

In the House of Representatives, U. S.,

March 10, 1995.

Resolved, That the bill from the Senate (S. 244) entitled “An Act 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”, do pass with the following

AMENDMENT:

Strike out all after the enacting clause, and insert:

1 ***SECTION 1. SHORT TITLE.***

2 *This Act may be cited as the “Paperwork Reduction*
3 *Act of 1995”.*

4 ***SEC. 2. COORDINATION OF FEDERAL INFORMATION POL-***
5 ***ICY.***

6 *Chapter 35 of title 44, United States Code, is amended*
7 *to read as follows:*

8 ***“CHAPTER 35—COORDINATION OF***
9 ***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 Service.
- “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.

1 **“§ 3501. Purposes**

2 *“The purposes of this chapter are to—*

3 *“(1) minimize the paperwork burden for individ-*
 4 *uals, small businesses, educational and nonprofit in-*
 5 *stitutions, Federal contractors, State, local and tribal*
 6 *governments, and other persons resulting from the col-*
 7 *lection of information by or for the Federal Govern-*
 8 *ment;*

9 *“(2) ensure the greatest possible public benefit*
 10 *from and maximize the utility of information created,*
 11 *collected, maintained, used, shared and disseminated*
 12 *by or for the Federal Government;*

13 *“(3) coordinate, integrate, and to the extent*
 14 *practicable and appropriate, make uniform Federal*
 15 *information resources management policies and prac-*
 16 *tices as a means to improve the productivity, effi-*
 17 *ciency, and effectiveness of Government programs, in-*
 18 *cluding the reduction of information collection bur-*
 19 *dens on the public and the improvement of service de-*
 20 *livery to the public;*

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

4 “(5) minimize the cost to the Federal Govern-
5 ment of the creation, collection, maintenance, use, dis-
6 semination, and disposition of information;

7 “(6) strengthen the partnership between the Fed-
8 eral Government and State, local, and tribal govern-
9 ments by minimizing the burden and maximizing the
10 utility of information created, collected, maintained,
11 used, disseminated, and retained by or for the Federal
12 Government;

13 “(7) provide for the dissemination of public in-
14 formation on a timely basis, on equitable terms, and
15 in a manner that promotes the utility of the informa-
16 tion to the public and makes effective use of
17 information technology;

18 “(8) ensure that the creation, collection, mainte-
19 nance, use, dissemination, and disposition of infor-
20 mation by or for the Federal Government is consistent
21 with applicable laws, including laws relating to—

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

1 “(B) security of information, including the
2 Computer Security Act of 1987 (Public Law
3 100–235); and

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

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

8 “(10) ensure that information technology is ac-
9 quired, used, and managed to improve performance of
10 agency missions, including the reduction of informa-
11 tion collection burdens on the public; and

12 “(11) improve the responsibility and account-
13 ability of the Office of Management and Budget and
14 all other Federal agencies to Congress and to the pub-
15 lic for implementing the information collection review
16 process, information resources management, and re-
17 lated policies and guidelines established under this
18 chapter.

19 **“§ 3502. Definitions**

20 “As used in this chapter—

21 “(1) the term ‘agency’ means any executive
22 department, military department, Government cor-
23 poration, Government controlled corporation, or other
24 establishment in the executive branch of the Govern-
25 ment (including the Executive Office of the

1 *President), or any independent regulatory agency, but*
2 *does not include—*

3 “(A) *the General Accounting Office;*

4 “(B) *Federal Election Commission;*

5 “(C) *the governments of the District of Co-*
6 *lumbia and of the territories and possessions of*
7 *the United States, and their various subdivi-*
8 *sions; or*

9 “(D) *Government-owned contractor-operated*
10 *facilities, including laboratories engaged in na-*
11 *tional defense research and production activities;*

12 “(2) *the term ‘burden’ means time, effort, or fi-*
13 *nancial resources expended by persons to generate,*
14 *maintain, or provide information to or for a Federal*
15 *agency, including the resources expended for—*

16 “(A) *reviewing instructions;*

17 “(B) *acquiring, installing, and utilizing*
18 *technology and systems;*

19 “(C) *adjusting the existing ways to comply*
20 *with any previously applicable instructions and*
21 *requirements;*

22 “(D) *searching data sources;*

23 “(E) *completing and reviewing the collec-*
24 *tion of information; and*

1 “(F) transmitting, or otherwise disclosing
2 the information;

3 “(3) the term ‘collection of information’ means
4 the obtaining, causing to be obtained, soliciting, or re-
5 quiring the disclosure to third parties or the public,
6 of facts or opinions by or for an agency, regardless
7 of form or format, calling for either—

8 “(A) answers to identical questions posed to,
9 or identical reporting or recordkeeping require-
10 ments imposed on, ten or more persons, other
11 than agencies, instrumentalities, or
12 employees of the United States; or

13 “(B) answers to questions posed to agencies,
14 instrumentalities, or employees of the United
15 States which are to be used for general statistical
16 purposes;

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

19 “(5) the term ‘independent regulatory agency’
20 means the Board of Governors of the Federal Reserve
21 System, the Commodity Futures Trading Commis-
22 sion, the Consumer Product Safety Commission, the
23 Federal Communications Commission, the Federal
24 Deposit Insurance Corporation, the Federal Energy
25 Regulatory Commission, the Federal Housing Fi-

1 *nance Board, the Federal Maritime Commission, the*
2 *Federal Trade Commission, the Interstate Commerce*
3 *Commission, the Mine Enforcement Safety and*
4 *Health Review Commission, the National Labor Rela-*
5 *tions Board, the Nuclear Regulatory Commission, the*
6 *Occupational Safety and Health Review Commission,*
7 *the Postal Rate Commission, the Securities and Ex-*
8 *change Commission, and any other similar agency*
9 *designated by statute as a Federal independent regu-*
10 *latory agency or commission;*

11 *“(6) the term ‘information resources’ means in-*
12 *formation and related resources, such as personnel,*
13 *equipment, funds, and information technology;*

14 *“(7) the term ‘information resources manage-*
15 *ment’ means the process of managing information re-*
16 *sources to accomplish agency missions and to improve*
17 *agency performance, including through the reduction*
18 *of information collection burdens on the public;*

19 *“(8) the term ‘information system’ means a dis-*
20 *crete set of information resources and processes, auto-*
21 *mated or manual, organized for the collection, proc-*
22 *essing, maintenance, use, sharing, dissemination, or*
23 *disposition of information;*

