

Request for Records Disposition Authority

Records Schedule Number DAA-0468-2012-0009

Schedule Status Approved

Agency or Establishment Department of Health and Human Services

Record Group / Scheduling Group General Records of the Department of Health and Human Services

Records Schedule applies to Major Subdivision

Major Subdivision Office of the Secretary

Minor Subdivision Office of the General Counsel

Schedule Subject Official files of the Office of the General Counsel (OGC) in support of the Department of Health and Human Services (HHS) programs and operations.

Internal agency concurrences will be provided Yes

Background Information The Office of the General Counsel (OGC) is the legal team for the Department of Health and Human Services (HHS), providing quality representation and legal advice on a wide range of highly visible national issues. OGC supports the development and implementation of the Department's programs by providing the highest quality legal services to the Secretary of HHS and the organization's various agencies and divisions. A team of over 400 attorneys and a comprehensive support staff, OGC is one of the largest and most diverse and talented law offices in the country. Many OGC lawyers are heavily involved in administrative and Federal court litigation. In collaboration with the Department of Justice, OGC attorneys may have primary responsibility for complex district court and appellate litigation, trying cases and arguing appeals. The OGC team also reviews proposed regulations and legislation affecting significant issues of health and human services.

Item Count

Number of Total Disposition Items	Number of Permanent Disposition Items	Number of Temporary Disposition Items	Number of Withdrawn Disposition Items
19	1	18	0

GAO Approval

0019

Outline of Records Schedule Items for DAA-0468-2012-0009

Sequence Number	
1	Administrative Hearing Files Disposition Authority Number: DAA-0468-2012-0009-0001
2	Legal Opinions
2.1	Legal Advice and Opinions on Significant Issues Disposition Authority Number: DAA-0468-2012-0009-0002
2.2	Legal Advice and Opinions on Non-Significant Issues Disposition Authority Number: DAA-0468-2012-0009-0003
3	FDA Injunction Files
3.1	FDA Injunction Files Disposition Authority Number: DAA-0468-2012-0009-0004
4	FDA Suit Files
4.1	FDA Suit Files with Precedential Value Disposition Authority Number: DAA-0468-2012-0009-0005
4.2	FDA Suit Files without Precedential Value Disposition Authority Number: DAA-0468-2012-0009-0006
5	Legislation Files
5.1	HHS Draft Legislation Files Disposition Authority Number: DAA-0468-2012-0009-0007
5.2	Non-HHS Draft Legislation Files Disposition Authority Number: DAA-0468-2012-0009-0008
5.3	Numbered Bill Files Disposition Authority Number: DAA-0468-2012-0009-0009
5.4	Public Law Files Disposition Authority Number: DAA-0468-2012-0009-0010
6	Military Personnel and Civilian Employees Claim Files Disposition Authority Number: DAA-0468-2012-0009-0011
7	Federal Claims Collection Act Files Disposition Authority Number: DAA-0468-2012-0009-0012
8	Administrative Tort Claims Files Disposition Authority Number: DAA-0468-2012-0009-0013
9	Federal Medical Care Recovery Act Claims Files Disposition Authority Number: DAA-0468-2012-0009-0014
10	Office of the General Counsel Working Papers Disposition Authority Number: DAA-0468-2012-0009-0015
11	Testimony Requests and Document Production Records

12	Disposition Authority Number: DAA-0468-2012-0009-0016 Health Resources and Services Administration's Bureau of Clinician Recruitment Service (BCRS) Scholarship and Loan Repayment Program Attorney Case Files Disposition Authority Number: DAA-0468-2012-0009-0017
13	Litigation Case Files
13.1	Litigation Case Files with Precedential Value Disposition Authority Number: DAA-0468-2012-0009-0018
13.2	Litigation Case Files without Precedential Value Disposition Authority Number: DAA-0468-2012-0009-0019

