The National Crime Prevention and Privacy Compact Act of 1998

Compact Council Bylaws

with
AMENDMENTS

Approved by the Council on May 15, 2014

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APPENDIX 1

National Crime Prevention and Privacy Compact Act of 1998

1.0 ESTABLISHMENT OF THE NATIONAL CRIME PREVENTION AND PRIVACY COMPACT COUNCIL

The National Crime Prevention and Privacy Compact (Compact Council) is created pursuant to the "National Crime Prevention and Privacy Compact Act of 1998" (Compact) (Title 42, United States Code, Chapter 140, Subchapter II, Sections 14611-14616).

2.0 FBI COMPACT OFFICER

The Director of the FBI shall appoint an FBI Compact officer who shall:

(A) Administer the Compact within the Department of Justice and among Federal agencies and other agencies and organizations that submit search requests to the FBI.

(B) Ensure that Compact provisions and rules, procedures, and standards prescribed by the Compact Council under Article VI of the Compact are complied with by the Department of Justice and the Federal agencies and other agencies and organizations; and

(C) Regulate the use of records received by means of the Interstate Identification Index (III) system from Party States when such records are supplied by the FBI directly to other Federal agencies.

The FBI Compact officer shall facilitate the election process for Compact Council members, the appointment of Compact Council members with the Attorney General and provide staff support to the Compact Council, its officers, and its committees.

3.0 MEMBERSHIP OF THE COMPACT COUNCIL

The Compact Council shall be composed of 15 members, each of whom shall be appointed by the Attorney General, as follows:

(A) Nine members, each of whom shall serve a two-year term, who shall be selected from among the Compact officers of Party States based on the recommendation of the Compact officers of all Party States, except that, in the absence of the requisite number of Compact officers available to serve, the chief administrators of the criminal history record repositories of Nonparty States shall be eligible to serve on an interim basis for a one-year term.

(B) Two at-large members, nominated by the Director of the FBI, each of whom shall serve a three-year term, of whom:

(1) One shall be a representative of the criminal justice agencies of the Federal Government and may not be an employee of the FBI; and

(2) One shall be a representative of the noncriminal justice agencies of the Federal Government.

(C) Two at-large members, nominated by the Chairman of the Compact Council ("Chairman"), once the Chairman is elected, each of whom shall serve a three-year term, of whom:

(1) One shall be a representative of State or local criminal justice agencies; and

(2) One shall be a representative of State or local noncriminal justice agencies.

(D) One member, who shall serve a three-year term, and who shall simultaneously be a member of the FBI's Advisory Policy Board (APB) on criminal justice information services, nominated by the membership of that policy board.

(E) One member, nominated by the Director of the FBI, who shall serve a three-year term, and who shall be an employee of the FBI.

4.0 TERM OF MEMBERS

Each appointment term shall begin on October 1st. All terms shall end on September 30th at the end of one, two, or three years as appointed to fulfill the requisite term.

In the case of a vacancy that occurs before the end of a term, such vacancy shall be filled as specified in Section 6.0. There shall be no limit on the number of times a Compact Council member may be reappointed, provided that he/she shall have been renominated as specified in Section 3.0 of these Bylaws, before each reappointment.

5.0 END-OF-TERM APPOINTMENT PROCESS

Prior to the end of a Compact Council member's term, the nomination process described in Section 3.0 and in this Section shall be followed to obtain an appointment for the next term. Nominations for the new term shall be submitted to the Attorney General by August 1st.

5.1 MEMBERS RECOMMENDED BY COMPACT OFFICERS OF ALL PARTY STATES

State Compact officer appointments are staggered such that expiration of terms occur on alternating years. In order to fill the requisite number of vacancies for state Compact officer appointments to the Compact Council due to the expiration of terms, the Compact Council Chairman shall ask each eligible state Compact officer whether he/she wants to be nominated to serve on the Compact Council.

If this solicitation results in less candidates than vacancies to be filled, the Compact Council Chairman shall ask the state Compact officers for nominations of chief administrators of criminal history record repositories of Nonparty States. The Compact Council Chairman shall ask each such chief administrator of the criminal history record repository of the Nonparty State whether he/she wants to be nominated to serve on the Compact Council.

The Compact Council Chairman shall conduct an election prior to the month of July with each state Compact officer voting for the requisite number of candidates. In the case of an election that does not conclusively identify the requisite number of candidates for the vacancies that exist, the Compact Council Chairman shall conduct a run-off election as necessary to resolve any tie.

The Compact Council Chairman shall submit the nominations of the requisite number of candidates receiving the highest number of votes to the Attorney General by August 1st.

The Compact Council Chairman shall retain a list of the number of votes received by the remaining candidates, identified as alternates, for use in filling state Compact officer vacancies created prior to the next election. The list of nominees for alternates remains valid until the next election. The Compact Council Chairman shall also forward these nominations for alternates to the Attorney General by August 1st along with the nominations for state Compact officer appointments due to the expiration of terms.

5.2 MEMBERS NOMINATED BY THE DIRECTOR OF THE FBI

In those years when necessary, the Director of the FBI shall submit a nominee(s) to the Attorney General by August 1st.

5.3 MEMBERS NOMINATED BY THE CHAIRMAN OF THE COMPACT COUNCIL

Before making these nominations, the Compact Council Chairman shall request recommendations for these nominations from all members of the Compact Council and the Compact officers of other Party States. The Compact Council Chairman shall consider, but not necessarily nominate from the list of recommended individuals. The Compact Council Chairman shall select two nominees. The Compact Council Chairman shall submit the two nominees to the Attorney General by August 1st.

5.4 FBI'S ADVISORY POLICY BOARD (APB) MEMBER NOMINATED BY THE APB

In those years when necessary, the Chairman of the APB shall submit a nominee to the Attorney General by August 1st.

6.0 COMPACT COUNCIL MEMBER VACANCIES

If a member vacates his/her position on the Compact Council the procedures as described below shall be followed. All members appointed due to vacancies shall have been duly nominated as specified in Section 3.0.

(A) COMPACT OFFICER OR NONPARTY STATE MEMBER RECOMMENDED BY COMPACT OFFICERS OF ALL PARTY STATES

As vacancies occur, the Compact Council Chairman shall announce the individual who received the most votes as an alternate, as specified in Section 5.1, to serve out the term. As additional vacancies occur, the Compact Council Chairman shall announce the individual(s) receiving the next highest votes as alternate(s) to serve out the term(s). If no available candidates remain on this list, the Compact Council Chairman shall hold a special election to obtain this nomination(s) and possible alternates for future use.

(B) AT-LARGE MEMBER OR FBI EMPLOYEE NOMINATED BY THE DIRECTOR OF THE FBI

The Director of the FBI shall submit a nominee to the Attorney General to serve out the term.

(C) AT-LARGE MEMBER NOMINATED BY THE CHAIRMAN OF THE COMPACT COUNCIL

As vacancies occur, the Compact Council Chairman shall request recommendations for the nomination from all members of the Compact Council and the Compact officers of other Party States. Considering the recommended individuals, the Compact Council Chairman shall select a nominee.

(D) FBI'S APB MEMBER NOMINATED BY THE APB

The Chairman of the APB shall submit a nominee to the Attorney General to serve out the term.

7.0 OFFICERS

The officers of the Compact Council shall be a Chairman and Vice Chairman.

7.1 DUTIES OF OFFICERS

The Compact Council Chairman shall:

(A) Set the agenda for Compact Council meetings and preside over these meetings;

(B) Designate another Compact Council member to preside over Compact Council meetings in the absence of both the Compact Council Chairman and Vice Chairman;

(C) Coordinate with the FBI Compact officer on all administrative matters relating to the Compact Council, including notification to the appropriate nominating authority(ies) concerning any vacancies on the Compact Council that must be filled;

(D) Establish committees of the Compact Council, appoint a Chairman and Vice Chairman of each committee, and prescribe committee membership, responsibilities, and duration;

(E) Hold elections with state Compact officers to nominate candidates for appointment to the Compact Council;

(F) Nominate two persons to serve on the Compact Council as at-large members; and

(G) Represent the Compact Council at various governmental and other functions to further the goals of the Compact Council.

The Vice Chairman of the Compact Council shall serve as the Chairman of the Compact Council in the absence of the Chairman.

7.2 QUALIFICATIONS OF CHAIRMAN AND VICE CHAIRMAN

The Chairman and Vice Chairman of the Compact Council:

(A) shall be members of the Compact Council; and

(B) shall be Compact officers, unless there is no Compact officer on the Compact Council who is willing to serve, in which case the Compact Council Chairman may be an at-large member; the Compact Council Vice-Chairman must be a member of the Compact Council.

7.3 TERM OF OFFICERS

The term of the officers shall be two years in duration. An officer may not serve more than two terms consecutively in the same office.

7.4 ELECTIONS OF OFFICERS

Elections of the Compact Council Chairman and Vice Chairman shall be held at the first Compact Council meeting after September 30th in those years when elections are necessary. The Compact Council member who is an FBI employee shall

conduct the election of the Compact Council Chairman and the Vice Chairman.

Each member of the Compact Council may nominate a qualified candidate for Compact Council Chairman. The election of the Compact Council Chairman shall be held by a secret ballot of the Compact Council members, and the candidate with a simple majority vote is elected. If no candidate receives a simple majority, there shall be a run-off election involving the two candidates who received the most votes.

Each member of the Compact Council may nominate a qualified candidate for Compact Council Vice Chairman. The election of the Compact Council Vice Chairman shall be held by a secret ballot of the Compact Council members, and the candidate with a simple majority vote is elected. If no candidate receives a simple majority, there shall be a run-off election involving the two candidates who received the most votes.

The newly elected officers shall serve a two-year term commencing immediately preceding the adjournment of the Compact Council meeting at which they were elected.

7.5 OFFICER VACANCIES

In the event of a vacancy in the office of the Compact Council Chairman, the Compact Council Vice Chairman shall succeed the Compact Council Chairman for the remainder of the term of office and shall hold a special election for a new Compact Council Vice Chairman at the next Compact Council meeting. If both offices become vacant, the Compact Council member who is an FBI employee shall call for and hold a special election for the remainder of the terms of office. Nominations and voting shall be made in the same manner as stated in Section 7.4. Serving for a partial term shall not be counted toward the two-term limit set in Section 7.3.

8.0 MEETINGS

8.1 FREQUENCY AND LOCATION OF MEETINGS

The Compact Council shall meet at least once a year at the call of the Compact Council Chairman. Before adjourning a Compact Council meeting, the Compact Council Chairman may solicit recommendations from the Compact Council regarding the date and location for the next Compact Council meeting. All meetings shall be held at a place reasonably accessible to the public.

8.2 PRESENCE OF OFFICERS

The Compact Council Chairman, Vice Chairman, or Chairman’s designee must be present at Compact Council meetings.

8.3 NOTICE OF MEETINGS

A notice of each meeting of the Compact Council shall be published in the *Federal Register* at least 30 days prior to the meeting. The notice shall include the matters to be addressed at the meeting.

8.4 CONDUCT OF MEETINGS

All meetings shall be conducted in compliance with *Robert's Rules of Order* (latest revision) except as otherwise provided in these Bylaws.

8.5 PROXIES

A Compact Council member may designate a proxy for a Compact Council meeting by notifying the Compact Council Chairman, or the FBI Compact officer, in writing prior to the meeting for which the proxy is given or during the meeting, when necessary. The proxy shall be a knowledgeable person from the same agency as the Compact Council member who is being represented, or a Compact officer or the chief administrator of a criminal history record repository of another State which does not have a member on the Compact Council.

8.6 ATTENDANCE AT MEETINGS

Members of the Compact Council shall attend all Compact Council meetings or send a proxy if their attendance is not possible. If a Compact Council member fails to attend two consecutive Compact Council meetings, regardless of proxy representation and absent mitigating circumstances, then such Compact Council member shall relinquish membership on the Compact Council.

