

tive Services Act of 1949, as amended (44 U.S.C. [former] 397(f)(1)) [now subsec. (a) of this section], that the Administrator shall not enter into any such agreement until the expiration of the first period of sixty calendar days of continuous session of the Congress following the date on which a report in writing of any such proposed Presidential archival depository is transmitted by the Administrator to the President of the Senate and the Speaker of the House of Representatives.”

[For transfer of certain functions of the Administrator of General Services under Pub. L. 89-169 to the Archivist of the United States, see section 103(b)(2) of Pub. L. 98-497, set out as a Transfer of Functions note under section 2102 of this title.]

### § 2113. Depository for agreements between States

The Archivist may receive duplicate originals or authenticated copies of agreements or compacts entered into under the Constitution and laws of the United States, between States of the Union, and take necessary actions for their preservation and servicing.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1290, § 2109; renumbered § 2113 and amended Pub. L. 98-497, title I, §§ 102(a)(1), 107(a)(7), Oct. 19, 1984, 98 Stat. 2280, 2286.)

#### HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 397(h) (June 30, 1949, ch. 288, title V, § 507, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583, and amended July 12, 1952, ch. 703, § 1(o), (p), 66 Stat. 594; July 12, 1955, ch. 329, 69 Stat. 297; Aug. 12, 1955, ch. 859, 69 Stat. 695; July 3, 1956, ch. 513, § 4, 70 Stat. 494; June 13, 1957, Pub. L. 85-51, 71 Stat. 69; Mar. 15, 1958, Pub. L. 85-341, § 1(1), 72 Stat. 34).

#### PRIOR PROVISIONS

A prior section 2113 was renumbered section 2117 of this title.

#### AMENDMENTS

1984—Pub. L. 98-497, § 107(a)(7), substituted “Archivist” for “Administrator of General Services”.

#### 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.

### § 2114. Preservation of audio and visual records

The Archivist may make and preserve audio and visual records, including motion-picture films, still photographs, and sound recordings, in analog, digital, or any other form, pertaining to and illustrative of the historical development of the United States Government and its activities, and provide for preparing, editing, titling, scoring, processing, duplicating, reproducing, exhibiting, and releasing for non-profit educational purposes, motion-picture films, still photographs, and sound recordings in the Archivist’s custody.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1290, § 2110; renumbered § 2114 and amended Pub. L. 98-497, title I, §§ 102(a)(1), 107(a)(7), Oct. 19, 1984, 98 Stat. 2280, 2286; Pub. L. 113-187, § 3(c)(1), Nov. 26, 2014, 128 Stat. 2008.)

#### HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 397(i) (June 30, 1949, ch. 288, title V, § 507, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583; and amended July 12, 1952, ch. 703, § 1(o), (p), 66 Stat. 594; July 12, 1955, ch. 329, 69 Stat. 297;

Aug. 12, 1955, ch. 859, 69 Stat. 695; July 3, 1956, ch. 513, § 4, 70 Stat. 494; June 13, 1957, Pub. L. 85-51, 71 Stat. 69; Mar. 15, 1958, Pub. L. 85-341, § 1(1), 72 Stat. 34).

#### PRIOR PROVISIONS

A prior section 2114 was renumbered section 2118 of this title.

#### AMENDMENTS

2014—Pub. L. 113-187 amended section generally. Prior to amendment section related to preservation of motion-picture films, still pictures, and sound recordings.

1984—Pub. L. 98-497, § 107(a)(7), substituted “Archivist” for “Administrator of General Services”.

#### 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.

### § 2115. Reports; correction of violations

(a) In carrying out the duties and responsibilities under chapters 21, 25, 29, 31, and 33 of this title, the Archivist may obtain reports from any Federal agency on such agency’s activities under such chapters.

(b) When the Archivist finds that a provision of any such chapter has been or is being violated, the Archivist shall (1) inform in writing the head of the agency concerned of the violation and make recommendations for its correction; and (2) unless satisfactory corrective measures are demonstrably commenced within a reasonable time, submit a written report of the matter to the President and the Congress.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1290, § 2111; Pub. L. 94-575, § 4(b), Oct. 21, 1976, 90 Stat. 2727; renumbered § 2115 and amended Pub. L. 98-497, title I, §§ 102(a)(1), 107(a)(8), Oct. 19, 1984, 98 Stat. 2280, 2286; Pub. L. 113-187, § 9(e), Nov. 26, 2014, 128 Stat. 2014.)

#### HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., § 398 (June 30, 1949, ch. 288, title V, § 508, as added Sept. 5, 1950, ch. 849, § 6(d), 64 Stat. 583).

#### AMENDMENTS

2014—Subsec. (a). Pub. L. 113-187, § 9(e)(1), substituted “the duties” for “their respective duties” and struck out “and the Administrator” after “the Archivist” and “each” before “obtain reports”.

Subsec. (b). Pub. L. 113-187, § 9(e)(2), struck out “either” after “When”, struck out “or the Administrator” after “the Archivist” in two places, and substituted “demonstrably commenced” for “inaugurated”.

1984—Pub. L. 98-497, § 107(a)(8), amended section generally, inserting reference to Archivist and striking out reference to chapter 27 of this title.

1976—Subsec. (b). Pub. L. 94-575 inserted reference to chapter 33 of this title.

