

dural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(7) The Director of the Office of Management and Budget is authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

### § 3502. Definitions

As used in this subchapter—

(1) the term “agency” means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency, but does not include—

(A) the Government Accountability Office;

(B) Federal Election Commission;

(C) the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions; or

(D) Government-owned contractor-operated facilities, including laboratories engaged in national defense research and production activities;

(2) the term “burden” means time, effort, or financial resources expended by persons to generate, maintain, or provide information to or for a Federal agency, including the resources expended for—

(A) reviewing instructions;

(B) acquiring, installing, and utilizing technology and systems;

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

(D) searching data sources;

(E) completing and reviewing the collection of information; and

(F) transmitting, or otherwise disclosing the information;

(3) the term “collection of information”—

(A) means the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for either—

(i) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, ten or more persons, other than agencies, instrumentalities, or employees of the United States; or

(ii) answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes; and

(B) shall not include a collection of information described under section 3518(c)(1);

(4) the term “Director” means the Director of the Office of Management and Budget;

(5) the term “independent regulatory agency” means the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Federal Communications Commission, the Federal Deposit Insur-

ance Corporation, the Federal Energy Regulatory Commission, the Federal Housing Finance Agency, the Federal Maritime Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Mine Enforcement Safety and Health Review Commission, the National Labor Relations Board, the Nuclear Regulatory Commission, the Occupational Safety and Health Review Commission, the Postal Regulatory Commission, the Securities and Exchange Commission, the Bureau of Consumer Financial Protection, the Office of Financial Research, Office of the Comptroller of the Currency, and any other similar agency designated by statute as a Federal independent regulatory agency or commission;

(6) the term “information resources” means information and related resources, such as personnel, equipment, funds, and information technology;

(7) the term “information resources management” means the process of managing information resources to accomplish agency missions and to improve agency performance, including through the reduction of information collection burdens on the public;

(8) the term “information system” means a discrete set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information;

(9) the term “information technology” has the meaning given that term in section 11101 of title 40 but does not include national security systems as defined in section 11103 of title 40;

(10) the term “person” means an individual, partnership, association, corporation, business trust, or legal representative, an organized group of individuals, a State, territorial, tribal, or local government or branch thereof, or a political subdivision of a State, territory, tribal, or local government or a branch of a political subdivision;

(11) the term “practical utility” means the ability of an agency to use information, particularly the capability to process such information in a timely and useful fashion;

(12) the term “public information” means any information, regardless of form or format, that an agency discloses, disseminates, or makes available to the public;

(13) the term “recordkeeping requirement” means a requirement imposed by or for an agency on persons to maintain specified records, including a requirement to—

(A) retain such records;

(B) notify third parties, the Federal Government, or the public of the existence of such records;

(C) disclose such records to third parties, the Federal Government, or the public; or

(D) report to third parties, the Federal Government, or the public regarding such records;

(14) the term “penalty” includes the imposition by an agency or court of a fine or other punishment; a judgment for monetary damages or equitable relief; or the revocation, suspension, reduction, or denial of a license, privilege, right, grant, or benefit;

(15) the term “comprehensive data inventory” means the inventory created under section 3511(a), but does not include any underlying data asset listed on the inventory;

(16) the term “data” means recorded information, regardless of form or the media on which the data is recorded;

(17) the term “data asset” means a collection of data elements or data sets that may be grouped together;

(18) the term “machine-readable”, when used with respect to data, means data in a format that can be easily processed by a computer without human intervention while ensuring no semantic meaning is lost;

(19) the term “metadata” means structural or descriptive information about data such as content, format, source, rights, accuracy, provenance, frequency, periodicity, granularity, publisher or responsible party, contact information, method of collection, and other descriptions;

(20) the term “open Government data asset” means a public data asset that is—

(A) machine-readable;

(B) available (or could be made available) in an open format;

(C) not encumbered by restrictions, other than intellectual property rights, including under titles 17 and 35, that would impede the use or reuse of such asset; and

(D) based on an underlying open standard that is maintained by a standards organization;

(21) the term “open license” means a legal guarantee that a data asset is made available—

(A) at no cost to the public; and

(B) with no restrictions on copying, publishing, distributing, transmitting, citing, or adapting such asset;

(22) the term “public data asset” means a data asset, or part thereof, maintained by the Federal Government that has been, or may be, released to the public, including any data asset, or part thereof, subject to disclosure under section 552 of title 5; and

(23) the term “statistical laws” means subchapter III of this chapter and other laws pertaining to the protection of information collected for statistical purposes as designated by the Director.

(Added Pub. L. 104-13, §2, May 22, 1995, 109 Stat. 164; amended Pub. L. 104-106, div. E, title LVI, §5605(a), Feb. 10, 1996, 110 Stat. 700; Pub. L. 105-85, div. A, title X, §1073(h)(5)(A), Nov. 18, 1997, 111 Stat. 1907; Pub. L. 106-398, §1 [[div. A], title X, §1064(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-275; Pub. L. 107-217, §3(l)(4), Aug. 21, 2002, 116 Stat. 1301; Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814; Pub. L. 109-435, title VI, §604(e), Dec. 20, 2006, 120 Stat. 3242; Pub. L. 110-289, div. A, title II, §1216(e), July 30, 2008, 122 Stat. 2792; Pub. L. 111-203, title III, §315, title X, §1100D(a), July 21, 2010, 124 Stat. 1524, 2111; Pub. L. 115-435, title II, §202(a), Jan. 14, 2019, 132 Stat. 5534.)

