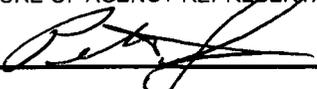


REQUEST FOR RECORDS DISPOSITION AUTHORITY		JOB NUMBER <i>NI-565-084</i>	
To NATIONAL ARCHIVES & RECORDS ADMINISTRATION 8601 ADELPHI ROAD COLLEGE PARK, MD 20740-6001		Date received <i>4/24/08</i>	
1 FROM (Agency or establishment) Department of Defense		NOTIFICATION TO AGENCY In accordance with the provisions 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request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10	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 Missile Defense Agency			
3 MINOR SUBDIVISION			
4 NAME OF PERSON WITH WHOM TO CONFER Mr Petar Sredojevic	5 TELEPHONE NUMBER (719)721-8724	DATE <i>4/28/11</i>	ARCHIVIST OF THE UNITED STATES WITHDRAWN
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 (See 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 type="checkbox"/> is not required <input checked="" type="checkbox"/> is attached, or <input type="checkbox"/> has been requested			
DATE 3/18/08	SIGNATURE OF AGENCY REPRESENTATIVE 		TITLE Deputy Information Management, Chief Information Office
7 ITEM NO	8 DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9 GRS OR SUPERSEDED JOB CITATION	10 ACTION TAKEN (NARA USE ONLY)
	Missile Defense Agency records series (see attached)		WITHDRAWN <i>4/28/11</i>

Category Number: 108

Category Title: LEGAL FILES

Description: These files relate to litigation and the review, issuance, and interpretation of directives, laws, and legislative proposals as they affect the Agency.

File: 108-01

Title: Patent Case Files

Description: Files maintained by patent application designation, relating to security review of patent applications under secrecy, the modification of secrecy orders, and withdrawals from secrecy pursuant to the intervention Secrecy Act, 35 U S C 181-188

Disposition: Permanent. Retain applications under secrecy in office file until secrecy order is lifted. Transfer patent cases which have secrecy orders lifted to the WNRC when one cubic foot has accumulated. Transfer to the NARA when 20 years old.

Authority:

Privacy Act:

File: 108-02

Title: Patent Application Files

Description: Case files created in the process of application to the U S Patent Office

Disposition: Permanent. Place in inactive file when patent is abandoned. Transfer to the WNRC when 1 cubic foot has accumulated. Transfer to the NARA when 20 years old.

Authority:

Privacy Act:

File: 108-03

Title: Litigation Files

Description: Case files created in support of administrative hearings or litigation in state, federal, and foreign courts

Disposition: Permanent. Transfer files to the WNRC two years after date of last action

Authority:

Privacy Act:

File: 108-04

Title: Legislative & Regulatory Files

Description: Regulations, legislation and legislative history impacting on the MDA

A Formal MDA comments on proposed regulations and on pending legislation prepared at the request of Congress or OMB, or non-budget testimony of MDA officials, legislative histories of the National Environmental Policy Act, National Defense Authorization Act, Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act (USA PATRIOT Act), and any other acts having a major on MDA

Disposition: Permanent. At the end of the subsequent Congress or when no longer needed for operations, transfer inactive files to the WNRC/FRC

Authority:

B All other legislative and regulatory files

WITHDRAWN

Disposition: Review every 5 years for destruction of non-essential materials

Authority:

Privacy Act:

File: 108-05

Title: Legal Opinion Files

Description: Official legal opinions on questions of definition and interpretation of statutes, laws, regulations, investigations, and other legal matters as they affect MDA operations, arranged chronologically

Disposition: Permanent. Cut off at the end of the fiscal year when files are no longer needed for operations Transfer to the WNRC when 2 years old Transfer to the NARA when 20 years old

Authority:

Privacy Act:

File: 108-06

Title: Fiscal Legal Advice Files

Description Records concerning legal advice on fiscal matters and coordination on fiscal directives, such as

Legal advice and assistance to the OSD Welfare and Recreation Association

Legal advice on proposed directives of a fiscal nature Records recording legal terms and conditions of interests, tariff, and tax administration matters

Collection, compromise, or termination of collection actions on DoD civil claims for money or property

Disposition: Permanent. Transfer to the National Archives when 25 years old Retire files to the FRC 2 years after no longer needed for current business

Authority:

Privacy Act:

File: 108-07

Title: Not Used

File: 108-08

Title: FISA Files

Description: Application, certifications, court orders, and associated documents created pursuant to the Foreign Intelligence Surveillance Act of 1978 (50 U S C 1801 et seq)

Disposition: Permanent. Cut off at the end of the fiscal year Transfer to the NARA when no longer required for operations

Authority:

Privacy Act

File: 108-09

Title: General Law Files

Description: Central subject matter (case) files, arranged alphabetically, consisting of all correspondence and other papers documenting contracts, acquisitions, investigations, agreements, directives, policies, programs, procedures, and other activities of legal significance

WITHDRAWN

A Precedent Case – Cases unique to the Missile Defense Agency involving significant attention of the General Counsel, or receiving widespread media coverage

Disposition: Permanent. Cut off at the end of the fiscal year. Transfer inactive files to the WNRC. Transfer files to the NARA when no longer required for operations

Authority:

B All other cases

Disposition: Temporary. Review every 5 years for destruction of non-essential materials

Authority:

Privacy Act:

File: 108-10

Title: Personnel and Health Legal Advice

Description Records concerning legal advice on Personnel and Health matters and coordination on related directives, such as

Legal advice and assistance to the ASD (Personnel and Readiness (P&R), Reserve Affairs (RA), Health Affairs (HA)) in the clearances of directives and policy, the preparation of legislative packages, and in all other aspects such as, nondiscrimination, and appeal rights that may have legal applications

Records provide advice to the ASD (P&R) personnel matters such as equal opportunity, labor management relations, off-base housing

Disposition: Permanent. Transfer to the National Archives when 25 years old. Retire files to the FRC when 5 years old

Authority:

Privacy Act:

File: 108-11

Title: Acquisition and Logistics Legal Advice Files

Description Records concerning legal advice on Acquisition and Logistics matters and coordination on related directives, such as

Legal directives, advice, and opinions on inventions and their licensing

Legal aspects of conservation and management of natural resources such as oil reserves

Records on the documentation of the policy for the acquisition of real property, terms and conditions of the titles, contracts, deeds, court orders, and related proceedings

Legal advice and assistance to various committees in these functional areas such as the OSD Concessions Committee that require contract and lease advice

Legal advice on Defense Acquisition Regulation (DAR) or other procurement matters and files of procurement actions of special interest to OSD

Legal advice to the Defense Systems Acquisition Review Council on procurement activities

Legal advice on and review of procurement contracts

Legal advice on general directives, instructions, and operation of logistical functions

Advice on transportation matters, proceedings before regulatory agencies, motor vehicle accidents, Homeowners Assistance Program, etc

WITHDRAWN

Disposition: Permanent. Transfer to the National Archives when 25 years old Retire files to the FRC when 3 to 10 years old

Authority:

Privacy Act:

File: 108-12

Title: International Affairs and Intelligence Legal Advice Files

Description Legal advice and assistance on such international matters, such as Status of Forces Agreements, jurisdiction of service courts of friendly foreign forces, review of legality of weapons under international law

Agreements with foreign governments or international organizations

Legal opinions prepared for the Secretary of Defense on Defense matters under discussion or review by the Department of State

Legal advice on directives and policy instructions to the DoD Components of the Department of Defense concerning international affairs and intelligence

Disposition Permanent. Transfer to the National Archives when 25 years old Retire files to the FRC when 10 years old

Authority:

Privacy Act:

File: 108-13

Title: Administrative Claims Files – Claims against the United States

Description 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, EXCLUDES claims that are affected by a court order or subject to litigation proceedings

Disposition: Temporary. Destroy/Delete when 6 years and 3 months old

Authority: (GRS-10a)

Privacy Act:

File: 108-14

Title: Non-Career SES (Political Appointees) Vetting Files

Description This file consists of records collected to evaluate suitability of individuals seeking or who have been recommended for non-career positions within the Department of Defense and consist of referral letters, White House clearance letters, OPM certifications, information about individual's professional licenses, results of Federal Bureau of Investigation (FBI) and Internal Revenue Service inquiries, financial disclosure statements (SF 278), personal data questionnaires and general counsel interview sheets, published newspaper and magazine articles by and about the applicant, and other correspondence relating to the selection and appointment of political appointees

