



**Statutes Used by Federal Departments and Agencies in Conjunction with
Exemption 3 of the FOIA As Reported in Fiscal Year 2013 Annual FOIA Reports**

U.S. Department of Justice
Office of Information Policy

Statute	Type of Information Protected by Statute	Agency (Agencies) and No. of Times Cited	Total No. of Citations in FY 2012
2 U.S.C. § 437g(a)(4)(B), (12)(A)	Any notification or investigation made under this section of the Federal Election Campaign Act pertaining to federal campaign funds	FEC (6)	6
5 U.S.C. § 574	Dispute resolution communications	USDA (4); DOD (6); HHS (1); CFPB (1); FMC (1); NARA (1); NRC (1); STB (1)	16
5 U.S.C. §§ 7114(b)(4), 7132	Defining agencies' and representatives' duty to negotiate in good faith to include disclosure of certain labor relations training and guidance materials and limiting the issuance of certain subpoenas	DOD (4); Treasury (4)	8
5 U.S.C. app. § 3	Names or employees who provide information or complaints to the Inspector General	VA (96)	96
5 U.S.C. app. § 105	Financial disclosure reports and applications to inspect financial disclosure reports	OGE (1)	1
5 U.S.C. app. § 107(a)	Financial disclosure information pertaining to certain government employees	DOD (6); HHS (5); DOJ (45); DOT (2); CFPB (1); LSC (1); NASA (1)	60
6 U.S.C. § 133(a)(1)(A)	Voluntarily shared critical infrastructure information	DOJ (2); DOE (3); TVA (1)	6
7 U.S.C. § 12	"[D]ata and information that would separately disclose the business transactions of any person"	CFTC (10)	10
7 U.S.C. § 136	Information regarding the location and use of pesticides	EPA (16)	16
7 U.S.C. § 608(d)(2)	Information for marketing order programs that is categorized as trade secrets and commercial or financial information	USDA (3)	3
7 U.S.C. § 1502(c)	Personal information provided by agricultural producer (policy information, yield data, etc.)	USDA (2)	2
7 U.S.C. § 2018(c)	Names and other personally identifiable information of SNAP (Food Stamps) recipients and firms participating in program	USDA (25)	25
7 U.S.C. § 2276(a)(2)	"[I]nformation furnished under a provision of law referred to in subsection (d) of this section [concerning provisions for the collection of information regarding certain agricultural products] . . .	USDA (6)	6
7 U.S.C. § 8791	"[I]nformation provided by an agricultural producer or owner of agricultural land concerning the agricultural operation, farming or conservation practices, or the land itself, in order to participate in programs of the Department" and certain "geospatial information . . . maintained by the Secretary"	USDA (354)	354
8 U.S.C. § 1202(f)	Records pertaining to the issuance or refusal of visas to enter the U.S.	State (10,284)	10,284
10 U.S.C. § 128	Unclassified special nuclear weapons information	DOD (9)	9
10 U.S.C. § 130	Certain "technical data with military or space application in the possession of, or under the control of, the Department of Defense"	DOD (145); State (1)	146



