

SUBJECT: Loans of Holdings in NARA's Physical and Legal Custody

1701.1 Purpose of this directive

This directive establishes policy for loans of holdings (as defined in par. 1701.3a).

1701.2 Authority for this directive

a. The Archivist is responsible for the custody, use, and withdrawal of records transferred to the National Archives and Records Administration (NARA) in accordance with 44 U.S.C. 2107 note sec. 3(2), 2108, 2109, 2111 note sec. 101(b)(2), 2112(c), 2118, and 2203(f)(1); E.O. 12667; and 36 CFR 1228.198.

b. The Archivist delegates the authority to loan NARA holdings to the Assistant Archivist for Presidential Libraries (NL), the Assistant Archivist for Records Services - Washington, DC (NW), and the Assistant Archivist for Regional Records Services (NR).

1701.3 Definition of terms as used in this directive

As used in this directive

a. **Holdings** - means (1) records as defined in 44 U.S.C. 3301 ("includes all books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics"), historical materials as defined in 44 U.S.C. 2101(2), including artifacts, artwork, and other museum holdings (primarily in the Presidential libraries), Nixon Presidential historical materials as defined in 44 U.S.C. 2111 note sec. 101(b)(2), assassination records as defined in 44 U.S.C. 2107 note sec. 3(2), and Presidential records as defined in 44 U.S.C. 2201(2) that are in the physical and legal custody of NARA; (2) Supreme Court records that have been deposited in NARA's physical custody; and (3) the records of Congress that have been deposited in NARA's physical custody under 44 U.S.C. 2118; and records of the Architect of the Capitol. (See par. 1701.4 for holdings that are not covered by this directive.)

b. **Loan** - means temporary removal of holdings from NARA's physical custody to Federal agencies and courts, the Supreme Court, and Congress for official business; to the President, Vice President, former Presidents or Vice Presidents or donors, or their designated representative; or to NARA and non-NARA organizations for exhibit purposes. (The removal of holdings for other than loan purposes is described in NARA 1702.)

c. **Custodial unit** - means a NARA unit responsible for holdings –

- Life-Cycle Control Units (LICONS) of the Office of Records Services - Washington, DC;
- Presidential Materials Staff (NLMS) in Washington, DC and the Nixon Presidential Materials Staff;
- Presidential libraries and projects; and

- Archival operations units of regional records services facilities (or facility directors in regional records services facilities where there is no archival operations unit).

1701.4 Holdings that are not covered by this directive

This directive does not apply to holdings that are

- a. Not in NARA's legal custody, even if the holdings are scheduled as permanent but not yet in NARA's legal custody (pre-archives).
- b. Transferred to public or educational institutions or associations in accordance with 44 U.S.C. 2107(3) (see 36 CFR 1228.70 thru 1228.78).
- c. In NARA's physical custody under a deposit agreement or in courtesy storage (e.g., NLMS). (However, holdings of the U.S. Congress and the Supreme Court are covered by this directive and explained in part 3.)
- d. Accessioned electronic holdings in the custody of the Electronic and Special Media Records Services Division (NWME).

PART 1. POLICY RELATING TO ALL LOANS

1701.5 Responsibilities

In consultation with (if necessary) the Space and Security Management Division (NAS) (for loan-related security matters) and Preservation Programs (NWT), the following units review and approve or deny loan requests for holdings:

- a. The custodial unit;
- b. Public Programs (NWE); or
- c. The Initial Processing/Declassification Division (NWMD), with LICON concurrence.

