

## Request for Records Disposition Authority

Records Schedule Number      DAA-0081-2017-0004  
Schedule Status                Modified Approved Version  
  
Agency or Establishment        International Trade Commission  
Record Group / Scheduling Group   Records of the U.S. International Trade Commission  
Records Schedule applies to    Major Subdivision  
Major Subdivision                Office of the General Counsel  
Schedule Subject                Records of the USITC Office of the General Counsel  
Internal agency concurrences will be provided      No

Background Information      The U.S. International Trade Commission (USITC or the Commission) is an independent, quasi-judicial Federal agency established by Congress with a wide range of trade-related mandates. The USITC's mission is threefold: to administer U.S. trade remedy laws in a fair and objective manner; to provide the President, the U.S. Trade Representative (USTR), and Congress with independent, quality analysis, information, and support on matters of tariffs and international trade and competitiveness; and to maintain the Harmonized Tariff Schedule (HTS) of the United States. In doing so, the USITC serves the public by implementing U.S. law and contributing to the development and implementation of sound and informed U.S. trade policy.

The mission of the Office of the General Counsel (OGC) is to provide legal advice and guidance to the USITC and its staff. The General Counsel serves as the USITC's chief legal advisor. The General Counsel and the staff attorneys in the office provide legal advice and support to the Commissioners and USITC staff on investigations and research studies, prepare briefs and represent the USITC in court and before dispute resolution panels and administrative tribunals, and provide assistance and advice on general administrative matters, including personnel, labor relations, and contract issues.

This records schedule covers the recordkeeping copy of information created, maintained, and retained by the USITC/OGC. This schedule covers paper and electronic records in the OGC for past and current programs. This schedule authorizes the disposition of the recordkeeping copy in any media (media neutral), to enable USITC/OGC to manage records based on information content and not format.

Item Count

| Number of Total Disposition Items | Number of Permanent Disposition Items | Number of Temporary Disposition Items | Number of Withdrawn Disposition Items |
|-----------------------------------|---------------------------------------|---------------------------------------|---------------------------------------|
| 11                                | 1                                     | 10                                    | 0                                     |

GAO Approval

## Outline of Records Schedule Items for DAA-0081-2017-0004

| Sequence Number |   |
|-----------------|---|
| 1               | <b>General Counsel Memoranda</b>  |
| 1.1             | General Counsel memoranda with significant historical value.<br>Disposition Authority Number: DAA-0081-2017-0004-0001   |
| 1.2             | General Counsel memoranda without significant historical value.<br>Disposition Authority Number: DAA-0081-2017-0004-0002  |
| 2               | <b>Litigation Case Files</b><br>Disposition Authority Number: DAA-0081-2017-0004-0003   |
| 3               | <b>Other Documents and Files</b>  |
| 3.1             | Investigations of possible violation of administrative protective order or Commission rules<br>Disposition Authority Number: DAA-0081-2017-0004-0004  |
| 3.2             | Annual summaries of investigations of possible violation of administrative protective order or Commission rules<br>Disposition Authority Number: DAA-0081-2017-0004-0005  |
| 3.3             | Trade policy support<br>Disposition Authority Number: DAA-0081-2017-0004-0006   |
| 3.4             | The development or legal review of proposed rules<br>Disposition Authority Number: DAA-0081-2017-0004-0007  |
| 4               | <b>Working Papers</b>   |
| 4.1             | Working papers relating to Commission investigations under section 337 of the Tariff Act of 1930.<br>Disposition Authority Number: DAA-0081-2017-0004-0008  |
| 4.2             | Working papers relating to Commission investigations under Title VII of the Tariff Act of 1930.<br>Disposition Authority Number: DAA-0081-2017-0004-0009  |
| 4.3             | Working papers relating to Commission safeguards investigations<br>Disposition Authority Number: DAA-0081-2017-0004-0010  |
| 4.4             | Working papers maintained and used by OGC in providing legal review and advice to the Commission and its staff concerning both administrative and program matters.<br>Disposition Authority Number: DAA-0081-2017-0004-0011 |