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10 U.S.C. § 130b	Personally identifiable information pertaining to members of the armed forces assigned to "routinely deployable unit[s]" and certain employees of DOD and DHS	DOD (798); DHS (1); DOJ (1)	800
10 U.S.C. § 130c	Certain sensitive information of foreign governments and international organizations	DOD (50); DOJ (2)	52
10 U.S.C. § 130e	DOD Critical Infrastructure Security	DOD (2)	2
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	DOD (757); DHS (1); DOJ (3); State (10); NARA (11); TVA (1)	783
10 U.S.C. § 455	Maps, charts, and geodetic data	DOD (34)	34
10 U.S.C. § 613a(a)	Proceedings from selection and Special Selection Boards for Active Duty Officers and Warrant Officers	DOD (1)	1
10 U.S.C. § 1102	Medical quality assurance records	DOD (18); DOJ (1)	19
10 U.S.C. §§ 1506(d), 1506(f)	Records pertaining to the debriefing of a missing person returned to United States control	DOD (1); NARA (3)	4
10 U.S.C. § 2305(g)	Certain DOD contractor proposals	DOD (203); DOJ (2); NASA (7)	212
10 U.S.C. § 2306a(d)(2)(C)	Certain contractor information	DOJ (1)	1
10 U.S.C. § 2371(i)	Proposals, business plans, or technical information submitted to the DOD as part of a process resulting in awards other than contracts and grants	DOD (3)	3
10 U.S.C. § 2485(h)	Limitations on release of Commissary Commercially Valuable Information	DOD (1)	1
10 U.S.C. § 14104(a)	Proceedings from selection and Special Selection Boards for Reserve Officers	DOD (1)	1
12 U.S.C. § 248(s)(6)	Information on borrowers at the discount window	FRB (1)	1
13 U.S.C. § 301(g)	Shipper's export declarations	DOC (11)	11
13 U.S.C. §§ 8(b), 9(a)	Certain information collected by the Bureau of the Census	DOC (20)	20
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	DOJ (4); FTC (14)	18
15 U.S.C. § 46(f)	"[A]ny trade secret or any commercial or financial information which is obtained from any person and which is privileged or confidential"	FTC (55)	55
15 U.S.C. § 57b-2	Certain investigative materials received by the Federal Trade Commission and "provided pursuant to any compulsory process under this subchapter or which is provided voluntarily in place of such	FTC (54)	54
15 U.S.C. § 77f(e)(2)	"[A]ny information provided to or obtained by the Commission pursuant to this subsection"	SEC (1)	1
15 U.S.C. § 78u-6	Information that could identify a whistleblower	SEC (20)	20



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15 U.S.C. § 78q(h)(5)	Associated persons of broker-dealers, government securities brokers or dealers, or municipal securities dealers	SEC (1)	1
15 U.S.C. § 638(k)(4)	Company commercialization information	DOE (1)	1
15 U.S.C. § 1314(g)	Any documentary material or transcripts of oral testimony "provided pursuant to certain civil investigative demands pertaining to antitrust investigations"	DOJ (3)	3
15 U.S.C. § 2055(a)(2)	Trade secret and other confidential business information	CPSC (207)	207
15 U.S.C. § 2055(b)(1)	Information that identifies a particular brand name of a consumer product	CPSC (192)	192
15 U.S.C. § 2055(b)(5)	Information submitted under statutory reporting requirement for certain potentially unsafe consumer products	CPSC (19)	19
15 U.S.C. § 2055(e)(1)	Information submitted under statutory reporting requirement for certain consumer products involved in product liability actions	CPSC (7)	7
15 U.S.C. § 2074(c)	Information that identifies persons or those treating injured persons, absent consent	CPSC (176)	176
15 U.S.C. § 7301	Information received in the course of investigations regarding building failures	DOC (2)	2
16 U.S.C. § 470hh	Information pertaining to the nature and location of certain archaeological resources	USDA (31); Interior (28); FERC (8)	67
16 U.S.C. § 470w-3	Information about the location, character, or ownership of a historic resource	USDA (14); DOD (43); Interior (9); DOT (1)	67
16 U.S.C. § 1387(d)(8)	Information pertaining to the "take" of marine mammals in U.S. waters and by U.S. citizens on the high seas, and the importation of marine mammals and marine mammal products into the U.S.	DOC (1)	1
16 U.S.C. § 1881(a)	Statistical information contained in fishery management plans	DOC (8)	8
16 U.S.C. § 5937	Information about the nature and location of a resource that is endangered, threatened, rare or commercially valuable; mineral or paleontological objects or objects of cultural patrimony in the National Park System	Interior (4)	4
17 U.S.C. §§ 106(1), 106(3), 107	Certain materials accompanying applications to register copyright claims	CO (1)	1
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"	DOJ (18); Treasury (29)	47
18 U.S.C. § 798	Certain classified information pertaining to the communication, intelligence, and cryptographic devices of the United States or any foreign government	DOD (3,328); NARA (1)	3,329



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Statute	Type of Information Protected by Statute	Agency (Agencies) and No. of Times Cited	Total No. of Citations in FY 2012
18 U.S.C. § 1461	Obscene materials/records concerning non-mailable matter	DHS (1)	1
18 U.S.C. §§ 2510-20	Wiretap requests and the contents of any wire, oral, or electronic communication obtained through wiretaps	DHS (1); DOJ (162); NARA (1)	164
18 U.S.C. § 2722(a)	Personal information from a motor vehicle record	DHS (2)	2
18 U.S.C. § 3123(d)	Certain court orders 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"	DOJ (40)	40
18 U.S.C. § 3153	Information regarding pre-trial services	DOJ (4)	4
18 U.S.C. § 3509(d)	Certain records containing identifying information pertaining to children involved in criminal proceedings	DOD (20); HHS (1); DHS (6)	27
18 U.S.C. § 3521(b)(1)(g)	Witness security information	DOJ (54)	54
18 U.S.C. § 4208(c)	Certain records pertaining to parole determination proceedings	DOJ (1)	1
19 U.S.C. §§ 2605(h), 2605(i)	Certain records pertaining to Cultural Property Advisory Committee proceedings where "it is determined by the President or his designee that the disclosure of matters involved in the Committee's proceedings would compromise the Government's negotiating objectives or [certain] bargaining positions"; certain "information (including trade secrets and commercial or financial information which is privileged or confidential) submitted in confidence by the private sector to officers or employees of the United States or to the [Cultural Property Advisory] Committee"	State (1)	1
21 U.S.C. § 331(j)	Certain information "concerning any method or process which as a trade secret is entitled to protection"	HHS (55)	55
21 U.S.C. § 350d(a)(4)	Food registration documents	HHS (6)	6
21 U.S.C. § 355	Any information or documentary material that may have been filed pursuant to the pharmaceutical agreement notification	FTC (2)	2
22 U.S.C. § 288a(c)	Information regarding international programs records are immune from search and disclosure	HHS (1)	1
22 U.S.C. § 2751	Technical data withheld according to regulations establishing lists or categories of technical data that may not be exported, under the Arms Export Control Act	NASA (14)	14
22 U.S.C. § 2778(e)	Certain information pertaining to export license applications	DOD (8); DOJ (2); State (2); NARA (1)	13
22 U.S.C. § 4004	Foreign Service employee records	State (1)	1
25 U.S.C. § 2103(c)	Records related to the decision to grant or disapprove minerals agreements for Indian tribes	Interior (5)	5



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26 U.S.C. §§ 6103, 6105	Certain tax return information and certain tax convention information	DOD (1); DOE (6); DHS (1,740); DOJ (51); Treasury (2,940); VA (18); NARA (4); SBA (1); SSA (26); USAID (22)	4,809
29 U.S.C. § 1343(f)	Any information or documentary material submitted to the [agency] pursuant to . . . section [1343 of title 29 of the United States Code]	PBGC (1)	1
30 U.S.C. § 813(g)	Complaint information and interviews of miners	Labor (3)	3
31 U.S.C. § 3729(c)	False claims information	DOJ (1)	1
31 U.S.C. § 5318(g)(2)	Information pertaining to suspicious transactions	DOJ (1)	1
31 U.S.C. § 5319	Reports pertaining to monetary instrument transactions filed under subchapter II of chapter 53 of title 31 and records of those reports	DHS (3); DOJ (20); Treasury (263); FDIC (3); FRB (1); OPM (343)	633
35 U.S.C. § 122	Applications for patents; certain information pertaining to applications for patents	DOC (12); NSF (7)	19
35 U.S.C. § 181	Patent Information	DOE (2)	2
35 U.S.C. § 205	Information pertaining to invention in which the Federal Government owns or may own a right, title, or interest (including a nonexclusive license) for a reasonable time in order for a patent application to be filed	HHS (1); VA (1)	2
38 U.S.C. § 5701	Records pertaining to any claim filed with the Department of Veterans Affairs for names and addresses of present and former members of the Armed Forces and their dependents	VA (140)	140
38 U.S.C. § 5705	Records created as part of a medical quality assurance program	VA (60)	60
38 U.S.C. § 7332	Records of the identity, diagnosis, prognosis, or treatment of any patient or subject which are maintained in connection with the performance of any program or activity relating to drug abuse, alcoholism, or alcohol abuse, infection with the human immunodeficiency virus (HIV) or sickle cell anemia	VA (2,038)	2,038
39 U.S.C. § 410(c)(1)	Records relating to names and addresses of postal customers	USPS (256)	256
39 U.S.C. § 410(c)(2)	Records relating to commercial information that is proprietary to the Postal Service	USPS (133)	133
39 U.S.C. § 412	Records containing lists of postal customers	USPS (15)	15
41 U.S.C. § 253b(m)(1)	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	DOC (6); State (1); NARA (1); SEC (3); USAID (12)	23
41 U.S.C. § 423(a)(1)	Contractor bid or proposal information; source selection information	DOD (7); NARA (1)	9