24 *“(9) the term ‘information technology’ has the*
25 *same meaning as the term ‘automatic data processing*

1 *equipment’ as defined by section 111(a)(2) of the Fed-*
2 *eral Property and Administrative Services Act of*
3 *1949 (40 U.S.C. 759(a)(2));*

4 *“(10) the term ‘person’ means an individual,*
5 *partnership, association, corporation, business trust,*
6 *or legal representative, an organized group of individ-*
7 *uals, a State, territorial, or local government or*
8 *branch thereof, or a political subdivision of a State,*
9 *territory, or local government or a branch of a politi-*
10 *cal subdivision;*

11 *“(11) the term ‘practical utility’ means the abil-*
12 *ity of an agency to use information, particularly the*
13 *capability to process such information in a timely*
14 *and useful fashion;*

15 *“(12) the term ‘public information’ means any*
16 *information, regardless of form or format, that an*
17 *agency discloses, disseminates, or makes available to*
18 *the public; and*

19 *“(13) the term ‘recordkeeping requirement’*
20 *means a requirement imposed by or for an agency on*
21 *persons to maintain specified records, including a re-*
22 *quirement to—*

23 *“(A) retain such records;*

24 *“(B) notify third parties or the public of the*
25 *existence of such records;*

1 “(C) disclose such records to third parties or
2 the public; or

3 “(D) report to third parties or the public
4 regarding such records.

5 **“§ 3503. Office of Information and Regulatory Affairs**

6 “(a) There is established in the Office of Management
7 and Budget an office to be known as the Office of Informa-
8 tion and Regulatory Affairs.

9 “(b) There shall be at the head of the Office an Admin-
10 istrator who shall be appointed by the President, by and
11 with the advice and consent of the Senate. The Director
12 shall delegate to the Administrator the authority to admin-
13 ister all functions under this chapter, except that any such
14 delegation shall not relieve the Director of responsibility for
15 the administration of such functions. The Administrator
16 shall serve as principal adviser to the Director on Federal
17 information resources management policy.

18 **“§ 3504. Authority and functions of Director**

19 “(a)(1) The Director shall—

20 “(A) develop, coordinate and oversee the imple-
21 mentation of Federal information resources manage-
22 ment policies, principles, standards, and guidelines;
23 and

24 “(B) provide direction and oversee—

1 “(i) the review and approval of the collec-
2 tion of information and the reduction of the
3 information collection burden;

4 “(ii) agency dissemination of and public
5 access to information;

6 “(iii) statistical activities;

7 “(iv) records management activities;

8 “(v) privacy, confidentiality, security,
9 disclosure, and sharing of information; and

10 “(vi) the acquisition and use of information
11 technology.

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

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

16 “(1) develop and oversee the implementation of
17 uniform information resources management policies,
18 principles, standards, and guidelines;

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

21 “(A) the use of the Government Information
22 Locator Service; and

23 “(B) the development and utilization of
24 common standards for information collection,
25 storage, processing and communication, includ-

1 ing standards for security, interconnectivity and
2 interoperability;

3 “(3) initiate and review proposals for changes in
4 legislation, regulations, and agency procedures to im-
5 prove information resources management practices;

6 “(4) oversee the development and implementation
7 of best practices in information resources manage-
8 ment, including training; and

9 “(5) oversee agency integration of program and
10 management functions with information resources
11 management functions.

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

14 “(1) review and approve proposed agency collec-
15 tions of information;

16 “(2) coordinate the review of the collection of in-
17 formation associated with Federal procurement and
18 acquisition by the Office of Information and Regu-
19 latory Affairs with the Office of Federal Procurement
20 Policy, with particular emphasis on applying infor-
21 mation technology to improve the efficiency and effec-
22 tiveness of Federal procurement, acquisition, and
23 payment and to reduce information collection burdens
24 on the public;

1 “(3) minimize the Federal information collection
2 burden, with particular emphasis on those individ-
3 uals and entities most adversely affected;

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

7 “(5) establish and oversee standards and guide-
8 lines by which agencies are to estimate the burden to
9 comply with a proposed collection of information; and

10 “(6) place an emphasis on minimizing the bur-
11 den on small businesses with 50 or fewer employees.

12 “(d) With respect to information dissemination, the
13 Director shall develop and oversee the implementation of
14 policies, principles, standards, and guidelines to—

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

18 “(2) promote public access to public information
19 and fulfill the purposes of this chapter, including
20 through the effective use of information technology.

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

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

1 “(A) the efficiency and effectiveness of the
2 system; and

3 “(B) the integrity, objectivity, impartiality,
4 utility, and confidentiality of information col-
5 lected for statistical purposes;

6 “(2) ensure that budget proposals of agencies are
7 consistent with system-wide priorities for maintain-
8 ing and improving the quality of Federal statistics
9 and prepare an annual report on statistical program
10 funding;

11 “(3) develop and oversee the implementation of
12 Governmentwide policies, principles, standards, and
13 guidelines concerning—

14 “(A) statistical collection procedures and
15 methods;

16 “(B) statistical data classification;

17 “(C) statistical information presentation
18 and dissemination;

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

20 “(E) such statistical data sources as may be
21 required for the administration of Federal pro-
22 grams;

23 “(4) evaluate statistical program performance
24 and agency compliance with Governmentwide poli-
25 cies, principles, standards and guidelines;

1 “(5) promote the sharing of information collected
2 for statistical purposes consistent with privacy rights
3 and confidentiality pledges;

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

7 “(7) appoint a chief statistician who is a trained
8 and experienced professional statistician to carry out
9 the functions described under this subsection;

10 “(8) establish an Interagency Council on Statis-
11 tical Policy to advise and assist the Director in car-
12 rying out the functions under this subsection that
13 shall—

14 “(A) be headed by the chief statistician; and

15 “(B) consist of—

16 “(i) the heads of the major statistical
17 programs; and

18 “(ii) representatives of other statistical
19 agencies under rotating membership; and

20 “(9) provide opportunities for training in statis-
21 tical policy functions to employees of the Federal Gov-
22 ernment under which—

23 “(A) each trainee shall be selected at the
24 discretion of the Director based on agency re-
25 quests and shall serve under the chief statistician

1 *for at least 6 months and not more than 1 year;*
2 *and*

3 *“(B) all costs of the training shall be paid*
4 *by the agency requesting training.*

