

**Executive Office of the President
Office of the United States Trade Representative
Washington, D.C. 20508**

USTR Instruction 511.2

30 March 2010

Subj: USTR Records Management Program

PURPOSE. This program establishes principles, responsibilities, and requirements for managing USTR's records to ensure that the Agency is in compliance with federal laws and regulations, USTR policies, and best practices for managing records. This policy provides specific guidance and operating procedures governing records management organization and implementation.

DISCUSSION. The Federal Records Act of 1950, as amended, requires all federal agencies to make and preserve records containing adequate and proper documentation of their organization, function, policies, decisions, procedures, and essential transactions. These records are public property and must be managed according to applicable laws and regulations.

The Federal Records Act also requires agencies to establish a records management program, defined as a planned, coordinated set of policies, procedures, and activities needed to manage its recorded information. Essential elements include issuing up-to-date records management directives, properly training those responsible for implementation, and carefully evaluating the results to ensure adequacy, effectiveness, and efficiency.

Records serve a number of purposes including: administrative and program planning needs, evidence of USTR activities, protection of legal and financial rights, oversight by Congress and other authorized agencies, documentation of the Agency's history, and the continuation of key functions and activities in the event of an emergency or disaster. Records serve as the Agency's memory; they are of critical importance in ensuring that the organization continues to function effectively and efficiently.

AUTHORITY. The authority for this program is contained in the following references:

- a) 44 U.S.C. Chapter 31 - Records Management by Federal Agencies (Federal Records Act) [<http://www.archives.gov/about/laws/fed-agencies.html>]
- b) 44 U.S.C. Chapter 33 - Disposal of Records [<http://www.archives.gov/about/laws/disposal-of-records.html>]
- c) 44 U.S.C. Chapter 35 - Coordination of Federal Information Policy (Paperwork Reduction Act of 1980, as amended, Paperwork Reduction Reauthorization Act of 1995, and Government Paperwork Elimination Act) [<http://www.archives.gov/about/laws/fed-information-policy.html>]

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- d) 36 CFR Chapter XII, Subchapter B - Records Management
[<http://www.archives.gov/about/regulations/subchapter/b.html>]
- e) OMB Circular A-123 - Management's Responsibility for Internal Control
[http://www.whitehouse.gov/omb/circulars/a123/a123_rev.html]
- f) OMB Circular A-130 - Management of Federal Information Resources
[<http://www.whitehouse.gov/omb/circulars/a130/a130trans4.html>]
- g) USTR Continuity of Operations (COOP) Plan
- h) Federal Emergency Management Agency (FEMA) Federal Preparedness - Circular 65 - Federal Executive Branch Continuity of Operations (COOP)
- i) International Standard ISO 15489-1:2001 - Information and documentation - Records management - Part 1: General.
- j) International Standard ISO/TR 15489-2:2001 - Information and documentation - Records management - Part 2: Guidelines.

POLICY. This policy establishes specific requirements under which USTR records are effectively and efficiently managed throughout their lifecycle to facilitate the accomplishment of USTR's programmatic and administrative missions, to preserve official USTR records in accordance with applicable statutory and regulatory requirements, and to promote access to information by USTR staff, USTR partners, and the public, as appropriate.

Each USTR office listed at <http://www.ustr.gov/about-us/contact-us> is required to establish and maintain a records management process with the following minimum requirements:

- a) Create, receive, and maintain official records providing adequate and proper documentation and evidence of USTR's activities;
- b) Manage records, in any format, in accordance with applicable statutes, regulations, and USTR policy and guidance;
- c) Maintain electronic mail and correspondence in EOP enterprise-wide electronic systems;
- d) Print and file records in a paper recordkeeping file system when an enterprise-wide electronic content management system is not available;
- e) Maintain records according to an organized file structure allowing for timely access and retrieval;

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- f) Secure records to protect the legal and financial rights of the government and persons affected by government activities;
- g) Follow USTR's vital records program and assess damage to and the recovery of any records affected by an emergency or disaster; and
- h) Ensure instructions for disposition of records as specified in the approved records schedules.

ACTION. Duties and responsibilities for USTR's vital records program are assigned as follows:

The Office of the U.S. Trade Representative is responsible for creating and preserving records that adequately and properly document the organization, functions, policies, decisions, procedures, and essential transactions of USTR. This responsibility is delegated to the Assistant US Trade Representative (AUSTR) for Administration.