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41 U.S.C. § 2102(a)	Contractor bid or proposal information; source selection information	USDA (1); DOC (1); DOD (1); DOE (9); DHS (1); Interior (10); DOJ (12);	35
41 U.S.C. § 4702(b)	Certain contractor proposals that have not been set forth or incorporated by reference into contract	USDA (15); ED (6); DOE (4); HHS (40); DHS (22); HUD (5); Interior (7); DOJ (1); Treasury (5); VA (55); CFPB (4); FTC (1); GSA (32); NRPC (3); NSF (1); OPM (1); TVA (6); USTDA (1)	208
42 U.S.C. § 242m(d)	Identifiable information for certain research and statistical activities	HHS (3)	3
42 U.S.C. § 247d-6b(d)	Information identifying the location at which materials in the stockpile under subsection (a) of this section are stored	HHS (1); SEC (3)	4
42 U.S.C. § 262a(h)	Bioterrorism-related information	DOD (1); HHS (15); DHS (2)	18
42 U.S.C. § 300aa-12(d)(4)(A)	Medical records presented to a Special Master in National Vaccine Injury Compensation Program court proceedings	HHS (4)	4
42 U.S.C. §§ 2000e-5(b), 2000e-8(e)	Information obtained by the EEOC in investigating charges of unlawful employment practices	EEOC (2,826)	2,826
42 U.S.C. § 2000ff-6	Information pertaining to charges of unlawful employment practices	EEOC (652)	652
42 U.S.C. § 2000g-2(b)	Community Relations Service confidentiality information	DOJ (1)	1
42 U.S.C. § 2162	Restricted Data pertaining to atomic weapons and special nuclear material	DOD (15); DOE (25); NARA (3)	43
42 U.S.C. § 2168(a)(1)(c)	Restricted and formerly restricted data concerning atomic energy	NARA (4)	4
42 U.S.C. § 3537a	Covered selected information during the grant selection process	HUD (1)	1
42 U.S.C. § 3610(d)	Records pertaining to conciliation of disputes regarding allegations of unfair housing practices; information derived from housing discrimination investigations and any final investigative reports pertaining to such investigations	HUD (6)	6
42 U.S.C. § 3789g	Data received by the Bureau of Justice Statistics and used only for statistical or research purposes	DOJ (9)	9
42 U.S.C. § 11137(b)	Adverse reports of a health practitioner's conduct	HHS (3)	3
42 U.S.C. § 12117	Americans with Disabilities Act charges, conciliation materials, required reports, and case file information	EEOC (2,245)	2,245
44 U.S.C. § 3501 note	Census coding for geographical locations	FRB (1)	1