1701.6 What procedures must be followed before transporting holdings from a NARA facility?

In consultation with NWT and NAS (if necessary), the custodial unit or NWE must

- a. In accordance with NARA 1702, determine the appropriate method of transportation and make the necessary arrangements.
- b. Inform the borrower
 - (1) Of the method of shipment (specified in loan agreement for exhibit loans);
 - (2) Of the date on which the loan will be shipped and its expected arrival date or the date that the borrower can pick up the loan;

- (3) Of any special transportation arrangements if the loan will be picked up by the borrower;
- (4) Of the need to inspect the packaging upon arrival to ensure that it has not been abused, to sign for the shipment, and to inform NARA of its arrival;
- (5) To notify the NARA sending unit or the NWE registrar of the delivery and the condition of the packaging and the holdings if either shows any signs of tampering or damage; and
- (6) To verify the condition of the holdings and document changes.

1701.7 When is a loan considered overdue?

A loan is overdue if the holdings are not returned to NARA by the established due date. The due date may be extended with the written consent of all relevant parties.

1701.8 What action can NARA take to recover holdings that are overdue?

- a. If the loan is overdue, the custodial unit or NWE notifies the borrower to either request an extension, provide the current status of the loan, or promptly return the holdings. (Notification by telephone or email is acceptable but all actions must be documented in writing.)
- b. If the holdings are not returned within 2 weeks, the custodial unit head contacts the borrower to determine the reason for delay.
- c. If after the second contact, the holdings are not returned, the custodial unit head creates a dossier containing a memorandum explaining the circumstances, a copy of NA Form 14014, a written summary of any verbal contacts, copies of all relevant correspondence and email exchanges, and any other pertinent documentation.
- d. NL and NW custodial units send the dossier to NL and NW, respectively. Heads of NR custodial units send the dossier to NR, through the appropriate regional administrator.
- e. NL, NR, or NW immediately consults with the General Counsel (NGC).
- f. NL, NR, or NW (working with the custodial unit and NGC) make recommendations to the Archivist for further action.
- g. The appropriate custodial unit maintains a dossier of decisions and actions taken.

1701.9 Reporting overdue loans to the Archivist

On a quarterly basis, NL, NR, and NW must report to the Archivist all loans that are 3 months or more overdue. The report must be submitted within 45 days after the end of each quarter and include:

- a. Borrower's name;
- b. Description of holdings;

- c. Record group number or collection;
- d. Quantity of holdings (boxes, cubic feet, etc);
- e. Loan date;
- f. Due date (date that the loan was to be returned to NARA); and
- g. A narrative and documentation of steps that the custodial unit has taken to recover the loan.

PART 2. LOANS TO ORIGINATORS

1701.10 Policy

Originating Federal agencies or successors in function; courts; and the President, Vice President, former Presidents or Vice Presidents or donors, or their designated representative may borrow their own original holdings for use outside a NARA facility. However, this practice is discouraged and we should offer copies or facsimiles whenever possible. Loans of original holdings should be limited to instances of demonstrated need and are subject to conditions that exempt from loan any holdings of high intrinsic value or in need of preservation action (in accordance with specified exceptions in par. 1701.13). (For information concerning holdings of the Congress or Supreme Court, see part 3.)

1701.11 Responsibilities

The custodial unit head must ensure that holdings that NARA lends are properly documented and are returned on the established due date. The custodial unit

- a. Approves loan requests for holdings in their custody.
- b. Maintains documentation regarding attempts to retrieve overdue loans and uses NA Form 14014, National Archives and Records Administration Loan Receipt.

c. Establishes internal operating procedures (as defined in NARA 111, NARA Internal Directives System) for handling loans.

1701.12 Who is authorized to receive a loan of original holdings?

a. The originating Federal agency or successor in function, court, or the Supreme Court; or the President, Vice President, former Presidents or Vice Presidents or donors, or their designated representative can request their own original holdings.

b. Federal agencies that obtain approval from the agency that created the records (or its successor) may also request a loan.

1701.13 When is it appropriate to provide original holdings to the originator?

a. If the request is not for an exhibit (see part 4 for exhibit loans), provide original holdings only when:

(1) The custodial unit (not the requester) determines that the requester's need for original holdings is sufficient, based on the following:

(a) They cannot fulfill their purpose in any other way;

(b) A copy or certified copy of the holdings cannot be used;

(c) They cannot meet required needs by using the holdings in a NARA facility; or

(d) The volume of holdings requested is so large that the custodial unit determines it to be impractical to copy and the request meets other applicable requirements of this paragraph. (In this case, the requester should visit the facility.)

