

WITHDRAWN – RETURNED WITHOUT ACTION

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION
Request for Records Disposition Authority

Records Schedule: DAA-0563-2018-0001

Request for Records Disposition Authority

Records Schedule Number DAA-0563-2018-0001

Schedule Status Returned Without Action

Agency or Establishment Department of Homeland Security

Record Group / Scheduling Group General Records of the Department of Homeland Security

Records Schedule applies to Department-wide

Schedule Subject Legal Records

Internal agency concurrences will be provided Yes

Background Information

This schedule is intended to replace several disposition schedule items related to Legal records previously registered by the Department of Homeland Security and its Components. This schedule replaces disposition schedules items for legal records series that are commonly held among multiple DHS components. Legal files includes, correspondence, reports, case files, and other records maintained by legal offices reflecting the development and accomplishment of policies, programs, and processes governmental all phases of legal responsibilities.

- For use in this schedule, 'DHS' or '(the) Department' refers to the Department of Homeland Security, including all Operational and Support Components.
- For use in this schedule, 'Significant' refers to actions which resulted in a major legal precedent, involved complex and/or novel issue, or involved intense public interest or controversy that usually is reflected in high degree of media attention.

Item Count

Number of Total Disposition Items	Number of Permanent Disposition Items	Number of Temporary Disposition Items	Number of Withdrawn Disposition Items
0	0	0	9

GAO Approval

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Outline of Records Schedule Items for DAA-0563-2018-0001

Sequence Number	
1	Case Files
1.1	Litigation Case Files Disposition Authority Number: DAA-0563-2018-0001-0001
1.2	Administrative Case Files Disposition Authority Number: DAA-0563-2018-0001-0002
1.3	Significant Case Files Disposition Authority Number: DAA-0563-2018-0001-0003
2	Legislative Files
2.1	Enacted Legislation Disposition Authority Number: DAA-0563-2018-0001-0004
2.2	Draft Legislation Disposition Authority Number: DAA-0563-2018-0001-0005
2.3	Legislation Monitoring Files Disposition Authority Number: DAA-0563-2018-0001-0006
3	Opinions, Advice and Analysis
3.1	Formal Legal Opinions Disposition Authority Number: DAA-0563-2018-0001-0007
3.2	Significant Legal Opinions Disposition Authority Number: DAA-0563-2018-0001-0008
4	Board of Correction of Military Records Disposition Authority Number: DAA-0563-2018-0001-0009

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Records Schedule Items

Sequence Number	
1	Case Files
1.1	Litigation Case Files
	Disposition Authority Number DAA-0563-2018-0001-0001
	Litigation Case Files containing all documents and correspondence pertaining to litigation in which DHS or a component thereof, a DHS official, employee, or any other permissible parties are connected with a case, or named as a party or friend of the court, from filing of complaint until entry of final judgment, and if applicable, exhaustion of all appeals. This is litigation that does not deal with significant policy-making within the Department.
	Final Disposition Temporary
	Item Status Withdrawn
	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? No
	GRS or Superseded Authority Citation N1-311-86-001 / 1f/2 N1-085-90-005 / 1 N1-560-03-001 / 7 N1-563-08-033 / 11 NC1-036-82-002 / 24 NC1-026-76-002 / 374 NC1-026-80-004 / 173/a NC1-026-80-004 / 173/b N1-087-91-002 / 1
	Disposition Instruction
	Cutoff Instruction Cut off at end of calendar year in which judgment is made or all appeals have been exhausted, whichever is later.
	Retention Period Destroy 10 year(s) after cutoff
	Additional Information
	GAO Approval Not Required
1.2	Administrative Case Files
	Disposition Authority Number DAA-0563-2018-0001-0002

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Administrative Case Files concerning administrative hearings, complaints and appeals. Records may include those related to administrative claims or hearings under the Federal Tort Claims Act, contract or solicitation appeals and protests, contract/ contractor suspension, debarment, or disqualification of contractors or grantees, Equal Employment Opportunity (EEO) disputes, hearings which are held with outside entities such as the Comptroller General (or similar), and all related decisions. Included are GAO requests for reports on the protests, administrative reports, and related records. Files may include correspondence, memorandum, reports and documents.