Records Schedule Items

Sequence Number	
1	<p>Administrative Hearing Files</p> <p>Disposition Authority Number DAA-0468-2012-0009-0001</p> <p>These files include administrative (non-court) litigation files located in the Immediate Office of the General Counsel, OGC Divisions, and OGC Regional Offices. These files are maintained by the OGC attorneys who are responsible for litigating the administrative cases. These files can include pleadings, exhibits, discovery, unpublished administrative tribunal orders or decisions, the administrative record, and communications related to litigating the case before an administrative tribunal, such as the Departmental Appeals Board, an Administrative Law Judge, Equal Employment Opportunity Commission, Merit System Protection Board, the Government Accountability Office, and similar administrative tribunals.</p> <p>Final Disposition Temporary</p> <p>Item Status Active</p> <p>Is this item media neutral? Yes</p> <p>Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? Yes</p> <p>Do any of the records covered by this item exist as structured electronic data? No</p> <p>GRS or Superseded Authority Citation NC1-235-81-1, Item 601-03</p> <p>Disposition Instruction</p> <p>Cutoff Instruction Cut off file on date of administrative tribunal's final order or judgment.</p> <p>Retention Period Destroy 3 year(s) after cutoff</p> <p>Additional Information</p> <p>GAO Approval Not Required</p>
2	<p>Legal Opinions</p> <p>OGC responses to requests for legal advice or opinions related to a variety of issues affecting HHS and its Operating Divisions (OPDIVs).</p>
2.1	<p>Legal Advice and Opinions on Significant Issues</p> <p>Disposition Authority Number DAA-0468-2012-0009-0002</p>

Significant issues are those that are precedential, have a major impact on how HHS operates, relate to matters that have received a high level of congressional and/or public inquiries, or involve HHS senior leadership. Arranged by year.

Final Disposition Permanent
 Item Status Active
 Is this item media neutral? Yes
 Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? Yes
 Do any of the records covered by this item exist as structured electronic data? No
 GRS or Superseded Authority Citation NC1-235-80-01, Item 601-01

Disposition Instruction

Cutoff Instruction Cut off file at the end of the calendar year when final OGC response is sent to requester.
 Transfer to the National Archives for Accessioning Transfer paper records in four year blocks when the most recent records in the block are 20 years old. Transfer electronic records in four year blocks when the earliest records in the block are five years old.

Additional Information

What will be the date span of the initial transfer of records to the National Archives? From 1985 To 1993
 How frequently will your agency transfer these records to the National Archives? Every 4 Years

	Estimated Current Volume	Annual Accumulation
Electronic/Digital		
Paper	20 Cubic feet	1 Cubic feet
Microform		

Hardcopy or Analog Special Media		
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2.2

Legal Advice and Opinions on Non-Significant Issues

Disposition Authority Number DAA-0468-2012-0009-0003

These opinions are non- precedential, do not have a major impact on how HHS operates, do not relate to matters that have received a high level of congressional and/or public inquiries, and do not involve HHS senior leadership. Arranged by year.

Final Disposition Temporary

Item Status Active

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? Yes

Do any of the records covered by this item exist as structured electronic data? No

Disposition Instruction

Cutoff Instruction Cut off file at the end of the calendar year when final OGC response is sent to requester

Retention Period Destroy 3 year(s) after cutoff

Additional Information

GAO Approval Not Required

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FDA Injunction Files

Case files consisting of injunctions recommended by the Food and Drug Administration (FDA) and/or sought by the U.S. Government on FDA's behalf. Files contain complaints, injunction recommendations from the FDA district offices, affidavits, letters to US Attorneys, dissent or default decrees, and related correspondence. These cases are considered "open" until the action against the firm or individual has been resolved.

3.1

FDA Injunction Files

Disposition Authority Number DAA-0468-2012-0009-0004

FDA Injunction Files contain complaints, injunction recommendations from the FDA district offices, affidavits, letters to US Attorneys, dissent or default decrees,

and related correspondence. These cases are considered "open" until the action against the firm or individual has been resolved.

Final Disposition Temporary

Item Status Active

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? Yes

Do any of the records covered by this item exist as structured electronic data? No

GRS or Superseded Authority Citation NC1-235-80-01, Item 601-04

Disposition Instruction

Cutoff Instruction Cutoff file upon the court's final order or judgment.

Transfer to Inactive Storage Transfer to the Federal Records Center 2 years after cutoff.

Retention Period Destroy 10 year(s) after cutoff

Additional Information

GAO Approval Not Required

FDA Suit Files

Case files consisting of suits against FDA by individuals or firms. These cases remain active until the case is heard and resolved in court.

FDA Suit Files with Precedential Value

Disposition Authority Number DAA-0468-2012-0009-0005

Cases which are determined to have precedential value for other litigation cases. These are significant cases in which the cases established substantial legal precedent, received widespread attention from the media, Congress, the White House, FDA leadership, or pertain to significant events or prominent individuals.

