

REQUEST FOR RECORDS DISPOSITION AUTHORITY		JOB NUMBER NI-557-05-2	
TO: NATIONAL ARCHIVES & RECORDS ADMINISTRATION 8601 ADELPHI ROAD COLLEGE PARK, MD 20740-6001		Date received 10-25-2004	
1. FROM (Agency or establishment) U.S. Department of Transportation		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request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10.	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 Federal Motor Carrier Safety Administration (FMCSA)			
3. MINOR SUBDIVISION Chief Counsel			
4. NAME OF PERSON WITH WHOM TO CONFER Theresa Rowlett	5. TELEPHONE NUMBER (202) 385-2316	DATE 9/22/06	ARCHIVIST OF THE UNITED STATES Allen Wainstein
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 _____ 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 10/19/04	SIGNATURE OF AGENCY REPRESENTATIVE <i>Herman Rogan</i>		TITLE FMCSA 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 GRS OR SUPERSEDED JOB CITATION	10.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 PAGES.		
<i>cc Agency NR DWMW</i>			

**SF 115, Request for Records Disposition Authority
for
FMCSA Office of Chief Counsel**

Item		
No.	Description of Item.	Disposition Authority

A. GENERAL FILES

1	Administrative Subject Files.	GRS 23/1
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~~Records accumulated by individual offices that relate to the internal administration or housekeeping activities of the office rather than the program functions for which the office exists. In general, these records relate to office organization, staffing, and procedures, including communications; 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.~~

~~**Disposition: Temporary.** Cutoff at the end of each fiscal year. Determine medium of recordkeeping copy.~~

~~**If electronic:** Destroy paper documents after the information has been converted into an electronic medium, backed up, and verified. Delete electronic files 2 years after cutoff.~~

~~**If paper:** Destroy paper documents 2 years after cutoff.~~

①	<u>Budget Background Records.</u>	N1-557-05-
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Working papers, cost statements, and data accumulated in the preparation of annual budget estimates, and originating offices' copies of reports submitted to budget offices.

Disposition: Temporary. Cutoff at end of each fiscal year. Determine medium of recordkeeping copy.

a) **If electronic:** Destroy paper documents after the information has been converted into an electronic medium, backed up, and verified. Delete electronic files 2 years after cutoff.

b) **If paper:** Destroy paper documents 2 years after cutoff.

② / Reader Files. N1-557-05-

Contains extra, non-record copies of outgoing correspondence. These files contain no record copies of incoming correspondence.

Disposition: **Temporary.** Cutoff at end of each fiscal year. Determine medium of file copy.

- a) **If electronic:** Destroy paper documents after the information has been converted into an electronic medium, backed up, and verified. Delete electronic files 2 years after cutoff.
- b) **If paper:** Destroy paper documents 2 years after cutoff.

③ / Environmental Assessment (EA) and Environmental Impact Statement (EIS) Review Legal Files. NI-557-05-

Contains general correspondence, official file copies, minutes of meetings, background material and reviews by FMCSA, Office of the Secretary, the Office of Management and Budget, Council on Environmental Quality, and the Environmental Protection Agency, for all State and Resource Centers on the legal aspects of an environmental document (e.g., the EA, FONSI, EIS, etc.).

Disposition: **Temporary.** Cutoff files at the conclusion of each matter. Determine medium of recordkeeping copy.

- a) **If electronic:** Destroy paper documents after the information has been converted into an electronic medium, backed up, and verified. Delete electronic files 6 years after cutoff.
- b) **If paper:** Destroy paper documents 6 years after cutoff.

④ / General Counsel Monthly Reports/Litigation Reports. NC1-406-80-1/25

Contains monthly reports from the Chief Counsel to the General Counsel, which include regulatory actions, litigation and enforcement issues, and any other significant issues within the office.

Disposition: **Temporary.** Cutoff at the end of each fiscal year. Determine medium of recordkeeping copy.

- a) **If electronic:** Destroy paper documents after the information has been converted into an electronic medium, backed up, and verified. Delete electronic files 3 years after cutoff.
- b) **If paper:** Destroy paper documents 3 years after cutoff.

⑤ / Homeland Security Files. N1-557-05-

Consists of administrative correspondence, letters, memoranda, minutes of meetings, reports, on-site visits to motor carriers, official file copies, plans for Agency Continuity of Operations,

related procurement materials and supporting documents related to the Homeland Security functions of the Department of Transportation and FMCSA. Files may contain several categories of security information, documents and/or testimony that apply to other DOT modal administrations concerning facility security, sensitive security visits (SSVs), personnel security, outreach efforts, information systems security, hazardous materials on-site inspections, security during compliance reviews, investigations, risk assessments, vulnerability assessments, and documenting sensitive security information (SSI).

Disposition: Temporary. Cutoff after the conclusion of each matter. Determine medium of recordkeeping copy.

- a) **If electronic:** Destroy paper documents after the information has been converted into an electronic medium, backed up, and verified. Delete electronic files 5 years after cutoff.
- b) **If paper:** Destroy paper documents 5 years after cutoff.

~~7 — Leave Application Files. ————— GRS 2/6b~~

~~Form OPM 71 or equivalent plus any supporting documentation of requests and approvals of leave.~~

~~Disposition: Temporary. Determine medium of recordkeeping copy.~~

~~**If electronic:** Destroy paper documents after the information has been converted into an electronic medium, backed up, and verified. Delete electronic files after GAO audit or when 3 years old, which ever is sooner.~~

~~8 — Noncommercial, Reimbursable Travel Files. ————— GRS 9/3a~~

~~Copies of records relating to reimbursing individuals, such as travel orders, per diem vouchers, and all other supporting documents relating to official travel by officers, employees, dependents, or others authorized by law to travel.~~

~~A. — Travel administrative office files.~~

~~Disposition: Temporary. Cutoff at the end of each fiscal year. Determine medium of recordkeeping copy.~~

~~**If electronic:** Destroy paper documents after the information has been converted into an electronic medium, backed up, and verified. Delete electronic files 6 years after cutoff.~~

~~**If paper:** Destroy paper documents 6 years after cutoff.~~

~~B. — Obligation copies.~~

~~Disposition: Temporary. Destroy when funds are obligated.~~

~~Contains DOT Form 1700.8, Duplication Request, and DOT Form 1700.3, Printing, Binding, Distribution and Editorial Service Requests, related memoranda, and documents used in requesting printing and distribution services for FMCSA. DOT Form 1700.8 is used in the initial request for ordering all printing and duplicating services and provides information as to the quantity, kind, color and size of the material to be printed. DOT Form 1700.3 is submitted to OST to provide printing and distribution instructions, the requisition number, delivery instructions, appropriation number for billing purposes and is approved by the Finance Division.~~

~~Disposition: **Temporary.** Cutoff after completion of job. Determine medium of recordkeeping copy.~~

~~**If electronic:** Destroy paper documents after the information has been converted into an electronic medium, backed up, and verified. Delete electronic files 1 year after cutoff.~~

~~**If paper:** Destroy paper documents 1 year after cutoff.~~

⑥ 10 Reference Files.

NC1-406-80-11/115

Contains copies of information used as ready reference on motor carrier programs and related subjects of current or ongoing interest. These files may contain copies of publications, directives, pictures, correspondence, and the like. Official file copies are not to be placed in these files nor are the files to be considered pending files where official file copies are kept on a temporary basis.

Disposition: **Temporary.** Determine medium of file copy.

a) **If electronic:** Destroy paper documents after the information has been converted into an electronic medium, backed up, and verified. Delete electronic files when no longer needed.

b) **If paper:** Destroy paper documents when no longer needed.

~~Correspondence, forms, and other records relating to positions, authorizations, pending actions, position descriptions, requests for personnel action, and records on individual employees duplicated in or not appropriate for the OPF.~~

~~Disposition: **Temporary.** Determine medium of recordkeeping copy.~~

~~**If electronic:** Destroy paper documents after the information has been converted into an electronic medium, backed up, and verified. Review annually and delete superseded or obsolete electronic files, or files relating to an employee within 1 year after separation or transfer.~~

~~**If paper:** Review annually and delete superseded or obsolete electronic files, or files relating to an employee within 1 year after separation or transfer.~~

~~12 Time and Attendance Source Records. GRS 2/7~~

~~All time and attendance records upon which leave input data is based, such as time or sign in sheets; time cards (such as Optional Form (OF) 1130); flex time records; leave applications for jury and military duty; and authorized premium pay or overtime, maintained at duty post, upon which leave input data is based. Records may be in either machine-readable or paper form.~~

~~Disposition: **Temporary.** Cutoff at end of fiscal year. Determine medium of recordkeeping copy.~~

~~**If electronic:** Destroy paper documents after the information has been converted into an electronic medium, backed up, and verified. Delete electronic files after GAO audit or when 6 years old, whichever is sooner.~~

~~**If paper:** Destroy paper documents after GAO audit or when 6 years old, whichever is sooner.~~

~~13 Training Records (Employee). GRS 1/29b~~

~~Correspondence, memoranda, reports, and other records relating to the availability of training and employee participation in training programs sponsored by government agencies or non-Government institutions.~~

~~Disposition: **Temporary.** Cutoff at the end of fiscal year. Determine medium of recordkeeping copy.~~

~~**If electronic:** Destroy paper documents after the information has been converted into an electronic medium, backed up, and verified. Delete electronic files 5 years after cutoff.~~

~~**If paper:** Destroy paper documents 5 years after cutoff.~~

⑦ 14 Word Processing System and Electronic Mail Copies. NI-557-05-

Electronic copies of records that are created on electronic mail and word processing systems and used solely to generate a record keeping copy of the records covered by the other items in this schedule. Also includes electronic copies of records created on electronic mail and word processing systems that are maintained for updating, revision, or dissemination.

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

Disposition: **Temporary.** Destroy/delete within 180 days after the record keeping copy has been produced.

- B. Copies used for dissemination, revision, or updating that are maintained in addition to the record keeping copy.

Disposition: **Temporary.** Destroy/delete when dissemination, revision, or updating is completed.

⑧ 15 Division Legal Opinions and Interpretations. NI-557-05-

Includes requests for and responses to requests for legal interpretations and opinions relative to matters under the cognizance of any division within the Office of Chief Counsel. Also consists of legal sufficiency determinations for proposed agency policies and procedures, including internal correspondence, minutes of meetings, opinions, research, and background material.

Disposition: **Temporary.** Cutoff after conclusion of the matter for which the file was created. Determine medium of recordkeeping copy.

- a) **If electronic:** Destroy paper documents after the information has been converted into an electronic medium, backed up, and verified. Delete electronic files 5 years after cutoff.
- b) **If paper:** Destroy paper documents 5 years after cutoff.

B. **ENFORCEMENT AND LITIGATION DIVISION FILES**

⑨ 16 Enforcement and Litigation Division Non-Litigation Files. N1-557-05-

Consists of administrative correspondence, letters, memoranda, research, and supporting documents related to the provision of legal advice, assistance and services concerning enforcement program issues of national importance or that addresses matters containing agency-wide enforcement program implications on subjects such as: (1) NAFTA; (2) preemption matters; (3) waivers, exemptions and pilot programs; (4) enforcement program process studies and analyses; (5) enforcement policies; (6) safety recommendations and studies; (7) enforcement program training; and (8) any other enforcement and litigation division matters not covered in another section of this schedule.

Disposition: **Temporary.** Cutoff at the conclusion of each matter. Determine medium of recordkeeping copy.

- a) **If electronic:** Destroy paper documents after the information has been converted into an electronic medium, backed up, and verified. Delete electronic files 6 years after cutoff.
- b) **If paper:** Destroy paper documents 6 years after cutoff.

⑩ ~~17~~ Enforcement and Litigation Division Federal Court Litigation Files. NC1-406-80-1/24

Contains records relating to pending active cases and memoranda pertaining to enforcement cases in Federal court courts, including Federal District Courts, Federal Courts of Appeals, and Federal Bankruptcy Courts. Files contain correspondence, court filings, background material, opinions, research, and other relevant documents.

Disposition: **Temporary.** Cutoff upon conclusion of the case. Determine medium of recordkeeping copy.

- a) **If electronic:** Destroy paper documents after the information has been converted into an electronic medium, backed up, and verified. Delete electronic files 6 years after cutoff.
- b) **If paper:** Destroy paper documents 6 years after cutoff.

