting room for showing such films and reproducing such sound recordings for historical purposes and study.

SEC. 8. That the National Archives shall have an official seal which will be judicially noticed.

The Archivist of the United States may make or reproduce and furnish authenticated or unauthenticated copies of any of the documentary, photographic or other archives or records in his custody that are not exempt from examination as confidential or protected by subsisting copyright, and may charge therefor a fee sufficient to cover the cost or expenses thereof. All such fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund created by section 5 of the National Archives Trust Fund Board Act. There shall be no charge for the making or authentication of such copies or reproductions furnished to any department or other agency of the Government for official use. When any such copy or reproduction furnished under the terms hereof is authenticated by the official seal

of the National Archives and certified by the Archivist of the United States, or in his name attested by the head of any office or the chief of any division of the National Archives designated by the Archivist with such authority, it shall be admitted in evidence equally with the original from which it was made.

SEC. 8a. Any official of the United States Government who is authorized to make certifications or determinations on the basis of records in his custody is hereby authorized to make certifications or determinations on the basis of records that have been transferred by him or his predecessors to the custody of the Archivist of the United States.

SEC. 9. That the Archivist shall make to Congress, at the beginning of each regular session, a report for the preceding fiscal year as to the National Archives, the said report including a detailed statement of all accessions and of all receipts and expenditures on account of the said establishment. He shall also transmit to Congress the recommendations of the Commission on National Historical Publications, and, on January 1 of each year, with the approval of the Council, a list or description of the papers, documents, and so forth (among the archives and records of the Government), which appear to have no permanent value or historical interest, and which, with the concurrence of the Government agency concerned, and subject to the approval of Congress, shall be destroyed or otherwise effectively disposed of.

SEC. 10. That there are hereby authorized such appropriations as may be necessary for the maintenance of the National Archives Building and the administration of the collections, the expenses, and work of the Commission on National Historical Publications, the supply of necessary equipment and expenses incidental to the operations aforesaid, including transfer of records to the Archives Building; printing and binding; personal services in the District of Columbia and elsewhere; travel and subsistence and per diem in lieu of subsistence, notwithstanding the provisions of any other Acts; stenographic services by contract or otherwise as may be deemed necessary; purchases and exchange of books and maps; payment in advance when authorized by the Archivist for library memberships in societies whose publications are available to members only or to members at a price lower than to the general public; purchase, exchange, and operation of motor vehicles; and all absolutely necessary contingent expenses, all to be expended under the direction of the Archivist, who shall annually submit to Congress estimates therefor in the manner prescribed by law.

SEC. 11. All Acts or parts of Acts relating to the charge and superintendency, custody, preservation, and disposition of official papers and documents of executive departments and other governmental agencies inconsistent with the provisions of this Act are hereby repealed.

Records Disposal Act, Approved July 7, 1943, as Amended July 6, 1945^a

[57 Stat. 380-383; 59 Stat. 434]

An Act to provide for the disposal of certain records of the United States Government.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That when used in this Act, the word "records" includes all books, papers, maps, photographs, or other documentary materials,

regardless of physical form or characteristics, made or received by any agency of the United States Government in pursuance of Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions,

^a Sections 4, 6, 7, and 12 appear as amended July 6, 1945.

ment or because of the informational value of data contained therein. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of the word "records" as used in this Act.

SEC. 2. The National Archives Council shall promulgate regulations, not inconsistent with this Act, establishing (1) procedures for the compiling and submitting to the Archivist of the United States of lists and schedules of records proposed for disposal, (2) procedures for the disposal of records authorized for disposal, and (3) standards for the reproduction of records by photographic or microphotographic processes with a view to the disposal of the original records. Such regulations, when approved by the President, shall be binding on all agencies of the United States Government.

SEC. 3. The head of each agency of the United States Government shall submit to the Archivist of the United States, in accordance with regulations promulgated as provided in section 2 of this Act (1) lists of any records in the custody of the agency that have been photographed or microphotographed in accordance with the said regulations and that, as a consequence thereof, do not appear to have sufficient value to warrant their further preservation by the Government; (2) lists of any other records in the custody of the agency that are not needed by it in the transaction of its current business and that do not appear to have sufficient administrative, legal, research, or other value to warrant their further preservation by the Government; and (3) schedules proposing the disposal after the lapse of specified periods of time of records of a specified form or character that either have accumulated in the custody of the agency or that may accumulate therein at any time after the submission of such schedules and that apparently will not after the lapse of the period specified have sufficient administrative, legal, research, or other value to warrant their further preservation by the Government.

SEC. 4. The Archivist shall submit to Congress, at such times as he shall deem expedient, the lists or schedules submitted to him in accordance with the provisions of section 3 of this Act, or parts of such lists or schedules, and lists or schedules of any records in his legal custody, insofar as it shall appear to him that the records listed in such lists or schedules do not, or will not after the lapse of the period specified, have sufficient administrative, legal, research, or other value to warrant their continued preservation by the United States Government: *Provided*, That the Archivist shall not submit to Congress lists or schedules of records of any existing agency of the Government in his legal custody without first having obtained the written consent of the head of such agency.

The Archivist may also submit to Congress, together with recommendations of the National Archives Council with respect thereto, and at such times as he may deem expedient, schedules proposing the disposal, after the lapse of specified periods of time, of records of a specified form or character common to several or all agencies that either have accumulated or may accumulate in such agencies and that apparently will not, after the lapse of the periods specified, have sufficient administrative, legal, research, or other value to warrant

SEC. 5. Whenever the Archivist shall submit lists or schedules to Congress, it shall be the duty of the presiding officer of the Senate to appoint two Senators who, with the members of the Committee on the Disposition of Executive Papers of the House of Representatives, shall constitute a joint committee to which all such lists or schedules shall be referred, and the joint committee shall examine such lists or schedules and submit to the Senate and House of Representatives, respectively, a report of such examination and its recommendations.