#### Editorial Notes

##### PRIOR PROVISIONS

A prior section 3502, added Pub. L. 96-511, §2(a), Dec. 11, 1980, 94 Stat. 2813; amended Pub. L. 98-443, §9(h), Oct.

4, 1984, 98 Stat. 1708; Pub. L. 99-500, §101(m) [title VIII, §812], Oct. 18, 1986, 100 Stat. 1783-308, 1783-335, and Pub. L. 99-591, §101(m) [title VIII, §812], Oct. 30, 1986, 100 Stat. 3341-308, 3341-335; Pub. L. 101-73, title VII, §744(e), Aug. 9, 1989, 103 Stat. 438, defined terms used in this chapter prior to the general amendment of this chapter by Pub. L. 104-13.

Another prior section 3502, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1302; Pub. L. 93-153, title IV, §409(a), Nov. 16, 1973, 87 Stat. 593, defined “Federal agency”, “person”, and “information”, prior to the general amendment of this chapter by Pub. L. 96-511.

#### AMENDMENTS

2019—Pars. (15) to (23). Pub. L. 115-435 added pars. (15) to (23).

2010—Par. (5). Pub. L. 111-203, §1100D(a), which directed amendment of section 2(5) of the Paperwork Reduction Act (44 U.S.C. 3502(5)) by inserting “the Bureau of Consumer Financial Protection, the Office of Financial Research,” after “the Securities and Exchange Commission,” was executed to this section to reflect the probable intent of Congress.

Pub. L. 111-203, §315, inserted “Office of the Comptroller of the Currency,” after “the Securities and Exchange Commission.”

2008—Par. (5). Pub. L. 110-289 substituted “Federal Housing Finance Agency” for “Federal Housing Finance Board”.

2006—Par. (5). Pub. L. 109-435 substituted “Postal Regulatory Commission” for “Postal Rate Commission”.

2004—Par. (1)(A). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

2002—Par. (9). Pub. L. 107-217 substituted “section 11101 of title 40” for “section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401)” and “section 11103 of title 40” for “section 5142 of that Act (40 U.S.C. 1452)”.

2000—Pub. L. 106-398 substituted “subchapter” for “chapter” in introductory provisions.

1997—Par. (9). Pub. L. 105-85 substituted “the Clinger-Cohen Act of 1996 (40 U.S.C. 1401)” for “the Information Technology Management Reform Act of 1996” and inserted “(40 U.S.C. 1452)” after “that Act”.

1996—Par. (9). Pub. L. 104-106 added par. (9) and struck out former par. (9) which read as follows: “the term ‘information technology’ has the same meaning as the term ‘automatic data processing equipment’ as defined by section 111(a)(2) and (3)(C)(i) through (v) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(a)(2) and (3)(C)(i) through (v));”.

#### Statutory Notes and Related Subsidiaries

##### EFFECTIVE DATE OF 2019 AMENDMENT

Amendment by Pub. L. 115-435 effective 180 days after Jan. 14, 2019, see section 403 of Pub. L. 115-435, set out as a note under section 306 of Title 5, Government Organization and Employees.

##### EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by section 315 of Pub. L. 111-203 effective 1 day after July 21, 2010, except as otherwise provided, see section 4 of Pub. L. 111-203, set out as an Effective Date note under section 5301 of Title 12, Banks and Banking.

Amendment by section 1100D(a) of Pub. L. 111-203 effective on the designated transfer date, see section 1100H of Pub. L. 111-203, set out as a note under section 552a of Title 5, Government Organization and Employees.

##### EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-398 effective 30 days after Oct. 30, 2000, see section 1 [[div. A], title X, §1065] of Pub. L. 106-398, Oct. 30, 2000, 114 Stat. 1654, formerly set out as an Effective Date note under former section 3531 of this title.

## EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-106 effective 180 days after Feb. 10, 1996, see section 5701 of Pub. L. 104-106, Feb. 10, 1996, 110 Stat. 702.

## EFFECTIVE DATE

Section effective Oct. 1, 1995, except as otherwise provided, see section 4(a) of Pub. L. 104-13, set out as a note under section 3501 of this title.

## ABOLITION OF INTERSTATE COMMERCE COMMISSION AND TRANSFER OF FUNCTIONS

Interstate Commerce Commission abolished and functions of Commission transferred, except as otherwise provided in Pub. L. 104-88, to Surface Transportation Board effective Jan. 1, 1996, by section 1302 of Title 49, Transportation, and section 101 of Pub. L. 104-88, set out as a note under section 1301 of Title 49. References to Interstate Commerce Commission deemed to refer to Surface Transportation Board, a member or employee of the Board, or Secretary of Transportation, as appropriate, see section 205 of Pub. L. 104-88, set out as a note under section 1301 of Title 49.

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

(a) There is established in the Office of Management and Budget an office to be known as the Office of Information and Regulatory Affairs.

(b) There shall be at the head of the Office an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall delegate to the Administrator the authority to administer all functions under this subchapter, except that any such delegation shall not relieve the Director of responsibility for the administration of such functions. The Administrator shall serve as principal adviser to the Director on Federal information resources management policy.

(Added Pub. L. 104-13, §2, May 22, 1995, 109 Stat. 166; amended Pub. L. 106-398, §1 [[div. A], title X, §1064(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-275.)

**Editorial Notes**

## PRIOR PROVISIONS

A prior section 3503, added Pub. L. 96-511, §2(a), