

2 August 1988  
OCA 2564-88

MEMORANDUM FOR: Deputy Director for Administration  
Deputy Executive Secretary  
C/ALD/OGC  
C/LIT/OGC  
C/ISD/MG/OIT/DDA

FROM:  Legislation Division  
Office of Congressional Affairs

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RE: H.R. 5092 - Brooks Bill For Registration of NSDD's

1. Attached is an advance copy of H.R. 5092, the "Presidential Directives and Records Accountability Act" recently introduced by Representative Brooks. As previously noted, hearings may be held on it this week. We would appreciate your comments on all portions of the bill but your attention is especially directed the following.

2. "Executive Directives". Subsection (a) (3) of Section 2 of the bill (page 2, lines 12 - 23) amends Section 1501 of Title 44 United States so as to create a new category of records: the "Executive Directive". Subsection (b) requires these be filed with the Office of the Federal Register and become part of the Archives of the United States. It further requires that copies be forwarded to the Speaker of the House and the President pro tempore of the Senate and that any necessary security be provided as set forth in House and Senate rules and procedures. Apparently it is through this mechanism that Representative Brooks seeks to achieve his announced goal of compelling the disclosure, registration and Congressional notification of National Security Decision Directives (NSDD's).

3. White House Office of Records Management. Section 3 of the bill (p. 5, lines 3 - 10) would create a White House Office of Records Management and require it to implement all records requirements for the White House. The Office would have to consult with the Archivist of the United States before changing office practices, thereby giving the Archivist a significant role in Presidential records policy matters.

4. Archivist As Executive Branch "Record" Arbiter.  
Section 3 (c) of the bill (page 5, lines 11 -17) makes the Archivist the final arbiter of what constitutes a "record" under chapters 21-33 of Title 44. This provision appears to expand the powers and duties of the Archivist vis a vis federal agency records management practice.

5. Please forward to this office your comments and questions. Your cooperation is most appreciated.



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Attachment

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