


MEMORANDUM TO: Melody Braswell
Department Clearance Officer
United States Department of Justice

FROM: Scott A. Rago 
Section Chief
Biometric Services Section
Federal Bureau of Investigation

SUBJECT: Extension of a currently approved collection Address
Verification/Change Request Form (1-797)

Attached is the information collection request (ICR), Address Verification/Change Request Form (1-797) for approval and submission to the Office of Management and Budget (OMB). The requirements of this collection are proscribed by Title 28, United States Code, Section 534 and Section 16.30-16.34. These forms are the means by which individuals may request a copy of their personal identification record to review it or obtain a change, correction, or update to the record.

The following documents are contained in this ICR package:

1. Supporting Statement for Paperwork Reduction Act Submission with burden statement
2. Law or authority mandating the information collection
3. Certification Statement
4. OMB form 83-I Paperwork Reduction Act Submission
5. Form used to collect the information
6. 60-day ICR notice that will be published in the Federal Register
7. 30-day ICR notice that will be published in the Federal Register

If there are any questions concerning this ICR, please contact Gerry Lynn Brovey, Federal Bureau of Investigation, Criminal Justice Information Services Division, Resources Management Section, Module C-2, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306; telephone (304) 625-4320, e-mail <gerry.brovey@ic.fbi.gov>.

Thank you

Supporting Statement for Paperwork Reduction Act Submissions
Approval of an existing collection currently in use
Address Verification/Change Form (1-797)

OMB Control # 1110-0072

Part A. Justification

1. Necessity of Information:

Title 28, United States Code, Section 534, directs the Attorney General to acquire, collect, classify, and preserve identification, criminal identification, crime, and other records. It further directs the exchange of records and information with, and for the official use of, authorized officials of the Federal Government, including the United States Sentencing Commission; the States and cities; and penal and other institutions.

Title 28 Code of Federal Regulations (CFR) Section 0.85(j) sets forth the Attorney General's delegation to the Director of the Federal Bureau of Investigation (FBI) to implement the exchange of criminal history information for noncriminal justice purposes enumerated in 28 CFR 20.33(a)(3) and 50.12(a). Title 28 CFR 50.12(b) contains guidelines for the dissemination of criminal history information for noncriminal justice purposes.

The Address Verification/Change Form (1-797) is necessary so that the FBI, Criminal Justice Information Services (CJIS) Division, can assure identity history information is collected, stored, and disseminated in a manner to ensure accuracy, completeness, currency, integrity, and security in an effort to protect individual privacy as required by 28 CFR 20.1. U.S. Department of Justice Order 556-73 also known as Departmental Order establishes rules and regulations for an individual to obtain a copy of their Identity History Summary for review or challenge, or as proof that one does not exist.

The CJIS Division maintains a centralized national repository of fingerprint cards and arrest records. This repository provides information regarding the past activities of an individual in custody or an individual applying for employment.

2. Needs and Uses:

The CJIS Division maintains the national repository for fingerprints and criminal history information. The Privacy Act of 1974 requires each agency that maintains a system of records to maintain the records with such accuracy, relevance, timeliness, and completeness as is reasonably necessary to assure fairness to the individual. It further stipulates that the CJIS Division has a duty to take reasonable measures to maintain accurate records.

The Address Verification/Change Form (1-797) is necessary so that the FBI, Criminal Justice Information Services (CJIS) Division, can assure identity history information is collected, stored,

and disseminated in a manner to ensure accuracy, completeness, currency, integrity, and security in an effort to protect individual privacy as required by 28 CFR 20.1. U.S. Department of Justice Order 556-73 also known as Departmental Order establishes rules and regulations for an individual to obtain a copy of their Identity History Summary for review or challenge, or as proof that one does not exist.

The 1-797 provides the requester with the ability to notify the FBI of any address changes that occur after the submission of a request for Identity History Summary and to provide the requester with the ability to verify the correct address was submitted.

3. Use of Technology:

Currently, the form is housed in electronic format at www.fbi.gov/checks as a fillable form. Customers, after completing the form, may save it and send via email or print it and send via facsimile.

4. Efforts to Identify Duplication:

The FBI is the only federal repository for the data from this information collection.

5. Methods to Minimize Burden on Small Businesses:

This information will have no significant impact on small entities. Small businesses will not be affected by this collection.

6. Consequences of Less Frequent Collection:

The customer's response could be sent to their old address, which may result in the customer not receiving their response, or it could result in a Personally Identifiable Information (PII) breach as the customer's information could potentially be seen or used by the current resident.

7. Special Circumstances Influencing Collection:

The 1-797 submissions are collected and processed as necessary. All stored identity history summary information is inclusive only of that information provided by a submitting individual.

8. Public Comments and Consultations:

The FBI sponsors and participates in training seminars, industry meetings, and conferences with the user community. These meetings are held regularly and provide an open forum to discuss matters of mutual concern, including reporting procedures. The FBI consults with users on an individual basis as needed. Additionally, the 30 and 60-day Notices of Information Collection was published in the Federal Register and no comments were received.

9. Payment of Gift to Claimants:

The FBI does not provide any payment or gift to respondents.

10. Assurance of Confidentiality:

Information requested in this collection may be considered confidential business information. Its release is governed by law, regulations, and agency procedures.

11. Justification for Sensitive Questions:

This collection does not include questions of a sensitive nature.

12. Estimate of Hour Burden:

Number of respondents	780
Frequency of response	as needed
Total annual responses	780
Minutes per response	2 minutes
Annual hour burden	26 hours

The number of respondents is the total Address Verification/Change request forms received yearly (estimated 65 responses per month multiplied by 12 months = 720). The total annual responses (estimated 65 responses per month multiplied by 12 months = 720). The annual hours of burden is calculated by multiplying the total annual (780) responses by 2 minutes and dividing by 60 minutes in one hour.

13. Estimate of Cost Burden:

Respondents will not incur any costs other than their time to respond. Respondents will not incur any capital, start up, or system maintenance costs associated with this information collection.

14. Estimated Annualized Costs to Federal Government:

*Note: The analysis of incoming information is accounted for within the estimation of personnel salaries.

Personnel Salaries:	\$ 920.40
Analysis of incoming information:	\$ 13,806
Conversion to electronic format:	\$ 460.20

Total Cost: \$ 15,186.60

\$849.60 (Receiving the hard copy form involves taking the form off of the facsimile machine or printing it from email, each of which are estimated to take approximately 2 minutes. Based on the average salary of a GS 10 Step 5 and a GS 8 Step 5 plus 33% comp and benefits, hourly wage was calculated at \$35.48. Receiving each form would cost approximately \$1.18 per form times 720 forms equals \$849.60 per year.) Note: Cost could not be determined utilizing the Activity-Based Management (ABM) Costing Model.

\$12,772.80 (The time to process/analyze each form is estimated at 30 minutes per form. Based on the average salary of a GS 10 Step 5 and a GS 8 Step 5 plus 33% comp and benefits, hourly wage was calculated at \$35.48. Processing/analyzing each form would cost approximately \$17.74 per form times 720 forms equals \$12,772.80 per year.) Note: Cost could not be determined utilizing the Activity-Based Management (ABM) Costing Model.

\$424.80 (The time to convert hard-copy into electronic format is estimated at 1 minute per form. Based on the average salary of a GS 10 Step 5 and a GS 8 Step 5 plus 33% comp and benefits, hourly wage was calculated at \$35.48. Converting each form would cost approximately \$.59 per form times 720 forms equals \$424.80 per year.) Note: Cost could not be determined utilizing the Activity-Based Management (ABM) Costing Model.

15. Reasons for Change in Burden:

This is a new form necessary for the customers to correct or verify the address submitted with their Departmental Order 556-73 request.

16. Plans for Publication:

There are no plans to publish the information collected.

17. Expiration Date Approval:

Due to the administrative burdens related to replacing expired forms when no information on those forms has been changed, the FBI is requesting approval to not display the expiration date for OMB approval of the information collected.

18. Exceptions to the Certification Statement:

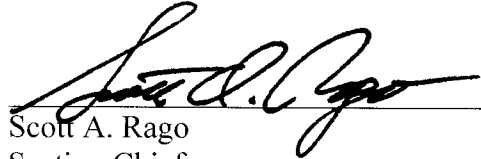
There are no exceptions to the certification statement.

Part B. Statistical Methods

The FBI does not employ statistical methods in this information collection.

Paperwork Certification

In submitting this request for OMB approval, I certify the Address Verification/Change Form (1-797) submitted for approval is necessary for the proper performance of our agency and the proposed data collection represents no burden on respondents consistent with the need for information. The requirements of the Privacy Act and OMB Directives have been complied with including the paperwork reduction regulations, statistical standards or directives, and any other information policy directives, and other informational policy directives promulgated under the Paperwork Reduction Act of 1995.



