

# National Archives



Archivist of the United States

Washington, DC 20408

January 15, 1997

Honorable Charlene Barshefsky  
United States Trade Representative  
600 17th Street, NW  
Washington, DC 20508

Dear Ms. Barshefsky:

This responds to Jennifer Hillman's letter dated January 14, 1997, regarding the disposition schedule for the Office of the United States Trade Representative (USTR), No. N1-364-96-1. In accordance with 44 U.S.C. § 2909 and 36 C.F.R. § 1228.52, I have concluded that it would be in the best interests of the government to withdraw from USTR the disposal authorizations contained in that schedule and I hereby do so.

We look forward to working with USTR to develop a new schedule for the Data General computer tapes.

Sincerely,

A handwritten signature in cursive script that reads "John W. Carlin".

JOHN W. CARLIN  
Archivist of the United States

EXECUTIVE OFFICE OF THE PRESIDENT  
OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE  
WASHINGTON, D. C. 20508



January 14, 1997

Mr. John W. Carlin  
Archivist of the United States  
National Archives and Records Administration  
8601 Adelphi Road  
College Park, MD 20740-6001

Re: Disposition Schedule N1-364-96-1

Dear Mr. Carlin:

This letter is submitted on behalf of the Office of the United States Trade Representative (USTR) to request that the Archivist exercise his authority under 36 CFR §1228.52 to withdraw the disposition authority contained in the above-referenced schedule. This schedule was approved by you on December 13, 1996, and covers the disposition of Data General computer tapes that include word processing, electronic mail, data bases and system software.

USTR takes this step reluctantly. As you and your staff are aware, USTR wishes to lawfully dispose of these tapes, some of which date back to the early 1980's. For a small agency such as USTR, maintaining several thousand computer tapes indefinitely is an undue burden -- particularly given that the permanently valuable record materials on these tapes have been separately preserved in paper or electronic form and have already been transferred to NARA to be retained permanently.

Accordingly, to properly dispose of those tapes we propounded the above-referenced disposition schedule, which relies in part on the authority of General Records Schedule (GRS) 20. As you are aware, however, the recently filed complaint in Public Citizen v. Caplin seeks a declaration that GRS 20 is null and void, and an injunction that would prevent USTR from relying on GRS 20 to dispose of any tapes. While USTR is confident that GRS 20 was properly propounded and will be upheld, it is clear to USTR that the question of whether GRS 20 provides lawful authority to dispose of any tapes could be the subject of lengthy litigation.

In the interest of moving forward toward our goal of lawfully disposing of these materials, USTR wishes to withdraw the present disposition schedule, and to cease its reliance on GRS 20. Instead, USTR proposes to follow an alternative route -- to seek authority to dispose of Data

Mr. John W. Carlin, Archivist  
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General computer tapes through submission of a Form 115, which requires individualized appraisal of their contents by the Archivist, followed by public notice and comment. USTR will not rely on GRS 20 in seeking such authority.

We are hopeful that this alternative route may lead more promptly to the lawful disposition of these records.

Thank you for your assistance in connection with this matter.

Sincerely,

A handwritten signature in black ink that reads "Jennifer Hillman". The signature is written in a cursive style with a large, prominent "J" and "H".

Jennifer Hillman  
General Counsel

cc: Records Management, Office of Administration