

## DOI Museum Property Directives

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**Title:** Short-term Outgoing Loans of Museum Collections

**Directive Number:** 23

**Originating Office:** Office of Acquisition and Property Management, Department of the Interior (DOI)

**Approved By:** Megan Olsen

**Official Title:** Director, Office of Acquisition and Property Management

**Effective Date:** December 1, 2018

**Expiration Date:** This Directive will remain in effect until superseded.

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- 1.1 Purpose.** To establish policy and procedures required to assign custody of museum property (museum collections) to another entity on a temporary, short-term basis via an outgoing loan agreement as outlined in Part 411 of the Departmental Manual (411 DM), *Identifying and Managing Museum Property*, and DOI Museum Property Directive (Directive) #3, *Required Standards for Documenting Museum Property*. Assignment of custody of museum object(s) for a very short duration, such as to frame artwork, is not covered by this Directive.
- 1.2 Scope.** This policy applies to all bureaus and offices (hereafter “bureaus”) responsible for managing museum collections housed in DOI and non-DOI facilities.
- 1.3 Definitions.** See Section 1.13 of this Directive.
- 1.4 Responsibilities.**

  - A. The Director, Office of Acquisition and Property Management (PAM) and the Museum Property Executive Program Committee are responsible for establishing policy that assigns temporary custody of museum collections via a short-term outgoing loan to another entity for official purposes, consistent with the Departmental Manual (DM), Part 410, *Personal Property Management* (410 DM), and personal property policy issued by PAM.
  - B. Heads of Bureaus and Offices and the bureau or office National/Chief Curator, as applicable, are responsible for ensuring that these requirements are implemented in the bureau museum program.
  - C. The Accountable Property Officer (APO) has overall responsibility for a specified group of personal property items, including museum collections. The APO may assign temporary custody of museum collections to another entity, such as a non-bureau facility, consistent with departmental and bureau policy.

- D. The Custodial Property Officer (CPO) is responsible for the daily management and oversight of assigned personal property, including museum collections that are bureau-owned and those in the custody of a non-bureau facility.
- E. Curatorial and/or museum property management staff are responsible for documenting short-term outgoing loan transactions, preparing an outgoing loan to be sent to a requesting entity, tracking the outgoing loan until its termination, and receiving the objects on loan at the conclusion of the loan period. Such staff also may be designated as CPOs.

**1.5 Purpose of Short-term Outgoing Loans.** A short-term outgoing loan provides temporary custody of a bureau unit's museum object(s) to another entity. Outgoing loans are typically made to advance a bureau's goals of research, exhibition, preservation, public outreach, education, or interpretation. Bureaus also may loan objects to another bureau or to one of its units, another Federal agency, an educational institution, or a non-profit entity to support an existing agreement that achieves preservation and documentation goals. Outgoing loans to private individuals are prohibited and must not be used for private pecuniary gain.

**1.6 Evaluation of a Short-term Outgoing Loan Request.** A request for a short-term outgoing loan must be evaluated according to DOI and applicable bureau policy. The following questions must be considered in order to evaluate a loan request and determine whether the outgoing loan should be approved:

- A. Is the borrower able to provide the appropriate conditions that conform to Directive 4, [\*Required Standards for Managing and Preserving Museum Property?\*](#)? These include:
  - (1) Environment;
  - (2) Security;
  - (3) Fire protection; and
  - (4) Housekeeping.
- B. Does the borrower have a sufficient number of museum professionals with appropriate expertise to care for the requested objects and monitor the terms of the loan agreement?
- C. Are the objects unique and/or rare, requiring special conditions for storage and care?
- D. Will interested parties (e.g., researchers, students, educators, descendent communities, and others) have greater access to objects when on loan?

- E. Are the objects sufficiently stable to withstand the rigors of transport?
- F. Are the objects sufficiently stable to withstand the purpose of the outgoing loan, including consumptive analysis for research purposes?
- G. Is the duration of the outgoing loan reasonable?
- H. Are the objects subject to copyright, patent, trademark, or any other restriction, including a law enforcement action and/or litigation hold?
- I. Are the objects subject to NAGPRA and/or is there a need to consult with affiliated groups?
- J. Will the borrower provide a certificate of insurance and disclose any exclusions?