5 *“(f) With respect to records management, the Director*
6 *shall—*

7 *“(1) provide advice and assistance to the Archi-*
8 *vist of the United States and the Administrator of*
9 *General Services to promote coordination in the ad-*
10 *ministration of chapters 29, 31, and 33 of this title*
11 *with the information resources management policies,*
12 *principles, standards, and guidelines established*
13 *under this chapter;*

14 *“(2) review compliance by agencies with—*

15 *“(A) the requirements of chapters 29, 31,*
16 *and 33 of this title; and*

17 *“(B) regulations promulgated by the Archi-*
18 *vist of the United States and the Administrator*
19 *of General Services; and*

20 *“(3) oversee the application of records manage-*
21 *ment policies, principles, standards, and guidelines,*
22 *including requirements for archiving information*
23 *maintained in electronic format, in the planning and*
24 *design of information systems.*

1 “(g) With respect to privacy and security, the Director
2 shall—

3 “(1) develop and oversee the implementation of
4 policies, principles, standards, and guidelines on pri-
5 vacy, confidentiality, security, disclosure and sharing
6 of information collected or maintained by or for agen-
7 cies;

8 “(2) oversee and coordinate compliance with sec-
9 tions 552 and 552a of title 5, the Computer Security
10 Act of 1987 (40 U.S.C. 759 note), and related infor-
11 mation management laws; and

12 “(3) require Federal agencies, consistent with the
13 Computer Security Act of 1987 (40 U.S.C. 759 note),
14 to identify and afford security protections commensu-
15 rate with the risk and magnitude of the harm result-
16 ing from the loss, misuse, or unauthorized access to
17 or modification of information collected or main-
18 tained by or on behalf of an agency.

19 “(h) With respect to Federal information technology,
20 the Director shall—

21 “(1) in consultation with the Director of the Na-
22 tional Institute of Standards and Technology and the
23 Administrator of General Services—

24 “(A) develop and oversee the implementa-
25 tion of policies, principles, standards, and guide-

1 *lines for information technology functions and*
2 *activities of the Federal Government, including*
3 *periodic evaluations of major information sys-*
4 *tems; and*

5 *“(B) oversee the development and imple-*
6 *mentation of standards under section 111(d) of*
7 *the Federal Property and Administrative Serv-*
8 *ices Act of 1949 (40 U.S.C. 759(d));*

9 *“(2) monitor the effectiveness of, and compliance*
10 *with, directives issued under sections 110 and 111 of*
11 *the Federal Property and Administrative Services Act*
12 *of 1949 (40 U.S.C. 757 and 759);*

13 *“(3) coordinate the development and review by*
14 *the Office of Information and Regulatory Affairs of*
15 *policy associated with Federal procurement and ac-*
16 *quisition of information technology with the Office of*
17 *Federal Procurement Policy;*

18 *“(4) ensure, through the review of agency budget*
19 *proposals, information resources management plans*
20 *and other means—*

21 *“(A) agency integration of information re-*
22 *sources management plans, program plans and*
23 *budgets for acquisition and use of information*
24 *technology; and*

1 “(B) the efficiency and effectiveness of inter-
2 agency information technology initiatives to im-
3 prove agency performance and the accomplish-
4 ment of agency missions; and

5 “(5) promote the use of information technology
6 by the Federal Government to improve the productiv-
7 ity, efficiency, and effectiveness of Federal programs,
8 including through dissemination of public informa-
9 tion and the reduction of information collection bur-
10 dens on the public.

11 **“§ 3505. Assignment of tasks and deadlines**

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

14 “(1) in consultation with agency heads, set an
15 annual Governmentwide goal for the reduction of in-
16 formation collection burdens by at least 10 percent,
17 and set annual agency goals to—

18 “(A) reduce information collection burdens
19 imposed on the public that—

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

22 “(ii) are consistent with improving
23 agency management of the process for the
24 review of collections of information estab-
25 lished under section 3506(c); and

1 “(B) improve information resources man-
2 agement in ways that increase the productivity,
3 efficiency and effectiveness of Federal programs,
4 including service delivery to the public;

5 “(2) with selected agencies and non-Federal enti-
6 ties on a voluntary basis, initiate and conduct pilot
7 projects to test alternative policies, practices, regula-
8 tions, and procedures to fulfill the purposes of this
9 chapter, particularly with regard to minimizing the
10 Federal information collection burden; and

11 “(3) in consultation with the Administrator of
12 General Services, the Director of the National Insti-
13 tute of Standards and Technology, the Archivist of the
14 United States, and the Director of the Office of Per-
15 sonnel Management, develop and maintain a Govern-
16 mentwide strategic plan for information resources
17 management, that shall include—

18 “(A) a description of the objectives and the
19 means by which the Federal Government shall
20 apply information resources to improve agency
21 and program performance;

22 “(B) plans for—

23 “(i) reducing information burdens on
24 the public, including reducing such burdens
25 through the elimination of duplication and

1 *meeting shared data needs with shared re-*
2 *sources;*

3 “(ii) *enhancing public access to and*
4 *dissemination of, information, using elec-*
5 *tronic and other formats; and*

6 “(iii) *meeting the information tech-*
7 *nology needs of the Federal Government in*
8 *accordance with the purposes of this chap-*
9 *ter; and*

10 “(C) *a description of progress in applying*
11 *information resources management to improve*
12 *agency performance and the accomplishment of*
13 *missions.*

14 “(b) *For purposes of any pilot project conducted under*
15 *subsection (a)(2), the Director may waive the application*
16 *of any regulation or administrative directive issued by an*
17 *agency with which the project is conducted, including any*
18 *regulation or directive requiring a collection of information,*
19 *after giving timely notice to the public and the Congress*
20 *regarding the need for such waiver.*

21 **“§ 3506. Federal agency responsibilities**

22 “(a)(1) *The head of each agency shall be responsible*
23 *for—*

1 “(A) carrying out the agency’s information re-
2 sources management activities to improve agency pro-
3 ductivity, efficiency, and effectiveness; and

4 “(B) complying with the requirements of this
5 chapter and related policies established by the Direc-
6 tor.

7 “(2)(A) Except as provided under subparagraph (B),
8 the head of each agency shall designate a senior official who
9 shall report directly to such agency head to carry out the
10 responsibilities of the agency under this chapter.

