

REGULATIONS FOR THE PUBLIC USE OF RECORDS IN THE NATIONAL ARCHIVES

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Part 2 of Title 44 of the Code of Federal Regulations reads as follows:

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AUTHORITY: §§ 2.0 to 2.40 issued under sec. 205, 63 Stat. 389, as amended; 40 U.S.C. 486. Interpret or apply secs. 507, 509, 64 Stat. 587, as amended, 588; 44 U.S.C. 397, 399.

GENERAL PROVISIONS

§ 2.0 Scope.

The provisions of this part apply to the public use of records deposited with the National Archives of the United States.

§ 2.1 Meaning of terms.

As used in this part, unless the context otherwise requires, terms shall have the meaning ascribed in the Federal Property and Administrative Services Act of 1949, as amended (63 Stat. 377, as amended; 40 U.S.C. 472, 44 U.S.C. 391).

§ 2.2 Legal custody.

The Administrator has legal custody of all records deposited with the National Archives of the United States.

§ 2.3 Availability of records in general.

(a) Records deposited with the National Archives of the United States will be made available for use subject to restrictions and limitations imposed by law, by Executive order, by the regulations in this part, by the agency from which they have been transferred, or by the Archivist of the United States.

(b) The following general practices will be observed:

(1) Records will not ordinarily be made available for purposes that can be as well served by a public library.

(2) Persons wishing to examine records, will, as a rule, be required to do so in the research rooms of the National Archives Building.

(3) The National Archives and Records Service will also render services with regard to reproductions, information, motion pictures, and sound recordings in accordance with the provisions of this part.

§ 2.4 Access to classified and restricted records.

Access to records bearing security classification will be governed by the terms of Executive Order 10501, as amended by Executive Order 10816 and Executive Order 10964. Access to records subject to other forms of restriction will be governed by the conditions set forth by the Archivist in the pertinent Restriction Statements.

§ 2.5 Photography in the National Archives Exhibition Hall.

Visitors are permitted to take photographs in the National Archives Exhibition Hall without restriction if flash equipment or other special photo-lighting devices are not used and if the photographs are not intended for commercial use. Persons desiring to take photographs requiring the use of photo-lighting devices or for commercial purposes must obtain special permission from the Archivist. Application for such permission should be made to the Exhibits and Publications Branch.

PERMISSION TO EXAMINE RECORDS

§ 2.10 Application for permission to examine records.

Persons desiring permission to examine records in the National Archives Building must make application on a form provided for that purpose, on which they will clearly state the subject or nature of their research. The application must show a definite and serious purpose. Permission to examine records will not be given to persons under the age of 16 years unless accompanied by an adult who will undertake in writing to remain with the applicant while records are in use, and to be responsible for the applicant's compliance with all National Archives and Records Service regulations. Officers or employees of foreign governments who wish to examine records must apply for permission through the Department of State. Forms will be provided and applications received at any of the research rooms in the National Archives Building.

§ 2.11 Granting and withdrawal of permission to examine records.

(a) If an application is approved, a card of permission to examine records will be issued. This card will be valid for a period not longer than one year but may be renewed upon application. It is not transferable and must be produced when required. Possession of this card does not entitle a researcher to examine records whose use is restricted. The Archivist of the United States may withdraw the privilege of permission to use records from any one who violates the regulations in this part or disregards the instructions of a research room supervisor.

(b) A person whose application for permission to examine records has been approved and who has been issued a card of permission described in this section shall be considered a researcher for the purpose of regulations in this part.

§ 2.12 Hours of admission to research rooms.

The research rooms and the library will be open to persons authorized to use them from 8:45 to 5:00 p.m. Monday through Friday, Federal holidays excepted. The central research room will also remain open from 5:15 to 9:50 p.m. Monday through Friday, and from 8:45 a.m. to 5:00 p.m. on Saturdays, Federal holidays excepted. In special circumstances, by direction of the Archivist of the United States, the research rooms may be closed during any of the hours specified in this section or may be opened at other times.

§ 2.13 Admission and use of the National Archives Theater.

