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[NSC: Reagan-Bush Transition Background Materials - Volume I - January 1989] [1]

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Withdrawal/Redaction Sheet

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Doc. No. / Type	Subject/Title	Date	Restriction	Classification
01. List	Transition Briefing - Part 1: Pre-Election Briefings (2 pp.)	n.d.	(b)(1)	
02a. Memorandum	For Senior Directors From: Paul Schott Stevens Re: Planning of NSC Transition (2 pp.)	9/9/88	(b)(1)	
02b. Paper	Re: Transition Outline (1 pp.)	n.d.	(b)(1)	
02c. Memorandum	For Colin Powell From: Paul Schott Stevens Re: Transition Planning (2 pp.)	9/8/88	(b)(1)	
02d. Memorandum	For Paul Schott Stevens From: Robert Perito/George Van Eron Re: Transition Briefing Materials (5 pp.)	9/15/88	(b)(1)	
02e. Paper	Re: Transition Outline (1 pp.)	n.d.	(b)(1)	
03. Memorandum	For Colin Powell From: Paul Schott Stevens Re: NSC Transition (1 pp.)	11/9/88	(b)(1)	
04a. List	PRG Meetings Without Minutes (1 pp.)	n.d.	(b)(1)	TS
04b. List	Presidential Files (4 pp.)	n.d.	(b)(1)	S

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Collection:

Record Group: Bush Presidential Records

Office: National Security Council

Series: H-Files

Subseries: Transition Files

WHORM Cat.:

File Location: [NSC: Reagan-Bush Transition Background Materials - Volume I - January 1989] [1]

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Date Closed: 9/3/2019

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Re-review Case #:

P-2/P-5 Review Case #:

Jan., 1989

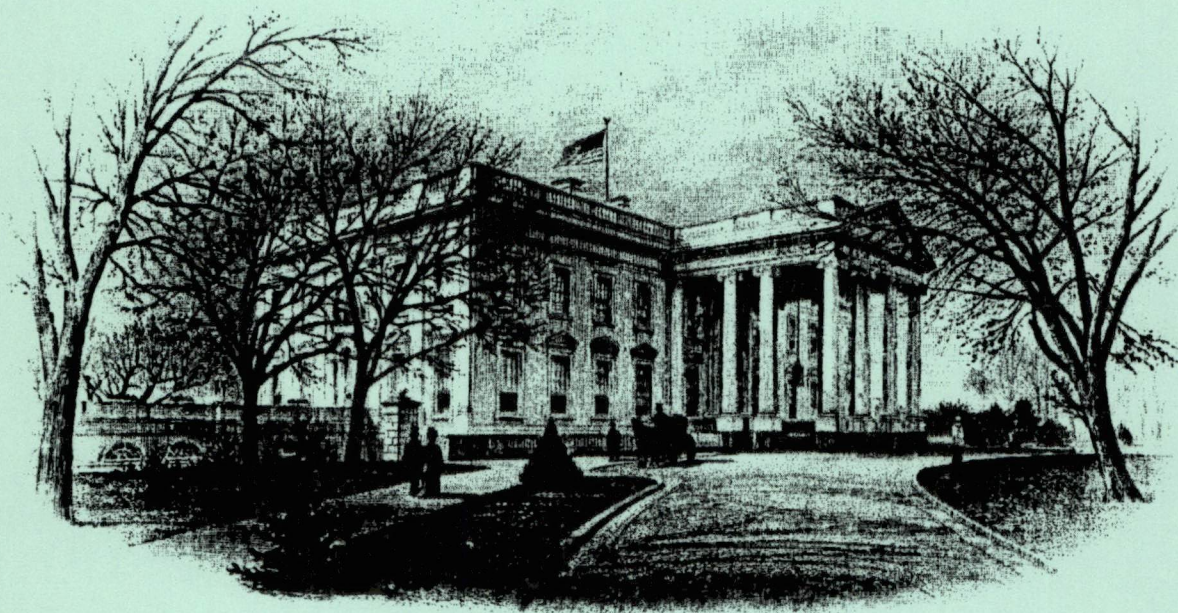
Transition Background Materials
Volume I

NSC/S



National Security Council

Reagan - Bush Transition Background Materials



VOLUME I

January, 1989

Prepared by: Secretariat

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Directorate of Intelligence

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of the same person

as a

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NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20508ACTION

June 16, 1988

MEMORANDUM FOR PAUL SCHOTT STEVENS

FROM:

GEORGE VAN ERON *Van Eron*

SUBJECT:

Transition: Past Briefings of Presidential
Candidates and Presidents-Elect

In an effort to begin organizing for the 1989 Presidential transition, a short chronology of candidate briefings, dating back to the Truman Administration, has been organized (Tab A). This information is fairly concise, though having been gathered from a variety of public sources, it may be incomplete. Following the chronology is a copy of the Presidential Transition Act of 1968, in its latest revised form (Tab B).

In brief, the chronology shows that over the last forty-three years, only two Presidents (Johnson and Carter) have personally briefed candidates on National Security issues. Most Presidents have relied on CIA, Defense, and State. Since the Ford Administration, the National Security Advisor has coordinated these Agency briefings for Presidential and Vice Presidential candidates and their senior advisors.

A search through the White House Law Library and the White House Library and Research Center provided no specific information regarding the NSC's transitional duties. Even the Presidential Transition Act is geared mainly toward Administrative Affairs. The only major provision which applies directly to the NSC's responsibilities reads as follows:

... It is the intent of the Congress that all officers of the Government so conduct the affairs of the Government for which they exercise responsibility and authority as

- (1) to be mindful of problems occasioned by transitions in the office of President,
- (2) to take appropriate lawful steps to avoid or minimize disruptions that might be occasioned by the transfer of executive power, and
- (3) otherwise to promote orderly transitions in the office of President.

(Section 2)

Although tradition is a guide, several basic questions remain unanswered and will have to be addressed by General Powell. For example, subjects which will need to be resolved in the near future are:

- 1) When should candidates be briefed, and by whom?
- 2) What legal restrictions apply to providing classified information to candidates who typically have no security clearances?
- 3) Who should be assigned responsibility for transition coordination procedures for the NSC?

These are only a few questions which may be pertinent to the upcoming transition; certainly there will be many more decisions you will need to make.

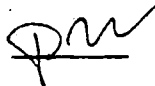
In an effort to ensure a smooth transition, the Secretariat Staff will, periodically, provide you with additional information which has proven useful in previous transitions. We are currently assembling manuals on: Procedure, Intelligence, Telecommunications, Presidential Records, NSDD Status Reports, et alia. These volumes will serve as a quick reference for many questions which will arise during the transition. Should there be any other topics which you feel need to be covered, please let us know.

Nancy Menan, Mike Donley, Bob Perito, and Jock Scharfen have been very helpful in refining this memo and adding the following recommendation.

Recommendation

That you schedule a meeting with appropriate NSC staff officers to discuss these matters in more detail, in preparation for a background/decision memo from you to General Powell concerning the full scope of issues related to the transition.

Approve



Disapprove _____

Attachments

Tab A Chronology of Briefings
Tab B Presidential Transition Act

Prepared by:
Maria Clark

Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
01. List	Transition Briefing - Part 1: Pre-Election Briefings (2 pp.)	n.d.	(b)(1)	

Collection:

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P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

Freedom of Information Act (FOIA) - [5 U.S.C. 552(b)]

- (b)(1) National security classified information
- (b)(2) Release would disclose internal personnel rules and practices of an agency
- (b)(3) Release would violate a Federal statute
- (b)(4) Release would disclose trade secrets or confidential or financial information
- (b)(6) Release would constitute a clearly unwarranted invasion of personal privacy
- (b)(7) Release would disclose information compiled for law enforcement purposes
- (b)(8) Release would disclose information concerning the regulation of financial institutions
- (b)(9) Release would disclose geological or geophysical information concerning wells

Deed of Gift Restrictions

- C(1) Closed by Executive Order 13526, governing access to national security information
- C(2) Closed by statute or by the agency which originated the information
- C(3) Closed in accordance with restrictions contained in donor's deed of gift [formerly listed as only C]
- PRM. Removed as a personal record misfile

Presidential Records Act - [44 U.S.C. 2204(a)]

- P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]

February 2, 1989

TRANSITION BRIEFINGS

This section is being added as an update to the original memorandum (4075).

Part III: Additional Presidential Briefings

11/76	Secretary of State Kissinger traveled to Plains, Georgia, after the election, to brief President-elect Jimmy Carter.
09/88	Presidential candidates Vice President Bush and Gov. Michael Dukakis were given pre-election briefings by CIA Director, William Casey.

§ 102. Compensation of the President

The President shall receive in full for his services during the term for which he shall have been elected compensation in the aggregate amount of \$200,000 a year, to be paid monthly, and in addition an expense allowance of \$50,000 to assist in defraying expenses relating to or resulting from the discharge of his official duties, for which expense allowance no accounting, other than for income tax purposes, shall be made by him. He shall be entitled also to the use of the furniture and other effects belonging to the United States and kept in the Executive Residence at the White House.

(June 25, 1948, ch 644, § 1, 62 Stat. 678; Jan. 19, 1949, ch 2, § 1(a), 63 Stat. 4; Oct. 20, 1951, ch 521, Title VI, § 619(a), 65 Stat. 569; Jan. 17, 1969, P. L. 91-1, § 1, 83 Stat. 3; Nov. 2, 1978, P. L. 95-570, § 5(a), 92 Stat. 2450.)

HISTORY; ANCILLARY LAWS AND DIRECTIVES**Prior law and revision:**

This section is based on R. S. § 153; Act Mar. 4, 1909, ch 297, § 1, 35 Stat. 859. (§ 42 of former Title 3)

Amendments:

1949. Act Jan. 19, 1949 (effective at noon 1/20/49, as provided by § 3 of such Act), substituted "\$100,000" for "\$75,000", and inserted "and in addition an expense allowance of \$50,000 to assist in defraying expenses relating to or resulting from the discharge of his official duties, for which expense allowance no tax liability shall accrue and for which no accounting shall be made by him."

1951. Act Oct. 20, 1951 (effective at noon 10/20/51, as provided by § 619(e) of such Act), substituted "no accounting, other than for income tax purposes, and shall be made by him" for "no tax liability shall accrue and for which no accounting shall be made by him".

1969. Act Jan. 17, 1969 (effective at noon, 1/20/69, as provided by § 2 of such Act), substituted "\$200,000" for "\$100,000".

1978. Act Nov. 2, 1978, substituted "Executive Residence at the White House" for "Executive Mansion".

Other provisions:

✓ Presidential transition. Act Mar. 7, 1964, P. L. 88-277, 78 Stat. 153, as amended Oct. 14, 1976 P. L. 94-499, §§ 1, 2, 90 Stat. 2380 (effective Oct. 14, 1976, as provided by § 3 of such Act), provided:

"Sec. 1. [Short title.] This Act [this note] may be cited as the 'Presidential Transition Act of 1963.'"

"Sec. 2. Purpose of this Act. The Congress declares it to be the purpose of this Act [this note] to promote the orderly transfer of the executive power in connection with the expiration of the term of office of a President and the inauguration of a new President. The national interests requires that such transitions in the office of President be accomplished so as to assure continuity in the faithful execution of the

laws and in the conduct of the affairs of the Federal Government, both domestic and foreign. Any disruption occasioned by the transfer of the executive power could produce results detrimental to the safety and well-being of the United States and its people. Accordingly, it is the intent of the Congress that appropriate actions be authorized and taken to avoid or minimize any disruption. In addition to the specific provisions contained in this Act [this note] directed toward that purpose, it is the intent of the Congress that all officers of the Government so conduct the affairs of the Government for which they exercise responsibility and authority as (1) to be mindful of problems occasioned by transitions in the office of President, (2) to take appropriate lawful steps to avoid or minimize disruptions that might be occasioned by the transfer of the executive power, and (3) otherwise to promote orderly transitions in the office of President.

"Sec. 3. Services and facilities authorized to be provided to Presidents-elect and Vice-Presidents-elect. (a) The Administrator of General Services, referred to hereafter in this Act [this note] as 'the Administrator,' is authorized to provide, upon request, to each President-elect and each Vice-President-elect, for use in connection with his preparations for the assumption of official duties as President or Vice President necessary services and facilities, including—

"(1) Suitable office space appropriately equipped with furniture, furnishings, office machines and equipment, and office supplies, as determined by the Administrator, after consultation with the President-elect, the Vice-President-elect, or their designee provided for in subsection (e) of this section, at such place or places within the United States as the President-elect or Vice-President-elect shall designate;

"(2) Payment of the compensation of members of office staffs designated by the President-elect or Vice-President-elect at rates determined by them not to exceed the rate provided by the Classification Act of 1949, as amended [see 5 USCS §§ 5101 et seq., 5331 et seq.], for grade GS-18: Provided, That any employee of any agency of any branch of the Government may be detailed to such staffs on a reimbursable basis with the consent of the head of the agency; and while so detailed such employee shall be responsible only to the President-elect or Vice-President-elect for the performance of his duties: Provided further, That any employee so detailed shall continue to receive the compensation provided pursuant to law for his regular employment, and shall retain the rights and privileges of such employment without interruption. Notwithstanding any other law, persons receiving compensation as members of office staffs under this subsection, other than those detailed from agencies, shall not be held or considered to be employees of the Federal Government except for purposes of the Civil Service Retirement Act [5 USCS §§ 8301 et seq.], the Federal Employees' Compensation Act [5 USCS §§ 7902, 8101 et seq.; 18 USCS §§ 1920, 1921], the Federal Employees' Group Life Insurance Act of 1954 [5 USCS §§ 8701 et seq.], and the Federal Employees Health Benefits Act of 1959 [5 USCS §§ 8901 et seq.];

"(3) Payment of expenses for the procurement of services of experts or consultants or organizations thereof for the President-elect or Vice-President-elect, as authorized for the head of any department by section 15 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 55a) [see now 5 USCS § 3109];

"(4) Payment of travel expenses and subsistence allowances, including rental of Government or hired motor vehicles, found necessary by the President-elect or Vice-President-elect, as authorized for persons employed intermittently or for persons serving without compensation by section 5 of the Administrative Expenses Act of 1946, as amended (5 U.S.C. 73b-2) [see now 5 USCS § 5703], as may be appropriate;

"(5) Communications services found necessary by the President-elect or Vice-President-elect;

"(6) Payment of expenses for necessary printing and binding, notwithstanding the act of January 12, 1895, and the Act of March 1, 1919, as amended (44 U.S.C. 111) [See now 44 USCS § 501];

"(7) Reimbursement to the postal revenues in amounts equivalent to the postage that would otherwise be payable on mail matter referred to in subsection (d) of this section.

"(b) The Administrator shall expend no funds for the provision of services and facilities under this Act [this note] in connection with any obligations incurred by the President-elect or Vice-President-elect before the day following the date of the general elections held to determine the electors of President and Vice President in accordance with title 3, United States Code, sections 1 and 2 [3 USCS §§ 1, 2], or after the inauguration of the President-elect as President and the inauguration of the Vice-President-elect as Vice President.

"(c) The terms 'President-elect' and 'Vice-President-elect' as used in this Act [this note] shall mean such persons as are the apparent successful candidates for the office of President and Vice President, respectively, as ascertained by the Administrator following the general elections held to determine the electors of President and Vice President in accordance with title 3, United States Code, sections 1 and 2 [3 USCS §§ 1, 2].

"(d) Each President-elect shall be entitled to conveyance within the United States and its territories and possessions of all mail matter, including airmail, sent by him in connection with his preparations for the assumption of official duties as President, and such mail matter shall be transmitted as penalty mail as provided in title 39, United States Code, section 4152 [see now 39 USCS § 3202]. Each Vice-President-elect shall be entitled to conveyance within the United States and its territories and possessions of all mail matter, including airmail, sent by him under his written autograph signature in connection with his preparations for the assumption of official duties as Vice President.

"(e) Each President-elect and Vice-President-elect may designate to the Administrator an assistant authorized to make on his behalf such designations or findings of necessity as may be required in connection with the services and facilities to be provided under this Act [this note]. Not more than 10 per centum of the total expenditures under

this Act [this note] for any President-elect or Vice-President-elect may be made upon the basis of a certificate by him or the assistant designated by him pursuant to this section that such expenditures are classified and are essential to the national security, and that they accord with the provisions of subsections (a), (b), and (d) of this section.

"(f) In the case where the President-elect is the incumbent President or in the case where the Vice-President-elect is the incumbent Vice President, there shall be no expenditures of funds for the provision of services and facilities to such incumbent under this Act [this note], and any funds appropriated for such purposes shall be returned to the general funds of the Treasury.

"Sec. 4. *Services and facilities authorized to be provided to former Presidents and former Vice Presidents.* The Administrator is authorized to provide, upon request, to each former President and each former Vice President, for a period not to exceed six months from the date of the expiration of his term of office as President or Vice President, for use in connection with winding up the affairs of his office, necessary services and facilities of the same general character as authorized by this Act [this note] to be provided to Presidents-elect and Vice-Presidents-elect. Any person appointed or detailed to serve a former President or former Vice President under authority of this section shall be appointed or detailed in accordance with, and shall be subject to, all of the provisions of section 3 of this Act [this note] applicable to persons appointed or detailed under authority of that section. The provisions of the Act of August 25, 1958 (72 Stat. 838; 3 USCS 102, note) [note to this section], other than subsections (a) and (e) shall not become effective with respect to a former President until six months after the expiration of his term of office as President.

"Sec. 5. *[Authorization of appropriations]* There are hereby authorized to be appropriated to the Administrator such funds as may be necessary for carrying out the purposes of this Act [this note], except that with respect to any one Presidential transition—

"(1) not more than \$2,000,000 may be appropriated for the purposes of providing services and facilities to the President-elect and Vice President-elect under section 3, and

"(2) not more than \$1,000,000 may be appropriated for the purposes of providing services and facilities to the former President and former Vice President under section 4.

