

104<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 830

To amend chapter 35 of title 44, United States Code, to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 6, 1995

Mr. CLINGER (for himself, Mr. SISISKY, Mr. MCINTOSH, Mr. DAVIS, Mr. SOLOMON, and Mr. BLUTE) introduced the following bill; which was referred to the Committee on Government Reform and Oversight

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## A BILL

To amend chapter 35 of title 44, United States Code, to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Paperwork Reduction  
5 Act of 1995”.

1 **SEC. 2. COORDINATION OF FEDERAL INFORMATION POL-**  
 2 **ICY.**

3 Chapter 35 of title 44, United States Code, is amend-  
 4 ed to read as follows:

5 **“CHAPTER 35—COORDINATION OF**  
 6 **FEDERAL INFORMATION POLICY**

“Sec.

“3501. Purposes.

“3502. Definitions.

“3503. Office of Information and Regulatory Affairs.

“3504. Authority and functions of Director.

“3505. Assignment of tasks and deadlines.

“3506. Federal agency responsibilities.

“3507. Public information collection activities; submission to Director; approval  
and delegation.

“3508. Determination of necessity for information; hearing.

“3509. Designation of central collection agency.

“3510. Cooperation of agencies in making information available.

“3511. Establishment and operation of Government Information Locator Serv-  
ice.

“3512. Public protection.

“3513. Director review of agency activities; reporting; agency response.

“3514. Responsiveness to Congress.

“3515. Administrative powers.

“3516. Rules and regulations.

“3517. Consultation with other agencies and the public.

“3518. Effect on existing laws and regulations.

“3519. Access to information.

“3520. Authorization of appropriations.

7 **“§ 3501. Purposes**

8 “The purposes of this chapter are to—

9 “(1) minimize the paperwork burden for indi-  
 10 viduals, small businesses, educational and nonprofit  
 11 institutions, Federal contractors, State, local and  
 12 tribal governments, and other persons resulting from  
 13 the collection of information by or for the Federal  
 14 Government;

1           “(2) ensure the greatest possible public benefit  
2           from and maximize the utility of information cre-  
3           ated, collected, maintained, used, shared and dis-  
4           seminated by or for the Federal Government;

5           “(3) coordinate, integrate, and to the extent  
6           practicable and appropriate, make uniform Federal  
7           information resources management policies and  
8           practices as a means to improve the productivity, ef-  
9           ficiency, and effectiveness of Government programs,  
10          including the reduction of information collection bur-  
11          dens on the public and the improvement of service  
12          delivery to the public;

13          “(4) improve the quality and use of Federal in-  
14          formation to strengthen decisionmaking, accountabil-  
15          ity, and openness in Government and society;

16          “(5) minimize the cost to the Federal Govern-  
17          ment of the creation, collection, maintenance, use,  
18          dissemination, and disposition of information;

19          “(6) strengthen the partnership between the  
20          Federal Government and State, local, and tribal gov-  
21          ernments by minimizing the burden and maximizing  
22          the utility of information created, collected, main-  
23          tained, used, disseminated, and retained by or for  
24          the Federal Government;

1           “(7) provide for the dissemination of public in-  
2           formation on a timely basis, on equitable terms, and  
3           in a manner that promotes the utility of the infor-  
4           mation to the public and makes effective use of  
5           information technology;

6           “(8) ensure that the creation, collection, main-  
7           tenance, use, dissemination, and disposition of infor-  
8           mation by or for the Federal Government is consist-  
9           ent with applicable laws, including laws relating to—

10                   “(A) privacy and confidentiality, including  
11                   section 552a of title 5;

12                   “(B) security of information, including the  
13                   Computer Security Act of 1987 (Public Law  
14                   100–235); and

15                   “(C) access to information, including sec-  
16                   tion 552 of title 5;

17           “(9) ensure the integrity, quality, and utility of  
18           the Federal statistical system;

19           “(10) ensure that information technology is ac-  
20           quired, used, and managed to improve performance  
21           of agency missions, including the reduction of infor-  
22           mation collection burdens on the public; and

23           “(11) improve the responsibility and account-  
24           ability of the Office of Management and Budget and  
25           all other Federal agencies to Congress and to the

1 public for implementing the information collection  
2 review process, information resources management,  
3 and related policies and guidelines established under  
4 this chapter.

5 **“§ 3502. Definitions**

6 “As used in this chapter—

7 “(1) the term ‘agency’ means any executive  
8 department, military department, Government cor-  
9 poration, Government controlled corporation, or  
10 other establishment in the executive branch of the  
11 Government (including the Executive Office of the  
12 President), or any independent regulatory agency,  
13 but does not include—

14 “(A) the General Accounting Office;

15 “(B) Federal Election Commission;

16 “(C) the governments of the District of  
17 Columbia and of the territories and possessions  
18 of the United States, and their various subdivi-  
19 sions; or

20 “(D) Government-owned contractor-oper-  
21 ated facilities, including laboratories engaged in  
22 national defense research and production activi-  
23 ties;

24 “(2) the term ‘burden’ means time, effort, or fi-  
25 nancial resources expended by persons to generate,

1 maintain, or provide information to or for a Federal  
2 agency, including the resources expended for—

3 “(A) reviewing instructions;

4 “(B) acquiring, installing, and utilizing  
5 technology and systems;

6 “(C) adjusting the existing ways to comply  
7 with any previously applicable instructions and  
8 requirements;

9 “(D) searching data sources;

10 “(E) completing and reviewing the collec-  
11 tion of information; and

12 “(F) transmitting, or otherwise disclosing  
13 the information;

14 “(3) the term ‘collection of information’ means  
15 the obtaining, causing to be obtained, soliciting, or  
16 requiring the disclosure to third parties or the pub-  
17 lic, of facts or opinions by or for an agency, regard-  
18 less of form or format, calling for either—

19 “(A) answers to identical questions posed  
20 to, or identical reporting or recordkeeping re-  
21 quirements imposed on, ten or more persons,  
22 other than agencies, instrumentalities, or  
23 employees of the United States; or

24 “(B) answers to questions posed to agen-  
25 cies, instrumentalities, or employees of the

1 United States which are to be used for general  
2 statistical purposes;

3 “(4) the term ‘Director’ means the Director of  
4 the Office of Management and Budget;

5 “(5) the term ‘independent regulatory agency’  
6 means the Board of Governors of the Federal Re-  
7 serve System, the Commodity Futures Trading Com-  
8 mission, the Consumer Product Safety Commission,  
9 the Federal Communications Commission, the Fed-  
10 eral Deposit Insurance Corporation, the Federal En-  
11 ergy Regulatory Commission, the Federal Housing  
12 Finance Board, the Federal Maritime Commission,  
13 the Federal Trade Commission, the Interstate Com-  
14 merce Commission, the Mine Enforcement Safety  
15 and Health Review Commission, the National Labor  
16 Relations Board, the Nuclear Regulatory Commis-  
17 sion, the Occupational Safety and Health Review  
18 Commission, the Postal Rate Commission, the Secu-  
19 rities and Exchange Commission, and any other  
20 similar agency designated by statute as a Federal  
21 independent regulatory agency or commission;