## Records Schedule Items

| Sequence Number    |   |                     |                          |                     |                    |  |      |       |              |  |
|--------------------|---|---------------------|--------------------------|---------------------|--------------------|--|------|-------|--------------|--|
| 1                  | <p><b>General Counsel Memoranda</b><br/>OGC maintains record copies of all substantive legal memoranda prepared by OGC for the Commission and its staff concerning both administrative and program matters.</p>   |                     |                          |                     |                    |  |      |       |              |  |
| 1.1                | <p><b>General Counsel memoranda with significant historical value.</b><br/>Disposition Authority Number      DAA-0081-2017-0004-0001</p> <p>These files include OGC memoranda, redacted to remove confidential business information and business proprietary information, on matters that: • Attracted public interest and/or substantial national or regional media attention; • Resulted in significant congressional action; or • Resulted in substantive changes in ITC policies and procedures.</p> <p>Final Disposition                      Permanent</p> <p>Item Status                              Active</p> <p>Is this item media neutral?          Yes</p> <p>Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?      No</p> <p><b>Disposition Instruction</b></p> <p>Cutoff Instruction                      Cut off files at the end of the calendar year.</p> <p>Transfer to the National Archives for Accessioning      Transfer to the National Archives 20 year(s) after cutoff</p> <p><b>Additional Information</b></p> <p>What will be the date span of the initial transfer of records to the National Archives?      Unknown<br/>Approximately 1997 and earlier</p> <p>How frequently will your agency transfer these records to the National Archives?      Every 1 Years</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 50%;"></th> <th style="width: 25%;">Estimated Current Volume</th> <th style="width: 25%;">Annual Accumulation</th> </tr> </thead> <tbody> <tr> <td>Electronic/Digital</td> <td></td> <td>5 MB</td> </tr> <tr> <td>Paper</td> <td>2 Cubic feet</td> <td></td> </tr> </tbody> </table> |                     | Estimated Current Volume | Annual Accumulation | Electronic/Digital |  | 5 MB | Paper | 2 Cubic feet |  |
|                    | Estimated Current Volume  | Annual Accumulation |                          |                     |                    |  |      |       |              |  |
| Electronic/Digital |   | 5 MB                |                          |                     |                    |  |      |       |              |  |
| Paper              | 2 Cubic feet  |                     |                          |                     |                    |  |      |       |              |  |

|                                  |  |  |
|----------------------------------|--|--|
| Microform                        |  |  |
| Hardcopy or Analog Special Media |  |  |

1.2.

General Counsel memoranda without significant historical value.

Disposition Authority Number DAA-0081-2017-0004-0002

Final Disposition Temporary

Item Status Active

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No

GRS or Superseded Authority Citation N1-081-06-1, item C2

Disposition Instruction

Cutoff Instruction Cut off files at the end of the calendar year.

Retention Period Destroy 75 year(s) after cutoff

Additional Information

GAO Approval Not Required

2

Litigation Case Files

Disposition Authority Number DAA-0081-2017-0004-0003

Copies of legal documents such as motions, briefs, court opinions and orders, and other records concerning suits brought against the Commission.

Final Disposition Temporary

Item Status Active

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No

GRS or Superseded Authority Citation N1-081-06-1, item C1

**Disposition Instruction**

Cutoff Instruction                      Cut off files after case closes.

Retention Period                      Delete/destroy files 40 years after cutoff. Longer retention is authorized if OGC determines the records are required for business use.

**Additional Information**

GAO Approval                              Not Required

**Other Documents and Files**

This section covers documents, files, and working papers not addressed in sections (1) through (2), above.

**Investigations of possible violation of administrative protective order or Commission rules**

Disposition Authority Number      DAA-0081-2017-0004-0004

The Office of the Secretary maintains files on these investigations, which files include records of Commission votes, published notices, internal memoranda, and correspondence. The Office of the General Counsel has files pertaining to particular investigations and annual summaries of completed investigations.

