

<b>REQUEST FOR RECORDS DISPOSITION AUTHORITY</b>		LEAVE BLANK (NARA use only)	
To: NATIONAL ARCHIVES & RECORDS ADMINISTRATION 8601 ADELPHI ROAD, COLLEGE PARK, MD 20740-6001		JOB NUMBER <i>N1-339-03-2</i>	
1. FROM (Agency or establishment) <b>Federal Election Commission</b>		Date Received <i>7/28/03</i>	
2. MAJOR SUB DIVISION <b>Office of Alternative Dispute Resolution</b>		NOTIFICATION TO AGENCY	
3. MINOR SUBDIVISION		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request, including amendments is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10.	
4. NAME OF PERSON WITH WHOM TO CONFER <b>Sandra Holmes</b>	5. TELEPHONE <b>2/694-1244</b>	DATE <i>3-18-04</i>	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 needed now 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 type="checkbox"/> is not required <input type="checkbox"/> is attached; or <input type="checkbox"/> has been requested.			
DATE <i>7/9/03</i>	SIGNATURE OF AGENCY REPRESENTATIVE <i>Sylvia C. Butler</i>		TITLE <i>Administrative Officer</i>
7. ITEM NO.	8. DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9. GRS OR SUPERSEDED JOB CITATION	10. ACTION TAKEN (NARA USE ONLY)
	See attached sheets		
<i>cc Bureau, NWMW, NWMD</i>			

10/23/03  
Marcus Small-  
wood, RO for  
FEC and  
Alan Silberman  
ADA Director  
concurred  
with the  
addendum  
to title of ADP  
records

Alternative Dispute Resolution (FEC Negotiated Settlement-Agreements)  
Request for Records Disposition Authority

Brief Description

The Commission's Alternative Dispute Resolution (ADR) program began in October 2000 as a means of encouraging settlements outside the agency's regular enforcement context. Originally a one-year pilot program, the ADR pilot program has been extended and has contributed to the significant increase in the number of compliance cases that the Commission resolves.

The ADR program aims to bring complaints and Title 2 audit referrals to resolution expeditiously through both direct and, when necessary, mediated negotiations between the parties. The speed with which each case is settled is contingent upon:

- The willingness of respondents to engage and cooperate in the process;
- The complexity of the case in question: and;
- The availability of resources.

Negotiations involve direct negotiations between the respondent and a representative from the ADR office. Any resolution reached in negotiations is submitted to the Commission for final approval. All approved agreements are a matter of public record.

It is estimated that this program will generate 4-7 cubic feet of textual records per calendar year.

## Rationale and Precedence

These records are unique and provide historical documentation of the United States electoral process. These records document the adherence to procedures by political election committees, federal election campaigns, and other similar entities. These records provide a source of historical documentation to the actions of these organizations. The documents in this department are not related to personnel disputes or any other individual dispute resolutions. They are however records which document the governments interaction with outside federal campaign contributors and potentially provide information in the event of future disputes.

The records created by this new department, have been determined by the NARA to be uncheduled (at this current time), although they do closely mirror, in terms of function, other agency records (as it pertains to the mission of the FEC) already scheduled within the agency. FEC Schedule 1 Item 3 defines the retention period for records: "Correspondence reports and other material... relative to information distributed to Commissioners for carrying out their duties and powers..." This records series defines those records as being permanent and copies of those records as having retention of 1 year. These records document the basis of 'agency head' level decisions and within the case files can be found the actual tallies from the Commissioners in addition to the background documentation. The FEC recognizes their particular Alternative Dispute Resolution program as being of similar nature yet unique in methodology. The FEC proposes to follow the precedent and secure these records for all posterity, as they are instrumental evidence of the American democratic process.

In Summary this FEC Records Series

1 Documents high-level commission decisions

2 Are unique, as they relate to the historical documentation of the federal election process

Proposed Disposition

FEC Schedule 1 Item 18

Records related to negotiated settlements, or mediated statements including indices relative to information distributed to Commissioners for final approval. This material includes review, evaluation, and compliance matters both under review and on action completed cases. Material is maintained in numbered series.

a) Record Copy. Arranged by case number, assigned consecutively

Permanent Retention. Cut off annually, offer to NARA in 5-year blocks, 10 years after close of case. Transfer to a records holding facility. Retire to NARA when 30 years old.

a) b) Other Textual Copies

Destroy when 2 yrs old or when no longer needed for reference purposes, whichever is longer.

c) Electronic Mail and Word Processing System Copies.

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. Also includes electronic copies of records created on electronic mail and word processing systems that are maintained for updating, revision, or dissemination.

1) 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 personal directories on hard disk or network drives, and copies on shared network drives that are used only to produce the record keeping copy.

Destroy/delete within 180 days after the record keeping copy has been produced.

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

Destroy/delete when dissemination, revision, or updating is completed.

10/23/03  
Marcus Smallwood  
concurd with  
addendum to  
disposition.