(2) The holdings are in suitable physical condition; and

(3) The holdings are not of high intrinsic value or the Archivist has approved an exception in writing. (Criteria for assessing the intrinsic value of archival materials are delineated in Staff Information Paper (SIP) 21, *Intrinsic Value in Archival Material*.)

b. The request is in accordance with the appropriate statutory authority or governing deed of gift.

1701.14 When is it inappropriate to provide original holdings to the originator?

Do not provide original holdings, if the request

a. Is from a requester with an overdue loan;

b. Does not meet the requirements outlined in par. 1701.13.

c. Is from a Federal agency to enable the agency to answer routine reference inquiries from other agencies or the public (see 36 CFR 1228.198(b)(2)).

1701.15 What if a loan request is denied?

If a custodial unit denies a request for a loan, the custodial unit head contacts the requester and

- a. Specifies the reasons for the denial;
- b. States the conditions under which copies can be provided; and
- c. Suggests that the requester visit the NARA facility.
- d. Informs the requester of the of the right to appeal, in writing, to the appropriate office head as specified in subpars. (1) through (3).

(1) Assistant Archivist for Records Services - Washington, DC (NW), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001.

(2) Assistant Archivist for Regional Records Services (NR), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001.

(3) Assistant Archivist for Presidential Libraries (NL), National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740-6001.

1701.16 If copies are provided, what are the costs?

Provide up to 100 pages at no cost to the requester. Additional copies must be charged in accordance with the current fee schedule, with the exception of the President, Vice President, former Presidents or Vice Presidents or donors, or their designated representative.

1701.17 What is the normal loan periods for loans to originators?

The loan period should not exceed 30 days but may be extended if the borrower provides written justification.

1701.18 What is the normal extension time and who approves requests for loan period extensions?

a. Normally, loan extensions should not exceed 90 days from the original due date. The custodial unit can grant an extension up to a total loan period of 90 days, after ensuring that the conditions that permitted the initial loan continue to prevail. Borrowers are responsible for any recovery or repair costs involved for damaged holdings, if documented by the custodial unit (see 1701.21a).

- b. NL, NR, or NW must approve extensions for longer than 90 days.

1701.19 How are loans documented and tracked?

The custodial unit

- a. Prepares an NA Form 14014 to document and send the loan;

- b. Ensures that the proper method of shipment is used and that the custodial unit head signs the NA Form 14014;
- c. Ensures that the borrower signs the NA Form 14014 when the loan is picked up or sends the form with the loan and asks the borrower to sign and immediately return it to the custodial unit;
- d. Files a copy of the NA Form 14014 for tracking purposes; and
- e. Reviews the file monthly to identify loans that are 2 weeks overdue and follows the procedures in par. 1701.8.

1701.20 Processing returned loans

Immediately upon receipt of the holdings, the custodial unit must

- a. Ensure that all holdings have been returned and packaging is undamaged. If any holdings are missing or damaged, follow the procedures in par. 1701.21.
- b. Remove the copy of NA Form 14014 from the file, and ensure that a copy is signed by the custodial unit head (or representative) to indicate that the holdings have been returned.

1701.21 What if the loan is returned in damaged condition or with holdings missing?

- a. If holdings or packaging are found damaged upon return, the custodial unit head or NWE
 - (1) Immediately documents the nature of damage;
 - (2) Informs the borrower of the damage;
 - (3) Informs the borrower that future loan privileges will be jeopardized unless action is taken to eliminate the risk of damage to the holdings;
 - (4) Refers damaged holdings to a preservation laboratory for examination and treatment, if necessary (see subpar. b); and
 - (5) Notifies NAS.
- b. NWT provides a cost estimate for treatment and the borrower will be charged for services rendered or for the cost of hiring a contract conservator to repair the damage.
- c. If the holdings are missing, the custodial unit should attempt to ascertain the status of missing holdings and notify NAS.