Final Disposition                      Temporary

Item Status                                Active

Is this item media neutral?        Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?      No

**Disposition Instruction**

Cutoff Instruction                      Cut off files, documents, and working papers at the end of the calendar year that the investigation closes.

Retention Period                      Delete/destroy files, documents, and working papers 3 years after cutoff. Longer retention is authorized if OGC determines the records are required for business use.

**Additional Information**

GAO Approval                              Not Required

**Annual summaries of investigations of possible violation of administrative protective order or Commission rules**

Disposition Authority Number      DAA-0081-2017-0004-0005

|   |  |   |
|---|--|---|
| 3.3   | Final Disposition  | Temporary   |
|   | Item Status  | Active  |
|   | Is this item media neutral?  | Yes   |
|   | Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?  | No  |
|   | Disposition Instruction  |   |
|   | Cutoff Instruction   | Cut off files, documents, and working papers at the end of the calendar year that the summary is published in the Federal Register.                                   |
|   | Retention Period   | Delete/destroy files, documents, and working papers 3 years after cutoff. Longer retention is authorized if OGC determines the records are required for business use. |
|   | Additional Information   |   |
|   | GAO Approval   | Not Required  |
|   | Trade policy support   |   |
|   | Disposition Authority Number   | DAA-0081-2017-0004-0006   |
|   | Final Disposition  | Temporary   |
|   | Item Status  | Active  |
|   | Is this item media neutral?  | Yes   |
| Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? | No   |   |
| Disposition Instruction   |  |   |
| Cutoff Instruction  | Cut off files, documents, and working papers relating to trade policy support matters after conclusion of trade policy support matter.   |   |
| Retention Period  | Delete/destroy files, documents, and working papers relating to trade policy support matters 3 years after cutoff. Longer retention is authorized if OGC determines the records are required for business use. |   |
| Additional Information  |  |   |
| GAO Approval  | Not Required   |   |

3.4

The development or legal review of proposed rules

Disposition Authority Number DAA-0081-2017-0004-0007

The Office of Administration maintains the Commission's internal rules, which may include directives, policies, procedures, handbooks, administrative orders, administrative announcements, and administrative notices. The Office of the Secretary maintains action jackets related to rulemaking, including action jackets seeking the approval of each Commissioner for the Federal Register publication of notices of proposed, final, and interim rulemaking. OGC has files concerning (1) the development of rules proposed by OGC and (2) legal review of rules proposed by other offices.

Final Disposition Temporary

Item Status Active

Is this item media neutral? Yes

Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? No

Disposition Instruction

Cutoff Instruction Cut off files, documents, and working papers relating to rulemaking at the end of the calendar year when the rulemaking is completed (i.e., the final internal rule is posted on the Commission's Internal Procedures site or the final rule is published in the Federal Register).

Retention Period Delete/destroy files, documents, and working papers related to rulemaking 3 years after cutoff. Longer retention is authorized if OGC determines the records are required for business use.

Additional Information

GAO Approval Not Required

4

Working Papers

This section covers all supporting documents and background materials used in the creation of the documents and files described in sections (1) through (3), above, as well as working files maintained and used by OGC in providing legal review and advice to the Commission and its staff concerning both administrative and program matters.

4.1

Working papers relating to Commission investigations under section 337 of the Tariff Act of 1930.

