

National Archives and Records Administration

Transmittal Memo

DATE: June 28, 2012

TO: All Employees

SUBJECT: NARA 110, Use of Official NARA Seals

Purpose: This transmits a directive that explains NARA's policy and procedures for using NARA's official seals.

Background/Significant changes: 18 U.S.C. § 506, 18 U.S.C. § 1017, and 44 U.S.C. § 2104(e) establish general provisions for the use of agency seals. NARA's official seals may be used within certain limitations as prescribed in this policy.

- References are updated as a result of the 2011 reorganization.
- The table in paragraph 110.4 clarifies that the seals are used for authentication of copies of records, certain official NARA publications, and NARA's Government vehicles and NARA-owned buildings.
- A new paragraph on how to file records created by this directive is added (par. 110.15).

Available forms: None.

Canceled policy or policies: NARA 102, dated December 3, 2002.

Canceled forms: None

Effective date: This policy is effective date of signature.

Contact information: For questions on this policy, please contact Kim Richardson, Strategy Division (SP) at (301) 837-2902, or by email.

DEBRA STEIDEL WALL
Deputy Archivist of the United States

Attachment

National Archives and Records Administration

NARA 110
June 28, 2012

SUBJECT: NARA 110, Use of Official NARA Seals

110.1 What is the purpose of this directive?

- a. This directive provides policy and procedures for using official NARA seals. The policy and procedures for approval and use of NARA logos are covered in another directive.
- b. This directive identifies:
 - (1) Official NARA business purposes for which the seals may be used;
 - (2) Restrictions on the use of the seals;
 - (3) Procedures for requesting use of the seals; and
 - (4) Sanctions for misuse.

110.2 What are the authorities for this directive?

- a. 44 U.S.C. § 2104(e), Administrative provisions; § 2116(b), Legal status of reproductions; official seal; fees for copies and reproductions; and § 2302, Authority of the Board; seal; services; bylaws; rules; regulations; employees.
- b. 36 CFR Part 1200, Official seals.
- c. 18 U.S.C. § 506, Seals of departments or agencies.
- d. 18 U.S.C. § 1017, Government seals wrongfully used and instruments wrongfully sealed.

110.3 Who is responsible for approving the use of NARA seals?

- a. **The Archivist or designee** - approves the use of NARA seals by other Federal agencies and the public who must submit requests following the procedures in NARA's regulations at 36 CFR part 1200, Official Seals;
- b. **The Strategy Division (SP), working with the General Counsel (NGC)** - reviews written requests from other Federal agencies and the public; and
- c. **Executives and Staff Directors** - permit the use of seals for official NARA business purposes (see para. 110.4).

110.4 How are NARA seals used?

The table below identifies the three seals NARA uses and how each may be used.

SEALS	USE OF THE SEAL
1. NARA seal, dated 1985	Official NARA business purposes • Authentication of copies of agency records in NARA's physical custody at the Federal records centers using the NA Form 13040 series, Authentication Certificate – General. • Authentication of copies of NARA operational records that have not been accessioned into Record Group (RG) 64. • Official publications such as, the Code of Federal Regulations, the Federal Register, reports to Congress, the Strategic Plan, and the Performance and Accountability Report. • NARA's government vehicles and NARA-owned buildings. • Other similar NARA official business purposes, as approved. Note: All uses by the public and other Federal agencies require prior approval from the Archivist (or designee). NARA employees must obtain prior approval from the Archivist (or designee) for uses other than official NARA business.
2. National Archives seal, dated 1934	Authentication of copies of holdings in the legal custody of the National Archives of the United States using NA Form 14007, Authentication Certificate – General.
3. National Archives Trust Fund Board seal, dated 1941	Trust Fund documents and publications (examples: letterhead, publications, and the annual report to the Trust Fund Board). Official use requires prior approval from the Trust Fund Branch (BCT).

110.5 How are seals used to authenticate copies of records?

NARA is authorized to authenticate paper copies of records that are in its custody permanently or temporarily. When records are in permanent custody, NARA assumes legal ownership. When records are in temporary custody, the Federal records centers have physical custody only. NARA also authenticates copies of its operational records. Copies authenticated using the seals and certified by the appropriate officials may be admitted as evidence in a court of law in place of the original documents.

