

IV. EXEMPTION 3 STATUTES

Statute	Type of Information Withheld	Case Citation	Agency/ Component	Number of Times Relied upon by Agency/ Component	Total Number of Times Relied upon by Agency Overall
5 U.S.C. § 574	Dispute resolution communications	N/A	ENRD	1	1
5 U.S.C. app. § 107	Financial disclosure information pertaining to certain government employees	<i>Meyerhoff v. EPA</i> , 958 F.2d 1498, 1500-02 (9th Cir. 1992); <i>Concepcion v. FBI</i> , 606 F. Supp. 2d 14, 33 (D.D.C. 2009).	EOUSA	11	11
10 U.S.C. § 130c	Certain "sensitive information of foreign governments" and certain international organizations	<i>Nat'l Inst. of Military Justice v. DOD</i> , 404 F. Supp. 2d 325, 335-37 (D.D.C. 2005), <i>aff'd on other grounds</i> , 512 F.3d 677 (D.C. Cir. 2008), cert. denied, 129 S. Ct. 775 (U.S. 2008); <i>ACLU v. DOD</i> , 389 F. Supp. 2d 547, 554 (S.D.N.Y. 2005); <i>Gerstein v. DOD</i> , No. 03-5193, slip op. at 8 (N.D. Ca. Dec. 21, 2004).	OLC	1	1
10 U.S.C. § 424	Organization or any function of, and certain information pertaining to, employees of the Defense Intelligence Agency, the National Reconnaissance Office, and the National Geospatial-Intelligence Agency	<i>Physicians for Human Rights v. DOD</i> , No. RDB-08-273, 2011 WL 1495942, at *7 (D.D.C. Apr. 19, 2011); <i>Miller v. DOJ</i> , 562 F. Supp. 2d 82, 112 (D.D.C. 2008); <i>Wickwire Gavin, P.C. v. Def. Intelligence Agency</i> , 330 F. Supp. 2d 592, 602 (E.D. Va. 2004).	FBI	4	4

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10 U.S.C. § 2305(g)	Certain contractor proposals	<i>Roman v. NSA</i> , Nos. 09-2947, 09-4281, 09-3344, 09-2504, 09-5633, 2012 WL 569747, at *7 (E.D.N.Y. Feb. 22, 2012); <i>Margolin v. NASA</i> , No. 09-CV-00421-LRH-VPC, 2011 WL 1303221, at *6 (D. Nev. Mar. 31, 2011).	DEA	1	2
			FBI	1	
15 U.S.C. § 18a(h)	Information submitted in connection with the premerger notification provisions of the Hart-Scott-Rodino Antitrust Improvements Act of 1976	<i>Lieberman v. FTC</i> , 771 F.2d 32 (2d Cir. 1985).	Antitrust	5	5
15 U.S.C. § 1314(g)	"Any documentary material, answers to written interrogatories, or transcripts of oral testimony" provided pursuant to certain civil investigative demands pertaining to antitrust investigations	<i>Motion Picture Ass'n of Am. v. DOJ</i> , No. 80 Civ. 6612, slip op. at 1 (S.D.N.Y. Oct. 6, 1981).	Antitrust	5	5

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18 U.S.C. § 701	Establishes penalties for: manufacturing, selling, or possessing "any badge, identification card, or other insignia, of the design prescribed by the head of any department or agency of the United States for use by any officer or employee thereof, or any colorable imitation thereof"; and photographing, printing, making, or executing "any engraving, photograph, print, or impression in the likeness of any such badge, identification card, or other insignia, or any colorable imitation thereof"	<i>Jones v. IRS</i> , No. 06-CV-322, 2008 WL 1901208, at *3-4 (W.D. Mich. Apr. 25, 2008).	DEA	13	14
			EOUSA	1	
18 U.S.C. § 2251	Prohibition on sexual exploitation of children	N/A	FBI	1	1
18 U.S.C. §§ 2510-20	Wiretap requests and the contents of any wire, oral, or electronic communication obtained through wiretaps	<i>Mendoza v. DEA</i> , No. 07-5006, 2007 U.S. App. LEXIS 22175 (D.C. Cir. Sept. 14, 2007) (per curiam); <i>Lam Lek Chong v. DEA</i> , 929 F.2d 729, 733 (D.C. Cir. 1991); <i>Payne v. DOJ</i> , No. 96-30840, slip op. at 5-6 (5th Cir. July 11, 1997).	Office of the Assoc. AG	1	160
			Criminal	43	
			DEA	49	
			EOUSA	1	
			FBI	66	

