

NOTICE - SOME ITEMS SUPERSEDED OR OBSOLETE

Schedule Number: NC1-330-76-02

Some items in this schedule are either obsolete or have been superseded by new NARA approved records schedules. This information is accurate as of: 04/13/2021

ACTIVE ITEMS

These items, unless subsequently superseded, may be used by the agency to disposition records. It is the responsibility of the user to verify the items are still active.

All items not listed below remain active

SUPERSEDED AND OBSOLETE ITEMS

The remaining items on this schedule may no longer be used to disposition records. They are superseded, obsolete, filing instructions, non-records, or were lined off and not approved at the time of scheduling. References to more recent schedules are provided below as a courtesy. Some items listed here may have been previously annotated on the schedule itself.

Items 401-01 through 401-08 were superseded by N1-330-92-001.

REQUEST FOR RECORDS DISPOSITION AUTHORITY
(See Instructions on reverse)

45 items *330*

TO: GENERAL SERVICES ADMINISTRATION,
NATIONAL ARCHIVES AND RECORDS SERVICE, WASHINGTON, DC 20408

1. FROM (AGENCY OR ESTABLISHMENT)
Office of the Secretary of Defense

2. MAJOR SUBDIVISION
Deputy Assistant Secretary for Administration

3. MINOR SUBDIVISION
Records Management Branch

4. NAME OF PERSON WITH WHOM TO CONFER
James S. Nash

5. TEL. EXT.
OX5-0970

LEAVE BLANK	
JOB NO.	NC1-330-76-2
DATE RECEIVED	SEP 10 1976
NOTIFICATION TO AGENCY	
<small>In accordance with the provisions of 44 U.S.C. 3303a the disposal request, including amendments, is approved except for items that may be stamped "disposal not approved" or "withdrawn" in column 10.</small>	
<u>3-21-77</u> <small>Date</small>	<i>James S. Nash</i> <small>Archivist of the United States</small>

6. CERTIFICATE OF AGENCY REPRESENTATIVE:

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposal of the agency's records; that the records proposed for disposal in this Request of 11 page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified.

- A** Request for immediate disposal.
- B** Request for disposal after a specified period of time or request for permanent retention.

C. DATE	D. SIGNATURE OF AGENCY REPRESENTATIVE	E. TITLE
<i>7 Sep 76</i>	<i>James S. Nash</i>	Records Administrator
7. ITEM NO.	8. DESCRIPTION OF ITEM <small>(With Inclusive Dates or Retention Periods)</small>	

Chapter 4 (enclosed) describes the files of the General Counsel of the Office of the Secretary of Defense. This records disposal schedule will replace the current version pertaining to legal records. It is one of 15 chapters now under preparation with a target completion date of December 1976.

Offer all permanent records to NARS when 25 years old, unless otherwise indicated.

115-107 sent to agency and NCW - 3/22/77 JOP

Category Number	Description of Records	Authorized Disposition Instruction
<u>400</u>	<u>General Counsel Files.</u>	
	General Information.	
	Depending on content volume the files identified herein may be further divided by the use of decimals. For example 402-01 can be divided into 402-01.1 to 402-01.15, if necessary.	
	Any ADP files of which the General Counsel may be the sponsor will be described in a subsequent chapter.	
<u>401</u>	<u>Office Administration Files.</u>	
	Office Administration files may accumulate in any office to document the performance of its assigned legal activities. However, all the administrative files listed below will seldom accumulate in a single office.	
<u>401-01</u>	Policy Files. Documents concerning the general policy of the Office of the Secretary of Defense as related to the General Counsel mission.	Permanent. Transfer to WNRC when superseded or obsolete.
<u>401-02</u>	Instruction Files. Documents related to preparing, coordinating, issuing, and interpreting directives, regulatory instructions, and comparable instructional material. These files accumulate in offices responsible for preparation and interpretation of instructions such as regulations, supplements, memorandums, circulars, pamphlets, and bulletins; messages used for expeditious interim changes to instructions; technical newsletters or comparable media used to forward semi-official and authoritative instructions; and official training materials.	<i>a.</i> Permanent. Cut off annually or on supersession or obsolescence, as reference needs require. <i>b.</i> Destroy non record material annually when no longer needed for reference.

