

REQUEST FOR RECORDS DISPOSITION AUTHORITY		(LEAVE BLANK)	
To: NATIONAL ARCHIVES and RECORDS ADMINISTRATION (NIR) WASHINGTON, DC 20408		JOB NUMBER <i>NI-560-03-1</i>	
1. FROM (Agency or establishment) Department of Transportation <i>Homeland Security</i>		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request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10.	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 Transportation Security Administration			
3. MINOR SUBDIVISION Office of Chief Counsel			
4. NAME OF PERSON WITH WHOM TO CONFER Arthur McCune, Jr.	5. TELEPHONE 202/385-1192	DATE <i>12-23-03</i>	ARCHIVIST OF THE UNITED STATES <i>John W. Carl</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>6</u> page(s) are not now needed for the business of 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 type="checkbox"/> is not required; <input type="checkbox"/> is attached; or <input checked="" type="checkbox"/> has been requested.			
DATE <i>9/11/02</i>	SIGNATURE OF AGENCY REPRESENTATIVE <i>Arthur L. McCune Jr.</i>		TITLE Records Management Officer
7. Item No.	8. DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9. GRS OR SUPERSEDED JOB CITATION	10. ACTION TAKEN (NARA USE ONLY)
	See Attached		

cc Agency, NR, NWMD, NWMW

This category relates to advice, assistance, and representation provided by the legal staff on legal matters affecting TSA's mission and program responsibilities.

Title	Description of Records	Disposition	Authority
① CHFC 600.1 GENERAL LEGAL FILES	Correspondence, memoranda, and documents maintained by the Chief Counsel and related to general legal advice, not otherwise covered by this appendix.	Cut off at end of fiscal year in which advice is issued. Transfer to FRC 5 years after date of cut off. Destroy 15 years after date of cut off.	
② CHFC 600.2 PERSONNEL- RELATED LEGAL ASSISTANCE FILES	Documents accumulated in rendering legal assistance to TSA officials on personnel- and EEO-related administrative matters. EXCLUDED are documents relating to legal proceedings in both courts of law and administrative forums (see Litigation Files).	Cut off at end of fiscal year when case is closed or court action initiated. Destroy 5 years after date of cut off.	
CHFC 600.3 ETHICS PROGRAM RECORDS	Records created or received in administering the Ethics in Government Act in TSA.		
	a. Ethics advice correspondence and "intake" forms summarizing advice provided orally.		
	(1). Official file copy (maintained chronologically).	Cut off annually at end of calendar year. Destroy 6 years after date of cut off.	GRS 25/9
	(2). Copy maintained in ethics subject file or significant individual file.	Cut off annually at end of calendar year. Destroy 6 years after date of cut off.	GRS 25/9
	b. Referrals made to the Office of the Inspector General (OIG), Department of Justice, or Office of Government Ethics (OGE) concerning ethics violations or suspected violations.	Cut off annually at end of calendar year. Destroy 6 years after date of cut off.	GRS 25/4

CHFC 600—CHIEF COUNSEL

Title	Description of Records	Disposition	Authority
	<p>e. Ethics training materials, including class lists, copies of training audiovisuals and handouts, and scheduling arrangements.</p>		
	<p>(1) Records relating to administering annual training classes, including rosters, memoranda, and related documents.</p>	<p>Cut off at end of calendar year. Destroy 6 years after date of cut off.</p>	<p>GRS 25/8a</p>
	<p>(2) Materials used in training classes, including audiovisuals and handouts.</p>	<p>Destroy when 6 years old or when obsolete or no longer needed.</p>	<p>GRS 25/8b</p>
	<p>d. Ethics Program Review Files. The Annual report to OGE.</p>	<p>Cut off annually. Destroy 6 years after date of cut off.</p>	<p>GRS 25/6a</p>
<p>CHFC 600.4 FINANCIAL DISCLOSURE RECORDS</p>	<p>a. Reports and related documents submitted by individuals as required under the Ethics in Government Act of 1978 (Pub. L. 95-521)</p>		
	<p>(1) Records, including SF 278A, Information Sheet Financial Disclosure Report, for individuals filing according to Section 201b of the Act, and not subsequently confirmed by the U.S. Senate.</p>	<p>Destroy 1 year after nominee ceases to be under consideration for appointment, EXCEPT that documents needed in an ongoing investigation must be retained until no longer needed in the investigation</p>	<p>GRS 25/2a(1)</p>
	<p>(2) All other records, including SF 278, Financial Disclosure Report.</p>	<p>Destroy when 6 years old, EXCEPT that documents needed in an ongoing investigation must be retained until no longer needed in the investigation.</p>	<p>GRS 25/2a(2)</p>