22 “(6) the term ‘information resources’ means in-  
23 formation and related resources, such as personnel,  
24 equipment, funds, and information technology;

1           “(7) the term ‘information resources manage-  
2           ment’ means the process of managing information  
3           resources to accomplish agency missions and to im-  
4           prove agency performance, including through the re-  
5           duction of information collection burdens on the  
6           public;

7           “(8) the term ‘information system’ means a dis-  
8           crete set of information resources and processes,  
9           automated or manual, organized for the collection,  
10          processing, maintenance, use, sharing, dissemina-  
11          tion, or disposition of information;

12          “(9) the term ‘information technology’ has the  
13          same meaning as the term ‘automatic data process-  
14          ing equipment’ as defined by section 111(a)(2) of  
15          the Federal Property and Administrative Services  
16          Act of 1949 (40 U.S.C. 759(a)(2));

17          “(10) the term ‘person’ means an individual,  
18          partnership, association, corporation, business trust,  
19          or legal representative, an organized group of indi-  
20          viduals, a State, territorial, or local government or  
21          branch thereof, or a political subdivision of a State,  
22          territory, or local government or a branch of a politi-  
23          cal subdivision;

24          “(11) the term ‘practical utility’ means the abil-  
25          ity of an agency to use information, particularly the

1 capability to process such information in a timely  
2 and useful fashion;

3 “(12) the term ‘public information’ means any  
4 information, regardless of form or format, that an  
5 agency discloses, disseminates, or makes available to  
6 the public; and

7 “(13) the term ‘recordkeeping requirement’  
8 means a requirement imposed by or for an agency  
9 on persons to maintain specified records, including a  
10 requirement to—

11 “(A) retain such records;

12 “(B) notify third parties or the public of  
13 the existence of such records;

14 “(C) disclose such records to third parties  
15 or the public; or

16 “(D) report to third parties or the public  
17 regarding such records.

18 **“§ 3503. Office of Information and Regulatory Affairs**

19 “(a) There is established in the Office of Manage-  
20 ment and Budget an office to be known as the Office of  
21 Information and Regulatory Affairs.

22 “(b) There shall be at the head of the Office an Ad-  
23 ministrator who shall be appointed by the President, by  
24 and with the advice and consent of the Senate. The Direc-  
25 tor shall delegate to the Administrator the authority to

1 administer all functions under this chapter, except that  
2 any such delegation shall not relieve the Director of re-  
3 sponsibility for the administration of such functions. The  
4 Administrator shall serve as principal adviser to the Direc-  
5 tor on Federal information resources management policy.

6 **“§ 3504. Authority and functions of Director**

7 “(a) (1) The Director shall—

8 “(A) develop, coordinate and oversee the imple-  
9 mentation of Federal information resources manage-  
10 ment policies, principles, standards, and guidelines;  
11 and

12 “(B) provide direction and oversee—

13 “(i) the review and approval of the collec-  
14 tion of information and the reduction of the  
15 information collection burden;

16 “(ii) agency dissemination of and public  
17 access to information;

18 “(iii) statistical activities;

19 “(iv) records management activities;

20 “(v) privacy, confidentiality, security,  
21 disclosure, and sharing of information; and

22 “(vi) the acquisition and use of informa-  
23 tion technology.

24 “(2) The authority of the Director under this chapter  
25 shall be exercised consistent with applicable law.

1       “(b) With respect to general information resources  
2 management policy, the Director shall—

3               “(1) develop and oversee the implementation of  
4 uniform information resources management policies,  
5 principles, standards, and guidelines;

6               “(2) foster greater sharing, dissemination, and  
7 access to public information, including through—

8                       “(A) the use of the Government Informa-  
9 tion Locator Service; and

10                      “(B) the development and utilization of  
11 common standards for information collection,  
12 storage, processing and communication, includ-  
13 ing standards for security, interconnectivity and  
14 interoperability;

15               “(3) initiate and review proposals for changes  
16 in legislation, regulations, and agency procedures to  
17 improve information resources management prac-  
18 tices;

19               “(4) oversee the development and implementa-  
20 tion of best practices in information resources man-  
21 agement, including training; and

22               “(5) oversee agency integration of program and  
23 management functions with information resources  
24 management functions.

1       “(c) With respect to the collection of information and  
2 the control of paperwork, the Director shall—

3           “(1) review and approve proposed agency collec-  
4 tions of information;

5           “(2) coordinate the review of the collection of  
6 information associated with Federal procurement  
7 and acquisition by the Office of Information and  
8 Regulatory Affairs with the Office of Federal Pro-  
9 curement Policy, with particular emphasis on apply-  
10 ing information technology to improve the efficiency  
11 and effectiveness of Federal procurement and acqui-  
12 sition and to reduce information collection burdens  
13 on the public;

14           “(3) minimize the Federal information collec-  
15 tion burden, with particular emphasis on those indi-  
16 viduals and entities most adversely affected;

17           “(4) maximize the practical utility of and public  
18 benefit from information collected by or for the  
19 Federal Government; and

20           “(5) establish and oversee standards and guide-  
21 lines by which agencies are to estimate the burden  
22 to comply with a proposed collection of information.

23       “(d) With respect to information dissemination, the  
24 Director shall develop and oversee the implementation of  
25 policies, principles, standards, and guidelines to—

1           “(1) apply to Federal agency dissemination of  
2 public information, regardless of the form or format  
3 in which such information is disseminated; and

4           “(2) promote public access to public informa-  
5 tion and fulfill the purposes of this chapter, includ-  
6 ing through the effective use of information tech-  
7 nology.

8           “(e) With respect to statistical policy and coordina-  
9 tion, the Director shall—

10           “(1) coordinate the activities of the Federal sta-  
11 tistical system to ensure—

12           “(A) the efficiency and effectiveness of the  
13 system; and

14           “(B) the integrity, objectivity, impartiality,  
15 utility, and confidentiality of information col-  
16 lected for statistical purposes;

17           “(2) ensure that budget proposals of agencies  
18 are consistent with system-wide priorities for main-  
19 taining and improving the quality of Federal statis-  
20 tics and prepare an annual report on statistical pro-  
21 gram funding;

22           “(3) develop and oversee the implementation of  
23 Governmentwide policies, principles, standards, and  
24 guidelines concerning—

1           “(A) statistical collection procedures and  
2 methods;

3           “(B) statistical data classification;

4           “(C) statistical information presentation  
5 and dissemination;

6           “(D) timely release of statistical data; and

7           “(E) such statistical data sources as may  
8 be required for the administration of Federal  
9 programs;

10          “(4) evaluate statistical program performance  
11 and agency compliance with Governmentwide poli-  
12 cies, principles, standards and guidelines;

13          “(5) promote the sharing of information col-  
14 lected for statistical purposes consistent with privacy  
15 rights and confidentiality pledges;

16          “(6) coordinate the participation of the United  
17 States in international statistical activities, including  
18 the development of comparable statistics;

19          “(7) appoint a chief statistician who is a  
20 trained and experienced professional statistician to  
21 carry out the functions described under this sub-  
22 section;

23          “(8) establish an Interagency Council on Statis-  
24 tical Policy to advise and assist the Director in car-

1 rying out the functions under this subsection that  
2 shall—

3 “(A) be headed by the chief statistician;

4 and

5 “(B) consist of—

6 “(i) the heads of the major statistical  
7 programs; and

8 “(ii) representatives of other statis-  
9 tical agencies under rotating membership;

10 and

11 “(9) provide opportunities for training in statis-  
12 tical policy functions to employees of the Federal  
13 Government under which—

14 “(A) each trainee shall be selected at the  
15 discretion of the Director based on agency re-  
16 quests and shall serve under the chief statisti-  
17 cian for at least 6 months and not more than  
18 1 year; and

19 “(B) all costs of the training shall be paid  
20 by the agency requesting training.