(a) Applications for admission to the National Archives Theater for the purpose of viewing motion pictures or hearing sound recordings deposited with the National Archives and Records Service shall be made to the Chief, Audio-Visual Branch. Applications should be made long enough in advance to permit the completion of necessary arrangements. A group of persons must be represented by an authorized spokesman, who in making application for their admission, must identify the group he represents. On approval of the application, a time will be fixed for the rendering of the service, and the applicant will be notified.

(b) As indicated in paragraph (a) of this section, the theater in the National Archives Building was designed to be used for the furnishing of reference services on the motion picture holdings of the National Archives, and its facilities are utilized primarily for that purpose. Assignments to any other agencies of the Federal Government, to agencies of the Government of the District of Columbia, or to private organizations may be made, but only when the theater is not required for the furnishing of reference services on those motion picture films or for other official use of the National Archives and Records Service. No application for the use of the theater by either a Federal or District of Columbia agency or a private organization will be approved unless the purpose for which use is requested is related to the work of the National Archives and Records Service. Meetings in the theater shall not in any event be sponsored by profitmaking organizations, promote commercial enterprises or commodities, or have a political, sectarian, or similar nature or purpose.

(c) Each application for the use of the theater will be submitted in writing by the head of the requesting agency or organization, or his duly authorized representative, at least one week in advance of the use for which the assignment is requested. Each application for use should be addressed and delivered to General Services Administration, National Archives and Records Service, Administrative Officer, The National Archives Building, Washington 25, D.C. and shall include the following information:

- (1) The name of the governmental agency or private organization requesting the assignment;
- (2) The date on which assignment is requested, and the hours of contemplated use;
- (3) A brief description of the program of the scheduled meeting or performance;

(4) The approximate number of persons expected to attend the meeting or performance (the capacity of the National Archives theater is 216 persons);

(5) A statement as to whether it is the intention to exhibit at the meeting or performance motion pictures or lantern slides and, if so, the size of the film (35 mm. or 16 mm.) or of the lantern slides; and whether the film to be shown, if any, is on nitrate or safety base; and

(6) Samples of any literature, folders, or posters to be distributed or exhibited at the meeting or performance.

(d) No program will be permitted to continue beyond 10:00 p.m.

(e) Assignments will not be made, unless specifically justified, for Saturdays, Sundays, Holidays, or other days or at hours during which the building is normally closed.

(f) No admission fee will be charged, no indirect assessment will be made for admission, and no collection will be taken. Commercial advertising or the sale of articles of any character will not be permitted.

(g) The serving or consumption of food or beverages within the theater will be prohibited.

(h) Smoking will be prohibited within the theater.

(i) If the projection of motion pictures or lantern slides is a part of the program, competent operators will be furnished by the National Archives and Records Service on a reimbursable basis.

(j) Posting of any material about the premises will be subject to the approval of the General Services Administration building superintendent.

(k) All persons attending meetings or performances will be required to go directly to the theater which is on the fifth floor of the building. No one will be admitted to other parts of the building closed to the general public.

(l) All persons attending meetings or performances will be subject to the "Rules and Regulations Governing Public Buildings and Grounds" issued by the Administrator of General Services (Part 100 of this title).

RESEARCH ROOM RULES

§ 2.20 Register of researchers.

Each day that a researcher uses records in a research room he must sign the register maintained there.

§ 2.21 Researcher's responsibility.

When a researcher has completed his use of records or leaves the research room for more than a short period of time, he must notify the supervisor. A researcher is responsible for all records delivered to him until he returns them to the supervisor. The researcher must at no time

leave loose or unprotected papers on desks or tables while he is absent from the room.

§ 2.22 Protection of records.

Researchers must exercise all possible care to prevent damage to the records delivered to them. They must not use ink at desks upon which there are records, except when a supervisor authorizes the use of a fountain pen or a ball point pen. Bottled liquids may not be placed on desks where there are records. Records may not be leaned on, written on, folded anew, traced, or handled in any way likely to damage them. Application to the records of paper clips, rubber bands, or other fasteners not on them when they are delivered to a researcher is prohibited. The use of records of exceptional value or in fragile condition will be subject to such special safeguards as the supervisor may deem necessary.

§ 2.23 Keeping records in order.