SEC. 6. If the joint committee reports that any of the records listed in a list or schedule referred to it do not, or will not after the lapse of the period specified, have sufficient administrative, legal, research, or other value to warrant their continued preservation by the Government, the Archivist shall notify the agency or agencies having such records in their custody of the action of the joint committee and such agency or agencies shall cause such records to be disposed of in accordance with regulations promulgated as provided in section 2 of this Act: *Provided*, That authorizations granted pursuant to schedules submitted under the last paragraph of section 4 of this Act shall be permissive and not mandatory.

SEC. 7. If the joint committee fails to make a report during any regular or special session of Congress on any list or schedule submitted to Congress by the Archivist not less than ten days prior to the adjournment of such session, the Archivist may empower the agency or agencies having in their custody records covered by such lists or schedules to cause such records to be disposed of in accordance with regulations promulgated as provided in section 2 of this Act.

SEC. 8. Whenever it shall appear to the Archivist that any agency has in its custody, or is accumulating, records of the same form or character as any records of the same agency previously authorized by Congress to be disposed of, he may empower the head of such agency to dispose of such records, after they have been in existence a specified period of time, in accordance with regulations promulgated as provided in section 2 of this Act and without listing or scheduling them.

SEC. 9. Records pertaining to claims and demands by the Government of the United States or against it, or to any accounts in which the Government of the United States is concerned, either as debtor or creditor, shall not be disposed of by the head of any agency under any authorizations granted pursuant to the provisions of sections 6, 7, and 8 of this Act, until such claims, demands, and accounts have been settled and adjusted in the General Accounting Office, except upon the written approval of the Comptroller General of the United States.

SEC. 10. Whenever the Archivist and the head of the agency that has custody of them shall jointly determine that any records in the custody of any agency of the United States Government are a continuing menace to human health or life or to property, the Archivist shall cause such menace to be eliminated immediately by whatever method he may deem necessary. If any records in the custody of the Archivist are disposed of under this section, the Archivist shall report the disposal thereof to the agency from which they were transferred.

SEC. 11. At any time during the existence of a state of war between the United States and any other nation or when

hostile action by a foreign power appears imminent, the head of any agency of the United States Government may authorize the destruction of any records in his legal custody situated in any military or naval establishment, ship, or other depository outside the territorial limits of continental United States (1) the retention of which would be prejudicial to the interests of the United States or (2) which occupy space urgently needed for military purposes and are, in his opinion, without sufficient administrative, legal, research, or other value to warrant their continued preservation: *Provided*, That within six months after the disposal of any such records, the official who directed the disposal thereof shall submit a written report thereon to the Archivist in which he shall describe the character of such records and state when and where the disposal thereof was accomplished.

SEC. 12. The Archivist shall transmit to Congress at the beginning of each regular session reports as to the records authorized for disposal under the provisions of section 7 of this Act and as to the records disposed of under the provisions of sections 10 and 11 of this Act.

SEC. 13. Photographs or microphotographs of any records made in compliance with regulations promulgated as provided in section 2 of this Act shall have the same force

and effect as the originals thereof would have and shall be treated as originals for the purpose of their admissibility in evidence. Duly certified or authenticated reproductions of such photographs or microphotographs shall be admitted in evidence equally with the original photographs or microphotographs.

SEC. 14. All moneys derived by agencies of the Government from the sale of records authorized for disposal under the provisions of this Act shall be paid into the Treasury of the United States unless otherwise required by existing law applicable to the agency.

SEC. 15. The procedures herein prescribed are exclusive and no records of the United States Government shall be alienated or destroyed except in accordance with the provisions of this Act.

SEC. 16. The Act entitled "An Act to provide for the disposition of certain records of the United States Government", approved August 5, 1939 (53 Stat. 1219), the Act entitled "An Act to provide for the disposition of certain photographed records of the United States Government, and for other purposes", approved September 24, 1940 (54 Stat. 958), and all other Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed.

Resolution Concerning the Transfer of Records to the National Archives, Adopted by the National Archives Council November 9, 1944

Whereas section 3 of the "Act to establish a National Archives of the United States Government and for other purposes" (48 Stat. 1122) provides that "All archives or records belonging to the Government of the United States (legislative, executive, judicial, and other) shall be under the charge and superintendence of the Archivist to this extent: He shall have full power to inspect personally or by deputy the records of any agency of the United States Government whatsoever and wheresoever located, and shall have the full cooperation of any and all persons in charge of such records in such inspections, and to requisition for transfer to the National Archives Establishment such archives, or records as the National Archives Council, hereafter provided shall approve for such transfer";

And whereas section 6 of said act creates the National Archives Council and authorizes it to "define the classes of material which shall be transferred to the National Archives Building and establish regulations governing such transfer"; therefore be it

Resolved, That the Archivist of the United States be and he is hereby authorized to requisition for transfer to the National Archives any archives or records in the custody of any agency of the United States Government (legislative, executive, judicial, and other), which fall within any of the following classes, viz:

I. Any archives or records that the head of the agency that has the custody of them may offer for transfer to the National Archives.

II. Any archives or records that have been in existence for more than fifty years unless the head of the agency that has

the custody of them certifies in writing to the Archivist that they must be retained in his custody for use in the conduct of the regular current business of the said agency.

III. Any archives or records of any Federal agency that has gone out of existence unless the head of the agency that has the custody of them certifies in writing to the Archivist that they must be retained in his custody for use in performing transferred functions of the discontinued agency or in liquidating its affairs.