21 “(f) With respect to records management, the Direc-  
22 tor shall—

23 “(1) provide advice and assistance to the Archi-  
24 vist of the United States and the Administrator of  
25 General Services to promote coordination in the ad-

1       ministration of chapters 29, 31, and 33 of this title  
2       with the information resources management policies,  
3       principles, standards, and guidelines established  
4       under this chapter;

5               “(2) review compliance by agencies with—

6                       “(A) the requirements of chapters 29, 31,  
7                       and 33 of this title; and

8                       “(B) regulations promulgated by the Ar-  
9                       chivist of the United States and the Adminis-  
10                      trator of General Services; and

11               “(3) oversee the application of records manage-  
12               ment policies, principles, standards, and guidelines,  
13               including requirements for archiving information  
14               maintained in electronic format, in the planning and  
15               design of information systems.

16               “(g) With respect to privacy and security, the Direc-  
17       tor shall—

18                       “(1) develop and oversee the implementation of  
19                       policies, principles, standards, and guidelines on pri-  
20                       vacy, confidentiality, security, disclosure and sharing  
21                       of information collected or maintained by or for  
22                       agencies;

23                       “(2) oversee and coordinate compliance with  
24                       sections 552 and 552a of title 5, the Computer Se-

1 security Act of 1987 (40 U.S.C. 759 note), and relat-  
2 ed information management laws; and

3 “(3) require Federal agencies, consistent with  
4 the Computer Security Act of 1987 (40 U.S.C. 759  
5 note), to identify and afford security protections  
6 commensurate with the risk and magnitude of the  
7 harm resulting from the loss, misuse, or unauthor-  
8 ized access to or modification of information col-  
9 lected or maintained by or on behalf of an agency.

10 “(h) With respect to Federal information technology,  
11 the Director shall—

12 “(1) in consultation with the Director of the  
13 National Institute of Standards and Technology and  
14 the Administrator of General Services—

15 “(A) develop and oversee the implementa-  
16 tion of policies, principles, standards, and  
17 guidelines for information technology functions  
18 and activities of the Federal Government, in-  
19 cluding periodic evaluations of major informa-  
20 tion systems; and

21 “(B) oversee the development and imple-  
22 mentation of standards under section 111(d) of  
23 the Federal Property and Administrative Serv-  
24 ices Act of 1949 (40 U.S.C. 759(d));

1           “(2) monitor the effectiveness of, and compli-  
2           ance with, directives issued under sections 110 and  
3           111 of the Federal Property and Administrative  
4           Services Act of 1949 (40 U.S.C. 757 and 759);

5           “(3) coordinate the development and review by  
6           the Office of Information and Regulatory Affairs of  
7           policy associated with Federal procurement and ac-  
8           quisition of information technology with the Office of  
9           Federal Procurement Policy;

10          “(4) ensure, through the review of agency budg-  
11          et proposals, information resources management  
12          plans and other means—

13                 “(A) agency integration of information re-  
14                 sources management plans, program plans and  
15                 budgets for acquisition and use of information  
16                 technology; and

17                 “(B) the efficiency and effectiveness of  
18                 inter-agency information technology initiatives  
19                 to improve agency performance and the accom-  
20                 plishment of agency missions; and

21          “(5) promote the use of information technology  
22          by the Federal Government to improve the produc-  
23          tivity, efficiency, and effectiveness of Federal pro-  
24          grams, including through dissemination of public in-

1 formation and the reduction of information collection  
2 burdens on the public.

3 **“§ 3505. Assignment of tasks and deadlines**

4 “(a) In carrying out the functions under this chapter,  
5 the Director shall—

6 “(1) in consultation with agency heads, set an  
7 annual Governmentwide goal for the reduction of in-  
8 formation collection burdens by at least five percent,  
9 and set annual agency goals to—

10 “(A) reduce information collection burdens  
11 imposed on the public that—

12 “(i) represent the maximum prac-  
13 ticable opportunity in each agency; and

14 “(ii) are consistent with improving  
15 agency management of the process for the  
16 review of collections of information estab-  
17 lished under section 3506(c); and

18 “(B) improve information resources man-  
19 agement in ways that increase the productivity,  
20 efficiency and effectiveness of Federal pro-  
21 grams, including service delivery to the public;

22 “(2) with selected agencies and non-Federal en-  
23 tities on a voluntary basis, initiate and conduct pilot  
24 projects to test alternative policies, practices, regula-  
25 tions, and procedures to fulfill the purposes of this

1 chapter, particularly with regard to minimizing the  
2 Federal information collection burden; and

3 “(3) in consultation with the Administrator of  
4 General Services, the Director of the National Insti-  
5 tute of Standards and Technology, the Archivist of  
6 the United States, and the Director of the Office of  
7 Personnel Management, develop and maintain a  
8 Governmentwide strategic plan for information re-  
9 sources management, that shall include—

10 “(A) a description of the objectives and the  
11 means by which the Federal Government shall  
12 apply information resources to improve agency  
13 and program performance;

14 “(B) plans for—

15 “(i) reducing information burdens on  
16 the public, including reducing such bur-  
17 dens through the elimination of duplication  
18 and meeting shared data needs with shared  
19 resources;

20 “(ii) enhancing public access to and  
21 dissemination of, information, using elec-  
22 tronic and other formats; and

23 “(iii) meeting the information tech-  
24 nology needs of the Federal Government in

1           accordance with the purposes of this chap-  
2           ter; and

3           “(C) a description of progress in applying  
4           information resources management to improve  
5           agency performance and the accomplishment of  
6           missions.

7           “(b) For purposes of any pilot project conducted  
8           under subsection (a)(2), the Director may waive the appli-  
9           cation of any regulation or administrative directive issued  
10          by an agency with which the project is conducted, includ-  
11          ing any regulation or directive requiring a collection of in-  
12          formation, after giving timely notice to the public and the  
13          Congress regarding the need for such waiver.

14          **“§ 3506. Federal agency responsibilities**

15          “(a)(1) The head of each agency shall be responsible  
16          for—

17                  “(A) carrying out the agency’s information re-  
18                  sources management activities to improve agency  
19                  productivity, efficiency, and effectiveness; and

20                  “(B) complying with the requirements of this  
21                  chapter and related policies established by the Direc-  
22                  tor.

23          “(2)(A) Except as provided under subparagraph (B),  
24          the head of each agency shall designate a senior official

1 who shall report directly to such agency head to carry out  
2 the responsibilities of the agency under this chapter.

3 “(B) The Secretary of the Department of Defense  
4 and the Secretary of each military department may each  
5 designate a senior official who shall report directly to such  
6 Secretary to carry out the responsibilities of the depart-  
7 ment under this chapter. If more than one official is des-  
8 ignated for the military departments, the respective duties  
9 of the officials shall be clearly delineated.

10 “(3) The senior official designated under paragraph  
11 (2) shall head an office responsible for ensuring agency  
12 compliance with and prompt, efficient, and effective imple-  
13 mentation of the information policies and information re-  
14 sources management responsibilities established under  
15 this chapter, including the reduction of information collec-  
16 tion burdens on the public. The senior official and employ-  
17 ees of such office shall be selected with special attention  
18 to the professional qualifications required to administer  
19 the functions described under this chapter.

20 “(4) Each agency program official shall be respon-  
21 sible and accountable for information resources assigned  
22 to and supporting the programs under such official. In  
23 consultation with the senior official designated under  
24 paragraph (2) and the agency Chief Financial Officer (or  
25 comparable official), each agency program official shall de-

1 fine program information needs and develop strategies,  
2 systems, and capabilities to meet those needs.

3 “(b) With respect to general information resources  
4 management, each agency shall—

5 “(1) manage information resources to—

6 “(A) reduce information collection burdens  
7 on the public;

8 “(B) increase program efficiency and effec-  
9 tiveness; and

10 “(C) improve the integrity, quality, and  
11 utility of information to all users within and  
12 outside the agency, including capabilities for en-  
13 suring dissemination of public information, pub-  
14 lic access to government information, and pro-  
15 tections for privacy and security;

16 “(2) in accordance with guidance by the Direc-  
17 tor, develop and maintain a strategic information re-  
18 sources management plan that shall describe how in-  
19 formation resources management activities help ac-  
20 complish agency missions;

21 “(3) develop and maintain an ongoing process  
22 to—

23 “(A) ensure that information resources  
24 management operations and decisions are inte-  
25 grated with organizational planning, budget, fi-

1           nancial management, human resources manage-  
2           ment, and program decisions;

3           “(B) in cooperation with the agency Chief  
4           Financial Officer (or comparable official), de-  
5           velop a full and accurate accounting of informa-  
6           tion technology expenditures, related expenses,  
7           and results; and

8           “(C) establish goals for improving informa-  
9           tion resources management’s contribution to  
10          program productivity, efficiency, and effective-  
11          ness, methods for measuring progress towards  
12          those goals, and clear roles and responsibilities  
13          for achieving those goals;

14          “(4) in consultation with the Director, the Ad-  
15          ministrator of General Services, and the Archivist of  
16          the United States, maintain a current and complete  
17          inventory of the agency’s information resources, in-  
18          cluding directories necessary to fulfill the require-  
19          ments of section 3511 of this chapter; and

20          “(5) in consultation with the Director and the  
21          Director of the Office of Personnel Management,  
22          conduct formal training programs to educate agency  
23          program and management officials about informa-  
24          tion resources management.

1       “(c) With respect to the collection of information and  
2 the control of paperwork, each agency shall—

3           “(1) establish a process within the office headed  
4 by the official designated under subsection (a), that  
5 is sufficiently independent of program responsibility  
6 to evaluate fairly whether proposed collections of in-  
7 formation should be approved under this chapter,  
8 to—

9           “(A) review each collection of information  
10 before submission to the Director for review  
11 under this chapter, including—

12           “(i) an evaluation of the need for the  
13 collection of information;

14           “(ii) a functional description of the in-  
15 formation to be collected;

16           “(iii) a plan for the collection of the  
17 information;

18           “(iv) a specific, objectively supported  
19 estimate of burden;

20           “(v) a test of the collection of infor-  
21 mation through a pilot program, if appro-  
22 priate; and

23           “(vi) a plan for the efficient and effec-  
24 tive management and use of the informa-

1           tion to be collected, including necessary re-  
2           sources;

3           “(B) ensure that each information collec-  
4           tion—

5                   “(i) is inventoried, displays a control  
6                   number and, if appropriate, an expiration  
7                   date;

8                   “(ii) indicates the collection is in ac-  
9                   cordance with the clearance requirements  
10                  of section 3507; and

11                  “(iii) contains a statement to inform  
12                  the person receiving the collection of infor-  
13                  mation—

14                          “(I) the reasons the information  
15                          is being collected;

16                          “(II) the way such information is  
17                          to be used;

18                          “(III) an estimate, to the extent  
19                          practicable, of the burden of the col-  
20                          lection; and

21                          “(IV) whether responses to the  
22                          collection of information are vol-  
23                          untary, required to obtain a benefit,  
24                          or mandatory; and

1           “(C) assess the information collection bur-  
2           den of proposed legislation affecting the agency;

3           “(2)(A) except for good cause or as provided  
4           under subparagraph (B), provide 60-day notice in  
5           the Federal Register, and otherwise consult with  
6           members of the public and affected agencies con-  
7           cerning each proposed collection of information, to  
8           solicit comment to—

9           “(i) evaluate whether the proposed collec-  
10          tion of information is necessary for the proper  
11          performance of the functions of the agency, in-  
12          cluding whether the information shall have  
13          practical utility;

14          “(ii) evaluate the accuracy of the agency’s  
15          estimate of the burden of the proposed collec-  
16          tion of information;

17          “(iii) enhance the quality, utility, and clar-  
18          ity of the information to be collected; and

19          “(iv) minimize the burden of the collection  
20          of information on those who are to respond, in-  
21          cluding through the use of automated collection  
22          techniques or other forms of information tech-  
23          nology; and

24          “(B) for any proposed collection of information  
25          contained in a proposed rule (to be reviewed by the

1 Director under section 3507(d)), provide notice and  
2 comment through the notice of proposed rulemaking  
3 for the proposed rule and such notice shall have the  
4 same purposes specified under subparagraph (A) (i)  
5 through (iv); and

6 “(3) certify (and provide a record supporting  
7 such certification, including public comments re-  
8 ceived by the agency) that each collection of infor-  
9 mation submitted to the Director for review under  
10 section 3507—

11 “(A) is necessary for the proper perform-  
12 ance of the functions of the agency, including  
13 that the information has practical utility;

14 “(B) is not unnecessarily duplicative of in-  
15 formation otherwise reasonably accessible to the  
16 agency;

17 “(C) reduces to the extent practicable and  
18 appropriate the burden on persons who shall  
19 provide information to or for the agency, in-  
20 cluding with respect to small entities, as defined  
21 under section 601(6) of title 5, the use of such  
22 techniques as—

23 “(i) establishing differing compliance  
24 or reporting requirements or timetables

1           that take into account the resources avail-  
2           able to those who are to respond;

3           “(ii) the clarification, consolidation, or  
4           simplification of compliance and reporting  
5           requirements; or

6           “(iii) an exemption from coverage of  
7           the collection of information, or any part  
8           thereof;

9           “(D) is written using plain, coherent, and  
10          unambiguous terminology and is understand-  
11          able to those who are to respond;

12          “(E) is to be implemented in ways consist-  
13          ent and compatible, to the maximum extent  
14          practicable, with the existing reporting and rec-  
15          ordkeeping practices of those who are to re-  
16          spond;

17          “(F) contains the statement required  
18          under paragraph (1)(B)(iii);

19          “(G) has been developed by an office that  
20          has planned and allocated resources for the effi-  
21          cient and effective management and use of the  
22          information to be collected, including the proc-  
23          essing of the information in a manner which  
24          shall enhance, where appropriate, the utility of  
25          the information to agencies and the public;

1           “(H) uses effective and efficient statistical  
2 survey methodology appropriate to the purpose  
3 for which the information is to be collected; and

4           “(I) to the maximum extent practicable,  
5 uses information technology to reduce burden  
6 and improve data quality, agency efficiency and  
7 responsiveness to the public.

8           “(d) With respect to information dissemination, each  
9 agency shall—

10           “(1) ensure that the public has timely, equal,  
11 and equitable access to the agency’s public informa-  
12 tion, including ensuring such access through—

13           “(A) encouraging a diversity of public and  
14 private sources for information based on gov-  
15 ernment public information,

16           “(B) in cases in which the agency provides  
17 public information maintained in electronic for-  
18 mat, providing timely, equal, and equitable ac-  
19 cess to the underlying data (in whole or in  
20 part); and

21           “(C) agency dissemination of public infor-  
22 mation in an efficient, effective, and economical  
23 manner;

24           “(2) regularly solicit and consider public input  
25 on the agency’s information dissemination activities;

1           “(3) provide adequate notice when initiating,  
2           substantially modifying, or terminating significant  
3           information dissemination products; and

4           “(4) not, except where specifically authorized by  
5           statute—

6                   “(A) establish an exclusive, restricted, or  
7                   other distribution arrangement that interferes  
8                   with timely and equitable availability of public  
9                   information to the public;

10                   “(B) restrict or regulate the use, resale, or  
11                   redissemination of public information by the  
12                   public;

13                   “(C) charge fees or royalties for resale or  
14                   redissemination of public information; or

15                   “(D) establish user fees for public informa-  
16                   tion that exceed the cost of dissemination, ex-  
17                   cept that the Director may waive the applica-  
18                   tion of this subparagraph to an agency, if—

19                           “(i) the head of the agency submits a  
20                           written request to the Director, publishes a  
21                           notice of the request in the Federal Reg-  
22                           ister, and provides a copy of the request to  
23                           the public upon request;

24                           “(ii) the Director sets forth in writing  
25                           a statement of the scope, conditions, and

1 duration of the waiver and the reasons for  
2 granting it, and makes such statement  
3 available to the public upon request; and

4 “(iii) the granting of the waiver would  
5 not materially impair the timely and equi-  
6 table availability of public information to  
7 the public.

8 “(e) With respect to statistical policy and coordina-  
9 tion, each agency shall—

10 “(1) ensure the relevance, accuracy, timeliness,  
11 integrity, and objectivity of information collected or  
12 created for statistical purposes;

13 “(2) inform respondents fully and accurately  
14 about the sponsors, purposes, and uses of statistical  
15 surveys and studies;

16 “(3) protect respondents’ privacy and ensure  
17 that disclosure policies fully honor pledges of con-  
18 fidentiality;

19 “(4) observe Federal standards and practices  
20 for data collection, analysis, documentation, sharing,  
21 and dissemination of information;

22 “(5) ensure the timely publication of the results  
23 of statistical surveys and studies, including informa-  
24 tion about the quality and limitations of the surveys  
25 and studies; and

1           “(6) make data available to statistical agencies  
2           and readily accessible to the public.

3           “(f) With respect to records management, each agen-  
4           cy shall implement and enforce applicable policies and pro-  
5           cedures, including requirements for archiving information  
6           maintained in electronic format, particularly in the plan-  
7           ning, design and operation of information systems.

8           “(g) With respect to privacy and security, each agen-  
9           cy shall—

10           “(1) implement and enforce applicable policies,  
11           procedures, standards, and guidelines on privacy,  
12           confidentiality, security, disclosure and sharing of  
13           information collected or maintained by or for the  
14           agency;

15           “(2) assume responsibility and accountability  
16           for compliance with and coordinated management of  
17           sections 552 and 552a of title 5, the Computer Se-  
18           curity Act of 1987 (40 U.S.C. 759 note), and relat-  
19           ed information management laws; and

20           “(3) consistent with the Computer Security Act  
21           of 1987 (40 U.S.C. 759 note), identify and afford  
22           security protections commensurate with the risk and  
23           magnitude of the harm resulting from the loss, mis-  
24           use, or unauthorized access to or modification of in-

1 formation collected or maintained by or on behalf of  
2 an agency.

3 “(h) With respect to Federal information technology,  
4 each agency shall—

5 “(1) implement and enforce applicable Govern-  
6 mentwide and agency information technology man-  
7 agement policies, principles, standards, and guide-  
8 lines;

9 “(2) assume responsibility and accountability  
10 for information technology investments;

11 “(3) promote the use of information technology  
12 by the agency to improve the productivity, efficiency,  
13 and effectiveness of agency programs, including the  
14 reduction of information collection burdens on the  
15 public and improved dissemination of public infor-  
16 mation;

17 “(4) propose changes in legislation, regulations,  
18 and agency procedures to improve information tech-  
19 nology practices, including changes that improve the  
20 ability of the agency to use technology to reduce  
21 burden; and

22 “(5) assume responsibility for maximizing the  
23 value and assessing and managing the risks of major  
24 information systems initiatives through a process  
25 that is—

1           “(A) integrated with budget, financial, and  
2           program management decisions; and

3           “(B) used to select, control, and evaluate  
4           the results of major information systems initia-  
5           tives.

6   **“§ 3507. Public information collection activities; sub-**  
7           **mission to Director; approval and delega-**  
8           **tion**

9           “(a) An agency shall not conduct or sponsor the col-  
10          lection of information unless in advance of the adoption  
11          or revision of the collection of information—

12           “(1) the agency has—

13           “(A) conducted the review established  
14           under section 3506(c)(1);

15           “(B) evaluated the public comments re-  
16           ceived under section 3506(c)(2);

17           “(C) submitted to the Director the certifi-  
18           cation required under section 3506(c)(3), the  
19           proposed collection of information, copies of  
20           pertinent statutory authority, regulations, and  
21           other related materials as the Director may  
22           specify; and

23           “(D) published a notice in the Federal  
24           Register—

1           “(i) stating that the agency has made  
2 such submission; and

3           “(ii) setting forth—

4                 “(I) a title for the collection of  
5 information;

6                 “(II) a summary of the collection  
7 of information;

8                 “(III) a brief description of the  
9 need for the information and the pro-  
10 posed use of the information;

11                “(IV) a description of the likely  
12 respondents and proposed frequency  
13 of response to the collection of infor-  
14 mation;

15                “(V) an estimate of the burden  
16 that shall result from the collection of  
17 information; and

18                “(VI) notice that comments may  
19 be submitted to the agency and Direc-  
20 tor;

21           “(2) the Director has approved the proposed  
22 collection of information or approval has been in-  
23 ferred, under the provisions of this section; and

1           “(3) the agency has obtained from the Director  
2           a control number to be displayed upon the collection  
3           of information.