The President shall include in the budget transmitted to Congress, for each fiscal year in which his regular term of office will expire, a proposed appropriation for carrying out the purposes of this Act [this note]."

Former Presidents; allowance; selection, compensation, and status of office staff; office space; widow's allowance, termination; "former President" defined. Act Aug. 25, 1958, P. L. 85-745, 72 Stat. 838, as amended Sept 2, 1960, P. L. 86-682, § 12(c), 74 Stat. 730; Aug. 14, 1964, P. L. 88-426, Title I, § 124, 78 Stat. 412, Act Sept. 6, 1966, P. L. 89-554, § 8, 80 Stat. 660; Dec. 16, 1967, P. L. 90-206, Title II, § 224(c), 81 Stat. 642; Apr. 15, 1970, P. L. 91-231, § 7, 84 Stat. 198; Jan. 8,

1971, P. L. 91-658, § 6, 84 Stat. 1963; Oct. 18, 1977, P. L. 95-138, § 1, 91 Stat. 1170 (effective 10/1/77 as provided by § 2 of Act Oct. 18, 1977) provided:

"(a) Each former President shall be entitled for the remainder of his life to receive from the United States a monetary allowance at a rate per annum, payable monthly by the Secretary of the Treasury, which is equal to the annual rate of basic pay, as in effect from time to time, of the head of an executive department, as defined in section 101 of title 5, United States Code. However, such allowance shall not be paid for any period during which such former President holds an appointive or elective office or position in or under the Federal Government or the government of the District of Columbia to which is attached a rate of pay other than a nominal rate.

"(b) The Administrator of General Services shall, without regard to the civil-service and classification laws [5 USCS §§ 5101 et seq. 5301 et seq.], provide for each former President an office staff. Persons employed under this subsection shall be selected by the former President and shall be responsible only to him for the performance of their duties. Each former President shall fix basic rates of compensation for persons employed for him under this paragraph which in the aggregate shall not exceed \$96,000 per annum, except that for the first 30-month period during which a former President is entitled to staff assistance under this subsection, such rates of compensation in the aggregate shall not exceed \$150,000 per annum. The annual rate of compensation payable to any such person shall not exceed the highest annual rate of basic pay now or hereafter provided by law for positions at level II of the Executive Schedule under section 5313 of title 5, United States Code [5 USCS § 5313].

"(c) The Administrator of General Services shall furnish for each former President suitable office space appropriately furnished and equipped, as determined by the Administrator, at such place within the United States as the former President shall specify."

"(d) [Repealed by Act Sept. 2, 1960, P. L. 86-682, § 12, 74 Stat. 730; see 39 USCS §§ 4165, 4167.]

"(e) The widow of each former President shall be entitled to receive from the United States a monetary allowance at a rate of \$20,000 per annum, payable monthly by the Secretary of the Treasury, if such widow shall waive the right to each other annuity or pension to which she is entitled under any other Act of Congress. The monetary allowance of such widow—

"(1) commences on the day after the former President dies;

"(2) terminates on the last day of the month before such widow—

"(A) dies; or

"(B) remarries before becoming 60 years of age; and

"(3) is not payable for any period during which such widow holds an appointive or elective office or position in or under the Federal Government or the government of the District of Columbia to which is attached a rate of pay other than a nominal rate."; and

"(f) As used in this section, the term 'former President' means a person—

"(1) who shall have held the office of President of the United States of America;

"(2) whose service in such office shall have terminated other than by removal pursuant to section 4 of article II of the Constitution of the United States of America [USCS Constitution, Art II, § 4]; and

"(3) who does not then currently hold such office."

Application of 1978 amendment. Act Nov. 2, 1978, P. L. 95-570, § 6(a), 92 Stat. 2451, provided: "The amendments made by this Act [which, among other things, amended this section; for full classification, consult USCS Tables volumes] shall apply to any fiscal year which begins on or after Oct. 1, 1978."

Former President Eisenhower; allowance; compensation of office staff; widow's pension. For an allowance to former President Eisenhower as precluding entitlement to pay of General of the Army, compensation of office staff to former President to be reduced by pay of military assistants to the General of the Army, and benefits of widow of former President unaffected by restoration of military status, see note under former 50 USCS Appx. §§ 1691-1697.

* § 102. Compensation of the President

HISTORY: ANCILLARY LAWS AND DIRECTIVES

Other provisions:

Limitation on use of official expense funds. Act Dec. 22, 1987, P. L. 100-202, § 101(m) [Title III], 101 Stat. —, provides: "None of the funds made available for official expenses shall be expended for any other purpose and any unused amount shall revert to the Treasury pursuant to section 1552 of title 31 of the United States Code: Provided further, That none of the funds made available for official expenses shall be considered as taxable to the President."

Provisions similar to those of this note were contained in Acts Sept. 29, 1979, P. L. 96-74, Title III, § 301, 93 Stat. 563; Oct. 30, 1986, P. L. 99-591, Title I, § 101(m), 100 Stat. 3341-315.

INTERPRETIVE NOTES AND DECISIONS

GSA can use funds available under Presidential Transition Act of 1963 (5 USCS § 102 note) to pay expenses of former President's guests without determining for each one type of role each played in transition. (1982) 61 Op Comp Gen p 612.

§ 104. Salary of the Vice President

The per annum rate of salary of the Vice President of the United States shall be the rate determined for such position under chapter 11 of title 2 [2 USCS §§ 351 et seq.], as adjusted under this section. Effective at the beginning of the first month in which an adjustment takes effect under section 5305 of title 5 [5 USCS § 5305] in the rates of pay under the General Schedule, the salary of the Vice President shall be adjusted by an amount, rounded to the nearest multiple of \$100 (or if midway between multiples of \$100, to the nearest higher multiple of \$100), equal to the percentage of such per annum rate which corresponds to the overall average percentage (as set forth in the report transmitted to the Congress under section 5305 of title 5 [5 USCS § 5305]) of the adjustment in such rates of pay.

(As amended Sept. 10, 1982, P. L. 97-257, Title I, Ch. X, § 105(b), 96 Stat. 849.)

1982, Act Sept. 10, 1982, deleted the former concluding sentence, which read: "Such salary shall be paid on a monthly basis."

Other provisions:

Reorganization Plan No. 1 of 1977, Reorg. Plan No. 1 of 1977, 42 Fed. Reg. 56101, 91 Stat. 1633, as amended June 16, 1982, P. L. 97-195, § 1(c)(5), 96 Stat. 115, was prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, July 13, 1977, pursuant to the provisions of Chapter 9 of Title 5 of the United States Code (5 USCS §§ 901 et seq.), as such plan was amended Sept. 15, 1977.

[Second para. unchanged]

Section 1-3 [Unchanged]

"SECTION 4. Appointment of the Assistant Secretary of Commerce for Communications and Information.

"There shall be in the Department of Commerce an Assistant Secretary for Communications and Information who shall be appointed by the President, by and with the advice and consent of the Senate.

Sections 5-7 [Unchanged]

Ex. Or. No. 12087 superseded. Ex. Or. No. 12087 of Oct. 7, 1978, 43 Fed. Reg. 46823, was superseded by Ex. Or. No. 12165 of Oct. 9, 1979, 44 Fed. Reg. 58671. It provided for adjustment of pay and allowances.

Ex. Or. No. 12165 superseded. Ex. Or. No. 12165 of Oct. 9, 1979, 44 Fed. Reg. 58671, was superseded by Ex. Or. No. 12248 of Oct. 16, 1980, 45 Fed. Reg. 69199. It provided for adjustment of pay and allowances.

Ex. Or. No. 12248 superseded. Ex. Or. No. 12248 of Oct. 16, 1980, 45 Fed. Reg. 69199, formerly set out as a note to this section, was superseded by Ex. Or. No. 12330 of Oct. 15, 1981, § 5, 46 Fed. Reg. 50921, 51591, which appears as 5 USCS § 5332 note. It provided for adjustment of certain rates of pay and allowances.

Ex. Or. No. 12330 superseded. Ex. Or. No. 12330 of Oct. 15, 1981, 46 Fed. Reg. 50921, 51591, formerly set out as a note to this section, is superseded by Ex. Or. No. 12387 of Oct. 8, 1982, 47 Fed. Reg. 44981, which appears as 5 USCS § 5332 note. It provided for adjustment of certain rates of pay and allowances.

Application of Sept., 1982 Amendment. For provisions as to the application of the Sept., 1982 Amendment of this section, see Act Sept. 10, 1982, P.L. 97-257, Title I, Ch. X, § 105(e), 96 Stat. 849, which appears as 2 USCS § 60-c-1 note.

Applicability of 1981 salary pay cap limitations. For the applicability of salary pay cap limitations for executive, legislative, and judicial employees and officials during fiscal year 1981, see 5 USCS § 5318 note.

Ex. Or. No. 12387 superseded. Ex. Or. No. 12387 of Oct. 8, 1982, 47 Fed. Reg. 44981, formerly set out as a note to this section, was superseded by Ex. Or. No. 12456 of Dec. 30, 1983, 49 Fed. Reg. 347, which appears as 5 USCS § 5332 note. It provided for adjustment of certain rates of pay and allowances.

Adjustment of pay rates. Ex. Or. No. 12496 of Dec. 30, 1984, 50 Fed. Reg. 211, which appears as 5 USCS § 5332 note, provides for an adjustment of pay rates under this section, effective for monthly basic pay and allowances for subsistence and quarters for members of the uniformed services, and all other adjustments of salary or pay, effective on the first day of the first applicable pay period beginning on or after Jan. 1, 1985, as provided by § 5 of such Order, which appears as 5 USCS § 5332 note. See the Schedule following:

SCHEDULE 5—VICE PRESIDENT AND EXECUTIVE SCHEDULE

Vice President	597,900
level I	36,200
level II	35,100
level III	33,600
level IV	32,300
level V	68,700"

§ 110. Furniture for the Executive Residence at the White House

HISTORY: ANCILLARY LAWS AND DIRECTIVES

Other provisions:

Continuation of the Committee for the Preservation of the White House continued until Dec. 31, 1980. Ex. Or. No. 12258 of Dec. 31, 1980, § 1-101(a), 46 Fed. Reg. 1251, which appears as 5 USCS Appx. § 14 note, provides that the Committee for the Preservation of the White House is continued until December 31, 1982.

From: NSPSS --CPUA
To: NSCLM --CPUA -UNCLASSIFIED-

Date and time 06/21/88 10:46:49

NOTE FROM: Paul S. Stevens

Subject: Past Presidential Transitions

s print for me and add to the package you have in the suspense file, pending meeting with the staff.

* Forwarding note from NSPWR --CPUA 06/21/88 09:46 ***
: NSGVE --CPUA -UNCLASSIFIED-

NOTE FROM: Peter Rodman

SUBJECT: Past Presidential Transitions

I have seen your excellent memo on this (#4075).

In the annex, Part II: Post-Election Briefings, you might add that Secretary of State Kissinger traveled to Plains, Georgia, in November 1976 after the election to brief President-elect Carter.

I don't remember whether McGovern ever took the Nixon administration up on its offer to brief him. You might check some of the memoirs of the period or of the 1972 campaign.

Brent Scowcroft would be a good person for Colin to consult as to how to go about it and what lessons might be drawn from the past experience. Sometimes

PF1 Alternate PFs PF2 File NOTE PF3 Keep PF4 Erase PF5 Forward Note
PF6 Reply PF7 Resend PF8 Print PF9 Help PF10 Next PF11 Previous PF12 Return

VIEW THE NOTE

E0:

about it and what lessons might be drawn from the past experience. Sometimes there are sensitivities about which agency does the briefing, depending on how controversial it is at the time. E.g., in 1976 Carter did not want a pre-election briefing from State because Kissinger was a hot potato; CIA was considered more "neutral" at the time. Today, State is more likely to be acceptable. On the other hand, Colin himself might well be acceptable too and there is a lot to be said for the APNSA keeping control over it, which has considerable precedent.

cc: NSMDC --CPUA -UNCLASSIFIED- DONLEY --VAXC -UNCLASSIFIED-
NSRMP --CPUA -UNCLASSIFIED- SCHARFEN--VAXC -UNCLASSIFIED-
NSNVM --CPUA -UNCLASSIFIED- NSPSS --CPUA -UNCLASSIFIED-

E N D O F N O T E

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PF6 Reply PF7 Resend PF8 Print PF9 Help PF10 Next PF11 Previous PF12 Return

September 9, 1988

MEMORANDUM FOR SENIOR DIRECTORS

FROM: PAUL SCHOTT STEVENS 
SUBJECT: Planning for NSC Transition

With the 1988 Presidential election nearly upon us, it is time to begin preparing materials that will be used to brief the incoming transition team.

Most of the necessary information can and will be compiled by the Executive Secretariat. However, several important elements are best provided by individual directorates.

As outlined at Tab A, the information necessary for the transition can be divided into three categories. Information from the Senior Directors will be required at each step in the process. I would envision three notebooks with progressively more substantive information as a final product. These books will contain:

- Background and Administrative Information which can be prepared in advance and made available early in the transition;
- Current Policy Issues which describe key issues that are continuing to move forward between November and January, and/or will immediately be pending in the January-February timeframe; and
- Codeword Materials which provide a gist of NSDDs, Findings, and sensitive commitments and arrangements with foreign governments. In this area, it may or may not be desirable to try to put everything together in a single binder. At the same time, however, we need enough structure to ensure that the transfer of key information to senior incoming officials is not left to chance.

I request that you prepare a two-page summary describing your directorate's functions and responsibilities. This will be included under "NSC staff organization" in Volume I of the transition materials. (Due to Bob Perito Oct 1st.)

You should also begin to identify key policy issues that will continue to be active during the transition and/or will require decision early in the next administration. The due date for these two-page descriptions of key policy issues will be late October or early November.

Finally, you should prepare a list of any sensitive, special access information which should be conveyed to a new National Security Advisor, the Deputy, the Executive Secretary, and your successor. I will be meeting one-on-one with Senior Directors later this fall, as necessary, to discuss special handling of this material; but wanted to make clear in advance that a general effort will be made to capture and organize such information for the transition, consistent with appropriate security safeguards.

I will provide you with updates and/or further guidance as this project develops. I appreciate your willingness to participate in our effort to prepare for a successful transition in 1989.

Transition Outline: Final Products

Vol I - Background on NSC Organization and Administration

- NSC Structure/Process: Unclass versions of NSDDs 266 & 276
- Interagency Groups
- NSC Staff Organization
- NSC Information Control System (sys I - V)
- Budget / Personnel Info

Availability: November 10

Vol II - Current Issues

- Key Internal/External Issues
between November and January

Availability: Mid-November

Vol III - Codeword Materials (Notional)

- NSDDs
- Findings
- Sensitive US Commitments /
Arrangements w/Foreign governments

Availability: December-January, Restricted Access

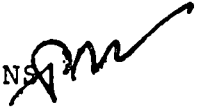
NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20508

. 6460

September 8, 1988

ACTION

MEMORANDUM FOR COLIN L. POWELL

FROM: PAUL SCHOTT STEVENS 

SUBJECT: Transition Planning

In preparation for the transition, I asked the Secretariat to assemble and review the relevant materials used during the Ford-Carter and Carter-Reagan transitions. From these materials we have developed a draft outline of essential information for incoming personnel (Tab A). This memo seeks your concurrence in the general approach outlined below with a view towards presenting these issues to Senior Directors and appraising them of future requirements.

In general, most of the information that may be required for the transition is already accessible through the Secretariat. I intend to minimize the requirement for new papers from the staff. There is already a great deal of time being spent on the preparation of various records and files, the updating of staff manuals, and streamlining computer hardware and software -- all to be done prior to January 1989. The main thing is to pull together essential information in a usable form without burdening the staff with a massive, duplicative "paper drill". However, selected policy updates which can only come from the Senior Directors inevitably will be necessary.

As outlined at Tab A, the information necessary for the transition can be divided into three categories. I would envision three notebooks with progressively more substantive information as a final product. These books would contain:

- Background and Administrative Information which can be prepared in advance and made available early in the transition;
- Current Policy Issues which must be dealt with between November and January, and/or as soon as the new administration takes office; and
- Codeword Materials which provide a gist of NSDDs, Findings, and sensitive commitments and arrangements with foreign governments. In this area, it may or may not be desirable to try to put everything together in a single binder. However, we need enough structure to ensure the transfer of key information to senior incoming officials.

If you concur, I plan to task immediately the Senior Directors for background and administrative information, and ask them to begin thinking about follow-on materials that will be required in the future. (Tab I)

Fortunately, the orderly completion of President Reagan's second term has given us adequate time to prepare for transition. (In the past it has been just too politically sensitive to undertake any preparations for transition when the incumbent President is running for re-election.) From what I've seen, the final products outlined at Tab A will be an improvement over those prepared for the previous two transitions.

I will keep you appraised of our progress, and ensure that you retain the final chop on any materials that could eventually be provided to the transition team. This exercise will only answer the general question of "what" to provide. The issues of "how, when, and to whom" will probably have to await the outcome of the election, but will obviously require your personal attention.

RECOMMENDATION

That you concur in my forwarding the attached memo and outline to Senior Directors.

Approve ✓ Disapprove

Attachments

Tab I Stevens memo to Senior Directors
Tab A Outline

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506ACTION

September 15, 1988

MEMORANDUM FOR PAUL SCHOTT STEVENS

FROM:

ROBERT M. PERITO *RMP*
GEORGE VAN ERON *VE*

SUBJECT:

Transition Briefing Materials

In preparation for the transition this November, the NSC Secretariat has reviewed the materials utilized during the Ford-Carter and Carter-Reagan transitions. From these we have prepared a list of documents which could comprise the basis for our National Security transition briefing materials. The following synopsis, subdivided into six areas, is a subject listing of final products and special projects which need to be tasked out and tracked during the next three months:

- I. Final Products for Summary Presentation
- II. Administrative Projects
- III. General Projects
- IV. Secretariat Historical Summaries
- V. Reference Materials

- I. Final Products: These are materials which have been provided by the Senior Staff for the Executive Secretary during the last several transitions. The submissions will be organized and bound in three individual reference books and will be presented to the transition team. These are the most important summaries the staff will need to prepare.

Volume I - Background on NSC Organization and Administration

- NSC Structure / Process: This is an Executive Summary of how the Reagan NSC System works.
(Due date: Mid-October -- Secretariat)
- Interagency Groups
- NSC Staff Organization: Senior Directors should prepare concise summaries listing personnel and defining the basic duties, functions, and responsibilities of their directorates.
(Due date: October 1, 1988)

- NSC Information Control System: This is a fact sheet on the various systems (i.e., I-IV) used to control the handling of official correspondence. (Due date: Mid-October -- Clark - Millison)
- Budget Status Report Summary: This is an annual budget report that explains the various categories of the NSC budget. (Due date: Mid-October -- Office of Administration)
- NSC Personnel Report: This is a report of all NSC employees and their parent agencies, salaries, titles, length of service, et alia. (Due date: Mid-October -- Office of Administration)

Volume II - Current Issues

- Current Policy Issues: Concise summaries prepared by Senior Directors on the status of all major policy issues and projects. (Due date: Early November)

Volume III - Codeword Materials

- Codeword Materials: Gists of NSDD findings, plus the most sensitive bilateral agreements with other countries. (Due date: Mid-November)

II. Administrative Projects: This category includes reference materials which are issued periodically by the offices of Administration, Secretariat, and Security. These should be updated prior to the transition.

- A. NSC Administrative Manual: This book describes the various details of daily internal business matters. Items such as time and attendance, leave, travel, et alia, are explained. (Due date: Early November -- Office of Administration)
- B. NSC Correspondence Manual: This is a reference manual on how to prepare official correspondence and memoranda. (Due date: Early November -- Executive Secretariat)
- C. Security Manual: This is a report on the regulations and procedures which govern the safeguarding of classified information and personnel security. (Due date: Early October -- Security Officer)

III. General Projects: The following projects have been undertaken by the Secretariat and Legal Office and will be completed by early November.

- A. Pre-Reagan Policy Papers Review: This list indicates the status of a variety of Directives which are still active from previous administrations.
(Currently pending NSC Staff comments)
- B. NSDD Status Review: This Review lists all Reagan Administration National Security Decision Directives since February, 1981. The list indicates whether the document is "Active, Implemented, or Superseded."
(Currently pending issuance of an NSDD)
- C. NSSD Status Report: The status of all National Security Study Directives will be reviewed in a similar fashion to the NSDD Status Review.
(Project soon to be initiated by Secretariat)
- D. Tower Board Implementation - "Institutionalizing the System": Per your request, an Executive Summary will be written, describing the many changes and upgrades which were initiated by the Tower Board Commission. Renovation of the Office of Secretariat will be discussed.
(Due date: Early November -- Legal Office)
- E. Soviet and Economic Summit Summaries: Although such papers were not prepared in the past, it would be advantageous to have a description of how these events were organized.
(Due date: Mid-November)
- F. Computer and Telecommunications Issues: These reports comprise a summary of the major steps taken to upgrade the NSC, WH, and OA (entire 18 acre) secure computing telecommunications systems. A binder will be prepared containing reports on the following:
 - 1. The History of NSC Computer Development
 - 2. Office of Administration Telecommunications Project
 - 3. Current Computer System Enhancement Program
 (Due date: Early December -- Donley - Van Eron)

- IV. Secretariat Historical Summaries: These projects are being completed as internal Secretariat references. They will be available for use as briefing materials, if they are required.
- A. Executive Summary of Past NSC Systems: This is a summary of how NSC Systems operated since the Nixon Administration. It includes source documentation from earlier transitions.
(Due date: Early November -- Secretariat)
 - B. Statistical Report on Administration Workload since the Nixon Administration.
(Due date: Early November -- Secretariat)
 - C. Statistical Report on NSC Policy and Meeting Data: This paper provides useful statistical information on the ebb and flow of the NSC meeting process since the Nixon Administration. Graphics will display relevant data on the number of NSC, NSPG, and NSC Subgroup meetings.
(Due date: Early November -- Secretariat)
- V. Reference Materials: The following is a list of reference materials currently available and being utilized by the Secretariat to provide answers on transitional matters.
- A. NSC Systems Structure Manual (since 1947) - Unclassified
 - B. NSC Systems Structure Manual (since 1947) - Classified
 - C. Source Documentation on Computer Development for NSC
 - 1. WHSSS Telecommunications Developments
 - 2. OA Telecommunications Developments (i.e. Inventory, Computers, and Telephones)
 - D. NSC Correspondence Matters (Complete with Source Documentation)
 - E. Secretariat Office Manuals on Systems I - IV
 - F. Secretariat Computer Manuals on Systems I - IV
 - G. Official Records

Recommendation

That you approve the approach we are taking to prepare for the transition, as described in the memorandum.

DM Approve _____ Disapprove

Concurrences by: DM Donley and Menah Menah.

Prepared by: mdc
Maria D. Clark

Transition Outline: Final Products

Vol I - Background on NSC Organization and Administration

- NSC Structure/Process: Unclass versions of NSDDs 266 & 276
- Interagency Groups
- NSC Staff Organization
- NSC Information Control System (sys I - V)
- Budget / Personnel Info

Availability: November 10

Vol II - Current Issues

- Key Internal/External Issues
between November and January

Availability: Mid-November

Vol III - Codeword Materials (Notional)

- NSDDs
- Findings
- Sensitive US Commitments /
Arrangements w/Foreign governments

Availability: December-January, Restricted Access

THE WHITE HOUSE

7867

WASHINGTON

November 3, 1988

VAN ERON

MEMORANDUM FOR KEN DUBERSTEIN

FROM: COLIN L. POWELL

SUBJECT: NSC Transition

At my direction, Paul Stevens began some weeks ago to assemble a variety of materials that should assist whomever the President-elect designates for NSC transition purposes. These briefing materials will include:

- o a volume that describes current organization, staffing, calendar, budgetary, administrative and other "housekeeping" matters;
- o a volume that identifies specific issues likely to force themselves on the NSC's attention, as a result of scheduled or anticipated diplomatic and other activities, between the election and inauguration and in the first 6 months of the next Administration;
- o a set of compartmented papers that I would provide the next National Security Adviser, surveying the "family jewels" (i.e., intelligence programs, foreign government commitments and other matters of special sensitivity).

Paul expects to have the first two volumes available for my review within a day or two after the election, so I feel sure we will be in good shape to embark on the NSC transition in an orderly fashion. Assembly of the compartmented briefing materials should be well in hand by mid-December. I anticipate that these will be among the matters treated latest in the transition, so this timetable should prove more than adequate. These are the core materials, as I see it; we probably will supplement them on a selective basis, with background or issue papers on specific policy matters (e.g., the current posture of arms control negotiations).

At Bob Kimmitt's request, Paul compiled the record of diplomatic meetings in which Presidents Reagan, Carter and Nixon participated during their first years in office. This was provided to Bob some weeks ago for informal planning purposes. This is the extent of our contact to date with the Vice President's team on matters of a transition nature.

As you probably know, many of the NSC Staff's professional or "policy" positions are held by detailees from the departments and agencies. Attached for your information is a roster of those non-detailees who occupy NSC billets. Among them are 7 of my staff who hold presidential commissions.

NSC POLICY STAFF IN NSC BILLETS
(Non-detailees)

1. Paul Schott Stevens, Executive Secretary *
2. Michael Donley, DES Situation Support
3. Peter Rodman, NSC Counselor *
4. A. Blair Dorminey, NSC Counselor
5. Nicholas Rostow, Legal Advisor *
6. Alison Fortier, Legislative Affairs *
7. Shirin Tahir-Kheli, Near East/South Asian Affairs
8. Clarke Brintnall, Latin American Affairs
9. D. Barry Kelly, Intelligence Programs *
10. Tyrus Cobb, International Programs/Technology Affairs *
11. Stephen Farrar, International Economic Affairs *
12. Eric Melby, International Economic Affairs
13. John Grimes, Defense Policy

* Commissioned by the President.

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

7867

November 3, 1988

MEMORANDUM FOR COLIN L. POWELL

FROM: PAUL SCHOTT STEVENS *PS*

SUBJECT: NSC Transition

Attached at Tab I is the memorandum to Ken Duberstein you requested. It very briefly describes the NSC Staff's preparations for the presidential transition. I assume this will suffice for immediate purposes. John Tuck did indicate, however, that Ken might wish to meet with us to discuss this in more detail. Information on NSC policy billets is included because Tuck specifically inquired about that when I met with him earlier in the week.

Recommendation:

That you sign the memorandum to Ken Duberstein at Tab I.

Approve ✓ Disapprove

Attachment

Tab I

Memo to Ken Duberstein

From: NSPSS --CPUA
To: NSDGR --CPUA

VIEW THE NOTE

Date and time 11/02/88 18:24:12 E01

-UNCLASSIFIED-

NOTE FROM: Paul S. Stevens
Subject: Transition Products
print for me. Thanks.

Forwarding note from DONLEY --VAXC
To: NSPSS --CPUA

11/01/88 11:06 ***

UNCLASSIFIED

From: Michael B. Donley
Subject: Transition Products

NATIONAL SECURITY COUNCIL

PSS - file
UNCLASSIFIED

1-Nov-1988 11:03 EDT

UNCLASSIFIED

MEMORANDUM FOR:

Peter Rodman

(RODMAN)

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PF6 Reply PF7 Resend PF8 Print PF9 Help PF10 Next PF11 Previous PF12 Return

VIEW THE NOTE

Peter Rodman

(RODMAN)

E01

FROM: Michael B. Donley
(DONLEY)

SUBJECT: Transition Products

Peter ---Do not intend to get between you and your taskings,
only wanted to pass on message that they are part of a
broader process that has some suspenses. MD

CC: Paul S. Stevens
CC: Robert M. Perito

(STEVENS)
(PERITO)

NATIONAL SECURITY COUNCIL

1-Nov-1988 10:29 EDT

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CC: Paul S. Stevens
CC: Robert M. Perito

(STEVENS)
(PERITO)

NATIONAL SECURITY COUNCIL

1-Nov-1988 10:29 EDT

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VIEW THE NOTE

1-Nov-1988 10:29 EDT

E0:

UNCLASSIFIED

MEMORANDUM FOR:

Michael B. Donley

(DONLEY)

FROM: Peter Rodman
(RODMAN)

SUBJECT: RE: Transition Think Piece

Understanding is a little different. I have been working on:
- a paper for Perito on past administrations and their first year in office,
looking for lessons and ideas;
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PF6 Reply PF7 Resend PF8 Print PF9 Help PF10 Next PF11 Previous PF12 Return

VIEW THE NOTE

E0:

- looking for lessons and ideas;
- a brief checklist of priority issues that will face the new administration (which John Negroponte asked me to do ASAP for Colin);
 - a paper I discussed with Paul on the NSC's role in the speechwriting process;
 - some ideas I discussed with Paul about what should go into a "family jewels" book of especially sensitive and compartmented information; and
 - some editing help on the "issues" material produced by the staff.

E N D O F N O T E

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November 21, 1988

MEMORANDUM TO CABINET AND AGENCY HEADS

SUBJECT: Transition Organization and Briefing Materials

We would appreciate your help in gathering some basic information on structure, programs, budgets, and issues prior to Transition Team assignments. Your help on this will make the transition go much more smoothly. We intend to use the information both as a basic reference and as a source document for preliminary issue briefings.

For each unit listed, please provide information to the level of operations described in Attachment A, in a fashion as concise and cogent as possible. If there are special circumstances which make the information requested exceptionally difficult to obtain, please note. Where possible, avoid new work; for example, use OMB budget summaries, existing organization charts, MBO descriptions, etc.

Please divide briefing documents into tabbed sections, and include a summary table of contents at each section.

Finally, if there are any particular documents we have not requested, but which you believe would be useful, please submit those as well.

We would like to have your response to the following questions no later than Friday, November 25th. Thank you, in advance, for your cooperation in helping make this a smooth and efficient transition period.

If you have any questions about this document, please call Jim Pinkerton, Director, Office of Policy Development for the transition who can be reached at 673-2822.

ATTACHMENT A

I. ORGANIZATION AND MANAGEMENT

A. Organization

- Chapter 1*
Administration
- factsheet*
- Carol*
1. Organizational Structure: Basic organizational charts for department/agency, subordinate units and ancillary organizations, with a brief accompanying explanation. Include description of field structures.
 2. Goals and Functions: Brief statement of goals and functions of each organizational unit.
 3. Resource Description: For each major organizational unit provide:
 - a) number of FTE;s and current head count
 - b) summary of FY 1989 operating budget.

Limit: Chart plus
1 page per organizational unit

B. Management

1. Chain of Command

Carol
FOIA ? ← [Description of basic chain of command (referencing organizational chart); including existing delegations of legal authorities (by reference) to each operating unit or staff office.

Limit: Summary, plus
1 page per primary operating unit

2. Regulatory Authority

? Brief description of regulatory programs administered by each unit/agency. Cite statutory authority.

Limit: 1 paragraph per program

3. Management Studies and Issues

o Studies

None.
Tower
Board Brief review of recent major management studies, and their recommendations.

Limit: 2 paragraphs per study

o Issues:

Tower
board.

Other recent or current management issues and problems. Cite organizational changes that have occurred in the last year, or are currently pending. For pending changes, show how the change will affect current organization, missions, and budgets.

Limit: 1 page

C. External Process

1. Executive

LIT
PARTIALLY
FROM
Transition
book

o Key Interagency Relationships

Cite department/agency participation in policy development/decision-making interagency groups. Describe function and membership and indicate which organization has lead

Limit: 1 summary paragraph for each group

2. Congressional

fortier

o Key Committees

List committees with oversight responsibilities for each department and indicate those programs within each committee's jurisdiction

Limit: 1 page per committee

WK
Records division
NSC staff
reports

o Reports to Congress

List reports required to be submitted to Congress. Cite previous submission dates, reporting requirements and a brief description of each

Limit: 1 paragraph per report

o Legislative Issues

fortier

100th Congress

Synopsis of the key issues considered by the 100th Congress affecting your agency. Include current status of each

Limit: 4 pages

o 101st Congress

Portion
List the anticipated top 10 issues for the next session. Use your existing legislative program or goals for your department. In the case of reauthorization of enabling statutes, cite dates and priorities.

Limit: 1 page summary discussion and
1 page per issue

II. BUDGET

Cond
A. Budget Detail

Submit FY 1989 budget justifications.

B. Budget Trends

Provide charts or graphs and brief description of budget trends and FTE levels in key unit/program areas. Include data from FY 80 through FY 89 to show changes in resource allocation for units and programs. Show both Presidential budget request and Congressional appropriation.

Limit: 1 page text or chart per unit or program

C. Budget Issues

List the top 5-10 budget issues confronting your Agency with a brief description of each. Include actions underway to clarify or address each issue

Limit: 1 page per issue

III. PERSONNEL

Cond
A. Summary Statistics

Provide a breakout by unit of all personnel classifications (e.g. career, PAS, non-career, SES, schedule C, schedule A, etc.

B. Appointive Positions

Provide list of names, titles and grades of all PAS's non-career SES's and schedule C employees

C. Equal Opportunity Program

Submit copies of most recent EEO reports and description of any special EEO initiatives undertaken by the department

D. Personnel Management Issues

Describe key personnel management issues which will require the attention of the Bush Administration

Limit: 1 page per issue

V. POLICY DEVELOPMENT GOALS

A. Overview of the Policy Development Process

Summarize policy development and decision-making process within the Department/Agency. Outline evaluation, decision-making and implementation mechanisms. Cite role of key agency officials in the process, e.g. Agency head, General Counsel, Assistant Secretary for Management, etc.

Limit: 1 page plus chart if appropriate

B. Major Policy Issues

Summarize and prioritize top 5-15 major policy issues which will confront the new Administration. If you have discussed in previous section, please note.

Limit: 1 page per issue

C. Calendar of Major Challenges and Opportunities

Provide a calendar of major events, decisions, and milestones that present challenges and opportunities for the Bush Administration in calendar year 1989.

Limit: Use basic calendar format - 1 page per month

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20508

4785

SUSPENSE

June 22, 1989

ACTION

MEMORANDUM FOR BRENT SCOWCROFT

FROM: PETER W. RODMAN *pmr*
SUBJECT: CSIS Transition Project "Reunion"

Dave Abshire and Bob Hunter wrote to you on April 17 asking if you were interested in a "reunion" meeting of the CSIS Presidential Transition Project Steering Committee. They would organize it around you if you can take part, even if only briefly. Their letter (which I have just received for staffing) is at Tab II. You indicated on it: "OK."

A positive reply is at Tab I for your signature, suggesting that they contact Florence to pick a date.

RECOMMENDATION

That you sign the reply at Tab I to Dave Abshire.

Attachments

Tab I Letter of Reply
Tab II Incoming

THE WHITE HOUSE

WASHINGTON

Dear Dave:

On April 17 you and Bob Hunter wrote me asking if I might be able to participate in a "reunion" meeting of the CSIS Presidential Transition Project Steering Committee. I apologize for the delay in replying.

If you are going ahead with this idea, I am indeed interested in taking part. Why don't you get in touch with Florence Gantt in my office (456-2255) and find a mutually convenient time.

