

§ 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).