Final Disposition Temporary

Item Status Withdrawn

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? No

GRS or Superseded Authority Citation N1-560-03-001 / 1
N1-560-03-001 / 8
N1-563-08-033 / 1
N1-311-86-001 / 1f/3

Disposition Instruction

Cutoff Instruction Cut off at the end of the calendar year in which final order or decision is made

Retention Period Destroy 8 year(s) after cutoff

Additional Information

GAO Approval Not Required

Significant Case Files

Disposition Authority Number DAA-0563-2018-0001-0003

Significant litigation cases as selected by the component or agency head. Records include all documents and correspondence relating to civil or criminal litigation by or against DHS Senior Officials. Includes litigation in which DHS is not a party, but has an interest (e.g. cases involving the use of sensitive information, infrastructure, etc.), attract Congressional attention, present significant or novel questions of law or policy, or result in substantive changes in DHS policies and procedures.

Final Disposition Permanent

Item Status Withdrawn

Is this item media neutral? Yes

1.3

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

No

GRS or Superseded Authority Citation

N1-560-03-001 / 6

Disposition Instruction

Cutoff Instruction

Cut off at end of calendar year in which judgment is made or all appeals have been exhausted, whichever is later.

Transfer to the National Archives for Accessioning

Transfer to the National Archives 15 year(s) after cutoff

Additional Information

First year of records accumulation 2002

What will be the date span of the initial transfer of records to the National Archives?

From 2002 To 2004

How frequently will your agency transfer these records to the National Archives?

Unknown
unknown

	Estimated Current Volume	Annual Accumulation
Electronic/Digital	1 GB	50 MB
Paper	110 Cubic feet	7 Cubic feet
Microform		
Hardcopy or Analog Special Media		

2

Legislative Files

2.1

Enacted Legislation

Disposition Authority Number DAA-0563-2018-0001-0004

These files consist of Congressional resolutions, and Executive Orders and Proclamations. Files may include draft proposals, supporting papers, internal memos, position papers establishing DHS positions on legislation, testimony before Congress, and legislative histories of statutes relating to the mission of DHS, and outlines of agency responsibilities to support the legislation. Types of

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records include informal legal opinions, legal advice, interpretations of the law, copies of implementation of the statutes, notes, background documents relating to the development of legal opinions, peer reviews, reviews completed outside of the Counsel's office, and the materials related to the reviews. This material is often maintained and is used by the attorneys as legal research material.

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Item Status Withdrawn

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? No

GRS or Superseded Authority Citation N1-560-03-001 / 15
N1-563-08-33 / 8 "Enacted legislation monitoring files only"

Disposition Instruction

Cutoff Instruction Cut off file at close of Congress in which legislation is enacted

Transfer to the National Archives for Accessioning Transfer to the National Archives 25 year(s) after cutoff

Additional Information

First year of records accumulation 2003

What will be the date span of the initial transfer of records to the National Archives? From 2003 To 2003

How frequently will your agency transfer these records to the National Archives? Unknown
Unknown

	Estimated Current Volume	Annual Accumulation
Electronic/Digital	150 MB	50 MB
Paper	5 Cubic feet	
Microform		
Hardcopy or Analog Special Media		

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2.2

Draft Legislation

Disposition Authority Number DAA-0563-2018-0001-0005

Correspondence and reports relating to the preparation and coordination of proposed legislation submitted to Congress. Documents may contain copies of testimony prepared for presentation to Congressional committees and other forums; also may contain a variety of externally produced materials (copies of hearings and committee reports, correspondence, articles statistical reports, etc.) relating to the legislative proposals contained in the bill.

Final Disposition Temporary

Item Status Withdrawn

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? No

GRS or Superseded Authority Citation
N1-560-03-001 / 16
N1-311-86-001 / 5/b/13
N1-311-86-001 / 5/b/16
N1-311-86-001 / 1/b/3
N1-311-86-001 / 1/f/4/a
N1-311-86-001 / 1/f/4/b

Disposition Instruction

Cutoff Instruction Cut off file at close of Congress in which legislation is dropped.