Title	Description of Records	Disposition	Authority
③	<p>b. All other statements of employment and financial interests and related records, including confidential statements filed under Executive Order 11222.</p> <p>NOTE: Official file copy is maintained by Chief Counsel. Supervisor's copy must be transferred to the new supervisor when an employee transfers to a new position within TSA.</p>	<p>Destroy when 6 years old, EXCEPT that documents needed in an ongoing investigation must be retained until no longer needed in the investigation.</p>	
④	<p>c. Records relating to administration of the financial disclosure reporting requirements.</p>	<p>Cut off annually. Destroy 2 years after date of cut off.</p>	

Title	Description of Records	Disposition	Authority
<p>⑤ CHFC 600.5 FOIA LEGAL ADVICE FILES</p>	<p>Documents accumulated in providing legal advice and assistance on implementing the "Freedom of Information Act" (FOIA). Included are requests for information, interpretations, copies of letters denying access to requested information, and similar information. EXCLUDED are documents relating to court actions filed to gain access to NARA information (Litigation Files). Also EXCLUDED are official file copies of replies to FOIA requests and FOIA appeals.</p>	<p>Cut off annually, hold 3 years, and retire to records center. Destroy 7 years after date of cut off.</p>	
<p>CHFC 600.6 LITIGATION FILES</p>	<p>Documents relating to litigation by or against the Government resulting from questions concerning TSA authority, criminal actions, claims, torts, employment and sex discrimination, Rehabilitation Act, personnel matters, contracts, foreclosures, actions against TSA officials (personal judgments), criminal actions, titles to real property, and other civil matters. Included are statements of claims, documentary evidence, copies of condemnation or foreclosure proceedings and decisions, lists of witnesses, supporting documents, correspondence, and related records. Includes litigation in which the Government is not a party but in which TSA has an interest. (e.g. cases involving the use of sensitive security information.</p>		
<p>⑥</p>	<p>a. Significant litigation cases selected by the Chief Counsel because the cases established legal precedent; received widespread attention from the news media,</p>	<p><u>Permanent.</u> Cut off annually following close of case. Hold 1 year and retire to records center. Transfer to NARA when</p>	

Title	Description of Records	Disposition	Authority
⑦	Congress, or the White House; or pertained to significant events or prominent individuals.	20 years old.	
	b. Other case files.	Cut off annually following close of case. Hold 1 year and retire to records center. Destroy 10 years after date of cut off.	
④	CHFC 600.7 PROTESTS TO THE COMPTROLLER GENERAL	Documents relating to bidder and contractor protests to the Comptroller General on solicitations issued or contracts entered into by TSA. Included are GAO requests for reports on the protests, administrative reports, and related records.	Place in inactive file when GAO action on protest is completed or the protest is terminated. Cut off inactive files annually. Destroy 8 years after date of cut off.
	CHFC 600.8 LEGAL SUBJECT REFERENCE FILES	Reference copies of legal opinions and other legal advice, statutes, and background materials accumulated for reference.	
⑨	a. Centrally maintained file of reference materials filed alphabetically.	Destroy when no longer needed.	
⑩	b. Copies of work products maintained by individual attorneys and law clerks.	Nonrecord. Destroy or remove from office as personal papers when no longer needed for reference purposes.	

Title	Description of Records	Disposition	Authority
<p>CHFC 600.9 TORT CLAIM FILES</p>	<p>Correspondence, claim forms, copies of pertinent statutes, and other documents created or received by Chief Counsel in processing tort claims that are settled administratively. EXCLUDES tort claims that are filed in a court (see Litigation Files) and employee claims.</p>	<p>Destroy when 3 years old.</p>	<p>GRS 6, item 10a</p>
<p>(11)</p>	<p>a. Correspondence and other documents pertaining to incidents for which a prospective claimant does not submit a formal tort claim on SF 95.</p>	<p>Destroy when 3 years old.</p>	<p>GRS 6, item 10a</p>
<p>b. Claims against the United States. Records relating to claims against the United States for monies that have been administratively (1) disallowed in full or (2) allowed in full or in part, and final payment of the amount awarded. Included are SF 95, other documentation furnished by the claimant, Chief Counsel correspondence with the claimant, and if the claim is accepted, copies of documents related to paying the claimant.</p>	<p>Place accepted claim files in the inactive file when claim is closed. Place denied claims in the inactive file when 7 months old if no request for reconsideration has been filed or such request has been denied. Cut off inactive files at end of fiscal year. Destroy 6 years after date of cut off.</p>	<p>GRS 6, item 10a</p>	
<p>CHFC 600.10 EMPLOYEE CLAIM FILES</p>	<p>Correspondence, claim forms, and background material created or received by Chief Counsel to process employee claims under 31 U.S.C. § 3721, that are settled administratively. EXCLUDES employee claims that are filed in a court (see Litigation Files) and tort claims.</p>	<p>Destroy when 3 years old.</p>	<p>GRS 6, item 10a</p>
<p>(12)</p>	<p>a. Correspondence and other documents pertaining to incidents for which a prospective claimant does not submit a formal claim on SF 2116.</p>	<p>Destroy when 3 years old.</p>	<p>GRS 6, item 10a</p>

Title	Description of Records	Disposition	Authority
<p>CHFC 600.11 REGULATION AND RULEMAKING FILES</p>	<p>(13) a. Significant Final signed copy of regulation along with Federal Register notice and related correspondence. These cover rules that are considered significant under OMB criteria as stated in the preamble of the rule.</p>	<p>Permanent. Cut off files at the end of calendar year. Transfer cut off files to FRC after 10 years. Transfer to NARA in 5 year blocks when 20 years old.</p>	
	<p>(14) b. Regulation and Rulemaking files not determined to be significant.</p>	<p>Cut off files at end of calendar year. Transfer cut off files to FRC after 10 years. Destroy 20 years after cutoff.</p>	
<p>CHFC 600.12 LEGISLATIVE FILES</p>	<p>(15) a. Enacted Legislation. Consist of opinions, interpretations of the law, copies of implementation of the statutes, notes, articles, background reviews and documents related to transportation security. This material is maintained and is used by the attorneys as legal research material.</p>	<p>Permanent. Transfer to FRC when 10 years old. Transfer to National Archives when 25 years old.</p>	
	<p>Arranged alphabetically by subject.</p>		
	<p>(16) b. Draft and Proposed Legislation. Contain information on Congressional legislation, which includes correspondence, comments, draft proposed legislation, minutes of meetings of testimony made before committee hearings and reports pertaining to transportation security.</p>	<p>Cut off inactive file at end of fiscal year. Destroy 15 years after cutoff.</p>	
	<p>Arranged alphabetically by subject.</p>		
<p>(17) CHFC 600.13 CIVIL AND CRIMINAL ENFORCEMENT FILES</p>	<p>Advice, reports of investigation, inspector's analyses, intelligence reports, civil and criminal enforcement docket, orders, notices of violations and documents</p>	<p>Cut off when closed at end of fiscal year when matter is closed. Hold 5 years and retire to records center. Destroy 10 years</p>	

Title	Description of Records	Disposition	Authority
	associated with litigation.	after matter is closed.	

Title	Description of Records	Disposition	Authority
<p>18 CHFC 600.14 INTERNATIONAL LAW FILES</p>	<p>Documents accumulated in providing legal advice and assistance on international law issues related to TSA’s mission. Includes legal memoranda, correspondence and related documents</p>	<p>Cut off at end of fiscal year in which advice is issued. Destroy when 15 years old.</p>	
<p>19 CHFC 600.15 FORMAL LEGAL OPINION FILES</p>	<p>Controlled series of legal opinions and other significant legal advice issued by Chief Counsel to provide TSA officials legal advice and interpretation of statutes pertinent to TSA programs.</p>	<p>Permanent. Cut off at end of fiscal year. Transfer to NARA in 5-year blocks when 30 years old.</p>	
<p>20 CHFC 600.16 WORD PROCESSING FILES AND ELECTRONIC MAIL (EMAIL) REORDS</p>	<p>Word Processing Files. Documents such as letters, memoranda, reports, handbooks, directives, and manuals recorded on electronic media, such as hard disks or floppy diskettes, after they have been copied to an electronic recordkeeping system, paper, or microform for recordkeeping purposes.</p> <p>Email Records. Senders’ and recipients’ versions of email messages that meet the definition of Federal records and any attachments to the record messages after they have been copied to an electronic recordkeeping system, paper, or microform for recordkeeping purposes.</p>	<p>Delete from the word processing system when no longer needed for updating or revision.</p> <p>Delete from the email system after copying to a recordkeeping system.</p> <p>Note: Along with the message text, the recordkeeping system must capture the names of sender and recipients and date (transmission data for recordkeeping purposes) and any receipt data when required.</p>	

CHFC 600—CHIEF COUNSEL

This category relates to advice, assistance, and representation provided by the legal staff on legal matters affecting TSA's mission and program responsibilities.

Title	Description of Records	Disposition	Authority
<p>CHFC 600.1 GENERAL LEGAL FILES</p>	<p>Correspondence, memoranda, and documents maintained by the Chief Counsel and related to general legal advice, not otherwise covered by this appendix.</p>	<p>Cut off at end of fiscal year in which advice is issued. Transfer to FRC 5 years after date of cut off. Destroy 15 years after date of cut off.</p>	
<p>CHFC 600.2 PERSONNEL- RELATED LEGAL ASSISTANCE FILES</p>	<p>Documents accumulated in rendering legal assistance to TSA officials on personnel- and EEO-related administrative matters. EXCLUDED are documents relating to legal proceedings in both courts of law and administrative forums (see Litigation Files).</p>	<p>Cut off at end of fiscal year when case is closed or court action initiated. Destroy 5 years after date of cut off.</p>	
<p>CHFC 600.3 ETHICS PROGRAM RECORDS</p>	<p>Records created or received in administering the Ethics in Government Act in TSA.</p>		
	<p>Ethics advice correspondence and "intake" forms summarizing advice provided orally.</p>		
	<p>a. Official file copy (maintained chronologically).</p>	<p>Cut off annually at end of calendar year. Destroy 6 years after date of cut off.</p>	
	<p>b. Copy maintained in ethics subject file or significant individual file.</p>	<p>Destroy when obsolete or no longer needed for reference.</p>	
	<p>Referrals made to the Office of the Inspector General (OIG), Department of Justice, or Office of Government Ethics (OGE) concerning ethics violations or suspected violations.</p>	<p>Cut off annually at end of calendar year. Destroy 6 years after date of cut off.</p>	

CHFC 600—CHIEF COUNSEL

Title	Description of Records	Disposition	Authority
CHFC 600.4 FINANCIAL DISCLOSURE RECORDS	Ethics training materials, including class lists, copies of training audiovisuals and handouts, and scheduling arrangements.	Cut off at end of calendar year. Destroy 2 years after date of cut off.	
	a. Records relating to administering annual training classes, including rosters, memoranda, and related documents.	Destroy when obsolete or no longer needed.	
	b. Materials used in training classes, including audiovisuals and handouts.	Cut off annually.	
	Annual report to OGE.	Destroy 5 years after date of cut off.	
	a. Reports and related documents submitted by individuals as required under the Ethics in Government Act of 1978 (Pub. L. 95-521)	Destroy 1 year after nominee ceases to be under consideration for appointment, EXCEPT that documents needed in an ongoing investigation must be retained until no longer needed in the investigation. (GRS 1, item 24a(1))	
	(2) All other records, including SF 278, Financial Disclosure Report.	Destroy when 6 years old, EXCEPT that documents needed in an ongoing investigation must be retained until no longer needed in the investigation.	GRS 1, item 24a (2)

CHFC 600—CHIEF COUNSEL

Title	Description of Records	Disposition	Authority
	b. All other statements of employment and financial interests and related records, including confidential statements filed under Executive Order 11222. NOTE: Official file copy is maintained by Chief Counsel. Supervisor's copy must be transferred to the new supervisor when an employee transfers to a new position within TSA.	Destroy when 6 years old, EXCEPT that documents needed in an ongoing investigation must be retained until no longer needed in the investigation.	GRS 1, item 24b
	c. Records relating to administration of the financial disclosure reporting requirements.	Cut off annually. Destroy 2 years after date of cut off.	

CHFC 600—CHIEF COUNSEL

Title	Description of Records	Disposition	Authority
<p>CHFC 600.5 FOIA LEGAL ADVICE FILES</p>	<p>Documents accumulated in providing legal advice and assistance on implementing the "Freedom of Information Act" (FOIA). Included are requests for information, interpretations, copies of letters denying access to requested information, and similar information. EXCLUDED are documents relating to court actions filed to gain access to NARA information (Litigation Files). Also EXCLUDED are official file copies of replies to FOIA requests and FOIA appeals.</p>	<p>Cut off annually, hold 3 years, and retire to records center. Destroy 7 years after date of cut off.</p>	
<p>CHFC 600.6 LITIGATION FILES</p>	<p>Documents relating to litigation by or against the Government resulting from questions concerning TSA authority, criminal actions, claims, torts, employment and sex discrimination, Rehabilitation Act, personnel matters, contracts, foreclosures, actions against TSA officials (personal judgments), criminal actions, titles to real property, and other civil matters. Included are statements of claims, documentary evidence, copies of condemnation or foreclosure proceedings and decisions, lists of witnesses, supporting documents, correspondence, and related records. Includes litigation in which the Government is not a party but in which TSA has an interest. (e.g. cases involving the use of sensitive security information.</p>	<p><u>Permanent</u>. Cut off annually following close of case. Hold 1 year and retire to records center. Transfer to NARA when</p>	
	<p>a. Significant litigation cases selected by the Chief Counsel because the cases established legal precedent; received widespread attention from the news media,</p>		

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Title	Description of Records	Disposition	Authority
	Congress, or the White House; or pertained to significant events or prominent individuals.	20 years old.	
	b. Other case files.	Cut off annually following close of case. Hold 1 year and retire to records center. Destroy 10 years after date of cut off.	
CHFC 600.7 PROTESTS TO THE COMPTROLLER GENERAL	Documents relating to bidder and contractor protests to the Comptroller General on solicitations issued or contracts entered into by TSA. Included are GAO requests for reports on the protests, administrative reports, and related records.	Place in inactive file when GAO action on protest is completed or the protest is terminated. Cut off inactive files annually. Destroy 8 years after date of cut off.	
CHFC 600.8 LEGAL SUBJECT REFERENCE FILES	Reference copies of legal opinions and other legal advice, statutes, and background materials accumulated for reference.		
	Centrally maintained file of reference materials filed alphabetically.	Destroy when no longer needed.	
	Copies of work products maintained by individual attorneys and law clerks.	Nonrecord. Destroy or remove from office as personal papers when no longer needed for reference purposes.	

CHFC 600—CHIEF COUNSEL

Title	Description of Records	Disposition	Authority
<p>CHFC 600.9 TORT CLAIM FILES</p>	<p>Correspondence, claim forms, copies of pertinent statutes, and other documents created or received by Chief Counsel in processing tort claims that are settled administratively. EXCLUDES tort claims that are filed in a court (see Litigation Files) and employee claims.</p>	<p>Destroy when 3 years old.</p>	
<p>CHFC 600.10 EMPLOYEE CLAIM FILES</p>	<p>a. Correspondence and other documents pertaining to incidents for which a prospective claimant does not submit a formal tort claim on SF 95.</p> <p>b. Claims against the United States. Records relating to claims against the United States for monies that have been administratively (1) disallowed in full or (2) allowed in full or in part, and final payment of the amount awarded. Included are SF 95, other documentation furnished by the claimant, Chief Counsel correspondence with the claimant, and if the claim is accepted, copies of documents related to paying the claimant.</p>	<p>Place accepted claim files in the inactive file when claim is closed. Place denied claims in the inactive file when 7 months old if no request for reconsideration has been filed or such request has been denied. Cut off inactive files at end of fiscal year. Destroy 6 years after date of cut off.</p>	<p>GRS 6, item 10a</p>
<p>CHFC 600.10 EMPLOYEE CLAIM FILES</p>	<p>Correspondence, claim forms, and background material created or received by Chief Counsel to process employee claims under 31 U.S.C. § 3721, that are settled administratively. EXCLUDES employee claims that are filed in a court (see Litigation Files) and tort claims.</p>	<p>Destroy when 3 years old.</p>	
<p>CHFC 600.10 EMPLOYEE CLAIM FILES</p>	<p>a. Correspondence and other documents pertaining to incidents for which a prospective claimant does not submit a formal claim on SF 2116.</p>	<p>Destroy when 3 years old.</p>	

