

NOTICE - SOME ITEMS SUPERSEDED OR OBSOLETE

Schedule Number: NC-136-75-004

Some items in this schedule are either obsolete or have been superseded by new NARA approved records schedules. This information is accurate as of: 10/16/2023

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These items, unless subsequently superseded, may be used by the agency to disposition records.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 items except those listed below are 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SUPERSEDED AND OBSOLETE ITEMS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 They are superseded, obsolete, filing instructions, non-records, or were lined off and not approved at the time of scheduling.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.

Item 7 was superseded by NC1-136-79-001 / 74.

Item 9 was superseded by NC1-136-79-001 / 75.

Item 10 was superseded by NC1-136-79-001 / 76.

Item 12 was superseded by NC1-136-79-001 / 77.

**REQUEST FOR AUTHORITY
TO DISPOSE OF RECORDS**

(See Instructions on Reverse)

LEAVE BLANK	
DATE RECEIVED SEP 18 1974	JOB NO.
DATE APPROVED NC - 136 - 75 - 4	
CONGRESSIONAL AUTHORIZATION	

**TO: GENERAL SERVICES ADMINISTRATION,
NATIONAL ARCHIVES AND RECORDS SERVICE, WASHINGTON, D.C. 20408**

1. FROM (AGENCY OR ESTABLISHMENT)
U. S. Department of Agriculture
2. MAJOR SUBDIVISION
Agricultural Marketing Service
3. MINOR SUBDIVISION
Dairy Division, Order Enforcement Branch
4. NAME OF PERSON WITH WHOM TO CONFER
William C. Hauser
5. TEL. EXT.
447-7965
6. CERTIFICATE OF AGENCY REPRESENTATIVE:

NOTIFICATION TO AGENCY

In accordance with the provisions of 44 U.S.C. 3303a the disposal request, including amendments, is approved except for items that may be stamped "disposal not approved" or "withdrawn" in column 10.

10/18/74
Date *acting* *James E. O'Neil*
Archivist of the United States

I hereby certify that I am authorized to act for this agency in matters pertaining to the disposal of the agency's records; that the records described on this Request of 5 page(s) are not now needed for the business of this agency or will not be needed after the retention periods specified.

SEP 13 1974

William C. Hauser

Agency Records Officer

(Date)

(Signature of Agency Representative)

(Title)

7. ITEM NO.	8. DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9. SAMPLE OR JOB NO.	10. ACTION TAKEN
	<p>Records of the Order Enforcement Branch, Dairy Division, documenting the programs of order enforcement carried out under the terms of Public Law 320, 74th Congress dated August 24, 1935, and the Agricultural Marketing Agreement Act of 1937, approved June 3, 1937. This Branch develops and formulates policies, programs, and procedures relating to the enforcement of marketing agreements and orders.</p> <p>These records include, where applicable, documentation of activities previously carried out under the Agricultural Adjustment Act of 1933, Public No. 10, 73rd Congress, approved May 12, 1933. Under this Act, Federal Milk Licenses were issued. Milk orders were first issued under terms of Public Law 320, 74th Congress, dated August 24, 1935, and did not terminate any licenses that were issued as a result of Act of 1933. Federal Milk License Program was discontinued after passage of Public Law 320 and none are in effect. While this schedule specifies records relating only to milk marketing agreements and orders, the same retention periods are to be applied to records on Federal Milk Licenses, where applicable.</p> <p>This schedule covers official record copies. Various lengths of retention periods are administratively determined for other copies within the Division. In no event will the other copies be retained for a longer period than the record copy.</p>	NN-165-182	

Copy to Agency 10/22/74
sent to UNRC; also copy to Mr. Jackson for

REQUEST FOR AUTHORITY TO DISPOSE OF RECORDS—Continuation Sheet

7. ITEM NO.	8. DESCRIPTION OF ITEM (WITH INCLUSIVE DATES OR RETENTION PERIODS)	9. SAMPLE OR JOB NO.	10. ACTION TAKEN
1	<p>Correspondence, instructions, directives, and other records essential to document the formulation of policies, programs, and procedures relating to the enforcement of marketing agreements and orders.</p> <p>DESTROY <i>Permanent. Offer to the National Archives after 15 years. W.C.H./J.L.W. 24 Sept. 1974</i></p>		
2	<p>Correspondence, background, and working material pertaining to, but not essential to the history of the enforcement of marketing agreements and orders.</p> <p>DESTROY 4 years after calendar year in which prepared.</p>		
3	<p>General records and correspondence from Office of General Counsel and others pertaining to legislation, handling, and processing court cases, and other legal matters; handling and processing of written Petitions filed by Handlers for modification of order or exemption from order, under Section 608c(15A) of the Agricultural Marketing Agreement Act of 1937 (not relating to a specific petition).</p> <p>DESTROY 5 years after calendar year in which prepared.</p>		
4	<p>General records and correspondence, not related to specific cases, pertaining to order enforcement under Section 608a(6), Section 608c(14), Section 608c(15B) of the Agricultural Marketing Agreement Act of 1937; or under U. S. Criminal Code 1001c. Also includes general records and correspondence pertaining to order enforcement actions not related to specific cases involving the Secretary, USDA agencies, or USDA personnel instituted by outside parties involving milk orders.</p> <p>DESTROY 5 years following calendar year in which prepared.</p>		
5	<p><u>Closed Petition Case Files of Handlers</u> (filed under Section 608c(15A) of Agricultural Marketing Agreement Act of 1937) --Administrative Hearings held by Office of Secretary on individual Petitions filed by Handlers for modification of order or exemption from order. These case files include petition, answer, correspondence with market administrator, reports of investigation, usable defense material for the particular case, Administrative Hearing transcript, Exhibits, Briefs on the Hearing, Exceptions, Presiding Officer's report, and Judicial Officer's ruling.</p>		