Category
Number

Description of Records

Authorized Disposition
Instruction

401-03

Administrative Files. Documents relating to the overall or general routine administration of legal activities, but exclusive of specific files described herein. These files include, but are not limited to---

Destroy after 2 years or on discontinuance, whichever is first. However, documents in the cut off file that require additional action or relate to reopened cases should be brought forward for filing in the current file.

a. Routine comments on instructions directives, or other publications prepared by another office with primary responsibility. If comments result in additional action affecting the mission or function of the office, documents should be filed with the appropriate functional files.

b. Evaluations of suggestions that do not result in issuing an instruction or establishing a project.

c. Program and budget documents, management improvement reports, cost reduction reports, and comparable management improvement reports prepared to submit data to offices responsible for these management functions.

d. Extracts of GAO, or comparable reports of inspections, surveys, or audits that pertain to the mission or function.

e. Documents relating generally to the application of ADP within the functional area relating to legal activities.

f. Comments on, or contributions to, news releases or other media furnished to information officers to publicize and promote the mission or functions.

<u>Category Number</u>	<u>Description of Records</u>	<u>Authorized Disposition Instruction</u>
<u>401-04</u>	<p>Agreement Files. Documents relating to the legal investigations of agreements between OSD and non-federal organizations or agencies; but not with foreign countries. These agreements are negotiated to provide for continued understanding between recognized organizations and OSD for the support services. The services include logistic, medical administrative, fire protection, facilities, payroll, and similar support on a one-time or continuing basis; and on a reimbursable or non-reimbursable basis. Included are agreements, amendments, review comments, and related correspondence, legal interpretation of agreement with foreign governments or international organizations.</p>	<p>Agreements involving transfer of personnel spaces and material will be destroyed 6 years after supersession, cancellation, or termination of the agreement. Agreements not involved in transfer of personnel spaces and material will be destroyed 3 years after supersession, cancellation or termination of the agreement. Earlier destruction is authorized. Legal interpretation on agreements with foreign governments or international groups are permanent. Transfer to WNRC when agreement has been terminated.</p>
<u>401-05</u>	<p>Orientation and Briefing Files. Documents in orientations and briefings given to visitors and newly assigned individuals about the mission, functions, and physical layout of an office. Included are photographs, transparencies or vugraphs, copies of specially prepared handouts, and related or similar documents.</p>	<p>Destroy on supersession or obsolescence.</p>
<u>401-06</u>	<p>Committee Files. Documents relating to establishing, operating, and dissolving committees which consider, advise, take action, and report on specifically assigned functions. They include joint, interdepartmental, and international committees in which OSD participates.</p>	<p>Permanent. Cut off when no longer needed for current operations. Transfer to WNRC.</p>

Category Number	Description of Records	Authorized Disposition Instruction
401-06 (cont'd)	Included are proposals, approvals, and disapprovals to establish the committee: charter, terms of reference, and comments on them; directives establishing, changing, continuing, or dissolving the committee; documents nominating, approving, appointing, and relieving committee members; notices, agenda, minutes, and reports of committee meetings; and related documents.	
<u>401-07</u>	Staff visit files. Documents relating to scheduled or special visits (but not inspections, surveys, or audits) for the purpose of performing staff or technical supervision or for conducting studies. This description is not applicable to visits made in connection with a specific process or case which should be filed with documentation of the case or process. Included are requests for permission to visit, reports of visit, recommendations, and other directly related documents.	Office performing visit: Destroy 1 year after completion of next comparable visit or on completion of related study.
<u>401-08</u>	Reference Paper Files. Documents used to facilitate, control, or supervise the performance of a specific function, process, or action-- as distinguished from those official records necessary for documenting performance of a function, process, or action. Although accumulated reference papers may relate to varied subjects and functions,	