**1.7 Short-term Outgoing Loan Standards.** The standards for short-term outgoing loans by bureaus are based on DOI policy and professional museum standards. The DOI requirements for loans are specified in Section 1.9, Loan Standards, in Directive 3, *Required Standards for Documenting Museum Property*; are detailed in this Directive; and must be applied to all short-term outgoing loans from DOI and non-DOI facilities (see Directive 17, *Working with Non-Bureau Facilities and Repositories to Manage DOI Museum Collections*). The accompanying *Guidance for Short-term Outgoing Loans of Department of the Interior Museum Collections* provides additional information and best practices about outgoing loans that are not mandatory in this Directive. DOI requirements for outgoing loans are:

- A. Museum objects may be loaned to another bureau or one of its units; other Federal museums and agencies; state and local museums and agencies; non-Federal museums; educational institutions; service-providing organizations; or other non-profit organizations that are dedicated to the preservation, exhibition, research use, and public enjoyment of museum collections. See Section 1.12 of this Directive for requirements associated with loans to international institutions.
- B. Outgoing loans to private individuals are prohibited.
- C. Outgoing loans must be approved by the authorized parties from both the lending bureau (“lender”) and the borrowing institution (“borrower”).
- D. Outgoing loans of an object(s) valued over a monetary level designated in bureau policy must be approved by the authorized party identified in that policy.
- E. If museum records are requested to accompany the loaned object(s), only copies may be provided.

- F. The purpose of an outgoing loan may be for commercial use in certain circumstances that are documented in a loan agreement, comply with statutes and regulations, and benefit the bureau collections.
- G. The borrower must not lend the object(s) to another entity without written permission from the lender bureau.
- H. All museum objects in an outgoing loan must be cataloged in the Interior Collection Management System (ICMS) or its successor, the Museum Collection Management System (MCMS), unless the purpose of the outgoing loan is for cataloging. If an outgoing loan is implemented by a non-bureau repository as permitted by a bureau, the affected objects must be cataloged at the object level and the data shared with the bureau upon request.
- I. Artwork provided to individual DOI employees through an art-in-office or similar program must follow appropriate Departmental and bureau policy.
- J. DOI bureaus are self-insured by the Federal Government under the Self Insurance rule (U.S. Government Accountability Office *Principles of Federal Appropriations Law*, 3-319) and must not use Federally-appropriated funds to insure an outgoing loan.
- K. Non-Federal borrowers will need to agree to insure an outgoing loan, provide a certificate of insurance with a copy of all exclusions to the lender, and name the lender as an additional insured. All insurance policies and outgoing loan agreements for non-Federal borrowers and the Smithsonian Institution must explicitly address:
- (1) Insured Parties. The borrower must procure an insurance policy or utilize the borrower's own existing policy, as appropriate. The lender must be named as an additional insured party.
  - (2) Condition(s) under which insurance commences.
  - (3) Wall-to-Wall Coverage. The insurance must cover against risk of physical loss, theft, or damage from external causes, subject to standard exclusions, while in transit and on location for the duration of the outgoing loan.
  - (4) Perils Insured. The policy must be "all-risk." This means the borrower must have insurance to cover all loss, theft, damage, and destruction to objects. Any exclusions must be explicitly listed in the outgoing loan agreement. These exclusions must not include any relevant, foreseeable risk.
  - (5) Value. The value of the object must be stated in the outgoing loan agreement. The insurance policy must equal or exceed the value that was

provided by the lender and stated in the outgoing loan agreement. Objects must be insured for their full value.

