

# NOTICE - SOME ITEMS SUPERSEDED OR OBSOLETE

Schedule Number: N1-476-90-007

Some items in this schedule are either obsolete or have been superseded by new NARA approved records schedules. This information is accurate as of: 2/8/2022

## **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These items, unless subsequently superseded, may be used by the agency to disposition records.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.

Item 3, Antiboycott Investigative Index

Item 5, Report on Oral Communications Concerning Boycott Regulations (Form BXA 6045, or Equivalent)

Item 14, Statistical Worksheets on Boycott Reports

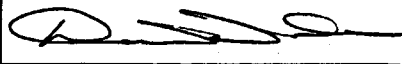
Item 15, Boycott Reports Microfilm

Item 16, Boycott Reporting System (BRS)

## **SUPERSEDED AND OBSOLETE ITEMS**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 They are superseded, obsolete, filing instructions, non-records, or were lined off and not approved at the time of scheduling.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.

N1-476-04-001 supersedes all other items.

<b>REQUEST FOR RECORDS DISPOSITION AUTHORITY</b> (See Instructions on reverse)		LEAVE BLANK	
TO: GENERAL SERVICES ADMINISTRATION NATIONAL ARCHIVES AND RECORDS SERVICE, WASHINGTON, DC 20408		JOB NO. NI-476-90-7	DATE RECEIVED 11/20/89
1. FROM (Agency or establishment) U. S. Department of Commerce		NOTIFICATION TO AGENCY	
2. MAJOR SUBDIVISION Bureau of Export Administration		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disposal request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10.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.	
3. MINOR SUBDIVISION Office of Antiboycott Compliance			
4. NAME OF PERSON WITH WHOM TO CONFER Richard Usrey	5. TELEPHONE EXT. 377-5653	DATE 9/23/91	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 10 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 11-16-89	C. SIGNATURE OF AGENCY REPRESENTATIVE  Sherry M. Cage	D. TITLE Departmental Reports Records Management Clearance 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 align="center"><u>OFFICE OF ANTIBOYCOTT COMPLIANCE</u></p> <p>This Office implements reporting and enforcement activities regarding foreign boycotts against countries friendly to the United States. These responsibilities have been vested in the Assistant Secretary (AS) for Export Enforcement (and predecessor organizations) since 1965. These responsibilities were further delegated to the Office of Antiboycott Compliance (OAC) by the Bureau of Export Administration (BXA). OAC operates under authority of the Export Administration Amendments Act of 1985, and its mandate is described by Organization and Function Order No. 41-4. OAC is charged with:</p> <ul style="list-style-type: none"> <li>o administering and, in consultation with the Department's Office of General Counsel, enforcing the regulations and programs required to carry out Departmental responsibilities under the Export Administration Act of 1985 regarding foreign boycotts against countries friendly to the United States.</li> <li>o developing and coordinating policies and measures for opposing such boycotts,</li> <li>o operating the automated Boycott Reporting System (BRS) to provide statistical summaries and enforcement data.</li> </ul> <p>In pursuing these functions, the Office serves as a principal source of advice to executive officials of the Department and to the Assistant Secretary for Export Enforcement on matters relating to regulations, interpretations, and investigations, as well as the development of regulatory policy and adjudicative procedures in areas for which it is responsible.</p> <p>The records identified in this Records Control Schedule supersede the records identified in the International Trade Administration's Records Control Schedules numbers NCI-151-79-1 and NI-151-82-5</p>		

Records of the Director of OAC

1. Antiboycott Subject File - Correspondence, memoranda, reports, studies, and the like generated or collected by the Director and his staff which describe the policies, procedures, functions and accomplishments of the office. Some of the files described here were created at the Office or Staff Director level by elements of Export Administration previously responsible for this activity.

Notable subject headings include Administrative Procedures, Pre-Charging Settlements, Pleadings and Memoranda of Law, Foreign Corrupt Practices Act, European Reaction to Boycott, Disclosure of Information, Export Disincentives, Enforcement, Reporting Requirements and Status Reports. Files are maintained alphabetically by subject content.

Break file every 5 years. Retain active files in office space and retire all others to the WNRC and destroy 20 years later.

Records Relating to Enforcement

Part 769 of the Export Administration Regulations (EAR) implements United States policy against complying with foreign boycotts as expressed in the Export Administration Act of 1979, as amended, (the Act) (50 U.S.C. App. 2401 et seq.). This legislation requires a United States person "...who receives a request to take any action which has the effect of furthering or supporting a restrictive trade practice or boycott fostered or imposed by a foreign country against a country friendly to the United States or against any United States person..." to report such a request to the Department of Commerce. The term "United States person", means an individual U.S. resident or national, domestic concerns, "controlled in fact" foreign subsidiaries, Federal, state and local governments, and partnerships, corporations, companies, associations or other entities organized under U.S. Federal and/or state laws, among others. Prohibitions under the Act include:

- o Refusals to do business
- o Discriminatory actions
- o Furnishing information about race, religion, sex or national origin
- o Furnishing information about business relationships with boycotted countries or blacklisted persons
- o Furnishing information about associations with charitable and fraternal organizations.
- o Implementing letters of credit containing prohibited conditions or requirements.

OAC compliance officers enforce the Act and/or provide support to the Office Director in developing and coordinating policies and measures for monitoring and opposing such boycotts.

2. Antiboycott Investigative Case Files - As noted above, all United States persons must report receipt of boycott requests as defined by Part 769 of the EAR. The Report Processing Unit (RPU) of the OAC receives, analyzes, and codes such reports. Any report filed by a company which indicates action taken on a prohibited request is forwarded to a compliance officer for review. Reports received naming other parties to transactions who have not reported are also used to initiate inquiries. Investigations are begun when an RPU referral or information from other sources indicates that one or more of the prohibitions or the reporting requirements have or appear to have been violated.

Resolution of a case may take the form of a criminal or civil sanction, including fines, denial of export privileges, and/or imprisonment.

Files are arranged numerically by case number and also include the respondent's name. Since 1978, the file number has indicated the calendar year in which the case was opened, followed by the sequential number of that individual case, for example 85-1, 85-2, 85-3, etc. Among the papers found here are correspondence, notes, investigation reports, exhibits, charging letters, warning letters, orders, consent agreements, abstracts of correspondence, drafts of documents, press releases, and related documentation.

- 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.
- c. Closed Case Files:

Transfer to the Washington National Records Center when no longer needed for reference and destroy 15 years later.

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

3. Antiboycott Investigative Index - An automated system maintained on a personal computer and designed to manage and track all investigative cases from their inception to their resolution. Data includes the respondent's name, the case number, the compliance officer responsible for the investigation, and the case development chronology.

The staff responsible for the system is developing additional data fields in order to generate analytical and statistical reports on an as-needed basis. Such reports are submitted to officials within Export Enforcement and elsewhere in the Department where they are retained for a period sufficient to meet administrative and historical needs.

Source documents include Forms BXA-6069 (or equivalent), Master Antiboycott Case Control Record which has been replaced by the automated system, and BXA-6070 (or equivalent), Antiboycott Case Action Record. The staff uses the latter to update the former during the development of a particular case and now uses BXA-6070 to update the automated system.

- a. Printouts: Destroy in office space when no longer needed for reference.
- b. Floppy disks containing data used to maintain and update the system: Erase when no longer needed for reference and re-use the disk.
- c. System documentation (including data system specifications, file specifications, and user guides describing the function of the system in non-ADP terminology): Destroy one year after the discontinuance of the system.
- d. Forms BXA-6069 and BXA-6070: Destroy in office after information entered into automated system.

4. Settlement Files - Duplicate copies of case files comprised of publicly-available documents. The cases included here set a legal precedent or resulted in the respondent's paying a large fine.

Arranged by case number and the respondent's name, the files include copies of orders, consent agreements, proposed charging letters and press releases. Staff members use the file as a ready reference for precedents or to distribute copies of cases in response to inquiries from the public and private sectors. As a result of the latter action, many of the files are self-liquidating.

Destroy in office space 5 years after the case is closed or when no longer needed for reference, whichever is sooner.

5. Report on Oral Communications Concerning Boycott Regulations (Form BXA 6045, or Equivalent - A 3-part form documenting advice and counsel given by OAC staff members to inquiries from the public and private sectors regarding all aspects of Boycott Regulations. Primarily these deal with Discussions between OAC and exporters, banks, freight forwarders, and similar entities requesting guidance on what activities are and are not permitted under the Regulations. The white and yellow copies of the form are maintained as a Telephone Chronological File, while the pink copy is maintained by compliance officers for action/information, as appropriate.