If mitigating circumstances do exist, the Compact Council member may submit a description of the situation to the Compact Council Chairman. The Compact Council Chairman shall recommend whether the meeting attendance requirement should be waived. If a waiver is granted, the waiver shall only apply to the specific circumstance and shall not serve as precedent. Notification of the loss of membership shall be made immediately by the Compact Council Chairman to the member and appropriate procedures shall be instituted to select a replacement.

8.7 OPEN SESSIONS

Meetings of the Compact Council shall be in open session. Meetings shall be open to the public on a first-come, first seated basis. Any member of the public may file a written statement concerning matters related to the concerns and activities of the Compact Council. Anyone wishing to address a session of a Compact Council meeting should notify the FBI's Compact officer at least 24 hours prior to the start of the session. The notification should contain the requestor's name and corporate designation, consumer affiliation, or government designation, along with a short

statement describing the topic to be addressed, and the time needed for the presentation. Vendors shall not be permitted to promote products or make sales presentations while the Compact Council meeting is in open session without the approval of the Compact Council Chairman. The Chairman of the Compact Council shall have the discretion whether or not to recognize a requestor, who has provided the proper notification, as a speaker at a Compact Council meeting. Requestors shall ordinarily be allowed not more than 15 minutes to present a topic. Notifications and inquiries shall be addressed to: FBI Compact Officer, FBI, CJIS Division, 1000 Custer Hollow Road, Clarksburg, West Virginia 26306, telephone (304) 625-2000.

8.8 QUORUM

A simple majority of the Compact Council or any committee of the Compact Council shall constitute a quorum of the Compact Council or of such committee, respectively, for the conduct of business. No vote shall be taken without a quorum. A lesser number may meet to hold hearings, take testimony, or conduct any business not requiring a vote.

8.9 VOTING

Only members or their proxies in attendance at Compact Council meetings shall be eligible to make motions and vote. Except for amendments to the Bylaws, all votes shall be decided by a simple majority of those members of the Compact Council present.

8.10 AGENDA

The agenda for a Compact Council meeting shall be set and mailed or communicated electronically to each member at least thirty days in advance of the meeting. The Compact Council Chairman shall be the final arbiter of all agenda items.

8.11 MINUTES AND RECORDS OF THE COMPACT COUNCIL

Minutes, records, transcripts, and other documents of the Compact Council shall be administered by the FBI. The Compact Council shall make available for public inspection and copying at the Compact Council office within the FBI, and shall publish in the *Federal Register*, any rules, procedures, or standards established by the Compact Council.

The FBI shall distribute draft minutes to the Compact Council members at least thirty days prior to the next Compact Council meeting. The draft minutes shall be considered for approval at the next Compact Council meeting. The final approved minutes of meetings shall be available to the public upon request. Minutes of Compact Council meetings shall be kept and maintained at the: Compact Council Office, FBI, CJIS Division, 1000 Custer Hollow Road, Clarksburg, West Virginia

26306.

8.12 ADJOURNMENT OF MEETINGS

A meeting may be adjourned by the Compact Council Chairman at any time with a majority vote of the Compact Council.

9.0 PROMULGATION OF RULES, PROCEDURES AND STANDARDS

The Compact Council shall promulgate rules, procedures, and standards upon a majority vote of its members at a scheduled public meeting except in cases in which the Compact Council determines that exigent circumstances require immediate action. In those cases of exigent circumstances, the Compact Council may approve a rule, procedure, or standard by telephone conference call or by other available means of communication, provided that such a rule, procedure, or standard shall expire unless adopted by the Compact Council at the next scheduled public Compact Council meeting.

9.1 COORDINATION WITH AFFECTED PERSONS, AGENCIES AND ORGANIZATIONS

If the Compact Council has reason to believe that a particular rule, procedure, or standard will have a major impact on a significant number of persons, agencies, or organizations, and that the views and concerns of such persons, agencies, or organizations have not adequately been made known to the Compact Council, it may publish a proposed rule, procedure or standard in the *Federal Register* with a notice that written comments may be submitted to the Compact Council Office of the FBI during a period of at least thirty days. At its next meeting, the Compact Council may, after due consideration of any comments received, approve the rule, procedure, or standard in final form.

9.2 EFFECTIVE DATE

Final rules, procedures, or standards shall become effective 30 days after publication in the *Federal Register* unless the Compact Council declares that a particular rule, procedure, or standard shall become effective immediately upon publication due to exigent circumstances.

10.0 COMPENSATION

Members of the Compact Council (other than a member from the FBI or any at-large member who may be a Federal official or employee) shall not, by virtue of such membership, be deemed--

(A) to be, for any purpose other than to effect the Compact, officers or employees of the United States (as defined in sections 2104 and 2105 of title 5, United States Code); or

(B) to become entitled by reason of Compact Council membership to any compensation or benefit payable or made available by the Federal Government to its officers or employees.

The FBI shall reimburse members or proxies of the Compact Council and members of Compact Council committees (other than any at-large member who is a Federal official or employee) for approved travel and subsistence expenses for attendance at meetings from available funds. Reimbursement shall be pursuant to title 5, United States Code, Section 5703.

11.0 ASSISTANCE FROM THE FBI

The Compact Council may request from the FBI such reports, studies, statistics, or other information or materials as the Compact Council determines to be necessary to enable the Compact Council to perform its duties under this Compact. The FBI, to the extent authorized by law, may provide such assistance or information upon such a request. The FBI shall provide administrative support for the Compact Council, attend meetings, and provide assistance to the Compact Council during meetings as requested by the Compact Council Chairman.

12.0 COMMITTEES

The Compact Council Chairman may establish committees as necessary to carry out the Compact and may prescribe their membership, responsibilities, and duration. Committees may be composed of both Compact Council members and individuals who are subject matter specialists but are not Compact Council members.

Compact Council committee meetings are closed to the public. Attendance is limited to committee members, Federal and State Government employees acting in an official capacity, and others by specific invitation of the committee Chairman.

Due to the unique working knowledge of Compact Council members who shall be appointed to serve on Compact Council committees, the members are expected to attend committee meetings whenever possible. If it becomes necessary to send a proxy, the committee member should ensure that the proxy has the appropriate subject matter expertise. A representative from the committee member's agency or another state Compact officer who is not currently a member of that committee may serve as a proxy. If a committee member fails to attend two consecutive committee meetings, regardless of proxy representation and absent mitigating circumstances, then such committee member shall relinquish membership on the committee.

If mitigating circumstances do exist, the committee member may submit a description of the situation to the committee Chairman and the Compact Council Chairman. The Compact Council Chairman and the committee Chairman shall confer and jointly determine whether the meeting attendance requirement shall be waived. If a waiver is granted, the waiver shall only apply to the specific circumstance and shall not serve as precedent. Notification of the loss of committee membership shall be made immediately by the Compact Council Chairman and appropriate procedures shall be instituted to select a replacement.

An FBI representative shall attend all committee meetings and provide reasonable assistance to the committee as requested by the committee Chairman.

13.0 DISCRIMINATION PROHIBITED

With regard to all Compact Council and Compact Council committee matters, there shall be no discrimination based on race, color, national origin, religion, age, sex, sexual orientation, gender identification, disability, marital status, status as a parent, genetic information, political affiliation, or any subsequently protected class.

14.0 AMENDMENTS TO BYLAWS

Proposed amendments to these Bylaws shall be sponsored by a member of the Compact Council and shall be mailed or communicated electronically to the members of the Compact Council at least thirty days before the meeting at which the amendment will be considered. A two-thirds majority of the voting Compact Council members present is required for passage of the proposed motion to amend these Bylaws. Unless an effective date is provided in the proposed amendment, the effective date of the amendment shall be at the conclusion of the meeting at which it is passed.

Appendix 1

National Crime Prevention and Privacy Compact Act of 1998

Web Address:
http://www.fbi.gov/about-us/cjis/cc/the-compact/the_compact