- (6) Procedures for handling insurance claims.
- (7) Deductibles. The insurance policy must be free of deductibles. This condition can be negotiated if the borrower's existing policy is used and the borrower pays for any deductibles.
- (8) Repair. When the damage from which a claim arises is repairable, the borrower or the respective insurance carrier must be held accountable for effecting the repairs rather than the DOI bureau. Any repairs must be approved in advance and in writing by the lender.
- (9) Replacement. In instances where replacement is appropriate, the borrower or the respective insurance carrier may be authorized to obtain a replacement. The replacement must be approved in writing by the lender prior to completing the transaction.
  - i. The replacement must be sufficiently similar to the lost or destroyed object to compensate for the value of the object; fill a similar gap in the bureau's collection; or replace the lost information that object had or would have provided.
  - ii. If the bureau requests and obtains a replacement, the insurance policy and outgoing loan agreement must provide that the bureau surrender the replacement in exchange for the original, without any associated costs, should the original ever resurface. If the object is destroyed, rather than lost, the insurance company must permit the bureau to retain the replacement and the destroyed fragments.
- (10) Funds. Bureaus must not use any monetary settlement for repair or replacement. All funds must go to the Treasury as miscellaneous receipts, unless otherwise authorized.
- (11) Waiver of Subrogation. The insurance policy and outgoing loan agreement must include a waiver of subrogation, which is an assurance that the insurer will not sue a third party, specifically the lender, for compensation.

**1.8 Terms of a Short-term Outgoing Loan Agreement.** An outgoing loan agreement must be completed and documented in ICMS, MCMS, or other appropriate recording system. If one or more conditions of an outgoing loan agreement changes, the lender must modify the loan record in ICMS, MCMS, or other appropriate recording system to document the change(s). The following information must be included in an outgoing loan agreement:

- A. A unique loan number per bureau policy.
- B. Loan type (outgoing).
- C. Purpose of the outgoing loan, including the name of the exhibition, research project, conservation project, or other endeavor, as appropriate.
- D. For each object in the outgoing loan:
  - (1) Catalog number(s).
  - (2) Other object identifier(s), such as accession or other number(s).
  - (3) Object count or quantity.
  - (4) Object description, including specific name if appropriate.
  - (5) Thorough written description of the object's condition.
  - (6) Value, which is determined by an object's monetary value (e.g., fair market value) at the time of the outgoing loan. All DOI lenders must provide the object's value to the borrower so that the borrower can appropriately insure the loan (see Paragraph 1.7K(5) of this Directive).
  - (7) Borrower contact information. The name, title, institution unit/department name, physical and mailing addresses, email, and telephone number, as applicable, of the authorized party for an institution or the DOI bureau employee must be identified. The authorized party for the borrower must sign the outgoing loan agreement.
  - (8) Lender contact information. The bureau or bureau unit must be identified, including the physical and/or mailing addresses. The name, title, email, and telephone number of the authorized party also must be identified. The authorized party for the lender must sign the outgoing loan agreement.
  - (9) Transaction dates:
    - (a) Dates that the outgoing loan starts and ends.
    - (b) Date that the object(s) will be received by borrower.
    - (c) Date(s) that the object(s) will be returned to lender.
    - (d) Other pertinent dates as approved by both parties.
- E. Packing and shipping terms:

- (1) The responsibility for packing and shipping the object(s) by individuals experienced with handling museum objects, whether in-house or contracted.
  - (2) The method of shipping. If third-party shippers are used, the names, addresses, points of contact, and phone numbers of the third-party must be documented.
  - (3) The method of acknowledging receipt of the object(s) going to and coming from the borrower.
  - (4) The responsibility for paying shipping charges both to and from the borrower, including the use and cost of a courier as necessary.
- F. Insurance, as applicable (see Paragraph 1.7K of this Directive.) Because the Federal government assumes its own risks for property, insurance is not allowed for outgoing loans within the DOI or to other Federal agencies (except the Smithsonian Institution), unless mandated by law or by policy of either the lender or borrower.
- G. Loan return status. The status and the date of return once the outgoing loan, whether in part or in its entirety, is returned. If a partial return, the list of objects being returned must be documented.
- H. Acknowledgement and attribution. Information that the lender requires to be included in the borrower's exhibit labels, catalogs, books, or any other printed or online media featuring the object(s) in the outgoing loan.
- I. Location(s) in which the loaned objects will be exhibited or otherwise housed.
- J. Conditions for any consumptive analysis of loaned objects or specimens for research purposes, as appropriate, based on the outgoing loan agreement.
- K. Reproduction and commercial use terms including limitations on use; permissions, if any; and limitations of liability for intellectual property violations caused through use of objects.
- L. Other conditions, as appropriate.
- M. Identification of the party responsible for each cost associated with the outgoing loan. The borrower is responsible for all costs unless otherwise mutually agreed upon and documented in the outgoing loan agreement.
- N. Terms for conducting an inventory of the loaned objects on an annual basis per Directive 21, *Inventory of Museum Collections*. Objects on an outgoing loan for

less than one year are not subject to an annual inventory.

