

**REQUEST FOR RECORDS DISPOSITION AUTHORITY**  
(See Instructions on reverse)

LEAVE BLANK

JOB NO.

NI-476-90-6

DATE RECEIVED

11/15/89

TO: GENERAL SERVICES ADMINISTRATION  
NATIONAL ARCHIVES AND RECORDS SERVICE, WASHINGTON, DC 20408

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disposal request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10. If no records are proposed for disposal, the signature of the Archivist is not required.

1. FROM (Agency or establishment)

U.S. Department of Commerce

2. MAJOR SUBDIVISION

Bureau of Export Administration

3. MINOR SUBDIVISION

OFFICE OF EXPORT ENFORCEMENT

4. NAME OF PERSON WITH WHOM TO CONFER

Richard Usrey

5. TELEPHONE EXT.

377-5653

DATE

3/11/91

ARCHIVIST OF THE UNITED STATES



6. CERTIFICATE OF AGENCY REPRESENTATIVE

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 proposed for disposal in this Request of 6 page(s) are not now needed 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, if required under the provisions of Title 8 of the GAO Manual for Guidance of Federal Agencies, is attached.

A. GAO concurrence:  is attached; or  is unnecessary.

B. DATE 10-16-89	C. SIGNATURE OF AGENCY REPRESENTATIVE  Sherry M. Cage	D. TITLE Departmental Records Management Officer
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7. ITEM NO.	8. DESCRIPTION OF ITEM (With Inclusive Dates or Retention Periods)	9. GRS OR SUPERSEDED JOB CITATION	10. ACTION TAKEN (NARS USE ONLY)
	<p>The OFFICE OF EXPORT ENFORCEMENT</p> <p>The Office of Export Enforcement (OEE) enforces the Export Administration Act and Regulations relating to the control of U.S. goods and technology for purposes of national security, foreign policy and short supply; and serves as the primary contact in matters relating to export enforcement, interpretation, investigation, policy formulation, and administrative and adjudicative proceedings in areas for which the Office is responsible. Its functions include:</p> <ul style="list-style-type: none"> <li>o Directing a program of guidance to the U.S. business community with respect to the interpretation of and compliance with the Export Administration Regulations</li> <li>o Working with other Federal Agencies in developing, evaluating, and adjusting the export enforcement responsibilities of those agencies.</li> <li>o Investigating actual and suspected violations and preparing cases on violations for referral for administrative proceedings by the Commerce Department and/or criminal prosecution by the Department of Justice.</li> <li>o Conducting on-site physical inspections of cargo for evidence of export administration violations.</li> </ul> <p>The records identified in this Records Control Schedule supersede the records identified in International Trade Administration's Records</p>		

Records of the Director of the Office of Export Enforcement

1. OEE Subject Files These are records of correspondence that describe the enforcement programs, plans and activities initiated by the Director and his staff to carry out the provisions of the Export Administration Act and Regulations. Included here are incoming and outgoing correspondence, memoranda, reports, cables and related papers.

Subjects include International Enforcement Activities, Interdepartment Correspondence, Other Government Departments, Congressional Correspondence, Export Administration Act and Regulations, Country Files, and Special Issues.

Permanent. Start a new file for each subject every calendar year. Segregate active files from inactive files annually. Retire inactive files to WNRC 3 years later and ~~offer~~ transfer to the National Archives when 20 years old.

*in 5 year blocks*

*WJF 2/25/91*  
*NARA 4/25/91*  
*RLM 4/25/91*  
*BXA*

2. Chronological, Reading, Tickler or Suspense Files These are extra copies of correspondence maintained for convenience of reference, or to indicate a due date for action. In some cases, these copies are removed and used for cross-reference and other purposes in Subject Files.

Destroy when no longer needed for current business or when 2 years old, whichever is sooner.

Records Relating to Investigations

3. Division Director's Subject Correspondence File This is correspondence, memoranda, reports and related papers generated by the Director and his staff. These concern the management of investigations and similar activities carried out under the authority of the Export Administration Act and Regulations; liaison with other agencies and groups having mutual export enforcement concerns; and, the development of procedures and plans for the conduct of investigations.

Notable subject headings include Appeals, Denial Orders, Field Offices, Inter-Agency Relations, Licensing and Meetings. Files are arranged by a numeric-subject classification system.

Permanent. Start a new file for each subject every calendar year. Review files annually, retaining active subject files in office space and retire inactive files to WNRC. Offer to the National Archives 20 years ~~later~~ old.

<sup>A</sup>  
IN 5 year blocks when

4. Investigative Case Files These are papers and related documentation compiled in the process of collecting evidence on suspected or alleged violations of export controls. Each case concerns a violation or violations of the Export Administration Regulations and has been completed or closed. Included is material relating to Denial Orders, letters of charges, warning letters, referrals to the Department of Justice, indictments, convictions, fines, returned without action notices, and transcripts of Administrative Law Judge or court proceedings. Specifically, investigative cases include the following types:

- o Unlicensed shipments
- o Untimely filing of Shipper's Export Declaration
- o Violations of Suspension Orders
- o Transshipments
- o Transshipments through Canada
- o Trafficking in licenses
- o Misrepresentations
- o Technical data investigations
- o Flagrant disregard of export controls
- o Alteration of documents
- o Prelicensing and postshipment checks

The cases are closed when all actions have been taken and the appropriate sanctions, if indicated, imposed.