- a. Telephone Chronological File (white and yellow copies) - Destroy in office space when 1 year old.
- b. Pink copy - Destroy in office space when no longer needed for reference

6. Antiboycott Compliance Officer's Manual - Developed to give compliance officers direction in accomplishing their investigative duties. The manual provides background information on the mission of the office and the procedures to be followed during the development of a case, namely, from its initiation to its completion. It is issued in two volumes.

The following parts comprise Volume I: a) Case Preparation, b) Field Work, c) Investigation Procedures, and d) Post Investigation Procedures; while Volume II consists of Exhibits and References sections providing information on forms and letters used in investigations and on regulations of various agencies that may affect an investigation.

The Manual is issued in loose-leaf binder form in a three-ring binder to provide for quick replacement of obsolete pages or sections.

- a. Record Set of the Manual (A master and duplicate copy of the manual and all page changes made to it) - Permanent. Retire to the WNRC in 5-year blocks (for example, 1985-1989) when no longer needed for reference. Offer to the National Archives 20 years later.
- b. All other copies - Destroy in office space when no longer needed for reference or when superseded or obsolete.

### Records Relating to Compliance Policy

7. Division Director's Subject Correspondence File - Correspondence, memoranda, reports and some workpapers generated or collected by the Director and his staff. These deal with reviews of proposed compliance actions; advising the business community on application of the antiboycott regulations; and, maintaining liaison with interested parties on antiboycott matters.

The files are arranged alphabetically by subject. These include such categories as Bulk Oil, Comptroller of the Currency, interpretation to Regulations, OECD, Security and Exchange Commission, Trade Impact of Boycott Laws, and Treasury Boycott, Repeal and Harmonization Effort.

Permanent. Break file every 5 years. Retain active files in office space and transfer all others to the WNRC. Offer to the National Archives 20 years later.

8. Foreign Boycott Public Comments - Whenever the Secretary of Commerce proposes implementing amendments to existing legislation or regulations as defined by the Export Administration Amendments Act of 1985 (and previous Acts), he shall by law consult with such affected industries as he deems appropriate. Proposed regulations, or revisions thereto, are published in the Federal Register to invite public comment. Where foreign boycott and related matters are concerned, this authority has been delegated to the Office of Antiboycott Compliance (OAC).

The files cited here deal principally with the 1977 amendments to the Export Administration Act of 1969, as amended, and with the development of foreign boycott reporting requirements under them. Included here are correspondence from law firms, members of Congress, industry, and fraternal organizations, internal Department deliberations, notes, workpapers, and the like. final, approved versions of the Regulations are sent to the appropriate unit within Export Administration for publication.

An alpha-numeric filing arrangement is used to maintain the files.

- a. Files raising significant issues about, or leading to major revisions to the Export Administration Regulations, or contributing to changes in OAC policies and procedures. Transfer to the Washington National Records Center when no longer needed for reference and destroy 15 years later.
- b. All other papers - Destroy in office space when 5 years old or when no longer needed for reference, whichever is sooner.

9. Antiboycott Country File - State and Commerce Department cables, news clippings, printed material, and the like arranged alphabetically by country, and thereunder, by subject. Subsidiary Subject titles include American Jewish Congress (AJC), Boycott, Business Practices, Blacklisted Firms, Oil, Political, Domestic, and so on.

Break file every 5 years and transfer to the WNRC. Destroy when 10 years old.

10. "E" and "E" Star Awards Company Files - These awards were instituted by Executive Order 10978 on December 5, 1961, and by authority of the Secretary of Commerce on August 4, 1969, respectively, to recognize outstanding achievement in the field of export expansion by U.S. persons, organizations or firms. The primary program responsibility is vested in the "E" Awards unit under the Director General for the U.S. and Foreign Commercial Service.

Extensive clearance procedures are undertaken prior to the granting of the awards. OAC essentially reviews an applicant's record in complying with foreign boycott requirements under Part 769 of the Export Administration Regulations. When completed, its findings are sent to the "E" Awards unit for inclusion in the official application case file. Violation of the Regulations precludes the granting of either of these awards.

Arranged alphabetically by company name, the files include correspondence, memoranda, and related papers. They are generally of short-term value only.

Destroy closed cases in office space when 2 years old.