IV. Any other archives or records that the National Archives Council by special resolution may authorize to be transferred to the National Archives.

Resolved further, (1) That when the Archivist shall issue his requisition for any archives or records he shall furnish to a duly authorized representative of the agency that has the custody of them an inventory of the material covered by such requisition; (2) That when, and not until, this inventory shall have been certified to by the signatures of the representatives of said agency and of the Archivist, respectively, and the said archives or records shall have been delivered by the representative of the said agency to the representative of the Archivist either at the depository in which they are stored or at a depository under the control of the Archivist, the said archives or records shall pass into the legal custody of the Archivist of the United States; *Provided*, That records of the Federal Government that are not in the legal custody of any other agency of the Government shall be deemed to be in the legal custody of the Archivist and may be transferred by him to a depository under his control without the formalities of issuing a requisition or delivering an inventory.

Regulations of the National Archives Council, Adopted July 29, 1949

Whereas Sec. 2 of "An Act to provide for the disposal of certain records of the United States Government" approved July 7, 1943, as amended by the Act approved July 6, 1945

(57 Stat. 380-383, 59 Stat. 434; 44 U. S. C. 366-380), requires that the National Archives Council promulgate regulations not inconsistent with the provisions of the said

... examining procedures for the copying and submitting of lists and schedules of records proposed for disposal, procedures for the disposal of records authorized for disposal, and standards for the reproduction of records by photographic or microphotographic processes with a view to the disposal of the original records," which regulations, "when approved by the President, shall be binding on all agencies of the United States Government"; Therefore be it resolved, that the following regulations be promulgated:

I. Whenever lists or schedules of records are submitted to the Archivist of the United States in compliance with provisions of Sec. 3 of the above-mentioned Act, they shall be submitted on Standard Forms, to be promulgated by the National Archives, and in accordance with instructions on the use of such forms issued by the Archivist. The said lists or schedules shall be accompanied by samples of the several items proposed therein for disposal unless samples of such items have been submitted with lists and schedules previously submitted to the Archivist or unless the Archivist shall have waived this requirement. Whenever said lists or schedules include requests for authority to dispose of permanently valuable records for the reason that when photographed or microphotographed the photographic or microphotographic copies will be adequate substitutes therefor, they shall be accompanied by a statement of procedures to be followed in preserving the integrity of the original records as specified in II (a) hereof.

II. Whenever authority is requested to destroy records that as a consequence of photographic or microphotographic reproduction do not have sufficient value to warrant their further preservation, the following standards shall be maintained:

(a) The integrity of the original records shall be preserved on the photographic or microphotographic copies. The preservation of the integrity of the records implies that the photographic or microphotographic copies will be adequate substitutes for the original records in that they will serve the purposes for which such records were created or maintained. Specifically, the term "integrity of the records" is defined to mean

- (1) that the photographic or microphotographic copies will be so arranged, identified, and indexed that an individual document or component of a records series can be located with reasonable facility, and
- (2) that the photographic or microphotographic copies will contain all significant record detail needed for probable future reference.

(b) The film stock used, and the processing thereof, shall comply with the specifications of the National Bureau of Standards for permanent records.

Executive Order 9784, Providing for the More Efficient Use and for the Transfer and Other Disposition of Government Records

By virtue of the authority conferred on me by the Constitution and statutes, in order to provide that Government records may be utilized to maximum advantage and disposed of expeditiously when no longer needed and in the interest of more efficient internal management of the Government, it is hereby ordered as follows:

1. The head of each agency shall establish and maintain

(c) the provisions for preserving, examining, and using the photographic or microphotographic copies of the original records shall be adequate.

(d) Whenever the agency deems that the original photographic or microphotographic negative of permanently valuable records is deteriorating or will deteriorate as a result of use or other causes, the agency shall deposit the original photographic or microphotographic negative with the National Archives, retaining for its own use a service print if desired.

III. Whenever any records shall have been authorized for disposal in accordance with the provisions of Secs. 6, 7, or 8 of the above-mentioned Act and whenever any records of types that have been proposed for disposal in schedules approved in accordance with the provisions of Sec. 6 of the said Act have been in existence for the periods specified in such schedules, the agency or agencies having the custody of such records shall, subject to the proviso of Sec. 6 and the provisions of Sec. 9 of the said Act, (a) cause the said records to be sold as waste paper: Provided that, unless the said records shall have been treated in such a manner as to destroy their record content, any contract for sale of them shall prohibit their resale as records or documents; (b) cause them to be destroyed, if they cannot advantageously be sold or if, in the opinion of the head of the agency having custody of said records, destruction is necessary to avoid the disclosure of information that might be prejudicial to the interests of the Government or of individuals; or (c) cause them to be transferred, with the approval of the Archivist of the United States and without cost to the United States Government, to any government, organization, institution, corporation, or person that has made application for them.

The above regulations supersede those promulgated by the National Archives Council on August 15, 1945.

I hereby certify that the above regulations were unanimously adopted by the National Archives Council on July 29, 1949.

WAYNE C. GROVER,
Chairman of the Council.

Approved on August 22, 1949:

HARRY S. TRUMAN,
President of the United States.

By direction of the National Archives Council the promulgation of the above regulations is accomplished on August 30, 1949, by transmittal of copies thereof to the heads of all agencies of the United States Government.

THAD PAGE,
Secretary of the Council.

an active continuing program for the effective management and disposition of its records. Agencies shall retain in their custody only those records that are needed in the conduct of their current business, and except as herein otherwise provided, shall promptly cause all other records to be offered for transfer to the National Archives or proposed for other disposition in accordance with law.