- O. References to and copies of any permits, agreements, or other documentation associated with the outgoing loan.

**1.9 Duration of Short-term Outgoing Loans.** Outgoing loans may not exceed a term of three years. (See Section 1.11 of this Directive for information on short-term loan extensions.)

**1.10 Short-term Outgoing Loan Procedures.** Bureau curatorial or museum property management staff must carry out the following procedures to complete an outgoing loan transaction after the loan has been approved:

- A. Follow all applicable laws, regulations, DOI and bureau policies, and professional museum standards regarding the outgoing loan and transport of museum objects. See Appendix 1 in Directive 1, *Introduction to Managing Museum Collections (Museum Property)*, for a full listing of applicable laws and regulations. See Section 1.12 of this Directive for requirements on international outgoing loans.
- B. Include the terms of an outgoing loan provided in Section 1.8 of this Directive in the outgoing loan agreement and document them in ICMS, MCMS, or other appropriate recording system.
- C. Verify that the outgoing loan agreement is signed and dated by the authorized party(ies) of the lender and borrower and complies with the standards required in Section 1.7 of this Directive.
- D. Ensure the borrower is notified of potential hazards in the objects to be loaned using a DI-3320, Notice of Potential Hazard in Museum Collections.
- E. Establish a loan folder for the outgoing loan that includes the signed loan form(s), copies of the catalog records, certificate of insurance and any written exclusions, proof of object valuation, and any additional documents. Outgoing loan folders are museum records.
- F. Store the contents of loan documentation in archival quality folders that are housed in a locked, fire-resistant cabinet.
- G. Adhere to any insurance requirements agreed to in the outgoing loan agreement.
- H. Adhere to the responsibilities for costs as specified in the outgoing loan agreement, such as packing and unpacking for the transport of the outgoing loan.
- I. Assess the condition and complete a written condition report for each object prior to packing the outgoing loan. This involves:



- (1) Photographing the object(s), including any component parts, according to the requirements of the outgoing loan agreement and bureau policy.
  - (2) Providing the condition report(s) to the borrower.
- J. Pack and send the loan to the borrower. Document the packing process using appropriate means, including photography, and provide a copy to the borrower.
- K. Monitor the outgoing loan to ensure that the outgoing loan agreement is current, all lender requirements are met, and adherence to deadlines for the return of the loan and/or requests for an extension are met. Outgoing loans are controlled property and require annual inventory.
- L. Receive the return of the outgoing loan from the borrower. Specific steps include:
- (1) Contacting the borrower in advance of the outgoing loan's termination date to ensure preparations are being made to return the loan on schedule.
  - (2) Documenting the unpacking process using appropriate means, including photography or video. If damage is discovered, staff must stop unpacking, preserve the package "as is," and coordinate an insurance claim, as appropriate.
  - (3) Promptly preparing a condition report for each returned object, including taking photographs.
  - (4) Updating all associated loan and catalog records in ICMS, MCMS, or other appropriate recording system after inspecting each returned object.
  - (5) Sending the borrower a written acknowledgement that the outgoing loan was returned.

**1.11 Short-term Outgoing Loan Extensions.** Outgoing loans may be extended with the written approval of the lender's authorized party(ies).

- A. A short-term outgoing loan extension or renewal may be granted for additional periods of up to three years, and according to bureau policy. The extension must be documented in ICMS, MCMS, or other appropriate recording system, and the relevant mandatory information in Section 1.8 of this Directive must be updated.
- B. As part of the outgoing loan extension process, the borrower must agree to:
- (1) Conduct a 100% inventory of the loaned object(s) using the procedures in Directive 21, *Inventory of Museum Collections*.

- (2) Extend insurance coverage, if applicable. The borrower must provide the lender with a certificate of insurance for the extension period.
- (3) Update the condition report for each of the loaned objects, including photographs.

