

Request for Records Disposition Authority

Records Schedule Number DAA-0600-2017-0002
Schedule Status Modified Approved Version

Agency or Establishment National Indian Gaming Commission
Record Group / Scheduling Group Records of the National Indian Gaming Commission
Records Schedule applies to Major Subdivision
Major Subdivision Office of the General Counsel
Schedule Subject Documents maintained by the Office of the General Counsel.
Internal agency concurrences will be provided No

Background Information

The National Indian Gaming Commission (NIGC) was created in 1988 with the passage of the Indian Gaming Regulatory Act (IGRA), which was enacted to support and promote tribal economic development, self-sufficiency, and strong tribal governments through the operation of gaming on Indian lands. The Act provides a statutory basis for the federal regulation of Indian gaming. IGRA establishes the Commission to regulate and support tribal gaming as a means of generating revenue for tribal communities. See 25 U.S.C. § 2704.

The NIGC is committed to fulfilling its responsibilities by:

- regulating and monitoring certain aspects of Indian gaming;
- coordinating its regulatory responsibilities with tribal regulatory agencies
- providing training and technical assistance to tribal regulatory agencies;
- reviewing and approving tribal gaming ordinances and management agreements;
- reviewing the backgrounds of individuals and entities to ensure the suitability of those seeking to manage or invest in Indian gaming;
- overseeing and reviewing the conduct and regulation of Indian gaming operations;
- enforcing violations against the IGRA and its regulations; and
- referring law enforcement matters to appropriate tribal, Federal, and state entities.

The NIGC is comprised of a Chair, appointed by the President and confirmed by the Senate, and two additional commissioners appointed by the Secretary of the Interior. The NIGC's organizational structure is composed of two main branches, the Office of General

Counsel which handles legal affairs, and the Office of the Chief of Staff, which manages day-to-day activities and includes the Division of Compliance, Division of Finance, Division of Public Affairs, and the Division of Technology.

The Office of General Counsel serves as the legal staff of the National Indian Gaming Commission. It represents the Chair and the Commission in all agency matters, including providing the Commission and its staff with legal advice on the agency's activities, coordinating litigation with the Department of Justice and other agencies, reviewing tribal ordinances and management contracts, and providing counsel on other matters that arise as the NIGC fulfills its regulatory mission. The OGC also provides legal opinions to tribal gaming industry stakeholders on a variety of issues, including Indian lands, game classification and whether a particular agreement implicates management. Additionally, all Freedom of Information Act requests are handled by the OGC.

Item Count

Number of Total Disposition Items	Number of Permanent Disposition Items	Number of Temporary Disposition Items	Number of Withdrawn Disposition Items
12	3	9	0

GAO Approval

Outline of Records Schedule Items for DAA-0600-2017-0002

Sequence Number	
1	OGC Legal Opinions
1.1	Internal to OGC
1.1.1	OGC Legal Opinions Internal to OGC Disposition Authority Number: DAA-0600-2017-0002-0001
1.2	Internal to NIGC
1.2.1	Substantive OGC Legal Opinions Internal to NIGC Disposition Authority Number: DAA-0600-2017-0002-0002
1.2.2	Non-Substantive OGC Legal Opinions Internal to NIGC Disposition Authority Number: DAA-0600-2017-0002-0003
2	Ordinance Files
2.1	Approved / Disapproved Ordinances Disposition Authority Number: DAA-0600-2017-0002-0004
2.2	Withdrawn Ordinances Disposition Authority Number: DAA-0600-2017-0002-0005
3	Enforcement Action Files Disposition Authority Number: DAA-0600-2017-0002-0006
4	General Counsel Correspondence Disposition Authority Number: DAA-0600-2017-0002-0007
5	Attorney Work Files Disposition Authority Number: DAA-0600-2017-0002-0008
6	NIGC Administrative Litigation Disposition Authority Number: DAA-0600-2017-0002-0009
7	R-File Working Files Disposition Authority Number: DAA-0600-2017-0002-0010
8	OGC Tracking System
8.1	OGC Matter Tracking System Master File Disposition Authority Number: DAA-0600-2017-0002-0011
8.2	OGC Indian Lands Database Master File Disposition Authority Number: DAA-0600-2017-0002-0012

