



## CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

April 21, 2009

### **H.R. 35** **Presidential Records Act Amendments of 2009**

*As ordered reported by the Senate Committee on Homeland Security  
and Governmental Affairs on April 1, 2009*

H.R. 35 would amend the Presidential Records Act to establish a process for reviewing Presidential records. That act details which records and materials are to be assumed by the National Archives and Records Administration (NARA) at the end of a President's administration.

H.R. 35 would require the Archivist of the United States to provide notice to the incumbent and former President and the public up to 90 days before making Presidential records public. If a claim of executive privilege is made by a former President against such disclosure and the incumbent President determines not to uphold the claim, the Archivist would release the materials within 90 days of that determination unless the Archivist is otherwise directed by a final court order that is not subject to appeal. If a claim of executive privilege is made by an incumbent President against such disclosure, the Archivist could not release material unless the claim is withdrawn or the Archivist is otherwise directed by a court order. H.R. 35 also would allow a newly elected President until July 20 of the first year in office to review Presidential records that would otherwise be made public during that time. Finally, the legislation would rescind Executive Orders 13233 and 12667. (Those orders concern the procedures for releasing Presidential records by NARA.)

Based on information from NARA, CBO estimates that implementing H.R. 35 would have no significant impact on federal spending. Enacting the legislation would not affect direct spending or revenues.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

The CBO staff contact for this estimate is Matthew Pickford. This estimate was approved by Theresa Gullo, Deputy Assistant Director for Budget Analysis.