#### 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.

### § 2116. Legal status of reproductions; official seal; fees for copies and reproductions

(a) When records that are required by statute to be retained indefinitely have been reproduced by photographic, microphotographic, digital, or other processes, in accordance with standards

established by the Archivist the indefinite retention by the photographic, microphotographic, digital, or other reproductions constitutes compliance with the statutory requirement for the indefinite retention of the original records. The reproductions, as well as reproductions made under regulations to carry out chapter 21, 29, 31, and 33 of this title, shall have the same legal status as the originals.

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

(c) The Archivist may charge a fee set to recover the costs for making or authenticating copies or reproductions of materials transferred to the Archivist's custody. Such fee shall be fixed by the Archivist at a level which will recover, so far as practicable, all elements of such costs, and may, in the Archivist's discretion, include increments for the estimated replacement cost of equipment. Such fees shall be paid into, administered, and expended as a part of the National Archives Trust Fund. The Archivist may not charge for making or authenticating copies or reproductions of materials for official use by the United States Government unless appropriations available to the Archivist for this purpose are insufficient to cover the cost of performing the work.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1291, §2112; Pub. L. 94-575, §4(b), Oct. 21, 1976, 90 Stat. 2727; renumbered §2116 and amended Pub. L. 98-497, title I, §§102(a)(1), 107(a)(9), title II, §201, Oct. 19, 1984, 98 Stat. 2280, 2286, 2292; Pub. L. 113-187, §§3(d), 8(1), Nov. 26, 2014, 128 Stat. 2008, 2011.)

#### HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., §399 (June 30, 1949, ch. 288, title V, §509, as added Sept. 5, 1950, ch. 849, §6(d), 64 Stat. 583).

#### AMENDMENTS

2014—Subsec. (a). Pub. L. 113-187, §3(d), inserted “digital,” after “microphotographic,” in two places.

Subsec. (c). Pub. L. 113-187, §8(1), substituted “the Archivist’s custody” for “his custody”.

1984—Subsec. (a). Pub. L. 98-497, §107(a)(9)(A), substituted “Archivist” for “Administrator of General Services”.

Subsec. (b). Pub. L. 98-497, §107(a)(9)(B), substituted “Archivist” for “Administrator”.

Subsec. (c). Pub. L. 98-497, §201, substituted provisions transferring functions from Administrator of General Services to Archivist of the United States, further substituted provisions relating to permissible fee charges for former provisions which set a fee not in excess of 10 percent above costs and expenses for making copies, inserted “unless appropriations available to the Archivist for this purpose are insufficient to cover the cost of performing the work”, and struck out provision that reimbursement may be accepted to cover cost of furnishing copies or reproductions that could not otherwise be furnished.

1976—Subsec. (a). Pub. L. 94-575 inserted reference to chapter 33 of this title.

#### 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.

#### § 2117. Limitation on liability

When letters and other intellectual productions (exclusive of patented material, published works under copyright protection, and unpublished works for which copyright registration has been made) come into the custody or possession of the Archivist, the United States or its agents are not liable for infringement of copyright or analogous rights arising out of use of the materials for display, inspection, research, reproduction, or other purposes.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1291, §2113; Pub. L. 94-553, §105(b), Oct. 19, 1976, 90 Stat. 2599; renumbered §2117 and amended Pub. L. 98-497, title I, §§102(a)(1), 107(a)(7), Oct. 19, 1984, 98 Stat. 2280, 2286.)

#### HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., §400 (June 30, 1949, ch. 288, title V, §510, as added Sept. 5, 1950, ch. 849, §6(d), 64 Stat. 583).

#### AMENDMENTS

1984—Pub. L. 98-497, §107(a)(7), substituted “Archivist” for “Administrator of General Services”.

1976—Pub. L. 94-553 substituted “productions (exclusive of patented material, published works under copyright protection, and unpublished works for which copyright registration has been made) come into the custody or possession of the Administrator of General Services, the United States or its agents are not liable for infringement of copyright or analogous rights” for “productions, exclusive of material copyrighted or patented, come into the custody or possession of the Administrator of General Services, the United States or its agents are not liable for infringement of literary property rights or analogous rights”.

#### 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.

#### EFFECTIVE DATE OF 1976 AMENDMENT

Amendment by Pub. L. 94-553 effective Jan. 1, 1978, see section 102 of Pub. L. 94-553, set out as an Effective Date note preceding section 101 of Title 17, Copyrights.

#### § 2118. Records of Congress

The Secretary of the Senate and the Clerk of the House of Representatives, acting jointly, shall obtain at the close of each Congress all the noncurrent records of the Congress and of each congressional committee and transfer them to the National Archives and Records Administration for preservation, subject to the orders of the Senate or the House of Representatives, respectively.

(Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1291, §2114; renumbered §2118 and amended Pub. L. 98-497, title I, §§102(a)(1), 107(a)(10), Oct. 19, 1984, 98 Stat. 2280, 2286.)

#### HISTORICAL AND REVISION NOTES

Based on 44 U.S. Code, 1964 ed., §402 (Aug. 2, 1946, ch. 753, title I, §140, 60 Stat. 833).

#### AMENDMENTS

1984—Pub. L. 98-497, §107(a)(10), substituted “National Archives and Records Administration” for “General Services Administration”.