2. No records shall be transferred by one agency to the custody of another agency without the approval of the Director of the Bureau of the Budget except for their retirement to the National Archives, as a temporary loan for official use, or as may be otherwise required by statute or Executive order. Any records in the custody of any agency which, in the judgment of the Director of the Bureau of the Budget, are not needed in the conduct of its current business and are needed in the current business of another agency shall be transferred to the latter agency if, in the opinion of the Director, the public interest will be best served by such transfer, provided that any portion of such records deemed to have enduring value may be accessioned by the National Archives and placed on loan to the agency to which the records are physically transferred. In making determinations concerning the transfer of records the Director shall give due regard to the importance of having Government records which are not confidential made generally available to Government agencies and to the public.

3. The Civil Service Commission, with the approval of the Director of the Bureau of the Budget, is authorized to promulgate regulations, not inconsistent with law and regulations of the National Archives Council, requiring and governing the establishment, content, transfer among agencies, and other disposition of personnel records, provided that no agency shall be required to release or transfer confidential material affecting any of its employees.

4. Except as provided in the preceding paragraph 3, the Director of the Bureau of the Budget with the advice and assistance of the National Archives shall conduct such inspections, require such reports, and issue such directives and regulations as he may deem necessary to carry out the provisions of this order.

5. No transfer of records (except in connection with a termination or transfer of functions) shall be made hereunder when the head of the agency having custody of the records shall certify that such records contain confidential information, a disclosure of which would endanger the national interest or the lives of individuals. Whenever any records are transferred which contain information procured under conditions restricting its use, the use of such records shall continue to be limited by such conditions. The provisions of this order shall not be deemed to require the transfer or other disposition of records or authorize access to records in contravention of law or of regulations of the National Archives Council.

6. Definitions.

(a) The term "agency" as used herein shall be deemed to mean any executive department or independent establishment, including any government corporation that is operated as an instrumentality of the Federal Government.

(b) The term "records" as used herein shall apply to all books, papers, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by any agency of the United States Government in pursuance of Federal law or in connection with the transaction of public or organizational business and preserved or appropriate for preservation by that agency as evidence of or because of its informational value in relation to its organization, functions, policies, personnel, operations, decisions, procedures, financial transactions, and all other activities of an administrative, management, or program nature.

HARRY S. TRUMAN.

THE WHITE HOUSE,
September 25, 1946.

or the District of Columbia shall be conspicuously identified by showing thereon either (a) the full name of the department, establishment, corporation, or agency by which it is used and the service in which it is used, or (b) a title descriptive of the service in which it is used if such title readily identifies the department, establishment, corporation, or agency concerned, and the legend 'For official use only': *Provided*, That the regulations issued pursuant to this section may provide for exemptions from the requirement of this section when conspicuous identification would interfere with the purpose for which a vehicle is acquired and used."

SEC. 6. The Federal Property and Administrative Services Act of 1949 is amended by—

(a) redesignating "title V" of such Act as "title VI" thereof, and "title V", wherever it appears therein, is amended to read "title VI";

(b) redesignating sections 501-505, inclusive, of such Act, respectively, as sections 601-605, inclusive, thereof, and wherever any such section number appears in such Act as originally enacted, it is amended to conform in numbering to the redesignation prescribed by this subsection;

(c) inserting at the proper place in the table of contents to such Act the following:

"TITLE V—FEDERAL RECORDS

- "Sec. 501. Short title.
- "Sec. 502. Custody and control of property.
- "Sec. 503. National Historical Publications Commission.
- "Sec. 504. Federal Records Council.
- "Sec. 505. Records management; the Administrator.
- "Sec. 506. Records management; agency heads.
- "Sec. 507. Archival administration.
- "Sec. 508. Reports.
- "Sec. 509. Legal status of reproductions.
- "Sec. 510. Limitation on liability.
- "Sec. 511. Definitions."

(d) inserting, immediately following title IV thereof, the following new title:

"TITLE V—FEDERAL RECORDS

"SHORT TITLE

"SEC. 501. This title may be cited as the 'Federal Records Act of 1950'.

"CUSTODY AND CONTROL OF PROPERTY

"SEC. 502. The Administrator shall have immediate custody and control of the National Archives Building and its contents, and shall have authority to design, construct, purchase, lease, maintain, operate, protect, and improve buildings used by him for the storage of records of Federal agencies in the District of Columbia and elsewhere.

"NATIONAL HISTORICAL PUBLICATIONS COMMISSION

"SEC. 503. (a) There is hereby created a National Historical Publications Commission consisting of the Archivist (or an alternate desig-

nated by him), who shall be Chairman; the Librarian of Congress (or an alternate designated by him); one Member of the United States Senate to be appointed, for a term of four years, by the President of the Senate; one Member of the House of Representatives to be appointed, for a term of two years, by the Speaker of the House of Representatives; one representative of the judicial branch of the Government to be appointed, for a term of four years, by the Chief Justice of the United States; one representative of the Department of State to be appointed, for a term of four years, by the Secretary of State; one representative of the Department of Defense to be appointed, for a term of four years, by the Secretary of Defense; two members of the American Historical Association to be appointed by the council of the said association, one of whom shall serve an initial term of two years and the other an initial term of three years, but their successors shall be appointed for terms of four years; and two other members outstanding in the fields of the social or physical sciences to be appointed by the President of the United States, one of whom shall serve an initial term of one year and the other an initial term of three years, but their successors shall be appointed for terms of four years. The Commission shall meet annually and on call of the Chairman.

“(b) Any person appointed to fill a vacancy in the membership of the Commission shall be appointed only for the unexpired term of the member whom he shall succeed, and his appointment shall be made in the same manner in which the appointment of his predecessor was made.