Scott A. Rago
Section Chief
Biometric Services Section
Criminal Justice Information Services Division

Date 12/20/2020

PAPERWORK REDUCTION ACT SUBMISSION

Please read the instructions before completing this form. For additional forms or assistance in completing this form, contact your agency's Paperwork Clearance Officer. Send two copies of this form, the collection instrument to be reviewed, the Supporting Statement, and any additional documentation to: **Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.**

1. Agency/Subagency originating request FBI/CJIS	2. OMB control number b. <input type="checkbox"/> None a. <u>1110</u> - <u>0072</u>
3. Type of information collection (<i>check one</i>) a. <input type="checkbox"/> New Collection b. <input type="checkbox"/> Revision of a currently approved collection c. <input checked="" type="checkbox"/> Extension of a currently approved collection d. <input type="checkbox"/> Reinstatement, without change , of a previously approved collection for which approval has expired e. <input type="checkbox"/> Reinstatement, with change , of a previously approved collection for which approval has expired f. <input type="checkbox"/> Existing collection in use without an OMB control number <i>For b-f, note Item A2 of Supporting Statement instructions</i>	4. Type of review requested (<i>check one</i>) a. <input checked="" type="checkbox"/> Regular b. <input type="checkbox"/> Emergency - Approval requested by: ___/___/___ c. <input type="checkbox"/> Delegated 5. Small entities Will this information collection have a significant economic impact on a substantial number of small entities? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> 6. Requested expiration date a. <input checked="" type="checkbox"/> Three years from the approval date b. <input type="checkbox"/> ___/___/___
7. Title Address Verification/Change Form	
8. Agency form number(s) (<i>if applicable</i>) 1-797	
9. Keywords Identity History Summary Request Address Change	
10. Abstract DOJ's CJIS is requesting a PRA approval for an extension of a currently approved collection. The 1-797 provides the requester with ability to notify the FBI of any address changes.	
11. Affected public (<i>Mark primary with "P" and all others with "X"</i>) a. <u>P</u> Individuals or households d. ___ Farms b. ___ Business or other for-profit e. ___ Federal Government c. ___ Not-for-profit institutions f. ___ State, Local, or Tribal Government	12. Obligation to respond (<i>Mark primary with "P" and all others that apply with "X"</i>) a. <u>P</u> Voluntary b. <input type="checkbox"/> Required to obtain or retain benefits c. <input type="checkbox"/> Mandatory
13. Annual reporting and recordkeeping hour burden a. Number of respondents <u>780</u> b. Total annual responses <u>780</u> 1. Percentage of these responses collected electronically <u>50</u> % c. Total annual hours requested <u>26</u> d. Current OMB inventory <u>0</u> e. Difference <u>N/A</u> f. Explanation of difference 1. Program change <u>N/A</u> 2. Adjustment <u>N/A</u>	14. Annual reporting and recordkeeping cost burden (<i>in thousands of dollars</i>) a. Total annualized capital/startup costs <u>N/A</u> b. Total annual costs (O&M) <u>15,186.60</u> c. Total annualized cost requested <u>N/A</u> d. Current OMB inventory <u>0</u> e. Difference <u>N/A</u> f. Explanation of difference 1. Program change <u>N/A</u> 2. Adjustment <u>N/A</u>
15. Purpose of information collection (<i>Mark primary with "P" and all others that apply with "X"</i>) a. ___ Application for benefits e. ___ Program planning or management b. ___ Program evaluation f. ___ Research c. ___ General purpose statistics g. <u>P</u> Regulatory or compliance d. ___ Audit	16. Frequency of recordkeeping or reporting (<i>check all that apply</i>) a. <input checked="" type="checkbox"/> Recordkeeping b. <input type="checkbox"/> Third party disclosure c. <input type="checkbox"/> Reporting: 1. On occasion 2. <input type="checkbox"/> Weekly 3. <input type="checkbox"/> Monthly 4. Quarterly 5. Semi-annually 6. <input type="checkbox"/> Annually 7. Biennially 8. Other (describe) _____
17. Statistical methods Does this information collection employ statistical methods? Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	18. Agency contact (<i>person who can best answer questions regarding the content of this submission</i>) Name: <u>Gerry Lynn Brovey, Supervisory Information Liaison Specialist</u> Phone: <u>(304) 625-4320</u>

19. Certification for Paperwork Reduction Act Submissions

On behalf of this Federal agency, I certify that the collection of information encompassed by this request complies with 5 CFR 1320.9.

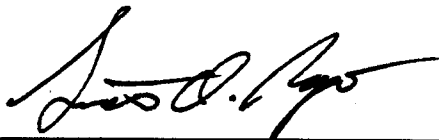
NOTE: The text of 5 CFR 1320.9, and the related provisions of 5 CFR 1320.8(b)(3), appear at the end of the instructions. *The certification is to be made with reference to those regulatory provisions as set forth in the instructions.*

The following is a summary of the topics, regarding the proposed collection of information, that the certification covers:

- (a) It is necessary for the proper performance of agency functions;
- (b) It avoids unnecessary duplication;
- (c) It reduces burden on small entities;
- (d) It uses plain, coherent, and unambiguous language that is understandable to respondents;
- (e) Its implementation will be consistent and compatible with current reporting and recordkeeping practices;
- (f) It indicates the retention periods for recordkeeping requirements;
- (g) It informs respondents of the information called for under 5 CFR 1320.8 (b)(3) about:
 - (i) Why the information is being collected;
 - (ii) Use of information;
 - (iii) Burden estimate;
 - (iv) Nature of response (voluntary, required for a benefit, or mandatory);
 - (v) Nature and extent of confidentiality; and
 - (vi) Need to display currently valid OMB control number;
- (h) It was developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected (see note in Item 19 of the instructions);
- (i) It uses effective and efficient statistical survey methodology (if applicable); and
- (j) It makes appropriate use of information technology.

If you are unable to certify compliance with any of these provisions, identify the item below and explain the reason in Item 18 of the Supporting Statement.

Signature of Senior Official or designee



Date

12/20/2020

Instructions For Completing OMB Form 83-I

Please answer all questions and have the Senior Official or designee sign the form. These instructions should be used in conjunction with 5 CFR 1320, which provides information on coverage, definitions, and other matters of procedure and interpretation under the Paperwork Reduction Act of 1995.

1. Agency/Subagency originating request

Provide the name of the agency or subagency originating the request. For most cabinet-level agencies, a subagency designation is also necessary. For non-cabinet agencies, the subagency designation is generally unnecessary.

2. OMB control number

- If the information collection in this request has previously received or now has an OMB control or comment number, enter the number.
- Check "None" if the information collection in this request has not previously received an OMB control number. Enter the four digit agency code for your agency.

3. Type of information collection (check one)

- Check "New collection" when the collection has not previously been used or sponsored by the agency.
- Check "Revision" when the collection is currently approved by OMB, and the agency request includes a material change to the collection instrument, instructions, its frequency of collection, or the use to which the information is to be put.
- Check "Extension" when the collection is currently approved by OMB, and the agency wishes only to extend the approval past the current expiration date without making any material change in the collection instrument, instructions, frequency of collection, or the use to which the information is to be put.
- Check "Reinstatement without change" when the collection previously had OMB approval, but the approval has expired or was withdrawn before this submission was made, and there is no change to the collection.
- Check "Reinstatement with change" when the collection previously had OMB approval, but the approval has expired or was withdrawn before this submission was made, and there is change to the collection.
- Check "Existing collection in use without OMB control number" when the collection is currently in use but does not have a currently valid OMB control number.

4. Type of review requested (check one)

- Check "Regular" when the collection is submitted under 5 CFR 1320.10, 1320.11, or 1320.12 with a standard 60 day review schedule.
- Check "Emergency" when the agency is submitting the request under 5 CFR 1320.13 for emergency processing and provides the required supporting material. Provide the date by which the agency requests approval.
- Check "Delegated" when the agency is submitting the collection under the conditions OMB has granted the agency delegated authority.

5. Small entities

Indicate whether this information collection will have a significant impact on a substantial number of small entities. A small entity may be (1) a small business which is deemed to be one that is independently owned and operated and that is not dominant in its field of operation; (2) a small organization that is any not-for-profit enterprise that is independently owned and operated and is not dominant in its field; or (3) a small government jurisdiction which is a government of a city, county, town, township, school district, or special district with a population of less than 50,000.

6. Requested expiration date

- Check "Three years" if the agency requests a three year approval for the collection.
- Check "Other" if the agency requests approval for less than three years. Specify the month and year of the requested expiration date.

7. Title

Provide the official title of the information collection. If an official title does not exist, provide a description which will distinguish this collection from others.

8. Agency form number(s) (if applicable)

Provide any form number the agency has assigned to this collection of information. Separate each form number with a comma.

9. Keywords

Select and list at least two keywords (descriptors) from the "Federal Register Thesaurus of Indexing Terms" that describe the subject area(s) of the information collection. Other terms may be used but should be listed after those selected from the thesaurus. Separate keywords with commas. Keywords should not exceed two lines of text.

10. Abstract

Provide a statement, limited to five lines of text, covering the agency's need for the information, uses to which it will be put, and a brief description of the respondents.

11. Affected public

Mark all categories that apply, denoting the primary public with a "P" and all others that apply with "X."

12. Obligation to respond

Mark all categories that apply, denoting the primary obligation with a "P" and all others that apply with "X."

- Mark "Voluntary" when the response is entirely discretionary and has no direct effect on any benefit or privilege for the respondent.
- Mark "Required to obtain or retain benefits" when the response is elective, but is required to obtain or retain a benefit.
- Mark "Mandatory" when the respondent must reply or face civil or criminal sanctions.

13. Annual reporting and recordkeeping hour burden

- Enter the number of respondents and/or recordkeepers. If a respondent is also a recordkeeper, report the respondent only once.
- Enter the number of responses provided annually. For recordkeeping as compared to reporting activity, the number of responses equals the number of recordkeepers.
 - Enter the estimated percentage of responses that will be submitted/collected electronically using magnetic media (i.e., diskette), electronic mail, or electronic data interchange. Facsimile is **not** considered an electronic submission.
- Enter the total annual recordkeeping and reporting hour burden.
- Enter the burden hours currently approved by OMB for this collection of information. Enter zero (0) for any new submission or for any collection whose OMB approval has expired.
- Enter the difference by subtracting line d from line c. Record a negative number (d larger than c) within parentheses.
- Explain the difference. The difference in line e must be accounted for in lines f.1. and f.2.

f.1. "Program change" is the result of deliberate Federal government action. All new collections and any subsequent revision of existing collections (e.g., the addition or deletion of questions) are recorded as program changes.

f.2. "Adjustment" is a change that is not the result of a deliberate Federal government action. Changes resulting from new estimates or action not controllable by the Federal government are recorded as adjustments.

14. Annual reporting and recordkeeping cost burden (in thousands of dollars)

The costs identified in this item must exclude the cost of hour burden identified in Item 13.

- Enter the total dollar amount of annualized cost for all respondents of any associated capital or start-up costs.
- Enter recurring annual dollar amount of cost for all respondents associated with operating or maintaining systems or purchasing services.
- Enter total (14.a. + 14.b.) annual reporting and recordkeeping cost burden.
- Enter any cost burden currently approved by OMB for this collection of information. Enter zero (0) if this is the first submission after October 1, 1995.
- Enter the difference by subtracting line d from line c. Record a negative number (d larger than c) within parenthesis.
- Explain the difference. The difference in line e must be accounted for in lines f.1. and f.2.
- f.1. "Program change" is the result of deliberate Federal government action. All new collections and any subsequent revisions or changes resulting in cost changes are recorded as program changes.

f.2. "Adjustment" is a change that is not the result of a deliberate Federal government action. Changes resulting from new estimations or actions not controllable by the Federal government are recorded as adjustments.

