

NOTICE - SOME ITEMS SUPERSEDED OR OBSOLETE

Schedule Number: N1-220-97-006

Some items in this schedule are either obsolete or have been superseded by new NARA approved records schedules. This information is accurate as of: 1/25/2023

ACTIVE ITEMS

These items, unless subsequently superseded, may be used by the agency to disposition records. It is the responsibility of the user to verify the items are still active.

All other items not listed below remain active

SUPERSEDED AND OBSOLETE ITEMS

The remaining items on this schedule may no longer be used to disposition records. They are superseded, obsolete, filing instructions, non-records, or were lined off and not approved at the time of scheduling. References to more recent schedules are provided below as a courtesy. Some items listed here may have been previously annotated on the schedule itself.

ITEMS 1/a and 8/b are superseded by DAA-0600-2017-0001-0001

ITEMS 1/b, 1/c, and 8/a are superseded by DAA-0600-2017-0001-0002

ITEM 2/a is superseded by DAA-0600-2017-0012-0001

ITEM 3 is superseded by DAA-0600-2017-0001-0008 & DAA-0600-2017-0001-0009

ITEM 4 is superseded by DAA-0600-2017-0012-0003

ITEM 5 is superseded by DAA-0600-2017-0012-0005

ITEM 6/b is superseded by DAA-0600-2017-0001-0003

ITEM 9/a is superseded by DAA-0600-2017-0009-0003

ITEM 9/b and 14/b are superseded by DAA-0600-2017-0009-0005

ITEM 12 is superseded by DAA-0600-2017-0009-0004

ITEM 13 is superseded by DAA-0600-2017-0009-0001

ITEM 14/a is superseded by DAA-0600-2017-0009-0006

ITEM 16 is superseded by DAA-0600-2017-0012-0001

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ITEM 20/a is superseded by DAA-0600-2017-0001-0004

ITEM 20/b is superseded by DAA-0600-2017-0001-0005

ITEM 21/a is superseded by DAA-0600-2017-0001-0006

ITEM 21/b is superseded by DAA-0600-2017-0001-0007

ITEMS 22/b, 23/b, 27/b and 39/b are superseded by DAA-0600-2017-0002-0008

ITEMS 24 and 40 are superseded by DAA-0600-2017-0002-0009

ITEMS 25/a and 33/a are superseded by DAA-0600-2017-0008-0001

ITEMS 25/b and 33/b are superseded by DAA-0600-2017-0008-0002

ITEMS 25/c and 33/c are superseded by DAA-0600-2017-0008-0003

ITEM 26 is superseded by DAA-0600-2017-0002-0010

ITEMS 27/a and 27/c are superseded by DAA-0600-2017-0002-0004

ITEM 27/d is superseded by DAA-0600-2017-0002-0005

ITEM 28 is superseded by DAA-0600-2017-0002-0007

ITEMS 29, 30, 31/d, and 46 are superseded by DAA-0600-2017-0004-0003

ITEMS 34/a, 45/a, and 45/d are superseded by DAA-0600-2017-0008-0006

ITEMS 35/b is superseded by DAA-0600-2017-0005-0001

ITEM 36 is superseded by DAA-0600-2017-0003-0001

ITEMS 38 and 48 are superseded by DAA-0600-2017-0003-0003

ITEM 39/a is superseded by DAA-0600-2017-0002-0006

ITEM 41 is superseded by DAA-0600-2017-0003-0004

ITEMS 42 and 44 are superseded by DAA-0600-2017-0007-0001

ITEM 43 is superseded by DAA-0600-2017-0008-0005

ITEM 45/c is superseded by DAA-0600-2017-0008-0004

NOTICE - SOME ITEMS SUPERSEDED OR OBSOLETE

REQUEST FOR RECORDS DISPOSITION AUTHORITY		JOB NUMBER N1-220-97-6	
To: NATIONAL ARCHIVES and RECORDS ADMINISTRATION (NIR) WASHINGTON, DC 20408		DATE RECEIVED 2-11-97	
1. FROM (Agency or establishment) National Indian Gaming Commission		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			
3. MINOR SUBDIVISION			
4. NAME OF PERSON WITH WHOM TO CONFER Linda Hutchinson	5. TELEPHONE 202-632-7036	DATE 8-18-97	ARCHIVIST OF THE UNITED STATES <i>John W. Paul</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 ____ 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, 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 2/11/97	SIGNATURE OF AGENCY REPRESENTATIVE <i>Linda Hutchinson</i>	TITLE <i>Records Administrator</i>	
7. Item No.	8. DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9. GRS OR SUPERSEDED JOB CITATION	10. ACTION TAKEN (NARA USE ONLY)
	<u>Please See Attached</u>		

National Indian Gaming Commission
Attachment to SF 115: NARA Job No. N1-220-97-6

Unless specified in the disposition instructions, the records will not be sent to the Washington National Records Center.

Office of the Chairman

Item 1. *Correspondence and Memoranda.*

Outgoing letters and memoranda that are sent under the signature of the Chairman, Commissioners, Chief of Staff, and the General Counsel. Files include any accompanying incoming correspondence, background information, notes, sign-offs, and other materials used in the preparation of the outgoing correspondence. Excludes correspondence in program or legal opinion files.

a. *Official Correspondence.*

All correspondence received by the Chairman, Commissioners, Chief of Staff, and General Counsel, responses signed by these officials, and corresponding enclosures or attachments pertaining to the NIGC promulgation of policy and/or procedures.

Disposition: **PERMANENT.** Cut off files at end of each calendar year. Transfer to the National Archives and Records Administration 5 years after incumbent agency official leaves office.

b. *Correspondence subject and tracking files.*

Files include background information, notes, sign-offs, and other materials used in the preparation of the outgoing correspondence.

Disposition: **TEMPORARY.** Cut off files at end of each calendar year. Destroy one year after cut off.

c. *General Correspondence.*

Outgoing correspondence not pertaining to major policy issues or to National Indian Gaming Commission program functions. Examples of such correspondence pertain to Class III gaming that is subject to State laws, compacts, trust lands, and other areas under the authority and responsibility of the Bureau of Indian Affairs or the Department of the Interior.

Disposition: **TEMPORARY.** Cut off files at the end of each calendar year. Destroy 3 years after cutoff.

Item 2. *Bulletins.*

Procedural, policy and informational guidance issued by the National Indian Gaming Commission. Files include the official file copy and supporting documentation. Supporting documentation includes material relating to the preparation, clearance, publication, and distribution of the directive.

a. *Official File Copy.*

Disposition: **PERMANENT**. Cut off files at end of calendar year in which the bulletin was issued. Transfer to the National Archives and Records Administration one year after cutoff.

b. *Supporting Documentation.*

Disposition: **TEMPORARY**. Destroy one year after issuance.

Item 3. *Audit Case Files.*

Documents accumulated in the coordination of audits conducted by another government agency or audits of National Indian Gaming Commission operations. Included are communications about scheduled audits, drafts and final audit reports, responses, comments reports on corrective action planned and taken and related papers.

Disposition: **TEMPORARY**. Cut off files at end of calendar year in which audit is completed. Retire to Washington National Records Center 2 years after cutoff. Destroy 8 years after cutoff. {GRS 22, item 2}

Item 4. *Executive Biographical Files.*

Biographies, photographs, newspaper clippings and related items pertaining to National Indian Gaming Commission Chairman, Commissioners, and General Counsel.

Disposition: **PERMANENT**. Cut off files at end of calendar year in which employee is separated from National Indian Gaming Commission. Transfer to the National Archives and Records Administration 5 years after cutoff.

Item 5. *Speech Files.*

Copies of speeches and other papers delivered by National Indian Gaming Commission Chairman, Commissioners, General Counsel, and Chief of Staff before organizations, tribal councils, and state legislatures.

Disposition: **PERMANENT.** Cut off files at end of each calendar year. Transfer to the National Archives and Records Administration 5 years after incumbent agency official leaves office.

Item 6. *Commission Meeting Files.*

a. *Audio-cassette recordings of meetings.*

Disposition: **TEMPORARY.** Destroy audio recording one year after verification against verbatim transcript.

b. *Official Files.*

Memoranda, notes, transcripts, agendas and other records relating to Commissioners meetings in which policy or procedures and decisions are discussed and decided.

Disposition: **PERMANENT.** Cut off files at end of calendar year. Transfer to the National Archives and Records Administration 15 years after cutoff.

Item 7. *Privacy Act Security Violation Files.*

Files relating to alleged security violations of Privacy Act procedures. Included are investigative reports. Excludes papers placed in official personnel folders.

a. Files relating to alleged violations and supporting documentation that resulted in adverse personnel action.

Disposition: **TEMPORARY.** Destroy 6 years after close of investigation.
{GRS 14, item 36a}

b. All other files that do not include the official file copy of the released information.

Disposition: **TEMPORARY.** Destroy 6 years after the erroneous release.
{GRS 14, item 36b}

Item 8. *Invitations.*

a. *Declined Invitations.*

Disposition: **TEMPORARY.** Cut off files at end of calendar year. Destroy one year after cutoff.

b. *Accepted Invitations.*

Files contain invitations to the Chairman and Commissioners to attend or speak at an event. Files may include related event materials, such as confirmation correspondence, agendas, sponsoring organization information, site particulars, and summaries of the event. Excludes documents placed in travel voucher files or speech files.

Disposition: **PERMANENT.** Cut off files at end of calendar year. Transfer to the National Archives and Records Administration 5 years after incumbent official leaves office.

Office of Congressional and Public Affairs

Congressional Affairs

Item 9. *Hearing Files.*

a. *Final Hearing Files.*

Testimonies and responses to questions for the record given before the Congress.

Disposition: **PERMANENT.** Cut off files at end of each Congressional term. Transfer to the National Archives and Records Administration 5 years after cutoff.

b. *Working files.*

Drafts of testimonies and responses to questions, other agencies comments and clearances, and background information gathered to prepare testimony.

Disposition: **TEMPORARY.** Cut off files at end of Congressional term. Destroy 2 years after cutoff.

Item 10. *Legislative Clearance Files.*

Files of "Legislative Research Memorandum" (LRM) from the Office of Management and Budget (OMB) accompanied by agency position.

Disposition: **TEMPORARY.** Cut off files at the end of the Congressional term. Destroy 4 years after cutoff.

Item 11. *Development of Legislation Files.*

Files of draft legislation and copies of the results of "drafting service" items requested by congressional staff.

Disposition: **TEMPORARY.** Cut off files at the end of the Congressional term. Destroy one year after cutoff.

Item 12. *Correspondence Files.*

Copies of all incoming and outgoing congressional correspondence. Excludes correspondence placed in program and Chairman's files.

Disposition: **TEMPORARY.** Cut off files at the end of the Congressional term. Destroy 6 years after cutoff.

Item 13. *Congressional Members Files.*

Background information on members of Congress.

Disposition: **TEMPORARY.** Cut off files at end of the last Congressional term of the member. Destroy 3 months after cutoff.

Item 14. *Reports to Congress.*

a. Final reports to Congress.

Disposition: **PERMANENT.** Cut off at end of Congressional term in which report was submitted. Transfer to the National Archives and Records Administration one year after cutoff.

Item 14.b. *Draft files.*

Drafts of reports, other agencies comments, and background information gathered to prepare the reports.

Disposition: **TEMPORARY.** Destroy when no longer needed for reference.

Item 15. *Subject Files.*

General files on pending legislation and issues.

Disposition: **TEMPORARY.** Destroy when no longer needed for reference.

Public Affairs

Item 16. *Press Release files.*

Copies of all final press releases, including those pertaining to settlement of enforcement cases.

Disposition: **PERMANENT.** Cut off files at end of calendar year. Transfer to the National Archives and Records Administration one year after cutoff.

Item 17. *General Correspondence files.*

Copies of all incoming and outgoing correspondence for Public Affairs and the press. Includes telephone logs and notes.

Disposition: **TEMPORARY.** Cut off files at end of the calendar year. Destroy 3 years after cutoff date.

Item 18. *Press Packs and Media Contact Lists.*

Information sent out to members of the media.

Disposition: **TEMPORARY.** Destroy when superseded or no longer needed for reference.

Item 19. *Clipping files.*

Clips of articles profiling the Chairman, Commissioners, General Counsel, or articles detailing major policy or procedures of the National Indian Gaming Commission. Maintained in chronological order.

Disposition: **TEMPORARY**. Destroy when no longer needed for reference.

Office of Administration

Item 20. *Reorganization, Strategic Planning and Implementation Files.*

Files include documents relating to the establishment and changes in organization function and assignments. Materials include background information, drafts, reports, policy statements, function and personnel assignments, and related papers accumulated in organization planning.

a. *Final Implementation Plan.*

Guidelines and directives on organization assignments, responsibilities, and functions.

Disposition: **PERMANENT**. Cut off files at end of the calendar year in which plan is superseded. Transfer to the National Archives and Records Administration 10 years after cutoff.

b. *Implementation Plan Working Files.*

Disposition: **TEMPORARY**. Cut off files at end of calendar year in which plan is issued. Destroy 4 years after cutoff.

Item 21. *Procedures and Personnel Manuals.*

a. *Final procedural guidelines and directives.*

Disposition: **PERMANENT**. Cut off files at end of calendar year in which guideline or directive is superseded. Transfer to the National Archives and Records Administration 10 years after cutoff.

Item 21.b. *Working Files.*

These files include drafts, interim and progress reports, and related papers accumulated in development of guidelines and directives.

Disposition: **TEMPORARY.** Cut off files at end of calendar year in which guidelines or directives are issued. Destroy 4 years after cutoff.

Office of General Counsel

Item 22. *Legal Opinions Files.*

a. *Final Legal Opinions, including memoranda to pre-decisional opinions and decisional memoranda pertaining to appealed enforcement actions.*

Disposition: **PERMANENT.** Cut off files at end of calendar year in which opinion was issued. Transfer to the National Archives and Records Administration 5 years after cutoff.

b. *Draft Legal Opinions and Background Materials.*

Files include background materials, copies of legal cases, draft opinions, request letters, attorney notes and other materials used to develop a final legal opinion.

Disposition: **TEMPORARY.** Cut off files at end of the month in which the opinion was issued. Destroy 3 years after cutoff or when no longer needed for reference, whichever is later.

Item 23. *Regulations.*

a. *Final Regulations.*

Files include copies of final regulations, public comments, and transcripts to public hearings.

Disposition: **PERMANENT.** Cut off at end of calendar year in which regulations are issued. Transfer to the National Archives and Records Administration 10 years after cutoff.

Item 23.b. *Working Papers.*

Files include drafts, notes, duplicate copies of public comments, draft Federal Register notices, copy of Federal Register publication, and related materials.

Disposition: **TEMPORARY.** Cut off files at end of the calendar year in which regulations are issued. Destroy 3 years after cutoff.

Item 24. *Litigation Files.*

Files of cases pending before the courts, consisting of **copies** of pleadings, briefs, orders, decisions, and related correspondence.

Disposition: **TEMPORARY.** Cut off files upon final decision or final step in appeal process. Destroy 10 years after cutoff of when no longer needed for reference, whichever is later.

Item 25. *National Environmental Protection Act (NEPA) Files*

Files associated with management contracts and other actions pending before the NIGC that contain correspondence, draft EAs, final EAs, draft FONSI, final FONSI, and environmental reports.

a. NEPA documents associated with approved contracts or completed Federal actions.

Disposition: **TEMPORARY.** Cut off files at end of calendar year in which the contract was approved by the NIGC or Federal action was taken. Retire to the Washington National Records Center 1 year after cutoff. Destroy 10 years after cutoff.

b. NEPA documents associated with disapproved contracts or decisions not to complete planned Federal actions.

Disposition: **TEMPORARY.** Cut off files at end of calendar year in which the contract was disapproved by the NIGC or decision was made not to complete planned Federal actions. Retire to the Washington National Records Center 1 year after cutoff. Destroy 6 years after cutoff.

c. NEPA documents associated with withdrawn contracts or requests for Federal action.

Disposition: **TEMPORARY.** Cut off files at end of month in which contract or request is withdrawn. Destroy 3 months after cutoff.

Item 26. *R Files.*

Files associated with contracts submitted to the NIGC for determination as to whether the contract is or is not a management contract or formal submission. Files contain copies of contracts and miscellaneous correspondence.

Disposition: **TEMPORARY.** Cut off files at the end of the calendar year in which determination was issued. Retire to the Washington National Records Center 1 year after cutoff. Destroy 3 years after cutoff.

Item 27. *Ordinance Files.*

Files associated with review of tribal ordinances, consisting of copies of ordinances, tribal constitutions, tribal gaming regulations, tribal resolutions, tribal-state compacts, and related correspondence.

a. *Approved Ordinances and tribal gaming regulations.*

Disposition: **PERMANENT.** Cut off files at end of calendar year in which the ordinance becomes effective. Transfer to the National Archives and Records Administration one year after ordinances and regulations are superseded, revoked or amended.

b. *Files associated with approved ordinances.*

Correspondence, drafts, superseded copies, and copies of tribal constitutions.