“(c) The Commission is authorized to appoint, without reference to the Classification Act of 1949 (Public Law 429, 81st Congress, approved October 28, 1949), an executive director and such editorial and clerical staff as the Commission may determine to be necessary. Members of the Commission who represent any branch or agency of the Government shall serve as members of the Commission without additional compensation. All members of the Commission shall be reimbursed for transportation expenses incurred in attending meetings of the Commission, and all such members other than those who represent any branch or agency of the Government of the United States shall receive in lieu of subsistence en route to or from or at the place of such service, for each day actually spent in connection with the performance of their duties as members of such Commission, such sum, not to exceed \$25, as the Commission shall prescribe.

“(d) The Commission shall make plans, estimates, and recommendations for such historical works and collections of sources as it deems appropriate for printing or otherwise recording at the public expense. The Commission shall also cooperate with and encourage appropriate Federal, State, and local agencies and nongovernmental institutions, societies, and individuals in collecting and preserving and, when it deems such action to be desirable, in editing and publishing the papers of outstanding citizens of the United States and such other documents as may be important for an understanding and appreciation of the history of the United States. The Chairman of the Commission shall transmit to the Administrator from time to time, and at least once annually, such plans, estimates, and recommendations as have been approved by the Commission.

"FEDERAL RECORDS COUNCIL

"SEC. 504. The Administrator shall establish a Federal Records Council, and shall advise and consult with the Council with a view to obtaining its advice and assistance in carrying out the purposes of this title. The Council shall include representatives of the legislative, judicial, and executive branches of the Government in such number as the Administrator shall determine, but such Council shall include at least four representatives of the legislative branch, at least two representatives of the judicial branch, and at least six representatives of the executive branch. Members of the Council representing the legislative branch shall be designated, in equal number, by the President of the Senate and the Speaker of the House of Representatives, respectively. Members of the Council representing the judicial branch shall be designated by the Chief Justice of the United States. The Administrator is authorized to designate from persons named by the head of any executive agency concerned, not more than one representative from such agency to serve as a member of the Council. Members of the Council shall serve without compensation, but shall be reimbursed for all necessary expenses actually incurred in the performance of their duties as members of the Council. The Council shall elect a chairman from among its own membership, and shall meet at least once annually.

"RECORDS MANAGEMENT; THE ADMINISTRATOR

"SEC. 505. (a) The Administrator shall make provisions for the economical and efficient management of records of Federal agencies (1) by analyzing, developing, promoting, and coordinating standards, procedures, and techniques designed to improve the management of records, to insure the maintenance and security of records deemed appropriate for preservation, and to facilitate the segregation and disposal of records of temporary value, and (2) by promoting the efficient and economical utilization of space, equipment, and supplies needed for the purpose of creating, maintaining, storing, and servicing records.

✓ (b) The Administrator shall establish standards for the selective retention of records of continuing value, and assist Federal agencies in applying such standards to records in their custody; and he shall notify the head of any Federal agency of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of such agency that shall come to his attention, and assist the head of such agency in initiating action through the Attorney General for the recovery of such records as shall have been unlawfully removed and for such other redress as may be provided by law.

"(c) The Administrator is authorized to inspect or survey personally or by deputy the records of any Federal agency, as well as to make surveys of records management and records disposal practices in such agencies, and shall be given the full cooperation of officials and employees of agencies in such inspections and surveys: *Provided*, That records, the use of which is restricted by or pursuant to law or for reasons of national security or the public interest, shall be inspected or surveyed in accordance with regulations promulgated by the Administrator, subject to the approval of the head of the custodial agency.

"(d) The Administrator is authorized to establish, maintain, and operate records centers for the storage, processing, and servicing of

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records for Federal agencies pending their deposit with the National Archives of the United States or their disposition in any other manner authorized by law; and to establish, maintain, and operate centralized microfilming services for Federal agencies.

"(e) Subject to applicable provisions of law, the Administrator shall promulgate regulations governing the transfer of records from the custody of one executive agency to that of another.

"(f) The Administrator may empower any Federal agency, upon the submission of evidence of need therefor, to retain records for a longer period than that specified in disposal schedules approved by Congress, and, in accordance with regulations promulgated by him, may withdraw disposal authorizations covering records listed in disposal schedules approved by Congress.

"RECORDS MANAGEMENT; AGENCY HEADS

"SEC. 506. (a) The head of each Federal agency shall cause to be made and preserved 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.

"(b) The head of each Federal agency shall establish and maintain an active, continuing program for the economical and efficient management of the records of the agency. Such program shall, among other things, provide for (1) effective controls over the creation, maintenance, and use of records in the conduct of current business; (2) cooperation with the Administrator in applying standards, procedures, and techniques designed to improve the management of records, promote the maintenance and security of records deemed appropriate for preservation, and facilitate the segregation and disposal of records of temporary value; and (3) compliance with the provisions of this title and the regulations issued thereunder.

"(c) Whenever the head of a Federal agency determines that substantial economies or increased operating efficiency can be effected thereby, he shall provide for the storage, processing, and servicing of records that are appropriate therefor in a records center maintained and operated by the Administrator or, when approved by the Administrator, in such a center maintained and operated by the head of such Federal agency.

"(d) Any official of the Government who is authorized to certify to facts on the basis of records in his custody, is hereby authorized to certify to facts on the basis of records that have been transferred by him or his predecessors to the Administrator.

"(e) The head of each Federal agency shall establish such safeguards against the removal or loss of records as he shall determine to be necessary and as may be required by regulations of the Administrator. Such safeguards shall include making it known to all officials and employees of the agency (1) that no records in the custody of the agency are to be alienated or destroyed except in accordance with the provisions of the Act approved July 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59 Stat. 434), and (2) the penalties

provided by law for the unlawful removal or destruction of records.