4           “(b) The Director shall provide at least 30 days for  
5           public comment prior to making a decision under sub-  
6           section (c), (d), or (h), except for good cause or as pro-  
7           vided under subsection (j).

8           “(c)(1) For any proposed collection of information  
9           not contained in a proposed rule, the Director shall notify  
10          the agency involved of the decision to approve or dis-  
11          approve the proposed collection of information.

12          “(2) The Director shall provide the notification under  
13          paragraph (1), within 60 days after receipt or publication  
14          of the notice under subsection (a)(1)(D), whichever is  
15          later.

16          “(3) If the Director does not notify the agency of a  
17          denial or approval within the 60-day period described  
18          under paragraph (2)—

19                 “(A) the approval may be inferred;

20                 “(B) a control number shall be assigned with-  
21                 out further delay; and

22                 “(C) the agency may collect the information for  
23                 not more than 1 year.

24          “(d)(1) For any proposed collection of information  
25          contained in a proposed rule—

1           “(A) as soon as practicable, but no later than  
2           the date of publication of a notice of proposed rule-  
3           making in the Federal Register, each agency shall  
4           forward to the Director a copy of any proposed rule  
5           which contains a collection of information and any  
6           information requested by the Director necessary to  
7           make the determination required under this sub-  
8           section; and

9           “(B) within 60 days after the notice of pro-  
10          posed rulemaking is published in the Federal Reg-  
11          ister, the Director may file public comments pursu-  
12          ant to the standards set forth in section 3508 on the  
13          collection of information contained in the proposed  
14          rule;

15          “(2) When a final rule is published in the Federal  
16          Register, the agency shall explain—

17                 “(A) how any collection of information con-  
18                 tained in the final rule responds to the comments,  
19                 if any, filed by the Director or the public; or

20                 “(B) the reasons such comments were rejected.

21          “(3) If the Director has received notice and failed to  
22          comment on an agency rule within 60 days after the notice  
23          of proposed rulemaking, the Director may not disapprove  
24          any collection of information specifically contained in an  
25          agency rule.

1       “(4) No provision in this section shall be construed  
2 to prevent the Director, in the Director’s discretion—

3               “(A) from disapproving any collection of infor-  
4 mation which was not specifically required by an  
5 agency rule;

6               “(B) from disapproving any collection of infor-  
7 mation contained in an agency rule, if the agency  
8 failed to comply with the requirements of paragraph  
9 (1) of this subsection;

10              “(C) from disapproving any collection of infor-  
11 mation contained in a final agency rule, if the Direc-  
12 tor finds within 60 days after the publication of the  
13 final rule, and after considering the agency’s re-  
14 sponse to the Director’s comments filed under para-  
15 graph (2), that the collection of information cannot  
16 be approved under the standards set forth in section  
17 3508; or

18              “(D) from disapproving any collection of infor-  
19 mation contained in a final rule, if—

20                      “(i) the Director determines that the agen-  
21 cy has substantially modified in the final rule  
22 the collection of information contained in the  
23 proposed rule; and

24                      “(ii) the agency has not given the Director  
25 the information required under paragraph (1)

1 with respect to the modified collection of infor-  
2 mation, at least 60 days before the issuance of  
3 the final rule.

4 “(5) This subsection shall apply only when an agency  
5 publishes a notice of proposed rulemaking and requests  
6 public comments.

7 “(6) The decision by the Director to approve or not  
8 act upon a collection of information contained in an agen-  
9 cy rule shall not be subject to judicial review.

10 “(e)(1) Any decision by the Director under subsection  
11 (c), (d), (h), or (j) to disapprove a collection of informa-  
12 tion, or to instruct the agency to make substantive or ma-  
13 terial change to a collection of information, shall be pub-  
14 licly available and include an explanation of the reasons  
15 for such decision.

16 “(2) Any written communication between the Admin-  
17 istrator of the Office of Information and Regulatory Af-  
18 fairs, or any employee of the Office of Information and  
19 Regulatory Affairs, and an agency or person not employed  
20 by the Federal Government concerning a proposed collec-  
21 tion of information shall be made available to the public.

22 “(3) This subsection shall not require the disclosure  
23 of—

24 “(A) any information which is protected at all  
25 times by procedures established for information

1 which has been specifically authorized under criteria  
2 established by an Executive order or an Act of Con-  
3 gress to be kept secret in the interest of national  
4 defense or foreign policy; or

5 “(B) any communication relating to a collection  
6 of information, the disclosure of which could lead to  
7 retaliation or discrimination against the communica-  
8 tor.

9 “(f)(1) An independent regulatory agency which is  
10 administered by 2 or more members of a commission,  
11 board, or similar body, may by majority vote void—

12 “(A) any disapproval by the Director, in whole  
13 or in part, of a proposed collection of information  
14 that agency; or

15 “(B) an exercise of authority under subsection  
16 (d) of section 3507 concerning that agency.

17 “(2) The agency shall certify each vote to void such  
18 disapproval or exercise to the Director, and explain the  
19 reasons for such vote. The Director shall without further  
20 delay assign a control number to such collection of infor-  
21 mation, and such vote to void the disapproval or exercise  
22 shall be valid for a period of 3 years.

23 “(g) The Director may not approve a collection of in-  
24 formation for a period in excess of 3 years.

1       “(h)(1) If an agency decides to seek extension of the  
2 Director’s approval granted for a currently approved col-  
3 lection of information, the agency shall—

4           “(A) conduct the review established under sec-  
5 tion 3506(c), including the seeking of comment from  
6 the public on the continued need for, and burden im-  
7 posed by the collection of information; and

8           “(B) after having made a reasonable effort to  
9 seek public comment, but no later than 60 days be-  
10 fore the expiration date of the control number as-  
11 signed by the Director for the currently approved  
12 collection of information, submit the collection of in-  
13 formation for review and approval under this sec-  
14 tion, which shall include an explanation of how the  
15 agency has used the information that it has col-  
16 lected.

17       “(2) If under the provisions of this section, the Direc-  
18 tor disapproves a collection of information contained in an  
19 existing rule, or recommends or instructs the agency to  
20 make a substantive or material change to a collection of  
21 information contained in an existing rule, the Director  
22 shall—

23           “(A) publish an explanation thereof in the Fed-  
24 eral Register; and

1           “(B) instruct the agency to undertake a rule-  
2           making within a reasonable time limited to consider-  
3           ation of changes to the collection of information con-  
4           tained in the rule and thereafter to submit the col-  
5           lection of information for approval or disapproval  
6           under this chapter.