⑪ ~~18~~ Non-Public Field Attorney Administrative Enforcement Files. NI-557-05-

Contains attorney records (notes, strategies, evidence, summaries, drafts, or other documents prepared by the attorney or at the attorney's direction in anticipation of litigation, as a confidential communication with client, in preparation for litigation, or otherwise prepared by the attorney or at the attorney's direction), concerning the prosecution of administrative cases involving violations of the Federal Motor Carrier Safety Regulations, Hazardous Materials Regulations, and Federal Motor Carrier Commercial Regulations. Also contains attorney records relating to safety rating appeals or any other administrative enforcement or licensing proceeding in which the field attorney represents the agency and documents related to administrative subpoenas. Non-public field attorney administrative enforcement files are not entered into FMCSA's Electronic Docket Management System (EDMS).

Disposition: **Temporary.** Cutoff after resolution of the matter. Determine medium of file copy.

- a) **If electronic:** Destroy paper documents after the information has been converted into an electronic medium, backed up, and verified. Delete electronic copies of documents except driver qualification-related documents 6 years after cutoff. Delete electronic driver qualification-related documents 15 years after cutoff.
- b) **If paper:** Destroy paper documents except for driver qualification-related documents 6 years after cutoff. Destroy paper driver qualification-related documents 15 years after cutoff.

⑫ ~~19~~ Subpoena Files NI-557-05-

Consists of responses and associated documents regarding subpoenas for documents and testimony submitted under 49 C.F.R. part 9 in cases in which neither the Department of Transportation or the United States is a party. These cases may be civil or criminal in nature.

Disposition: **Temporary**. Cutoff files after FMCSA issues its response to the subpoena. Determine medium of recordkeeping copy.

- a) **If electronic**: Destroy paper documents after the information has been converted into an electronic medium, backed up, and verified. Delete electronic files 3 years after cutoff.
- b) **If paper**: Destroy paper documents 3 years after cutoff.

C. **ADJUDICATIONS FILES**

⑬ 20 Public Docket Adjudications Files. NI-557-05-

Contains records pertaining to civil penalty enforcement proceedings, driver disqualification proceedings, licensing proceedings, safety rating appeals, and hazardous materials safety permit appeals. Includes copies of pleadings, motions, replies, evidence submissions, correspondence, internal memoranda, notices, orders, and decisions issued by the Assistant Administrator/Chief Safety Officer, notices and recommended decisions by Administrative Law Judges, notices and reports issued by Hearing Officers, and arbitrator notices, decisions, and awards. DMS is the system of record for these materials.

Disposition: **TEMPORARY**. Cutoff after resolution of matter. Destroy 20 years after cutoff or until no longer needed, whichever is later. File copies shall be electronic and stored in DMS. Destroy paper documents after the information has been converted into an electronic medium, backed up, and verified.

⑭ 21 Non-Public Docket Adjudications Files. NI-557-05-

Contains evidence of payment of civil cases and bankruptcy filings in cases not docketed in DMS.

Disposition: **Temporary**. Cutoff after close of file. Determine medium of recordkeeping copy.

- a) **If electronic**: Destroy paper documents after the information has been converted into an electronic medium, backed up, and verified. Delete electronic copies 1 year after cutoff.
- b) **If paper**: Destroy paper documents 1 year after cutoff.

D. **REGULATORY AFFAIRS DIVISION FILES**

⑮ 22 Non-Public Motor Carrier Rulemaking Files. NI-557-05-

Contains attorney records (notes, strategies, evidence, summaries, memoranda, or other confidential documents) prepared by an attorney or at an attorney's direction in anticipation of litigation or as a confidential communication with a client in preparation for litigation, which

are not entered into DMS. DMS is the system of record for Motor Carrier Rulemaking Public Docket Files.

Disposition: **Temporary.** Cutoff after resolution of the matter. Determine medium of file copy.

- a) **If electronic:** Destroy paper documents after the information has been converted into an electronic medium, backed up, and verified. Delete electronic copies 6 years after cutoff.
- b) **If paper:** Destroy paper documents 6 years after cutoff.

