

REQUEST FOR RECORDS DISPOSITION AUTHORITY		JOB NUMBER <i>NI-559-07-1</i>	
TO: NATIONAL ARCHIVES & RECORDS ADMINISTRATION 8601 ADELPHI ROAD COLLEGE PARK, MD 20740-6001		Date received <i>4/26/07</i>	
1. FROM (Agency or establishment) Department of the Treasury		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request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10.	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 Financial Crimes Enforcement Network (FinCEN)			
3. MINOR SUBDIVISION			
4. NAME OF PERSON WITH WHOM TO CONFER Steve Rudzinski	5. TELEPHONE NUMBER 703-905-3845	DATE <i>5/30/07</i>	ARCHIVIST OF THE UNITED STATES <i>Allen Weinstein</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>10</u> page(s) are not needed now for the business for 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 checked="" type="checkbox"/> is not required <input type="checkbox"/> is attached; or <input type="checkbox"/> has been requested.			
DATE <i>4/27/2007</i>	SIGNATURE OF AGENCY REPRESENTATIVE <i>Steve Rudzinski</i>		TITLE Records Officer
7. ITEM NO.	8. DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9. GRS OR SUPERSEDED JOB CITATION	10. ACTION TAKEN (NARA USE ONLY)
	The Financial Crimes Enforcement Network (FinCEN) (Record Group 559) became a bureau in the Department of the Treasury with the signing of the Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism (USA PATRIOT ACT) Act of 2001. The mission of FinCEN is to fulfill the duties and powers assigned in the USA PATRIOT Act of 2001, codified in relevant part at 31 U.S.C. 310(b), to support law enforcement efforts and foster interagency and global cooperation against domestic and international financial crimes, and to provide U.S. policy makers with strategic analyses of domestic and worldwide trends and patterns. FinCEN works toward those ends through information collection, analysis, and sharing, as well as technological assistance and innovative, cost-effective implementation of the Bank Secrecy Act and other Treasury authorities assigned to FinCEN.		

10 left for copies sent to agency, NWMD, NWME, NWMO, NR, & NWCT

OFFICE OF THE CHIEF COUNSEL

The Office of the Chief Counsel advises the Director and other senior managers on the legal aspects of all matters arising within the administration of the Bureau, including matters relating to the Bank Secrecy Act, the Right to Financial Privacy Act, grand jury secrecy, the Privacy Act, personnel, equal employment opportunity, procurement, and the Freedom of Information Act. Specific responsibilities include:

- Preparing and interpreting regulations and related documents mandated and authorized by the Bank Secrecy Act, 12 U.S.C. 1829b, 12 U.S.C. 1951-59, and 31 U.S.C. 5311-5329;
- Tracking, interpreting, and advising FinCEN management about statutes and regulations that concern FinCEN operations;
- Preparing legislative language and supporting documentation with respect to FinCEN legislative initiatives;
- Representing FinCEN before courts and administrative bodies, where appropriate and necessary; and
- Preparing and reviewing memoranda of understanding, interagency agreements and other relevant documents.

1. **Memoranda of Understanding (MOU) / Interagency Agreements**. Legal documents on agreements between FinCEN and other organizations, state law enforcement organizations, and other foreign entities regarding FinCEN's use of their information and service FinCEN will provide to these organizations.

a. Arranged alphabetically by name organization. Dates: 1990 – Present.

Disposition: Permanent. Cut off at end of fiscal year in which MOU is terminated. Retire to Federal Records Center (WNRC) 3 years after cut off. Offer to the National Archives 10 years after cut off.

b. Arranged alphabetically by State. Dates 1990 – Present.

Disposition: Permanent. Cut off at end of fiscal year in which MOU is terminated. Retire to Federal Records Center (WNRC) 3 years after cut off. Offer to the National Archives 10 years after cut off.

c. Arranged alphabetically by country. Dates 1990-Present.

Disposition: Permanent. Cut off at end of fiscal year in which MOU is terminated. Retire to Federal Records Center (WNRC) 3 years after cut off. Offer to the National Archives 10 years after cut off.

2. **Working papers of individual attorneys:** Background information, reference materials, notes, drafts, unofficial copies of memoranda, and reports not maintained as part of the official file otherwise covered in this schedule.

Disposition: Retain as source data and cut off when work is completed or finalized and transferred to a more permanent form. Transfer to WNRC 2 years after cut off. Destroy 20 years after cut off.

3. **Weekly reports:** Weekly report sent to the Department of the Treasury's Chief Counsel. These reports summarize the weekly activities of FinCEN's Office of Chief Counsel.