Sincerely,

Brent Scowcroft

The Honorable David M. Abshire
President
Center for Strategic and
International Studies
1800 K Street, N.W.
Suite 400
Washington, D.C. 20006



Center for Strategic & International Studies
Washington, DC

1. 63
ad. Staff
Cy. Flowers
4785

April 17, 1989

The Honorable Brent Scowcroft
Assistant to the President for
National Security Affairs
The White House
Washington, D.C. 20500

OK B

Dear Brent:

When the CSIS Presidential Transition Project came to an end last year, we thought that there would be merit in having a "reunion" -- a meeting of the project Steering Committee to learn just what the new administration decided to do in organizing itself to conduct international relations. (We note that several members of the Committee have joined the administration: In addition to you, they include Dick Darman, Larry Eagleburger, Bob Kimmitt, Dick Cheney, Ed Ney, Wayne Berman, and Rick Burt.)

We are therefore planning to hold a half-day meeting to review what has been done. Obviously, it would be of great benefit to everyone on the committee if we could hear from you -- even if only a brief appearance. Given the demands on your time, it would be most useful if someone on your staff could brief the Steering Committee on the ins and outs of the reorganization. We would also ask the same of Larry and Bob regarding the State Department, etc.

No date has been set. In fact, we are writing to you first to see whether, in principle, you would be willing to take part and, if so, what would be a good time-frame -- even if that were several months off. After we get your reaction, we will set a date and contact the others.

As part of the project, we would also like to prepare a short report, a sort of primer on the way the new administration is organized in national security and related areas, including international economics. From what we've seen so far, the set up is a model to be emulated by succeeding administrations.

We look forward to hearing from you.

With best regards,

David M. Abshire
President

Sincerely,

Robert E. Hunter
Vice President
Regional Programs

I

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

7972

November 9, 1988

ACTION

MEMORANDUM FOR COLIN L. POWELL

FROM: PAUL SCHOTT STEVENS *PS*

SUBJECT: NSC Transition

Attached for your review and approval is the first of our transition briefing books. This volume documents the current organization of the staff, the division of responsibilities among my office and the various directorates, the existing interagency process, and NSC budget, staffing and administration. I believe it is substantially complete, but invite you to consider whether there are any matters that have been left out or deserve more or different treatment. Note that this volume has been classified SECRET. The Information Policy Directorate believes this appropriate in view of the numerous references to NSDDs contained in the material. As with all the transition materials in preparation, I will look to you for guidance about when and to whom this volume should be provided to assist in the transition.

The second installment, our "issues book," should be available for your review on Monday, November 14th.

RECOMMENDATION

That you review and approve the attached volume for use in connection with the NSC transition.

Approve ✓

Disapprove _____

Attachment

Tab A Reagan-Bush Transition Briefing
Book: Background on NSC Organization
And Administration

*How do we reflect
front office personnel
Mc, John, Feb, DP,
K2, Lillie?*

II

Original Not Returned

UNCLASSIFIED with
~~TOP SECRET~~ Attachment

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

8260

ACTION

MEMORANDUM FOR COLIN L. POWELL

FROM: PAUL SCHOTT STEVENS *PS*
SUBJECT: NSC Transition - Vol. II

Attached for your review and approval is the second of our transition briefing books. This volume documents the current policy issues that are in the process of being resolved prior to Inauguration, and those issues that will immediately confront the incoming administration in its first six months. I believe it is substantially complete, but invite you to consider whether there are any matters that have been left out or deserve more or different treatment. Note that this volume has been classified TOP SECRET. As with all the transition materials, I will look to you for guidance about when and to whom this volume should be provided to assist in the transition.

RECOMMENDATION:

That you review and approve the attached volume for use in connection with the NSC transition.

Approve _____ Disapprove _____

Attachment
Reagan-Bush Transition Briefing
Book: NSC Policy Issues

UNCLASSIFIED with
~~TOP SECRET~~ Attachment

UNCLASSIFIED UPON
REMOVAL OF CLASSIFIED
ATTACHMENTS
mb 9/3/19

III
8900057

8900087

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

December 13, 1988

ACTION

MEMORANDUM FOR COLIN L. POWELL

FROM: PAUL SCHOTT STEVENS *PS*

SUBJECT: NSC Transition

Attached is an additional volume of transition briefing materials. It occurred to me that it would be useful to document some specific matters -- the first year's calendar, mechanics of Summit preparation, various procedural and management practices -- not treated in the issues or organization volumes. I would appreciate your reviewing the book when you have time; if there are any matters not covered here that you think might be of interest to Brent Scowcroft or his senior staff, please let me know. As with other transition materials, I will look to you for guidance about how and when this is made available to Scowcroft.

RECOMMENDATION

That you review and approve the "National Security Activities" briefing book at Tab A for transition purposes.

Approve ✓ Disapprove

Attachment
Tab A

*Excellent.
five repts. CV*
"National Security Activities" Transition Briefing
Book

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20508

December 9, 1988

ACTION

MEMORANDUM FOR BRENT SCOWCROFT

FROM: PAUL SCHOTT STEVENS

SUBJECT: NSC System

I have compiled the attached materials (all unclassified) in response to your recent request for presidential directives establishing the basic organization and operation of the NSC system since 1947. The Kennedy/Johnson and Truman administrations, I found, are not well represented by formal presidential guidance. My predecessors in those periods did brief historical surveys that you might find useful, however; they are included among the enclosed.

The directives supplied here depict only the basic NSC system, and do not cover other organization matters related to crisis management, counterterrorism, covert action and the like. Please let me know if you need background materials on any of these more specialized concerns.

Attachment
Tab A NSC System (Binder)



NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20508

8574

December 8, 1988

Natl Sec Advisor
has seen

ACTION

MEMORANDUM FOR COLIN L. POWELL

FROM: PAUL SCHOTT STEVENS *PS*

SUBJECT: NSC System

Brent Scowcroft requested that I compile the directives that have established the basic organization and operation of the NSC system since its creation in 1947. They are attached. With your permission, I would like to send them to Brent with the memo at Tab I. All the materials are unclassified.

RECOMMENDATION:

That you authorize me to forward these materials to General Scowcroft.

Approve ✓

Disapprove _____

PS, Can I have a set of this?

Attachment

Tab I Memo to Scowcroft
Tab A NSC System Binder

**National Security Council
The White House**

CM

00 000 8. P 01 44

System # I
Package # 8574
DOCLOG CM AIO

	SEQUENCE TO	HAS SEEN	DISPOSITION
Bob Perito	<u>1</u>	<u> </u>	<u>~~A~~</u>
Marybel Batjer	<u> </u>	<u> </u>	<u> </u>
Paul Stevens	<u> </u>	<u> </u>	<u> </u>
John Negroponte	<u> </u>	<u> </u>	<u> </u>
Colin Powell	<u>1</u>	<u> </u>	<u>A</u>
Paul Stevens	<u> </u>	<u> </u>	<u> </u>
Situation Room	<u> </u>	<u> </u>	<u> </u>
West Wing Desk	<u>2</u>	<u>CM 12/19</u>	<u>D</u>
NSC Secretariat	<u>3</u>	<u> </u>	<u>A</u>

I = Information A = Action R = Retain D = Dispatch N = No further Action

cc: VP Duberstein Other

COMMENTS

Should be seen by:
(Date/Time)

Blair

NSC has taken care of -

Memo and Binder given to Florence for delivery to Gen.

Scowcroft on Monday.

Please provide copies for Gen Powell, through Exec Sec office. Carter

TIME STAMP

NATIONAL SECURITY COUNCIL EXECUTIVE SECRETARIAT STAFFING DOCUMENT

URGENT

SYSTEM LOG NUMBER:

0183

ACTION OFFICER:

Rodman

DUE: 10:00 17 Jan 88

☐ Prepare Memo For Powell/Negroponte☐ Prepare Memo Stevens to Peterson / Murr☒ Prepare Memo For Dawson/Dolan☐ Appropriate Action☐ Prepare Memo _____

to _____

CONCURRENCES/COMMENTS*

PHONE* to action officer at ext. 3110

FYI

☐ ☐ Addis
☐ ☐ Andricos
☐ ☐ Batjer
☐ ☐ Beers
☐ ☐ Brintnall
☐ ☐ Brooks
☐ ☐ Burns
☐ ☐ Childress
☐ ☐ Cobb
☐ ☐ Cockell
☐ ☐ Cohen
☐ ☐ Curtin
☐ ☐ Danzansky
☐ ☐ Dekok
☐ ☐ Donley
☐ ☐ Ebner
☐ ☐ Farrar
☐ ☒ Fortier
☐ ☐ Grant

FYI

☐ ☐ Grimes
☐ ☐ Heiser
☐ ☐ Henhoeffer
☐ ☐ Jameson
☐ ☒ Kelly, B
☐ ☐ Kelly, J
☐ ☐ Kimberling
☐ ☐ Leach
☐ ☐ Ledsky
☐ ☐ Levin
☐ ☐ Lewis
☐ ☐ Linhard
☐ ☐ Lowenkron
☐ ☐ Mahley
☐ ☐ McCue
☐ ☐ Melby
☒ ☐ Menan
☐ ☐ Miskel
☐ ☐ Onate

FYI

☐ ☐ Paal
☐ ☐ Pastorino
☐ ☐ Perina
☐ ☐ Popadiuk
☐ ☐ Porter
☐ ☐ Rodman
☒ ☐ Rostow
☐ ☐ Saunders
☐ ☐ Snider
☐ ☐ Tahir-Kheli
☐ ☐ Tice
☐ ☐ Tillman
☐ ☐ Tobey
☐ ☐ Wiant
☒ ☒ Van Eran
☐ ☐ _____
☐ ☐ _____
☐ ☐ _____
☐ ☐ _____

INFORMATION

☒ Stevens☐ Powell (advance)☒ Perito☐ Negroponte (advance)☒ Secretariat☐ Exec. Sec. Desk

COMMENTS

URGENT

Logged By

CE

Return to Secretariat

0183

WHITE HOUSE STAFFING MEMORANDUM

DATE: 1/13/89 ACTION/CONCURRENCE/COMMENT DUE BY: 12:00 1/17/89SUBJECT: EXECUTIVE ORDER "PRESIDENTIAL RECORDS"

	ACTION FYI			ACTION FYI	
VICE PRESIDENT	☐	☒	KRANOWITZ	☒	☐
DUBERSTEIN	☐	☒	MASENG	☐	☐
POWELL	☐	☒	RANGE	☐	☐
WRIGHT - OMB	☐	☐	RISQUE	☒	☐
OGLESBY	☐	☒	RYAN	☐	☐
CRIPPEN	☒	☐	SPRINKEL	☐	☐
CULVAHOUSE	☒	☐	TUCK	☐	☐
DAWSON	☐	☐	TUTTLE	☐	☐
DONATELLI	☐	☐	_____	☐	☐
FITZWATER	☐	☒	_____	☐	☐
HOBBS	☐	☐	_____	☐	☐
HOOLEY	☐	☐	_____	☐	☐

REMARKS:

Please provide oyour comments/recommendations directly to my office by 12:00 Tuesday, January 17. Thank you.

RESPONSE:

Rhett Dawson
Ext. 2702

EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

JAN 13 1983

MEMORANDUM FOR THE PRESIDENT

FROM: JOSEPH R. WRIGHT, JR.
DIRECTOR

SUBJECT: Proposed Executive Order Entitled
"Presidential Records"

SUMMARY: This memorandum forwards for your consideration a proposed Executive order, prepared by the Department of Justice, that would establish policies and procedures governing the assertion of executive privilege by incumbent and former Presidents in connection with the release of Presidential records by the National Archives and Records Administration.

BACKGROUND: Over the years, substantial litigation has occurred over the claim of executive privilege by a former President in connection with the release of Presidential records. As a result, and in furtherance of the Presidential Records Act of 1978, the Office of the Counsel to the President, in coordination with the Department of Justice and the National Archives and Records Administration, has prepared the proposed Executive order that would establish policies and procedures by which former and incumbent Presidents could invoke a claim of executive privilege regarding Presidential records prior to their release by the National Archives and Records Administration.

Specifically, once the Archivist of the National Archives and Records Administration (Archivist) notifies the incumbent or former President of his intent to disclose Presidential records, the proposed order would require the Archivist to identify any specific materials the disclosure of which might raise a substantial question of executive privilege. The proposed order then sets out procedures by which the incumbent President and former Presidents can determine whether to invoke or not to invoke executive privilege over the materials. In addition, the proposed order establishes a time limit within which a claim of executive privilege must be received by the Archivist or the requested Presidential record will be disclosed.

By issuing the proposed Executive order, you would establish clear procedures by which incumbent and former Presidents may invoke the claim of executive privilege to protect Presidential records maintained by the National Archives and Records Administration.

None of the affected agencies objects to the proposed Executive order.

RECOMMENDATION: I recommend that you sign the proposed Executive order.



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

JAN 13 1989

Honorable Dick Thornburgh
United States Attorney General
Washington, D.C. 20530

Dear Mr. Attorney General:

Enclosed, in accordance with the provisions of Executive Order No. 11030, as amended, is a proposed Executive order entitled "Presidential Records," prepared by the Department of Justice, that would establish policies and procedures governing the assertion of executive privilege by incumbent and former Presidents in connection with the release of Presidential records by the National Archives and records Administration.

Over the years, substantial litigation has occurred over the claim of executive privilege by a former President in connection with the release of Presidential records. As a result, and in furtherance of the Presidential Records Act of 1978, the Office of the Counsel to the President, in coordination with the Department of Justice and the National Archives and Records Administration, has prepared the proposed Executive order that would establish policies and procedures by which former and incumbent Presidents could invoke a claim of executive privilege regarding Presidential records prior to their release by the National Archives and Records Administration.

Specifically, once the Archivist of the National Archives and Records Administration (Archivist) notifies the incumbent or former President of his intent to disclose Presidential records, the proposed order would require the Archivist to identify any specific materials the disclosure of which might raise a substantial question of executive privilege. The proposed order then sets out procedures by which the incumbent President and former Presidents can determine whether to invoke or not to invoke executive privilege over the materials. In addition, the proposed order establishes a time limit within which a claim of executive privilege must be received by the Archivist or the requested Presidential record will be disclosed.

By issuing the proposed Executive order, the President would establish clear procedures by which incumbent and former

Presidents may invoke the claim of executive privilege to protect Presidential records maintained by the National Archives and Records Administration.

Your staff may direct any questions concerning this proposed Executive order to Mr. Mac Reed of this office (395-5600).

This proposed Executive order has the approval of the Director of the Office of Management and Budget.

Sincerely,



Alan Charles Raul
General Counsel

Enclosures

PRESIDENTIAL RECORDS

By virtue of the authority vested in me as President by the Constitution and laws of the United States of America, and in order to establish policies and procedures governing the assertion of executive privilege by incumbent and former Presidents in connection with the release of Presidential records by the National Archives and Records Administration pursuant to the Presidential Records Act of 1978, it is hereby ordered as follows:

Section 1. Definitions. For purposes of this order:

(a) "Archivist" refers to the Archivist of the United States or his designee.

(b) "NARA" refers to the National Archives and Records Administration.

(c) "Presidential Records Act" refers to the Presidential Records Act of 1978 (Pub. L. No. 95-591, 92 Stat. 2523-27, as amended by Pub. L. No. 98-497, 98 Stat. 2287), codified at 44 U.S.C. 2201-2207.

(d) "NARA regulations" refers to the NARA regulations implementing the Presidential Records Act. 53 Fed. Reg. 50404 (1988), codified at 36 C.F.R. Part 1270.

(e) "Presidential records" refers to those documentary materials maintained by NARA pursuant to the Presidential Records Act and the NARA regulations.

(f) "Former President" refers to the former President during whose term or terms of office particular Presidential records were created.

(g) A "substantial question of executive privilege" exists if NARA's disclosure of Presidential records might impair the national security (including the conduct of foreign relations), law enforcement or the deliberative processes of the executive branch.

(h) A "final court order" is a court order from which no appeal may be taken.

Sec. 2. Notice of Intent to Disclose Presidential Records.

(a) When the Archivist provides notice to the incumbent and former Presidents of his intent to disclose Presidential records pursuant to section 1270.46 of the NARA regulations, the Archivist, utilizing any guidelines provided by the incumbent and former Presidents, shall identify any specific materials, the disclosure of which he believes may raise a substantial question of executive privilege. However, nothing in this order is intended to affect the right of the incumbent or former Presidents to invoke executive privilege with respect to materials not identified by the Archivist. Copies of the notice for the incumbent President shall be delivered to the President (through the Counsel to the President) and the Attorney General (through the Assistant Attorney General for the Office of Legal Counsel). The copy of the notice for the former President shall be delivered to the former President or his designated representative.

(b) Upon the passage of 30 days after receipt by the incumbent and former Presidents of a notice of intent to disclose Presidential records, the Archivist may disclose the records covered by the notice, unless during that time period the Archivist has received a claim of executive privilege by the incumbent or former President or the Archivist has been instructed by the incumbent President or

his designee to extend the time period. If a shorter time period is required under the circumstances set forth in section 1270.44 of the NARA regulations, the Archivist shall so indicate in the notice.

Sec. 3. Claim of Executive Privilege by Incumbent President.

(a) Upon receipt of a notice of intent to disclose Presidential records, the Attorney General (directly or through the Assistant Attorney General for the Office of Legal Counsel) and the Counsel to the President shall review as they deem appropriate the records covered by the notice and consult with each other, the Archivist, and such other federal agencies as they deem appropriate concerning whether invocation of executive privilege is justified.

(b) The Attorney General and the Counsel to the President, in the exercise of their discretion and after appropriate review and consultation under subsection (a) of this section, may jointly determine that invocation of executive privilege is not justified. The Archivist shall be promptly notified of any such determination.

(c) If after appropriate review and consultation under subsection (a) of this section, either the Attorney General or the Counsel to the President believes that the circumstances justify invocation of executive privilege, the issue shall be presented to the President by the Counsel to the President and the Attorney General.