15. Purpose of information collection

Mark all categories that apply, denoting the primary purpose with a "P" and all others that apply with "X."

a. Mark "Application for benefits" when the purpose is to participate in, receive, or qualify for a grant, financial assistance, etc., from a Federal agency or program.

b. Mark "Program evaluation" when the purpose is a formal assessment, through objective measures and systematic analysis, of the manner and extent to which Federal programs achieve their objectives or produce other significant effects.

c. Mark "General purpose statistics" when the data is collected chiefly for use by the public or for general government use without primary reference to the policy or program operations of the agency collecting the data.

d. Mark "Audit" when the purpose is to verify the accuracy of accounts and records.

e. Mark "Program planning or management" when the purpose relates to progress reporting, financial reporting and grants management, procurement and quality control, or other administrative information that does not fit into any other category.

f. Mark "Research" when the purpose is to further the course of research, rather than for a specific program purpose.

g. Mark "Regulatory or compliance" when the purpose is to measure compliance with laws or regulations.

16. Frequency of recordkeeping or reporting

Check "Recordkeeping" if the collection of information explicitly includes a recordkeeping requirement.

Check "Third party disclosure" if a collection of information includes third-party disclosure requirements as defined by 1320.3(c).

Check "Reporting" for information collections that involve reporting and check the frequency of reporting that is requested or required of a respondent. If the reporting is on "an event" basis, check "On occasion."

17. Statistical methods

Check "Yes" if the information collection uses statistical methods such as sampling or imputation. Generally, check "No" for applications and audits (unless a random auditing scheme is used). Check "Yes" for statistical collections, most research collections, and program evaluations using scientific methods. For other types of data collection, the use of sampling, imputation, or other statistical estimation techniques should dictate the response for this item. Ensure that supporting documentation is provided in accordance with Section B of the Supporting Statement.

18. Agency contact

Provide the name and telephone number of the agency person best able to answer questions regarding the content of this submission.

19. Certification for Paperwork Reduction Act Submissions

The Senior Official or designee signing this statement certifies that the collection of information encompassed by the request complies with 5 CFR 1320.9. Provisions of this certification that the agency cannot comply with should be identified here and fully explained in item 18 of the attached Supporting Statement. NOTE: The Office that "develops" and "uses" the information to be collected is the office that "conducts or sponsors" the collection of information. (See 5 CFR 1320.3(d)).

Certification Requirement for Paperwork Reduction Act Submissions

5 CFR 1320.9 reads "As part of the agency submission to OMB of a proposed collection of information, the agency (through the head of the agency, the Senior Official, or their designee) shall certify (and provide a record supporting such certification) that the proposed collection of information--

"(a) is necessary for the proper performance of the functions of the agency, including that the information to be collected will have practical utility;

"(b) is not unnecessarily duplicative of information otherwise reasonably accessible to the agency;

"(c) reduces to the extent practicable and appropriate the burden on persons who shall provide information to or for the agency, including with respect to small entities, as defined in the Regulatory Flexibility Act (5 U.S.C. § 601(6)), the use of such techniques as:

"(1) establishing differing compliance or reporting requirements or timetables that take into account the resources available to those who are to respond;

"(2) the clarification, consolidation, or simplification of compliance and reporting requirements; or collections of information, or any part thereof;

"(3) an exemption from coverage of the collection of information, or any part thereof;

"(d) is written using plain, coherent, and unambiguous terminology and is understandable to those who are to respond;

"(e) is to be implemented in ways consistent and compatible, to the maximum extent practicable, with the existing reporting and recordkeeping practices of those who are to respond;

"(f) indicates for each recordkeeping requirement the length of time persons are required to maintain the records specified;

"(g) informs potential respondents of the information called for under §1320.8(b)(3); [see below]

"(h) has been developed by an office that has planned and allocated resources for the efficient and effective management and use of the information to be collected, including the processing of the information in a manner which shall enhance, where appropriate, the utility of the information to agencies and the public;

"(i) uses effective and efficient statistical survey methodology appropriate to the purpose for which the information is to be collected; and

"(j) to the maximum extent practicable, uses appropriate information technology to reduce burden and improve data quality, agency efficiency and responsiveness to the public."

NOTE: 5 CFR 1320.8(b)(3) requires that each collection of information:

"(3) informs and provides reasonable notice to the potential persons to whom the collection of information is addressed of:

"(i) the reasons the information is planned to be and/or has been collected;

"(ii) the way such information is planned to be and/or has been used to further the proper performance of the functions of the agency;

"(iii) an estimate, to the extent practicable, of the average burden of the collection (together with a request that the public direct to the agency any comments concerning the accuracy of this burden estimate and any suggestions for reducing this burden);

"(iv) whether responses to the collection of information are voluntary, require to obtain or retain a benefit (citing authority) or mandatory (citing authority);

"(v) the nature and extent of confidentiality to be provided, if any (citing authority); and

"(vi) the fact that an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number."

Supporting Statement for Paperwork Reduction Act Submissions

General Instructions

A Supporting Statement, including the text of the notice to the public required by 5 CFR 1320.5(a)(i)(iv) and its actual or estimated date of publication in the Federal Register, must accompany each request for approval of a collection of information. The Supporting Statement must be prepared in the format described below, and must contain the information specified in Section A below. If an item is not applicable, provide a brief explanation. When Item 17 of the OMB Form 83-I is checked "Yes", Section B of the Supporting Statement must be completed. OMB reserves the right to require the submission of additional information with respect to any request for approval.

Specific Instructions

A. Justification

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods used to minimize burden.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- * requiring respondents to report information to the agency more often than quarterly;
- * requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;
- * requiring respondents to submit more than an original and two copies of any document;

- * requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records, for more than three years;
- * in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;
- * requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
- * that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or
- * requiring respondents to submit proprietary trade secrets, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years - even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

9. Explain any decision to provide any payment or gift to respondents, other than reenumeration of contractors or grantees.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information

is requested, and any steps to be taken to obtain their consent.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- * Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.
- * If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.

- * Provide estimates of annualized cost to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for information collection activities should not be included here. Instead, this cost should be included in Item 13.

13. Provide an estimate for the total annual cost burden to respondents or recordkeepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).

- * The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life) and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software, monitoring, sampling, drilling and testing equipment, and record storage facilities.

- * If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collections services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use

existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.

* Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.

14. Provide estimates of annualized costs to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies may also aggregate cost estimates from Items 12, 13, and 14 in a single table.

15. Explain the reasons for any program changes or adjustments reported in Items 13 or 14 of the OMB Form 83-I.

16. For collections of information whose results will be published, outline plans for tabulation and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

18. Explain each exception to the certification statement identified in Item 19, "Certification for Paperwork Reduction Act Submissions," of OMB Form 83-I.

B. Collections of Information Employing Statistical Methods

The agency should be prepared to justify its decision not to use statistical methods in any case where such methods might reduce burden or improve accuracy of results. When Item 17 on the Form OMB 83-I is checked, "Yes," the following documentation should be included in the Supporting Statement to the extent that it applies to the methods proposed:

1. Describe (including a numerical estimate) the potential respondent universe and any sampling or other respondent selection methods to be used. Data on the number of entities (e.g., establishments, State and local government units, households, or persons) in the universe covered by the collection and in the corresponding sample are to be provided in tabular form for the universe as a whole and for each of the strata in the proposed sample. Indicate expected response rates for the collection as a whole. If the collection had been conducted previously, include the actual response rate achieved during the last collection.

2. Describe the procedures for the collection of information including:

- * Statistical methodology for stratification and sample selection,
- * Estimation procedure,
- * Degree of accuracy needed for the purpose described in the justification,
- * Unusual problems requiring specialized sampling procedures, and
- * Any use of periodic (less frequent than annual) data collection cycles to reduce burden.

3. Describe methods to maximize response rates and to deal with issues of non-response. The accuracy and reliability of information collected must be shown to be adequate for intended uses. For collections based on sampling, a special justification must be provided for any collection that will not yield "reliable" data that can be generalized to the universe studied.

4. Describe any tests of procedures or methods to be undertaken. Testing is encouraged as an effective means of refining collections of information to minimize burden and improve utility. Tests must be approved if they call for answers to identical questions from 10 or more respondents. A proposed test or set of test may be submitted for approval separately or in combination with the main collection of information.

5. Provide the name and telephone number of individuals consulted on statistical aspects of the design and the name of the agency unit, contractor(s), grantee(s), or other person(s) who will actually collect and/or analyze the information for the agency.

Address Verification/Change Request Identity History Summary Check

Date

Requestor Name

Last Name

First Name

Middle Name 1

Middle Name 2

Requestor Date of Birth

Previous Address

Address

City

State

Postal (ZIP) Code

Country

I previously sent in a request for my Identity History Summary check. I would like to verify/change my address.

Please send my request to the following address:

Address

City

State

Postal (ZIP) Code

Country

Email

Phone Number

Sincerely,

(Signature Required)

Please sign, print, and fax this completed form to (304) 625-9792

Or scan and e-mail to identity@ibigps.com.

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

OMB Number 1110-0072

Agency Information Collection Activities; Proposed eCollection eComments Requested;

Extension of a currently approved collection

Address Verification/Change Request Form (1-797)

AGENCY: Criminal Justice Information Services Division, Department of Justice.

ACTION: 30-day notice.

SUMMARY: Department of Justice (DOJ), Federal Bureau of Investigation, Criminal Justice Information Services Division will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995. This proposed information collection was previously published in the Federal Register at _____, on _____, allowing for a 60 day comment period.

DATES: Comments are encouraged and will be accepted for an additional 30 day until

(INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER).

FOR FURTHER INFORMATION CONTACT:

Written comments and/or suggestions regarding the items contained in this notice, especially the estimated public burden and associated response time, should be directed to Gerry Lynn Brovey,

Supervisory Information Liaison Specialist, Federal Bureau of Investigation, Criminal Justice Information Services Division, 1000 Custer Hollow Road; Clarksburg, WV 26306; phone: 304-625-4320 or email glbrovey@fbi.gov. Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to OIRA_submissions@omb.eop.gov.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or

other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this Information Collection:

- (1) Type of Information Collection: Extension of a currently approved collection.
- (2) Title of the Form/Collection: Address Verification/Change Request Form (1-797)
- (3) Agency form number, if any, and the applicable component of the Department sponsoring the collection: Agency form number: 1-797. Sponsoring component: Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division.
- (4) Affected public who will be asked or required to respond, as well as a brief abstract: Primary: Individuals or households. The form can be used by any requester who wishes to correct or verify the address submitted on their Departmental Order 556-73 request.
- (5) An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond/reply: It is estimated that 780 respondents will complete each form within approximately 2 minutes.

(6) An estimate of the total public burden (in hours) associated with the collection: There are an estimated 26 total annual burden hours associated with this collection.

If additional information is required contact: Melody Braswell, Department Clearance Officer, United States Department of Justice, Justice Management Division, Policy and Planning Staff, Two Constitution Square, 145 N Street, NE, Suite 3E.405B, Washington, DC 20530.

Dated: October 20, 2020.

Melody Braswell,

Department Clearance Officer, PRA,

U.S. Department of Justice.

Billing Code: 4410-14

DEPARTMENT OF JUSTICE

Federal Bureau of Investigation

OMB Number 1110-0072

Agency Information Collection Activities; Proposed eCollection eComments Requested;

Extension of a currently approved collection

Address Verification/Change Request Form (1-797)

AGENCY: Criminal Justice Information Services Division, Department of Justice.

ACTION: 60-day notice.

SUMMARY: Department of Justice (DOJ), Federal Bureau of Investigation, Criminal Justice Information Services Division will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995.

DATES: Comments are encouraged and will be accepted for 60 days until **[INSERT DATE 60 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER]**.

FOR FURTHER INFORMATION CONTACT:

If you have additional comments especially on the estimated public burden or associated response time, suggestions, or need a copy of the proposed information collection instrument with instructions or additional information, please contact Gerry Lynn Brovey, Supervisory Information Liaison Specialist, Federal Bureau of Investigation, Criminal Justice Information

Services Division, 1000 Custer Hollow Road; Clarksburg, WV 26306; phone: 304-625-4320 or email glbrovey@fbi.gov. Written comments and/or suggestions can also be sent to the Office of Management and Budget, Office of Information and Regulatory Affairs, Attention Department of Justice Desk Officer, Washington, DC 20503 or sent to OIRA_submissions@omb.eop.gov.

SUPPLEMENTARY INFORMATION: Written comments and suggestions from the public and affected agencies concerning the proposed collection of information are encouraged. Your comments should address one or more of the following four points:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the Bureau of Justice Statistics, including whether the information will have practical utility;
- Evaluate the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Evaluate whether and if so how the quality, utility, and clarity of the information to be collected can be enhanced; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

- 1 *Type of Information Collection:* Extension of a currently approved collection.
- 2 *The Title of the Form/Collection:* Address Verification/Change Request Form (1-797)
- 3 *The agency form number, if any, and the applicable component of the Department sponsoring the collection:* The form number is 1-797. The applicable component within the Sponsoring component: Department of Justice, Federal Bureau of Investigation, Criminal Justice Information Services Division.
- 4 *Affected public who will be asked or required to respond, as well as a brief abstract:* Individuals or households. The form can be used by any requester who wishes to correct or verify the address submitted on their Departmental Order 556-73 request.
- 5 *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* It is estimated that 780 respondents will complete each form within approximately 2 minutes.
- 6 *An estimate of the total public burden (in hours) associated with the collection:* There are an estimated 26 total annual burden hours associated with this collection.

If additional information is required contact: Melody Braswell, Department Clearance Officer,
United States Department of Justice, Justice Management Division, Policy and Planning Staff,
Two Constitution Square, 145 N Street NE, 3E.405A, Washington, DC 20530.

Dated: October 20, 2020.

Melody Braswell,

Department Clearance Officer for PRA,

U.S. Department of Justice.

Billing Code: 4410-14

“(3) As soon as the proceeds from an undercover investigative operation with respect to which an action is authorized and carried out under subparagraphs (C) and (D) of paragraph (1), or under paragraph (2) are no longer necessary for the conduct of such operation, such proceeds or the balance of such proceeds remaining at the time shall be deposited in the Treasury of the United States as miscellaneous receipts.

“(4) If a corporation or business entity established or acquired as part of an undercover operation under subparagraph (B) of paragraph (1) with a net value of over \$50,000 is to be liquidated, sold, or otherwise disposed of, the Federal Bureau of Investigation or the Drug Enforcement Administration, as much in advance as the Director or the Administrator, or the designee of the Director or the Administrator, determines is practicable, shall report the circumstances to the Attorney General and the Comptroller General. The proceeds of the liquidation, sale, or other disposition, after obligations are met, shall be deposited in the Treasury of the United States as miscellaneous receipts.

“(5)(A) The Federal Bureau of Investigation or the Drug Enforcement Administration, as the case may be, shall conduct a detailed financial audit of each undercover investigative operation which is closed in fiscal year 1996—

“(i) submit the results of such audit in writing to the Attorney General, and

“(ii) not later than 180 days after such undercover operation is closed, submit a report to the Congress concerning such audit.

“(B) The Federal Bureau of Investigation and the Drug Enforcement Administration shall each also submit a report annually to the Congress specifying as to their respective undercover investigative operations—

“(i) the number, by programs, of undercover investigative operations pending as of the end of the one-year period for which such report is submitted.

“(ii) the number, by programs, of undercover investigative operations commenced in the one-year period preceding the period for which such report is submitted, and

“(iii) the number, by programs, of undercover investigative operations closed in the one-year period preceding the period for which such report is submitted and, with respect to each such closed undercover operation, the results obtained. With respect to each such closed undercover operation which involves any of the sensitive circumstances specified in the Attorney General's Guidelines on Federal Bureau of Investigation Undercover Operations, such report shall contain a detailed description of the operation and related matters, including information pertaining to—

“(I) the results,

“(II) any civil claims, and

“(III) identification of such sensitive circumstances involved, that arose at any time during the course of such undercover operation.

“(6) For purposes of paragraph (5)—

“(A) the term ‘closed’ refers to the earliest point in time at which—

“(i) all criminal proceedings (other than appeals) are concluded, or

“(ii) covert activities are concluded, whichever occurs later.

“(B) the term ‘employees’ means employees, as defined in section 2105 of title 5 of the United States Code, of the Federal Bureau of Investigation, and

“(C) the terms ‘undercover investigative operations’ and ‘undercover operation’ mean any undercover investigative operation of the Federal Bureau of Investigation or the Drug Enforcement Administration (other than a foreign counterintelligence undercover investigative operation)—

“(i) in which—

“(I) the gross receipts (excluding interest earned) exceed \$50,000, or

“(II) expenditures (other than expenditures for salaries of employees) exceed \$150,000, and

“(ii) which is exempt from section 3302 or 9102 of title 31 of the United States Code.

except that clauses (i) and (ii) shall not apply with respect to the report required under subparagraph (B) of such paragraph.”

Similar provisions were contained in the following prior appropriation acts:

Pub. L. 102-140, title I, §102(b)(4), (5), Oct. 28, 1991, 105 Stat. 793.

Pub. L. 101-515, title II, §202(b)(4), (5), Nov. 5, 1990, 104 Stat. 2118.

Pub. L. 101-162, title II, §204(b)(4), (5), Nov. 21, 1989, 103 Stat. 1004.

Pub. L. 100-459, title II, §204(b)(4), (5), Oct. 1, 1988, 102 Stat. 2200, 2201, as amended by Pub. L. 101-650, title III, §325(c)(2), Dec. 1, 1990, 104 Stat. 5121.

Pub. L. 100-202, §101(a) [title II, §204(b)(4), (5)], Dec. 22, 1987, 101 Stat. 1329, 1329-16.

Pub. L. 99-500, §101(b) [title II, §204(b)(4), (5)], Oct. 18, 1986, 100 Stat. 1783-39, 1783-52, 1783-53, and Pub. L. 99-591, §101(b) [title II, §204(b)(4), (5)], Oct. 30, 1986, 100 Stat. 3341-39, 3341-52, 3341-53.

Pub. L. 99-180, title II, §204(b)(4), (5), Dec. 13, 1985, 99 Stat. 1148.

Pub. L. 98-411, title II, §203(b)(4), (5), Aug. 30, 1984, 98 Stat. 1560.

Pub. L. 98-166, title II, §205(b)(4), (5), Nov. 28, 1983, 97 Stat. 1087.

Pub. L. 96-132, §7(d), Nov. 30, 1979, 93 Stat. 1046, provided that:

“(1) The Federal Bureau of Investigation shall conduct detailed financial audits of undercover operations closed on or after October 1, 1979, and—

“(A) report the results of each audit in writing to the Department of Justice, and

“(B) report annually to the Congress concerning these audits.

“(2) For the purposes of paragraph (1), ‘undercover operation’ means any undercover operation of the Federal Bureau of Investigation, other than a foreign counterintelligence undercover operation—

“(A) in which the gross receipts exceed \$50,000, and

“(B) which is exempted from section 3617 of the Revised Statutes (31 U.S.C. 484) [31 U.S.C. 3302(b)] or section 304(a) of the Government Corporation Control Act (31 U.S.C. 869(a)) [31 U.S.C. 9102].”

§ 534. Acquisition, preservation, and exchange of identification records and information; appointment of officials

(a) The Attorney General shall—

(1) acquire, collect, classify, and preserve identification, criminal identification, crime, and other records;

(2) acquire, collect, classify, and preserve any information which would assist in the identification of any deceased individual who has not been identified after the discovery of such deceased individual;

(3) acquire, collect, classify, and preserve any information which would assist in the location of any missing person (including an unemancipated person as defined by the laws of the place of residence of such person) and provide confirmation as to any entry for such a person to the parent, legal guardian, or next of kin of that person (and the Attorney General may acquire, collect, classify, and preserve such information from such parent, guardian, or next of kin); and

(4) exchange such records and information with, and for the official use of, authorized officials of the Federal Government, including the United States Sentencing Commission, the States, including State sentencing commis-

sions, Indian tribes, cities, and penal and other institutions.

(b) The exchange of records and information authorized by subsection (a)(4) of this section is subject to cancellation if dissemination is made outside the receiving departments or related agencies.

(c) The Attorney General may appoint officials to perform the functions authorized by this section.