Final Disposition Temporary

Item Status Active

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? Yes

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4.1

4.2	Do any of the records covered by this item exist as structured electronic data?	No
	Disposition Instruction	
	Cutoff Instruction	Cut off file on date of court's final order or judgment.
	Transfer to Inactive Storage	Transfer to the Federal Records Center 2 years after cut off.
	Retention Period	Destroy 20 year(s) after cutoff
	Additional Information	
	GAO Approval	Not Required
	FDA Suit Files without Precedential Value	
	Disposition Authority Number	DAA-0468-2012-0009-0006
	These are cases that have not established substantial legal precedent, did not receive widespread attention from the media, Congress, the White House, and FDA leadership, and did not pertain to significant events or prominent individuals.	
	Final Disposition	Temporary
	Item Status	Active
	Is this item media neutral?	Yes
	Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	Yes
	Do any of the records covered by this item exist as structured electronic data?	No
GRS or Superseded Authority Citation	NC1-235-80-01, item 601-05	
Disposition Instruction		
Cutoff Instruction	Cut off file on date of court's final order or judgment.	
Transfer to Inactive Storage	Transfer to the Federal Records Center 2 years after cut off.	
Retention Period	Destroy 10 year(s) after cutoff	
Additional Information		
GAO Approval	Not Required	
5	Legislation Files	

5.1

These are files maintained by the OGC Legislation Division, pertaining to the drafting of legislation, the enactment of legislation, and congressional correspondence.

HHS Draft Legislation Files

Disposition Authority Number DAA-0468-2012-0009-0007

Case files on the development of Department legislation presented or intended for presentation to Congress. Included are internal memoranda, documentation on the complete legislative history, HHS positions, and related correspondence.

Final Disposition Temporary

Item Status Active

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? Yes

Do any of the records covered by this item exist as structured electronic data? No

GRS or Superseded Authority Citation NC1-235-80-01, Item 601-06

Disposition Instruction

Cutoff Instruction Cut off file at the end of the Congressional session (2 years).

Transfer to Inactive Storage Transfer to the Federal Records Center 2 years after cut off

Retention Period Destroy 25 year(s) after cutoff

Additional Information

GAO Approval Not Required

5.2

Non-HHS Draft Legislation Files

Disposition Authority Number DAA-0468-2012-0009-0008

Case files of bills on which HHS comment is requested by OMB. These files include draft bills from other Federal agencies and draft bills from individual Members of Congress supplied to HHS to obtain technical assistance, together with internal memoranda, documentation on the complete legislative history, HHS positions, and related correspondence.

Final Disposition Temporary

Item Status Active

5.3

Is this item media neutral?	Yes
Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	Yes
Do any of the records covered by this item exist as structured electronic data?	No
GRS or Superseded Authority Citation	NC1-235-80-01, Item 601-07
Disposition Instruction	
Cutoff Instruction	Cut off files at end of Congressional session (2 years).
Transfer to Inactive Storage	Transfer to the Federal Records Center 2 years after cutoff
Retention Period	Destroy 20 year(s) after cutoff
Additional Information	
GAO Approval	Not Required
Numbered Bill Files	
Disposition Authority Number	DAA-0468-2012-0009-0009
Consists of correspondence, reports to Congress, and documentation on the legislative history of bills introduced in Congress, but not enacted.	
Final Disposition	Temporary
Item Status	Active
Is this item media neutral?	Yes
Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	Yes
Do any of the records covered by this item exist as structured electronic data?	No
GRS or Superseded Authority Citation	NC1-235-80-01, Item 601-08
Disposition Instruction	
Cutoff Instruction	Cut off files at the end of Congressional session (2 years).

5.4

Transfer to Inactive Storage Transfer to the Federal Records Center 2 years after cut off

Retention Period Destroy 20 year(s) after cutoff

Additional Information

GAO Approval Not Required

Public Law Files

Disposition Authority Number DAA-0468-2012-0009-0010

Consists of correspondence, copy of the enacted bill, reports, and documentation on the legislative history of the bills that are enacted into law.

Final Disposition Temporary

Item Status Active

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? Yes

Do any of the records covered by this item exist as structured electronic data? No

GRS or Superseded Authority Citation NC1-235-80-01, Item 601-09

Disposition Instruction

Cutoff Instruction Cut off files at the end of the Congressional session (2 years).

Transfer to Inactive Storage Transfer to the Federal Records Center 2 years after cut off.

Retention Period Destroy 25 year(s) after cutoff

Additional Information

GAO Approval Not Required

Military Personnel and Civilian Employees Claim Files

Disposition Authority Number DAA-0468-2012-0009-0011

Claim files regarding loss of property or damage to personal property for employees acting within the scope of their office of employment. Included in these files are memoranda, correspondence with claimants, moving companies, and appropriate facilities; supporting evidence necessary to substantiate the claims

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with recommendations and final determinations; and material indicating the final disposition of each case.