PART 3. LOANS TO CONGRESS AND THE SUPREME COURT

1701.22 Policy

The holdings of the United States Senate, the United States House of Representatives, and the Supreme Court may be returned to the originating entity for use outside of a NARA facility.

1701.23 Responsibilities

a. Holdings of the U.S. Congress -

(1) The Director, Center for Legislative Archives (NWL) ensures that a loan of U.S. Congress holdings is properly documented and returned on the established due date.

(2) NWL maintains a record of individual senators, representatives, and staff members authorized to borrow holdings.

b. Holdings of the Supreme Court -

(1) The Director, Textual Archives Services Division (NWCTB) ensures that a loan of Supreme Court holdings is properly documented and returned on the established due date.

(2) NWCTB maintains a record of Court staff authorized to borrow holdings.

1701.24 Who can request a loan of original holdings?

a. Holdings of the U.S. Senate - NARA normally lends U.S. Senate holdings to only the committee that originated the holdings, a successor committee, or the Secretary of the Senate. Senate Rule XXVI, 10(a), permits access to Senate committee holdings by a senator who is not a member of the committee. In those cases, NWL arranges the loan through the Secretary of the Senate and the parent committee.

b. Holdings of the U.S. House of Representatives - Only the Clerk of the House of Representatives may borrow House holdings.

c. Holdings of the Supreme Court - Only authorized employees of the Office of the Clerk of the Supreme Court may borrow Supreme Court holdings.

1701.25 Procedures for processing a loan

a. Whenever possible, NWL or NWCTB should obtain written permission from the Secretary of the Senate or the Clerk of the House, or the Office of the Clerk of the Supreme Court (as appropriate) before lending holdings to the Congress or the Supreme Court. This written request may be an email or a letter faxed to the lending custodial unit. When the need for holdings is so urgent that there is no time for a written request before lending the holdings, NWL or NWCTB must obtain a written request within 48 hours after the holdings are loaned.

b. NWL or NWCTB prepares an NA Form 14014 to document the loan.

c. NWL or NWCTB ensures that the borrower signs the NA Form 14014 and files a copy of the form in the appropriate tracking file.

1701.26 Tracking or reporting overdue loans

a. NWL contacts the Secretary of the Senate or the Clerk of the House; NWCTB contacts the Office of the Clerk of the Supreme Court to verify that the loan needs to be extended.

b. For holdings that have been on loan for more than 30 days, NWL notifies the Secretary of the Senate, the Clerk of the House, and individual Senate committee chairmen; and NWCTB contacts the Clerk of the Supreme Court about any holdings that have not been returned.

c. NWL and NWCTB reports to NW a list of holdings that are overdue for more than 7 months. Include the loan number, record group, date of the loan, the organization (committee) or person (Secretary of Clerk) who borrowed the holdings, and the due date.

PART 4. EXHIBIT LOANS

1701.27 Policy

NARA's holdings may be loaned to qualified institutions for the purpose of informing and educating the public about NARA and its holdings, the national experience, or to foster ready access to essential evidence, while ensuring their continued availability for the future.

1701.28 Responsibilities

a. In NW, NWE manages the exhibit loan program in coordination with NWT and NW custodial units.

b. In NL and NR, the custodial units are responsible for exhibit loans of holdings in their custody.

- c. The NL or NR custodial unit, or NWE may consult with NAS, as necessary
 - (1) On loan-related security matters;
 - (2) To request assistance for site inspections; and
 - (3) To request assistance for courier trips if coordination with law enforcement agencies is necessary.
- d. The custodial unit must notify NAS, in advance, of a loan involving holdings of high intrinsic value, great sensitivity, known threats, etc.