(d) INDIAN LAW ENFORCEMENT AGENCIES.—The Attorney General shall permit tribal and Bureau of Indian Affairs law enforcement agencies—

(1) to access and enter information into Federal criminal information databases; and

(2) to obtain information from the databases.

(e) For purposes of this section, the term "other institutions" includes—

(1) railroad police departments which perform the administration of criminal justice and have arrest powers pursuant to a State statute, which allocate a substantial part of their annual budget to the administration of criminal justice, and which meet training requirements established by law or ordinance for law enforcement officers; and

(2) police departments of private colleges or universities which perform the administration of criminal justice and have arrest powers pursuant to a State statute, which allocate a substantial part of their annual budget to the administration of criminal justice, and which meet training requirements established by law or ordinance for law enforcement officers.

(f)(1) Information from national crime information databases consisting of identification records, criminal history records, protection orders, and wanted person records may be disseminated to civil or criminal courts for use in domestic violence or stalking cases. Nothing in this subsection shall be construed to permit access to such records for any other purpose.

(2) Federal, tribal, and State criminal justice agencies authorized to enter information into criminal information databases may include—

(A) arrests, convictions, and arrest warrants for stalking or domestic violence or for violations of protection orders for the protection of parties from stalking or domestic violence; and

(B) protection orders for the protection of persons from stalking or domestic violence, provided such orders are subject to periodic verification.

(3) As used in this subsection—

(A) the term "national crime information databases" means the National Crime Information Center and its incorporated criminal history databases, including the Interstate Identification Index; and

(B) the term "protection order" includes—

(i) any injunction, restraining order, or any other order issued by a civil or criminal court for the purpose of preventing violent or threatening acts or harassment against, sexual violence or contact or communication with or physical proximity to, another person, including any temporary or final or-

ders issued by civil or criminal courts whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection; and

(ii) any support, child custody or visitation provisions, orders, remedies, or relief issued as part of a protection order, restraining order, or stay away injunction pursuant to State, tribal, territorial, or local law authorizing the issuance of protection orders, restraining orders, or injunctions for the protection of victims of domestic violence, dating violence, sexual assault, or stalking.

(Added Pub. L. 89-554, §4(c), Sept. 6, 1966, 80 Stat. 616; amended Pub. L. 97-292, §2, 3(a), Oct. 12, 1982, 96 Stat. 1259; Pub. L. 100-690, title VII, §7333, Nov. 18, 1988, 102 Stat. 4469; Pub. L. 103-322, title IV, §40601(a), Sept. 13, 1994, 108 Stat. 1950; Pub. L. 107-273, div. A, title II, §204(c), div. B, title IV, §4003(b)(4), div. C, title I, §11004, Nov. 2, 2002, 116 Stat. 1776, 1811, 1816; Pub. L. 109-162, title I, §118, title IX, §905(a), Jan. 5, 2006, 119 Stat. 2989, 3079; Pub. L. 109-248, title I, §153(i), July 27, 2006, 120 Stat. 611; Pub. L. 111-211, title II, §233(a), July 29, 2010, 124 Stat. 2279; Pub. L. 111-369, §2, Jan. 4, 2011, 124 Stat. 4068.)

HISTORICAL AND REVISION NOTES

Derivation	U.S. Code	Revised Statutes and Statutes at Large
.....	5 U.S.C. 300 (as applicable to acquisition etc. of identification and other records).	Aug. 31, 1964, Pub. L. 88-527, §201 (1st 105 words of 1st par. under "Federal Bureau of Investigation", as applicable to acquisition etc. of identification and other records), 78 Stat. 717.
.....	5 U.S.C. 340.	June 11, 1930, ch. 455, 46 Stat. 554.

The sections are combined and reorganized for clarity. Former section 300 of title 5 was from the Department of Justice Appropriation Act, 1965. Similar provisions were contained in each appropriation Act for the Department of Justice running back to 1921, which Acts are identified in a note under former section 300 of title 5, U.S.C. 1964 ed.

In subsection (a), the word "shall" is substituted for "has the duty" as a more direct expression. The function of acquiring, collecting, classifying, etc., referred to in former section 340 of title 5 was transferred to the Attorney General by 1950 Reorg. Plan No. 2, §1, eff. May 24, 1950, 64 Stat. 1261, which is codified in section 509 of this title. Accordingly, the first 29 words and last 30 words of former section 340 are omitted as unnecessary.

In subsection (c), the authority to appoint officials for the cited purposes is implied.

AMENDMENTS

2011—Subsec. (a)(4). Pub. L. 111-369 inserted ". including State sentencing commissions" after "the States".

2010—Subsec. (a)(4). Pub. L. 111-211, §233(a)(1), inserted "Indian tribes," after "the States."

Subsec. (d). Pub. L. 111-211, §233(a)(2), added subsec. (d) and struck out former subsec. (d). Prior to amendment, text read as follows: "The Attorney General shall permit Indian law enforcement agencies, in cases of domestic violence, dating violence, sexual assault, and stalking, to enter information into Federal criminal information databases and to obtain information from the databases."

Subsec. (e). Pub. L. 111-211, §233(a)(3), which directed redesignation of "the second subsection (e)" as (f).

could not be executed because only one subsec. (e) appeared subsequent to amendment by Pub. L. 109-248. See 2006 Amendment note below.

Subsec. (f)(2). Pub. L. 111-211, §233(a)(4), which directed amendment of par. (2) of subsec. (f) as redesignated by Pub. L. 111-211 by inserting “, tribal,” after “Federal” in introductory provisions, was executed by making the insertion in par. (2) of subsec. (f) as redesignated by Pub. L. 109-248, to reflect the probable intent of Congress.

2006—Subsec. (d). Pub. L. 109-162, §905(a)(2), added subsec. (d). Former subsec. (d) redesignated (e).

Subsec. (e). Pub. L. 109-248 redesignated subsec. (e), relating to information from national crime information databases, as (f).

Pub. L. 109-162, §905(a)(1), redesignated subsec. (d), relating to the term “other institutions”, as (e).

Subsec. (e)(3)(B). Pub. L. 109-162, §118, added subpar. (B) and struck out former subpar. (B) which read as follows: “the term ‘protection order’ includes an injunction or any other order issued for the purpose of preventing violent or threatening acts or harassment against, or contact or communication with or physical proximity to, another person, including temporary and final orders issued by civil or criminal courts (other than support or child custody orders) whether obtained by filing an independent action or as a pendente lite order in another proceeding so long as any civil order was issued in response to a complaint, petition, or motion filed by or on behalf of a person seeking protection.”

Subsec. (f). Pub. L. 109-248 redesignated subsec. (e), relating to information from national crime information databases, as (f).

2002—Subsec. (a)(3). Pub. L. 107-273, §§204(c) and 4003(b)(4), amended par. (3) identically, inserting “and” at end.

Subsec. (a)(4). Pub. L. 107-273, §11004, added par. (4) and struck out former par. (4) which read as follows: “exchange such records and information with, and for the official use of, authorized officials of the Federal Government, the States, cities, and penal and other institutions.”

1994—Subsec. (e). Pub. L. 103-322 added subsec. (e).

1988—Subsec. (d). Pub. L. 100-690 added subsec. (d).

1982—Pub. L. 97-292, §3(a), inserted “and information” after “identification records” in section catchline.

Subsec. (a). Pub. L. 97-292, §2(a), added pars. (2) and (3), redesignated former par. (2) as (4), and substituted “exchange such records and information” for “exchange these records” in par. (4).

Subsec. (b). Pub. L. 97-292, §2(b), substituted “exchange of records and information authorized by subsection (a)(4)” for “exchange of records authorized by subsection (a)(2)”.

REGULATIONS

Pub. L. 103-322, title IV, §40601(b), Sept. 13, 1994, 108 Stat. 1951, provided that: “The Attorney General may make rules to carry out the subsection added to section 534 of title 28, United States Code, by subsection (a), after consultation with the officials charged with managing the National Crime Information Center and the Criminal Justice Information Services Advisory Policy Board.”

ACCESS TO NATIONAL CRIME INFORMATION DATABASES

Pub. L. 111-211, title II, §233(b), July 29, 2010, 124 Stat. 2279, provided that:

“(1) IN GENERAL.—The Attorney General shall ensure that tribal law enforcement officials that meet applicable Federal or State requirements be permitted access to national crime information databases.

“(2) SANCTIONS.—For purpose of sanctions for non-compliance with requirements of, or misuse of, national crime information databases and information obtained from those databases, a tribal law enforcement agency or official shall be treated as Federal law enforcement agency or official.

“(3) NCIC.—Each tribal justice official serving an Indian tribe with criminal jurisdiction over Indian country shall be considered to be an authorized law enforcement official for purposes of access to the National Crime Information Center of the Federal Bureau of Investigation.”

[For definitions of “Indian tribe” and “Indian country” used in section 233(b) of Pub. L. 111-211, set out above, see section 203(a) of Pub. L. 111-211, set out as a note under section 2801 of Title 25, Indians.]

ADDITIONAL REPORTING ON CRIME

Pub. L. 110-457, title II, §237(a), (b), Dec. 23, 2008, 122 Stat. 5083, provided that:

“(a) TRAFFICKING OFFENSE CLASSIFICATION.—The Director of the Federal Bureau of Investigation shall—

“(1) classify the offense of human trafficking as a Part I crime in the Uniform Crime Reports;

“(2) to the extent feasible, establish subcategories for State sex crimes that involve—

“(A) a person who is younger than 18 years of age;

“(B) the use of force, fraud or coercion; or

“(C) neither of the elements described in subparagraphs (A) and (B); and

“(3) classify the offense of human trafficking as a Group A offense for purpose of the National Incident-Based Reporting System.

“(b) ADDITIONAL INFORMATION.—The Director of the Federal Bureau of Investigation shall revise the Uniform Crime Reporting System [probably should be “Program”] and the National Incident-Based Reporting System to distinguish between reports of—

“(1) incidents of assisting or promoting prostitution, which shall include crimes committed by persons who—

“(A) do not directly engage in commercial sex acts; and

“(B) direct, manage, or profit from such acts, such as State pimping and pandering crimes;

“(2) incidents of purchasing prostitution, which shall include crimes committed by persons who purchase or attempt to purchase or trade anything of value for commercial sex acts; and

“(3) incidents of prostitution, which shall include crimes committed by persons providing or attempting to provide commercial sex acts.”

