

NOAA RECORDS MANAGEMENT HANDBOOK  
CHAPTER 500 LEGAL, CONGRESSIONAL, LEGISLATIVE

APPENDIX TO NOAA FILING-DISPOSITION HANDBOOK

MAINTENANCE AND DISPOSITION  
OF  
LEGAL, LEGISLATIVE, AND CONGRESSIONAL AFFAIRS  
FUNCTIONAL FILES

FUNCTION NUMBER 500

Function number 500 deals with programs related to the legal, legislative, and congressional affairs of NOAA. The first subfunction, 501, contains files which are common to more than one of the other subfunctional areas. Files which pertain to these areas but which are accumulated by program offices as an incidental part of performing another specific function would not be filed in this area, but in the specific functional area relating to their program.

Subfunctions described are:

- 502 Legal Affairs Files
- 503 Claims Files
- 504 Legislation Files
- 505 Congressional Affairs Files

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502 LEGAL AFFAIRS FILES

These files relate to the provision of legal advice and services to NOAA elements, and to representation of NOAA in claims or litigation that may result from NOAA actions or activities. Matters pertaining to the drafting and review of legislation are not included (see 504). Although not strictly functional in organization, this subfunction individually identifies certain legal assistance files which pertain to programs or laws which generate a high level of legal activity. Programs not so identified would be filed under the code for general legal assistance files.

- 502-01 Precedent files. Model copies of contracts and other material serving as guides for legal documents and actions. Does not include NOAA Formal Opinions (see 502-02) even though they serve as precedents for future opinions. Destroy when superseded or obsolete.
- 502-02 Formal Opinion files. Formal opinions given on statutes or regulations, and their affect on planned or current actions or activities. When appropriate, cross reference other files affected by the individual opinion. Central agency copy: Permanent. Other copies: Destroy when superseded or obsolete.
- 502-03 Litigation files. Documents pertaining to litigation involving NOAA, except for those involving patents (see 502-06). Includes final decision on case. Cut off at close of case. Destroy 10 years later. Files dealing with claims should be transferred to 503 upon close of case.
- 502-04 Conflict of Interest files. Documents pertaining to possible conflicts of interest by NOAA personnel. Includes statements of financial interest.
- 502-05 Contract Dispute files. Documents pertaining to contract disputes. If dispute results in any litigation or claim transfer the file to the appropriate code after cross referencing.
- 502-06 Patent files. Documents pertaining to all patent matters, including disclosures, infringement question, donations, and any litigation. May subdivide by type of patent action. Cut off at end of calendar year when created. Destroy 23 years later.
- 502-07 Personnel Action files. Documents pertaining to advice or clearances given in relation to personnel actions by NOAA. Does not include litigation, claims, or files relating to personnel administration within the office conducting legal affairs. Cut off at end of calendar year when created. Destroy 6 years later.
- 502-08 Privacy Act files. Documents pertaining to advice and assistance given on implementation of Privacy Act requirements. Does not include litigation files or formal opinions rendered. Cut off at end of calendar year when created. Destroy 6 years later.

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| 502-09 | <u>FOIA Assistance files.</u> Documents pertaining to legal advice and assistance given in the implementation of the Freedom of Information Act (FOIA). Does not include litigation or formal opinions.                                   | Cut off at end of calendar year when created. Destroy 6 years later. |
| 502-10 | <u>Fishery Conservation Act Assistance files.</u> Documents pertaining to legal assistance and advice given in implementing the Fishery Conservation Act(s). Does not include litigation or formal opinions.                              | Cut off at end of calendar year when created. Destroy 6 years later. |
| 502-11 | <u>Fishery Financial Assistance Act files.</u> Documents pertaining to legal assistance and advice given in the implementation of financial assistance programs for fisheries.  | Cut off at end of calendar year when created. Destroy 6 years later. |
| 502-12 | <u>Marine Mammal Act Assistance files.</u> Documents pertaining to legal assistance and advice given in implementing the Marine Mammal Protection Acts. Does not include litigation or formal opinions.                                   | Cut off at end of calendar year when created. Destroy 6 years later. |
| 502-13 | <u>Endangered Species Act Assistance files.</u> Documents pertaining to legal advice and assistance given in the implementation of endangered species protection acts. Does not include litigation or formal opinions.                    | Cut off at end of calendar year when created. Destroy 6 years later. |
| 502-14 | <u>CZM Assistance files.</u> Documents pertaining to legal assistance and advice given in implementing the Coastal Zone Management Program. See 502-15 for review of state programs. Does not include formal opinion files or litigation. | Cut off at end of calendar year when created. Destroy 6 years later. |
| 502-15 | <u>CZM State Program Assistance files.</u> Documents pertaining to advice regarding, and reviews of, state coastal zone management programs.  | Cut off at end of calendar year when created. Destroy 6 years later. |
| 502-16 | <u>Marine Sanctuary Assistance files.</u> Documents pertaining to legal assistance and advice given to the marine sanctuary program. Does not include formal opinions or litigation.  | Cut off at end of calendar year when created. Destroy 6 years later. |
| 502-17 | <u>Marine Mineral Assistance files.</u> Documents pertaining to legal assistance given regarding marine mineral programs. Does not include formal opinions or litigation.   | Cut off at end of calendar year when created. Destroy 6 years later. |

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| 502-18 | <u>Environmental Assessment Assistance files.</u> Documents pertaining to legal assistance and advice given regarding environmental impact assessments made under the Fish & Wildlife Coordination Act.  | Cut off at end of calendar year when created. Destroy 6 years later. |
| 502-19 | <u>International Assistance files.</u> Documents pertaining to legal advice and assistance given regarding international negotiations and agreements. Cross reference specific agreements dealing with program areas detailed in other items in this subfunction (such as Marine Mammals). | Cut off at end of calendar year when created. Destroy 6 years later. |
| 502-20 | <u>General Legal Assistance files.</u> Documents pertaining to legal advice and assistance given in regard to programs not otherwise described in this subfunction. These files may be subdivided by program. Does not include formal opinions or litigation.                              | Cut off at end of calendar year when created. Destroy 6 years later. |

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503 CLAIMS FILES

These files relate to claims by, for, or against NOAA.