11 “(B) The Secretary of the Department of Defense and
12 the Secretary of each military department may each des-
13 ignate a senior official who shall report directly to such
14 Secretary to carry out the responsibilities of the department
15 under this chapter. If more than one official is designated
16 for the military departments, the respective duties of the
17 officials shall be clearly delineated.

18 “(3) The senior official designated under paragraph
19 (2) shall head an office responsible for ensuring agency com-
20 pliance with and prompt, efficient, and effective implemen-
21 tation of the information policies and information resources
22 management responsibilities established under this chapter,
23 including the reduction of information collection burdens
24 on the public. The senior official and employees of such of-
25 fice shall be selected with special attention to the profes-

1 sional qualifications required to administer the functions
2 described under this chapter.

3 “(4) Each agency program official shall be responsible
4 and accountable for information resources assigned to and
5 supporting the programs under such official. In consulta-
6 tion with the senior official designated under paragraph (2)
7 and the agency Chief Financial Officer (or comparable offi-
8 cial), each agency program official shall define program in-
9 formation needs and develop strategies, systems, and capa-
10 bilities to meet those needs.

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

13 “(1) manage information resources to—

14 “(A) reduce information collection burdens
15 on the public;

16 “(B) increase program efficiency and effec-
17 tiveness; and

18 “(C) improve the integrity, quality, and
19 utility of information to all users within and
20 outside the agency, including capabilities for en-
21 suring dissemination of public information, pub-
22 lic access to government information, and protec-
23 tions for privacy and security;

24 “(2) in accordance with guidance by the Direc-
25 tor, develop and maintain a strategic information re-

1 *sources management plan that shall describe how in-*
2 *formation resources management activities help ac-*
3 *complish agency missions;*

4 “(3) develop and maintain an ongoing process
5 to—

6 “(A) ensure that information resources
7 management operations and decisions are inte-
8 grated with organizational planning, budget, fi-
9 nancial management, human resources manage-
10 ment, and program decisions;

11 “(B) in cooperation with the agency Chief
12 Financial Officer (or comparable official), de-
13 velop a full and accurate accounting of informa-
14 tion technology expenditures, related expenses,
15 and results; and

16 “(C) establish goals for improving informa-
17 tion resources management’s contribution to pro-
18 gram productivity, efficiency, and effectiveness,
19 methods for measuring progress towards those
20 goals, and clear roles and responsibilities for
21 achieving those goals;

22 “(4) in consultation with the Director, the Ad-
23 ministrator of General Services, and the Archivist of
24 the United States, maintain a current and complete
25 inventory of the agency’s information resources, in-

1 cluding directories necessary to fulfill the require-
2 ments of section 3511 of this chapter; and

3 “(5) in consultation with the Director and the
4 Director of the Office of Personnel Management, con-
5 duct formal training programs to educate agency pro-
6 gram and management officials about information re-
7 sources management.

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

10 “(1) establish a process within the office headed
11 by the official designated under subsection (a), that is
12 sufficiently independent of program responsibility to
13 evaluate fairly whether proposed collections of infor-
14 mation should be approved under this chapter, to—

15 “(A) review each collection of information
16 before submission to the Director for review
17 under this chapter, including—

18 “(i) an evaluation of the need for the
19 collection of information;

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

22 “(iii) a plan for the collection of the
23 information;

24 “(iv) a specific, objectively supported
25 estimate of burden;

1 “(v) a test of the collection of informa-
2 tion through a pilot program, if appro-
3 priate; and

4 “(vi) a plan for the efficient and effec-
5 tive management and use of the information
6 to be collected, including necessary re-
7 sources;

8 “(B) ensure that each information collec-
9 tion—

10 “(i) is inventoried, displays a control
11 number and, if appropriate, an expiration
12 date;

13 “(ii) indicates the collection is in ac-
14 cordance with the clearance requirements of
15 section 3507; and

16 “(iii) contains a statement to inform
17 the person receiving the collection of infor-
18 mation—

19 “(I) the reasons the information is
20 being collected;

21 “(II) the way such information is
22 to be used;

23 “(III) an estimate, to the extent
24 practicable, of the burden of the collec-
25 tion; and

1 “(IV) whether responses to the col-
2 lection of information are voluntary,
3 required to obtain a benefit, or manda-
4 tory; and

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

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

13 “(i) evaluate whether the proposed collection
14 of information is necessary for the proper per-
15 formance of the functions of the agency, includ-
16 ing whether the information shall have practical
17 utility;

18 “(ii) evaluate the accuracy of the agency’s
19 estimate of the burden of the proposed collection
20 of information;

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

23 “(iv) minimize the burden of the collection
24 of information on those who are to respond, in-
25 cluding through the use of automated collection

1 *techniques or other forms of information tech-*
2 *nology; and*

3 *“(B) for any proposed collection of information*
4 *contained in a proposed rule (to be reviewed by the*
5 *Director under section 3507(d)), provide notice and*
6 *comment through the notice of proposed rulemaking*
7 *for the proposed rule and such notice shall have the*
8 *same purposes specified under subparagraph (A) (i)*
9 *through (iv);*

10 *“(3) certify (and provide a record supporting*
11 *such certification, including public comments received*
12 *by the agency) that each collection of information*
13 *submitted to the Director for review under section*
14 *3507—*

15 *“(A) is necessary for the proper perform-*
16 *ance of the functions of the agency, including*
17 *that the information has practical utility;*

18 *“(B) is not unnecessarily duplicative of in-*
19 *formation otherwise reasonably accessible to the*
20 *agency;*

21 *“(C) reduces to the extent practicable and*
22 *appropriate the burden on persons who shall*
23 *provide information to or for the agency, includ-*
24 *ing with respect to small entities, as defined*

1 under section 601(6) of title 5, the use of such
2 techniques as—

3 “(i) establishing differing compliance
4 or reporting requirements or timetables that
5 take into account the resources available to
6 those who are to respond;

7 “(ii) the clarification, consolidation, or
8 simplification of compliance and reporting
9 requirements; or

10 “(iii) an exemption from coverage of
11 the collection of information, or any part
12 thereof;

13 “(D) is written using plain, coherent, and
14 unambiguous terminology and is understandable
15 to those who are to respond;

16 “(E) is to be implemented in ways consist-
17 ent and compatible, to the maximum extent
18 practicable, with the existing reporting and rec-
19 ordkeeping practices of those who are to respond;

20 “(F) indicates for each recordkeeping re-
21 quirement the length of time persons are required
22 to maintain the records specified;

23 “(G) contains the statement required under
24 paragraph (1)(B)(iii);

1 “(H) has been developed by an office that
2 has planned and allocated resources for the effi-
3 cient and effective management and use of the
4 information to be collected, including the process-
5 ing of the information in a manner which shall
6 enhance, where appropriate, the utility of the in-
7 formation to agencies and the public;

8 “(I) uses effective and efficient statistical
9 survey methodology appropriate to the purpose
10 for which the information is to be collected; and

11 “(J) to the maximum extent practicable,
12 uses information technology to reduce burden
13 and improve data quality, agency efficiency and
14 responsiveness to the public; and

15 “(4) place an emphasis on minimizing the bur-
16 den on small businesses with 50 or fewer employees.