REQUEST FOR AUTHORITY TO DISPOSE OF RECORDS—Continuation Sheet

7. ITEM NO.	8. DESCRIPTION OF ITEM (WITH INCLUSIVE DATES OR RETENTION PERIODS)	9. SAMPLE OR JOB NO.	10. ACTION TAKEN
	<p>a. Where no legal action relating to the 15A Petition has been instituted after close of Administrative Hearing.</p> <p>DESTROY 5 years after date of completion of Administrative Hearing.</p> <p>b. Where legal action relating to the 15A Petition has been instituted.</p> <p>DESTROY 10 years after close of final court action action (adjudicated in all courts involved).</p>		
6	<p>Records and correspondence pertaining to violations including reports from market administrators of complaints, suspected violations, investigations of violations, and actions taken on these reports.</p> <p>a. General correspondence pertaining to violations, not relating to any particular individual.</p> <p>DESTROY 5 years after calendar year in which prepared.</p> <p>b. Reports and related correspondence of complaints, suspected violations, investigations of violations, and actions taken on these reports.</p> <p>DESTROY 5 years after calendar year in which administrative action was taken on these reports.</p>		
7	<p>General records and correspondence, not related to specific cases, pertaining to the investigation program conducted either under Sections 608a(7); Section 608d; or Section 610h of the Agricultural Marketing Agreement Act of 1937, as amended.</p> <p>DESTROY 10 years following calendar year in which prepared.</p>		
8	<p>Correspondence and other material covering preparation and/or reviews of interpretations of order provisions.</p> <p>RETAIN <i>Permanent. Offer to the National Archives after 15 years. W.C.H./J.L.W. 24 Sept. 1974</i></p>		
9	<p>Case Files of Investigations (Instituted under Sections 608a(7); Section 608d; or Section 610h of the Agricultural Marketing Agreement Act of 1937, as amended). These</p>		

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7. ITEM NO.	8. DESCRIPTION OF ITEM (WITH INCLUSIVE DATES OR RETENTION PERIODS)	9. SAMPLE OR JOB NO.	10. ACTION TAKEN
	<p>case files include investigations, notice of hearing, hearing transcript and exhibits, analytical reports and briefs.</p> <p>DESTROY 10 years following calendar year in which investigation was completed.</p>		
10	<p><u>Closed Litigation Cases</u>--Civil and Criminal court actions brought by the Department through the Department of Justice and tried in Federal Courts, involving failure of Handlers to comply with milk order; falsification of reports on weights and tests; falsification of financial records; violation of provisions of order. Record material includes investigative reports; sworn statements; copies of documents used as evidence; correspondence between the Department of Agriculture, Department of Justice, United States Attorney; complaints; answers to complaints; court orders; and other papers pertaining to the court actions and appeals to such court actions. Also, civil court actions instituted by Handlers or other outside parties against the Secretary, the Department, or USDA personnel, involving milk orders. Record material includes copies of documents used as evidence; correspondence between the Department of Agriculture, Department of Justice, United States Attorney; complaints; answers to complaints; court orders; and other papers pertaining to the court actions and appeals to such actions.</p> <p>DESTROY 10 years after close of final court action (adjudicated in all courts involved).</p>		
11	<p>Records pertaining to Federal-State Agreements on pricing of milk received from producers.</p> <p>a. Case files, consisting of one copy of the Federal-State Agreement and related correspondence of a historical nature.</p> <p>RETAIN.</p> <p>b. Correspondence pertaining to, but not essential to the history of Federal-State Agreements.</p> <p>DESTROY after 4 years.</p>		WITHDRAWN
12	<p>Records and correspondence authorizing market administrators to write off uncollectible accounts due either (1) the administrative fund, (2) marketing services fund, or (3) producer-settlement fund, by specific handlers which</p>		

REQUEST FOR AUTHORITY TO DISPOSE OF RECORDS—Continuation Sheet

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<i>cc</i>	were not a result of legal enforcement actions. DESTROY 5 years after calendar year in which prepared. APPROVED BY: <u><i>[Signature]</i></u> Acting Director, Dairy Division DATE: <u>SEP 10 1974</u>		