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18 U.S.C. § 3123(d)	Certain court "order[s] authorizing or approving the installation and use of a pen register or a trap and trace device"; information pertaining to "the existence of the pen register or trap and trace device or the existence of the investigation"	<i>Jennings v. FBI</i> , No 03-1651, slip op. at 11-12 (D.D.C. May 6, 2004); <i>Riley v. FBI</i> , No. 00-2378, 2002 U.S. Dist. LEXIS 2632, at *5-6 (D.D.C. Feb. 11, 2002); <i>Manna v. DOJ</i> , 815 F. Supp. 798, 812 (D.N.J. 1993), <i>aff'd on other grounds</i> , 51 F.3d 1158 (3d Cir. 1995).	FBI	42	42
18 U.S.C. § 3153	Information regarding pre-trial services	N/A	FBI	2	3
			EOUSA	1	
18 U.S.C. § 3509(d)	Certain records containing identifying information pertaining to children involved in criminal proceedings	<i>Tampico v. EOUSA</i> , No. 04-2285, slip op. at 8 (D.D.C. Apr. 29, 2005).	EOUSA	1	11
			FBI	10	
18 U.S.C. § 3521 (b)(1)(g)	"[T]he identity or location of the person relocated or protected, or any other matter concerning the person or the program after weighing [various factors]," subject to certain exceptions	<i>Bonadonna v. DOJ</i> , 791 F. Supp. 2d 269, 270 (D. Mass. 2010), <i>aff'd</i> , No. 10-1595, 2011 WL 4770189 (1st Cir. Jan. 7, 2011).	BOP	6	24
			Criminal	2	
			FBI	2	
			USMS	14	
18 U.S.C. § 4208(c)	Certain records pertaining to parole determination proceedings	<i>DOJ v. Julian</i> , 486 U.S. 1, 9 (1988).	FBI	5	5

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18 U.S.C. § 5038	Juvenile arrest records	N/A	EOUSA	1	4
			FBI	3	
21 U.S.C. § 355	Any information or documentary material that may have been filed pursuant to a pharmaceutical agreement notification	N/A	Antitrust	1	1
22 U.S.C. § 1644	Records pertaining to certain claims against the German Democratic Republic	N/A	FCSC	1	1
26 U.S.C. §§ 6103, 6105	Certain tax return information and certain tax convention information	<i>Church of Scientology v. IRS</i> , 484 U.S. 9, 15 (1987) (26 U.S.C. § 6103); <i>Pac. Fisheries, Inc. v. IRS</i> , 395 F. App'x. 438, 440 (9th Cir. 2010) (unpublished disposition) (26 U.S.C. §§ 6103, 6105); <i>Leonard v. U.S. Dep't of Treasury</i> , No. 10-6625, 2013 WL 4517912, at *2 (D.N.J. Aug. 26, 2013) (26 U.S.C. § 6103); <i>Tax Analysts v. IRS</i> , 217 F. Supp. 2d 23, 27-29 (D.D.C. 2002) (26 U.S.C. § 6105).	ATF	28	69
			BOP	2	
			Criminal	1	
			DEA	1	
			FBI	11	
			Tax	26	
28 U.S.C. § 652(d)	[C]onfidential dispute resolution communications	<i>Yelder v. DOD</i> , 577 F. Supp. 2d 342, 347-48 (D.D.C. 2008).	ENRD	1	1
31 U.S.C. § 3730	Records pertaining to civil actions for false claims against the United States Government	N/A	EOUSA	1	1