Disposition: Temporary. Appointees Destroy records at the end of the presidential administration during which individual is hired Non-Appointees Destroy records of individuals who are not hired 1 year after the file is closed, but not later than the end of the presidential administration during which the individual is considered

Authority:

WITHDRAWN

Privacy Act: DGC 16

File: 108-15

Title: Legal Advice and Opinion Files

Description Records concerning legal advice, decisions, or opinions and related correspondence prepared by the Office of General Counsel staff for Agency personnel on various subjects. Included, but not limited to are advice and opinion files on Federal contracting, facilities and installations, security, administrative law, ethics and standards of conduct, personnel, records management and information technology programs, DoD seal and protection of intellectual property, fiscal matters, education and school law and health.

Disposition: Temporary. Destroy/delete when no longer needed, three years following the end of the contract/acquisition/facilities activity, or 5 years from date of event leading to the opinion or advice, whichever is applicable.

Authority:

Privacy Act:

File: 108-16

Title: Congressional Liaison Files

Description Records concerning Congressional and legislative legal work as a result of constituent correspondence to Congress, Congressional oversight activities of DoD activities, commenting on or proposing new legislation that affects General Counsel's work in other functional legal areas, and related information.

Disposition:

Authority:

Privacy Act:

File: 108-17

Title: U.S. Attorneys' Offices Liaison Files

Description Records generated by liaisons with Department of Justice Special Assistant U.S. Attorneys (SAUSAs), may include legal advice and opinion files in the following subject areas: Criminal Prosecutions and Law Enforcement, Criminal Appellate matters, Criminal Prosecutions, Criminal Prosecutions, Tort Claims, Civil matters, Equal Employment Opportunity, MSPB, FLREA appeals and related correspondence.

Disposition:

Authority:

Privacy Act:

File: 108-18

Title: Substantive Attorney Litigation Files

Description Cases which result in organizational or policy changes or are of historical significance because of congressional or public interest, or combat origin. Records contain the official Agency record of materials prepared by the OGC, to include pleadings, motions, decisions and other relevant papers. Also included are advisory reports, litigation reports, communication with the Department of Justice and U.S.

WITHDRAWN

Attorneys, with other organizations, agencies, activities within and without the Federal Government

Disposition: Permanent. Cutoff on completion of litigation, retire to the FRC when no longer needed for reference, transfer to the National Archives when 30 years old

Authority:

Privacy Act:

File: 108-19

Title: Routine Attorney Litigation Files

Description Cases of routine nature which do not result in organizational or policy changes and have no historical significance. Records contain the official Agency record of materials prepared by the OGC, to include pleadings, motions, decisions and other relevant papers. Also included are advisory reports, litigation reports, communication with the Department of Justice and U S Attorneys, with other organizations, agencies, activities within and without the Federal Government

Disposition: Temporary. Destroy/Delete 5 years after litigation has ended

Authority:

Privacy Act:

File: 108-20

Title: Appellate Records and Judges' Sheets

Description Records consists of certificates and appeals granted, appeals withdrawn or resulting in denial or dismissal, and judges' sheets. Includes Certificates for review, petitions for review, orders, briefs, miscellaneous motions, and the final actions

Judges' Sheets consisting of central staff memoranda of law, vote sheets, and similar internal working records

Disposition: Temporary. Destroy/Delete when 50 years old, retire to the FRC when 5 years old

Authority:

Privacy Act:

File: 108-21

Title: Petitions for Extraordinary Relief

Description Records consists of petitions for review, petitions for extraordinary relief, orders, briefs, miscellaneous motions, and the final actions

Disposition: Temporary. Destroy/Delete when 75years old, retire to the FRC when 5 years old

Authority:

Privacy Act:

File: 108-22

Title: Judges' Reference Papers

Description Memoranda, not maintained elsewhere, relating to the disposition of appellate cases that are circulated within individual chambers, or when signed by a judge, circulated among and between chambers. Draft opinions, votes, and other

WITHDRAWN

comments circulated within the entire court, which are not included in the judges' voting sheets

Disposition: Temporary. Destroy/Delete when 25 years old, cutoff and the end of the fiscal year and retire to the WNRC/FRC

Authority:

Privacy Act:

File: 108-23

Title: Military Commissions Orders and Case Files

Description Information which governs the conduct, rules and procedures of military proceedings, and appointments of military commissions, such as Orders, instructions, regulations, and similar information prepared by the office of the Appointing Authority and Legal Advisor, approved by the Appointing Authority or submitted by the Appointing Authority to, and subsequently approved by, the General Counsel, Secretary of Defense, or the President, which govern the conduct, rules and procedures of military proceedings.

Issue orders and case records, included are Information on the appointment of one or more military commissions to try individuals subject to the President's Military order, RTB determinations by the president and records forwarded by the Legal Advisor in support of the determination, records related to the preparation of charges, records relating to the approval of charges, convening orders, and other related referral records, interlocutory decisions by the Appointing Authority, Administrative Reviews by the Appointing Authority, Review Panel Determinations and Reviews, records relating to action on findings and sentence, promulgating orders, and original record of trial

Disposition: Permanent. Retain until no longer needed for conducting business, then retire to FRC, transfer to National Archives when 25 years old or with related case files, whichever is appropriate

Authority:

Privacy Act:

File: 108-24

Title: Correspondence, opinions, and case working files.

Description Information relating to commission proceedings and information used to control cases, such as

Correspondence and legal opinions relating to military commission proceedings signed by the Appointing Authority or Legal Advisor in response to inquiries or requests from military commission offices to include the prosecutor, defense counsel, and presiding officer, other government agencies, or non-governmental organizations

Records and information on individual cases following approval of charges used to control cases that are to be tried or have been tried, included are index cards, registers, coding sheets, copies of correspondence, copies of witness requests and information, and similar information

Disposition: Temporary. Destroy/Delete, 3 years after cutoff or when no longer needed for conducting business, whichever is appropriate Cutoff when case is closed

Authority:

Privacy Act:

WITHDRAWN

File: 108-25**Title: Civilian Defense Counsel Application files**

Description Information used to determine attorney qualifications to become a member of the pool available for Military Commissions Civilian Defense Counsel, included are proof of citizenship, resume, letters of good standing from qualifying bar, statements detailing any sanctions or disciplinary actions, affidavits and agreements, security clearance information and other related information

Disposition: Temporary. Selectees: Destroy/Delete at the end of the military commission during which individual is hired Non-selectees Destroy/Delete 1 year after the file is closed, but not later than the end of the military commission which the individual was considered

Authority:**Privacy Act:** DGC 21**File: 108-26****Title: Witness Appearances Files**

Description Information maintained on expert and non-expert witness who are requested to appear for and before the military commission Included are requests with supporting letters, oaths or affirmations, electronic messages, and other information indicating action taken

Disposition: Temporary. Destroy/Delete case file 6 months after the agreement between DOD and the consultant has been terminated or when no longer needed for conducting business

Authority:**Privacy Act:****File: 108-27****Title: Professional Conduct Files**

Description Information on complaints and requests for inquiries, may include reports, statistics, credibility, professional responsibilities, commission opinions, correspondence, internal legal memoranda, and records of action taken by the Presiding Officer These files should not be transferred outside the CFA because of their confidential nature

Disposition: Temporary. Unfounded Destroy/Delete in CFA, 3 years after case is closed Founded Destroy/Delete 5 years after individual leaves or when case is closed, unless subject to another monitoring, open or founded file, whichever is applicable

Authority:**Privacy Act:****File: 108-28****Title: Translators Files**

Description Information concerning contracts with translators for the prosecution, defense, and for military commission proceedings

Disposition: Temporary. Destroy/Delete 6 months after the agreement between the DOD and the consultant has been terminated

Authority:**Privacy Act:**

WITHDRAWN

~~File: 108-29~~

~~Title: Panel Members Files~~

~~Description Information concerning requests to the services for nomination of panel members, information and correspondence concerning selection and appointment of panel members, information concerning panel member travel~~

~~Disposition: Temporary. Destroy/Delete when 6 months old, cutoff when updated or no longer needed to conduct commission business~~

~~Authority:~~

~~Privacy Act:~~

~~File: 108-30~~

~~Title: Review Panel Member Files~~

~~Description Information concerning recruiting, selection, and appointment of Review Panel members, information concerning qualifications of review panel members~~

~~Disposition: Temporary. Destroy/Delete when 3 years old or when no longer needed for conducting business, whichever is earlier~~

~~Authority:~~

~~Privacy Act: NA~~

WITHDRAWN