**1.12 Short-Term Outgoing Loans to Foreign Borrowers.** Foreign outgoing loans are more complex than domestic outgoing loans. In addition to complying with the requirements of this Directive, foreign outgoing loans require a higher level of bureau review, including that by the Office of the Solicitor, as appropriate; a higher level of bureau authorization; extra time and coordination; and the involvement of additional parties.

- A. Foreign outgoing loans must be approved at the national level based on bureau policy because the international aspect of the loan may require consultation and/or coordination with other United States agencies (e.g., Department of Justice, Department of State).
- B. The DOI bureau lender is responsible for:
  - (1) Addressing matters relating to applicable foreign and domestic laws, international treaties/agreements, policies, and protocols, including those pertaining to:
    - i. Customs, transportation, and security.
    - ii. Protection of cultural and natural history objects and specimens.
    - iii. Communications and actions between the U.S. Government, and foreign entities (e.g., foreign museums) and foreign States.
  - (2) Taking all appropriate steps to:
    - i. Protect the bureau's ownership of the objects and all associated rights (e.g., intellectual property) for the duration of the outgoing loan period. This will include any actions on the part of the bureau and/or of the foreign borrower for having the objects rendered immune from seizure while abroad and for obtaining immunity from jurisdiction.
    - ii. Ensure the prompt return of the objects to the bureau at the end of the outgoing loan period as specified in the agreement.
    - iii. Address any plausible conflicts between foreign and domestic laws and policies relevant to the lending of the objects that could impede the return, or jeopardize bureau ownership, of the objects

before proceeding with the outgoing loan. Ensure that any conflicts arising during the loan period are promptly addressed.

- (3) Ensuring the proper care of the objects during shipping and while in the foreign country.
- (4) Agreeing upon a dispute resolution method. DOI and DOI bureaus are not to be subjected to jurisdiction in a foreign tribunal or to foreign law without advance consultation with the Office of the Solicitor and, as appropriate, the Department of Justice.
- (5) Addressing, as appropriate, issues relating to foreign borrowers' waivers of immunity from jurisdiction and from execution (i.e., if the borrower is a foreign State or is otherwise able to claim foreign sovereign immunity).

**1.13 Definitions.** Many of the following definitions are taken directly from 411 DM and therefore refer to museum property. Museum property and museum collections are synonymous in these definitions.

**Acknowledgement** – Information or a statement about the ownership of a museum object or its image or reproduction. This statement is associated with the object anytime the object, images, or reproductions are used in exhibitions, publications, research, or other uses, whether hard copy or digital.

**Agreement** – A formal, written arrangement between two or more parties that identifies roles, responsibilities, and/or outcomes or products.

**Archival quality** – The material properties inherent in a medium permitting its preservation under controlled conditions, such as acid-free paper.

**Associated records** – All documentation generated by the activity of collecting and analyzing artifacts, specimens, or other resources that are or are subsequently designated museum property. Associated records are “associated” with objects collected and analyzed during such activities and should be maintained as part of the museum collections. Examples include site forms, field notes, drawings, maps, photographs, slides, negatives, films, video and audio cassette tapes, oral histories, object inventories, laboratory reports, manuscripts, reports, and printouts of computerized data. Electronic or digital documentation stored on a computer or server or stored on media, such as computer cards, tapes, disks, diskettes, CDs, and DVDs, are included.

**Attribution** – Information or a statement that gives credit to the creator of a museum object, which includes, if known, the creator, title, medium, and year of its creation. This statement is visually associated with the object anytime the object or its images and reproductions are used in exhibitions, publications, research, or other uses, whether hard copy or digital.

**Authorized parties** – Persons representing one or more entities, either within or outside of the Federal Government, who have authority to act on behalf of their institutions or themselves.

**Borrower** – An agency or institution that is approved by an authorized party to receive custody of an object(s) from its museum collection on a temporary basis, usually for short-term exhibition or research.

**Catalog record** – Written or electronic documentation that captures the unique identifying number assigned to a museum object or group of objects, along with a physical description, condition, provenience, and other pertinent information that facilitates physical and intellectual access.