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31 U.S.C. § 5311	Records and reports on monetary instruments transactions	N/A	FBI	24	24
31 U.S.C. § 5319	Reports pertaining to monetary instruments transactions filed under Subchapter II of Chapter 53 of Title 31 and records of those reports	<i>Hulstein v. DEA</i> , No. 10-4112, 2011 U.S. Dist. LEXIS 25788, at *7-8 (N.D. Iowa Mar. 11, 2011); <i>Berger v. IRS</i> , 487 F. Supp. 2d 482, 496-97 (D.N.J. 2007), <i>aff'd on other grounds</i> , 288 F. App'x 829 (3d Cir. 2008), <i>cert. denied</i> , 129 S. Ct. 2789 (U.S. 2009); <i>Sciba v. Bd. of Governors of the Fed. Reserve Sys.</i> , No. 04-1011, 2005 WL 3201206, at *6 (D.D.C. Nov. 4, 2005).	DEA	3	11
FBI	8				
41 U.S.C. § 253b(m)(1) (currently at 41 U.S.C. § 4702(b))	Contractor proposals that are in the possession or control of an executive agency and that have not been set forth or incorporated by reference into contracts	<i>Sinkfield v. HUD</i> , No. 10-885, 2012 U.S. Dist. LEXIS 35233, at *13-15 (S.D. Ohio Mar. 15, 2012); <i>Margolin v. NASA</i> , No. 09-CV-00421, 2011 WL 1303221, at *6 (D. Nev. Mar. 31, 2011); <i>Hornbostel v. U.S. Dep't of the Interior</i> , 305 F. Supp. 2d 21, 30 (D.D.C. 2003), <i>summary affirmance granted</i> , No. 03-5257, 2004 WL 1900562 (D.C. Cir. Aug. 25, 2004).	BOP	7	8
USMS	1				
41 U.S.C. § 423(a)(1)	Contractor bid or proposal information; source selection information	<i>Legal & Safety Employer Research, Inc. v. U.S. Dep't of the Army</i> , No. Civ. S001748, 2001 WL 34098652, at *3-4 (E.D. Cal. May 4, 2001) (dictum).	BOP	3	3

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42 U.S.C. §§ 2000e-5(b), 2008e-8(e)	Information pertaining to charges of unlawful employment practices; information obtained by the EEOC in investigating charges of unlawful employment practices	<i>Frito-Lay v. EEOC</i> , 964 F. Supp. 236, 240-43 (W.D. Ky. 1997); <i>Am Centennial Ins. Co. v. EEOC</i> , 722 F. Supp. 180, 184 (D.N.J. 1989).	EOUST	1	1
42 U.S.C. § 2162	"Restricted Data" pertaining to atomic weapons and special nuclear material	<i>Meeropol v. Smith</i> , No. 75-1121, slip op. at 53-55 (D.D.C. Feb. 29, 1984), <i>aff'd in relevant part & remanded in part on other grounds sub nom; Meeropol v. Meese</i> , 790 F.2d 942 (D.C. Cir. 1986).	EOUSA	98	98
42 U.S.C. §§ 2286d(a), 2286g(3)	Defense Nuclear Facilities Safety Board recommendations	<i>Nat. Res. Def. Council, Inc. v. Def. Nuclear Facilities Safety Bd.</i> , 969 F.2d 1248, 1249, 1251 (D.C. Cir. 1992).	EOUSA	1	1
42 U.S.C. § 3789g	Data received by the Bureau of Justice Statistics and used only for statistical or research purposes	N/A	OJP	5	5

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49 U.S.C. § 114	Information obtained or developed in carrying out security under the authority of the Aviation and Transportation Security Act or under Chapter 449 of this Title	<i>Skurow v. DHS</i> , No. 11-1296, 2012 WL 4380895, at *9-10 (D.D.C. Sept. 26, 2012); <i>Tooley v. Bush</i> , No. 06-306, 2006 WL 3783142, at *19 (D.D.C. Dec. 21, 2006), <i>aff'd on other grounds</i> , 586 F.3d 1006 (D.C. Cir. 2009); <i>Gordon v. FBI</i> , 390 F. Supp. 2d 897, 900 (N.D. Cal. 2004).	FBI	1	1
50 U.S.C. § 402 note	Information pertaining to the functions or organization of NSA; certain information pertaining to NSA employees	<i>ACLU v. DOJ</i> , 681 F.3d 61, 72-75 (2d Cir. 2012); <i>Elec. Priv. Info. Ctr. v. NSA</i> , 678 F.3d 926, 931 (D.C. Cir. 2012); <i>Houghton v. NSA</i> , 378 F. App'x 235, 238-39 (3d Cir. 2010) (per curiam); <i>Lahr v. NTSB</i> , 569 F.3d 964, 985 (9th Cir. 2009); <i>Larson v. Dep't of State</i> , 565 F.3d 857, 868-69 (D.C. Cir. 2009); <i>Founding Church of Scientology v. NSA</i> , 610 F.2d 824, 827-28 (D.C. Cir. 1979); <i>Roman v. NSA</i> , No. 07-CV-4502, 2009 WL 303686, at *5-6 (E.D.N.Y. Feb. 9, 2009), <i>summary affirmance granted</i> , 354 F. App'x. 591 (2d Cir. 2009).	FBI	1	5
			OLC	4	