TRIBAL REGISTRY

Pub. L. 109-162, title IX, §905(b), Jan. 5, 2006, 119 Stat. 3080, provided that:

“(1) ESTABLISHMENT.—The Attorney General shall contract with any interested Indian tribe, tribal organization, or tribal nonprofit organization to develop and maintain—

“(A) a national tribal sex offender registry; and

“(B) a tribal protection order registry containing civil and criminal orders of protection issued by Indian tribes and participating jurisdictions.

“(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section [amending this section] \$1,000,000 for each of fiscal years 2007 through 2011, to remain available until expended.”

NATIONAL GANG INTELLIGENCE CENTER

Pub. L. 109-162, title XI, §1107, Jan. 5, 2006, 119 Stat. 3093, as amended by Pub. L. 111-211, title II, §251(a), July 29, 2010, 124 Stat. 2297, provided that:

“(a) ESTABLISHMENT.—The Attorney General shall establish a National Gang Intelligence Center and gang information database to be housed at and administered by the Federal Bureau of Investigation to collect, analyze, and disseminate gang activity information from—

“(1) the Federal Bureau of Investigation;

“(2) the Bureau of Alcohol, Tobacco, Firearms, and Explosives;

“(3) the Drug Enforcement Administration;

“(4) the Bureau of Prisons;

“(5) the United States Marshals Service;

"(6) the Directorate of Border and Transportation Security of the Department of Homeland Security;

"(7) the Department of Housing and Urban Development;

"(8) the Office of Justice Services of the Bureau of Indian Affairs;

"(9) tribal, State, and local law enforcement;

"(10) Federal, tribal, State, and local prosecutors;

"(11) Federal, tribal, State, and local probation and parole offices;

"(12) Federal, tribal, State, and local prisons and jails; and

"(13) any other entity as appropriate.

"(b) INFORMATION.—The Center established under subsection (a) shall make available the information referred to in subsection (a) to—

"(1) Federal, tribal, State, and local law enforcement agencies;

"(2) Federal, tribal, State, and local corrections agencies and penal institutions;

"(3) Federal, tribal, State, and local prosecutorial agencies; and

"(4) any other entity as appropriate.

"(c) ANNUAL REPORT.—The Center established under subsection (a) shall annually submit to Congress a report on gang activity.

"(d) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section \$10,000,000 for fiscal year 2006 and for each fiscal year thereafter."

REVIEWS OF CRIMINAL RECORDS OF APPLICANTS FOR PRIVATE SECURITY OFFICER EMPLOYMENT

Pub. L. 108-458, title VI, §6402, Dec. 17, 2004, 118 Stat. 3755, provided that:

"(a) SHORT TITLE.—This section may be cited as the 'Private Security Officer Employment Authorization Act of 2004'.

"(b) FINDINGS.—Congress finds that—

"(1) employment of private security officers in the United States is growing rapidly;

"(2) private security officers function as an adjunct to, but not a replacement for, public law enforcement by helping to reduce and prevent crime;

"(3) such private security officers protect individuals, property, and proprietary information, and provide protection to such diverse operations as banks, hospitals, research and development centers, manufacturing facilities, defense and aerospace contractors, high technology businesses, nuclear power plants, chemical companies, oil and gas refineries, airports, communication facilities and operations, office complexes, schools, residential properties, apartment complexes, gated communities, and others;

"(4) sworn law enforcement officers provide significant services to the citizens of the United States in its public areas, and are supplemented by private security officers;

"(5) the threat of additional terrorist attacks requires cooperation between public and private sectors and demands professional, reliable, and responsible security officers for the protection of people, facilities, and institutions;

"(6) the trend in the Nation toward growth in such security services has accelerated rapidly;

"(7) such growth makes available more public sector law enforcement officers to combat serious and violent crimes, including terrorism;

"(8) the American public deserves the employment of qualified, well-trained private security personnel as an adjunct to sworn law enforcement officers; and

"(9) private security officers and applicants for private security officer positions should be thoroughly screened and trained.

"(c) DEFINITIONS.—In this section:

"(1) EMPLOYEE.—The term 'employee' includes both a current employee and an applicant for employment as a private security officer.

"(2) AUTHORIZED EMPLOYER.—The term 'authorized employer' means any person that—

"(A) employs private security officers; and

"(B) is authorized by regulations promulgated by the Attorney General to request a criminal history record information search of an employee through a State identification bureau pursuant to this section.

"(3) PRIVATE SECURITY OFFICER.—The term 'private security officer'—

"(A) means an individual other than an employee of a Federal, State, or local government, whose primary duty is to perform security services, full or part time, for consideration, whether armed or unarmed and in uniform or plain clothes (except for services excluded from coverage under this Act [this section] if the Attorney General determines by regulation that such exclusion would serve the public interest); but

"(B) does not include—

"(i) employees whose duties are primarily internal audit or credit functions;

"(ii) employees of electronic security system companies acting as technicians or monitors; or

"(iii) employees whose duties primarily involve the secure movement of prisoners.

"(4) SECURITY SERVICES.—The term 'security services' means acts to protect people or property as defined by regulations promulgated by the Attorney General.

"(5) STATE IDENTIFICATION BUREAU.—The term 'State identification bureau' means the State entity designated by the Attorney General for the submission and receipt of criminal history record information.

"(d) CRIMINAL HISTORY RECORD INFORMATION SEARCH.—

"(1) IN GENERAL.—

"(A) SUBMISSION OF FINGERPRINTS.—An authorized employer may submit to the State identification bureau of a participating State, fingerprints or other means of positive identification, as determined by the Attorney General, of an employee of such employer for purposes of a criminal history record information search pursuant to this Act [this section].

"(B) EMPLOYEE RIGHTS.—

"(i) PERMISSION.—An authorized employer shall obtain written consent from an employee to submit to the State identification bureau of the participating State the request to search the criminal history record information of the employee under this Act [this section].

"(ii) ACCESS.—An authorized employer shall provide to the employee confidential access to any information relating to the employee received by the authorized employer pursuant to this Act [this section].

"(C) PROVIDING INFORMATION TO THE STATE IDENTIFICATION BUREAU.—Upon receipt of a request for a criminal history record information search from an authorized employer pursuant to this Act [this section], submitted through the State identification bureau of a participating State, the Attorney General shall—

"(i) search the appropriate records of the Criminal Justice Information Services Division of the Federal Bureau of Investigation; and

"(ii) promptly provide any resulting identification and criminal history record information to the submitting State identification bureau requesting the information.

"(D) USE OF INFORMATION.—

"(i) IN GENERAL.—Upon receipt of the criminal history record information from the Attorney General by the State identification bureau, the information shall be used only as provided in clause (ii).

"(ii) TERMS.—In the case of—

"(I) a participating State that has no State standards for qualification to be a private security officer, the State shall notify an authorized

employer as to the fact of whether an employee has been—

“(aa) convicted of a felony, an offense involving dishonesty or a false statement if the conviction occurred during the previous 10 years, or an offense involving the use or attempted use of physical force against the person of another if the conviction occurred during the previous 10 years; or

“(bb) charged with a criminal felony for which there has been no resolution during the preceding 365 days; or

“(II) a participating State that has State standards for qualification to be a private security officer, the State shall use the information received pursuant to this Act [this section] in applying the State standards and shall only notify the employer of the results of the application of the State standards.

“(E) FREQUENCY OF REQUESTS.—An authorized employer may request a criminal history record information search for an employee only once every 12 months of continuous employment by that employee unless the authorized employer has good cause to submit additional requests.

“(2) REGULATIONS.—Not later than 180 days after the date of enactment of this Act [Dec. 17, 2004], the Attorney General shall issue such final or interim final regulations as may be necessary to carry out this Act [this section], including—

“(A) measures relating to the security, confidentiality, accuracy, use, submission, dissemination, destruction of information and audits, and record keeping;

“(B) standards for qualification as an authorized employer; and

“(C) the imposition of reasonable fees necessary for conducting the background checks.

“(3) CRIMINAL PENALTIES FOR USE OF INFORMATION.—Whoever knowingly and intentionally uses any information obtained pursuant to this Act [this section] other than for the purpose of determining the suitability of an individual for employment as a private security officer shall be fined under title 18, United States Code, or imprisoned for not more than 2 years, or both.

“(4) USER FEES.—

“(A) IN GENERAL.—The Director of the Federal Bureau of Investigation may—

“(i) collect fees to process background checks provided for by this Act [this section]; and

“(ii) establish such fees at a level to include an additional amount to defray expenses for the automation of fingerprint identification and criminal justice information services and associated costs.

“(B) LIMITATIONS.—Any fee collected under this subsection—

“(i) shall, consistent with Public Law 101-515 [see Tables for classification] and Public Law 104-99 [see Tables for classification], be credited to the appropriation to be used for salaries and other expenses incurred through providing the services described in such Public Laws and in subparagraph (A);

“(ii) shall be available for expenditure only to pay the costs of such activities and services; and

“(iii) shall remain available until expended.

“(C) STATE COSTS.—Nothing in this Act [this section] shall be construed as restricting the right of a State to assess a reasonable fee on an authorized employer for the costs to the State of administering this Act [this section].

“(5) STATE OPT OUT.—A State may decline to participate in the background check system authorized by this Act [this section] by enacting a law or issuing an order by the Governor (if consistent with State

law) providing that the State is declining to participate pursuant to this subsection.”

CRIMINAL BACKGROUND CHECKS FOR APPLICANTS FOR EMPLOYMENT IN NURSING FACILITIES AND HOME HEALTH CARE AGENCIES

Pub. L. 105-277, div. A, §101(b) [title I, §124], Oct. 21, 1998, 112 Stat. 2681-50, 2681-73, provided that:

“(a)(1) A nursing facility or home health care agency may submit a request to the Attorney General to conduct a search and exchange of records described in subsection (b) regarding an applicant for employment if the employment position is involved in direct patient care.

“(2) A nursing facility or home health care agency requesting a search and exchange of records under this section shall submit to the Attorney General through the appropriate State agency or agency designated by the Attorney General a copy of an employment applicant’s fingerprints, a statement signed by the applicant authorizing the nursing facility or home health care agency to request the search and exchange of records, and any other identification information not more than 7 days (excluding Saturdays, Sundays, and legal public holidays under section 6103(a) of title 5, United States Code) after acquiring the fingerprints, signed statement, and information.