- a. **Permanent (legal) custody** - NARA is authorized to furnish authenticated copies of records, Presidential records, and donated historical materials that are in NARA's

permanent custody. The organizational units in subparas. (1) and (2) use the 1934 National Archives seal and NA Form 14007 - A through - D to authenticate copies of records in permanent custody. The Archivist has delegated authentication authority as follows:

- (1) **Office of Presidential Libraries (LP)** - The authority is redelegated to the Presidential library, project, and staff directors.
- (2) **Research Services (R)** - The authority is redelegated to custodial unit directors in Archival Operations – DC (RD-DC) and to the regional directors of archival operations who may as necessary re-delegate to members of their staffs.

b. **Temporary (physical) custody** - Agency Services (A) uses the 1985 NARA seal and NA Forms 13040-A through -D as appropriate to authenticate copies of records in Federal records centers. The Archivist has delegated authentication authority to the regional liaisons and the directors of Federal records centers. The authority is redelegated to the Director, National Personnel Records Center (who may redelegate).

c. **NARA operational records** - The 1985 NARA seal is used to authenticate copies of operational records that have not been accessioned into RG 64. The General Counsel (NGC) has authentication authority for these types of records. The Director of the Federal Register (NF) has authority to authenticate Federal Register document manuscripts, public laws (prior to publication of the Slip Law), Electoral College and Constitutional amendment certificates, and reproductions of material appearing in the *Federal Register*, *Code of Federal Regulations*, *Statutes at Large* and Slip laws.

110.6 What are prohibited uses of NARA seals?

Do not use NARA seals on any article or in any manner that changes the seal itself, reflects unfavorably on NARA, or endorses, either directly or by implication, commercial products or services, or policies or activities of an individual or external organization or entity.

- a. NARA employees must not use the seal for anything other than the official business purposes in para. 110.4. If an employee wants to use the seal for purposes other than the specific uses listed in para. 110.4 or for other than official NARA business, the employee must submit a request following the procedures in para. 110.7 and receive prior written approval (see para. 110.9).
- b. The public and other Federal agencies must not use the seal for any purpose without prior approval from the Archivist (or designee). The public and other Federal agencies must submit requests following the procedures and criteria in NARA's regulations at 36 CFR part 1200, Official Seals.

110.7 How do I request to use NARA seals for a purpose not specifically listed in para. 110.4 or for other than official NARA business?

If you want to use the seal(s) for purposes other than those listed in para. 110.4 or for other than official NARA business, you must obtain prior written approval from the Archivist (or designee). Prepare and submit a written request as follows:

- a. Prepare a written request explaining, in detail:
 - (1) The name of the organization requesting use and how it is associated with NARA;
 - (2) Which of the three official seals you want to use and how or on what it is going to be displayed. Provide a sample of the document or other material on which the seal is intended to appear. Mark the sample in all places where the seal would be displayed;
 - (3) How the intended use is connected to your work with NARA on an event or activity; and
 - (4) The dates of the event or activity for which you intend to display the seal.
- b. Submit the request to the Strategy Division (SP) at least six weeks before the proposed use.

110.8 What are the criteria for approval?

The Strategy Division (SP) coordinates the review of the request with NGC and other offices as necessary, and communicates the Archivist's (or designee's) final decision to the requester. The decision is based on the following criteria:

- a. The proposed use must be for NARA official business purposes; or
- b. Use must be connected to work at NARA on an event or activity (example: NARA co-sponsoring a symposium or conference); and
- c. The seal will not be used on any article or in any manner that reflects unfavorably on NARA, or endorses, directly or by implication, commercial products or services, or policies or activities of an individual or external organization or entity.

110.9 How will I be notified of the approval or disapproval?

The Strategy Division (SP) notifies you by email of the final decision, usually within three weeks from the date the Strategy Division (SP) receives your request. If approved, you may download an electronic copy of the seal(s) from NARA@Work. The approval email:

- a. References the submitted request (either through the date or another distinguishing characteristic) indicating approval of the specific use, as defined in the request; and
- b. Includes conditions for use that are identified in para. 110.10.

110.10 After approval, what are NARA's conditions for using NARA seals?

If your request is approved, you must follow these conditions:

- a. Use the seal only for the specific use for which approval was granted;
- b. Submit additional written requests for any uses other than the one requested and granted in the approval letter;
- c. Do not delegate the approval to another individual(s) or organization without NARA's prior approval;
- d. Do not alter the seals in any way - they must be displayed in the exact form and content; and
- e. Use the seal only for the time period designated in the approval email.

110.11 If NARA enters into an agreement with external organizations or individuals, must the written agreement contain specific provisions for using NARA seals?

- a. Yes. Any time NARA enters into an agreement with an external organization or individual, there must be a clause in the written agreement specifically stating that the external organizations or individuals must obtain prior written approval from NARA before using NARA seals for any purpose. All written agreements must contain such a clause. All written agreements must be coordinated with and approved by NGC.
- b. This paragraph does not apply to memoranda of understanding and interagency agreements for Federal records center services.

110.12 To whom do I report misusing NARA seals?

Report all instances of suspected misuse of the seals to the Office of the Inspector General (OIG). This can be an anonymous report by using the OIG Hotline number: 1-800-786-2551 or 301-837-3500.