<u>Category Number</u>	<u>Description of Records</u>	<u>Authorized Disposition Instruction</u>
401-08 (cont'd)	<p>they should bear a title relating them to the functions, subfunction, process, or action they are used with. Reference paper files consist of the following types of documents:</p>	
	<p>a. Notes, drafts, feeder reports, news clippings, similar working papers and other materials accumulated for preparation of a communication, a study, an investigation, a survey, an inspection, or other action. This description does not include official and quasi-official recommendations, coordinating actions, and other documents which contribute to or result from preparation of the communication or other record.</p>	<p>a. Cut off on completion of the communication, study, survey report, or other action. Destroy in blocks after an additional 3 months, 6 months, or 1 year. Earlier destruction is authorized.</p>
	<p>b. Cards, listings, indexes, and similar documents used for facilitating and controlling work.</p>	<p>b. Destroy when no longer needed to facilitate or control work.</p>
	<p>c. Copies of technical documents, intelligence documents, emergency plans, mobilization plans, and similar reproduced materials that do not fall within the description for reference publications files.</p>	<p>c. Destroy when superseded, obsolete, or no longer needed for reference.</p>
	<p>d. Documents received for general information purposes that require no action and are not required for documentation of specific functions.</p>	<p>d. Destroy after 1 year. Earlier destruction is authorized.</p>
	<p>e. Extra copies of documents maintained by action officers that reflect actions taken by the action officer. Such files should not be established unless absolutely necessary.</p>	<p>e. Destroy after 1 year. Earlier destruction is authorized.</p>

Category Number	Description of Records	Authorized Disposition Instruction
401-08 (cont'd)	<p>f. <u>Copies of documents</u> accumulated by supervisory offices, such as chiefs of directorates, divisions, branches, or separate offices. These documents duplicate the record copy filed elsewhere in lower echelon offices of the same organizational element which is responsible for performing the action, process, or function. Such files should be established only when necessary, not in each office of the same organizational element.</p>	<p>f. Destroy after 1 year. However, documents in the active file that require additional action or relate to reopened cases should be brought forward for filing in the current file. Earlier destruction is authorized.</p>
402	<p><u>Office of the General Counsel Files.</u></p>	
402-01	<p>Immediate Office Functional Files.</p>	
	<p>a. Legal advise, opinions and assistance to various committees of DoD, such as: Personnel Security Programs -- legal assistance on cases for the OSD Control Clearance Groups. Case files not included. Freedom of Information Act. Interpretations of the Act, case opinions, and background information.</p> <p>b. DoD Legislative Program. Records which relate to the review, coordination and presentation of proposed legislation or executive action which involves any activity of DoD.</p>	<p>a. Transfer record copies to WNRC 2 years after cut off for permanent preservation.</p> <p>b. Transfer discontinued legislation file two years after cut off to WNRC for permanent preservation.</p>

Category Number	Description of Records	Authorized Disposition Instruction
	<p>c. Emergency Planning and Continuity of Operations. General Counsel's role in subject programs, legal advice on acquisition and seizure of essential property or equipment. Inventory of essential records for the General Counsel.</p>	<p>c. Transfer discontinued legislation file two years after cut off to WNRC for permanent preservation.</p>
	<p>d. Records pertaining to court trials, administrative hearings and other legal proceedings, correspondence and case files.</p>	<p>d. Retire record copies five years after cut off for permanent preservation.</p>
	<p>e. Records documenting legal terms and conditions for the acquisition, care and occupancy of real property, such as contracts, insurance policies, leases, titles and other similar records.</p>	<p>e. Retirement or disposition authorized only on an individual case basis. Submit SF 175 for appropriate authorization when disposition action is desired.</p>
	<p>f. Records pertaining to the development and establishment of policies and methods employed in civil government and related matters.</p>	<p>f. Transfer record copies to WNRC ^{two} two years after cut off for permanent preservation.</p>
<u>402-02</u>	<p>Assistant General Counsel (Fiscal Matters)</p>	
	<p>a. Legal advice and assistance to the OSD Welfare and Recreation Association. Processing of Tort, Contract and Compensation Claims arising out of operation in non-appropriated fund activities.</p>	<p>a. Transfer record copies to WNRC two years after cut off for permanent preservation.</p>
	<p>b. Directives and Policy. Legal advice on proposed directives of a fund nature. DoD Policy in the administration of Claims under provision of the Federal Tort Claims Act.</p>	<p>b. Transfer record copies to WNRC two years after cut off for permanent preservation.</p>