Disposition: **TEMPORARY.** Cut off files at end of calendar year in which ordinance was approved by the NIGC. Retire to the Washington National Records Center 1 year after cutoff. Destroy 10 years after cutoff.

c. *Files associated with disapproved ordinances.*

Disposition: **TEMPORARY.** Cut off files at end of calendar year in which ordinance was disapproved by the NIGC. Retire to the Washington National Records Center 2 years after cutoff. Destroy 6 years after cutoff.

d. *Files associated with withdrawn ordinances.*

Disposition: **TEMPORARY.** Cut off files at end of month in which ordinance was withdrawn. Destroy 3 months after cutoff.

Item 28. *Miscellaneous Correspondence.*

Correspondence assigned to the Office of General Counsel for response including incoming correspondence, draft responses, and miscellaneous documents.

Disposition: **TEMPORARY.** Cut off files at end of calendar year in which response to correspondence is complete. Destroy 3 years after cutoff or when no longer needed for reference, whichever is later.

Division of Tribal Background Investigation

Item 29. *Memorandum of Understanding (MOU).*

Agreements between the National Indian Gaming Commission (NIGC) and Tribal Governments for processing fingerprint cards through the NIGC and the Federal Bureau of Investigation (FBI).

Disposition: **TEMPORARY.** Destroy when MOU is terminated or superseded.

Item 30. *Tribal Correspondence.*

Correspondence between Tribal Governments and the NIGC with regards to conducting background investigations.

Disposition: **TEMPORARY.** Cut off files at end of each calendar year. Destroy 3 years after cutoff.

Item 31. *Fingerprint Results.*

Results of FBI fingerprint checks on individuals, prepared in accordance with NIGC agreements with Tribal Governments. The FBI is the office of record of this information.

a. *"No Arrest Record" Responses.*

FBI "no arrest" results and reports to Tribal Governments of results.

Disposition: **TEMPORARY.** Cut off those files at the end of each month in which the Tribal Governments have made final suitability determinations. Destroy 3 months after cutoff.

Item 31.b. *Illegible Fingerprints and Reports to Tribal Governments of Illegible Information.*

Return of fingerprint cards by FBI to NIGC because the fingerprint cards received by NIGC from the Tribal Governments and forwarded for review to the FBI, are illegible and cannot be processed.

Disposition: **TEMPORARY.** Cut off those files every four months in which NIGC notification has been sent to Tribal Governments. Destroy 3 months after cutoff.

c. *"Arrest Record" Responses.*

FBI "arrest record" results on individuals.

Disposition: **TEMPORARY.** Cut off files at the end of the month in which Tribal Governments make final suitability determination. Transfer to Tribal Investigative Materials files.

d. *Fingerprint Cards Correspondence Files.*

Incoming and outgoing correspondence relating to fingerprint cards processing and results.

Disposition: **TEMPORARY.** Cut off files at the end of the calendar year. Destroy 3 years after cutoff.

Item 32. *Tribal Investigative Materials.*

Documentation submitted by Tribal Governments in compliance with the NIGC regulatory requirements for key employees and primary management official (25 CFR Parts 556 and 558). File materials include employee applications, background investigation reports, arrest records results, credit checks, and other documentation relevant to determine an individual's suitability to work in a gaming facility.

Disposition: **TEMPORARY.** Cut off files at the end of each month in which documentation review is completed. Transfer to the Washington National Records Center 2 months after cutoff. Destroy 3 years after cutoff.

Division of Management Contracts and Audits

Item 33. *Class II and/or Class III Gaming Management Contracts.*

Contracts submitted by a tribe for review and approval. Files include contract, business plan with financial projections, collateral agreements to contract, incoming and outgoing correspondence, and internal working papers.

a. *Approved Contracts.*

Disposition: **TEMPORARY.** Cut off files at end of calendar year in which contract was approved by NIGC. Retire to the Washington National Records Center 1 year after cutoff. Destroy 10 years after cutoff.

b. *Disapproved Contracts.*

Disposition: **TEMPORARY.** Cut off files at end of calendar year in which contract appeals process has expired. Retire to the Washington National Records Center 1 year after cutoff. Destroy 6 years after cutoff.

c. *Withdrawn Contracts.*

Disposition: **TEMPORARY.** Cut off files at end of month in which the contract is withdrawn by either party to contract. Destroy 3 months after cutoff.

d. *Duplicate Copies of Documents.*

Disposition: **TEMPORARY.** Cut off files at final action (i.e. approved, disapproved, or withdrawn). Destroy all duplicate documents and superseded versions of contracts (including collateral agreements to contract) 3 months after cutoff.

