

Request for Records Disposition Authority

Records Schedule Number **DAA-0180-2013-0002**
Schedule Status **Approved**

Agency or Establishment **Commodity Futures Trading Commission**
Record Group / Scheduling Group **Records of the Commodity Futures Trading Commission**
Records Schedule applies to **Major Subdivision**
Major Subdivision **Office of the Executive Director**
Minor Subdivision **Funds Management Branch**
Schedule Subject **CEA Enforcement Debt Collection Case Files**
Internal agency concurrences will be provided **No**

Background Information

Item Count

Number of Total Disposition Items	Number of Permanent Disposition Items	Number of Temporary Disposition Items	Number of Withdrawn Disposition Items
1	0	1	0

GAO Approval

Outline of Records Schedule Items for DAA-0180-2013-0002

Sequence Number	
1	CEA Enforcement Debt Collection Case Files Disposition Authority Number: DAA-0180-2013-0002-0001

Records Schedule Items

Sequence Number	
1	<p data-bbox="365 412 993 449">CEA Enforcement Debt Collection Case Files</p> <p data-bbox="365 463 1154 500">Disposition Authority Number DAA-0180-2013-0002-0001</p> <p data-bbox="365 514 1505 1821">Financial obligations can arise from a Final Order upon parties deemed in violation of the Commodity Exchange Act and/or CFTC regulations (among other relief). There are two types of Final Orders: (1) Orders issued by the Commission, either by adjudication or by consent of the parties, or (2) Judgment Orders issued by a Federal Court Judge, either by adjudication or by consent of the parties. Financial obligations can take one or more of the following forms: (1) Civil monetary penalties, which are imposed as a deterrent to the offender and others, (2) Disgorgement, which is imposed to ensure that offenders do not retain any monetary gains from their improper actions, (3) Restitution, which is imposed to compensate victims for their losses, and (4) Pre-judgment interest, which is added to and included in the debt principal. Judgment orders may appoint a third party, such as the National Futures Association or a receiver, to monitor judgment debts. CFTC maintains case files for both CFTC-monitored debts as well as those monitored by third parties. Debt collection is governed by statutes and regulations of the Departments of Treasury and Justice, including 31 U.S.C. Chapter 37, Subchapter II: Claims of the United States Government (3711-3720E); the Federal Claims Collection Standards (31 CFR Chapter IX (Parts 900-904)); and OMB Circular A-129 issued by the Office of Management and Budget. CEA Enforcement Debt Collection Case Files document the collection of monetary sanctions. Records may include but are not limited to: Commission or U.S. Court Orders; final judgment forms; transmittal forms; Dunning letters and certified mail receipts; copies of IRS forms 1099C; write-off memos which document internal CFTC approval to compromise or write off debts; claims collection litigation reports (CCLR); copies of wire transfers or checks, sworn release agreements, and other records. In the case of restitution payments, records may also include but are not limited to: correspondence between CFTC staff in the Division of Enforcement and court-appointed receivers and CFTC staff and the National Futures Association, regarding restitution payments. If the Commission discharges (i.e. "closes out") a debt, records may also include but are not limited to: documentation containing internal CFTC approvals to close out the debt and correspondence between the Commission and the Departments of Treasury and/or Justice approving the close out of the debt (if such approvals are necessary) and related records. Case Files are organized by docket number (either the number assigned by the Office of Proceedings for administrative cases or the U.S. Court for injunctive cases) and then by individual's name.</p> <p data-bbox="365 1836 932 1872">Final Disposition Temporary</p> <p data-bbox="365 1887 867 1923">Item Status Active</p>

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	GRS 6, Item 10
Disposition Instruction.	
Cutoff Instruction	Disposition: Temporary. Close CEA Enforcement Debt Collection Case file after payment (i.e. civil monetary penalties, disgorgement, and/or restitution) has been satisfied in full or by means of a compromise agreement, or after a delinquent debt has been discharged/closed out in accordance with the provisions of 31 CFR 903.5(a)/OMB Circular A-129.
Transfer to Inactive Storage	Transfer to offsite storage as necessary.
Retention Period	Destroy 7 year(s) after file closed.
Additional Information	
GAO Approval	Not Required

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
01/28/2013	Certify	Crystal Zeh	Records Management Officer	Commodity Futures Trading Commission - Commodity Futures Trading Commission
03/23/2015	Submit for Concurrence	Lauren Crisler	Appraiser	National Archives and Records Administration - Records Management Services
03/25/2015	Concur	Margaret Hawkins	Director of Records Management Services	National Records Management Program - Records Management Services
03/25/2015	Concur	Laurence Brewer	Director, National Records Management Program	National Archives and Records Administration - National Records Management Program
03/26/2015	Approve	David Ferriero	Archivist of the United States	Office of the Archivist - Office of the Archivist