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44 U.S.C. § 3541 et seq.	Records concerning information security controls and programs that support federal operations	ED (8)	8
45 U.S.C. § 362(d)	Information obtained by the Railroad Retirement Board that reveals, in any manner, an employee's identity	RRB (27)	27
46 U.S.C. § 40306	"Information and documents (other than an agreement) filed with the Federal Maritime Commission under this chapter [of the United States Code]"	FMC (2)	2
49 U.S.C. § 114(s)	Information obtained or developed in carrying out security under the authority of the Aviation and Transportation Act or under chapter 449 of this title	DHS (2,401)	2,401
49 U.S.C. § 1114(b)(3)	Voluntarily provided safety-related information if it is not related to the exercise of the NTSB's accident or incident investigation authority and if the NTSB finds that the disclosure would inhibit the voluntary provision of that type of information	NTSB (3)	3
49 U.S.C. § 1114(c)	Certain "cockpit voice or video recorder recording[s] or transcript[s] of communications by and between flight crew members and ground stations pertaining to [] incident[s] investigated by the [National Transportation Safety] Board"	DHS (136)	136
49 U.S.C. § 1114(f)	Any information relating to Board participation in foreign aircraft accidents, where the country conducting the investigation has not issued its report or two years have not elapsed from the date of the accident	DOT (1); NTSB (5)	6
49 U.S.C. § 30183	Names of individuals in highway traffic accident and accident investigation files used for research and development activities	DOT (2)	2
49 U.S.C. § 30305(c)(1)	National Driver Register information on certain individuals	DOT (1)	1
49 U.S.C. § 31105(h)(1)	Names of certain motor carrier employees	DOT (145)	145
49 U.S.C. § 40110(e)	Contract proposal not incorporated into contract	DOT (5)	5
49 U.S.C. § 40119(b)	Certain information obtained or developed in ensuring transportation security if disclosure of that information would: constitute an invasion of personal privacy, reveal a trade secret or confidential commercial or financial information, or be detrimental to transportation safety	DOJ (3); DOT (132)	135
49 U.S.C. § 40123(a)	Aviation Safety Action Program voluntarily submitted information	DOT (4)	4
49 U.S.C. § 46311	Information from air carrier records	DOT (1)	1
50 U.S.C. § 402 note	National Security Agency functions and information	DOD (3,612); DOJ (5); State (4); NARA (6)	3,627
50 U.S.C. § 403-1(i)(1)	Intelligence sources and methods	DOD (554); DHS (2); DOJ (174); State (1); NARA (30)	761



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50 U.S.C. § 403g	Intelligence sources and methods; certain information pertaining to Agency employees, specifically: "the organization, names, official titles, salaries, or numbers of personnel employed by the Agency"	DOD (33); DHS (34); DOJ (42); State (21); CIA (2,890); OPM (695); NARA (139)	3,854
50 U.S.C. § 421	Identities of U.S. undercover intelligence officers, agents, informants, and sources	DOD (2); NARA (2)	4
50 U.S.C. § 431	"[O]perational files of the Central Intelligence Agency"	DOJ (1)	1
50 U.S.C. § 432b	Operational files of the National Security Agency	DOD (15)	15
50 U.S.C. § 435 note	Information concerning U.S. personnel classified as POW/MIA during the Vietnam and Korean conflicts	DOD (4)	4
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"	DOJ (1)	1
50 U.S.C. § 2411(c)	Information pertaining to license applications under the Export Administration Act	DOC (14); DOD (3); DHS (1)	18
50 U.S.C. § 3204(i)(1)	Protects information pertaining to intelligence sources and methods pursuant to the National Security Act of 1947	ODNI (66)	66
50 U.S.C. § 3204(m)(1)	Protects, among other things, the names and identifying information of ODNI personnel	ODNI (111)	111
50 U.S.C. app. § 2170(c)	Information or documentary material filed with the President or President's designee pursuant to this section	DOD (1)	1
Confidential Information Protection and Statistical Efficiency Act of 2002, Title V of Pub. L. No. 107-347	Confidential respondent data to Bureau of Labor Statistics survey	Labor (2)	2
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	DOC (2); HHS (1); DHS (10); Interior (4); DOJ (674); Labor (6); State (1); Treasury (7); EPA (2); NARA (29); SBA (1); USPS (2)	739
Inspector General Act of 1978, Pub. L. No. 95-452, § 7	Employee complaints to the Inspector General	DOD (6); HHS (3); SEC (2); USPS (5)	14
Pub. L. No. 99-93	Records regarding arbitration of claims before the Iran-United States Claims Tribunal	State (2)	2
Pub. L. No. 107-347	Data that are required for exclusively statistical purposes under a pledge of confidentiality	HHS (1)	1