- 503-01 Potential Claims files. Reports, evidence, correspondence, and other documents pertaining to incidents which may result in a claim. These files often become the nucleus of claims case files described in other series in this subfunction.
1. If claim is made: Transfer to relevant claim case file.
  2. If no claim is made: Destroy 6 years after file was created.
- 503-02 Tort Claims files. Case files, including reports, investigations, legal transcripts and testimony, and other related documents, where claims have been made pursuant to the Federal Tort Claims Act, the Suits in Admiralty Act, the Public Vessels Act, 33 U.S.C. 853, or related acts.
1. Claims allowed: Cut off at payment. Destroy 6 years later.
  2. Claims disallowed without litigation resulting: Cut off when disallowed. Destroy 10 years later.
  3. Litigated cases: Cut off when case is closed. Destroy 10 years later.
- 503-03 Personal Property Claims files. Case files, including reports, investigations, etc., pertaining to a claim filed pursuant to the Military and Civilian Employee's Claims Act, or similar succeeding acts.
1. Claims allowed: Cut off at payment. Destroy 6 years later.
  - ★ 2. Claims disallowed and not appealed: Cut off when disallowed. Destroy 10 years later. ★
  3. Claims disallowed and appealed: To be determined. Retain records until a disposition instruction is issued.
- 503-04 Collection Claims files. Case files, including reports, correspondence, etc., and related documents pertaining to claims made by NOAA against outside individuals or bodies.
1. Successful claims: Cut off when case is closed. Destroy 6 years later.
  - ★ 2. Unsuccessful claims where no further action will be taken: Cut off when case is closed. Destroy 10 years later. ★
  3. Unsuccessful claims referred to GAO for collection action: Cut off when case is closed. Destroy 10 years later.

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504 LEGISLATION FILES

These files relate to the initiation of, processing of, and commenting on legislation or Executive Orders. See specific functional area for comments made by operating offices incidental to the performance of another function, and filed by that office.

- 504-01 Legislative Program files. Proposals made by NOAA to DOC for legislative initiatives to be included in the Commerce legislative program submitted to Congress. Also related background material and correspondence. ★ To be determined. Retain records until a disposition instruction is issued. ★
- 504-02 Legislative Proposal files. Case files on legislative proposals being submitted to Congress, but which are not yet bills. Includes proposals made by NOAA and those submitted to NOAA for comment.
- 504-03 Legislative Bill Case files. Case files on bills before Congress, and which affect NOAA or its interests. Includes proposals, comments, reports, testimony at hearings, and related papers.
- 504-04 Legislative History files. Case files on bills affecting NOAA and which have been enacted into law. Includes proposal, testimony, comments, reports, and related materials.
- 504-05 General Legislative Correspondence files. General correspondence answering questions about possible proposals for legislation, the status of legislation, and other general matters. Does not include opinions or interpretations on enacted legislations (see 502-02 for such material).
1. Proposals becoming Congressional bills: Transfer to 504-03.
2. Proposals not becoming bills: To be determined. Retain records until a disposition instruction is issued.
1. Bills which are enacted: Transfer to 504-04.
2. Bills which are not enacted: To be determined. Retain records until a disposition instruction is issued.
- ★ To be determined. Retain records until a disposition instruction is issued. ★
- ★ To be determined. Retain records until a disposition instruction is issued. ★

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505 CONGRESSIONAL AFFAIRS FILES

These files relate to relations with the Congress and its members. Not included are files pertaining to legislation (see 504) or files created in an operating office incidental to the performance of its primary function (see the related functional area common mission files).

- 505-01 Congressional Correspondence files. Correspondence with members of Congress, including matters pertaining to constituent problems or requests. See 504 for correspondence pertaining to specific legislation under consideration. May be arranged alphabetically by state. Cut off at end of calendar year when created. Destroy 3 years later.
- 505-02 Congressional Committee Correspondence files. Correspondence with committees of the Congress, or members acting for the committee. See 504 for matters pertaining to legislation. \*
- 505-03 Hearing and Investigation files. Testimony and related backup material at Congressional hearings or investigations. Destroy or transfer to library as nonrecord material when 2 years old. Material may be held up to 5 years if contents warrant.
- 505-04 Congressional Reports files. Copies of reports submitted to Congress. Creating office: Permanent. Forwarding office: Destroy 6 months after forwarding.
- 505-05 Briefing and Presentation files. Material prepared for briefings and visits of members of Congress or for Congressional committees. Also related correspondence.
- 505-06 Congressional Information files. Information concerning the Congress's organization and membership. Destroy when superseded, obsolete, or no longer needed.
- 505-07 Program Information files. Information concerning NOAA programs and personnel that are maintained as a quick reference source. These should be marked as reference material. Destroy when superseded, obsolete, or no longer needed.

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