CHFC 600—CHIEF COUNSEL

Title	Description of Records	Disposition	Authority
<p>CHFC 600.11 REGULATION AND RULEMAKING FILES</p>	<p>Final signed copy of regulation along with Federal Register notice and related correspondence.</p>	<p><u>Permanent</u>. Hold 10 years and retire to records center. Transfer to NARA when 20 years old.</p>	
<p>CHFC 600.12 LEGISLATIVE FILES</p>	<p>Case files on proposed or introduced legislation, Congressional resolutions, Executive Orders, and proclamations, consisting of draft proposals, supporting papers, comments setting forth TSA's position, testimony given before Congress. Also includes legislative histories of statutes relating to TSA's mission</p> <p>a. Hearing files consisting of hearing transcripts and supporting papers.</p> <p>b. Congressional correspondence, responses and related papers dealing with TSA's mission.</p>	<p><u>Permanent</u>. Cut off at the end of the fiscal year, Retire to the records center when 4 years old. Transfer to NARA in 5-year blocks 15 years after the date of cut off.</p>	
<p>CHFC 600.13 CIVIL AND CRIMINAL ENFORCEMENT FILES</p>	<p>Advice, reports of investigation, inspector's analyses, intelligence reports, civil and criminal enforcement docket, orders, notices of violations and documents associated with litigation.</p>	<p>Cut off when closed at end of fiscal year when matter is closed. Hold 5 years and retire to records center. Destroy 10 years after the date of the cut off.</p>	
<p>CHFC 600.14 INTERNATIONAL LAW FILES</p>	<p>Documents accumulated in providing legal advice and assistance on international law issues related to TSA's mission. Includes legal memoranda, correspondence and related documents</p>	<p>Cut off at end of fiscal year in which advice is issued. Destroy when 15 years old.</p>	
<p>CHFC 600.15 FORMAL LEGAL OPINION FILES</p>	<p>Controlled series of legal opinions and other significant legal advice issued by Chief Counsel to provide</p>	<p><u>Permanent</u>. Cut off at end of fiscal year. Transfer to NARA in 5-year blocks</p>	

CHFC 600—CHIEF COUNSEL

Title	Description of Records	Disposition	Authority
<p>CHFC 600.16 Word Processing Files and Electronic Mail (Email) Records</p>	<p>TSA officials legal advice and interpretation of statutes pertinent to TSA programs.</p>	<p>when 30 years old.</p>	<p>GRS 20,item 13</p>
	<p>Word Processing Files. Documents such as letters, memoranda, reports, handbooks, directives, and manuals recorded on electronic media, such as hard disks or floppy diskettes, after they have been copied to an electronic recordkeeping system, paper, or microform for recordkeeping purposes.</p>	<p>Delete from the word processing system when no longer needed for updating or revision.</p>	
	<p>Email Records. Senders' and recipients' versions of email messages that meet the definition of Federal records and any attachments to the record messages after they have been copied to an electronic recordkeeping system, paper, or microform for recordkeeping purposes.</p>	<p>Delete from the email system after copying to a recordkeeping system.</p>	
		<p>Note: Along with the message text, the recordkeeping system must capture the names of sender and recipients and date (transmission data for recordkeeping purposes) and any receipt data when required.</p>	