17 “(d) With respect to information dissemination, each
18 agency shall—

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

22 “(A) encouraging a diversity of public and
23 private sources for information based on govern-
24 ment public information,

1 “(B) in cases in which the agency provides
2 public information maintained in electronic for-
3 mat, providing timely, equal, and equitable ac-
4 cess to the underlying data (in whole or in part);
5 and

6 “(C) agency dissemination of public infor-
7 mation in an efficient, effective, and economical
8 manner;

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

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

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

16 “(A) establish an exclusive, restricted, or
17 other distribution arrangement that interferes
18 with timely and equitable availability of public
19 information to the public;

20 “(B) restrict or regulate the use, resale, or
21 redissemination of public information by the
22 public;

23 “(C) charge fees or royalties for resale or
24 redissemination of public information; or

1 “(D) establish user fees for public informa-
2 tion that exceed the cost of dissemination, except
3 that the Director may waive the application of
4 this subparagraph to an agency, if—

5 “(i) the head of the agency submits a
6 written request to the Director, publishes a
7 notice of the request in the Federal Register,
8 and provides a copy of the request to the
9 public upon request;

10 “(ii) the Director sets forth in writing
11 a statement of the scope, conditions, and
12 duration of the waiver and the reasons for
13 granting it, and makes such statement
14 available to the public upon request; and

15 “(iii) the granting of the waiver would
16 not materially impair the timely and equi-
17 table availability of public information to
18 the public.

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

21 “(1) ensure the relevance, accuracy, timeliness,
22 integrity, and objectivity of information collected or
23 created for statistical purposes;

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

4 “(3) protect respondents’ privacy and ensure
5 that disclosure policies fully honor pledges of con-
6 fidentiality;

7 “(4) observe Federal standards and practices for
8 data collection, analysis, documentation, sharing, and
9 dissemination of information;

10 “(5) ensure the timely publication of the results
11 of statistical surveys and studies, including informa-
12 tion about the quality and limitations of the surveys
13 and studies; and

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

16 “(f) With respect to records management, each agency
17 shall implement and enforce applicable policies and proce-
18 dures, including requirements for archiving information
19 maintained in electronic format, particularly in the plan-
20 ning, design and operation of information systems.

21 “(g) With respect to privacy and security, each agency
22 shall—

23 “(1) implement and enforce applicable policies,
24 procedures, standards, and guidelines on privacy,
25 confidentiality, security, disclosure and sharing of in-

1 *formation collected or maintained by or for the agen-*
2 *cy;*

3 *“(2) assume responsibility and accountability for*
4 *compliance with and coordinated management of sec-*
5 *tions 552 and 552a of title 5, the Computer Security*
6 *Act of 1987 (40 U.S.C. 759 note), and related infor-*
7 *mation management laws; and*

8 *“(3) consistent with the Computer Security Act*
9 *of 1987 (40 U.S.C. 759 note), identify and afford se-*
10 *curity protections commensurate with the risk and*
11 *magnitude of the harm resulting from the loss, mis-*
12 *use, or unauthorized access to or modification of in-*
13 *formation collected or maintained by or on behalf of*
14 *an agency.*

15 *“(h) With respect to Federal information technology,*
16 *each agency shall—*

17 *“(1) implement and enforce applicable Govern-*
18 *mentwide and agency information technology man-*
19 *agement policies, principles, standards, and guide-*
20 *lines;*

21 *“(2) assume responsibility and accountability for*
22 *information technology investments;*

23 *“(3) promote the use of information technology*
24 *by the agency to improve the productivity, efficiency,*
25 *and effectiveness of agency programs, including the*

1 *reduction of information collection burdens on the*
 2 *public and improved dissemination of public infor-*
 3 *mation;*

4 *“(4) propose changes in legislation, regulations,*
 5 *and agency procedures to improve information tech-*
 6 *nology practices, including changes that improve the*
 7 *ability of the agency to use technology to reduce bur-*
 8 *den; and*

9 *“(5) assume responsibility for maximizing the*
 10 *value and assessing and managing the risks of major*
 11 *information systems initiatives through a process that*
 12 *is—*

13 *“(A) integrated with budget, financial, and*
 14 *program management decisions; and*

15 *“(B) used to select, control, and evaluate the*
 16 *results of major information systems initiatives.*

17 **“§ 3507. Public information collection activities; sub-**
 18 **mission to Director; approval and delega-**
 19 **tion**

20 *“(a) An agency shall not conduct or sponsor the collec-*
 21 *tion of information unless in advance of the adoption or*
 22 *revision of the collection of information—*

23 *“(1) the agency has—*

24 *“(A) conducted the review established under*
 25 *section 3506(c)(1);*

1 “(B) evaluated the public comments received
2 under section 3506(c)(2);

3 “(C) submitted to the Director the certifi-
4 cation required under section 3506(c)(3), the
5 proposed collection of information, copies of per-
6 tinent statutory authority, regulations, and other
7 related materials as the Director may specify;
8 and

9 “(D) published a notice in the Federal Reg-
10 ister—

11 “(i) stating that the agency has made
12 such submission; and

13 “(ii) setting forth—

14 “(I) a title for the collection of in-
15 formation;

16 “(II) a summary of the collection
17 of information;

18 “(III) a brief description of the
19 need for the information and the pro-
20 posed use of the information;

21 “(IV) a description of the likely
22 respondents and proposed frequency of
23 response to the collection of informa-
24 tion;

1 “(V) an estimate of the burden
2 that shall result from the collection of
3 information; and

4 “(VI) notice that comments may
5 be submitted to the agency and Direc-
6 tor;

7 “(2) the Director has approved the proposed col-
8 lection of information or approval has been inferred,
9 under the provisions of this section; and

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

13 “(b) The Director shall provide at least 30 days for
14 public comment prior to making a decision under sub-
15 section (c), (d), or (h), except for good cause or as provided
16 under subsection (j).

