

National Archives and Records Administration
REQUEST FOR DISPOSITION AUTHORITY

Records Schedule Number: DAA-0081-2024-0001

Status: APPROVED
Date Approved: 09/20/2024

General Information

Agency or Establishment	United States International Trade Commission
Record/Scheduling Group	0081 - Records of the U.S. International Trade Commission
Records Schedule Applies To	Agency Subdivision
Major Subdivision	Office of Operations
Minor Subdivision	Office of Unfair Import Investigations
Schedule Subject	Office of Unfair Import Investigations Records
Additional Schedule Information	<p>The Office of Unfair Import Investigations (OUII) participates as a full party representing the public interest in adjudicatory investigations conducted under section 337 of the Tariff Act of 1930. These investigations most frequently involve allegations of patent infringement. Allegations of registered copyright infringement, registered trademark infringement, and other unfair methods of competition including common law trademark infringement and passing off, trade secret misappropriation false advertising, false designation of origin, and antitrust violations also can be litigated in these investigations. In addition to the investigation of a complaint under section 337, the Commission may conduct an enforcement proceeding to determine whether the importation or sale of a specific product violates an existing Commission order. Also, the Commission may issue advisory opinions regarding whether certain anticipated conduct would violate an outstanding Commission order. The primary remedy available in section 337 investigations is an exclusion order that directs Customs to stop infringing imports from entering the United States. In addition, the Commission may issue cease and desist orders against named importers and other persons engaged in unfair acts that violate section 337. Expedited relief in the form of temporary exclusion orders and temporary cease and desist orders may also be available in certain exceptional circumstances. Section 337 investigations, which are conducted pursuant to 19 U.S.C. § 1337 and the Administrative Procedure Act, include trial proceedings before administrative law judges and review by the Commission.</p>

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The mission of OUII is to investigate and assess the sufficiency of complaints filed under section 337 of the Tariff Act of 1930, participate as a party representing the public interest in section 337 investigations, identify relevant issues and develop relevant information in such investigations, and conduct appropriate preliminary investigations under section 603 of the Tariff Act. The Director, OUII reports to the Director, Office of Operations.

Is There a Classified Version of This Schedule?

No

Is consultation and coordination with Tribal Governments required?

No - the records covered by this schedule do not implicate Tribal interests

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Item Count

Total number of disposition items: 8

Number of Temporary disposition items: 8

Number of Permanent disposition items: 0

Number of Items with Disposition Not Approved: 0

Number of Inactive disposition items: 0

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Outline of Records Schedule Items for DAA-0081-2024-0001

Item #	Title	Disposition
0001	Documents Related to Partial Institutions and Non-Institution of a Section 337 Investigation	Temporary
0002	Investigatory Documents from Violation and Ancillary Proceedings (Enforcement, Modification, Advisory) Conducted Before an Administrative Law Judge : Commission Determination of Violation (Issuance of Remedial Order), or Consent Order.	Temporary
0003	Investigatory Documents from Violation and Ancillary Proceedings (Enforcement, Modification, Advisory) Conducted Before an Administrative Law Judge : Commission Determination of No Violation.	Temporary
0004	Investigatory Documents from Violation and Ancillary Proceedings (Enforcement, Modification, Advisory) Conducted Before an Administrative Law Judge : Termination by Settlement or Withdrawal.	Temporary
0005	Investigatory Documents from Violation and Ancillary Proceedings (Enforcement, Modification, Advisory) Conducted Before an Administrative Law Judge : Raw Discovery Produced During Investigation.	Temporary
0006	Documents from Ancillary Proceedings (Advisory) Conducted by OUII Pursuant to Pilot Program	Temporary
0007	Documents from Section 603 Investigations (19 U.S.C. § 2482) : No investigation is instituted after a preliminary investigation under Section 603.	Temporary
0008	Documents from Section 603 Investigations (19 U.S.C. § 2482) : An investigation is instituted after a preliminary investigation under Section 603.	Temporary