"(f) The head of each Federal agency shall notify the Administrator of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of the agency of which he is the head that shall come to his attention, and with the assistance of the Administrator shall initiate action through the Attorney General for the recovery of records he knows or has reason to believe have been unlawfully removed from his agency, or from any other Federal agency whose records have been transferred to his legal custody.

"(g) Nothing in this title shall be construed as limiting the authority of the Comptroller General of the United States with respect to prescribing accounting systems, forms, and procedures, or lessening the responsibility of collecting and disbursing officers for rendition of their accounts for settlement by the General Accounting Office.

"ARCHIVAL ADMINISTRATION

"SEC. 507. (a) The Administrator, whenever it appears to him to be in the public interest, is hereby authorized—

"(1) to accept for deposit with the National Archives of the United States the records of any Federal agency or of the Congress of the United States that are determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government;

"(2) to direct and effect, with the approval of the head of the originating agency (or if the existence of such agency shall have been terminated, then with the approval of his successor in function, if any), the transfer of records deposited (or approved for deposit) with the National Archives of the United States to public or educational institutions or associations: *Provided*, That the title to such records shall remain vested in the United States unless otherwise authorized by Congress; and

"(3) to direct and effect the transfer of materials from private sources authorized to be received by the Administrator by the provisions of subsection (e) of this section.

"(b) The Administrator shall be responsible for the custody, use, and withdrawal of records transferred to him: *Provided*, That whenever any records the use of which is subject to statutory limitations and restrictions are so transferred, permissive and restrictive statutory provisions with respect to the examination and use of such records applicable to the head of the agency from which the records were transferred or to employees of that agency shall thereafter likewise be applicable to the Administrator, the Archivist, and to the employees of the General Services Administration, respectively: *Provided further*, That whenever the head of any agency shall specify in writing restrictions that appear to him to be necessary or desirable in the public interest, on the use or examination of records being considered for transfer from his custody to the Administrator, the Administrator shall impose such restrictions on the records so transferred, and shall not remove or relax such restrictions without the concurrence in writing of the head of the agency from which the material shall have been transferred (or if the existence of such agency shall have been terminated, then he shall not remove or relax such restrictions without

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the concurrence of the successor in function, if any, of such agency head): *Provided, however*, That statutory and other restrictions referred to in the provisos of this subsection shall not remain in force or effect after the records have been in existence for fifty years unless the Administrator by order shall determine with respect to specific bodies of records that such restrictions shall remain in force and effect for a longer period: *And provided further*, That restrictions on the use or examination of records deposited with the National Archives of the United States heretofore imposed and now in force and effect under the terms of section 3 of the National Archives Act, approved June 19, 1934, shall continue in force and effect regardless of the expiration of the tenure of office of the official who imposed them but may be removed or relaxed by the Administrator with the concurrence in writing of the head of the agency from which material has been transferred (or if the existence of such agency shall have been terminated, then with the concurrence in writing of his successor in function, if any).

"(c) The Administrator shall make provisions for the preservation, arrangement, repair and rehabilitation, duplication and reproduction (including microcopy publications), description, and exhibition of records transferred to him as may be needful or appropriate, including the preparation and publication of inventories, indexes, catalogs, and other finding aids or guides facilitating their use; and, when approved by the National Historical Publications Commission, he may also publish such historical works and collections of sources as seem appropriate for printing or otherwise recording at the public expense.

"(d) The Administrator shall make such provisions and maintain such facilities as he deems necessary or desirable for servicing records in his custody that are not exempt from examination by statutory provisions or other restrictions.

"(e) The Administrator may accept for deposit—

"(1) the personal papers and other personal historical documentary materials of the present President of the United States, his successors, heads of executive departments, and such other officials of the Government as the President may designate, offered for deposit under restrictions respecting their use specified in writing by the prospective depositors: *Provided*, That restrictions so specified on such materials, or any portions thereof, accepted by the Administrator for such deposit shall have force and effect during the lifetime of the depositor or for a period not to exceed twenty-five years, whichever is longer, unless sooner terminated in writing by the depositor or his legal heirs: *And provided further*, That the Archivist determines that the materials accepted for such deposit will have continuing historical or other values;

"(2) motion-picture films, still pictures, and sound recordings from private sources that are appropriate for preservation by the Government as evidence of its organization, functions, policies, decisions, procedures, and transactions.

Title to materials so deposited under this subsection shall pass to and vest in the United States.

"(f) The Administrator is hereby authorized to make and preserve motion-picture films, still pictures, and sound recordings pertaining to and illustrative of the historical development of the United States Government and its activities, and to make provisions for preparing, editing, titling, scoring, processing, duplicating, reproducing, exhibiting, and releasing for nonprofit educational purposes, motion-picture films, still pictures, and sound recordings in his custody.

"REPORTS

"Sec. 508. (a) The Administrator is hereby authorized, whenever he deems it necessary, to obtain reports from Federal agencies on their activities under the provisions of this title and the Act approved July 7, 1943 (57 Stat. 380-383), as amended July 6, 1945 (59 Stat. 434).

"(b) The Administrator shall, whenever he finds that any provisions of this title have been or are being violated, inform in writing the head of the agency concerned of such violations and make recommendations regarding means of correcting them. Unless corrective measures satisfactory to the Administrator are inaugurated within a reasonable time, the Administrator shall submit a written report thereon to the President and the Congress.

"LEGAL STATUS OF REPRODUCTIONS

"Sec. 509. (a) Whenever any records that are required by statute to be retained indefinitely have been reproduced by photographic, microphotographic, or other processes, in accordance with standards established by the Administrator, the indefinite retention of such photographic, microphotographic, or other reproductions will be deemed to constitute compliance with the statutory requirement for the indefinite retention of such original records. Such reproductions, as well as reproductions made in compliance with regulations promulgated to carry out this title, shall have the same legal status as the originals thereof.