<u>Category Number</u>	<u>Description of Records</u>	<u>Authorized Disposition Instruction</u>
402-02 (cont'd)	<p>Collection, compromise or termination of collection action on DoD civil claims for money or property. Settlement of claims under the Personnel Claims Act.</p> <p>c. Legal Advice on fiscal matters and coordination on fiscal directives. Records documenting legal terms and conditions of interests, tariff and tax administration matters.</p>	<p>c. Transfer record copies to WNRC two years after cut off for permanent preservation.</p>
<u>402-03</u>	<p>Assistant General Counsel (M&RA, Health, and Public Affairs) Files.</p> <p>a. Committee files. Advice and assistance to various committees in these functional areas such as the OSD Concession Committee which requires contract and lease advice.</p> <p>b. Standards of conduct. Advice and assistance on conduct and conflict of interest. Reviews and adjudication of statements of Employment and financial interest. Record copy of statements of employment and Financial Interest of Private Association. Policy governing participants in activities.</p> <p>c. Processing of Requests by Military personnel for actions by the Attorney General under the Civil Rights Act, form requests, correspondence, and case files.</p>	<p>a. Legal advice to committees, conduct and conflict of interest are permanent. Transfer to WNRC when 5 years old.</p> <p>b. Destroy Statements of employment and interest and related papers two years after the employee leaves the agency or leaves the position in which a statement is required.</p> <p>c. Permanent, transfer to WNRC when 5 years old.</p>

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d. Advice and assistance to the Assistant Secretaries of Defense (M&RA, H&E) and Public Affairs in the clearances of directives and policy, the preparation of legislative packages, and in all other aspects such as contracts, nondiscrimination, appeal rights which may have legal application.

d. Permanent. Transfer to WNRC when 5 years old.

e. Documents providing advice to the Assistant Secretary of Defense regarding personnel matters such as equal opportunity, labor management relations, off base housing.

e. Permanent. Transfer to WNRC when 5 years old.

f. Records resulting from claims against the Government, insurance contracts, inquest, invention applications, judgements and other similar material, correspondence pertaining to the same and case files.

f. Retire record copies 3 years after cut off for permanent preservation.

g. Records comprising policy matters relating to the entrance of civil prisoners and former civil prisoners on active military duty or return to active military duty, including reports, surveys and analyses of the effectiveness of such personnel in the military service.

g. Retire record copies three years after cut off for permanent preservation.

402-04

Assistant General Counsel
(Logistics)

a. Legal directives, advice and opinions regarding inventions and their licensing.

a. Permanent. Transfer to WNRC when 5 years old.

b. Legal aspects of conservation and management of natural resources such as oil reserves.

b. Permanent. Transfer to WNRC when 5 years old.

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c. Records pertaining to the documentation of the policy for the acquisition of real property, terms and condition of the tiles, contracts, deeds, court orders and related proceedings.

c. Retire record copies three years after cutoff for permanent preservation.

d. Legal advice on Armed Services Procurement Regulation (ASPR) or other procurement matters are files of procurement actions of special interest to OSD. Legal advice to the Defense Systems Acquisition Review Council on procurement activities. Advice and review of procurement contracts.

d. Permanent. Transfer to WNRC when 10 years old.

e. Legal advice or general directives, instructions, and operation of logistical functions. Advice on transportation matters, proceedings before regulatory agencies, motor vehicle accidents, Homeowners Assistance Program, etc.

e. Permanent. Transfer to WNRC when 10 years old.

papers on legal
which has high
interest.

402-05

Assistant General Counsel
(International Affairs)

a. Legal advice and assistance on such international matters as: Status of Forces Agreements, Jurisdiction of Service Courts of friendly Foreign Forces, review of legality of weapons under international law. Agreements with Foreign Governments or International Organizations.

a. Permanent. Transfer to WNRC when 10 years old.

b. Legal opinions prepared for the Secretary of Defense concerning Defense matters under discussion or review by the Department of State.

b. Permanent. Transfer to WNRC when 10 years old.

<u>Category Number</u>	<u>Description of Records</u>	<u>Authorized Disposition Instruction</u>
402-05 (cont'd)	c. Directives and policy instructions to the components of DoD concerning such subjects as indicated in subpara (a) above.	c. Permanent. Transfer to WNRC when 10 years old.
<u>402-06</u>	<u>Legislative Reference Service Files.</u>	
	a. Documents pertaining to proposed legislative and legal opinions, positions in legislative matters if interest to the Defense Department.	a. Permanent. Transfer to WNRC after no longer current or required for reference.
	b. Document reference and distribution point files. Copies of documents, laws, acts, Federal Code, Directives of legal interest to facilitate work.	b. Destroy when no longer required for reference.
	c. Historical Legislation. Documents opinions and related papers of legislative content which has historic or continuing interest.	c. Permanent. Transfer to WNRC when ^{is no longer} is no longer effective.