110.13 What are the penalties for misuse of NARA seals?

Any person using replicas, reproductions, or embossments of NARA's official seals in a manner inconsistent with this directive is subject to the provision of 18 U.S.C. § 1017 and 18 U.S.C § 506, which provide penalties for the wrongful use of an official seal, and to other provisions of law as applicable.

110.14 Whom may I contact for questions on this directive?

Contact Kim Richardson, Kimberly.richardson@nara.gov in the Strategy Division (SP) for questions on this directive.

110.15 How do I file records created through use of this directive?

- a. Requests for Use of Official Seals and Responses to these Requests – File # 110, Routine Files.
- b. NGC Agreements – Use File # 1103-b, Files for all other cases.
- c. Authentication of copies of records – See the table below.

NARA 110, Appendix A: Filing authentication of copies of records

For Authentications of . . .	Use NA Form. . .	When researchers' requests for authenticated copies are to be . . .	When filing records, use applicable File Numbers in Records Control Schedule (RCS)
[Subparagraph 15a] Permanent records (donated historical materials, Presidential records, Nixon Presidential materials, and Federal records) in legal custody of Presidential libraries	14007, Authentication Certificate – General	Mailed	File nos. 1421-2 and 1421-3 , “Reference Service Communication Files. . . .”
		Provided onsite	File nos. 1470-1 and 1470-2 , “Researcher Case Files. . . .”
[Subparagraph 15b] Permanent records (Federal records and donated historical materials) in legal custody of Archival Operations – Washington, DC (RD-DC) and St. Louis (RL-SL)	14007, Authentication Certificate – General	Mailed	File nos. 1421-2 and 1421-3 , “Reference Service Communication Files. . . .”
		Provided onsite	File no. 1423-2 , “Reproduction Service Files: Reproduction requests, requests for authentication, related correspondence. . . .”
[Subparagraph 15c] Permanent records (Federal records and donated historical materials) in legal custody of Archival Operations – East (RE), Midwest (RM), and West (RW)	14007, Authentication Certificate – General	Mailed	File no. 1474-3a , “Archives Services: Reference: All records of the Reference function with the exception of those listed in 1474-3b, 3c, and 3d.”
		Provided onsite	File no. 1474-3a, “Archives Services – Reference: All records of the Reference function with the exception of those listed in 1474-3b, 3c, and 3d.”

For Authentications of . . .	Use NA Form. . .	When researchers' requests for authenticated copies are to be . . .	When filing records, use applicable File Numbers in Records Control Schedule (RCS)
[Subparagraph 15d] Pre-archival records in physical custody of the National Personnel Records Center (NPRC) – Military Personnel Records (AFN-M) and Civilian Personnel Records (AFN-C)	13040, Authentication Certificate – General	Mailed	File no. 1340-2a, “Case Management and Reporting System and Registry Files – CMRX Data and Output: Data gathered and/or generated as the result of receiving and processing a customer request for copies of documents or information from an OMPF, a medical record, or an organizational record...”
		Provided onsite	File no. 1340-2a, “Case Management and Reporting System and Registry Files – CMRX Data and Output: Data gathered and/or generated as the result of receiving and processing a customer request for copies of documents or information from an OMPF, a medical record, or an organizational record...”
[Subparagraph 15e] Temporary records in physical custody of AFN-C	13040, Authentication Certificate – General	Mailed	File nos. 1421-2 and 1421-3 , “Reference Service Communication Files. . . .”
		Provided onsite	File nos. 1420-1 and 1420-2 , “Research Room Reference Service Files: Copies of reference service slips. . . .”

For Authentications of . . .	Use NA Form. . .	When researchers' requests for authenticated copies are to be . . .	When filing records, use applicable File Numbers in Records Control Schedule (RCS)
[Subparagraph 15f] Temporary records in physical custody of FRCs (AFO)	13040, Authentication Certificate – General	Mailed	File no. 1343-2 , “Records Center Service: Reference/ Records Services/Internal Operations. . . .”
[Subparagraph 15g] NARA operational records scheduled as temporary or permanent (but not yet accessioned into Record Group 64)	13040 - Authentication Certificate – General	To be mailed or provided onsite	General Counsel (NGC) only uses file no. 1103-b , “Files for all other cases”
[Subparagraph 15h] Operational records in the Office of the Federal Register (OFR): ● Document manuscripts, ● Public laws prior to publication of Slip Law, ● Electoral College and Constitutional amendment certificates, and ● Reproductions of material appearing in the <i>Federal Register</i>, <i>Code of Federal Regulations</i>, <i>Statutes at Large</i>, and Slip laws	13040 – Authentication Certificate – General	To be mailed or provided onsite	Office of the Federal Register (F) only uses file no. 1504, “Certifications”