7           “(3) An agency may not make a substantive or mate-  
8           rial modification to a collection of information after such  
9           collection has been approved by the Director, unless the  
10          modification has been submitted to the Director for review  
11          and approval under this chapter.

12          “(i)(1) If the Director finds that a senior official of  
13          an agency designated under section 3506(a) is sufficiently  
14          independent of program responsibility to evaluate fairly  
15          whether proposed collections of information should be ap-  
16          proved and has sufficient resources to carry out this re-  
17          sponsibility effectively, the Director may, by rule in ac-  
18          cordance with the notice and comment provisions of chap-  
19          ter 5 of title 5, United States Code, delegate to such offi-  
20          cial the authority to approve proposed collections of infor-  
21          mation in specific program areas, for specific purposes,  
22          or for all agency purposes.

23          “(2) A delegation by the Director under this section  
24          shall not preclude the Director from reviewing individual  
25          collections of information if the Director determines that

1 circumstances warrant such a review. The Director shall  
2 retain authority to revoke such delegations, both in gen-  
3 eral and with regard to any specific matter. In acting for  
4 the Director, any official to whom approval authority has  
5 been delegated under this section shall comply fully with  
6 the rules and regulations promulgated by the Director.

7 “(j)(1) The agency head may request the Director to  
8 authorize collection of information prior to expiration of  
9 time periods established under this chapter, if an agency  
10 head determines that—

11 “(A) a collection of information—

12 “(i) is needed prior to the expiration of  
13 such time periods; and

14 “(ii) is essential to the mission of the agen-  
15 cy; and

16 “(B) the agency cannot reasonably comply with  
17 the provisions of this chapter within such time peri-  
18 ods because—

19 “(i) public harm is reasonably likely to re-  
20 sult if normal clearance procedures are fol-  
21 lowed; or

22 “(ii) an unanticipated event has occurred  
23 and the use of normal clearance procedures is  
24 reasonably likely to prevent or disrupt the col-  
25 lection of information related to the event or is



1 **“§ 3509. Designation of central collection agency**

2 “The Director may designate a central collection  
3 agency to obtain information for two or more agencies if  
4 the Director determines that the needs of such agencies  
5 for information will be adequately served by a single collec-  
6 tion agency, and such sharing of data is not inconsistent  
7 with applicable law. In such cases the Director shall pre-  
8 scribe (with reference to the collection of information) the  
9 duties and functions of the collection agency so designated  
10 and of the agencies for which it is to act as agent (includ-  
11 ing reimbursement for costs). While the designation is in  
12 effect, an agency covered by the designation may not ob-  
13 tain for itself information for the agency which is the duty  
14 of the collection agency to obtain. The Director may mod-  
15 ify the designation from time to time as circumstances re-  
16 quire. The authority to designate under this section is sub-  
17 ject to the provisions of section 3507(f) of this chapter.

18 **“§ 3510. Cooperation of agencies in making informa-**  
19 **tion available**

20 “(a) The Director may direct an agency to make  
21 available to another agency, or an agency may make avail-  
22 able to another agency, information obtained by a collec-  
23 tion of information if the disclosure is not inconsistent  
24 with applicable law.

25 “(b)(1) If information obtained by an agency is re-  
26 leased by that agency to another agency, all the provisions

1 of law (including penalties which relate to the unlawful  
2 disclosure of information) apply to the officers and em-  
3 ployees of the agency to which information is released to  
4 the same extent and in the same manner as the provisions  
5 apply to the officers and employees of the agency which  
6 originally obtained the information.

7 “(2) The officers and employees of the agency to  
8 which the information is released, in addition, shall be  
9 subject to the same provisions of law, including penalties,  
10 relating to the unlawful disclosure of information as if the  
11 information had been collected directly by that agency.

12 **“§ 3511. Establishment and operation of Government**  
13 **Information Locator Service**

14 “In order to assist agencies and the public in locating  
15 information and to promote information sharing and equi-  
16 table access by the public, the Director shall—

17 “(1) cause to be established and maintained a  
18 distributed agency-based electronic Government In-  
19 formation Locator Service (hereafter in this section  
20 referred to as the ‘Service’), which shall identify the  
21 major information systems, holdings, and dissemina-  
22 tion products of each agency;

23 “(2) require each agency to establish and main-  
24 tain an agency information locator service as a com-

1       ponent of, and to support the establishment and op-  
2       eration of the Service;

3           “(3) in cooperation with the Archivist of the  
4       United States, the Administrator of General Serv-  
5       ices, the Public Printer, and the Librarian of Con-  
6       gress, establish an interagency committee to advise  
7       the Secretary of Commerce on the development of  
8       technical standards for the Service to ensure com-  
9       patibility, promote information sharing, and uniform  
10      access by the public;

11          “(4) consider public access and other user  
12      needs in the establishment and operation of the  
13      Service;

14          “(5) ensure the security and integrity of the  
15      Service, including measures to ensure that only in-  
16      formation which is intended to be disclosed to the  
17      public is disclosed through the Service; and

18          “(6) periodically review the development and ef-  
19      fectiveness of the Service and make recommenda-  
20      tions for improvement, including other mechanisms  
21      for improving public access to Federal agency public  
22      information.

23      **“§ 3512. Public protection**

24          “Notwithstanding any other provision of law, no per-  
25      son shall be subject to any penalty for failing to maintain,

1 provide, or disclose information to or for any agency or  
2 person if the applicable collection of information—

3 “(1) does not display a valid control number as-  
4 signed by the Director; and

5 “(2) fails to state that the person who is to re-  
6 spond to the collection of information is not required  
7 to comply unless such collection displays a valid con-  
8 trol number.

9 **“§ 3513. Director review of agency activities; report-**  
10 **ing; agency response**

11 “(a) In consultation with the Administrator of Gen-  
12 eral Services, the Archivist of the United States, the Di-  
13 rector of the National Institute of Standards and Tech-  
14 nology, and the Director of the Office of Personnel Man-  
15 agement, the Director shall periodically review selected  
16 agency information resources management activities to as-  
17 certain the efficiency and effectiveness of such activities  
18 to improve agency performance and the accomplishment  
19 of agency missions.

20 “(b) Each agency having an activity reviewed under  
21 subsection (a) shall, within 60 days after receipt of a re-  
22 port on the review, provide a written plan to the Director  
23 describing steps (including milestones) to—

24 “(1) be taken to address information resources  
25 management problems identified in the report; and

1           “(2) improve agency performance and the ac-  
2           complishment of agency missions.

3   **“§ 3514. Responsiveness to Congress**

4           “(a)(1) The Director shall—

5               “(A) keep the Congress and congressional com-  
6               mittees fully and currently informed of the major ac-  
7               tivities under this chapter; and

8               “(B) submit a report on such activities to the  
9               President of the Senate and the Speaker of the  
10              House of Representatives annually and at such other  
11              times as the Director determines necessary.