“(b) Pursuant to any submission that complies with the requirements of subsection (a), the Attorney General shall search the records of the Criminal Justice Information Services Division of the Federal Bureau of Investigation for any criminal history records corresponding to the fingerprints or other identification information submitted. The Attorney General shall provide any corresponding information resulting from the search to the appropriate State agency or agency designated by the Attorney General to receive such information.

“(c) Information regarding an applicant for employment in a nursing facility or home health care agency obtained pursuant to this section may be used only by the facility or agency requesting the information and only for the purpose of determining the suitability of the applicant for employment by the facility or agency in a position involved in direct patient care.

“(d) The Attorney General may charge a reasonable fee, not to exceed \$50 per request, to any nursing facility or home health care agency requesting a search and exchange of records pursuant to this section.

“(e) Not later than 2 years after the date of enactment of this Act [Oct. 21, 1998], the Attorney General shall submit a report to Congress on the number of requests for searches and exchanges of records made under this section by nursing facilities and home health care agencies and the disposition of such requests.

“(f) Whoever knowingly uses any information obtained pursuant to this section for a purpose other than as authorized under subsection (c) shall be fined in accordance with title 18, United States Code, imprisoned for not more than 2 years, or both.

“(g) A nursing facility or home health care agency that, in denying employment for an applicant, reasonably relies upon information provided by the Attorney General pursuant to this section shall not be liable in any action brought by the applicant based on the employment determination resulting from the incompleteness or inaccuracy of the information.

“(h) The Attorney General may promulgate such regulations as are necessary to carry out this section, including regulations regarding the security, confidentiality, accuracy, use, destruction, and dissemination of information, audits and recordkeeping, the imposition of fees, and any necessary modifications to the definitions contained in subsection (i).

“(i) In this section:

“(1) The term ‘home health care agency’ means an agency that provides home health care or personal care services on a visiting basis in a place of residence.

"(2) The term 'nursing facility' means a facility or institution (or a distinct part of an institution) that is primarily engaged in providing to residents of the facility or institution nursing care, including skilled nursing care, and related services for individuals who require medical or nursing care.

"(j) This section shall apply without fiscal year limitation."

COMPILATION OF STATISTICS RELATING TO INTIMIDATION OF GOVERNMENT EMPLOYEES

Pub. L. 104-132, title VIII, § 808, Apr. 24, 1996, 110 Stat. 1310, which required Attorney General to collect data for the calendar year 1990 and each succeeding calendar year, relating to crimes and incidents of threats of violence and acts of violence against Federal, State, and local government employees and their families in the performance of their lawful duties, and to annually publish a summary of the data collected to be used only for research and statistical purposes, was repealed by Pub. L. 107-273, div. A, title III, § 311(a), Nov. 2, 2002, 116 Stat. 1786.

NATIONAL CRIME INFORMATION CENTER PROJECT 2000

Pub. L. 101-647, title VI, subtitle B, Nov. 29, 1990, 104 Stat. 4823, provided that:

"SEC. 611. SHORT TITLE.

"This section [subtitle] may be cited as the 'National Law Enforcement Cooperation Act of 1990'.

"SEC. 612. FINDINGS.

"The Congress finds that—

"(1) cooperation among Federal, State and local law enforcement agencies is critical to an effective national response to the problems of violent crime and drug trafficking in the United States;

"(2) the National Crime Information Center, which links more than 16,000 Federal, State and local law enforcement agencies, is the single most important avenue of cooperation among law enforcement agencies;

"(3) major improvements to the National Crime Information Center are needed because the current system is more than twenty years old; carries much greater volumes of enforcement information; and at this time is unable to incorporate technological advances that would significantly improve its performance; and

"(4) the Federal Bureau of Investigation, working with State and local law enforcement agencies and private organizations, has developed a promising plan, 'NCIC 2000', to make the necessary upgrades to the National Crime Information Center that should meet the needs of United States law enforcement agencies into the next century.

"SEC. 613. AUTHORIZATION OF APPROPRIATIONS.

"There are authorized to be appropriated the following sums to implement the 'NCIC 2000' project:

"(1) \$17,000,000 for fiscal year 1991;

"(2) \$25,000,000 for fiscal year 1992;

"(3) \$22,000,000 for fiscal year 1993;

"(4) \$9,000,000 for fiscal year 1994; and

"(5) such sums as may be necessary for fiscal year 1995.

"SEC. 614. REPORT.

"By February 1 of each fiscal year for which funds for NCIC 2000 are requested, the Director of the Federal Bureau of Investigation shall submit a report to the Committees on the Judiciary of the Senate and House of Representatives that details the progress that has been made in implementing NCIC 2000 and a complete justification for the funds requested in the following fiscal year for NCIC 2000."

FBI FEES TO PROCESS FINGERPRINT IDENTIFICATION RECORDS AND NAME CHECKS

Pub. L. 101-515, title II, Nov. 5, 1990, 104 Stat. 2112, as amended by section 113 of H.R. 2076, One Hundred

Fourth Congress, as passed by the House of Representatives on Dec. 6, 1995, and as enacted into law by Pub. L. 104-91, title I, § 101(a), Jan. 6, 1996, 110 Stat. 11, as amended by Pub. L. 104-99, title II, § 211, Jan. 26, 1996, 110 Stat. 37, provided in part that: "for fiscal year 1991 and hereafter the Director of the Federal Bureau of Investigation may establish and collect fees to process fingerprint identification records and name checks for non-criminal justice, non-law enforcement employment and licensing purposes and for certain employees of private sector contractors with classified Government contracts, and notwithstanding the provisions of 31 U.S.C. 3302, credit such fees to this appropriation to be used for salaries and other expenses incurred in providing these services, and that the Director of the Federal Bureau of Investigation may establish such fees at a level to include an additional amount to establish a fund to remain available until expended to defray expenses for the automation of fingerprint identification and criminal justice information services and associated costs".

HATE CRIME STATISTICS

Pub. L. 101-275, Apr. 23, 1990, 104 Stat. 140, as amended by Pub. L. 103-322, title XXXII, § 320926, Sept. 13, 1994, 108 Stat. 2131; Pub. L. 104-155, § 7, July 3, 1996, 110 Stat. 1394; Pub. L. 111-84, div. E, § 4708, Oct. 23, 2009, 123 Stat. 2841, provided: "That (a) this Act may be cited as the 'Hate Crime Statistics Act'.

"(b)(1) Under the authority of section 534 of title 28, United States Code, the Attorney General shall acquire data, for each calendar year, about crimes that manifest evidence of prejudice based on race, gender and gender identity, religion, disability, sexual orientation, or ethnicity, including where appropriate the crimes of murder, non-negligent manslaughter; forcible rape; aggravated assault, simple assault, intimidation; arson; and destruction, damage or vandalism of property.

"(2) The Attorney General shall establish guidelines for the collection of such data including the necessary evidence and criteria that must be present for a finding of manifest prejudice and procedures for carrying out the purposes of this section.

"(3) Nothing in this section creates a cause of action or a right to bring an action, including an action based on discrimination due to sexual orientation. As used in this section, the term 'sexual orientation' means consensual homosexuality or heterosexuality. This subsection does not limit any existing cause of action or right to bring an action, including any action under the Administrative Procedure Act [5 U.S.C. 551 et seq., 701 et seq.] or the All Writs Act [see 28 U.S.C. 1651].

"(4) Data acquired under this section shall be used only for research or statistical purposes and may not contain any information that may reveal the identity of an individual victim of a crime.

"(5) The Attorney General shall publish an annual summary of the data acquired under this section, including data about crimes committed by, and crimes directed against, juveniles.

"(c) There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this section through fiscal year 2002.

"SEC. 2. (a) Congress finds that—

"(1) the American family life is the foundation of American Society,

"(2) Federal policy should encourage the well-being, financial security, and health of the American family,

"(3) schools should not de-emphasize the critical value of American family life.

"(b) Nothing in this Act shall be construed, nor shall any funds appropriated to carry out the purpose of the Act be used, to promote or encourage homosexuality."

UNIFORM FEDERAL CRIME REPORTING ACT OF 1988

Section 7332 of Pub. L. 100-690 provided that:

"(a) SHORT TITLE.—This section may be cited as the 'Uniform Federal Crime Reporting Act of 1988'.

“(b) DEFINITIONS.—For purposes of this section, the term ‘Uniform Crime Reports’ means the reports authorized under section 534 of title 28, United States Code, and administered by the Federal Bureau of Investigation which compiles nationwide criminal statistics for use in law enforcement administration, operation, and management and to assess the nature and type of crime in the United States.

“(c) ESTABLISHMENT OF SYSTEM.—

“(1) IN GENERAL.—The Attorney General shall acquire, collect, classify, and preserve national data on Federal criminal offenses as part of the Uniform Crime Reports.

“(2) REPORTING BY FEDERAL AGENCIES.—All departments and agencies within the Federal government (including the Department of Defense) which routinely investigate complaints of criminal activity, shall report details about crime within their respective jurisdiction to the Attorney General in a uniform manner and on a form prescribed by the Attorney General. The reporting required by this subsection shall be limited to the reporting of those crimes comprising the Uniform Crime Reports.

“(3) DISTRIBUTION OF DATA.—The Attorney General shall distribute data received pursuant to paragraph (2), in the form of annual Uniform Crime Reports for the United States, to the President, Members of the Congress, State governments, and officials of localities and penal and other institutions participating in the Uniform Crime Reports program.

“(d) ROLE OF FEDERAL BUREAU OF INVESTIGATION.—The Attorney General may designate the Federal Bureau of Investigation as the lead agency for purposes of performing the functions authorized by this section and may appoint or establish such advisory and oversight boards as may be necessary to assist the Bureau in ensuring uniformity, quality, and maximum use of the data collected.

“(e) INCLUSION OF OFFENSES INVOLVING ILLEGAL DRUGS.—The Director of the Federal Bureau of Investigation is authorized to classify offenses involving illegal drugs and drug trafficking as a part I crime in the Uniform Crime Reports.

“(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated \$350,000 for fiscal year 1989 and such sums as may be necessary to carry out the provisions of this section after fiscal year 1989.