Disposition: ^{Temporary} ~~Permanent~~. Cut off end of calendar year. Block in 5 year intervals. Transfer to the WNRC 2 years from end of block. ~~Offer to National Archives when block is 10 years old.~~ ^{Destroy 50 years after cutoff.}

4. **Litigation Case Files:** Arranged by case title, consisting of court pleadings, correspondence, memoranda, studies, appraisals, court decisions, notes, and related documents.

Disposition: Temporary. After litigation is terminated and closed, retain the case file for 3 years on site then transfer to WNRC. Destroy 10 years after case is closed.

5. **Central Subject File:** Arranged alphabetically by subject. The subjects concern FinCEN's primary missions and the operation of FinCEN. Cut off every 2 years. Consists of legal opinions and memoranda (official copies of interpretations), correspondence, reports, some background information, memoranda, briefing papers and other official records that involve the subject matter. (Files exclude routine administrative records (see Item 12) and non-record duplicate copies maintained for convenience of reference.)

Disposition: Permanent. Cut off every two years. Transfer to the WNRC after 4 years. Offer to the National Archives 20 years after cut off.

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7/16/2008

6. International Files.

a. Country files. Arranged alphabetically by country. Consists background information on country's money laundering laws, drafts of comments. Cut off every 2 years.

Disposition: Temporary. Transfer to WNRC 4 years after cut off. Destroy 10 years after cut off.

b. Egmont Files Organizational files. Arranged by subject. Consists of background material of topic, FinCEN comments and legal opinion on topics, meeting notes. May include reports, evaluations, news letters, press releases and other materials distributed to its members, including FinCEN.

Disposition: Temporary. Cut off every year. Transfer to WNRC when 2 years old. Destroy 10 years after cut off.

c. Egmont Country files. Arranged by country. Consists of background information and material of country's comments, requests for assistance, and assistance given regarding law enforcement case files. (Official file copy in ~~NI-559-05-1 item 11~~)

NI-056-95-3, Item 9. GH 2/14/08

Disposition: Temporary. Cut off every year. Transfer to WNRC when 2 years old. Destroy 10 years after cut off.

d. FATF Organizational files. Arranged by subject. Consists of background material of topic, FinCEN comments and legal opinion on topics, meeting notes. May include reports, evaluations, news letters, press releases and other materials distributed to its members, including FinCEN.

Disposition: Temporary. Cut off every year. Transfer to WNRC when 2 years old. Destroy 10 years after cut off.

e. FATF Country files. Arranged by country. Consists of background information and material of country's comments, requests for assistance, and assistance given regarding law enforcement case files. (Official file copy in NI-56-95-3 item 10).

9 GH 2/14/08

Disposition: Temporary. Cut off every year. Transfer to WNRC when 2 years old. Destroy 10 years after cut off.

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8/8/2007*

~~**7. Documents Published in the Federal Register. [See note after item 7b.]**~~

~~(General Records Schedule 16, Item 13)~~

~~a. Files documenting the processing of notices announcing committee meetings, including meetings open to the public under the Government in Sunshine Act (5 U.S.C. 552b(e)(3)); hearings and investigations; filing of petitions and applications; issuance or revocation of a license; grant application deadlines, the availability of certain environmental impact statements; delegations of authority; and other matters that are not codified in the Code of Federal Regulations.~~

~~Destroy when 1 year old.~~

~~b. Files documenting the processing of semiannual regulatory agenda.~~

~~Destroy when 2 years old.~~

[NOTE: Agency files documenting the development, clearance, and processing of proposed and final rules for publication in the Federal Register are not covered by the General Records Schedules. SEE ITEM 8. Regulatory Files].

8. Regulatory Files:

a. Arranged by Section of the U.S. Code and CFR and subject. Consists of comments, hearing transcripts, legal opinion and comment, memoranda, Federal Register notice. The file documents the development and history (clearance and processing of proposed and final rules) of a particular regulation of the Bank Secrecy Act (BSA).

Disposition: Permanent. Cut off at promulgation of regulation. Maintain on site. Offer to National Archives 60 years after cut off.

b. Interpretation of regulations. Arranged by section of U.S. Code and CFR and subject. Consists of comments, memoranda, background information, and memoranda of interpretation.

Disposition: Permanent. Cut off every 10 years. Maintain of site. Offer to National Archives 60 years after cut off.