(d) If the President decides to invoke executive privilege, the Counsel to the President shall notify the former President, the Archivist and the Attorney General in writing of the claim of privilege and the specific Presidential records to which it relates. After receiving such notice, the Archivist shall not disclose the privileged records unless directed to do so by an incumbent President.

or by a final court order.

Sec. 4. Claim of Executive Privilege by Former President.

(a) Upon receipt of a claim of executive privilege by a former President, the Archivist shall consult with the Attorney General (through the Assistant Attorney General for the Office of Legal Counsel), the Counsel to the President, and such other federal agencies as he deems appropriate concerning the Archivist's determination as to whether to honor the former President's claim of privilege or instead to disclose the Presidential records notwithstanding the claim of privilege. Any determination under section 3 of this order that executive privilege shall not be invoked by the incumbent President shall not prejudice the Archivist's determination with respect to the former President's claim of privilege.

(b) In making the determination referred to in subsection (a) of this section, the Archivist shall abide by any instructions given him by the incumbent President or his designee unless otherwise directed by a final court order. The Archivist shall notify the incumbent and former Presidents of his determination at least 30 days prior to disclosure of the Presidential records, unless a shorter time period is required in the circumstances set forth in section 1270.44 of the NARA regulations. Copies of the notice for the incumbent President shall be delivered to the President (through the Counsel to the President) and the Attorney General (through the Assistant Attorney General for the Office of Legal Counsel). The copy of the notice for the former President shall be delivered to the former President or his designated representative.

Sec. 5. Judicial Review. This order is intended only to improve the internal management of the Executive Branch,

and is not intended to create any right or benefit,
substantive or procedural, enforceable at law by a party
against the United States, its agencies, its officers, or
any person.

THE WHITE HOUSE,

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

8537

December 7, 1988

ACTION

MEMORANDUM FOR PAUL SCHOTT STEVENS

FROM: NICHOLAS ROSTOW *NR*

SUBJECT: Presidential Records Act Obligations

At Tab I is a memorandum from you to A.B. Culvahouse and Rhett Dawson responding to their memorandum (Tab II) concerning NSC staff obligations to transfer presidential records to the Archivist. Your memorandum assures them that we are taking the necessary steps to arrange for the transfer of the bulk of presidential records by January 10, 1989, with any remaining records to be transferred by January 19.

JP
Nancy Menan, Carol Paquette *CP* and George Van Eron *GE* concur.

RECOMMENDATION

That you sign the memorandum at Tab I.

Approve _____

Disapprove _____

Attachments

Tab I Memorandum to Culvahouse and Dawson
Tab II Incoming

ORM concurs per telecon 12/8/88 with Van Eron

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

8537

MEMORANDUM FOR ARTHUR B. CULVAHOUSE, JR.
RHETT B. DAWSON

FROM: PAUL SCHOTT STEVENS

SUBJECT: Presidential Records Act Obligations of
Departing Staff

Thank you for your memorandum of December 7, 1988 on the obligations of departing staff under the Presidential Records Act. The originals of all presidential records in the possession of the NSC or the NSC staff are required to be entered into the formal record systems of the NSC Secretariat. Copies of certain presidential records may exist in NSC staff convenience files. The necessary procedures are already in place to ensure that the bulk of the presidential records in the NSC Secretariat's systems and in NSC staff convenience files will be transferred to the Office of Records Management (ORM), or directly to the National Archives and Records Administration, pursuant to an agreement with ORM, on or before January 10, 1989, with the remainder to be transferred by 5:00 p.m. on January 19, 1989.

THE WHITE HOUSE

WASHINGTON

8537

December 7, 1988

MEMORANDUM FOR PAUL SCHOTT STEVENS
EXECUTIVE SECRETARY, NATIONAL SECURITY COUNCIL

FROM: ARTHUR B. CULVAHOUSE, JR. *BC*
COUNSEL TO THE PRESIDENT

M
RHETT B. DAWSON
ASSISTANT TO THE PRESIDENT FOR OPERATIONS

SUBJECT: Presidential Records Act Obligations
of Departing White House Staff

By the earlier of either the date of departure from the Executive Office of the President or January 10, 1988, you and the members of your staff are required, under the terms of the Presidential Records Act, to transfer all of your "Presidential records" to the Office of Records Management. The Office of the Counsel to the President has prepared the attached advisory memorandum on the disposition of Presidential Records; that memorandum also specifies a timetable for the transfer of records to the Office of Records Management. While that memorandum is addressed specifically to the White House Office Staff, the guidance and timetables it provides are equally applicable to the Presidential records created or received in your offices. Consequently, we recommend that you distribute this memorandum to all members of your staff who may be in possession of Presidential records and advise them to comply with the guidance and timetables specified therein.

In addition, the Office of the Counsel to the President will hold one or more briefings on Presidential Records Act issues, which will be available to members of your staff as well as the Staff of the White House Office. You will receive a notice of these briefings when they are scheduled.

Please feel free to contact White House Counsel's Office with any questions you have on the Presidential Records Act. The Office of Records Management should be consulted on any questions with respect to the logistics of transferring your records to White House Central Files.

Thank you for your assistance in this matter.

Attachment

THE WHITE HOUSE

WASHINGTON

December 1, 1988

MEMORANDUM FOR WHITE HOUSE STAFF

FROM: ARTHUR B. CULVAHOUSE, JR. 
COUNSEL TO THE PRESIDENT

SUBJECT: Presidential Records Act Obligations
of Departing White House Staff

As President Reagan's term begins to draw to a close, increasing numbers of White House staff members are requesting advice with respect to the disposition of the records they have accumulated during their tenure. While guidance on the disposition of White House records is contained in the White House Staff Manual, this appears to be an appropriate time to remind you of your obligations under the Presidential Records Act, and to provide you with a timetable for the transfer of records to the Office of Records Management.

In addition, Counsel's Office is planning on holding one or more briefings in the next month to provide further guidance on the disposition of Presidential records for interested staff members. In the interim, any questions that you have about the requirements of the Presidential Records Act should be addressed to Counsel's Office. Questions concerning the logistics of transferring your records to White House Central Files should be addressed to the Office of Records Management.

Presidential Records Act Obligations

As discussed at greater length in the White House Staff Manual, the ownership, maintenance and disposition of Presidential documents are governed by the Presidential Records Act. The requirements of that Act apply to all records of the White House Office, the Office of Policy Development, the Council of Economic Advisers, the President's Foreign Intelligence Advisory Board and the President's Intelligence Oversight Board. Those requirements also apply to certain records of the National Security Council and to records produced or received by the Director of the Office of Science and Technology Policy in his role as science adviser to the President.

The Presidential Records Act requires that staff members adequately document the performance of the President's constitutional, statutory and ceremonial duties; the decision as to whether information should be memorialized in the first instance rests with each staff member. In general, papers and similar

materials found in the White House fall into one of three categories, */ each of which are subject to different treatment:

1. Presidential Records: Presidential records are the official documents written and received not only by the President but also by his staff. These records encompass any form of memorializing information concerning the President's constitutional, statutory and ceremonial duties, including but not limited to written documents, models, pictures, films and audio and electronic recordings. Presidential records are the property of the United States and when you leave the White House, you should deliver all Presidential records to the Office of Records Management at the White House. To ensure that the President maintains the maximum controls permitted by law, staff members may not retain copies of Presidential records upon departure from the White House.
2. Personal Records: Personal records are the private papers that staff members might keep in their offices. Examples of such papers include insurance claim forms, purely personal correspondence, or personal diaries or journals. Personal documents and files, as indicated in the White House Staff Manual, should have been stored separately from official records. They are your personal property and may be removed by you upon your departure from the White House, or handled in any other manner you so desire.
3. Nonrecord Materials: These are materials that do not rise to the level of a record, meaning that the material (1) does not contain information that either must be memorialized or is not available in a later version of the same document and (2) has been kept by you exclusively for your own use and reference and not made accessible to others on the staff. Examples of nonrecord materials include preliminary drafts of memoranda that are modified before being forwarded to another individual, unimportant notes to your secretary, notes of meetings taken solely for your convenience, and certain telephone and visitor logs. While staff members are free to dispose of materials that are truly nonrecord, because such materials contain official information, you may not remove them from the White House.

*/ The NSC and OSTP have a fourth category of records, federal records, which are official government records not subject to the Presidential Records Act. A staff member departing from these offices is required to leave the originals of his federal records with his office. Staff members may take copies of their federal records as authorized by the Freedom of Information Act and the guidelines of their respective offices.

Preparation of Presidential Records for Delivery to ORM

Prior to transferring files to ORM, staff members should ensure that they have gathered together all Presidential records and appropriately filed them. While the vast bulk of your records should already appear in well-organized files, you should take care to review your word-processing and/or PROFS computer memory to ensure that you have made a hard copy of all "record" material appearing there which can be transferred to ORM. Users of the EOP Electronic Mail system should be aware that while many electronic mail messages may be the equivalent of telephone calls and not rise to the level of record materials, some of them may contain information concerning the President's constitutional, statutory and ceremonial duties that you are required, under the terms of the Presidential Records Act, to memorialize. Those messages that do contain that information should be converted into hard copy for transfer to ORM.

In addition, staff members should, to the extent possible, ensure that any files that they have which contain particularly sensitive information are clearly labelled to reflect that fact. Under the terms of the Presidential Records Act, as well as available constitutional and common law privileges, most of the sensitive Presidential records can be protected, at least for a specified time period, from public access. While Archives personnel, in consultation with President Reagan or his designees, will review all Presidential records and segregate out at least those records that are to be protected under the Presidential Records Act, to avoid inadvertent release of sensitive information it is useful for those who created them, to the extent possible, to mark those files. Possible file labels may include:

- (1) This file contains classified information (in general, this label should be unnecessary as classified files should already be clearly marked).
- (2) This file contains information the release of which may be prejudicial to the maintenance of good relations with foreign nations (the vast bulk of such information should be classified and therefore would fall within category Number 1 above).
- (3) This file contains sensitive personal information the release of which may be embarrassing to the individuals mentioned or to their families.
- (4) This file contains sensitive information involving the confidential advice requested by or provided to the President or his advisers.
- (5) This file contains sensitive law enforcement materials.

- (6) This file contains trade secrets or sensitive commercial or financial information.

Delivery of Presidential Records to ORM

As noted above, departing staff members are responsible for ensuring that their Presidential Records are appropriately filed and transferred to ORM. In fact, as part of the official check-out procedures, departing staff members must certify that they have transferred their Presidential records to ORM. Under the Presidential Records Act, the United States Archivist will, upon the completion of the Administration, assume custody of the official records of President Reagan and his staff and will transport them to California where they eventually will be housed in the Ronald Reagan Presidential Library. While, as a general matter, staff members should transfer their files to ORM as they depart from the White House, in order to complete in a timely manner the logistical arrangements for moving these records to California, staff members who are staying on until or through January 20, 1989 **/ should comply with the following timetables:

1. Staff members should deposit in Central Files no later than Monday, January 10, all of their Presidential records, with the exception of those records which are essential for the President to carry out his official duties.
2. Those essential records not deposited on or before January 10, along with other records generated after January 10, must be deposited with Central Files by 5:00 p.m. on January 19. (Failure to transfer these records to ORM by January 19 may result in providing members of the new Administration with sensitive information to which they would otherwise not have access.)

To further aid in efforts to prepare these records for shipping to California, each staff member should, as soon as possible, deposit those of his or her Presidential records that are not needed for ongoing business with White House Central Files. Those records can, of course, be returned to the staff member from Central Files if they later become needed.

Archives' Assessments of Records Volume

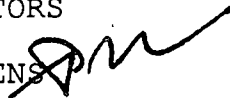
Finally, staff members should be aware that as part of the preparations for transporting President Reagan's records to California, representatives of the Archivist will, beginning next

**/ It is important for those members of the White House staff who may be remaining at the White House after January 20 to realize that you must nevertheless transfer all of your official records of the Reagan Administration to ORM in accordance with the timetables specified in this memorandum.

week, visit individual offices solely for the purpose of ascertaining the volume of records stored there. White House staff members should cooperate fully with the efforts of Archives personnel to make these assessments.

ACTION

MEMORANDUM FOR NSC SENIOR DIRECTORS

FROM: PAUL SCHOTT STEVENS 
SUBJECT: Transition Issues Paper

As part of our effort to facilitate an orderly transition of responsibilities at the NSC, it will be necessary to assemble a collection of issue papers for the incoming administration. Each of the directorates is expected to contribute a paper on major policy or other issues under its purview.

The preparation of the issue paper should be guided by the need to identify critical matters that (1) will require attention prior to January 21st, and (2) will require attention in the first six months of the incoming administration.

You should focus on the critical decision points arising during these time periods. Discussions should be succinct and action oriented. The attached sample indicates the format I have in mind. Limit your submission to approximately 5 pages.

Please provide your submission to me by COB November 8th.

Attachment
Sample Issues Paper

Transition Issues Paper

DIRECTORATE OF EUROPEAN AFFAIRS

Issues requiring attention prior to January 20th

NATO - Committee on the Challenges of Modern Society
(NATO/CCMS)

NATO/CCMS will hold its Spring 1977 Plenary two weeks after the new Administration takes office. The Plenary is being held in conjunction with a major environmental trade fair on February 8-9, 1977, in Dusseldorf. The Germans are making elaborate preparations for the meeting. A large part of the FRG governmental superstructure will be on hand--from the President on down. The meeting is both an important event and an opportunity for NATO and CCMS in Germany. The appointment of the US Representative and Alternate Representative to the February 8-9 Plenary is a matter warranting attention.

Issues requiring attention in the first six months

U.S. Policy toward Malta

The current 1972 agreement providing for UK military facilities in Malta expires March 31, 1979. The United States and other NATO Allies have underwritten the costs of this agreement with the UK, with the US annual contribution amounting to \$9.5 million. The British withdrawal is scheduled to proceed in phases through October 1978, when British forces on the island become non-operational. As the expiration date nears, the Government of Malta can be expected to intensify efforts to make follow-on financial arrangements with the US and various Western European countries to cover the loss of revenue caused by British departure. In October 1976, the North Atlantic Council of NATO began consultations on the position to be taken by Alliance members on this issue. The key Alliance objective continues to be denial of Malta to the USSR.

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NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

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December 12, 1988

MEMORANDUM FOR WILLIAM J. BURNS
RICHARD T. CHILDRESS
MICHAEL B. DONLEY
STEPHEN P. FARRAR
NELSON C. LEDSKY
D. BARRY KELLY
JAMES A. KELLY
ROBERT S. PASTORINO
RICHARD M. SAUNDERS

FROM: PAUL SCHOTT STEVENS *jsm*
SUBJECT: NSC, PRG and NSPG Meeting Minutes

Attached is a list of meetings for which Secretariat has no official record. Please provide my office with the appropriate minutes by close of business, December 16, 1988. I recognize that some of these meetings pre-date your arrival at the NSC; however, please do your best to complete our files.

Attachment
As described

DECLASSIFIED
White House Guidelines
E.O. 13526, SEC 3.4 (b), September 11, 2006
By *MS* NARA, Date *9/3/19*

UNCLASSIFIED UPON
REMOVAL OF CLASSIFIED
ATTACHMENTS

UNCLASSIFIED with
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Declassify on: OADR

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Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
04a. List	PRG Meetings Without Minutes (1 pp.)	n.d.	(b)(1)	TS

Collection:

Record Group: Bush Presidential Records

Office: National Security Council

Series: H-Files

Subseries: Transition Files

WHORM Cat.:

File Location: [NSC: Reagan-Bush Transition Background Materials - Volume I - January 1989] [1]

Date Closed: 9/3/2019	OA/ID Number: 99016-001
FOIA/SYS Case #: 2019-1493-S	Appeal Case #:
Re-review Case #:	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

Freedom of Information Act (FOIA) - [5 U.S.C. 552(b)]

- (b)(1) National security classified information
- (b)(2) Release would disclose internal personnel rules and practices of an agency
- (b)(3) Release would violate a Federal statute
- (b)(4) Release would disclose trade secrets or confidential or financial information
- (b)(6) Release would constitute a clearly unwarranted invasion of personal privacy
- (b)(7) Release would disclose information compiled for law enforcement purposes
- (b)(8) Release would disclose information concerning the regulation of financial institutions
- (b)(9) Release would disclose geological or geophysical information concerning wells

Deed of Gift Restrictions

- C(1) Closed by Executive Order 13526, governing access to national security information
- C(2) Closed by statute or by the agency which originated the information
- C(3) Closed in accordance with restrictions contained in donor's deed of gift [formerly listed as only C]
- PRM. Removed as a personal record misfile

Presidential Records Act - [44 U.S.C. 2204(a)]

- P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]

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NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

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December 9, 1988

MEMORANDUM FOR PAUL SCHOTT STEVENS

FROM: GEORGE VAN ERON *GV*
SUBJECT: NSC PRG and NSPG Meeting Minutes

Attached at Tab I is a memorandum from you to specific Directors requesting meeting minutes outstanding with their directorates. We are requesting that they submit minutes of these meetings by December 16, 1988.

Recommendation

That you sign the memorandum to the Directors at Tab I.

Approve *GV* Disapprove _____

Attachments

Tab I Memorandum for Directors
with meetings list

Prepared by
Theresa Clark

DECLASSIFIED
White House Guidelines
E.O. 13526, SEC 3.4 (b), September 11, 2006
By *ME* NARA, Date *9/3/19*

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The NSC deals with three files, White House Central Files (WH), Presidential Files (PA) and the National Security Council Files (IF, NS, EO, INT). It should be noted that WH and PA are two parts to the same Presidential Non-NSC File. WH consists primarily of unclassified and protocol oriented material, while PA consists of highly classified and substantive National Security matters.