Item 34. *Entity Background Investigation Files.*

When a tribe enters into a contract for the management of its gaming operation, each entity with a financial interest in, or management responsibility for, that contract must submit background investigation information (25 CFR Parts 533, 535, and 537). The extent of the information required to be submitted varies by the type of the gaming offered (Class II or Class III). The Tribe is not required to submit any information on itself. The files may include financial statements, copies of documents establishing the entity (articles of incorporation, trust agreement, partnership agreement), list of individuals (top 10 persons with the greatest financial interest in the entity), copies of documents that provide the day-

to-day operating rules for the entity, answers to questions regarding gaming experience, criminal history, and other related information.

Item 34.a. *Entity Background Investigation Files.*

Disposition: **TEMPORARY.** Cut off files at end of calendar year for any investigation completed or terminated. Retire to the Washington National Records Center one year after cutoff. Destroy 10 years after cutoff.

b. Duplicate copies of documents and documents readily available online (SEC filings, annual financial reports of companies, Lexis/Nexis documents).

Disposition: **TEMPORARY.** Cut off files when investigation is completed or terminated. Destroy 3 months after cutoff.

Item 35. *Audit Reports and Management Letters.*

Audited financial statements of each gaming operation on Indian lands submitted pursuant to 25 CFR Part 571. Files include audit reports and management letters that set forth the results of the actual audit. Tribes are to submit reports within 120 days of the fiscal year end of each gaming operation.

a. *Audit Reports - Financial Statements.*

Disposition: **PERMANENT.** Cut off files at end of calendar year. Retire to the Washington National Records Center 4 years after cutoff. Transfer to the National Archives and Records Administration 15 years after cutoff.

b. *Management Letters* - a cover letter to an audit from a CPA firm summarizing a tribe's internal administrative and recordkeeping practices. If there is a significant problem, this information is turned over to the NIGC Enforcement function.

Disposition: **TEMPORARY.** Cut off files at end of calendar year. Destroy 5 years after cutoff.

Division of Enforcement

Item 36. *Complaints.*

Complaints about gaming operations. Maintained in chronological order, these files consist of all complaint letters received and processed through the Enforcement Division.

Disposition: **TEMPORARY.** Cut off files every 6 months. Destroy 6 months after cutoff or when no longer needed for reference, whichever is sooner.

Item 37. *Tribal Files.*

Reference information, general correspondence, routine site visit reports, media and other information received by the Division, not pertaining to a specific case investigation or enforcement action.

Disposition: **TEMPORARY.** Cut off files at the end of the calendar year. Destroy when 2 years old or when no longer needed for reference, whichever is later.

Item 38. *Investigative Cases.*

Files of investigative cases pending before the Commission that contain case initiation forms, incoming and outgoing correspondence related to the investigation, documentation of all types (on-line research, media information, and related information), status reports filed by field investigators, working notes, e-mail message printouts, video tapes of surveillance at gaming operations, and final reports with recommendations.

Disposition: **TEMPORARY.** Cut off files upon decision of Director of Enforcement whether to pursue investigation with enforcement actions or close the case. Destroy 5 years after cutoff.

Item 39. *Enforcement Action Files.*

Files maintained in conjunction with Enforcement Action initiated by the Commission. Contains Enforcement Action initiation form, incoming and outgoing correspondence related to enforcement action, documentation from the investigative case file, reports filed by the Field Investigators concerning status of enforcement action, working notes, e-mail message printouts, investigative materials. Also included are **copies** of NIGC predecisional memoranda, Administrative Law Judge decisions and related documents, reports from other agencies, media information, internal Commission memoranda, notices

of violation, closure orders, settlement agreements, and press releases announcing settlement.

a. Official record.

Disposition: **TEMPORARY**. Cut off files upon issuance of final report. Retire to the Washington National Records Center in 3 year blocks when most recent record in block is 5 years old. Destroy when most recent record in block is 15 years old.

b. Working papers of NIGC attorneys.

Disposition: **TEMPORARY**. Cut off files upon issuance of final report. Destroy 5 years after cutoff.

Item 40. *Litigation Files.*

Administrative record of cases brought by tribes before the U.S. Court of Appeals in response to enforcement actions and ALJ and Commission decisions.