Final Disposition	Temporary
Item Status	Active
Is this item media neutral?	Yes
Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	Yes
Do any of the records covered by this item exist as structured electronic data?	No
GRS or Superseded Authority Citation	NC1-235-80-01, Item 601-11
Disposition Instruction	
Cutoff Instruction	Cut off file when claim is resolved
Retention Period	Destroy 4 year(s) after cutoff

Additional Information

GAO Approval	Not Required
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Federal Claims Collection Act Files

Disposition Authority Number	DAA-0468-2012-0009-0012
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Claims covered under the Federal Claims Collection Act apply to administrative collections of monies due HHS. These records document how claims arose, amounts, circumstances of debtors, and collection of efforts made, basis for compromise, suspension, or termination of claims; and materials indicating final disposition of each case.

Final Disposition	Temporary
Item Status	Active
Is this item media neutral?	Yes
Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	Yes
Do any of the records covered by this item exist as structured electronic data?	No
GRS or Superseded Authority Citation	NC1-235-80-01, Item 601-12

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8	Disposition Instruction	
	Cutoff Instruction	Cut off file when claim is resolved
	Transfer to Inactive Storage	Transfer to the Federal Records Center immediately after cut off.
	Retention Period	Destroy 6 year(s) after cutoff
	Additional Information	
	GAO Approval	Not Required
	Administrative Tort Claims Files	
	Disposition Authority Number	DAA-0468-2012-0009-0013
	These are claims filed pursuant to the Federal Tort Claims Act relating to personal injury and damage to property. Included in these files are correspondence with claimants, legal representatives and appropriate facilities; legal documentation relating to evaluations, determinations, and disposition of claims; and similar papers.	
	Final Disposition	Temporary
	Item Status	Active
	Is this item media neutral?	Yes
	Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	Yes
	Do any of the records covered by this item exist as structured electronic data?	No
GRS or Superseded Authority Citation	NC1-235-80-01, Item 601-13	
Disposition Instruction		
Cutoff Instruction	Cut off file when claim is resolved.	
Retention Period	Destroy 4 year(s) after cutoff	
Additional Information		
GAO Approval	Not Required	
9	Federal Medical Care Recovery Act Claims Files	
	Disposition Authority Number	DAA-0468-2012-0009-0014
	These files are maintained to document HHS collections of monies for the reasonable value of care when treatment is provided at government expense. If the Federal Government is entitled to recovery under the Act, the Department asserts	

the claim against the third party for the reasonable value of the care and treatment. Included in these files are the third party report, a description of the accident, and the medical information; notice of claim to the third party; and copies of medical summaries, police reports, and correspondence.

Final Disposition Temporary

Item Status Active

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? Yes

Do any of the records covered by this item exist as structured electronic data? No

GRS or Superseded Authority Citation NC1-235-80-01, Item 601-14

Disposition Instruction

Cutoff Instruction Cut off at the close of the Fiscal Year in which the claims were resolved.

Retention Period Destroy 7 year(s) after cutoff

Additional Information

GAO Approval Not Required

Office of the General Counsel Working Papers

Disposition Authority Number DAA-0468-2012-0009-0015

Non-essential materials used by staff members when performing functions of the Office of the General Counsel. Included are copies of official correspondence, drafts, notes, records of phone conversations, research materials, comments, instructions, and other supporting or background material used in developing official files, but not needed for the official file, other materials not acted upon, and any other documents which do not serve as the basis for official action.

Final Disposition Temporary

Item Status Active

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? Yes

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Do any of the records covered by this item exist as structured electronic data?

No

Disposition Instruction

Cutoff Instruction

Cut off file at end of calendar year in which records are created or received by OGC.

Retention Period

Destroy 3 year(s) after cutoff

Additional Information

GAO Approval

Not Required

Testimony Requests and Document Production Records

Disposition Authority Number DAA-0468-2012-0009-0016

These are records related to subpoenas for testimony, subpoenas duces tecum, or other formal testimony or document production requests in litigations in which HHS is not a party, and these records are not part of the Court and Administrative Litigation Case Files. These records include the underlying subpoena, testimony request, or document production request, the agency's response, and other related correspondence.

Final Disposition

Temporary

Item Status

Active

Is this item media neutral?

Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?

Yes

Do any of the records covered by this item exist as structured electronic data?