1701.29 Who is authorized to receive a loan of original holdings for an exhibit?

- a. NARA units and non-NARA museums, archives, historical societies and other institutions that meet NARA's loan requirements (see ADMIN. 201, app. 13A, NARA Exhibition Standards for Archival Materials, and NISO Draft Standard for Environmental Conditions for Exhibiting Library and Archival Materials) and of its exhibition serves to increase public awareness of NARA and its holdings, rights of citizens, actions of Federal officials, or the national experience; or
- b. The President, Vice President, former Presidents or Vice Presidents or donors, or their designated representative.

1701.30 How are requests for legislative holdings handled?

If legislative holdings are requested, NWE coordinates with NWL to obtain permission from the Clerk of the House or Secretary of the Senate (through the Senate Historian) before approving the loan.

1701.31 How are requests for holdings from other NARA units processed?

- a. The requester should submit a written loan request to the NL or NR custodial unit, or to NWE at least 90 days in advance.
- b. An up-to-date American Association of Museums (AAM) Standard Facilities Report (less than 5 years old) must be on file with the lending unit.
- c. The NL or NR custodial unit, or NWE make a preliminary review of the loan request and advises the requesting unit what loan requirements are most likely (e.g., staff courier, crating, fine arts shipper, conservator to install, matting/framing, etc.).
- d. Other procedures are the same as for non-NARA requests.

1701.32 What are the tracking and documentation methods for exhibit loans?

- a. The NL or NR custodial unit, or NWE charges out holdings, executes the loan agreement, and arranges for necessary conservation treatment, photography, packing/shipping,

and documentation (reference service slips, loan agreement, receipts, condition reports, bills of lading, and loans tracking system).

b. The NL or NR custodial unit, or NWE monitors all outstanding loans and arranges with the borrower for their return to NARA in accordance with terms of the loan agreement.

c. NL and NR custodial units, and NWE report overdue loans to NW, NL, or NR. NL, NR, and NW report to the Archivist all loans that are 3 months or more overdue (see par. 1701.9).

d. If there are security concerns, consult NAS.

1701.33 Who is authorized to approve and deny loans?

a. NW - NWE (with concurrence from NWT and NW custodial units)

b. NL - Directors of Presidential libraries

c. NR - Custodial unit heads

1701.34 When is it appropriate to lend original holdings for an exhibit?

a. Provide original holdings for an exhibit if

(1) The holdings are in a condition to withstand the normal strains associated with packing, transit, and exhibition or can be prepared in appropriate housings to withstand the same;

(2) The exhibition has an educational purpose or otherwise serves to increase public awareness of NARA and its holdings, rights of citizens, actions of Federal officials, or the national experience.

(3) Requested by the President, Vice President, former Presidents or Vice Presidents or donors, or their designated representative.

b. The NL or NR custodial unit, or NWE verifies that the requesting institution complies with NARA's security, environmental, and other requirements for exhibition of holdings (see ADMIN. 201, app. 13A) and may consult with NAS for security inspections.

1701.35 When is it inappropriate to lend original holdings for an exhibit?

NARA cannot loan original holdings

- a. That are too fragile to withstand normal strains of packing, shipping, and exhibition.
- b. If the item has been recently or extensively exhibited (although items may still be in good condition, NARA is required to limit cumulative lifetime light exposure).
- c. In consultation with NWT and NAS (as necessary), the NL or NR custodial unit, or NWE ascertains that the requesting institution is unable to comply with NARA's security, environmental, and other loan requirements (see ADMIN. 201, app. 13A). (Individual custodial units may have additional requirements.)
- d. Unless the borrower has staff trained in the handling and care of holdings and who will be available to monitor the exhibition on a daily basis.
- e. If the loan would disrupt NARA ongoing operations or conflict with NARA priorities or projects.
- f. For exhibits that are scheduled for less than one month, unless the exhibit is for a NARA-sponsored event. However, display periods of less than one month for individual documents may still be recommended for conservation reasons.
- g. To individuals, with the exception of the President, Vice President, former Presidents or Vice Presidents or donors, or their designated representative.
- h. If the exhibition is not open to the general public; or
- i. To institutions that engage in practices that violate anti-discrimination laws.
- j. If the holdings requested are subject to access restrictions mandated by statute or donor.