The AUSTR for Administration is responsible for leadership, planning, overall policy, guidance, and general oversight of records management in the Agency, and its incorporation into the broader information resources management framework. The AUSTR for Administration will:

- 1) Incorporate records management requirements and policies into the Agency's overall information technology (IT) policy and planning.
- 2) Designate a Records Officer responsible for:
 - a. Leading and managing the Agency-wide national records management program;
 - b. Working closely with the EOP Federal Records Management Office, especially with the transfer and recall of federal records from the Washington National Records Center (WNRC);
 - c. Ensuring Agency senior officials are aware of their programmatic and individual records management responsibilities;
 - d. Advising USTR on records management issues and developing Agency-wide records management policies, procedures, guidance, and training materials;
 - e. Coordinating the approval of the Agency's records schedules and the transfer of records to the National Archives (or WNRC for storage of permanent and temporary files);
 - f. Implementing a vital records plan to ensure the continuation of key functions and activities in the event of an emergency or disaster;

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- g. Coordinating the disposition of permanent records to NARA's legal custody or the disposal of temporary records, and seeking extension of the disposition date for both permanent and temporary records;
- h. Coordinating records management issues with other federal agencies, including federal oversight agencies such as the Office of Management and Budget (OMB), National Archives and Records Administration (NARA), and the General Services Administration (GSA);
- i. Providing technical advice and training to all Agency organizations on establishing and maintaining effective records management programs;
- j. Evaluating recordkeeping practices to determine the effectiveness of the program.
- k. Promulgating and communicating Agency-wide policies and guidance that reflect records management missions and goals and incorporate federal requirements;
- l. Designating other records management staff as required by regulations;
- m. Ensuring that senior Agency officials are aware of their records management responsibilities;
- n. Conducting periodic evaluations of records management programs within the Agency as part of the Agency's review and oversight program; and
- o. Assisting in planning and implementing information management technology and reviewing the purchase of records management equipment and services to ensure they conform to federal statutory and regulatory requirements.

The head of each USTR office listed at <http://www.ustr.gov/about-us/contact-us> is responsible for:

- 1) Designating a Records Liaison Officer (RLO) accountable to the Records Officer;
- 2) Ensuring the RLO has adequate skills, resources, time, and appropriate authority to perform the job;
- 3) Implementing a records management program within their area of responsibility to accomplish the objectives identified in federal regulations and USTR policies and procedures; Minimum program components include responsibilities for:
 - a. Identifying recordkeeping requirements for major programmatic and administrative records,

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- b. Evaluating the value of records within their span of responsibility to serve as a basis for assigning records retention and disposition instructions, determining which records within their physical or legal custody are vital, and implementing the most responsive and cost-effective means for managing records,
 - c. Developing file plans and indexing approaches where appropriate to simplify the use of, access to, and integration of information within the organization,
 - d. Drafting and updating records schedules for records created and maintained by the organization,
 - e. Implementing approved records schedules to ensure that records are not destroyed without proper authorization,
 - f. Reviewing file plans and procedures at least every three years to ensure they are current and updating them as necessary, and
 - g. Participating in all records management briefings and training and conveying information back to managers and staff within their organizations.
- 4) Developing and disseminating directives and operating procedures, as needed, to supplement Agency-wide policy to meet the unique records management needs of their office; and
 - 5) Ensuring records and other types of required documentary materials are not unlawfully removed from USTR by current or departing officials, employees, or agents.

The General Counsel assists in determining what records are needed to provide adequate and proper documentation of USTR activities and in specifying appropriate disposition for USTR records. The General Counsel also assists in determining the retention of Agency records that may be needed for internal investigation and audit purposes.

The USTR Records Officer and IT Program Manager are responsible for:

- 1) Working with the EOP FRM Office, local RLO, the Agency Records Officer and NARA to establish and update records schedules for electronic systems;
- 2) Implementing proper recordkeeping procedures for existing information systems and ensuring recordkeeping requirements are included in proposed systems;
- 3) Ensuring that information systems intended to carry out electronic records management comply with NARA's and USTR's requirements for electronic recordkeeping systems;

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- 4) Maintaining electronic information systems in accordance with approved records schedules and NARA requirements;
- 5) Working with their RLO to transfer permanent systems to the National Archives in accordance with approved records schedules and NARA requirements;
- 6) Ensuring that Internet and intranet postings containing official records are maintained in accordance with USTR's recordkeeping requirements;
- 7) Working with records management staff to implement the vital records plan to ensure the continuation of designated COOP essential functions; and
- 8) Ensuring that vital records are accessible from designated COOP locations.

All USTR employees are responsible for:

- 1) Creating and managing the records necessary to document the Agency's official activities and actions, including those records generated by detailees, interns and non-USTR employees, in accordance with USTR recordkeeping requirements;
- 2) Destroying records only in accordance with approved records schedules and never removing records from USTR without authorization; and
- 3) Filing records for safe storage and efficient retrieval and maintaining personal papers and non-record materials separately from official USTR records.

WAIVERS. The Agency Records Officer may grant waivers to any provisions of this policy for sufficient cause. Applications for waivers to specific provisions should contain (1) identification of the policy provision; (2) a listing of reasons why the Policy cannot be applied or maintained; (3) an assessment of impacts resulting from non-compliance; and (4) the signature of the General Counsel. The Agency Records Officer will notify the requesting office in writing of the disposition of the decision on the waiver request within 60 days of receipt of the request.



Fred L. Ames
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