"(b) There shall be an official seal for the National Archives of the United States which shall be judicially noticed. When any copy or reproduction, furnished under the terms hereof, is authenticated by such official seal and certified by the Administrator, such copy or reproduction shall be admitted in evidence equally with the original from which it was made.

"(c) The Administrator may charge a fee not in excess of 10 per centum above the costs or expenses for making or authenticating copies or reproductions of materials transferred to his custody. All such fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund provided for in section 5 of the Act approved July 9, 1941. There shall be no charge for making or authenticating copies or reproductions of such materials for official use by the United States Government: *Provided*, That reimbursement may be accepted to cover the cost of furnishing such copies or reproductions that could not otherwise be furnished.

"LIMITATION ON LIABILITY

"Sec. 510. With respect to letters and other intellectual productions (exclusive of material copyrighted or patented) after they come into

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the custody or possession of the Administrator, neither the United States nor its agents shall be liable for any infringement of literary property rights or analogous rights arising thereafter out of use of such materials for display, inspection, research, reproduction, or other purposes.

"DEFINITIONS

"Sec. 511. When used in this title—

"(a) The term 'records' shall have the meaning given to such term by section 1 of the Act entitled 'An Act to provide for the disposal of certain records of the United States Government', approved July 7, 1943 (57 Stat. 380, as amended; 44 U. S. C. 366);

"(b) The term 'records center' means an establishment maintained by the Administrator or by a Federal agency primarily for the storage, servicing, security, and processing of records that must be preserved for varying periods of time and need not be retained in office equipment and space;

"(c) The term 'servicing' means making available for use information in records and other materials in the custody of the Administrator—

"(1) by furnishing such records or other materials, or information from such records or other materials, or copies or reproductions thereof to agencies of the Government for official use and to the public; and

"(2) by making and furnishing authenticated or unauthenticated copies or reproductions of such records and other materials;

"(d) The term 'National Archives of the United States' means those official records that have been determined by the Archivist to have sufficient historical or other value to warrant their continued preservation by the United States Government, and have been accepted by the Administrator for deposit in his custody;

"(e) 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; and

"(f) The term 'Archivist' means the Archivist of the United States."

SEC. 7. The Federal Property and Administrative Services Act of 1949 is further amended by—

(a) striking out the word "and" preceding "(2)" in subsection

(d) of section 3 thereof; substituting a semicolon for the period at the end of said subsection; and adding at the end of such subsection the following: "and (3) records of the Federal Government.";

(b) striking out, in section 208 (a) thereof, the expression "and V", and inserting in lieu thereof the expression "V, and VI";

(c) striking out, in section 208 (b) thereof, the expression "and V", and inserting in lieu thereof the expression "V, and VI";

(d) striking out the word "and" at the end of paragraph (30) of section 602 (a); striking out the period at the end of paragraph (31) of section 602 (a) and inserting in lieu thereof a semicolon; and adding at the end of section 602 (a) the following new paragraphs:

"(32) the Act entitled 'An Act to establish a National Archives of the United States Government, and for other purposes', approved June 19, 1934 (48 Stat. 1122-1124, as amended; 44 U. S. C. 300, 300a, 300c-k); and

"(33) section 4 of the Act of February 3, 1905 (33 Stat. 687, as amended; 5 U. S. C. 77)."

(e) amending subsection 602 (b) and (c) thereof to read as follows:

"(b) There are hereby superseded—

"(1) the provisions of the first, third, and fifth paragraphs of section 1 of Executive Order Numbered 6166 of June 10, 1933, insofar as they relate to any function now administered by the Bureau of Federal Supply except functions with respect to standard contract forms; and

"(2) sections 2 and 4 of the Act entitled 'An Act to provide for the disposal of certain records of the United States Government', approved July 7, 1943 (57 Stat. 381, as amended; 44 U. S. C. 367 and 369), to the extent that the provisions thereof are inconsistent with the provisions of title V of this Act.

"(c) The authority conferred by this Act shall be in addition and paramount to any authority conferred by any other law and shall not be subject to the provisions of any law inconsistent herewith, except that sections 205 (b) and 206 (c) of this Act shall not be applicable to any Government corporation or agency which is subject to the Government Corporation Control Act (59 Stat. 597; 31 U. S. C. 841)."

(f) amending paragraphs (17), (18), and (19) of section 602 (d) thereof to read as follows:

"(17) the Central Intelligence Agency;

"(18) the Joint Committee on Printing, under the Act entitled 'An Act providing for the public printing and binding and the distribution of public documents' approved January 12, 1895 (28 Stat. 601), as amended or any other Act; or

"(19) for such period of time as the President may specify, any other authority of any executive agency which the President determines within one year after the effective date of this Act should, in the public interest, stand unimpaired by this Act."

(g) striking out the period at the end of section 603 (a) thereof and inserting in lieu thereof a comma and the following: "including payment in advance, when authorized by the Administrator, for library memberships in societies whose publications are available to members only, or to members at a price lower than that charged to the general public."

SEC. 8. (a) Subsection 3 (b) of the Federal Property and Administrative Services Act of 1949 is amended to read as follows:

"(b) The term 'Federal agency' means any executive agency or any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction)."

(b) Section 201 (b) of the Federal Property and Administrative Services Act of 1949 is amended by striking out the expression "or the Senate, or the House of Representatives,".