**Certificate of insurance** - Written evidence of insurance in force at the time of issuance that is signed by the insurance company or its agent.

**Commercial use** – The exchange of funds or value for access to or use of bureau museum collections. No uses or organizations, including educational and research institutions, are exempt from following Federal and state laws and DOI and bureau policies when a commercial use arises from housing or using bureau museum collections. Examples of commercial use include selling reproductions of bureau museum objects; using bureau museum collections to create pharmaceuticals; and renting bureau’s museum collections.

**Condition report** – A general written description of the observable condition of an item in a museum property collection. The report records specific features (e.g., abrasion proper left lower corner) of the object or specimen and assists in planning for conservation treatment.

**Consumptive analysis** – The alteration, removal, or destruction of a museum object or parts thereof for approved, scientific research. Also referred to as destructive analysis.

**Courier** – An individual, usually a representative of the owner of an object, who accompanies the object in transit to assure its safety and security.

**Custody** – The physical possession of objects. Custody does not automatically convey legal ownership or the right to reproduce an object.

**Designated authority** – A person identified by a bureau/office who is assigned specific roles and responsibilities involved in managing museum collections.

**Destructive analysis** – see Consumptive Analysis above.

**Facility** – A building, administrative unit, or partner facility that has space(s) dedicated to the display, exhibit, study, and/or storage of museum collections/museum property. See also Repository.

**Fair Market Value** – The price at which the property would change hands between a willing buyer and a willing seller; auction values are also considered fair market value.

**Inventory** – An itemized listing of objects; and/or the act of physically locating all or a random sample of the objects for which a unit is responsible.

**Lender** – An authorized party that approves another entity to receive custody of an object(s) from its museum collection on a temporary basis, usually for short-term exhibition or research.

**Loan** – The temporary transfer of custody of museum property on either a short-term (three years or less) or long-term basis. A loan must be for official purposes and may be incoming or outgoing. The terms of loans are documented in loan agreements or similar instruments. (See also Agreement.)

**Loan agreement** – A binding written contract, cooperative agreement, memorandum of agreement, or similar instrument that establishes rights and responsibilities of each party to the loan.

**Mandatory data** – Information about museum collections that must be documented in the appropriate museum record according to Departmental policy.

**Museum collection / Museum property** – A subset of personal property that is retained for long-term preservation, study, and interpretation consistent with statutory requirements, its relationship to the mission of the respective bureau/office mission, or other appropriate factors. A museum collection/museum property, which includes objects, works of art, and archives, is acquired according to a rational plan, such as a Scope of Collection Statement. It consists of 1) all accessioned, unaccessioned, cataloged, and/or uncataloged objects and 2) all museum objects under the control of a facility, unit, or bureau/office. Museum property is synonymous with and referred to as “museum collection(s)” in the DOI Museum Property Directives, a standardized term that is used by museum professionals.

**Museum records** – Records created to manage museum property, such as accession, catalog, loan, deaccession, and inventory records. These records must be appraised through agency record schedule procedures. Museum records are not museum property.

**Non-bureau facility** – Any facility, which a specific bureau or office does not own and/or operate and maintain, that houses the bureau or office’s museum property. This includes facilities of other bureaus and offices within DOI, other Federal agencies, and entities outside of the Federal government, such as a museum or university.

**Object** – A physical item of a museum collection/museum property. It includes art and history objects, archeological artifacts, ethnographic objects, archival items, and natural history specimens.

**Official purposes** – Authorized objectives that fulfill the DOI and/or bureau/office mission and promote the general welfare of the public, not any individual, including DOI staff members. Examples of loan official purposes are: exhibition, temporary storage, research, exhibition preparation, and conservation.

**Repository** – A type of facility that is dedicated to managing, preserving, processing, studying, and storing museum property according to professional museum and archival practices. (See also Facility.)

**Standards** – Authoritative principles or rules for managing museum property. DOI standards for managing museum property are based on professional museum and archival standards referenced in 411 DM 1.9 and 1.10 and detailed in the DOI Museum Property Directives.

**Unit** – A bureau/office organizational entity, such as an accountability area, administrative unit, center, laboratory, museum, office, park, school, site, refuge, or repository that manages museum collections/museum property.

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