

<b>REQUEST FOR RECORDS DISPOSITION AUTHORITY</b>		JOB NUMBER <i>NI-060-10-31</i>	
To NATIONAL ARCHIVES & RECORDS ADMINISTRATION 8601 ADELPHI ROAD COLLEGE PARK, MD 20740-6001		Date received <i>7/26/10</i>	
1 FROM (Agency or establishment) Department of Justice		NOTIFICATION TO AGENCY  In accordance with the provisions of 44 U.S.C. 3303a, the disposition request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10	
2 MAJOR SUBDIVISION Office of Legal Counsel			
3 MINOR SUBDIVISION			
4 NAME OF PERSON WITH WHOM TO CONFER	5 TELEPHONE NUMBER	DATE <i>7/20/10</i> ARCHIVIST OF THE UNITED STATES <i>[Signature]</i>	
6 AGENCY CERTIFICATION I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal on the attached <u>  3  </u> page(s) are not needed now for the business for this agency or will not be needed after the retention periods specified, and that written concurrence from the General Accounting Office, under the provisions of Title 8 of the GAO Manual for Guidance of Federal Agencies,  <input checked="" type="checkbox"/> is not required <input type="checkbox"/> is attached, or <input type="checkbox"/> has been requested			
DATE July 20, 2010	SIGNATURE OF AGENCY REPRESENTATIVE Jeanette Plante <i>[Signature]</i>		TITLE Director, Office of Records Management Policy
7 ITEM NO	8 DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9 GRS OR SUPERSEDED JOB CITATION	10 ACTION TAKEN (NARA USE ONLY)
	<b>Office of Legal Counsel</b>  By delegation from the Attorney General, the Assistant Attorney General for the Office of Legal Counsel (OLC) provides legal advice to the President and all of the Executive Branch agencies. OLC drafts legal opinions of the Attorney General and also provides its own written opinions and oral advice in response to requests from the Counsel to the President, the various agencies of the Executive Branch, and components within the Department of Justice (Department).  OLC also is responsible for providing legal advice to the Executive Branch on all constitutional questions and reviewing pending legislation for constitutionality. In addition to serving as, in effect, outside counsel for the other agencies of the Executive Branch, OLC gives advice to the Department and reviews all proposed orders of the Attorney General and all regulations requiring the Attorney General's approval. It also performs a variety of special assignments referred by the Attorney General or the Deputy Attorney General.  <b>SEE ATTACHED</b>		

Office of Legal Counsel

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1 OLC Leadership Program Records Records of the Assistant Attorney General, Senior Level Staff to include Deputy Assistant Attorneys General, Counsels to the Assistant Attorney General, and Special Counsels and Attorney Advisers to include calendars, appointment books, bill comments, schedules, subject files, chronological and correspondence files that monitor or control program actions as well as other records that document meetings, appointments, telephone calls, or other work-related activities. These records may contain unique substantive information related to providing legal advice to the President and all of the Executive Branch agencies, drafting legal opinions, serving as outside counsel for the other agencies of the Executive Branch, providing advice to the Department, reviewing all proposed orders of the Attorney General, and other mission-specific functions of the Office of Legal Counsel

*PERMANENT Cut off files at the end of the calendar year Transfer to NARA in 5 year blocks when most recent records are 30 years old*

2 Daybooks Copies of outgoing correspondence arranged chronologically that are related to Opinions, Presidential Executive Orders, Proclamations, Attorney General Orders, etc., and used as a cross-reference tool to conduct OLC business when requested by other offices or agencies, or pursuant to the Freedom of Information Act.