17 “(c)(1) For any proposed collection of information not
18 contained in a proposed rule, the Director shall notify the
19 agency involved of the decision to approve or disapprove
20 the proposed collection of information.

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

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

4 “(A) the approval may be inferred;

5 “(B) a control number shall be assigned without
6 further delay; and

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

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

11 “(A) as soon as practicable, but no later than the
12 date of publication of a notice of proposed rulemaking
13 in the Federal Register, each agency shall forward to
14 the Director a copy of any proposed rule which con-
15 tains a collection of information and any information
16 requested by the Director necessary to make the deter-
17 mination required under this subsection; and

18 “(B) within 60 days after the notice of proposed
19 rulemaking is published in the Federal Register, the
20 Director may file public comments pursuant to the
21 standards set forth in section 3508 on the collection
22 of information contained in the proposed rule.

23 “(2) When a final rule is published in the Federal Reg-
24 ister, the agency shall explain—

1 “(A) how any collection of information contained
2 in the final rule responds to the comments, if any,
3 filed by the Director or the public; or

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

5 “(3) If the Director has received notice and failed to
6 comment on an agency rule within 60 days after the notice
7 of proposed rulemaking, the Director may not disapprove
8 any collection of information specifically contained in an
9 agency rule.

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

12 “(A) from disapproving any collection of infor-
13 mation which was not specifically required by an
14 agency rule;

15 “(B) from disapproving any collection of infor-
16 mation contained in an agency rule, if the agency
17 failed to comply with the requirements of paragraph
18 (1) of this subsection;

19 “(C) from disapproving any collection of infor-
20 mation contained in a final agency rule, if the Direc-
21 tor finds within 60 days after the publication of the
22 final rule, and after considering the agency’s response
23 to the Director’s comments filed under paragraph (2),
24 that the collection of information cannot be approved
25 under the standards set forth in section 3508; or

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

3 “(i) the Director determines that the agency
4 has substantially modified in the final rule the
5 collection of information contained in the pro-
6 posed rule; and

7 “(ii) the agency has not given the Director
8 the information required under paragraph (1)
9 with respect to the modified collection of infor-
10 mation, at least 60 days before the issuance of
11 the final rule.

12 “(5) This subsection shall apply only when an agency
13 publishes a notice of proposed rulemaking and requests pub-
14 lic comments.

15 “(6) The decision by the Director to approve or not
16 act upon a collection of information contained in an agency
17 rule shall not be subject to judicial review.

18 “(e)(1) Any decision by the Director under subsection
19 (c), (d), (h), or (j) to disapprove a collection of information,
20 or to instruct the agency to make substantive or material
21 change to a collection of information, shall be publicly
22 available and include an explanation of the reasons for such
23 decision.

24 “(2) Any written communication between the Admin-
25 istrator of the Office of Information and Regulatory Affairs,

1 or any employee of the Office of Information and Regu-
2 latory Affairs, and an agency or person not employed by
3 the Federal Government concerning a proposed collection
4 of information shall be made available to the public.

5 “(3) This subsection shall not require the disclosure
6 of—

7 “(A) any information which is protected at all
8 times by procedures established for information which
9 has been specifically authorized under criteria estab-
10 lished by an Executive order or an Act of Congress
11 to be kept secret in the interest of national defense
12 or foreign policy; or

13 “(B) any communication relating to a collection
14 of information, the disclosure of which could lead to
15 retaliation or discrimination against the communica-
16 tor.

17 “(f)(1) An independent regulatory agency which is ad-
18 ministered by 2 or more members of a commission, board,
19 or similar body, may by majority vote void—

20 “(A) any disapproval by the Director, in whole
21 or in part, of a proposed collection of information
22 that agency; or

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

1 “(2) The agency shall certify each vote to void such
2 disapproval or exercise to the Director, and explain the rea-
3 sons for such vote. The Director shall without further delay
4 assign a control number to such collection of information,
5 and such vote to void the disapproval or exercise shall be
6 valid for a period of 3 years.

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

9 “(h)(1) If an agency decides to seek extension of the
10 Director’s approval granted for a currently approved collec-
11 tion of information, the agency shall—

12 “(A) conduct the review established under section
13 3506(c), including the seeking of comment from the
14 public on the continued need for, and burden imposed
15 by the collection of information; and

16 “(B) after having made a reasonable effort to
17 seek public comment, but no later than 60 days before
18 the expiration date of the control number assigned by
19 the Director for the currently approved collection of
20 information, submit the collection of information for
21 review and approval under this section, which shall
22 include an explanation of how the agency has used
23 the information that it has collected.

24 “(2) If under the provisions of this section, the Director
25 disapproves a collection of information contained in an ex-

1 *isting rule, or recommends or instructs the agency to make*
2 *a substantive or material change to a collection of informa-*
3 *tion contained in an existing rule, the Director shall—*

4 “(A) *publish an explanation thereof in the Fed-*
5 *eral Register; and*

6 “(B) *instruct the agency to undertake a rule-*
7 *making within a reasonable time limited to consider-*
8 *ation of changes to the collection of information con-*
9 *tained in the rule and thereafter to submit the collec-*
10 *tion of information for approval or disapproval under*
11 *this chapter.*

12 “(3) *An agency may not make a substantive or mate-*
13 *rial modification to a collection of information after such*
14 *collection has been approved by the Director, unless the*
15 *modification has been submitted to the Director for review*
16 *and approval under this chapter.*

17 “(i)(1) *If the Director finds that a senior official of*
18 *an agency designated under section 3506(a) is sufficiently*
19 *independent of program responsibility to evaluate fairly*
20 *whether proposed collections of information should be ap-*
21 *proved and has sufficient resources to carry out this respon-*
22 *sibility effectively, the Director may, by rule in accordance*
23 *with the notice and comment provisions of chapter 5 of title*
24 *5, United States Code, delegate to such official the authority*
25 *to approve proposed collections of information in specific*

1 program areas, for specific purposes, or for all agency pur-
 2 poses.

3 “(2) A delegation by the Director under this section
 4 shall not preclude the Director from reviewing individual
 5 collections of information if the Director determines that
 6 circumstances warrant such a review. The Director shall
 7 retain authority to revoke such delegations, both in general
 8 and with regard to any specific matter. In acting for the
 9 Director, any official to whom approval authority has been
 10 delegated under this section shall comply fully with the
 11 rules and regulations promulgated by the Director.