①⑥ 23 Regulatory Affairs Division Non-Litigation Case Files. NI-557-05-

Consists of administrative correspondence, letters, memoranda, opinions, research, and supporting documents related to the to the provision of legal advice, assistance and services on subjects such as: (1) motor carrier safety and commercial regulations; (2) regulatory evaluation criteria and review standards under the Regulatory Flexibility Act, Paperwork Reduction Act, Small Business Regulatory Enforcement Fairness Act, National Environmental Policy Act, and other statutes and Executive Orders applicable to regulatory development or assessment; (3) standards for judicial review of regulations; and (4) other regulatory affairs matters not covered in another section of this schedule.

Disposition: **Temporary.** Cutoff after conclusion of the matter for which the file was created. Determine medium of recordkeeping copy.

- a) **If electronic:** Destroy paper documents after the information has been converted into an electronic medium, backed up, and verified. Delete electronic files 6 years after cutoff.
- b) **If paper:** Destroy paper documents 6 years after cutoff.

E. **LEGISLATION DIVISION FILES**

①⑦ 24 Legislative Files. NC1-406-80-1/23

Contains information on legislative matters including copies of correspondence, comments, draft proposed legislation and testimony, minutes of meetings, testimony, reports, and questions and answers submitted by Congress pertaining to motor carrier safety legislation.

Disposition: **Temporary.** Cutoff after bill is either enacted or fails to be enacted prior to the end of a Congress. Determine medium of file copy.

- a) **If electronic:** Destroy paper documents after the information has been converted into an electronic medium, backed up, and verified. Delete electronic files 8 years after cutoff.
- b) **If paper:** Destroy paper documents 8 years after cutoff.

F. GENERAL LAW DIVISION FILES

18) 2/5 Procurement, Grant, Cooperative Agreement, and Related Files. NC1-406-80-1/6

Consists of correspondence, information, legal assistance, and opinions concerning the formation, administration, and termination of contracts, grants, cooperative agreements, and Memoranda of Understanding/Memoranda of Agreement (MOU/MOA); and unauthorized commitments.

Disposition: **Temporary.** Cutoff after conclusion of each matter. Determine medium of recordkeeping copy.

- a) **If electronic:** Destroy paper documents after the information has been converted into an electronic medium, backed up, and verified. Delete electronic files 6 years after cutoff.
- b) **If paper:** Destroy paper documents in agency 6 years after cutoff.

19) 2/6 Delegation of Authority Files. NC1-406-80-11/38

Consists of correspondence, information, legal assistance, and opinions pertaining to official approval of FMCSA and Office of Chief Counsel delegations of authority and administrative and program responsibilities.

Disposition: **Temporary.** Place in inactive file when delegation becomes invalid/superseded, or amended. Cutoff inactive file at end of fiscal year. Determine medium of file copy.

- a) **If electronic:** Destroy paper documents after the information has been converted into an electronic medium, backed up, and verified. Delete electronic files 5 years after cutoff.
- b) **If paper:** Destroy paper documents 5 years after cutoff.

20) 2/7 General Law Division Litigation Case Files. N1-557-05-

Consists of records relating to administrative proceedings before the Equal Employment Opportunity Commission, the Merit Systems Protection Board, the Comptroller General, the Department of Transportation Board of Contract Appeals, the General Services Administration Board of Contract Appeals, and other administrative authorities, as well as cases involving general law matters in Federal court. Files contain correspondence, court filings, background material, opinions, research, and other relevant documents.

Disposition: **Temporary.** Cutoff upon conclusion of the case. Determine medium of recordkeeping copy.

- a) **If electronic:** Destroy paper documents after the information has been converted into an electronic medium, backed up, and verified. Delete electronic files 6 years after cutoff.

b) If paper: Destroy paper documents 6 years after cutoff.