I) WHITE HOUSE CENTRAL FILES

Generally unclassified
Public Correspondence
Congressional Correspondence
Non-substantive Head of State Correspondence
Non-substantive Presidential/APNSA appointment requests, talkers and memcons
Credentials Ceremonies
Courtesy Calls
CAB (Aviation) Dockets
Legislative Referrals
Enrolled Bills
Hutcheson (WH Staff Secretary) Referrals
Agreements
Foreign Visitor Travel Arrangements, i.e. use of Blair House and Aircraft Requests
Foreign Travel
Routine Anniversary, Sympathy Messages
Messages to Congress, Treaties, etc...

II) PRESIDENTIAL FILES (PA)

Generally Classified Material
Action and Information Memoranda from the Staff to APNSA, DAPNSA and the President on Substantive National Security Matters, i.e. Arms Transfers, FMS, Events, Sitreps, Coups, etc....
State Visits, i.e. Briefing Books
Presidential Trips Abroad
Substantive Heads of State Correspondence

III) NATIONAL SECURITY COUNCIL FILES (IF, NS, INT, EO...)

Please note that the NSC files referred to here are the material logged and controlled by the Office of the Staff Secretary and the Secretariat. Other NSC files consist of unlogged files of the NSC Administrative Office and Intelligence Cluster.

PDs, PRMs and related material
PRC, SCC (Including mini SCCs & PRCs), and NSC Meeting Data, i.e. briefing papers, Summary of Conclusions
NSC Ad Hoc Committees
NSC Logged Intelligence material (INT), generally overt
NSC Logged Administrative and functional items, i.e. NSC travel, speaking engagements, plans, etc....
Congressional and Executive Department Access Requests for Classified Documents
FOI / EO / Privacy Act Case Files (FOI/EO/PRI)

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WASHINGTON, D.C. 20506

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August 5, 1988

MEMORANDUM FOR ARTHUR B. CULVAHOUSE, JR.

FROM: NICHOLAS ROSTOW *NR*

SUBJECT: Presidential and Other Records in the Custody of the NSC

At Tab A is an inventory of the principal categories of documents in the custody of the National Security Council (NSC). The inventory is divided into presidential and other records and is forwarded to you for your comments.

A. Summary

Historically, the NSC staff has maintained records generated or received in the course of its business in two systems: "presidential records" and "institutional records." This distinction reflected the NSC's dual mission as described in NSDD 266: the Assistant to the President for National Security Affairs (the "National Security Advisor") both advises the President and manages the work of the NSC as a Council. The NSC staff assists the National Security Advisor in both of these capacities.

A functional test has been used to distinguish between presidential and institutional records. As a general matter, presidential records were those records associated with the National Security Advisor's and NSC staff's advisory functions independent of NSC or NSC subgroup meetings, and institutional records were those records associated with their management functions involving the statutory NSC interagency process. The practice also has been to use the category of presidential records as the catch-all -- if a document is not an institutional record (as defined) then it is a presidential record (unless it is a "personal record," or it does not rise to the level of a "record" at all).

I believe that the enactment of the Presidential Records Act, 44 U.S.C. 2201 et seq., requires a change in this approach. The definition of presidential records in that Act should govern -- documents meeting the definition should be classified as presidential-records, those that do not are some other kind of records (whether called institutional, agency, personal, or nonrecords). This approach will require a substantial change in characterization -- for example, many documents related to NSC meetings that were previously considered institutional will now be considered presidential.

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White House Guidelines

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EO 13526, SEC 3.4 (b), September 11, 2006
By *MB* NARA, Date *9/3/19*

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B. Statutory Framework

The Federal Records Act requires Federal agencies to create and maintain a minimum record of their activities. The Act provides:

The head of each Federal agency shall make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures and essential transactions of the agency and designed to furnish the information necessary to protect the legal and financial rights of the Government and of persons directly affected by the agency's activities.

44 U.S.C. 3301. The Act defines records to include:

. . . all books, papers, maps, photographs, machine readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the Government or because of the informational value of data in them. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included.

44 U.S.C. 3301.

The Presidential Records Act, 44 U.S.C. 2201 et seq., requires the preservation of "presidential records," and provides that at the end of an Administration presidential records are to be turned over to the Archivist. The term "presidential records" is defined as:

documentary materials, or any reasonably segregable portion thereof, created or received by the President, his immediate staff, or a unit or individual of the Executive Office of the President whose function is to advise and assist the President, in the course of conducting activities which relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of the President. Such term--

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(A) includes any documentary materials relating to the political activities of the President or members of his staff, but only if such activities relate to or have a direct effect upon the carrying out of constitutional, statutory, or other official or ceremonial duties of the President; but

(B) does not include any documentary materials that are (i) official records of an agency (as defined in section 552(e) of title 5, United States Code); (ii) personal records; (iii) stocks of publications and stationery; or (iv) extra copies of documents produced only for convenience of reference, when such copies are clearly so identified.

44 U.S.C. 2201(2). The Presidential Records Act also provides that the President

shall take all such steps as may be necessary to assure that the activities, deliberations, decisions, and policies that reflect the performance of his constitutional duties are adequately documented and that such records are maintained as presidential records pursuant to the requirements of this section and other provisions of law.

44 U.S.C. 2203(a).

As provided in section 2201, agency records by definition are not presidential records. These two terms cover the field as far as "records" are concerned, except for purely "personal records."* See H. Rep. No. 95-1487, 95th Cong., 2d Sess. 3 (1978), reprinted in 1978 U.S. Code Cong. & Ad. News 5732, 5734 (1978) ("The intent [of the Presidential Records Act] is that all records which are neither agency records subject to [the Freedom of Information Act (FOIA)] nor personal records would fall within the ambit of Presidential records.")

* The Presidential Records Act defines "personal records" as:

all documentary materials, or any reasonably segregable portion thereof, of a purely private or nonpublic character which do not relate to or have an affect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of the President.

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The distinction between presidential and agency or institutional records has several important consequences, including:

(1) presidential records must be transferred to a President's Library (if any) at the end of an Administration. As a general rule, all presidential documents (including the original and all copies*) are supposed to be removed and transferred to the Presidential Library at the end of the Administration;

(2) institutional records are subject to FOIA, presidential records are not; (3) there may be differences in terms of access by Congress or private parties in litigation.

(footnote continued from previous page)

Such term includes --

(A) diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal which are not prepared or utilized for, or circulated or communicated in the course of, transacting Government business;

(B) materials relating to private political associations, and having no relation to or direct effect upon the carrying out of constitutional, statutory, or other official or ceremonial duties of the President; and

(C) materials relating exclusively to the President's own election to the office of the Presidency, and materials directly relating to the election of a particular individual or individuals to Federal, State, or local office, which have no relation to or direct effect upon the carrying out of constitutional, statutory, or other official or ceremonial duties of the President.

44 U.S.C. 2201(3). The Federal Records Act does not contain a definition of personal records. As discussed below, it would probably be more analytically precise to think of "personal records" as defined in the Presidential Records Act as not being "records" at all.

* As discussed below, the Presidential Records Act does not require the transfer of copies "produced only for convenience of reference, when such copies are clearly so identified." In practice, however, all copies apparently have been transferred.

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C. Inventory of Types of Records in the Custody of the NSC

In responding to document requests made during the various investigations of the Iran-Contra matter, we conducted an inventory of documents located in NSC files. The inventory encompassed not only Secretariat records and the files of NSC professional staff, but also those of the White House Situation Support Staff (WHSSS), which includes the Situation Room.

From this inventory, we have developed a listing of the categories of documents maintained in NSC custody, and endeavored to differentiate between those that are presidential and those that are not. If the category appeared to meet the test in the Presidential Records Act ("materials . . . created or received by the President, his immediate staff, or a unit or individual of the Executive Office of the President whose function is to advise and assist the President in the course of conducting activities which relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of the President"), it was treated as presidential. All other categories of documents are listed as "other." The results of this review, by category and type of records, are reflected at Tab A.

This list represents a substantial change from past practice and better reflects the nature of the documents. I believe it is consistent with, and arguably is required by, the Presidential Records Act. (The legislative history of the Presidential Records Act provides that "that which is now subject to FOIA would remain so and that which is not now subject to FOIA would be subject to the Presidential Records Act." H. Rep. No. 95-1487, 95th Cong., 2d Sess. 11 (1978), reprinted in 1978 U.S. Code Cong. & Ad. News 5732, 5742 (1978). In context, the legislative history appears to discuss what is or is not an "agency" for the purpose of FOIA, not whether particular documents are presidential or not. Id. In any event, even if the Presidential Records Act was not intended to alter the category in which particular documents belong - presidential versus agency -- I believe that the test set forth herein more accurately categorizes records than the historical approach used at the NSC.) -

Tab A does not include documents, such as perishable intelligence publications from other agencies, which are not retained by the NSC staff. Nor does it include electronic messaging (including "PROFS" notes) as a separate category. In my view, such messages

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are best characterized as substitutes for telephone conversations, and do not, in general, rise to the level of "records."* We are working on a separate memorandum dealing with electronic mail and would appreciate guidance from your office in this regard.

D. Request to Retain Presidential Records

The NSC would like to keep copies of the following presidential records after January 20, 1989: (1) NSDDs and NSSDs; (2) NSC and NSC subgroup meeting data (agendas, minutes, and related memoranda); (3) Findings and Memoranda of Notification; and (4) presidential documents contained in the WHSSS filing system that chronicle decision-making during crises and other national security events.

In accordance with the Presidential Records Act, the originals of these documents would be transferred to the Archivist and the retained copies would be identified as copies.**

E. Guidance Requested

Mindful of the President's personal interests in this matter, the traditional prerogatives of his office, and the importance both of observing the requirements of the Presidential Records Act and of properly implementing the President's instructions in NSDD 266, I would appreciate your concurrence and any advice you may have concerning NSC's proposed approach to these issues.

Attachment

Tab A Proposed Listing of NSC Presidential and Institutional Records

* Where a PROFS note or other electronic mail contains information "appropriate for preservation" as evidence of one of the items listed in the Federal Records Act, or "necessary to assure . . . adequate[] document[ation]" of one of the items listed in the Presidential Records Act, that information must be preserved either in the form of a separate record or by printing out and retaining a copy of the note. In that case, the resulting document would be an institutional or presidential record depending on the subject-matter and context in accordance with the general rules stated herein.

** As noted above, the Presidential Records Act specifically allows for the retention of "extra copies of documents produced only for convenience of reference, when such copies are clearly so identified." 44 U.S.C. 2201(2)(B)(iv).

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Withdrawal/Redaction Sheet

(George Bush Library)

Document No. and Type	Subject/Title of Document	Date	Restriction	Class.
04b. List	Presidential Files (4 pp.)	n.d.	(b)(1)	S

Collection:

Record Group: Bush Presidential Records

Office: National Security Council

Series: H-Files

Subseries: Transition Files

WHORM Cat.:

File Location: [NSC: Reagan-Bush Transition Background Materials - Volume I - January 1989] [1]

Date Closed: 9/3/2019	OA/ID Number: 99016-001
FOIA/SYS Case #: 2019-1493-S	Appeal Case #:
Re-review Case #:	Appeal Disposition:
P-2/P-5 Review Case #:	Disposition Date:
AR Case #:	MR Case #:
AR Disposition:	MR Disposition:
AR Disposition Date:	MR Disposition Date:

RESTRICTION CODES

Freedom of Information Act (FOIA) - [5 U.S.C. 552(b)]

- (b)(1) National security classified information
- (b)(2) Release would disclose internal personnel rules and practices of an agency
- (b)(3) Release would violate a Federal statute
- (b)(4) Release would disclose trade secrets or confidential or financial information
- (b)(6) Release would constitute a clearly unwarranted invasion of personal privacy
- (b)(7) Release would disclose information compiled for law enforcement purposes
- (b)(8) Release would disclose information concerning the regulation of financial institutions
- (b)(9) Release would disclose geological or geophysical information concerning wells

Deed of Gift Restrictions

- C(1) Closed by Executive Order 13526, governing access to national security information
- C(2) Closed by statute or by the agency which originated the information
- C(3) Closed in accordance with restrictions contained in donor's deed of gift [formerly listed as only C]
- PRM. Removed as a personal record misfile

Presidential Records Act - [44 U.S.C. 2204(a)]

- P-2 Relating to the appointment to Federal office [(a)(2) of the PRA]
- P-5 Release would disclose confidential advice between the President and his advisors, or between such advisors [(a)(5) of the PRA]

PRESIDENTIAL RECORDS ACT

The ownership, maintenance and disposition of Presidential documents are governed by the Presidential Records Act, 44 U.S.C. §§ 2201-07 (the "Act"). The Act's requirements must be followed by White House and Executive Office staff. Pending issuance of regulations by the Archivist of the United States, the following guidance should be followed with respect to these records.

I. Types of Records Covered by the Act

The Act defines "Presidential records" to include not only the official documents written and received by the President but also the official records created or received by his staff. While the Act requires that staff members adequately document the performance of the President's constitutional, statutory and ceremonial duties, the decision whether information should be memorialized in the first instance remains with each staff member. For example, it is within the discretion of a staff member to dispose of scratch pads, unimportant notes to one's secretary and the like, provided this is done contemporaneously and is based upon a determination that creation of a record is not required in the circumstance. "Presidential records" encompass any form of memorializing information, including but not limited to written documents, models, pictures, films and audio and electronic recordings. Records relating to political activities which are undertaken in the course of carrying out the President's official or ceremonial duties are Presidential records (e.g., political briefing papers for official trips and official meetings are Presidential records. Records relating to political activities not associated with the President's official duties are not Presidential records (e.g. materials for political and campaign-related meetings and trips.)

Private papers, which staff members might keep in their offices, such as insurance claim forms or purely personal correspondence, are personal, not Presidential records. Personal records include phone logs, visitor logs, notes, diaries or journals that are kept by a staff member exclusively for his or her own use and reference, are not accessible to others on the staff and are not used for transacting

government business. Personal documents and files should be segregated and stored separately from official records.

II. Units of the Executive Office of the President Covered by the Act

All records of the White House Office, the Office of Policy Development, the Council of Economic Advisers and the Intelligence Oversight Board are Presidential records.

Records of the Office of Management and Budget, the Office of the United States Trade Representative, the Council on Environmental Quality, and the Office of Administration are federal, not Presidential, records.

The records of the National Security Council staff are federal records if they were received or created in connection with the work of the statutorily-created National Security Council (including any interagency groups convened under National Security Council auspices). Additionally the NSC's internal administrative records are federal records. The records of the National Security Council staff are Presidential records if they were received or created for the President, the Assistant to the President for National Security, his Deputy or a member of the White House staff independently of any meeting or policy and staff actions of the NSC or its various groups.

The records of the Office of Science and Technology Policy are federal records; however, those records produced or received by the Director of OSTP in his role as Science Advisor to the President are Presidential records and should be segregated as such.

III. Maintenance of Presidential Records

The law imposes an affirmative obligation on staff members to document adequately the performance of the President's constitutional, statutory and ceremonial duties. Staff members are urged to document the performance of their duties and preserve these records in complete and orderly files. Personal records should be kept apart from official records and clearly labeled as such. Moreover, those officials or units which maintain both Presidential records and federal records should file them separately with a clear indication of whether they are Presidential or federal.

Assistance in distinguishing between Presidential, federal and personal records can be obtained from the Office of the Counsel to the President. Assistance in establishing file systems can be obtained from the White House Office of Records Management.

IV. Disposition and Destruction of Presidential Records

Once a decision is made to memorialize and maintain information as a Presidential record it becomes the property of the United States and may be disposed of only in accordance with procedures established by the Archivist of the United States. The Act prohibits the disposal of Presidential records unless those records no longer have administrative, historical, informational, or evidential value. Moreover, before disposing of any records the President must notify the Archivist and under some circumstances appropriate Congressional committees.

The White House Office of Records Management ("ORM") maintains records disposal schedules, which have been approved by the Archivist, for certain recurring types of disposable papers, such as form letter public mail, anonymous public mail, unsuccessful and unsolicited applications for employment, and enclosures received in public mail. If you have a recurring type of disposable material in your office, you may wish to request that ORM enter it on the records disposal schedule. Before you dispose of any documents, contact ORM to determine whether the category of items involved has been approved for disposal. Such prior notice is not necessary for destruction of exact duplicates of documents which are being maintained, or for copies of officially published documents, such as printed reports, etc.

ORM can also arrange for storage of records which are to be preserved, but for which there is no longer a current need. Offices are encouraged to develop systematic records retirement schedules, reserving filing space for those records for which there is a current need.

V. Legal Control of Presidential Records

Presidential records remain in the custody and control of the President during his term of

Office and are not accessible to the public under the Freedom of Information Act. In contrast, federal records are accessible to the public under the provisions of the Freedom of Information Act.

Upon completion of the Administration, the Archivist acquires custody of Presidential records. However, the President may assert control for twelve years over public access to certain categories of records. Basically, these categories are: (a) security classified items; (b) documents related to appointments to Federal office; (c) items specifically exempted from disclosure by other statutes; (d) trade secrets and commercial or financial information; (e) confidential communications requesting or submitting advice between the President and his advisers, or between such advisers; and (f) personnel or medical files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Thereafter, public access is determined by the Freedom of Information Act, subject in all cases to the President's right to invoke any Constitutional privilege against disclosure.

VI. Records that May be Retained by Staff Members Upon Departure

To insure that the President maintains the maximum controls permitted by law, staff members may not remove copies of Presidential records from their offices either now or at the end of the Administration. When a staff member leaves the White House, he or she shall deliver all files and records to ORM at the White House or, in the case of the National Security Council staff, to the Executive Secretariat of the National Security Council. Federal records shall be left with the appropriate agency. Staff members may remove only those records which are purely personal.