*PERMANENT Cut off files at the end of the calendar year Transfer to NARA in 5 year blocks when most recent Daybook is 30 years old*

3 Attorney General Orders OLC maintains the record copy of all published Attorney General Orders, which are numbered continuously in sequential order and then by year The Orders may state Departmental policy or relate to the programs and organization of the Department as it pertains to assignments, transfers, or delegations of authority, functions, or duties by the Attorney General, as well as substantive regulations implementing Department programs

*PERMANENT Cut off at the end of the calendar year Transfer to NARA in 5 year blocks when most recent record is 15 years old*

4 Form and Legality Memoranda Presidential Executive Orders, Proclamations, and Memoranda are the formal means by which the President personally directs actions and executes the law Presidential Executive Orders are generally internal to the Executive Branch and directed to the President's subordinates, whereas Proclamations generally speak to the public Presidential Memoranda can deal with a range of internal policy matters and generally do not affect the public OLC reviews Presidential Executive Orders and certain Proclamations for form and legality on behalf of the Attorney General before they are presented to the President for signature Attorney General Orders are used both for routine internal matters and for major revisions to the Department's regulations in the Code of Federal Regulations (CFR) OLC reviews proposed Attorney General Orders to ensure that the Attorney General is authorized to take the proposed action, and in the case of regulations to be published in the CFR, that the documents meet the format requirements of the Federal Register As in the case of Executive Orders and Proclamations, OLC reviews Attorney General Orders for clarity, consistency, legality This set of documents may include background information related to Presidential Executive Orders and Proclamations and Attorney General Orders such as incoming requests and substantive edits

*PERMANENT* Cut off files at the end of the calendar year Transfer to NARA in 5 year blocks when most recent record is 15 years old

Note Form and legality memoranda written in the form of a formal opinion will be filed under No 7

5 Presidential Executive Orders and Proclamations Tracking Logs - Sequential numbering logs/index cards used to control the status of Presidential Executive Orders and proclamations reviewed by OLC

*PERMANENT* Cut off log at the end of the calendar year in which OLC renders a decision Transfer to NARA in 5 year blocks when most recent record is 15 years old

6 Attorney General Numbering Log The sequential numbering scheme used to control the issuance of Attorney General Orders and document the issuance date

*PERMANENT* Cut off the files at the end of the calendar year in which the AG Order was issued Transfer to NARA in 5 year blocks when most recent record is 15 years old

7 Formal Legal Opinions. Formal legal opinions rendered by the Attorney General or the Assistant Attorney General for the Office of Legal Counsel (OLC) to the White House, Federal agencies and executive departments, and Heads of U S Department of Justice components This includes background material related to formal legal opinions which supports the Department's position on the questions and issues presented, the Department's conclusion, and as appropriate, the analysis and reasoning involved

*PERMANENT* Cut off files at the end of the calendar year in which the legal opinion was rendered Transfer to National Archives in 5 year blocks when most recent record is 30 years old

*Supersedes Permanent Transfer to the National Archives in five-year blocks 30 years after close of case NI-60-88-10, Item 194*

8 File Memoranda OLC provides clients throughout the Executive Branch with informal oral and email advice concerning a wide range of legal issues File memoranda memorialize substantive advice for informal requests and document the question presented, the OLC conclusion, and, as appropriate, the analysis and reasoning involved.

*PERMANENT* Cut off files at the end of the calendar year in which the informal advice was rendered Transfer to NARA in 5 year blocks when most recent record is 30 years after cutoff

NOTE This schedule does not include  
Temporary administrative records covered by the General Records Schedule

a Non-Record material typically includes information-only copies of correspondence, directives, forms and other documents on which no administrative action is recorded or taken; routing slips and transmittal sheets adding no information to that contained in the transmitted material, duplicate copies of documents maintained in the same file, extra copies of reports, briefing books, or other publications, copies of material from Westlaw, Lexis, Federal websites, and other publicly available information used to conduct research, catalogs, trade journals, and other publications that are received from Government agencies, commercial firms, or private institutions and that require no action and are not part of a case on which action is taken. These non-records should be destroyed immediately when no longer needed for conducting business.

b Personal papers or files related solely to an individual's private affairs, which may include journals, personal correspondence and other materials not prepared or used for transacting Government business. Examples include personal invitations having no relationship to official duties, greeting cards received such as Christmas, birthday, get well or other notes of a personal nature which were not used to conduct official business, and thank you notes from an official which do not address an official function. Materials determined to be personal must be filed separately from business material.

*\* Note: This is a clean copy reflecting all approved pen & ink changes to date.  
10/1/2012 RM*