Records Schedule Items

Sequence Number	
1	<p>OGC Legal Opinions Legal opinions, usually written in the form of a memorandum, are the product of legal research and/or analysis. Distinction is made between OGC internal (those only submitted to General Counsel or Associate General Counsel) and NIGC internal (those transmitted from OGC to other NIGC offices). To exclude any OGC legal opinions already captured within any other active NIGC record series.</p>
1.1	<p>Internal to OGC OGC legal opinions that are internal to OGC and not formally presented outside of OGC.</p>
1.1.1	<p>OGC Legal Opinions Internal to OGC Disposition Authority Number DAA-0600-2017-0002-0001 Opinions generated by OGC and reviewed by the General Counsel but not formally transmitted outside OGC. To include documents such as Indian Lands Compliance Reviews.</p> <p>Final Disposition Temporary Item Status Active 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</p> <p>Disposition Instruction Cutoff Instruction Cut off at end the of the calendar year in which the opinion was issued. Retention Period Destroy no sooner than 10 year(s) after cut off but longer retention is authorized</p> <p>Additional Information GAO Approval Not Required</p>
1.2	<p>Internal to NIGC OGC legal opinions that have been presented to units within NIGC.as legal counsel.</p>
1.2.1	<p>Substantive OGC Legal Opinions Internal to NIGC Disposition Authority Number DAA-0600-2017-0002-0002</p>

OGC legal opinions that are transmitted to other NIGC organizational units that relate to the promulgation of programmatic agency policy and/or decisions. To exclude such documents already being captured within any other active NIGC records series.

Final Disposition Permanent

Item Status Active

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 N1-220-97-6 / 22a

Disposition Instruction

Cutoff Instruction Cut off at end of calendar year in which the opinion was issued.

Transfer to the National Archives for Accessioning Transfer to the National Archives 15 year(s) after cut off.

Additional Information

First year of records accumulation 1993

What will be the date span of the initial transfer of records to the National Archives? From 1993 To 2002

How frequently will your agency transfer these records to the National Archives? Every 1 Years

	Estimated Current Volume	Annual Accumulation
Electronic/Digital	900 MB	50 MB
Paper	15 Cubic feet	1 Cubic feet
Microform		
Hardcopy or Analog Special Media		

1.2.2

Non-Substantive OGC Legal Opinions Internal to NIGC

Disposition Authority Number DAA-0600-2017-0002-0003

OGC legal opinions that are transmitted to other NIGC organizational units that offer legal advice relating to minor or routine administrative matters. To exclude such documents already being captured within any other active NIGC record series.

Final Disposition Temporary

Item Status Active

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

Disposition Instruction

Cutoff Instruction Cut off at end of calendar year in which the opinion was issued.

Retention Period Destroy 7 years after cutoff, but longer retention is authorized.

Additional Information

GAO Approval Not Required

Ordinance Files

Files include initial tribal submission, proposed changes, notes, final approved version, approval / disapproval Letter from Chair to Tribe with copy of any supporting legal memo (or, alternatively, a withdrawal communication from Tribe to NIGC) .

Approved / Disapproved Ordinances

Disposition Authority Number DAA-0600-2017-0002-0004

Final ordinance, supporting memo, and letter approving/ disapproving tribal gaming ordinance.

Final Disposition Permanent

Item Status Active

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 N1-220-97-6 / 27a
N1-220-97-6 / 27c

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2.1

3

Cutoff Instruction Cut off at end of calendar year.
Retention Period Destroy 3 year(s) after cut off

Additional Information

GAO Approval Not Required

Enforcement Action Files

Disposition Authority Number DAA-0600-2017-0002-0006

Final documents generated as enforcement actions taken by the NIGC including Notices of Violation, Closure Orders, Fines and Settlement Agreements. Not to include any other documents including attachments (all other related docs to default to, and be processed under, "Attorney Work Files" item).

Final Disposition Permanent

Item Status Active

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 N1-220-97-6 / 39a

Disposition Instruction

Cutoff Instruction Cut off at end of year in which action occurs.

Transfer to the National Archives for Accessioning Transfer to the National Archives 7 year(s) after cut off

Additional Information

First year of records accumulation 1996

What will be the date span of the initial transfer of records to the National Archives? From 1996 To 2010

How frequently will your agency transfer these records to the National Archives? Every 1 Years

	Estimated Current Volume	Annual Accumulation
Electronic/Digital	500 MB	50
Paper	10 Cubic feet	1 Cubic feet

Microform		
Hardcopy or Analog Special Media		

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General Counsel Correspondence

Disposition Authority Number **DAA-0600-2017-0002-0007**

Outgoing correspondence, under the signature of the General Counsel, that is not already captured within any other active NIGC record series. To include any associated incoming correspondence. Also to include R-file determination letters, facility license notification acknowledgement letters, and game opinion letters.

Final Disposition **Temporary**

Item Status **Active**

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 **N1-220-97-6 / 28**

Disposition Instruction

Cutoff Instruction **Cut off at end of calendar year.**

Retention Period **Destroy no sooner than 10 year(s) after cut off but longer retention is authorized**

Additional Information

GAO Approval **Not Required**

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Attorney Work Files

Disposition Authority Number **DAA-0600-2017-0002-0008**

Attorney files accumulated in the course of working on an assigned matter or project. Excludes any other items designated as working files on this schedule.