The foregoing is designed to provide general guidance with respect to the Presidential Records Act. Specific questions of coverage or interpretation should be addressed to the Counsel's Office. Assistance in records maintenance and storage can be obtained from the White House of Records Management.

Assistance in distinguishing between Presidential, federal and personal records can be obtained from the Office of the Counsel to the President. Assistance in establishing file systems can be obtained from the White House Office of Records Management.

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The White House Office of Records Management ("ORM") maintains records disposal schedules, which have been approved by the Archivist, for certain recurring types of disposable papers, such as form letter public mail, anonymous public mail, unsuccessful and unsolicited applications for employment, and enclosures received in public mail. If you have a recurring type of disposable material in your office, you may wish to request that ORM enter it on the records disposal schedule. Before you dispose of any documents, contact ORM to determine whether the category of items involved has been approved for disposal. Such prior notice is not necessary for destruction of exact duplicates of documents which are being maintained, or for copies of officially published documents, such as printed reports, etc.

ORM can also arrange for storage of records which are to be preserved, but for which there is no longer a current need. Offices are encouraged to develop systematic records retirement schedules, reserving filing space for those records for which there is a current need.

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VI. Records that May be Retained by Staff Members Upon Departure

To insure that the President maintains the maximum controls permitted by law, staff members may not remove copies of Presidential records from their offices either now or at the end of the Administration. When a staff member leaves the White House, he or she shall deliver all files and records to ORM at the White House or, in the case of the National Security Council staff, to the Executive Secretariat of the National Security Council. Federal records shall be left with the appropriate agency. Staff members may remove only those records which are purely personal.

The foregoing is designed to provide general guidance with respect to the Presidential Records Act. Specific questions of coverage or interpretation should be addressed to the Counsel's Office. Assistance in records maintenance and storage can be obtained from the White House of Records Management.

Assistance in distinguishing between Presidential, federal and personal records can be obtained from the Office of the Counsel to the President. Assistance in establishing file systems can be obtained from the White House Office of Records Management.

IV. Disposition and Destruction of Presidential Records

Once a decision is made to memorialize and maintain information as a Presidential record it becomes the property of the United States and may be disposed of only in accordance with procedures established by the Archivist of the United States. The Act prohibits the disposal of Presidential records unless those records no longer have administrative, historical, informational, or evidential value. Moreover, before disposing of any records the President must notify the Archivist and under some circumstances appropriate Congressional committees.

The White House Office of Records Management ("ORM") maintains records disposal schedules, which have been approved by the Archivist, for certain recurring types of disposable papers, such as form letter public mail, anonymous public mail, unsuccessful and unsolicited applications for employment, and enclosures received in public mail. If you have a recurring type of disposable material in your office, you may wish to request that ORM enter it on the records disposal schedule. Before you dispose of any documents, contact ORM to determine whether the category of items involved has been approved for disposal. Such prior notice is not necessary for destruction of exact duplicates of documents which are being maintained, or for copies of officially published documents, such as printed reports, etc.

ORM can also arrange for storage of records which are to be preserved, but for which there is no longer a current need. Offices are encouraged to develop systematic records retirement schedules, reserving filing space for those records for which there is a current need.

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NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

May 19, 1988

MEMORANDUM FOR THE NSC STAFF

FROM: PAUL SCHOTT STEVENS 

SUBJECT: Records

It is important that you begin now to review documents in your custody in preparation for the eventual transfer of all official records to a depository at the end of the administration. You do not want to wait until November to begin this process.

Regardless of your personnel status during and after the transition, all presidential and NSC records of the Reagan Administration, including those convenience files in the possession of staff officers, will be reviewed and retired or stored before the start of the new administration.

All data stored electronically will be subject to a similar process of review and disposition.

The schedule for implementing the program outlined in this memorandum takes into account the somewhat slower pace that normally characterizes the summer months, the availability of additional personnel resources in the Secretariat to assist staff officers in organizing their files, and the hope that most of this work can be completed before the busier months of the fall and the transition. Clearly some directorates will have heavier schedules than others and the deadlines indicated are meant to be suggestive of the pace and progress we would like to achieve.

I. Personal Records: (Phase I, Deadline: June 15, 1988)

No later than June 15, 1988, all of the files you believe are personal in nature should be segregated from official records and available for review prior to being removed from the complex. This is in your interest. In more hectic days ahead, your personal files could be inadvertently mingled with official records. I will ask each staff officer to certify completion of this requirement.

Once your personal files are ready, please inform Brenda Reger (or, in her absence, Nancy Menan), the staff of whose directorate will review them and authorize their release. Under no circumstances should any records be removed from the complex absent such authorization.

It is also recommended that any personal mail you are now receiving at the office be redirected to your home address so that it will not be lost during the transition period.

The definition of what constitutes a personal record is very narrow and only will relate to a very small number -- or perhaps none -- of the documents in your files. Documents produced in the course of your normal duties are considered to be official records and must be formally retired at the end of the Administration.

Personal files are described in the Presidential Records Act as:

The term "personal records" means all documentary materials, or any reasonably segregable portion thereof of a purely private or nonpublic character which do not relate to or have an effect upon the carrying out of the constitutional, statutory or other official or ceremonial duties of the President.

Attached is an excerpt from the White House Staff Manual which provides additional information on personal and presidential records.

To qualify as personal, a record must be unclassified and may not relate to White House or NSC business. Some examples are: personal correspondence, personal financial records and personal photos. Again, these items must be filed separately and may be removed only after approval by the staff of the Information Policy directorate.

II. Official Records: (Phase II, Deadline: August 15, 1988)

No later than August 15th, all official records in your custody should be assembled, in an orderly fashion, and prepared for transfer to the Secretariat for retirement or storage. It is recommended that you transfer to the Secretariat as soon as possible all files that you no longer need. Secretariat staff will contact your office and help you box these records.

The following steps should be taken immediately to prepare your office files for transfer:

1. All originals of LOGGED items must be returned to the Secretariat. These are either presidential or federal records and must be retained by the NSC or the National Archives. This includes outstanding X system items that should be sealed in an "EYES ONLY" envelope and given to the Executive Secretary for appropriate disposition.

2. To help ensure that retired official records include a complete set of materials originated or utilized under your tenure, copies may be retained among your retired official files of those original records turned over to the Secretariat for disposition.

3 Under no circumstances may any original official records/files be destroyed. This is strictly prohibited by law.

A. Chron Files:

Most staff members maintain CHRON (also identified as convenience or subject files) copies of materials that they have originated and that have been processed, in the various systems, through the Secretariat. Chron files may include other materials (such as reports from other agencies). These files should be assembled and maintained in good order.

Those files to be retained are traditionally sent to the appropriate presidential library to document the employee's contribution as a member of the president's staff. It is in your best interest to ensure that these files are maintained in good order, both for the historical record and also in the event that you later wish to gain access to the files. Such access is limited to those files that you created.

An employee may not retain copies of classified documents. Copies of unclassified documents he or she originated may be retained only after review and approval by the Information Policy directorate and after the original record has been returned to and accounted for by the Secretariat.

It is strongly recommended that you begin to review your files and to maintain them in a manner that allows both easy identification and separation later this year.

B. Special Cases:

Intelligence Documents

All serial-numbered intelligence documents, including publications coming from the intelligence community such as NIEs or DIA appraisals, MUST be returned to the Secretariat for disposition. They cannot be destroyed by you or left in your chron files.

Freedom of Information

All FOI/EO cases should be acted upon immediately and returned with your recommendations, to the Office of Information Policy for final disposition.

Pre-NSC Service

Classified materials brought to the NSC by detailees from other agencies, which predate your service on the NSC staff, must be maintained separately from all other records/files. These materials must be so identified and may only be removed from the NSC in accordance with established procedures authorized by the Information Policy directorate.

III. Wrap-Up: (Phase III, Deadline: December 1, 1988)

No later than December 1, 1988, you should have in your possession only the current month of files in your office. All X items, FOI/EO cases (completed) and intelligence documents should be returned to the Secretariat.

Bob Perito, George Van Eron, and the Secretariat staff will be available to answer any questions you may have and otherwise to assist you throughout this effort. Your cooperation in this important undertaking will be greatly appreciated.

Attachment

PRESIDENTIAL RECORDS ACT

The ownership, maintenance and disposition of Presidential documents are governed by the Presidential Records Act, 44 U.S.C. §§ 2201-07 (the "Act") The Act's requirements must be followed by White House and Executive Office staff. Pending issuance of regulations by the Archivist of the United States, the following guidance should be followed with respect to these records.

I. Types of Records Covered by the Act

The Act defines "Presidential records" to include not only the official documents written and received by the President but also the official records created or received by his staff. While the Act requires that staff members adequately document the performance of the President's constitutional, statutory and ceremonial duties, the decision whether information should be memorialized in the first instance remains with each staff member. For example, it is within the discretion of a staff member to dispose of scratch pads, unimportant notes to one's secretary and the like, provided this is done contemporaneously and is based upon a determination that creation of a record is not required in the circumstance. "Presidential records" encompass any form of memorializing information, including but not limited to written documents, models, pictures, films and audio and electronic recordings. Records relating to political activities which are undertaken in the course of carrying out the President's official or ceremonial duties are Presidential records (e.g., political briefing papers for official trips and official meetings are Presidential records. Records relating to political activities not associated with the President's official duties are not Presidential records (e.g. materials for political and campaign-related meetings and trips.)

Private papers, which staff members might keep in their offices, such as insurance claim forms or purely personal correspondence, are personal, not Presidential records. Personal records include phone logs, visitor logs, notes, diaries or journals that are kept by a staff member exclusively for his or her own use and reference, are not accessible to others on the staff and are not used for transacting

government business. Personal documents and files should be segregated and stored separately from official records.

II. Units of the Executive Office of the President Covered by the Act

All records of the White House Office, the Office of Policy Development, the Council of Economic Advisers and the Intelligence Oversight Board are Presidential records.

Records of the Office of Management and Budget, the Office of the United States Trade Representative, the Council on Environmental Quality, and the Office of Administration are federal, not Presidential, records.

The records of the National Security Council staff are federal records if they were received or created in connection with the work of the statutorily-created National Security Council (including any interagency groups convened under National Security Council auspices). Additionally the NSC's internal administrative records are federal records. The records of the National Security Council staff are Presidential records if they were received or created for the President, the Assistant to the President for National Security, his Deputy or a member of the White House staff independently of any meeting or policy and staff actions of the NSC or its various groups.

The records of the Office of Science and Technology Policy are federal records; however, those records produced or received by the Director of OSTP in his role as Science Advisor to the President are Presidential records and should be segregated as such.

III. Maintenance of Presidential Records

The law imposes an affirmative obligation on staff members to document adequately the performance of the President's constitutional, statutory and ceremonial duties. Staff members are urged to document the performance of their duties and preserve these records in complete and orderly files. Personal records should be kept apart from official records and clearly labeled as such. Moreover, those officials or units which maintain both Presidential records and federal records should file them separately with a clear indication of whether they are Presidential or federal.

Assistance in distinguishing between Presidential, federal and personal records can be obtained from the Office of the Counsel to the President. Assistance in establishing file systems can be obtained from the White House Office of Records Management.

IV. Disposition and Destruction of Presidential Records

Once a decision is made to memorialize and maintain information as a Presidential record it becomes the property of the United States and may be disposed of only in accordance with procedures established by the Archivist of the United States. The Act prohibits the disposal of Presidential records unless those records no longer have administrative, historical, informational, or evidential value. Moreover, before disposing of any records the President must notify the Archivist and under some circumstances appropriate Congressional committees.

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VI. Records that May be Retained by Staff Members Upon Departure

To insure that the President maintains the maximum controls permitted by law, staff members may not remove copies of Presidential records from their offices either now or at the end of the Administration. When a staff member leaves the White House, he or she shall deliver all files and records to ORM at the White House or, in the case of the National Security Council staff, to the Executive Secretariat of the National Security Council. Federal records shall be left with the appropriate agency. Staff members may remove only those records which are purely personal.

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NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

March 28, 1988

ACTION

MEMORANDUM FOR PAUL SCHOTT STEVENS

FROM: ROBERT PERITO *RP*
SUBJECT: Disposition of Records

It is important that the staff begin organizing their files in preparation for the presidential transition. Attached at Tab I is a memorandum for your signature directing the staff to begin this process.

In support, Van is planning to have Brian, Art and two others available to assist the staff in organizing and retiring their files. Additional part-time staff is being hired now in order to have the resources necessary to support this project.

GE George Van Eron, *Bender* Brenda Reger, *MD* Mary Dix, Michael Donley, and *NP* Nicholas Rostow concur.

RECOMMENDATION

That you sign the memorandum to the staff at Tab I.

Approve *RP*

Disapprove _____

Attachment

Tab I - Memorandum to the Staff

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506ACTION

November 2, 1988

MEMORANDUM FOR PAUL SCHOTT STEVENS

FROM:

NANCY V. MENAN *NV*
GEORGE VAN ERON *Van Eron*

SUBJECT:

Talkers for Your Meeting with Staff regarding
Records

You will be meeting with the staff on November 2nd at the NSC Staff Meeting to discuss the disposition of personal and official records. Attached are proposed talking points for your use.

Also attached is an updated memorandum to the staff explaining what personal and official records are, as well as the steps the staff should be taking in regard to the disposition of records.

RECOMMENDATIONS

That you sign the memorandum at Tab I to the Staff.

Approve *PM*

Disapprove _____

That you use the Talking Points at Tab II for the Wednesday Staff Meeting.

Approve _____

Disapprove *✓**handle by memo
only for moment*

Attachments

Tab I Memorandum to Staff
Tab II Proposed Talking Points

TALKING POINTS FOR MEETING WITH STAFF

-- I want to discuss the disposition of personal and official records.

-- I must emphasize the importance of this effort.

PERSONAL RECORDS:

-- As I suggested to you in an earlier memorandum, your personal records should be segregated from the official records and available for review by Nancy Menan, Senior Director of Information Policy, prior to being removed from the complex.

You will be requested to sign a certification to this effect.

Under no circumstances should any records be removed from the complex absent such authorization.

I am re-circulating to each officer a fact sheet on the disposition of records. This is MUST reading.

OFFICIAL RECORDS:

-- All official records in your custody should be assembled in an orderly fashion and prepared for transfer to the Secretariat for retirement.

Secretariat staff are available to assist you.

In brief, all ORIGINALS of LOGGED items must be returned to the Secretariat, no matter what system they are in.

Under no circumstances may any original official records/files be destroyed. This is strictly prohibited by law.

CHRON FILES:

-- Most staff maintain CHRON or convenience files. They are copies of materials that have been originated and processed through the Secretariat. These files should be assembled and maintained in good order.

-- Those files to be retained are traditionally sent to the appropriate presidential library to document the employee's contribution as a member of the president's staff.

-- It is in your best interest to ensure that these files are maintained in good order, both for the historical record and also in the event that you later wish to gain access to the files. Such access is limited to those files that you created.

-- An employee may NOT retain copies of classified documents. Copies of unclassified documents he or she originated may be retained only after review and approval by the Senior Director of the Information Policy Directorate and after the original record has been returned to the Secretariat.

SPECIAL CASES:

-- Intelligence documents must be returned to the Secretariat for final disposition. Do not destroy them.

-- All FOI/EO cases should be acted upon immediately and returned with your recommendations to the Office of Information Policy for final disposition.

-- Classified materials brought to the NSC by detailees from other agencies, which predate your service on the NSC staff, must be maintained separately from all other records/files. These materials must be so identified and may only be removed from the NSC in accordance with established procedures authorized by the Information Policy Directorate.

-- Wrap-Up: No later than December 1, 1988, you should have in your possession only the current month of files in your office. Secretariat will be sending staff to your office to assist you with this task.

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Upon completion of the Administration, the Archivist acquires custody of Presidential records. However, the President may assert control for twelve years over public access to certain categories of records. Basically, these categories are: (a) security classified items; (b) documents related to appointments to Federal office; (c) items specifically exempted from disclosure by other statutes; (d) trade secrets and commercial or financial information; (e) confidential communications requesting or submitting advice between the President and his advisers, or between such advisers; and (f) personnel or medical files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Thereafter, public access is determined by the Freedom of Information Act, subject in all cases to the President's right to invoke any Constitutional privilege against disclosure.

VI. Records that May be Retained by Staff Members Upon Departure

To insure that the President maintains the maximum controls permitted by law, staff members may not remove copies of Presidential records from their offices either now or at the end of the Administration. When a staff member leaves the White House, he or she shall deliver all files and records to ORM at the White House or, in the case of the National Security Council staff, to the Executive Secretariat of the National Security Council. Federal records shall be left with the appropriate agency. Staff members may remove only those records which are purely personal.

The foregoing is designed to provide general guidance with respect to the Presidential Records Act. Specific questions of coverage or interpretation should be addressed to the Counsel's Office. Assistance in records maintenance and storage can be obtained from the White House Office of Records Management.

Assistance in distinguishing between Presidential, federal and personal records can be obtained from the Office of the Counsel to the President. Assistance in establishing file systems can be obtained from the White House Office of Records Management.

IV. Disposition and Destruction of Presidential Records

Once a decision is made to memorialize and maintain information as a Presidential record it becomes the property of the United States and may be disposed of only in accordance with procedures established by the Archivist of the United States. The Act prohibits the disposal of Presidential records unless those records no longer have administrative, historical, informational, or evidential value. Moreover, before disposing of any records the President must notify the Archivist and under some circumstances appropriate Congressional committees.

The White House Office of Records Management ("ORM") maintains records disposal schedules, which have been approved by the Archivist, for certain recurring types of disposable papers, such as form letter public mail, anonymous public mail, unsuccessful and unsolicited applications for employment, and enclosures received in public mail. If you have a recurring type of disposable material in your office, you may wish to request that ORM enter it on the records disposal schedule. Before you dispose of any documents, contact ORM to determine whether the category of items involved has been approved for disposal. Such prior notice is not necessary for destruction of exact duplicates of documents which are being maintained, or for copies of officially published documents, such as printed reports, etc.