No

Disposition Instruction

Cutoff Instruction

Cut off file at agency's final response to the subpoena, testimony request, or document production request.

Retention Period

Destroy 3 year(s) after cutoff

Additional Information

GAO Approval

Not Required

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Health Resources and Services Administration's Bureau of Clinician Recruitment Service (BCRS) Scholarship and Loan Repayment Program Attorney Case Files

Disposition Authority Number DAA-0468-2012-0009-0017

These cases involve litigation to collect monetary damages from individuals who defaulted on a service obligation, or to recover funds from individuals who received overpayments, under various scholarship and loan repayment programs administered by the Bureau of Clinician Recruitment Service (BCRS). These are attorney files related to the BCRS. HRSA has the official case files.

Final Disposition Temporary

Item Status Active

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? Yes

Do any of the records covered by this item exist as structured electronic data? No

Disposition Instruction

Cutoff Instruction Cut off file on the date that the individual's financial obligation is fully satisfied through payment and/or service, or the individual's debt is discharged in bankruptcy, waived, cancelled, or otherwise terminated.

Retention Period Destroy 6 year(s) after cutoff

Additional Information

GAO Approval Not Required

13

Litigation Case Files

These files consist of court pleadings, correspondence, memorandums, studies, appraisals, court decisions, and similar documents. These files accumulate in various divisions of the Office of the General Counsel (OGC) and relate to primary program areas of the Department of Human Services.

13.1

Litigation Case Files with Precedential Value

Disposition Authority Number DAA-0468-2012-0009-0018

Cases which are determined to have precedential value for other litigation cases.

Final Disposition Temporary

Item Status Active

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in

13.2

electronic format(s) other than e-mail and word processing?
Do any of the records covered by this item exist as structured electronic data? No
GRS or Superseded Authority Citation N1-468-02-1 Item 1a
Disposition Instruction
Cutoff Instruction Cut off at the close of the Fiscal Year after termination of the case.
Transfer to Inactive Storage Transfer to the FRC two years after cutoff.
Retention Period Destroy 20 year(s) after cutoff
Additional Information
GAO Approval Not Required
Litigation Case Files without Precedential Value
Disposition Authority Number DAA-0468-2012-0009-0019
Cases which are determine to not have precedential value for other litigation cases.
Final Disposition Temporary
Item Status Active
Is this item media neutral? Yes
Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? Yes
Do any of the records covered by this item exist as structured electronic data? No
GRS or Superseded Authority Citation N1-468-02-1 Item 1b
Disposition Instruction
Cutoff Instruction Cut off at the close of the Fiscal Year after termination of the case.
Retention Period Destroy 2 year(s) after cutoff
Additional Information
GAO Approval Required and Received

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 in this schedule are not now needed for the business of the agency or will not be needed after the retention periods specified.

Signatory Information

Date	Action	By	Title	Organization
05/09/2013	Certify	Elaine Pankey	HHS Office of the Secretary Records Officer	Offices of the Secretary, Assistant Secretary for Administration - Office of the Chief Information Officer
08/27/2013	Return for Revision	Valerie Terray	Archives Specialist	National Archives and Records Administration - Records Management Services
09/11/2013	Submit For Certification	Elaine Pankey	HHS Office of the Secretary Records Officer	Offices of the Secretary, Assistant Secretary for Administration - Office of the Chief Information Officer
09/11/2013	Certify	Elaine Pankey	HHS Office of the Secretary Records Officer	Offices of the Secretary, Assistant Secretary for Administration - Office of the Chief Information Officer
09/17/2013	Return for Revision	Valerie Terray	Archives Specialist	National Archives and Records Administration - Records Management Services
09/18/2013	Submit For Certification	Elaine Pankey	HHS Office of the Secretary Records Officer	Offices of the Secretary, Assistant Secretary for Administration - Office of the Chief Information Officer
09/18/2013	Certify	Elaine Pankey	HHS Office of the Secretary Records Officer	Offices of the Secretary, Assistant Secretary for Administration - Office of the Chief Information Officer

				Administration - Office of the Chief Information Officer
04/01/2014	Submit for Concurrency	Valerie Terray	Archives Specialist	National Archives and Records Administration - Records Management Services
04/03/2014	Concur	Margaret Hawkins	Director of Records Management Services	National Records Management Program - Records Management Services
04/03/2014	Concur	Laurence Brewer	Director, National Records Management Program	National Archives and Records Administration - National Records Management Program
04/03/2014	Approve	David Ferriero	Archivist of the United States	Office of the Archivist - Office of the Archivist