1701.36 What is the maximum loan period?

The maximum loan period is 12 months. Shorter periods are recommended for light sensitive and chemically unstable media, such as hand-colored documents, textiles, certain photographic processes, etc.

1701.37 How are requests for renewals handled?

For preservation and accountability reasons, long-term loans are discouraged. NWE, in consultation with NWT and custodial units, or NL or NR custodial unit heads should review loans annually and may renew a loan, depending on the condition of the holdings and at their

discretion. Renewals cannot be approved to allow actual exhibit time to exceed 12 months or shorter periods when recommended for conservation reasons.

1701.38 What are procedures for denying a loan request?

NWE, in consultation with NWT and the NW custodial unit head, or the NL or NR custodial unit head, prepares a written denial explaining the reasons for the decision. In the letter, facsimiles may be offered as a substitution, but only if the requester will bear the expense of preparation and shipping.

1701.39 What are the loan review procedures for non-NARA borrowers?

a. The borrower should submit a written request to the NL or NR custodial unit, or to NWE at least 120 days in advance of the anticipated effective date of the loan. An up-to-date AAM Standard Facilities Report (less than five years old) must be submitted or be on file.

b. In consultation with NAS and NWT (if necessary), the NL or NR custodial unit, or NWE, determines if the borrower meets NARA's loan requirements (see ADMIN. 201, app. 13A) and whether the loan is appropriate and feasible.

c. Before shipping, the borrower must insure the loan under an all-risk, fine arts policy, provide a certificate of insurance based on the fair market value of the loan items, and sign a NARA Outgoing Loan Agreement. The insurance requirement may be waived for Federal and State Government borrowers who are prohibited by law from purchasing insurance on Government property.

d. In consultation with NWT (as appropriate), the NL or NR custodial unit, or NWE, and NAS (if the shipment meets the criteria in NARA 1702, par. 1702.6) must approve all shipping arrangements in advance.

e. All loan costs are the responsibility of the borrower.

1701.40 What are procedures for processing returned loans?

a. Return transportation is coordinated with the borrowing institution, in accordance with loan agreement requirements.

b. Upon return, it is immediately verified that all loan items have been returned and their condition inspected.

c. The NL or NR custodial unit, or NWE representative signs the receipt form and sends a copy to the borrower.

d. Loan items are returned to permanent storage.

1701.41 What if holdings are missing or damaged?

If packaging is damaged or holdings are missing or damaged, NWE (in consultation with NWT and the custodial unit), or the NL or NR custodial unit, follows the procedures in par. 1701.21. Resolution will be handled on a case-by-case basis.

1701.42 Other guidance for exhibit loans

a. For additional guidance, consult office-level internal operating procedures or other standard operating procedures. ADMIN. 201, appendix 13A includes NARA's technical standards (circa 1984) for loan of archival materials (i.e., environmental and security requirements). The National Institute of Standards Organizations is in the process of publishing a new standard for exhibition of archival materials that addresses temperature and humidity, lighting, exhibit length, and construction materials for exhibition cases.

b. Also see *The New Museum Registration Methods*, edited by Rebecca A. Buck and Jean Allman Gilmore, American Association of Museums, 1998, *A Legal Primer on Managing Museum Collections*, 2nd edition, by Marie Malaro, Smithsonian Institution Press, 1998, *Art in Transit: Studies in the Transport of Paintings*, ed. by Marion F. Mecklenberg, National Gallery of Art, 1991, *Museum Security and Protection*, ed. by David Liston, ICOM and the International Committee on Museum Security, 1993, and *The Museum Environment*, by Gary Thomson, Butterworth-Heinmann, second edition, 1986.