“(g) EFFECTIVE DATE.—The provisions of this section shall be effective on January 1, 1989.”

FAMILY AND DOMESTIC VIOLENCE; DATA COLLECTION AND REPORTING

Section 7609 of Pub. L. 100-690 provided that:

“(a) FAMILY VIOLENCE REPORTING.—Under the authority of section 534 of title 28, United States Code, the Attorney General shall require, and include in uniform crime reports, data that indicate—

“(1) the age of the victim; and

“(2) the relationship of the victim to the offender, for crimes of murder, aggravated assault, simple assault, rape, sexual offenses, and offenses against children.

“(b) NATIONAL CRIME SURVEY.—The Director of the Bureau of Justice Statistics, through the annual National Crime Survey, shall collect and publish data that more accurately measures the extent of domestic violence in America, especially the physical and sexual abuse of children and the elderly.

“(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated in fiscal years 1989, 1990, 1991, and 1992, such sums as are necessary to carry out the purposes of this section.”

PARIMUTUEL LICENSING SIMPLIFICATION

Pub. L. 100-413, Aug. 22, 1988, 102 Stat. 1101, provided that:

“SECTION 1. SHORT TITLE.

“This Act may be cited as the ‘Parimutuel Licensing Simplification Act of 1988’.

“SEC. 2. SUBMISSION BY ASSOCIATION OF STATE REGULATORY OFFICIALS.

“(a) IN GENERAL.—An association of State officials regulating parimutuel wagering, designated for the purpose of this section by the Attorney General, may submit fingerprints to the Attorney General on behalf of any applicant for State license to participate in parimutuel wagering. In response to such a submission, the Attorney General may, to the extent provided by law, exchange, for licensing and employment purposes, identification and criminal history records with the State governmental bodies to which such applicant has applied.

“(b) DEFINITION.—As used in this section, the term ‘State’ means a State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or any territory or possession of the United States.

“SEC. 3. EFFECTIVE DATE.

“This Act shall take effect on July 1, 1989.”

FUNDS FOR EXCHANGE OF IDENTIFICATION RECORDS

Pub. L. 92-544, title II, §201, Oct. 25, 1972, 86 Stat. 1115, provided that: “The funds provided for Salaries and Expenses, Federal Bureau of Investigation, may be used hereafter, in addition to those uses authorized thereunder, for the exchange of identification records with officials or federally chartered or insured banking institutions to promote or maintain the security of those institutions, and, if authorized by State statute and approved by the Attorney General, to officials of State and local governments for purposes of employment and licensing, any such exchange to be made only for the official use of any such official and subject to the same restriction with respect to dissemination as that provided for under the aforementioned appropriation.”

§ 535. Investigation of crimes involving Government officers and employees; limitations

(a) The Attorney General and the Federal Bureau of Investigation may investigate any violation of Federal criminal law involving Government officers and employees—

(1) notwithstanding any other provision of law; and

(2) without limiting the authority to investigate any matter which is conferred on them or on a department or agency of the Government.

(b) Any information, allegation, matter, or complaint witnessed, discovered, or received in a department or agency of the executive branch of the Government relating to violations of Federal criminal law involving Government officers and employees shall be expeditiously reported to the Attorney General by the head of the department or agency, or the witness, discoverer, or recipient, as appropriate, unless—

(1) the responsibility to perform an investigation with respect thereto is specifically assigned otherwise by another provision of law; or

(2) as to any department or agency of the Government, the Attorney General directs otherwise with respect to a specified class of information, allegation, or complaint.

(c) This section does not limit—

(1) the authority of the military departments to investigate persons or offenses over which the armed forces have jurisdiction under the Uniform Code of Military Justice (chapter 47 of title 10); or

(2) the primary authority of the Postmaster General to investigate postal offenses.

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order to help foster consistent application of the foregoing standards and the requirements of this subpart.

§ 16.27 Procedure in the event a department decision concerning a demand is not made prior to the time a response to the demand is required.

If response to a demand is required before the instructions from the appropriate Department official are received, the responsible official or other Department attorney designated for the purpose shall appear and furnish the court or other authority with a copy of the regulations contained in this subpart and inform the court or other authority that the demand has been or is being, as the case may be, referred for the prompt consideration of the appropriate Department official and shall respectfully request the court or authority to stay the demand pending receipt of the requested instructions.

§ 16.28 Procedure in the event of an adverse ruling.

If the court or other authority declines to stay the effect of the demand in response to a request made in accordance with § 16.27 of this chapter pending receipt of instructions, or if the court or other authority rules that the demand must be complied with irrespective of instructions rendered in accordance with §§ 16.24 and 16.25 of this part not to produce the material or disclose the information sought, the employee or former employee upon whom the demand has been made shall, if so directed by the responsible Department official, respectfully decline to comply with the demand. See *United States ex rel. Touhy v. Ragen*, 340 U.S. 462 (1951).

§ 16.29 Delegation by Assistant Attorneys General.

With respect to any function that this subpart permits the designee of an Assistant Attorney General to perform, the Assistant Attorneys General are authorized to delegate their authority, in any case or matter or any category of cases or matters, to subordinate division officials or U.S. attorneys, as appropriate.

APPENDIX TO SUBPART B OF PART 16— REDELEGATION OF AUTHORITY TO THE DEPUTY ASSISTANT ATTORNEY GENERAL FOR LITIGATION, ANTI- TRUST DIVISION, TO AUTHORIZE PRO- DUCTION OR DISCLOSURE OF MATE- RIAL OR INFORMATION

1. By virtue of the authority vested in me by 28 CFR 16.23(b)(1) the authority delegated to me by that section to authorize the production of material and disclosure of information described in 28 CFR 16.21(a) is hereby redelegated to the Deputy Assistant Attorney General for Litigation, Antitrust Division.

2. This directive shall become effective on the date of its publication in the FEDERAL REGISTER.

[Order No. 960 81, 46 FR 52356, Oct. 27, 1981]

Subpart C—Production of FBI Identification Records in Re- sponse to Written Requests by Subjects Thereof

SOURCE: Order No. 556-73, 38 FR 32806, Nov. 28, 1973, unless otherwise noted.

§ 16.30 Purpose and scope.

This subpart contains the regulations of the Federal Bureau of Investigation (FBI) concerning procedures to be followed when the subject of an identification record requests production of that record to review it or to obtain a change, correction, or updating of that record.

[Order No. 2258-99, 64 FR 52226, Sept. 28, 1999]

§ 16.31 Definition of identification record.

An FBI identification record, often referred to as a "rap sheet," is a listing of certain information taken from fingerprint submissions retained by the FBI in connection with arrests and, in some instances, includes information taken from fingerprints submitted in connection with federal employment, naturalization, or military service. The identification record includes the name of the agency or institution that submitted the fingerprints to the FBI. If the fingerprints concern a criminal offense, the identification record includes the date of arrest or the date the individual was received by the agency submitting the fingerprints, the

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arrest charge, and the disposition of the arrest if known to the FBI. All arrest data included in an identification record are obtained from fingerprint submissions, disposition reports, and other reports submitted by agencies having criminal justice responsibilities. Therefore, the FBI Criminal Justice Information Services Division is not the source of the arrest data reflected on an identification record.

[Order No. 2258-99, 64 FR 52226, Sept. 28, 1999]

§ 16.32 Procedure to obtain an identification record.

The subject of an identification record may obtain a copy thereof by submitting a written request via the U.S. mails directly to the FBI, Criminal Justice Information Services (CJIS) Division, ATTN: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg, WV 26306. Such request must be accompanied by satisfactory proof of identity, which shall consist of name, date and place of birth and a set of rolled-in inked fingerprint impressions placed upon fingerprint cards or forms commonly utilized for applicant or law enforcement purposes by law enforcement agencies.

[Order No. 1134-86, 51 FR 16677, May 6, 1986, as amended by Order No. 2258-99, 64 FR 52226, Sept. 28, 1999]

§ 16.33 Fee for production of identification record.

Each written request for production of an identification record must be accompanied by a fee of \$18 in the form of a certified check or money order, payable to the Treasury of the United States. This fee is established pursuant to the provisions of 31 U.S.C. 9701 and is based upon the clerical time beyond the first quarter hour to be spent in searching for, identifying, and reproducing each identification record requested as specified in § 16.10. Any request for waiver of the fee shall accompany the original request for the identification record and shall include a claim and proof of indigency. Subject to applicable laws, regulations, and directions of the Attorney General of the United States, the Director of the FBI may from time to time determine and establish a revised fee amount to be assessed under this authority. Notice re-

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lating to revised fee amounts shall be published in the FEDERAL REGISTER.

[Order No. 1943-94, 60 FR 38, Jan. 3, 1995, as amended by Order No. 2258-99, 64 FR 52226, Sept. 28, 1999]

§ 16.34 Procedure to obtain change, correction or updating of identification records.

If, after reviewing his/her identification record, the subject thereof believes that it is incorrect or incomplete in any respect and wishes changes, corrections or updating of the alleged deficiency, he/she should make application directly to the agency which contributed the questioned information. The subject of a record may also direct his/her challenge as to the accuracy or completeness of any entry on his/her record to the FBI, Criminal Justice Information Services (CJIS) Division, ATTN: SCU, Mod. D-2, 1000 Custer Hollow Road, Clarksburg, WV 26306. The FBI will then forward the challenge to the agency which submitted the data requesting that agency to verify or correct the challenged entry. Upon the receipt of an official communication directly from the agency which contributed the original information, the FBI CJIS Division will make any changes necessary in accordance with the information supplied by that agency.

[Order No. 1134-86, 51 FR 16677, May 6, 1986, as amended by Order No. 2258-99, 64 FR 52226, Sept. 28, 1999]

Subpart D—Protection of Privacy and Access to Individual Records Under the Privacy Act of 1974

SOURCE: Order No. 2156-98, 63 FR 29600, June 1, 1998, unless otherwise noted.

§ 16.40 General provisions.

(a) *Purpose and scope.* This subpart contains the rules that the Department of Justice follows under the Privacy Act of 1974, 5 U.S.C. 552a. These rules should be read together with the Privacy Act, which provides additional information about records maintained on individuals. The rules in this subpart apply to all records in systems of records maintained by the Department that are retrieved by an individual's