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Records Schedule Items

DAA-0081-2024-0001-0001		STATUS: Active
ITEM GENERAL INFORMATION		
Item Title	Documents Related to Partial Institutions and Non-Institution of a Section 337 Investigation	
Item Description	<p>By way of example, a “non-institution” would be a recommendation and determination not to institute an investigation based on a complaint; a “partial institution” is when the recommendation and determination is to institute on some, but not all, of the claims (e.g., if there were a patent-based and trademark-based allegation, and the Commission only institutes on the patent-based allegations). Documents include drafts of Institution Memoranda (“IMs”), proposed Notices of Institution of Investigation (“NOIs”), Action Jackets (“AJs), correspondence with Complainants (including OUII-issued letters) or other potential parties about such complaints, and other related documents that OUII creates in response to the filing of a section 337 complaint, the outcome of which is partial institution or non-institution of a section 337 investigation. The documents subject to the retention period encompass drafts of the foregoing types of documents that OUII exchanges with other offices within the Commission (e.g., OGC, Commissioner’s offices), and communications with any proposed party including the complainant, but would not include the OUII attorneys’ working drafts. This category does not include final versions of IMs, proposed NOIs, and Action Jackets, which are maintained by the Office of the Secretary.</p>	
Is this item media neutral?	Yes	
Is this item a Big Bucket?	No	
SUPERSEDED AGENCY DISPOSITION AUTHORITIES AND GRS DEVIATIONS		
Does this item supersede existing disposition authorities?	No	
Is this item a deviation from the GRS?	No	
DISPOSITION INSTRUCTION		
Final Disposition	Temporary	

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Cutoff Instructions	Other: Cut off at the end of the year in which all appeals have been exhausted, or 3 years after the Commission’s Final Determination, whichever is longer.
Retention Period	Other: Destroy 3 years after cutoff. Longer retention is authorized if OUII determines the records are required for business use.
ADDITIONAL INFORMATION	
Are any of the records covered by this item national security classified?	No
GAO Approval Required	No

Group Title	Investigatory Documents from Violation and Ancillary Proceedings (Enforcement, Modification, Advisory) Conducted Before an Administrative Law Judge
Group Description	Documents include Discovery-Related Documents such as: (1) OUII-issued Written Discovery Requests (e.g., Requests for Production, Interrogatories, Requests for Admission, Deposition Notices, Third-Party Subpoenas); (2) Expert Reports (Received); (3) Informal Documents provided by private parties during Investigations to OUII (e.g., handouts, PowerPoint presentations) (Received); (4) Proposed Exhibits that OUII cites in Filed Pre-hearing Briefs; and (5) Raw Discovery Produced During Investigation by the Private Parties (e.g., Responses to Requests for Production, Responses to Interrogatories, Requests for Admission) (Received) deposition transcripts and deposition exhibits (Received and Created). The disposition of these documents depends on the disposition of each type of investigation as listed below.

DAA-0081-2024-0001-0002

STATUS: Active

ITEM GENERAL INFORMATION

Item Title	Commission Determination of Violation (Issuance of Remedial Order), or Consent Order.
Is this item media neutral?	Yes
Is this item a Big Bucket?	No

SUPERSEDED AGENCY DISPOSITION AUTHORITIES AND GRS DEVIATIONS

Does this item supersede existing disposition authorities?	No
Is this item a deviation from the GRS?	No

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DISPOSITION INSTRUCTION	
Final Disposition	Temporary
Cutoff Instructions	Other: Cut off at the expiration of the remedial order or Consent Order.
Retention Period	Other: Destroy 3 years after cutoff . Longer retention of OUII discovery requests is authorized if OUII determines the records are required for business use.
ADDITIONAL INFORMATION	
Are any of the records covered by this item national security classified?	No
GAO Approval Required	No
DAA-0081-2024-0001-0003	STATUS: Active
ITEM GENERAL INFORMATION	
Item Title	Commission Determination of No Violation.
Is this item media neutral?	Yes
Is this item a Big Bucket?	No
SUPERSEDED AGENCY DISPOSITION AUTHORITIES AND GRS DEVIATIONS	
Does this item supersede existing disposition authorities?	No
Is this item a deviation from the GRS?	No
DISPOSITION INSTRUCTION	
Final Disposition	Temporary
Cutoff Instructions	Other: Cut off when all appeals have been exhausted.
Retention Period	Other: Destroy 3 years after cutoff. Longer retention of OUII discovery requests is authorized if OUII determines the records are required for business use.
ADDITIONAL INFORMATION	
Are any of the records covered by this item national security classified?	No
GAO Approval Required	No
DAA-0081-2024-0001-0004	STATUS: Active
ITEM GENERAL INFORMATION	
Item Title	Termination by Settlement or Withdrawal.
Is this item media neutral?	Yes
Is this item a Big Bucket?	No
SUPERSEDED AGENCY DISPOSITION AUTHORITIES AND GRS DEVIATIONS	

