

FOR FURTHER INFORMATION CONTACT: Kim Richardson at telephone number (301) 837-2902.

SUPPLEMENTARY INFORMATION: NARA's existing regulations specify conduct rules on NARA property. NARA property is defined to mean property under the control of the Archivist of the United States (the National Archives Building, the National Archives Building at College Park, and the Presidential libraries). We are proposing to add threats as a prohibited behavior because of the risk to persons and property potentially posed by threats, and because of the increased number of e-mail and telephone threats received in NARA facilities.

This proposed rule also specifies the types of corrective action that NARA imposes for prohibited behavior. These include any or all of the following:

- Removal from the premises (removal for up to seven calendar days) and possible law enforcement notification;
- Long-term banning (in up to one-year increments that includes automatic revocation of research privileges);
- Arrest for trespass; and
- Any additional corrective action as prescribed by law.

This proposed rule also contains the formal procedures that we follow when banning individuals from our facilities and appeal procedures for those individuals who want to request a reconsideration of the decision.

In addition to property under the control of the Archivist of the United States, NARA also occupies facilities under the control of other agencies (the regional records services facilities, the Washington National Records Center in Suitland, MD, the National Personnel Records Center in St. Louis, Missouri, and the Office of the Federal Register in Washington, DC). In our existing regulations, individuals on property occupied by NARA but controlled by other agencies must follow the conduct rules in the General Services Administration's (GSA) regulations (41 CFR part 102-74, subpart C). Though this remains unchanged, we are proposing to make threats a prohibited behavior at NARA-occupied facilities. We also propose to add removal and banning from the NARA-occupied space in those facilities under the control of other agencies as types of corrective action that NARA imposes for threatening behavior.

Please submit e-mail comments within the body of your e-mail message or attach comments avoiding the use of any form of encryption. Please also include "Attn: 3095-AB17" and your

name and return address in your Internet message. If you do not receive a confirmation that we have received your e-mail message, contact the Regulation Comment Desk at (301) 837-2902.

This proposed rule is a significant regulatory action for the purposes of Executive Order 12866 and has been reviewed by the Office of Management and Budget. As required by the Regulatory Flexibility Act, I certify that this rule will not have a significant impact on a substantial number of small entities. This regulation does not have any federalism implications.

List of Subjects in 36 CFR Part 1280

Federal buildings and facilities.

For the reasons set forth in the preamble, NARA proposes to amend part 1280 of title 36, Code of Federal Regulations, chapter XII, as follows:

PART 1280—PUBLIC USE OF NARA FACILITIES

1. The authority citation for part 1280 is revised to read as follows:

Authority: 44 U.S.C. 2102 notes, 2104(a), 2112(a)(1)(A)(iii), 2903.

2. Amend § 1280.1 by revising paragraphs (b) and (c) and adding paragraph (d) as follows:

§ 1280.1 What is the purpose of this part?

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(b) When you are using other NARA facilities, the General Services Administration (GSA) regulations, Conduct on Federal Property, at 41 CFR part 102-74, subpart C, apply to you. These facilities are the NARA regional records services facilities, the Washington National Records Center in Suitland, MD, the National Personnel Records Center in St. Louis, MO, and the Office of the Federal Register in Washington, DC. The rules in §§ 1280.32(l), 1280.34(a)(1) and (a)(2), and 1280.36 also apply to you. The rules in subpart B of this part also apply to you if you wish to film, take photographs, or make videotapes. The rules in subpart F of this part also apply to you if you wish to use the NARA-assigned conference rooms in those facilities.

(c) If you are using records in a NARA research room in a NARA facility, you must also follow the rules in 36 CFR part 1254. If you violate a rule or regulation in 36 CFR part 1254, you are subject to the types of corrective action set forth in that part, including revocation of research privileges.

(d) If you violate a rule or regulation in this part you are subject to, among

other types of corrective action, removal and banning from the facility.

3. Amend § 1280.32 by adding paragraph (l) to read as follows:

§ 1280.32 What other behavior is not permitted?

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(l) Threatening directly (*e.g.*, in-person communications or physical gestures) or indirectly (*e.g.*, via regular mail, electronic mail, or phone) any NARA employee, visitor, volunteer, contractor, other building occupants, or property.

4. Add § 1280.34 and § 1280.36 to subpart A to read as follows:

§ 1280.34 What are the types of corrective action NARA imposes for prohibited behavior?

(a) Individuals who violate the provisions of this part are subject to:

(1) Removal from the premises (removal for up to seven calendar days) and possible law enforcement notification;

(2) Banning from property owned or operated by NARA;

(3) Arrest for trespass; and

(4) Any additional types of corrective action prescribed by law.

(b) The regional administrator of the facility (or the director if so designated) has the authority to have the individual immediately removed and denied further access to the premises for up to seven calendar days. During this removal period, the Assistant Archivist for Administrative Services renders a decision on whether the individual should be banned from specific or all NARA facilities permanently or temporarily (in up to one-year increments). Long-term banning under this part includes automatic revocation of research privileges, notwithstanding the time periods set forth in 36 CFR 1254.20. Research privileges remain revoked until the ban is lifted, at which time an application for new privileges may be submitted.

(c) Upon written notification by the Assistant Archivist for Administrative Services, individuals may be banned from all NARA facilities. All NARA facilities will be notified of the banning of individuals.

§ 1280.36 May I file an appeal if I am banned from NARA facilities?

Yes, within 30 calendar days of receiving such notification, an individual may appeal the decision in writing. In the request, the individual must state the reasons for the appeal and mail it to the Deputy Archivist of the United States for reconsideration (address: National Archives and Records Administration (ND), 8601 Adelphi