12          “(2) The Director shall include in any such report  
13 a description of the extent to which agencies have—

14              “(A) reduced information collection burdens on  
15              the public, including—

16                      “(i) a summary of accomplishments and  
17                      planned initiatives to reduce collection of infor-  
18                      mation burdens;

19                      “(ii) a list of all violations of this chapter  
20                      and of any rules, guidelines, policies, and proce-  
21                      dures issued pursuant to this chapter;

22                      “(iii) a list of any increase in the collection  
23                      of information burden, including the authority  
24                      for each such collection; and

1           “(iv) a list of agencies that in the preced-  
2           ing year did not reduce information collection  
3           burdens by at least 5 percent pursuant to sec-  
4           tion 3505, a list of the programs and statutory  
5           responsibilities of those agencies that precluded  
6           that reduction, and recommendations to assist  
7           those agencies to reduce information collection  
8           burdens in accordance with that section;

9           “(B) improved the quality and utility of statis-  
10          tical information;

11          “(C) improved public access to Government in-  
12          formation; and

13          “(D) improved program performance and the  
14          accomplishment of agency missions through informa-  
15          tion resources management.

16          “(b) The preparation of any report required by this  
17          section shall be based on performance results reported by  
18          the agencies and shall not increase the collection of infor-  
19          mation burden on persons outside the Federal Govern-  
20          ment.

21          **“§ 3515. Administrative powers**

22          “Upon the request of the Director, each agency  
23          (other than an independent regulatory agency) shall, to  
24          the extent practicable, make its services, personnel, and

1 facilities available to the Director for the performance of  
2 functions under this chapter.

3 **“§ 3516. Rules and regulations**

4 “The Director shall promulgate rules, regulations, or  
5 procedures necessary to exercise the authority provided by  
6 this chapter.

7 **“§ 3517. Consultation with other agencies and the**  
8 **public**

9 “(a) In developing information resources manage-  
10 ment policies, plans, rules, regulations, procedures, and  
11 guidelines and in reviewing collections of information, the  
12 Director shall provide interested agencies and persons  
13 early and meaningful opportunity to comment.

14 “(b) Any person may request the Director to review  
15 any collection of information conducted by or for an agen-  
16 cy to determine, if, under this chapter, the person shall  
17 maintain, provide, or disclose the information to or for the  
18 agency. Unless the request is frivolous, the Director shall,  
19 in coordination with the agency responsible for the collec-  
20 tion of information—

21 “(1) respond to the request within 60 days  
22 after receiving the request, unless such period is ex-  
23 tended by the Director to a specified date and the  
24 person making the request is given notice of such ex-  
25 tension; and

1           “(2) take appropriate remedial action, if nec-  
2           essary.

3   **“§ 3518. Effect on existing laws and regulations**

4           “(a) Except as otherwise provided in this chapter, the  
5           authority of an agency under any other law to prescribe  
6           policies, rules, regulations, and procedures for Federal in-  
7           formation resources management activities is subject to  
8           the authority of the Director under this chapter.

9           “(b) Nothing in this chapter shall be deemed to affect  
10          or reduce the authority of the Secretary of Commerce or  
11          the Director of the Office of Management and Budget pur-  
12          suant to Reorganization Plan No. 1 of 1977 (as amended)  
13          and Executive order, relating to telecommunications and  
14          information policy, procurement and management of tele-  
15          communications and information systems, spectrum use,  
16          and related matters.

17          “(c)(1) Except as provided in paragraph (2), this  
18          chapter shall not apply to obtaining, causing to be ob-  
19          tained, soliciting, or requiring the disclosure to third par-  
20          ties or the public, of facts or opinions—

21                 “(A) during the conduct of a Federal criminal  
22                 investigation or prosecution, or during the disposi-  
23                 tion of a particular criminal matter;

24                 “(B) during the conduct of—

1           “(i) a civil action to which the United  
2 States or any official or agency thereof is a  
3 party; or

4           “(ii) an administrative action or investiga-  
5 tion involving an agency against specific indi-  
6 viduals or entities;

7           “(C) by compulsory process pursuant to the  
8 Antitrust Civil Process Act and section 13 of the  
9 Federal Trade Commission Improvements Act of  
10 1980; or

11           “(D) during the conduct of intelligence activi-  
12 ties as defined in section 4-206 of Executive Order  
13 No. 12036, issued January 24, 1978, or successor  
14 orders, or during the conduct of cryptologic activities  
15 that are communications security activities.

16           “(2) This chapter applies to obtaining, causing to be  
17 obtained, soliciting, or requiring the disclosure to third  
18 parties or the public, of facts or opinions during the con-  
19 duct of general investigations (other than information col-  
20 lected in an antitrust investigation to the extent provided  
21 in subparagraph (C) of paragraph (1)) undertaken with  
22 reference to a category of individuals or entities such as  
23 a class of licensees or an entire industry.

24           “(d) Nothing in this chapter shall be interpreted as  
25 increasing or decreasing the authority conferred by Public

1 Law 89–306 on the Administrator of the General Services  
2 Administration, the Secretary of Commerce, or the Direc-  
3 tor of the Office of Management and Budget.

4 “(e) Nothing in this chapter shall be interpreted as  
5 increasing or decreasing the authority of the President,  
6 the Office of Management and Budget or the Director  
7 thereof, under the laws of the United States, with respect  
8 to the substantive policies and programs of departments,  
9 agencies and offices, including the substantive authority  
10 of any Federal agency to enforce the civil rights laws.

11 “(f) Notwithstanding any other provision of this  
12 chapter or any other law—

13 “(1) any public information that an agency dis-  
14 closes, disseminates, or makes available to the public  
15 may be used by any person for profit or nonprofit  
16 activities; and

17 “(2) if any person adds value to the public in-  
18 formation, the Federal Government shall not have  
19 any right to obtain, collect, acquire, disseminate,  
20 use, or convert—

21 “(A) the resulting data, database, or other  
22 information product, or

23 “(B) any method used by the person to  
24 identify such resulting data, database, or infor-  
25 mation product,

1       except under terms that are expressly agreed to by  
2       such person.

3       **“§ 3519. Access to information**

4       “Under the conditions and procedures prescribed in  
5       section 716 of title 31, the Director and personnel in the  
6       Office of Information and Regulatory Affairs shall furnish  
7       such information as the Comptroller General may require  
8       for the discharge of the responsibilities of the Comptroller  
9       General. For the purpose of obtaining such information,  
10      the Comptroller General or representatives thereof shall  
11      have access to all books, documents, papers and records,  
12      regardless of form or format, of the Office.

13      **“§ 3520. Authorization of appropriations**

14      “There are authorized to be appropriated to the Of-  
15      fice of Information and Regulatory Affairs to carry out  
16      the provisions of this chapter such sums as may be nec-  
17      essary.”.

18      **SEC. 3. EFFECTIVE DATE.**

19      The amendments made by this Act shall take effect  
20      October 1, 1995.

○

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