Disposition Authority Number DAA-0081-2017-0004-0008



|     |   |  |
|-----|---|--|
|     | Final Disposition   | Temporary  |
|     | Item Status   | Active   |
|     | Is this item media neutral?   | Yes  |
|     | Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? | No   |
|     | Disposition Instruction   |  |
|     | Cutoff Instruction  | Cut off at the conclusion of the investigation and any appeal.   |
|     | Retention Period  | Delete/destroy 3 years after cutoff. Longer retention is authorized if OGC determines the records are required for business use. |
|     | Additional Information  |  |
|     | GAO Approval  | Not Required   |
| 4.2 | Working papers relating to Commission investigations under Title VII of the Tariff Act of 1930.                           |  |
|     | Disposition Authority Number  | DAA-0081-2017-0004-0009  |
|     | Final Disposition   | Temporary  |
|     | Item Status   | Active   |
|     | Is this item media neutral?   | Yes  |
|     | Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing? | No   |
|     | Disposition Instruction   |  |
|     | Cutoff Instruction  | Cut off files at the conclusion of the investigation.  |
|     | Retention Period  | Delete/destroy 3 years after cutoff. Longer retention is authorized if OGC determines the records are required for business use. |
|     | Additional Information  |  |
|     | GAO Approval  | Not Required   |
| 4.3 | Working papers relating to Commission safeguards investigations   |  |
|     | Disposition Authority Number  | DAA-0081-2017-0004-0010  |

|     |  |   |
|-----|--|---|
|     | Final Disposition  | Temporary   |
|     | Item Status  | Active  |
|     | Is this item media neutral?  | Yes   |
|     | Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?  | No  |
|     | <b>Disposition Instruction</b>   |   |
|     | Cutoff Instruction   | Cut off files at the conclusion of the investigation.   |
|     | Retention Period   | Delete/destroy 3 years after cutoff. Longer retention is authorized if OGC determines the records are required for business use.  |
|     | <b>Additional Information</b>  |   |
|     | GAO Approval   | Not Required  |
| 4.4 | Working papers maintained and used by OGC in providing legal review and advice to the Commission and its staff concerning both administrative and program matters. |   |
|     | Disposition Authority Number   | DAA-0081-2017-0004-0011   |
|     | Final Disposition  | Temporary   |
|     | Item Status  | Active  |
|     | Is this item media neutral?  | Yes   |
|     | Do any of the records covered by this item currently exist in electronic format(s) other than e-mail and word processing?  | No  |
|     | <b>Disposition Instruction</b>   |   |
|     | Cutoff Instruction   | Cut off other files at the end of the calendar year when the review and/or advice is provided on the administrative or program matter, the GC memorandum is circulated to the Commission, a copy of the circulated action jacket is returned to GC, or the litigated case closes. |
|     | Retention Period   | Delete/destroy files 3 years after cutoff. Longer retention is authorized if OGC determines the records are required for business use.  |
|     | <b>Additional Information</b>  |   |

GAO Approval

Not Required

## 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 in this schedule are not now needed for the business of the agency or will not be needed after the retention periods specified.

## Signatory Information

| Date       | Action                   | By               | Title                                   | Organization   |
|------------|--------------------------|------------------|---|--|
| 02/23/2017 | Certify                  | Gino Ables       | Agency Records Officer                  | OCIO - Data Management Division  |
| 06/08/2017 | Return for Revision      | Valerie Terray   | Archives Specialist                     | National Archives and Records Administration - Records Management Services |
| 12/08/2017 | Submit For Certification | Gino Ables       | Agency Records Officer                  | OCIO - Data Management Division  |
| 12/08/2017 | Certify                  | Gino Ables       | Agency Records Officer                  | OCIO - Data Management Division  |
| 04/18/2018 | Return for Revision      | Valerie Terray   | Archives Specialist                     | National Archives and Records Administration - Records Management Services |
| 04/18/2018 | Submit For Certification | Gino Ables       | Agency Records Officer                  | OCIO - Data Management Division  |
| 04/18/2018 | Certify                  | Gino Ables       | Agency Records Officer                  | OCIO - Data Management Division  |
| 05/02/2018 | Submit for Concurrence   | Valerie Terray   | Archives Specialist                     | National Archives and Records Administration - Records Management Services |
| 05/02/2018 | Concur                   | Kate Flaherty    | Appraiser                               | National Archives and Records Administration - ACRA                        |
| 05/02/2018 | Concur                   | Margaret Hawkins | Director of Records Management Services | National Records Management Program - ACNR Records Management Services     |
| 05/04/2018 | Approve                  | David Ferriero   | Archivist of the United States          | Office of the Archivist - Office of the Archivist                          |