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~~**9. Administrative Grievance, Disciplinary, and Adverse Action Files.** (General Records Schedule 1, Item 30)~~

~~a. Administrative Grievance Files (5 CFR 771).~~

~~Records relating to grievances raised by agency employees, except EEO complaints. These case files include statements of witnesses, reports of interviews and hearings, examiner's findings and recommendations, a copy of the original decision, related correspondence and exhibits, and records relating to a reconsideration request.~~

~~Destroy no sooner than than 7 years after case is closed.~~

~~b. **Adverse Action Files (5 CFR 752) and Performance-Based Actions (5 CFR 432).**~~

~~Case files and records related to adverse actions and performance-based actions (removal, suspension, reduction-in-grade, furlough) against employees. The file includes a copy of the proposed adverse action with supporting documents; statements of witnesses; employee's reply; hearing notices, reports, and decisions; reversal of action; and appeal records, EXCLUDING letters of reprimand which are filed in the OPF.~~

~~Destroy no sooner than 7 years after case is closed.~~

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~~**10. Equal Employment Opportunity (EEO) Records.**~~

~~(General Records Schedule 1 item 25)~~

~~a. **Official Discrimination Complaint Case Files.**~~

~~Originating agency's file containing complaints with related correspondence, reports, exhibits, withdrawal notices, copies of decisions, records of hearings and meetings, and~~

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other records as described in 29 CFR 1614. Cases resolved within the agency, by Equal Employment Opportunity Commission, or by a U.S. Court.

Destroy 4 years after resolution of case.

b. **Copies of Complaint Case Files.**

Duplicate case files or documents pertaining to case files retained in Official Discrimination Complaint Case Files.

Destroy 1 year after resolution of case.

c. **Preliminary and Background Files.**

- (1) Background records not filed in the Official Discrimination Complaint Case Files.

Destroy 2 years after final resolution of case.

- (2) Records documenting complaints that do not develop into Official Discrimination Complaint Cases.

Destroy when 2 years old.

11. Ethics Program Records

(General Records Schedule 25)

Note: Executive branch ethics program records are sometimes needed in an ongoing investigation. Such records should be retained beyond their approved retention period until no longer needed in the investigation.

a. Ethics Program Implementation, Interpretation, Counseling, and Development Files.

Records maintained by ethics program offices relating to the development, review, implementation, and interpretation of proposed or established executive branch standards of ethical conduct and other ethics regulations; conflict of interest and other ethics related statutes and Executive Orders; and any agency supplemental standards of ethical conduct and other agency ethics-related regulations and directives. Including:

- Records documenting the review of proposed or established ethics-related statutes and regulations by ethics program officials, including copies of proposed legislation, comments, and all related records.
 - Determinations, including advice and counseling to individual employees, and supporting records.
 - Records relating to requests under agency supplemental standards of ethical conduct for prior approval of outside employment and activities.
- (1) Records such as determinations regarding attendance at widely-attended gatherings which appropriate agency ethics officials determine are related to the routine, non-precedential application of settled legal standards to common factual situations and are not interpretations of the conflict of interest statutes, 18 U.S.C. " 202-209, and other ethics statutes the violation of which may result in criminal penalties or civil fines.

Destroy when 3 years old or when superseded or obsolete, whichever is later.

(2) All other records.

Destroy when 6 years old or when superseded or obsolete, whichever is later.

b. Financial Disclosure Reporting Files.

Financial disclosure reports submitted by individuals as required or authorized under the Ethics in Government Act of 1978 (Pub. L. 95-521), as amended, and related records, including records of late filing fee payments or requests for public reporting waivers of late filing fees and responses; comment sheets by report reviewers and filer responses; filing extension requests and determinations; and copies of applications for public release of financial disclosure report.

- (1) Executive Branch Confidential Financial Disclosure Reports (OGE Form 450) and Confidential Certificates of No New Interests (OGE Optional Form 450-A) and related records.

All OGE Form 450s and OGE Optional Form 450-As.

Destroy when 6 years old; EXCEPT that documents needed in an ongoing investigation will be retained until no longer needed in the investigation.

- (2) Alternative or additional financial disclosure reports and related records.

All alternative or additional financial disclosure reports.

Destroy when 6 years old; EXCEPT that documents needed in an ongoing investigation will be retained until no longer needed in the investigation.

c. Ethics Agreement Records.

Records documenting the review and issuance of ethics agreements used to remedy the appearance of potential or actual financial conflicts of interest, including:

- Records relating to the review and issuance of recusals (disqualifications), resignations, reassignments, and divestitures.
- Records relating to determinations, authorizations, and waivers under 5 C.F.R. " 2635.502 and 2635.503.
- Records relating to the review and issuance of waivers of disqualifications under 18 U.S.C. ' 208 (b)(1) and (b)(3).