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Does this item supersede existing disposition authorities?	No
Is this item a deviation from the GRS?	No
DISPOSITION INSTRUCTION	
Final Disposition	Temporary
Cutoff Instructions	Other: Cut off when investigation is terminated.
Retention Period	Other: Destroy within 90 days after cutoff. Longer retention of OUII discovery requests is authorized if OUII determines the records are required for business use.
ADDITIONAL INFORMATION	
Are any of the records covered by this item national security classified?	No
GAO Approval Required	Requested
DAA-0081-2024-0001-0005 STATUS: Active	
ITEM GENERAL INFORMATION	
Item Title	Raw Discovery Produced During Investigation.
Is this item media neutral?	Yes
Is this item a Big Bucket?	No
SUPERSEDED AGENCY DISPOSITION AUTHORITIES AND GRS DEVIATIONS	
Does this item supersede existing disposition authorities?	No
Is this item a deviation from the GRS?	No
DISPOSITION INSTRUCTION	
Final Disposition	Temporary
Cutoff Instructions	Other: Cutoff is at the termination of the investigation.
Retention Period	Other: Destroy within 90 days after the termination of the investigation before the Commission, unless, at the discretion of OUII, the longer retention period above should apply.
ADDITIONAL INFORMATION	
Are any of the records covered by this item national security classified?	No
GAO Approval Required	Requested

DAA-0081-2024-0001-0006	STATUS: Active
ITEM GENERAL INFORMATION	

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Item Title	Documents from Ancillary Proceedings (Advisory) Conducted by OUII Pursuant to Pilot Program
Item Description	All documents received during the Advisory Proceeding from the Private Parties (e.g., responses to requests for documents, questions) or created by OUII (e.g., the memorandum to the Commission with OUII's recommendation).
Is this item media neutral?	Yes
Is this item a Big Bucket?	No
SUPERSEDED AGENCY DISPOSITION AUTHORITIES AND GRS DEVIATIONS	
Does this item supersede existing disposition authorities?	No
Is this item a deviation from the GRS?	No
DISPOSITION INSTRUCTION	
Final Disposition	Temporary
Cutoff Instructions	Other: Cut off is at the Commission's Issuance of an Advisory Opinion.
Retention Period	Other: Destroy 3 years after cutoff. Longer retention is authorized if OUII determines the records are required for business use.
ADDITIONAL INFORMATION	
Are any of the records covered by this item national security classified?	No
GAO Approval Required	No

Group Title	Documents from Section 603 Investigations (19 U.S.C. § 2482)
Group Description	Section 603 of the Trade Act of 1974 authorizes the USITC to conduct preliminary investigations in order to expedite the performance of its functions under the Act. In the past the USITC used this provision in conjunction with section 337 of the Tariff Act of 1930 (which was amended by the Trade Act of 1974) to investigate allegations that may, with the gathering of additional information, provide a basis for an investigation under section 337. Documents received, or created, by OUII during preliminary investigations conducted under Section 603 include, but are not limited to, complaints, motions, briefs, court opinions, and orders.
DAA-0081-2024-0001-0007	STATUS: Active
ITEM GENERAL INFORMATION	

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Item Title	No investigation is instituted after a preliminary investigation under Section 603.
Is this item media neutral?	Yes
Is this item a Big Bucket?	No
SUPERSEDED AGENCY DISPOSITION AUTHORITIES AND GRS DEVIATIONS	
Does this item supersede existing disposition authorities?	No
Is this item a deviation from the GRS?	No
DISPOSITION INSTRUCTION	
Final Disposition	Temporary
Cutoff Instructions	Other: Cut off at the exhaustion of all appeals.
Retention Period	Other: Destroy 3 years after cutoff. Longer retention is authorized if OUII determines the records are required for business use.
ADDITIONAL INFORMATION	
Legal citation related to record retention (if applicable)	19 U.S.C. § 2482
Are any of the records covered by this item national security classified?	No
GAO Approval Required	No
DAA-0081-2024-0001-0008 STATUS: Active	
ITEM GENERAL INFORMATION	
Item Title	An investigation is instituted after a preliminary investigation under Section 603.
Is this item media neutral?	Yes
Is this item a Big Bucket?	No
SUPERSEDED AGENCY DISPOSITION AUTHORITIES AND GRS DEVIATIONS	
Does this item supersede existing disposition authorities?	No
Is this item a deviation from the GRS?	No
DISPOSITION INSTRUCTION	
Final Disposition	Temporary
Cutoff Instructions	Other: Cut off at the exhaustion of all appeals or 3 years after the Commission's Final Determination, whichever is longer.
Retention Period	Other: Destroy 3 years after cutoff. Longer retention is authorized if OUII determines the records are required for business use.

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ADDITIONAL INFORMATION	
Legal citation related to record retention (if applicable)	19 U.S.C. § 2482
Are any of the records covered by this item national security classified?	No
GAO Approval Required	No

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Signatory Information

Action	User	Date
Approve	Colleen Shogan	09/20/2024