Final Disposition **Temporary**

Item Status **Active**

Is this item media neutral? **Yes**

Do any of the records covered by this item currently exist in **No**

6	electronic format(s) other than e-mail and word processing?	
	GRS or Superseded Authority Citation	N1-220-97-6 / 22b N1-220-97-6 / 23b N1-220-97-6 / 27b N1-220-97-6 / 39b
	Disposition Instruction	
	Cutoff Instruction	Cut off at end of calendar year in which related matter closed.
	Retention Period	Destroy no sooner than 7 year(s) after cut off but longer retention is authorized
	Additional Information	
	GAO Approval	Not Required
	NIGC Administrative Litigation	
	Disposition Authority Number	DAA-0600-2017-0002-0009
	Files created as a result of NIGC Chair decisions being appealed and subjected to administrative judicial review, such as being presented before a Presiding Official. To include pleadings, briefs, orders, decisions, and such related correspondence.	
	Final Disposition	Temporary
	Item Status	Active
	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	N1-220-97-6 / 24 N1-220-97-6 / 40	
Disposition Instruction		
Cutoff Instruction	Cut off at end of calendar year in which all Administrative litigation process is exhausted.	
Retention Period	Destroy no sooner than 10 year(s) after cut off but longer retention is authorized	
Additional Information		
GAO Approval	Not Required	
R-File Working Files		
Disposition Authority Number	DAA-0600-2017-0002-0010	
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Submitted documents, notes, and related documents generated in the course of the R-file review. Also cover all documents related to a withdrawn request.

Final Disposition Temporary

Item Status Active

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 N1-220-97-6 / 26

Disposition Instruction

Cutoff Instruction Cut off at end of year in which determination was issued.

Retention Period Destroy 3 year(s) after cut off

Additional Information

GAO Approval Not Required

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OGC Tracking System

The OGC Tracking System tracks 1) matters that attorneys are assigned to and 2) information pertaining to conclusions reached about the status of lands after they are reviewed for compliance with IGRA Indian Lands requirements.

8.1

OGC Matter Tracking System Master File

Disposition Authority Number DAA-0600-2017-0002-0011

The OGC Matter Tracking System allows the General Counsel to track legal "matters" (similar to cases, or projects) being worked on by OGC attorneys. The system maintains such information as matter name, description, open/close dates, attorney assigned, tribe/region involved, matter type, and status updates.

Final Disposition Temporary

Item Status Active

Is this item media neutral? No

Explanation of limitation Data only exist in electronic form.

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? Yes

Do any of the records covered by this item exist as structured electronic data? Yes

8.2	GRS or Superseded Authority Citation	N1-220-09-2 / B2
	Disposition Instruction	
	Cutoff Instruction	Cut off matters at the end of calendar year that matter is closed.
	Retention Period	Destroy no sooner than 10 year(s) after cut off but longer retention is authorized
	Additional Information	
	GAO Approval	Not Required
	OGC Indian Lands Database Master File	
	Disposition Authority Number	DAA-0600-2017-0002-0012
	The OGC reviews new facility lands and regularly updates existing facility land information to ensure that all facility lands comply with the Indian Gaming Regulatory Act (IGRA). The database was established to be a centralized location to record and archive basic facility land information and contains information such as name of the facility, location of land reviewed, status of land, considered exception under the Indian Gaming Regulatory Act (IGRA); conclusions of OGC any land analyses.	
	Final Disposition	Temporary
	Item Status	Active
	Is this item media neutral?	No
	Explanation of limitation	Information only exist in electronic form.
	Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?	Yes
	Do any of the records covered by this item exist as structured electronic data?	Yes
GRS or Superseded Authority Citation	N1-220-09-2 / A2	
Disposition Instruction		
Cutoff Instruction	Cut off when associated land's review matter is closed.	
Retention Period	Destroy no sooner than 10 year(s) after cut off but longer retention is authorized	
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
03/28/2017	Certify	Tim Osumi	Records Manager	Technology Division - Records Management Program
07/26/2017	Return for Revision	Valerie Terray	Archives Specialist	National Archives and Records Administration - Records Management Services
08/09/2017	Submit For Certification	Tim Osumi	Records Manager	Technology Division - Records Management Program
08/18/2017	Certify	Tim Osumi	Records Manager	Technology Division - Records Management Program
09/28/2017	Return for Revision	Valerie Terray	Archives Specialist	National Archives and Records Administration - Records Management Services
09/29/2017	Submit For Certification	Tim Osumi	Records Manager	Technology Division - Records Management Program
09/29/2017	Certify	Tim Osumi	Records Manager	Technology Division - Records Management Program
06/26/2018	Submit for Concurrence	Valerie Terray	Archives Specialist	National Archives and Records Administration - Records Management Services
06/26/2018	Concur	Kate Flaherty	Appraiser	National Archives and Records Administration - ACRA
07/03/2018	Concur	Margaret Hawkins	Director of Records Management Services	National Records Management Program

				- ACNR Records Management Services
07/14/2018	Approve	David Ferriero	Archivist of the United States	Office of the Archivist - Office of the Archivist