12 “(j)(1) The agency head may request the Director to
 13 authorize collection of information prior to expiration of
 14 time periods established under this chapter, if an agency
 15 head determines that—

16 “(A) a collection of information—

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

19 “(ii) is essential to the mission of the agen-
 20 cy; and

21 “(B) the agency cannot reasonably comply with
 22 the provisions of this chapter within such time peri-
 23 ods because—

1 “(i) public harm is reasonably likely to re-
2 sult if normal clearance procedures are followed;
3 or

4 “(ii) an unanticipated event has occurred
5 and the use of normal clearance procedures is
6 reasonably likely to prevent or disrupt the collec-
7 tion of information related to the event or is rea-
8 sonably likely to cause a statutory or court-or-
9 dered deadline to be missed.

10 “(2) The Director shall approve or disapprove any
11 such authorization request within the time requested by the
12 agency head and, if approved, shall assign the collection
13 of information a control number. Any collection of informa-
14 tion conducted under this subsection may be conducted
15 without compliance with the provisions of this chapter for
16 a maximum of 90 days after the date on which the Director
17 received the request to authorize such collection.

18 **“§ 3508. Determination of necessity for information;**
19 **hearing**

20 “Before approving a proposed collection of informa-
21 tion, the Director shall determine whether the collection of
22 information by the agency is necessary for the proper per-
23 formance of the functions of the agency, including whether
24 the information shall have practical utility. Before making
25 a determination the Director may give the agency and other

1 *interested persons an opportunity to be heard or to submit*
2 *statements in writing. To the extent, if any, that the Direc-*
3 *tor determines that the collection of information by an*
4 *agency is unnecessary for any reason, the agency may not*
5 *engage in the collection of information.*

6 **“§ 3509. Designation of central collection agency**

7 *“The Director may designate a central collection agen-*
8 *cy to obtain information for two or more agencies if the*
9 *Director determines that the needs of such agencies for in-*
10 *formation will be adequately served by a single collection*
11 *agency, and such sharing of data is not inconsistent with*
12 *applicable law. In such cases the Director shall prescribe*
13 *(with reference to the collection of information) the duties*
14 *and functions of the collection agency so designated and of*
15 *the agencies for which it is to act as agent (including reim-*
16 *bursement for costs). While the designation is in effect, an*
17 *agency covered by the designation may not obtain for itself*
18 *information for the agency which is the duty of the collec-*
19 *tion agency to obtain. The Director may modify the des-*
20 *ignation from time to time as circumstances require. The*
21 *authority to designate under this section is subject to the*
22 *provisions of section 3507(f) of this chapter.*

1 **“§ 3510. Cooperation of agencies in making informa-**
 2 **tion available**

3 “(a) *The Director may direct an agency to make avail-*
 4 *able to another agency, or an agency may make available*
 5 *to another agency, information obtained by a collection of*
 6 *information if the disclosure is not inconsistent with appli-*
 7 *cable law.*

8 “(b)(1) *If information obtained by an agency is re-*
 9 *leased by that agency to another agency, all the provisions*
 10 *of law (including penalties which relate to the unlawful dis-*
 11 *closure of information) apply to the officers and employees*
 12 *of the agency to which information is released to the same*
 13 *extent and in the same manner as the provisions apply to*
 14 *the officers and employees of the agency which originally*
 15 *obtained the information.*

16 “(2) *The officers and employees of the agency to which*
 17 *the information is released, in addition, shall be subject to*
 18 *the same provisions of law, including penalties, relating to*
 19 *the unlawful disclosure of information as if the information*
 20 *had been collected directly by that agency.*

21 **“§ 3511. Establishment and operation of Government**
 22 **Information Locator Service**

23 *“In order to assist agencies and the public in locating*
 24 *information and to promote information sharing and equi-*
 25 *table access by the public, the Director shall—*

1 “(1) cause to be established and maintained a
2 distributed agency-based electronic Government Infor-
3 mation Locator Service (hereafter in this section re-
4 ferred to as the ‘Service’), which shall identify the
5 major information systems, holdings, and dissemina-
6 tion products of each agency;

7 “(2) require each agency to establish and main-
8 tain an agency information locator service as a com-
9 ponent of, and to support the establishment and oper-
10 ation of the Service;

11 “(3) in cooperation with the Archivist of the
12 United States, the Administrator of General Services,
13 the Public Printer, and the Librarian of Congress, es-
14 tablish an interagency committee to advise the Sec-
15 retary of Commerce on the development of technical
16 standards for the Service to ensure compatibility, pro-
17 mote information sharing, and uniform access by the
18 public;

19 “(4) consider public access and other user needs
20 in the establishment and operation of the Service;

21 “(5) ensure the security and integrity of the
22 Service, including measures to ensure that only infor-
23 mation which is intended to be disclosed to the public
24 is disclosed through the Service; and

1 “(6) periodically review the development and ef-
2 fectiveness of the Service and make recommendations
3 for improvement, including other mechanisms for im-
4 proving public access to Federal agency public infor-
5 mation.

6 **“§ 3512. Public protection**

7 “(a) Notwithstanding any other provision of law, no
8 person shall be subject to any penalty for failing to main-
9 tain or provide information to any agency if the collection
10 of information involved was made after December 31, 1981,
11 and at the time of the failure did not display a current
12 control number assigned by the Director, or fails to state
13 that such request is not subject to this chapter.

14 “(b) Actions taken by agencies which are not in com-
15 pliance with subsection (a) of this section shall give rise
16 to a complete defense or bar to such action by an agency,
17 which may be raised at any time during the agency deci-
18 sion making process or judicial review of the agency deci-
19 sion under any available process for judicial review.

20 **“§ 3513. Director review of agency activities; report-**
21 **ing; agency response**

22 “(a) In consultation with the Administrator of General
23 Services, the Archivist of the United States, the Director
24 of the National Institute of Standards and Technology, and
25 the Director of the Office of Personnel Management, the Di-

1 rector shall periodically review selected agency information
 2 resources management activities to ascertain the efficiency
 3 and effectiveness of such activities to improve agency per-
 4 formance and the accomplishment of agency missions.