Disposition: **TEMPORARY**. Cut off files upon final decision by presiding official or final step of appeal process. Retire to the Washington National Records Center 3 years after cutoff. Destroy 20 years after cutoff.

Item 41. *Weekly Reports.*

Chronological files containing weekly status reports from field investigators.

Disposition: **TEMPORARY**. Cut off at end of calendar year. Destroy 2 years after cutoff or when no longer needed for reference, whichever is sooner.

Division of Enforcement - Financial Information Section (FIS)

Item 42. *Fees.*

Files of payments received including quarterly reports. Also contain some copies of checks, any correspondence with relation to fee payments and NIGC produced statements indicating status of each account.

Disposition: **TEMPORARY.** Cut off files at the end of the calendar year in which a final fee rate has been issued by the Commission. Retire to the Washington National Records Center 10 years after cutoff. Destroy 20 years after cutoff.

Item 43. *Billing Records.*

Files of time and expenses accrued for background investigations in conjunction with management contract approval. Time sheets prepared by timekeepers. Expense reports prepared by timekeepers. Copies of checks for monies deposited in accordance with 25 CFR Part 537.3. Correspondence pertaining to background investigations. Invoices and copies of refund checks.

Disposition: **TEMPORARY.** Cut off files at end of the calendar year after billing and refund. Retire to the Washington National Records Center 3 years after cutoff. Destroy 10 years after cutoff.

Item 44. *Deposits.*

Copies of checks sent to the Federal Reserve Bank of Baltimore with copies of deposit slips. Also includes copy of monthly report to Fiscal Services at the Department of the Interior.

Disposition: **TEMPORARY.** Cut off files at end of calendar year. Retire to the Washington National Records Center 10 years after cutoff. Destroy 15 years after cutoff.

Division of Enforcement - Management Contract Investigation Section (MCIS)

Item 45. *Individual Background Investigation Files.*

Files include background information submitted for each individual with a financial interest in, or management responsibility for, a management contract and related entities pursuant to 25 CFR Part 537; work papers generated, gathered, received, and used by investigators to prepare the background investigation summary report; and, the background investigation summary report.

a. *Background information submitted by individual.*

Disposition: **TEMPORARY**. Cut off files for completed or terminated investigations at end of calendar year. Retire to the Washington National Records Center 1 year after cutoff. Destroy 15 years after cutoff.

b. *Background investigation work papers.*

Disposition: **TEMPORARY**. Destroy when no longer needed for reference.

c. *Background investigation summary report.*

Disposition: **TEMPORARY**. Cut off files upon suitability determination, or, if determined to be unsuitable, cut off files upon termination of appeal process. Destroy 15 years after cutoff. {Files will be maintained in the NIGC Washington, D.C. office}.

Item 46. *Memorandum of Understanding (MOU) Files.*

Agreements between the National Indian Gaming Commission and federal, state, or local agencies for the sharing of background investigation information.

Disposition: **TEMPORARY**. Destroy when the MOU is terminated or replaced by amendment. {Files will be maintained in the NIGC Washington, D.C. office}.

Item 47. *Agency Assistance Files.*

Correspondence between the NIGC and other federal, state, local, and tribal agencies requesting background investigation information regarding individuals and entities with a financial interest in, or management responsibility for, a management contract.

Disposition: **TEMPORARY.** Cut off files at end of calendar year. Destroy 3 years after cutoff.

Item 48. *Investigation files.*

Files consist of investigative reports, observations, and related documents such as correspondence, notes, attachments and working papers.

a. *Information or allegations that are of an investigative nature but do not relate to a specific investigation.* Included are anonymous or vague allegations not warranting investigation; matters referred to other agencies, and support files providing general information which may prove useful in NIGC investigations.

Disposition: **TEMPORARY.** Destroy when 5 years old or when no longer needed for reference, whichever is sooner.

b. *Field Investigator working papers and notes created in the course of duty.*

Disposition: **TEMPORARY.** Destroy when no longer needed for reference.

c. *Field Investigator correspondence files.*

Disposition: **TEMPORARY.** Destroy when 2 years old, or when no longer needed for reference, whichever is later.

Item 49. *Compliance Reports.*

a. *Quarterly reports.*

Disposition: **TEMPORARY.** Cut off files at end of calendar year. Destroy 5 years after cutoff.

b. *Working papers.*

Disposition: **TEMPORARY.** Destroy upon verification against final report.