Records Relating to Report Processing

The unit creating the records cited below serves as the basic support arm of the Office. It receives all boycott reports submitted by U.S. persons receiving boycott requests, and analyzes and codes these reports. The unit serves as a focal point for insuring compliance with Part 769 of the Export Administration Regulations; provides statistics for the annual report to Congress required by the Export Administration Act of

1979, as amended; refers reports indicating violations of the foreign boycott provisions of the Act to compliance officers for investigation; and, aids other elements of the Bureau of Export Administration such as the Freedom of Information Officer and the "E" Awards Program in meeting their official responsibilities.

11. Compliance Policy Division Program File - Arranged alphabetically by subject, this consists of copies of correspondence, memoranda, notes, reports, workpapers, and printed and processed material documenting the unit's activities and functions. Notable headings include AJC Case, Anti-Trust-Justice, Committee Reports, Compliance, Departmental Letters on Boycott, Legislation, Semi-Annual Statistics, and Trane Case. The papers are essentially of short-term value as they deal with the daily operations of the Compliance Policy Division. Record copies of the documents are maintained elsewhere in OAC or in Export Enforcement.

Segregate active files from inactive files at the end of each calendar year. Destroy inactive files in office space when 2 years old.

12. Files of Reports of Restrictive Trade Practices or Boycott Requests - These are reports of requests made to U.S. firms or individuals to participate in restrictive trade practices or boycotts against either U.S. citizens or firms, or countries friendly to the United States. Such reports are made in accordance with law to the Office of Antiboycott Compliance by U.S. firms or individuals who have received the boycott requests from foreign countries to which goods or services are to be delivered.

Among the documents found here are the Report of Request for Restrictive Trade Practice or Boycott-Single Transaction (Form BXA-621P, or equivalent); Report of Request for Restrictive Trade Practice or Boycott-Multiple Transactions (Form BXA-6051P, or equivalent); correspondence and copies of documents from foreign countries, such as contracts, letters of credit, purchase orders

or questionnaires in which the boycott requests are made to firms; and related papers.

The reports are arranged numerically by Firm Identification Number (FIN). Each reporting firm is assigned a unique FIN to identify its reports.

Retire to the WNRC when <sup>6 months</sup> ~~2~~ years old and destroy <sup>when 5</sup> ~~3~~ years <sup>old.</sup> later.

(see 3/14/91 memo to file)

13. Special Case Files on Late Reports Not Involving Litigation

These are boycott or restrictive trade practice reports received after the reporting deadline. These are referred to compliance officers for review, who determine whether further action or litigation is required.

Retire to the WNRC when 5 years old and destroy 3 years later.

14. Statistical Worksheets on Boycott Reports - These are tabulations and intermediate working papers generated in connection with the periodic preparation of statistics on the status of the boycott reporting program.

Destroy in office space 1 year after the resulting final report is prepared.

15. Boycott Reports Microfilm - Reports of requests received on or after October 7, 1976, as well as any accompanying documents filed with the reports, are made available for public inspection and copying. Certain proprietary information is withheld from these publicly-available documents. The sanitized reports are then microfilmed to facilitate public access.

Primary responsibility for making this sanitized microfilm available for review lies with BXA's Freedom of Information Records Inspection Facility. OAC maintains a duplicate copy of the microfilm as a security backup.

Destroy in office space when 5 years old.

16. Boycott Reporting System (BRS) - An automated system designed to enhance the reporting and enforcement functions of the Office. Principal aims of the BRS are (1) the preparation of OAC's submission for the annual report to Congress required by the current Export Administration Act; (2) monitoring compliance with the foreign boycott reporting requirements expressed in the Act, and referring actual or potential violations to OAC

compliance officers for action; and, (3) providing to other elements, specifically, the Freedom of Information Officer and the "E" Awards Program to enable them to perform certain statutory functions.

Source documents are used to enter data into the computer. These include Forms BXA-621P and BXA-6051P, or equivalents, cited earlier and Boycott Report Coding Sheet-Multiple Transactions (Form BXA-6055, or equivalent). Resulting output indicates, among other things, month and year the report is processed, type of restrictive trade practice, country, and dollar value.

- a. Source documents: Dispose of in accordance with instructions listed earlier in this Schedule. (Item 12).
- b. Printouts: Destroy in office space when superseded or obsolete.
- c. Magnetic tapes: Erase when 5 years old.