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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	DOJ (136)	136

**OIP has compiled this chart using information reported by agencies in their Annual FOIA Reports for Fiscal Year 2013. OIP consolidated information from those reports in order to provide an overall summary of the statutes used by agencies in connection with Exemption 3 of the FOIA, along with the number of times those statutes were used. All agency Annual FOIA Reports are available on OIP's website under the "Reports" page. Additionally, data from all agency 2013 Annual FOIA Reports is available on FOIA.gov.*



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Acronym	Agency Name
<i>NRPC</i>	National Railroad Passenger Corporation (Amtrak)
<i>FRB</i>	Board of Governors of the Federal Reserve System
<i>CIA</i>	Central Intelligence Agency
<i>CFPB</i>	Consumer Financial Protection Bureau
<i>CFTC</i>	Commodity Futures Trading Commission
<i>USDA</i>	Dept. of Agriculture
<i>DOC</i>	Dept. of Commerce
<i>DOD</i>	Dept. of Defense
<i>ED</i>	Dept. of Education
<i>DOE</i>	Dept. of Energy
<i>HHS</i>	Dept. of Health and Human Services
<i>DHS</i>	Dept. of Homeland Security
<i>HUD</i>	Dept. of Housing and Urban Development
<i>DOJ</i>	Dept. of Justice
<i>Labor</i>	Dept. of Labor
<i>State</i>	Dept. of State
<i>Interior</i>	Dept. of the Interior
<i>Treasury</i>	Dept. of the Treasury
<i>DOT</i>	Dept. of Transportation
<i>VA</i>	Dept. of Veterans Affairs
<i>EPA</i>	Environmental Protection Agency
<i>EEOC</i>	Equal Employment Opportunity Commission
<i>FDIC</i>	Federal Deposit Insurance Corporation
<i>FEC</i>	Federal Election Commission
<i>FERC</i>	Federal Energy Regulatory Commission
<i>FMC</i>	Federal Maritime Commission
<i>FTC</i>	Federal Trade Commission
<i>GSA</i>	General Services Administration
<i>LSC</i>	Legal Services Corporation
<i>NASA</i>	National Aeronautics and Space Administration
<i>NARA</i>	National Archives and Records Administration



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Acronym	Agency Name
<i>NMB</i>	National Mediation Board
<i>NSF</i>	National Science Foundation
<i>NTSB</i>	National Transportation Safety Board
<i>NRC</i>	Nuclear Regulatory Commission
<i>OGE</i>	Office of Government Ethics
<i>OPM</i>	Office of Personnel Management
<i>ODNI</i>	Office of the Director of National Intelligence
<i>PBGC</i>	Pension Benefit Guaranty Corporation
<i>RRB</i>	Railroad Retirement Board
<i>SEC</i>	Securities and Exchange Commission
<i>SBA</i>	Small Business Administration
<i>SSA</i>	Social Security Administration
<i>STB</i>	Surface Transportation Board
<i>TVA</i>	Tennessee Valley Authority
<i>USAID</i>	U.S. Agency for International Development
<i>CO</i>	U.S. Copyright Office
<i>CPSC</i>	U.S. Consumer Product Safety Commission
<i>USPS</i>	U.S. Postal Service
<i>USTDA</i>	U.S. Trade and Development Agency