- a. Documents (regardless of physical form or characteristics) submitted by companies or individuals which have not resulted in case files and upon which no preliminary or final decisions have been made. Return to the submitter when no longer needed for reference, or destroy in office space, whichever is appropriate.
- b. All other documents (regardless of physical form or characteristics) submitted by companies or individuals which result in case files and which are used to make preliminary or final decisions in an investigation. File in the appropriate investigative case file.

*WJL*  
*WNRA*  
*R. Wiley 2/25/91*  
*BXA*  
*2/25/91*

c. Closed Case Files:

~~(1) Cases closed prior to October 1982 - Permanent. Transfer to WNRC when no longer needed for reference (OEE Field Offices transfer to the appropriate Federal Records Center) and offer to the National Archives 20 years later.~~

~~(2) Cases closed after September 1982 which set legal precedents, result in major civil or criminal sanctions against the respondent(s), or receive substantial attention from the media - Permanent. Transfer to WNRC when no longer needed for reference (OEE Field Offices transfer to the appropriate Federal Records Center) and offer to the National Archives 20 years later.~~

~~DISPOSITION: TEMPORARY~~

~~(3) All other cases closed after September 1982. Transfer to WNRC when no longer needed for reference (OEE Field Offices transfer to the appropriate Federal Records Center) Destroy 10 years later when 15 years old.~~

*w/llb  
MRA  
R. J. Wiley  
BXA  
2-25-91*

d. Case Working Documents - Papers and related documentation of reference value only, such as notes and preliminary drafts, accumulated during an investigation. These are not substantive to decisions made in an investigation, but are useful to the investigator for informational purposes. Destroy in office space when no longer needed for reference.

5. Automated Case Tracking System (ACTS) - This is an historical database system designed to track current and past Export Enforcement case activity (namely, arrests, indictments, Temporary Denial Orders, closures, etc.). The primary functions of the ACTS are to: (1) maintain an accurate status of all investigative cases and provide easy access to such material; (2) provide monthly open investigation reports; and (3) provide quarterly and annual statistical data on all case activity.

Source documents are used to input all information into ACTS. These documents include the Case Control ADP Form (Form BXA-7015, or equivalent) and legal documents generated by the Office of General Counsel. Output from this system is distributed throughout OEE on a need-to-know basis. Various monthly reports are distributed only within OEE, and some quarterly and annual reports are distributed up to the Deputy Assistant Secretary level. Data from the quarterly reports are then used to prepare budget submissions, and other special publications and reports.

a. Source Documents:

(1) Form BXA-7015, or equivalent is used to input and update database records. The case agent completes the form and maintains a duplicate copy of it. The agent forwards the original copy to headquarters, where, after processing, it is filed in the appropriate case file.

(2) Legal Documents. The Office of General Counsel generates these and forwards them to OEE as a courtesy. After processing, these are filed in the appropriate headquarter's case file.

b. Outputs:

(1) Monthly and Ad Hoc Reports. Close file at the end of each fiscal year. Destroy when 6 months old.

(2) Quarterly/Annual Statistical Reports. Close file at the end of each fiscal year. Destroy when 3 years old.

c. Hard Disk - Delete information when no longer needed for reference.

Records Relating to Intelligence

6. Referrals to Field Offices - These are records of the Intelligence Branch of possible leads on individuals and companies who may be the subject of alleged violations of the Export Administration Act or Regulations. They are filed by year and numerical sequence within each year.

Transfer to WNRC when 5 years old and destroy 10 years later.

7. Resource Files of the Intelligence Research Branch - These are country and commodity files of special interest to the branch when the country or commodity may have a bearing on alleged violations of the Export Administration Act or Regulations. These two files are filed alphabetically by country and alphabetically by commodity.

Destroy in office space when no longer needed.

Records Common to All Export Enforcement Offices

8. Personal Computer (PC) File Staff members throughout Export Enforcement may use PC's for text-processing and editing documents. Drafts of correspondence, memoranda, reports and related papers are entered into the system and edited as necessary, prior to production of a hard copy. Hard copies of the data are then printed, and subsequently filed within one of the records series pertinent to the appropriate unit's operations.

- a. Source documents, such as drafts of correspondence, memoranda and reports. Destroy upon verification of data on related magnetic media (for example, floppy disk).
- b. Hard Copies of Documents.
  - (1) Official File Copy. File in the appropriate subject or case file maintained by the creating office.
  - (2) Duplicate Copies. Destroy in office when no longer needed for reference.
- c. Magnetic Disks. Erase data when no longer needed for reference and re-use the disk.

9. Chronological, Reading, Tickler or Suspense Files These are extra copies of correspondence maintained for convenience of reference, or to indicate a due date for an action. In some cases, these copies are removed from such files and used for cross-reference and other purposes in subject files. This, of course, removes the extra file copy. Filed in chronological sequence.

Destroy when no longer needed for current business or when 2 years old, whichever is sooner.

10. Working Paper Files - These files maintained by individual staff members consist of background materials, work papers, extra copies, drafts, and technical reference materials pertaining to particular staff assignments given to individual members.

Destroy when no longer needed for current business.