28 ~~Tort Claim Files.~~

GRS 6/10

Administrative Claims Files

a. ~~Claims against the United States. Records relating to claims against the United States for moneys that have been administratively (1) disallowed in full or (2) allowed in full or in part, and final payment of the amount awarded, EXCLUDING claims covered by subitem c below.~~

~~Destroy when 6 years, 3 months old.~~

b. ~~Claims by the United States subject to the Federal Claims Collection Standards and 28 U.S.C. 2415 or 31 U.S.C. 3716(c)(1).~~

~~Records relating to claims for money or property that were administratively determined to be due and owing to the United States and that are subject to the Federal Claims Collection Standards (4 CFR Chapter II), EXCLUDING claims covered under subitem c. below.~~

~~(1) Claims that were paid in full or by means of a compromise agreement pursuant to 4 CFR Part 103.~~

~~Destroy when 6 years, 3 months old.~~

~~(2) Claims for which collection action has been terminated under 4 CFR Part 104.~~

~~(a) Claims for which the Government's right to collect was not extended.~~

~~Destroy 10 years, 3 months after the year in which the Government's right to collect first accrued.~~

~~(b) Claims for which the Government is entitled (per 28 U.S.C. 2415) to additional time to initiate legal action.~~

~~Destroy 3 months after the end of the extended period.~~

~~(3) Claims that the agency administratively determines are not owed to the United States after collection action was initiated.~~

~~Destroy when 6 years, 3 months old.~~

c. ~~Claims files that are affected by a court order or that are subject to litigation proceedings.~~

~~Destroy when the court order is lifted, litigation is concluded, or when 6 years, 3 months old, whichever is later.~~

21 29

General Law Division Non-Litigation Case Files.

NI-557-05-

Consists of administrative correspondence, letters, memoranda, opinions, research, and supporting documents related to the to the provision of legal advice, assistance and services on subjects such as: (1) ethics; (2) civil rights; (3) merit systems; (4) appropriations; (5) advisory committees; (6) federal records; (7) FOIA; (8) Privacy Act; and (9) other general law matters not covered in another section of this schedule.

Disposition: **Temporary.** Cutoff after conclusion of the matter for which the file was created. Determine medium of recordkeeping copy.

- a) **If electronic:** Destroy paper documents after the information has been converted into an electronic medium, backed up, and verified. Delete electronic files 6 years after cutoff.
- b) **If paper:** Destroy paper documents 6 years after cutoff.

30 Ethics Program Records

~~1. Ethics Program Implementation, Interpretation, Counseling, and Development Files.~~
~~GRS 25/1~~

~~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.~~

~~a. 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.~~

~~b. All other records.~~

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

~~2. Financial Disclosure Reporting Files. _____ GRS 25/2~~

~~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.~~

~~a. Executive Branch Personnel Public Financial Disclosure Reports (SF 278) and related records.~~

~~(1) SF 278 reports for individuals filing in accordance with Section 101(b) or (c) of the Act, and not subsequently confirmed by the U.S. Senate or elected.~~

~~Destroy 1 year after nominee or candidate ceases to be under consideration for the position; EXCEPT that documents needed in an ongoing investigation will be retained until no longer needed in the investigation.~~

~~(2) All other SF 278s.~~

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

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

~~(1) OGE Form 450s for individuals not subsequently confirmed by the U.S. Senate.~~

~~Destroy 1 year after nominee ceases to be under consideration for the position; EXCEPT that documents needed in an ongoing investigation will be retained until no longer needed in the investigation.~~

~~(2) All other 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.~~

~~c. Alternative or additional financial disclosure reports and related records.~~

~~(1) Reports for individuals not subsequently confirmed by the U.S. Senate.~~

~~Destroy 1 year after nominee ceases to be under consideration for the position; EXCEPT that documents needed in an ongoing investigation will be retained until no longer needed in the investigation.~~

~~(2) All other 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.~~

~~3. Ethics Agreement Records. _____ GRS 25/3~~

~~-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.~~

~~4. Referrals and Notifications of Violations of Criminal Conflict of Interest Statutes and Other Potential Violations Files. _____ GRS 25/4~~

~~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.~~

~~5. Non Federally Funded Travel Files. _____ GRS 25/5~~

~~a. 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.~~

~~b. 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.~~

~~6. Ethics Program Review Files. _____ GRS 25/6~~

~~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.~~

~~a. 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.~~

~~b. 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.~~

~~7. Annual Agency Ethics Program Questionnaire Files. _____ GRS 25/7~~

~~a. 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.~~

~~b. All other records related to responses to annual agency ethics program questionnaires.~~

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

~~8. Ethics Program Employee Training and Education Files. _____ GRS 25/8~~

~~a. 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.~~

~~b. 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.~~

~~9. Ethics Program Procedures Files. _____ GRS 25/9~~

~~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.~~