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50 U.S.C. § 403g	Intelligence sources and methods; certain information pertaining to Agency employees, specifically: "the organization, functions, names, official titles, salaries, or numbers of personnel employed by the Agency"	<i>Larson v. Dep't of State</i> , 565 F. 3d 857, 865 n.2 (D.C. Cir. 2009); <i>Berman v. CIA</i> , 501 F.3d 1136, 1137-38, 1140 (9th Cir. 2007); <i>Makky v. Chertoff</i> , 489 F. Supp. 2d 421, 442 (D.N.J. 2007), <i>aff'd on other grounds</i> , 541 F. 3d 205 (3d cir. 2008).	Office of the AG	2	38
			Office of the DAG	1	
			FBI	33	
			OLC	1	
			OLA	1	
50 U.S.C. § 403-1(i)(1)	Intelligence sources and methods	<i>CIA v. Sims</i> , 471 U.S. 159, 167 (1985); <i>Berman v. CIA</i> , 501 F.3d 1136, 1137-38, 1140 (9th Cir. 2007); <i>Wolf v. CIA</i> , 473 F.3d 370, 378, 380 (D.C. Cir. 2007).	Office of the AG	1	362
			Office of the DAG	1	
			BOP	2	
			FBI	351	
			OLC	6	
			OLA	1	
50 U.S.C. § 431	"[O]perational files of the Central Intelligence Agency"	<i>CIA v. Sims</i> , 471 U.S. 159, 167, 174 n.19 (1985) (dictum); <i>Wolf v. CIA</i> , 569 F. Supp. 2d 1, 8 (D.D.C. 2008).	EOUSA	1	1
50 U.S.C. § 1702(a)(1)	Authorizes the President to "regulate ...prevent or prohibit ...importation or exportation of ...any property in which any foreign country or a national thereof has any interest ...by any person, or with respect to any property, subject to the jurisdiction of the United States	<i>Wis. Project on Nuclear Arms Control v. U.S. Dep't of Commerce</i> , 317 F.3d 275, 284 (D.C. Cir. 2003).	EOUSA	1	1

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50 U.S.C. § 3024(i)	Intelligence sources and methods	N/A	OLA	1	1
Fed. R. Crim. P. 6(e), enacted by Act of July 30, 1977, Pub. L. No. 95-78, 91 Stat. 319	Certain records pertaining to grand jury proceedings	<i>Sussman v. USMS</i> , 494 F.3d 1106, 1113 (D.C. Cir. 2007); <i>Fund of Constitutional Gov't v. Nat'l Archives & Records Serv.</i> , 656 F.2d 856, 867-68 (D.C. Cir. 1981); <i>Durham v. U.S. Atty. Gen.</i> , No. 06-843, 2008 WL 620744, at *2 (E.D. Tex. Mar. 3, 2008); <i>Cozen O'Connor v. U.S. Dep't of Treasury</i> , 570 F. Supp. 2d 749, 776 (E.D. Pa. 2008).	Antitrust	1	441
			ATF	2	
			BOP	1	
			Civil Rights	3	
			Criminal	1	
			ENRD	3	
			EOUSA	67	
			FBI	357	
			NSD	5	
Tax	1				
Fed. R. Crim. P. 32, enacted by Act of July 30, 1975, Pub. L. No. 94-64, § 2, 89 Stat. 370	Presentence reports and recommendations	<i>DOJ v. Julian</i> , 486 U.S. 1, 9 (1988).	BOP	13	18
			FBI	5	
Pub. L. No. 108-447, 118 Stat. 2809, 2859-60	Certain firearms database information	<i>City of Chicago v. U.S. Dep't of the Treasury</i> , 423 F.3d 777, 781-82 (7th Cir. 2005).	Office of the DAG	1	1

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Pub. L. No. 110-161, 121 Stat. 184	Firearms trace information, information required to be maintained by Federal Firearms Licensees (FFLs) pursuant to 18 U.S.C. § 923(g)	N/A	ATF	32	33
			OCDETF	1	
Pub. L. No. 111-8, 123 Stat. 524	Information required to be maintained by Federal Firearms Licensees and information maintained in the ATF Firearms Tracing Systems	<i>City of Chicago v. U.S. Dep't of the Treasury</i> , 423 F.3d 777 (7th Cir. 2005)	ATF	72	72

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