Destroy 6 years after the waiver or other agreed-upon determination or action has been issued or undertaken or is no longer in effect, whichever is later.

d. Referrals and Notifications of Violations of Criminal Conflict of Interest Statutes and Other Potential Violations Files.

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Referrals made to Inspectors General or the Department of Justice and notifications to OGE concerning ethics violations or suspected violations. This item also covers related background materials, including copies of disciplinary and corrective actions and disposition documents such as declinations of prosecution.

Destroy when 6 years old.

e. Non-Federally Funded Travel Files.

- (1) Agency copies of Semiannual Expense Reports for Non-Federally Funded Travel submitted by all Executive branch agencies to the Office of Government Ethics in accordance with guidance given at 31 U.S.C. ' 1353, as implemented by 41 C.F.R. chapter 304 and the use of Standard Form (SF) 326 and SF 326A. Reports summarize payments made to the agency from non-Federal sources for travel, subsistence, and related expenses of an employee who attends a meeting or similar function relating to official duties.

Destroy when 3 years old.

- (2) Statements, forms, and other records used to compile Semiannual Expense Reports for Non-Federally Funded Travel.

Destroy 1 year after submission of report to the Office of Government Ethics.

f. Ethics Program Review Files.

Reports, correspondence, and other records relating to OGE reviews of agency compliance with executive branch ethics laws and regulations in such areas as financial disclosure, education and training, and advice and counseling.

- (1) OGE program review reports, agency 60-day response letters, and other follow-up records sent to OGE on the resolution of program deficiencies.

Destroy when 6 years old.

- (2) All other records produced during OGE program reviews, including notes and background materials.

Destroy 1 year after the date of the OGE program review report or, if there are recommendations, one year after they are closed.

g. Annual Agency Ethics Program Questionnaire Files.

- (1) Questionnaire completed by ethics officials on an annual basis in compliance with Section 402(e)(1) of the Ethics in Government Act of 1978, as amended, and associated records.

Destroy 3 years after submission.

- (2) All other records related to responses to annual agency ethics program questionnaires.

Destroy 1 year after submission of associated annual agency ethics program questionnaire.

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h. Ethics Program Employee Training and Education Files.

- (1) Records relating to the administration of new employee ethics orientations, annual, and other types of ethics training and education. Records include, but are not limited to, annual plans, schedules of classes, rosters of employees required to attend, verification of training completion and other related records.

Destroy when 6 years old.

- (2) Record copy of materials used in providing new employee ethics orientations, annual, and other types of ethics training and education including, but not limited to, instructors guides, handbooks, handouts and other materials used in training classes, bulletins, and newsletters.

Destroy when 6 years old or when superseded or obsolete, whichever is later.

i. Ethics Program Procedures Files.

Procedures and related supporting records on the administration of ethics programs including, but not limited to, public and confidential financial disclosure reports systems, outside employment and activities approval systems, and referrals of violations of criminal conflict of interest statutes.

Destroy when 6 years old or when superseded or obsolete, whichever is later.

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12. Office Administrative Files.

(General Records Schedule 23, Item 1)

Records accumulated by individual offices that relate to the internal administration or housekeeping activities of the office rather than the functions for which the office exists. In general, these records relate to the office organization, staffing, procedures, and communications, including facsimile machine logs; the expenditure of funds, including budget records; day-to-day administration of office personnel including training and travel; supplies and office services and equipment requests and receipts; and the use of office space and utilities. They may also include copies of internal activity and workload reports (including work progress, statistical, and narrative reports prepared in the office and forwarded to higher levels) and other materials that do not serve as unique documentation of the programs of the office.

Destroy when 2 years old.

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13. Electronic Mail and Word Processing System Copies

Electronic Mail and Word Processing System Records. Records created and received on electronic mail and word processing systems, and used to generate a recordkeeping copy. Also includes electronic records maintained for updating, revision or dissemination.

- a. Records that have no further administrative value after the recordkeeping copy is made. Includes copies maintained by individuals in personal files, personal electronic mail directories on hard disk or network drives and copies on shared network drives that are used only to produce the recordkeeping copy.

~~Disposition: Temporary. Destroy/delete after recordkeeping copy is generated and placed in a recordkeeping system.~~

~~b. Records used for dissemination, revision, or updating.~~

~~Disposition: Temporary. Destroy/delete when dissemination, revision, or updating is complete.~~