(c) Section 602 of the Federal Property and Administrative Services Act of 1949 is amended by redesignating subsection (e) thereof

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as subsection (f), and inserting, immediately after subsection (d) thereof, the following new subsection:

"(e) No provision of this Act, as amended, shall apply to the Senate or the House of Representatives (including the Architect of the Capitol and any building, activity, or function under his direction), but any of the services and facilities authorized by this Act to be rendered or furnished shall, as far as practicable, be made available to the Senate, the House of Representatives, or the Architect of the Capitol, upon their request, and, if payment would be required for the rendition or furnishing of a similar service or facility to an executive agency, payment therefor shall be made by the recipient thereof, upon presentation of proper vouchers, in advance or by reimbursement (as may be agreed upon by the Administrator and the officer or body making such request). Such payment may be credited to the applicable appropriation of the executive agency receiving such payment."

SEC. 9. The Federal Property and Administrative Services Act of 1949, section 205 (h), is hereby amended by striking out the last word of the sentence "title" and inserting in lieu thereof the word "Act".

SEC. 10. (a) Whenever any contract made on behalf of the Government by the head of any Federal Agency, or by officers authorized by him so to do, includes a provision for liquidated damages for delay, the Comptroller General upon recommendation of such head is authorized and empowered to remit the whole or any part of such damages as in his discretion may be just and equitable.

(b) Section 306 of the Federal Property and Administrative Services Act of 1949, is hereby repealed, and this section shall be effective as of July 1, 1949.

SEC. 11. All laws or parts of laws in conflict with the provisions of this Act or with any amendment made thereby are, to the extent of such conflict, hereby repealed.

Approved September 5, 1950.

P.L. 91-287

LAWS OF 91st CONG.—2nd SESS.

June 23

GOVERNMENT RECORDS—DISPOSAL

For Legislative History of Act, see p. 2167

PUBLIC LAW 91-287; 84 STAT. 320

[H. R. 14300]

An Act to amend title 44, United States Code, to facilitate the disposal of Government records without sufficient value to warrant their continued preservation, to abolish the Joint Committee on the Disposition of Executive Papers, and for other purposes.

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

Chapter 33 (relating to disposal of records) of title 44, United States Code,³⁶ is amended by inserting immediately after section 3303 thereof the following new section:

“§ 3303a. Examination by Administrator of General Services of lists and schedules of records lacking preservation value; disposal of records

“(a) The Administrator of General Services shall examine the lists and schedules submitted to him under section 3303 of this title. If the Administrator determines that any of the records listed in a list or schedule submitted to him do not, or will not after the lapse of the period specified, have sufficient administrative, legal, research, or other value to warrant their continued preservation by the Government, he may—

“(1) notify the agency to that effect; and

“(2) empower the agency to dispose of those records in accordance with regulations promulgated under section 3302 of this title.

“(b) Authorizations granted under lists and schedules submitted to the Administrator under section 3303 of this title shall be mandatory, subject to section 2909 of this title. Authorizations granted under schedules promulgated under subsection (d) of this section shall be permissive.

“(c) The Administrator may request advice and counsel from the Committee on Rules and Administration of the Senate and the Committee on House Administration of the House of Representatives with respect to the disposal of any particular records under this chapter whenever he considers that—

“(1) those particular records may be of special interest to the Congress; or

“(2) consultation with the Congress regarding the disposal of those particular records is in the public interest.

However, this subsection does not require the Administrator to request such advice and counsel as a regular procedure in the general disposal of records under this chapter.

36. 44 U.S.C.A. § 3303a.

June 23 GOVERNMENT RECORDS—DISPOSAL P.L. 91-287

"(d) The Administrator may promulgate schedules authorizing the disposal, after the lapse of specified periods of time, of records of a specified form or character common to several or all agencies if such records will not, at the end of the periods specified, have sufficient administrative, legal, research, or other value to warrant their further preservation by the United States Government.

"(e) The Administrator may approve and effect the disposal of records that are in his legal custody, provided that records that had been in the custody of another existing agency may not be disposed of without the written consent of the head of the agency.

"(f) The Administrator shall make an annual report to the Congress concerning the disposal of records under this chapter, including general descriptions of the types of records disposed of and such other information as he considers appropriate to keep the Congress fully informed regarding the disposal of records under this chapter."

Sec. 2. (a) Section 3308 (relating to disposal of similar records where prior disposal was authorized) of title 44, United States Code,³⁷ is amended by striking out "by Congress".

(b) Section 3309 (relating to preservation of claims of Government until settled in General Accounting Office) of title 44, United States Code,³⁸ is amended by striking out "under sections 3306-3308 of this title" and inserting in lieu thereof "under this chapter".

(c) The following sections of chapter 33 of title 44, United States Code,³⁹ are hereby repealed:

(1) section 3304 (relating to lists and schedules of records lacking preservation value and their submission to Congress by the Administrator of General Services);

(2) section 3305 (relating to examination of lists and schedules by the joint congressional committee for the disposition of certain records of the United States Government and the report of that joint committee to the Congress);

(3) section 3306 (relating to disposal of records by agency heads upon notification by the Administrator of General Services of the action of the joint congressional committee); and

(4) section 3307 (relating to disposal of records upon failure of the joint congressional committee to act).

Sec. 3. The table of sections of chapter 33 of title 44, United States Code, is amended by striking out—

"3304. Lists and schedules of records lacking preservation value; submission to Congress by Administrator of General Services.

"3305. Examination of lists and schedules by joint congressional committee and report to Congress.

"3306. Disposal of records by head of Government agency upon notification by Administrator of General Services of action by joint congressional committee.

"3307. Disposal of records upon failure of joint congressional committee to act."

and inserting in lieu thereof—

"3303a. Examination by Administrator of General Services of lists and schedules of records lacking preservation value; disposal of records."

Sec. 4. Section 2909 (relating to retention of records) of title 44, United States Code,⁴⁰ is amended by striking out "approved by Congress" wherever occurring therein.

Approved June 23, 1970.

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