ORM can also arrange for storage of records which are to be preserved, but for which there is no longer a current need. Offices are encouraged to develop systematic records retirement schedules, reserving filing space for those records for which there is a current need.

V. Legal Control of Presidential Records

Presidential records remain in the custody and control of the President during his term of

Office and are not accessible to the public under the Freedom of Information Act. In contrast, federal records are accessible to the public under the provisions of the Freedom of Information Act.

Upon completion of the Administration, the Archivist acquires custody of Presidential records. However, the President may assert control for twelve years over public access to certain categories of records. Basically, these categories are: (a) security classified items; (b) documents related to appointments to Federal office; (c) items specifically exempted from disclosure by other statutes; (d) trade secrets and commercial or financial information; (e) confidential communications requesting or submitting advice between the President and his advisers, or between such advisers; and (f) personnel or medical files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy. Thereafter, public access is determined by the Freedom of Information Act, subject in all cases to the President's right to invoke any Constitutional privilege against disclosure.

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The foregoing is designed to provide general guidance with respect to the Presidential Records Act. Specific questions of coverage or interpretation should be addressed to the Counsel's Office. Assistance in records maintenance and storage can be obtained from the White House of Records Management.

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20508

November 4, 1988

MEMORANDUM FOR THE NSC STAFF

FROM: PAUL SCHOTT STEVENS *pm*
SUBJECT: Disposition of Records

This is MUST reading. It is important that you begin now to review documents in your custody in preparation for the eventual transfer of all official records to a depository at the end of the administration.

Regardless of your personnel status during and after the transition, all presidential and NSC records of the Reagan Administration, including those convenience files in the possession of staff officers, will be reviewed and retired or stored before the start of the new administration.

All data stored electronically will be subject to a similar process of review and disposition.

I. Personal Records (Phase I. Deadline: November 5, 1988)

We had hoped that, by this date, any files a staff member believes to be personal in nature would have been segregated from official records and made available for the review that must take place prior to any files' being removed from the complex. If you have not attended to this, please do so immediately.

Once your personal files are ready, please inform Nancy Menan, whose staff will review them and authorize their release, if appropriate. I repeat, under no circumstances may any records be removed from the complex absent such authorization.

It is also recommended that any personal mail you are now receiving at the office be redirected to your home address so that it will not be lost during the transition period.

The definition of what constitutes a personal record is very narrow and will only relate to a very small number--or perhaps none--of the documents in your files. Documents produced in the course of your normal duties are considered to be official records and must be formally retired at the end of the Administration.

I. Personal Records (continued)

Personal files are described in the Presidential Records Act as:

The term 'personal records' means all documentary materials, or any reasonably segregable portion thereof, of a purely private or nonpublic character which do not relate to or have an effect upon the carrying out of the constitutional, statutory or other official or ceremonial duties of the President.

Attached is an excerpt from the White House Staff Manual which provides additional information on personal and presidential records.

To qualify as personal, a record must be unclassified and may not relate to White House or NSC business. Some examples are: personal correspondence, personal financial records and personal photos. Again, these items must be filed separately and may be removed only after approval by the staff of the Information Policy Directorate.

II. Official Records (Phase II. Deadline: November 15, 1988)

No later than November 15th, all official records in your custody should be assembled, in an orderly fashion, and prepared for transfer to the Secretariat for retirement or storage. It is recommended that you transfer to the Secretariat as soon as possible all files that you no longer need. Secretariat staff will contact your office and help you box these records.

The following steps should be taken immediately to prepare your office files for transfer:

1. All originals of LOGGED items must be returned to the Secretariat. These are either presidential or federal records and must be retained by the NSC or the National Archives. This includes outstanding X system items that should be sealed in an "EYES ONLY" envelope and given to the Executive Secretary for appropriate disposition.
2. To help ensure that retired official records include a complete set of materials originated or utilized under your tenure, copies may be retained among your retired official files of those original records turned over to the Secretariat for disposition.
3. Under no circumstances may any original official records/files be destroyed. This is strictly prohibited by law.

A. Chron Files

Most staff members maintain CHRON (also identified as convenience or subject files) copies of materials that they have originated and that have been processed in the various systems, through the Secretariat. Chron files may include other materials (such as reports from other agencies). These files should be assembled and maintained in good order.

Those files to be retained are traditionally sent to the appropriate presidential library to document the employee's contribution as a member of the president's staff. It is in your best interest to ensure that these files are maintained in good order, both for the historical record and also in the event that you later wish to gain access to the files. Such access is limited to those files that you created.

An employee may not retain copies of classified documents. Copies of unclassified documents he or she originated may be retained only after review and approval by the Information Policy Directorate and after the original record has been returned to and accounted for by the Secretariat.

It is strongly recommended that you begin to review your files and to maintain them in a manner that allows both easy identification and separation later this year.

B. Special Cases

Intelligence Documents

All serial-numbered intelligence documents, including publications coming from the intelligence community such as NIEs or DIA appraisals, **MUST** be returned to the Secretariat for disposition. They cannot be destroyed by you or left in your chron files.

Freedom of Information

All FOI/EO cases should be acted upon immediately and returned with your recommendations to the Office of Information Policy for final disposition.

Pre-NSC Service

Classified materials brought to the NSC by detailees from other agencies, which predate your service on the NSC staff, must be maintained separately from all other records/files. These materials must be so identified and may only be removed from the NSC in accordance with established procedures authorized by the Information Policy directorate.

III. Wrap-Up (Phase III. Deadline: December 1, 1988)

No later than December 1, 1988, you should have in your possession only the current month of files in your office. All X items, FOI/EO cases (completed) and intelligence documents should be returned to the Secretariat.

Bob Perito, George Van Eron, and the Secretariat staff will be available to answer any questions you may have and otherwise to assist you throughout this effort. Your cooperation in this important undertaking will be greatly appreciated.

Attachment

Excerpt from White House Staff Manual

THE WHITE HOUSE

WASHINGTON

November 30, 1988

MEMORANDUM FOR PAUL SCHOTT STEVENS
SPECIAL ASSISTANT TO THE PRESIDENT FOR NATIONAL
SECURITY AFFAIRS AND EXECUTIVE SECRETARY OF
THE NATIONAL SECURITY COUNCIL

FROM: ARTHUR B. CULVAHOUSE, JR.
COUNSEL TO THE PRESIDENT

SUBJECT: Transfer of NSC "Presidential Records" to Archives

During a November 3, 1988 transition issues meeting, Counsel's Office discussed your memorandum of November 2, 1988 on the above-referenced subject with Deputy Legal Adviser to the National Security Council Dan Levin. This memorandum confirms in writing the views we provided to the Deputy Legal Adviser at that meeting -- Counsel's Office has no objection to the NSC staff plans for transferring certain categories of documents that were articulated in your memorandum.

Thank you for bringing this matter to our attention.

UNCLASSIFIED
NSC/S PROFILE

RECORD ID: 8808508
RECEIVED: 06 DEC 88 15

TO: STEVENS

FROM: CULVAHOUSE, A

DOC DATE: 30 NOV 88
SOURCE REF:

KEYWORDS: TRANSITION

PERSONS:

SUBJECT: TRANSFER OF NSC PRES RECORDS TO ARCHIVES

ACTION: FOR RECORD PURPOSES DUE DATE: 09 DEC 88 STATUS: C

STAFF OFFICER: NONE

LOGREF:

FILES: NS NSCIF: CODES:

D O C U M E N T D I S T R I B U T I O N

FOR ACTION

FOR CONCURRENCE

FOR INFO

MENAN

MERCHANT

STEVENS

VAN ERON

COMMENTS:

this should have been attached to 7812

DISPATCHED BY _____ DATE _____ BY HAND W/ATTCH

OPENED BY: NSJEC

CLOSED BY: NSJEC

DOC 1 OF 1

UNCLASSIFIED

UNCLASSIFIED
ACTION DATA SUMMARY REPORT

RECORD ID: 8808508

DOC ACTION OFFICER

001

CAO ASSIGNED ACTION REQUIRED

X 88120615 FOR RECORD PURPOSES

UNCLASSIFIED

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

ACTION

December 6, 1988

MEMORANDUM FOR PAUL SCHOTT STEVENS

FROM: GEORGE VAN ERON

*BTM
for*

SUBJECT: Transfer of Records to the Presidential Library

National Archives and Records Administration (NARA) and the Records Center in the country have finalized plans to transfer the Presidential records and NSC staff convenience files stored at the Records Center to the Presidential Library.

This transfer is scheduled for December 10th.

Counsel to the President has approved the transfer of all Presidential records and NSC staff convenience files except those of North, Poindexter, McFarlane, Coy and Earl. Attached at Tab A is an inventory of jobs and boxes that will be included in this transfer.

I have prepared a memorandum from you to the Chief of the Records Center (Tab I) authorizing him to transfer these records to NARA's custody. Records Center must have your memorandum by COB Thursday.

Nancy *Pen* and *P. DC* Nicholas Rostow concur.

RECOMMENDATIONS

1. That you approve the transfer of Presidential records and NSC staff convenience files now stored at the Records Center to the Presidential library.

Approve _____

Disapprove _____

2. That you sign the memorandum at Tab I to the Chief of the Records Center authorizing the transfer of the Presidential records and NSC staff convenience files in their possession.

Approve _____

Disapprove _____

Attachments

Tab I Memo to the Chief of the Records Center
Tab A Inventory

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

MEMORANDUM FOR RONALD A. DAVIS
Chief, Archives and Records Center

SUBJECT: Transfer of Presidential Records in the Custody of
the NSC

I understand that NARA and the Records Center have agreed to transfer the Presidential records and NSC staff convenience files in the Records Center on December 10, 1988.

I hereby authorize you to transfer to NARA Reagan Presidential records and NSC staff convenience files stored at the Records Center. A listing of jobs and boxes that are approved for transfer to the Presidential library are attached at Tab A.

I appreciate your assistance in this effort.

Paul Schott Stevens
Executive Secretary

Attachment
Tab A Inventory

Presidential & NSC staff Convenience Files

Job #	Brief Description	Total # of Boxes for Transfer
82R00576R	NSC Staff Convenience Files / 1981 (NOT INCLUDED #19)	24
83R00597R	NSC Staff Secretary convenience files (NOT INCLUDED 1-5)	8
83R00381R	NSC Staff convenience files	84
84R00247R	NSC Staff Convenience Files	55
84R00781R	NSC Staff Convenience Files	69
84R00904R	NSC Staff Convenience Files	112
85R00742R	NSC Staff Convenience Files (NOT INCLUDED 41-49;90)	80
85R01092R	NSC Staff Convenience Files	123
86R00204R	NSC Staff Convenience Files (NOT INCLUDED 4,5;16;45-51;73-77)	62
86R00209R	Presidential Records and NSC Staff Convenience Files NOT INCLUDED 31-37)	58
86R00226R	NSC Staff Convenience Files	70
86R00820R	Presidential Records	70
87R00131R	NSC Staff Convenience Files (NOT INCLUDED 40-41)	40
87R00132R	NSC Staff Convenience Files	191
87R00318R	NSC Staff Convenience Files	120
87R00654R	Presidential Records and NSC Staff Convenience Files	71
87R01099R	NSC Staff Convenience Files (NOT INCLUDED #1,17,19)	64
87R01100R	Presidential Records & NSC Staff Convenience Files	163

88R00661R	Presidential Records & NSC Staff (NOT INCLUDED #41)	46
88R00699R	Presidential Records & NSC Staff	33
88R00990R	Presidential Records & NSC Staff Convenience Files	33
88R01230R	Presidential Records & NSC Staff Convenience Files (NOT INCLUDED 1-4;230,239-240)	233
88R01229R	NSC Staff Convenience Files	184
TOTAL:		1993

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

UNCLASSIFIED

November 21, 1988

ACTION

MEMORANDUM FOR PAUL SCHOTT STEVENS

FROM: GEORGE VAN ERON *Van Eron*
SUBJECT: Transition and Transfer of Files

Following discussions with NARA representatives about the transfer of Presidential records in the country storage site from NSC, NARA requested copies of our box inventory lists. These inventory lists are classified and would normally be given to NARA in January 1989. However, your decision to approve a copy of these inventory lists would be of great assistance to NARA in their preparation for receiving and shipping these Presidential records to California. This would also help us to sort out any potential problems.

Concurrence: *Nancy Menan*
Nancy Menan

RECOMMENDATION:

That you approve copies of NSC inventory lists for NARA.

DM
_____ Approve

_____ Disapprove

Prepared by:
Brian T. Merchant

UNCLASSIFIED

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

November 2, 1988

MEMORANDUM FOR ARTHUR B. CULVAHOUSE, JR.

FROM: PAUL SCHOTT STEVENS *PS*
SUBJECT: Transfer of Records to Archives

This is to inform you that, unless you object, the NSC staff plans to turn over to the Archives for shipment to the presidential library the following categories of documents:

- Those historically categorized as presidential records; and
- Staff convenience files, which are not official records, but which are traditionally donated to the presidential library. This will not include the "core" Iran-Contra convenience files (North, Poindexter, McFarlane, Coy and Earl), which we will hold pending further discussions with you concerning their ultimate disposition.

The records will be shipped in January, but plans need to be made now concerning their disposition. Consequently, I would appreciate it if you would let me know promptly if you have any objection to the transfer of records outlined above.

Culvahouse approved 11/13/88

DL

DISTRO:

MBD

PSS

NSGVZ

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

November 2, 1988

MEMORANDUM FOR ARTHUR B. CULVAHOUSE, JR.

FROM: PAUL SCHOTT STEVENS 
SUBJECT: Transfer of Records to Archives

This is to inform you that, unless you object, the NSC staff plans to turn over to the Archives for shipment to the presidential library the following categories of documents:

- Those historically categorized as presidential records; and
- Staff convenience files, which are not official records, but which are traditionally donated to the presidential library. This will not include the "core" Iran-Contra convenience files (North, Poindexter, McFarlane, Coy and Earl), which we will hold pending further discussions with you concerning their ultimate disposition.

The records will be shipped in January, but plans need to be made now concerning their disposition. Consequently, I would appreciate it if you would let me know promptly if you have any objection to the transfer of records outlined above.

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506ACTION

November 1, 1988

MEMORANDUM FOR PAUL SCHOTT STEVENS

FROM: GEORGE VAN ERON *Van Eron*
SUBJECT: Transfer of Records to Archives

During October, I met with National Archives (NARA) staff to discuss the transfer to them of certain records in NSC's custody. The records to be transferred include both presidential records (as historically defined; I am informed that current consideration of the recategorization of NSC records will not result in the reclassification of any of these as agency records); and staff convenience files (which are not official records, but which are donated to the presidential library). There are approximately 3,000 such boxes, approximately 1,850 of which are stored in the country. (This does not include the core Iran-Contra files, which total approximately 150 boxes and which are being held pending further discussions with White House Counsel's Office.)

NARA is preparing a contract with a commercial firm via the U.S. Army to transfer the presidential material, including NSC's, to California. NARA plans to pick up the NSC material around January 15. Though relatively small in amount, the NSC material is highly classified and will require special handling. Appropriate security measures will be worked out.

At Tab I is a memorandum for A.B. Culvahouse explaining that we are preparing to turn over the presidential records and staff convenience files (other than the Iran-Contra files) to NARA, unless he objects.

N Nicholas Rostow and *W* Nancy Menan concur.

RECOMMENDATION

That you sign the memorandum at Tab I.

Approve *pm*

Disapprove _____

Attachment

Tab I Memorandum to Culvahouse

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

August 24, 1988

MEMORANDUM FOR ARTHUR B. CULVAHOUSE, JR.

FROM: PAUL SCHOTT STEVENS 
SUBJECT: NSC Staff Convenience Files and the Transition

Ordinarily, at the end of an Administration NSC staff convenience files are sent to the Archives for contribution to the Presidential library. Because of the pendency of the Iran-Contra prosecution, I recognize that you may wish to have selected convenience files sent to a different destination. This memorandum requests your decision on where these files should be sent.

There are currently approximately 2300 boxes of staff convenience files -- roughly 1500 of which were collected as part of the Iran-Contra investigation -- in storage in a CIA warehouse. Approximately 200 more boxes of files from that investigation are in vaults at the NSC. Finally, there are probably 1500 boxes of staff convenience files that have accumulated since the investigation.

Because these documents would ordinarily be given to the Presidential library, we are looking to you for a decision on their disposition. Typically, the documents would be transferred during December. For planning purposes, we request instructions by October 15. I assume that your office will deal with the Independent Counsel with respect to disposition of these records.

NATIONAL SECURITY COUNCIL
WASHINGTON, D.C. 20506

August 23, 1988

ACTION**SIGNED**

MEMORANDUM FOR PAUL SCHOTT STEVENS

FROM: *for* NICHOLAS ROSTOW *DL*

SUBJECT: Staff Convenience Files at Transition

Ordinarily, staff convenience files would be sent to the Archives for contribution to the Presidential library at the end of the Administration. The pendency of the Iran-Contra prosecution is a complicating factor in the disposition of staff convenience files at the end of the Administration. I believe that our sole interest is to get these files out of our custody so that -- to the extent that we can avoid it -- we are not the ones responsible for any searches that may need to be done in the future.

At Tab I is a memorandum from you to A. B. Culvahouse explaining the normal practice with respect to staff convenience files, and requesting his guidance.

George Van Buren and *Nancy Menan* concur.

RECOMMENDATION

That you sign the memorandum to A. B. Culvahouse at Tab I.

Approve *Qm*

Disapprove _____

Attachment

Tab I - Stevens memorandum to Culvahouse