5 “(b) Each agency having an activity reviewed under
 6 subsection (a) shall, within 60 days after receipt of a report
 7 on the review, provide a written plan to the Director de-
 8 scribing steps (including milestones) to—

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

11 “(2) improve agency performance and the accom-
 12 plishment of agency missions.

13 **“§ 3514. Responsiveness to Congress**

14 “(a)(1) The Director shall—

15 “(A) keep the Congress and congressional com-
 16 mittees fully and currently informed of the major ac-
 17 tivities under this chapter; and

18 “(B) submit a report on such activities to the
 19 President of the Senate and the Speaker of the House
 20 of Representatives annually and at such other times
 21 as the Director determines necessary.

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

24 “(A) reduced information collection burdens on
 25 the public, including—

1 “(i) a summary of accomplishments and
2 planned initiatives to reduce collection of infor-
3 mation burdens;

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

7 “(iii) a list of any increase in the collection
8 of information burden, including the authority
9 for each such collection; and

10 “(iv) a list of agencies that in the preceding
11 year did not reduce information collection bur-
12 dens by at least 10 percent pursuant to section
13 3505, a list of the programs and statutory re-
14 sponsibilities of those agencies that precluded
15 that reduction, and recommendations to assist
16 those agencies to reduce information collection
17 burdens in accordance with that section;

18 “(B) improved the quality and utility of statis-
19 tical information;

20 “(C) improved public access to Government in-
21 formation; and

22 “(D) improved program performance and the ac-
23 complishment of agency missions through information
24 resources management.

1 “(b) The preparation of any report required by this
2 section shall be based on performance results reported by
3 the agencies and shall not increase the collection of informa-
4 tion burden on persons outside the Federal Government.

5 **“§ 3515. Administrative powers**

6 “Upon the request of the Director, each agency (other
7 than an independent regulatory agency) shall, to the extent
8 practicable, make its services, personnel, and facilities
9 available to the Director for the performance of functions
10 under this chapter.

11 **“§ 3516. Rules and regulations**

12 “The Director shall promulgate rules, regulations, or
13 procedures necessary to exercise the authority provided by
14 this chapter.

15 **“§ 3517. Consultation with other agencies and the**
16 **public**

17 “(a) In developing information resources management
18 policies, plans, rules, regulations, procedures, and guide-
19 lines and in reviewing collections of information, the Direc-
20 tor shall provide interested agencies and persons early and
21 meaningful opportunity to comment.

22 “(b) Any person may request the Director to review
23 any collection of information conducted by or for an agency
24 to determine, if, under this chapter, the person shall main-
25 tain, provide, or disclose the information to or for the agen-

1 cy. Unless the request is frivolous, the Director shall, in co-
 2 ordination with the agency responsible for the collection of
 3 information—

4 “(1) respond to the request within 60 days after
 5 receiving the request, unless such period is extended
 6 by the Director to a specified date and the person
 7 making the request is given notice of such extension;
 8 and

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

11 **“§ 3518. Effect on existing laws and regulations**

12 “(a) Except as otherwise provided in this chapter, the
 13 authority of an agency under any other law to prescribe
 14 policies, rules, regulations, and procedures for Federal in-
 15 formation resources management activities is subject to the
 16 authority of the Director under this chapter.

17 “(b) Nothing in this chapter shall be deemed to affect
 18 or reduce the authority of the Secretary of Commerce or
 19 the Director of the Office of Management and Budget pursu-
 20 ant to Reorganization Plan No. 1 of 1977 (as amended)
 21 and Executive order, relating to telecommunications and
 22 information policy, procurement and management of tele-
 23 communications and information systems, spectrum use,
 24 and related matters.

1 “(c)(1) Except as provided in paragraph (2), this
2 chapter shall not apply to obtaining, causing to be obtained,
3 soliciting, or requiring the disclosure to third parties or the
4 public, of facts or opinions—

5 “(A) during the conduct of a Federal criminal
6 investigation or prosecution, or during the disposition
7 of a particular criminal matter;

8 “(B) during the conduct of—

9 “(i) a civil action to which the United
10 States or any official or agency thereof is a
11 party; or

12 “(ii) an administrative action or investiga-
13 tion involving an agency against specific indi-
14 viduals or entities;

15 “(C) by compulsory process pursuant to the
16 Antitrust Civil Process Act and section 13 of the Fed-
17 eral Trade Commission Improvements Act of 1980; or

18 “(D) during the conduct of intelligence activities
19 as defined in section 4–206 of Executive Order No.
20 12036, issued January 24, 1978, or successor orders,
21 or during the conduct of cryptologic activities that
22 are communications security activities.

23 “(2) This chapter applies to obtaining, causing to be
24 obtained, soliciting, or requiring the disclosure to third par-
25 ties or the public, of facts or opinions during the conduct

1 of general investigations (other than information collected
2 in an antitrust investigation to the extent provided in sub-
3 paragraph (C) of paragraph (1)) undertaken with reference
4 to a category of individuals or entities such as a class of
5 licensees or an entire industry.

6 “(d) Nothing in this chapter shall be interpreted as
7 increasing or decreasing the authority conferred by Public
8 Law 89–306 on the Administrator of the General Services
9 Administration, the Secretary of Commerce, or the Director
10 of the Office of Management and Budget.

11 “(e) Nothing in this chapter shall be interpreted as in-
12 creasing or decreasing the authority of the President, the
13 Office of Management and Budget or the Director thereof,
14 under the laws of the United States, with respect to the sub-
15 stantive policies and programs of departments, agencies
16 and offices, including the substantive authority of any Fed-
17 eral agency to enforce the civil rights laws.

18 **“§ 3519. Access to information**

19 “Under the conditions and procedures prescribed in
20 section 716 of title 31, the Director and personnel in the
21 Office of Information and Regulatory Affairs shall furnish
22 such information as the Comptroller General may require
23 for the discharge of the responsibilities of the Comptroller
24 General. For the purpose of obtaining such information, the
25 Comptroller General or representatives thereof shall have

1 access to all books, documents, papers and records, regard-
2 less of form or format, of the Office.

3 **“§ 3520. Authorization of appropriations**

4 “There are authorized to be appropriated to the Office
5 of Information and Regulatory Affairs to carry out the pro-
6 visions of this chapter such sums as may be necessary.”.

7 **SEC. 3. EFFECTIVE DATE.**

8 The amendments made by this Act shall take effect Oc-
9 tober 1, 1995.

Attest:

Clerk.

104TH CONGRESS
1ST SESSION

S. 244

AMENDMENT