The researcher must keep unbound papers in the order in which they are delivered to him. If records appear to be in disorder, the researcher must not attempt to restore them to order but should call the fact to the attention of a supervisor. The supervisor may place a limitation on the use of records from more than one container at one time and may limit the quantity of records delivered to a researcher at one time.

§ 2.24 Night and Saturday use.

Requests for records or library books to be used at night must be submitted to the supervisor in charge of the central research room before 4:00 p.m. on the day on which they are to be used, and those for records or books to be used on Saturdays must be submitted before 3:00 p.m. on the preceding Friday.

§ 2.25 Removal or mutilation of records.

No records or other property of the National Archives and Records Service may be taken from the research rooms except by members of the Service staff acting in their official capacities or by others having written authorization from a research room supervisor. The unlawful removal or mutilation of records is forbidden by law and is punishable by fine or imprisonment or both (62 Stat. 695; 18 U.S.C. 2071). When so requested by a guard or a research room supervisor, a researcher must present for examination any briefcase, notebook, package, envelope, book, or other article that could be used to carry records.

§ 2.26 Disturbances.

Loud talking and other actions likely to disturb researchers are prohibited. Persons desiring to use typewriters, to

read proof aloud, or to do other work that may disturb others in the research rooms will, where possible, be assigned desks in a room designated for such purposes.

§ 2.27 Smoking and eating.

Smoking and eating in the research rooms are prohibited, and food may not be brought into the research rooms except in sealed containers.

REPRODUCTION SERVICES

§ 2.30 Reproduction fees.

The National Archives and Records Service will, for a fee, furnish reproductions of records in its custody to which no restriction has been attached. Fees must be paid in advance except in cases where the Chief of a Reference Branch approves an order for handling them on an "accounts receivable basis." Fees may be paid to the National Archives and Records Service in coin or currency of the United States, by postal money order, by check drawn on a bank in the United States or one of its possessions and made payable to the General Services Administration, or by international money order or check drawn in United States dollars on a bank in the United States and payable to the General Services Administration.

§ 2.31 Reproduction equipment and personnel.

Insofar as practicable the reproduction of records in the National Archives Building will be done by personnel of the National Archives and Records Service with equipment belonging to the Service. Exceptions to this rule may be made by the Chief of a Reference Branch only when it has been determined by proper authority that the equipment proposed to be used is safe for use in the place and manner intended: *And provided*, That the equipment is used under the supervision of responsible personnel of the Service.

§ 2.32 Authentication and attestation.

Upon request and the payment of appropriate fees, authentication certificates in the name of the Archivist of the United States will be prepared and attached to reproductions of records deposited with the National Archives. Authority to issue such certificates is re-delegated to the Director, Office of the Federal Register; the Assistant Archivists for Civil and Military Archives; the Director, World War II Records Division; the Chief, Central Research Room Branch; and the Chief of any Reference

Branch of the Offices of Civil and Military Archives.

INFORMATION SERVICE

§ 2.35 Information about records.

Upon request, information about the over-all holdings of the National Archives and Records Service or information about the presence of specific records among its holdings will be furnished, provided that the time required to service such requests is not excessive.

§ 2.36 Information derived from records.

Information contained in the records will not ordinarily be furnished by the National Archives and Records Service except in the form of photo-copies of the records themselves subject to the provisions of § 2.4.

LEGAL DEMANDS

§ 2.40 Compliance with subpoena or other legal demand.

When a subpoena duces tecum or other legal demand for the production of records or other material deposited with the National Archives is served upon the Administrator of General Services, the Administrator will, so far as legally practicable, comply with such subpoena or demand by submitting authenticated copies of such records or material, or the original records or material if necessary, unless he determines that disclosure of the information contained therein is contrary to law or Executive order or would prejudice the national interest or security of the United States. When such subpoena or demand is served upon any officer or employee of the General Services Administration other than the Administrator, he will, so far as legally practicable and unless otherwise directed by the Administrator, respectfully decline to produce such records or material on the grounds that he does not have legal custody thereof; that he is without authority under these regulations to produce the same; and that the Administrator has not determined that disclosure is lawful and will not prejudice the national interest or security of the United States.

BERNARD L. BOUTIN,
Administrator.

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