Retention Period Destroy 15 year(s) after cutoff

Additional Information

GAO Approval Not Required

2.3

Legislation Monitoring Files

Disposition Authority Number DAA-0563-2018-0001-0006

Files maintained on individual Congressional bills or areas of inquiry relating to topics of interest to the Department. The files are organized by subject and may include, but are not limited to correspondence, memorandum, and other written materials analyzing individual legislative proposals, copies of testimony prepared for presentation to Congressional committees and other forums, externally produced materials (copies of hearing and committee reports, correspondence, articles, statistical reports, etc) and relating legislative proposals

Final Disposition Temporary

Item Status Withdrawn

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	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?	No
	GRS or Superseded Authority Citation	N1-085-90-005 / 5 N1-563-08-033 / 10
	Disposition Instruction	
	Cutoff Instruction	Cut off at end of calendar year in which the current Congress adjourns.
	Retention Period	Destroy 3 year(s) after cutoff
	Additional Information	
	GAO Approval	Not Required
3	Opinions, Advice and Analysis	
3.1	Formal Legal Opinions	
	Disposition Authority Number	DAA-0563-2018-0001-0007.
	Formal legal opinions, analysis, conclusions, advice or interpretations of statutes pertinent to DHS programs provided to DHS officials that do not pertain to significant policy-making or major activities. Also includes documents accumulated in providing legal advice and assistance on international law issues; includes legal memorandum, correspondence and related documents.	
	Final Disposition	Temporary
	Item Status	Withdrawn
	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?	No
	GRS or Superseded Authority Citation	N1-311-86-001 / 1/f/5/b N1-311-10-002 / 1 N1-563-08-033 / 9 NC1-036-82-002 / 1/b NC1-026-76-002 / 378/b N1-560-03-001 / 5 N1-560-03-001 / 18
	Disposition Instruction	
	Cutoff Instruction	Cut off at end of calendar year.

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3.2

Retention Period Destroy 8 year(s) after cutoff

Additional Information

GAO Approval Not Required

Significant Legal Opinions

Disposition Authority Number DAA-0563-2018-0001-0008

Records related to significant legal matters, advice and analysis files which contain significant legal opinions, analysis, conclusions, advice or interpretations or pertain to significant policy-making decisions or major activities. Significant opinions are selected by the component or agency head.

Final Disposition Permanent

Item Status Withdrawn

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? No

GRS or Superseded Authority Citation N1-563-08-33 / 8 "Significant legal matters, advice and analysis only"
NC1-026-76-002 / 378/a
N1-311-86-001 / 1/f/5/a
N1-560-03-001 / 19

Disposition Instruction

Cutoff Instruction Cut off at end of calendar year

Transfer to the National Archives for Accessioning Transfer to the National Archives 15 year(s) after cutoff

Additional Information

First year of records accumulation 2003

What will be the date span of the initial transfer of records to the National Archives? From 2003 To 2005

How frequently will your agency transfer these records to the National Archives? Unknown
unknown

	Estimated Current Volume	Annual Accumulation
Electronic/Digital	190 MB	50 MB
Paper	44 Cubic feet	7 Cubic feet

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Records Schedule: DAA-0563-2018-0001

Microform		
Hardcopy or Analog Special Media		

4

Board of Correction of Military Records

Disposition Authority Number DAA-0563-2018-0001-0009

Under the authority of 10 USC, Section 1552, the Board has the function to review all applications from former and current members of the Coast Guard to correct their military records. The errors may be corrected by the removal of errors or injustice in discharges and reenlistment codes, fitness reports, promotion actions, disability matters or various kinds of benefits. Application File Consists of individual application, correspondence, evidentiary material and the Board's final decision.

Final Disposition Temporary

Item Status Withdrawn

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? No

GRS or Superseded Authority Citation N1-563-08-033 / 2

Disposition Instruction

Cutoff Instruction Cut off at end of calendar year in which final decision is made.

Retention Period Destroy 40 year(s) after cutoff

Additional Information

GAO Approval Not Required

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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
11/20/2017	Certify	Tammy Hudson	Acting Records Officer	CIO - ESDO
01/23/2018	Return for Revision	Andreea Vlaicu	Archives Specialist	National Archives and Records Administration - Records Management Operations Appraisal Team 1
03/23/2018	Submit For Certification	David Lockard	Records Specialist	Under Secretary for Management - Office of the Chief Information Officer
03/29/2018	Certify	Tammy Hudson	Acting Records Officer	CIO - ESDO
07/30/2018	Return Without Action	Andreea Vlaicu	Archives Specialist	National Archives and Records Administration - Records Management Operations Appraisal Team 1

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