

REQUEST FOR RECORDS DISPOSITION AUTHORITY (See Instructions on reverse)		LEAVE BLANK	
TO GENERAL SERVICES ADMINISTRATION NATIONAL ARCHIVES AND RECORDS SERVICE, WASHINGTON, DC 20408		JOB NO N1-65-86-23	DATE RECEIVED 3-28-86
1 FROM (Agency or establishment) Department of Justice		NOTIFICATION TO AGENCY	
2 MAJOR SUBDIVISION Federal Bureau of Investigation		In accordance with the provisions of 44 U.S.C. 3303a the disposal request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10. If no records are proposed for disposal, the signature of the Archivist is not required.	
3 MINOR SUBDIVISION Records Management Division			
4 NAME OF PERSON WITH WHOM TO CONFER Robert W. Scherrer	5 TELEPHONE EXT 324-2307	DATE 7-1-86	ARCHIVIST OF THE UNITED STATES <i>[Signature]</i>

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 3 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, if required under the provisions of Title 8 of the GAO Manual for Guidance of Federal Agencies, is attached

A GAO concurrence is attached, or is unnecessary

B DATE 3/31/86	C SIGNATURE OF AGENCY REPRESENTATIVE <i>Robert W. Scherrer</i>	D TITLE Section Chief, Records Section Records Management Division
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7 ITEM NO	8 DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9 GRS OR SUPERSEDED JOB CITATION	10 ACTION TAKEN (NARS USE ONLY)
1.	Files and records maintained at Federal Bureau of Investigation (FBI) Headquarters and field offices which contain three types of material at issue, i.e., tax and tax return information, Grand Jury, and Title III materials. All three types of materials are subject to statutory prohibitions as to destruction and do not permit unrestricted transfer. For instance, these files contain information subject to the disclosure limitations of Section 6103 of the Internal Revenue Code. Currently, the Internal Revenue Service (IRS) and NARA disagree as to the relationship between Chapter 21 of Title 44, U.S.C., and the Internal Revenue Code. Until this question is resolved, legal title of the file material will not be transferred from the FBI or the IRS to NARA. Thus only physical custody of these materials (under seal) will be transferred to NARA, to satisfy the legal requirements of section 6103 of the Internal Revenue Code. This SF 115 will be reviewed annually to determine whether this disagreement has been resolved. The use, disclosure, and/or restrictions applicable to Grand Jury and Title III materials are set forth under Federal Rules of Criminal Procedure, 6(e), and 18 U.S.C., Section 2517, respectively, and primarily restrict disclosure. Hence, the transfer of custody of the materials to NARA with legal title retained by the FBI would satisfy legal requirements. (This is an amendment to Job No. N1-65-85-1, approved November 7, 1984. Amended pages 9 and 235 should be inserted within the comprehensive disposition schedule which was approved by the Archivist on November 9, 1981).		

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7 ITEM NO	8 DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9 SAMPLE OR JOB NO	10 ACTION TAKEN
7.	<p>Instead, these numbers have been reserved to allow for the creation of administrative or control files. Unless otherwise stated in Part B, the following disposition applies to "Reserved" cases:</p> <p><u>DISPOSAL NOT AUTHORIZED.</u></p> <p>Controlled Substances Act.</p> <p>Case files and related material pursuant to Controlled Substances Act, Title 21, U.S.C., Section 844 (b)(2) and certified court orders which require expungement of all recordation identifying the defendant and relating to the investigation, arrest, indictment or information, trial, finding of guilty, and dismissal and discharge.</p> <p><u>DESTROY</u> in accordance with an order of a Federal district court.</p>		
8.	<p>Freedom of Information and Privacy Acts correspondence filed in substantive case files prior to establishment of 62 case file and 190 classification.</p> <p>See disposition instructions in Part B.</p>		
9.	<p>Cases in which the subject requests disposal because continued maintenance would conflict with provisions of the Privacy Act of 1974 [5 USC, 552a (e) (1), (5), (7)].</p> <p>Submit SF-115, Request for Records Disposition Authority, to NARA.</p>		
10.	<p>Segregated IRS tax returns and tax return information; Title III material; and Grand Jury material, transcripts and summaries thereof, from Permanent investigative case files, the use of which is restricted by legislation.</p> <p><u>PERMANENT.</u> Transfer physical custody, under seal, to NARA with related case files in 30 or 50 years, whichever is appropriate. Legal title will not transfer to NARA.</p>		

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7 ITEM NO	8 DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9 SAMPLE OR JOB NO	10 ACTION TAKEN
8.	<p>Controlled Substances Act.</p> <p>Case files and related material pursuant to Controlled Substances Act, Title 21, U.S.C., Section 844 (b)(2) and certified court order which require expungement of all recordation identifying the defendant and relating to the investigation, arrest, indictment or information, trial, finding of guilty, and dismissal and discharge.</p> <p><u>DESTROY</u> in accordance with an order of a Federal district court.</p>		
9.	<p>Cases in which the subject requests disposal because continued maintenance would conflict with provisions of the Privacy Act of 1974 [5 USC 552 a(e)(1), (5), (7)].</p> <p>Submit SF-115, Request for Records Disposition Authority, to NARA.</p>		
10.	<p>Informant and Informant-Related Material</p> <p>Obliterated copies of "informant evaluation page(s)" or "administrative page(s)" of individual investigative reports or other communications, which identify by name symbol-numbered informants, will be placed in the report and the original page(s) will be retained at FBIHQ.</p> <p><u>PERMANENT.</u> Transfer to NARA at a date and under conditions to be determined by the FBI and NARA.</p>		
11.	<p>Segregated IRS tax returns and tax return information; Title III material; and Grand Jury material, transcripts and summaries thereof, from permanent investigative case files, the use of which is restricted by legislation.</p> <p><u>PERMANENT.</u> Transfer physical custody, under seal, to NARA with related case files in 30 or 50 years, whichever is appropriate. Legal title will not transfer to NARA.</p>		