

REQUEST FOR RECORDS DISPOSITION AUTHORITY
(See Instructions on reverse)

TO: NATIONAL ARCHIVES and RECORDS ADMINISTRATION (NIR)
WASHINGTON, DC 20408

1. FROM (Agency or establishment)
DEPARTMENT OF COMMERCE

2. MAJOR SUBDIVISION
BUREAU OF INDUSTRY AND SECURITY

3. MINOR SUBDIVISION
OFFICE OF ANTIBOYCOTT COMPLIANCE

4. NAME OF PERSON WITH WHOM TO CONFER
ELAINE FARROW

5. TELEPHONE
(202) 482 - 2165

LEAVE BLANK (NARA use only)

JOB NUMBER
71-476-04-1

DATE RECEIVED
5-1-2004

NOTIFICATION TO AGENCY

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request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10.

DATE
10-27-04

ARCHIVIST OF THE UNITED STATES
John W. Paul

6. 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 on the attached _____ 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, under the provisions of Title 8 of the GAO Manual for Guidance of Federal Agencies,

is not required; is attached; or has been requested.

DATE _____ SIGNATURE OF AGENCY REPRESENTATIVE *Elaine Farrow* TITLE _____

RECORDS OFFICER

7. ITEM NO.	8. DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9. GRS OR SUPERSEDED JOB CITATION	10. ACTION TAKEN (NARA USE ONLY)
	<p>The Office of Antiboycott Compliance (OAC) implements reporting and enforcement activities regarding foreign boycotts against countries friendly to th U.S. These responsibilities have been vested in the Assistant Security for Export Enforcement (and predecessor organizations) since 1965. These responsibilities were further delegated to OAC by BIS. OAC operates under authority of the Export Administration Act of 1979 as amended, and its mandate is described by Organization and Function Order No. 41-4. OAC is charged with 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. Developing and coordinating policies and measures for opposing such boycotts. Operating the automated Boycott Reporting System (BRS) to provide statistical summaries and enforcement data. 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.</p>	<p>N1-476-90-7</p>	

cc Agency to WMD to WIMW to WCTC

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Attachment to Job No. N1-476-04-1

OFFICE OF ANTIBOYCOTT COMPLIANCE

RECORDS OF THE DIRECTOR OF OAC

1. ANTIBOYCOTT SUBJECT FILES - Correspondence, memoranda, reports, studies, etc., generated or collected by the Director and his staff which describe the policies, procedures, functions and accomplishments of the office. Notable subject headings including Administrative Procedures, Pre-Charging Settlements, Pleadings and Memoranda of Law, and quarterly report of boycott statistics.

Disposition: PERMANENT - Cut off files at the end of the calendar year. Retire to Washington National Records Center (WNRC) 5 years after cut off. Transfer to NARA 20 years after cut off.

2. ANTIBOYCOTT INVESTIGATIVE CASE FILES - As noted above, all U.S. persons must report receipt of boycott requests as defined by Part 760 of the Export Administration Regulations (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 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. 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. Disposition: TEMPORARY - For documents submitted by individuals or companies that do not result in official actions, cut off files after final decision is made. Return to the submitter or destroy, whichever is appropriate.

b. Disposition: TEMPORARY - For documents submitted by individuals or companies that result in official action, cut off files after case has been completed and file in official investigative case file.

c. Disposition: TEMPORARY - Cut off files at the end of the

calendar year. Retire to Washington National Records Center (WNRC) 3 years after cut off. Destroy 15 years after cut off.

d. Disposition: TEMPORARY - Working papers - Cut off files after investigation is completed or case file has been closed. Destroy 3 years after cut off.

3. SETTLEMENT FILES - Duplicate copies of case files comprised of publicly available documents. The cases included here set a legal precedent or resulted in a respondent's paying civil penalties. File includes copies of orders, consent agreements, proposed charging letters and press releases.

Disposition: TEMPORARY - Cut off files after case is closed. Destroy 5 years after cut off.

4. 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.

Disposition: TEMPORARY - Cut off files at the end of the calendar year. Destroy 3 years after cut off.

RECORDS RELATING TO COMPLIANCE POLICY

5. DIVISION DIRECTOR'S SUBJECT CORRESPONDENCE FILES - Correspondence, memoranda, reports and some work papers 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 maintain liaison with interested parties on antiboycott matters.

Disposition: PERMANENT - Cut off files at the end of the calendar year. Retire to WNRC 5 years after cut off. Transfer to NARA 20 years after cut off.

6. FOREIGN BOYCOTT PUBLIC COMMENTS - 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, work papers, and the like. Final approved versions of the Regulations are sent to the appropriate unit within Export Administration for publication.

a. Disposition: TEMPORARY - Records leading to significant

changes in the Office of Antiboycott Compliance (OAC) policies and procedures are to be cut off at the end of the calendar year. Retire to WNRC 1 year after cut off. Destroy 15 years after cut off.

b. Disposition: TEMPORARY - Records that do not lead to significant policy and procedure changes are to be cut off at the end of the calendar year. Destroy 5 years after cut off.

7. ANTIBOYCOTT COUNTRY FILES - 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, Boycott~~ Business Practices, blacklisted forms, Oil, Political, Domestic, and so on.

Disposition: TEMPORARY - Cut off files at the end of the calendar year. Retire to WNRC 5 years after cut off. Destroy 10 years after cut off.

8. Export Expansion 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 760 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.

Disposition: TEMPORARY - Cut off files at the end of the calendar year. Destroy 3 years after cut off.

9. COMPLIANCE POLICY DIVISION WORKING FILES - Copies of correspondence, memoranda, notes, reports, work papers, State Department cables and correspondence, and printed and processed material documenting the unit's activities and functions.

Disposition: TEMPORARY - Cut off files at the end of the calendar year. Destroy 3 years after cut off.

REPORT PROCESSING

10. FILES OR 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 U.S. 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 scanned electronically and filed on two CD-ROM disks. One disk is retained by the Reports Processing Unit and contains proprietary company information. The other disk, with proprietary information deleted, is sent to the FOIA reading room for public inspection and copying.

Disposition: TEMPORARY - Cut off files at the end of the calendar year. Retire to WNRC 1 year after cut off. Destroy 5 years after cut off.

11. WARNING LETTER ON LATE FILING - 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.

Disposition: TEMPORARY - Cut off files when no further action is required. Retire to WNRC 5 years after cut off. Destroy 8 years after cut off.

12. ELECTRONIC RECORDS (E-MAIL AND WORD PROCESSING). - *Records created using electronic mail and word processing applications.*

Disposition: TEMPORARY - Destroy/delete within 180 days after the recordkeeping copy is produced.