

NARA. The lending agency is responsible for documenting the loan and return of the records.

**§ 1228.10 When do loans of permanent and unscheduled records require NARA approval?**

Loans of permanent or unscheduled records between Federal agencies or to non-Federal recipients require prior written approval from NARA. The loan of permanent or unscheduled records increases the likelihood of the records becoming lost, misplaced, or incorporated into other files. Agencies should consider reproducing or scanning the records in response to a loan request.

**§ 1228.12 How do agencies obtain approval to loan permanent or unscheduled records?**

(a) An agency proposing to loan permanent or unscheduled records must prepare a written loan agreement with the proposed recipient. The agreement must include:

- (1) The name of the department or agency and subdivisions having custody of the records;
- (2) The name and address of the proposed recipient of the records;
- (3) A list containing:
  - (i) Identification of the records to be loaned, by series or system;
  - (ii) The inclusive dates for each series or system;
  - (iii) The volume and media of the records to be loaned; and
  - (iv) The NARA disposition job (SF 115) and item numbers covering the records, if any.
- (4) A statement of the purpose and duration of the loan;
- (5) A statement specifying any restrictions on the use of the records and how these restrictions will be imposed by the recipient;
- (6) A certification that the records will be stored in areas with security and environmental controls equal to those specified in part 1234 of this subchapter; and
- (7) A signature block for the Archivist of the United States. The loan must not take place until the Archivist has signed the agreement.

(b) On request, NARA may allow an agency to prepare an annual loan agreement covering multiple transfers

from the same series of records to another single Federal agency.

(c) The agency must send a written request to NARA, by mail at National Archives and Records Administration; Office of the Chief Records Officer (AC); 8601 Adelphi Road; College Park, MD 20740-6001, or by email at *RM.Communications@nara.gov*, transmitting the proposed loan agreement, citing the rationale for not providing copies in place of the original records, and specifying the name, title, and phone number of an agency contact. The request must be submitted or approved by the individual authorized to sign records schedules as described in § 1220.34(b) of this subchapter.

[74 FR 51014, Oct. 2, 2009, as amended at 83 FR 13654, Mar. 30, 2018]

**§ 1228.14 How will NARA handle a loan request?**

(a) NARA will review the request and, if it is approved, return the signed agreement to the agency within 30 days.

(b) NARA will deny the request within 30 days if the records are due or past due to be transferred to the National Archives of the United States in accordance with part 1235 of this subchapter, if the loan would endanger the records, or if the loan would otherwise violate the regulations in 36 CFR chapter XII, subchapter B. NARA will notify the agency in writing if it disapproves the loan and the reasons for the disapproval of the loan.

**§ 1228.16 When must agencies retrieve records that have been loaned?**

An agency must contact the recipient of loaned permanent or unscheduled records 30 days prior to the expiration of the loan period (as stated in the loan agreement) to arrange for the return of the records. If the agency extends the duration of the loan, it must notify NARA (see § 1228.12(b)) in writing, specifying the reason for the extension and providing the new expiration date of the loan.

**PART 1229—EMERGENCY AUTHORIZATION TO DESTROY RECORDS**

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## § 1229.1

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1229.12 What are the requirements during a state of war or threatened war?

AUTHORITY: 44 U.S.C. 3310 and 3311.

SOURCE: 74 FR 51014, Oct. 2, 2009, unless otherwise noted.

### § 1229.1 What is the scope of this part?

This part describes certain conditions under which records may be destroyed without regard to the provisions of part 1226 of this subchapter.

### § 1229.2 What are the authorities for this part?

The statutory authorities for this part are 44 U.S.C. 3310 and 3311.

### § 1229.3 What definitions apply to this part?

See § 1220.18 of this subchapter for definitions of terms used in part 1229.

### § 1229.10 What steps must be taken when records are a continuing menace to health or life, or to property?

When NARA and the agency that has custody of them jointly determine that records in the custody of an agency of the U.S. Government are a continuing menace to human health or life, or to property, NARA will authorize the agency to eliminate the menace immediately by any method necessary:

(a) When an agency identifies records that pose a continuing menace to human health or life, or to property, the records officer or other designee must immediately notify NARA, by mail at National Archives and Records Administration; Office of the Chief Records Officer (AC); 8601 Adelphi Road; College Park, MD 20740-6001, or by email at [RM.Communication@nara.gov](mailto:RM.Communication@nara.gov). The notice must describe the records, their location and quantity, and the nature of the menace.

(b) If NARA concurs in a determination that the records must be destroyed, NARA will notify the agency to immediately destroy the records.

(c) If NARA does not concur that the menace must be eliminated by destruction of the records, NARA will advise

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the agency on remedial action to address the menace.

[74 FR 51014, Oct. 2, 2009, as amended at 83 FR 13654, Mar. 30, 2018]

### § 1229.12 What are the requirements during a state of war or threatened war?

(a) Destruction of records outside the territorial limits of the continental United States is authorized whenever, during a state of war between the United States and any other nation or when hostile action appears imminent, the head of the agency that has custody of the records determines that their retention would be prejudicial to the interest of the United States, or that they occupy space urgently needed for military purposes and are without sufficient administrative, fiscal, legal, historical, or other value to warrant their continued preservation.

(b) Within six months after the destruction of any records under this authorization, the agency official who directed the destruction must submit to NARA, by mail at National Archives and Records Administration; Office of the Chief Records Officer (AC); 8601 Adelphi Road; College Park, MD 20740-6001, or by email at [RM.Communications@nara.gov](mailto:RM.Communications@nara.gov), a written statement explaining the reasons for the destruction and a description of the records and how, when, and where the destruction was accomplished.

[74 FR 51014, Oct. 2, 2009, as amended at 83 FR 13654, Mar. 30, 2018]

## PART 1230—UNLAWFUL OR ACCIDENTAL REMOVAL, DEFACING, ALTERATION, OR DESTRUCTION OF RECORDS

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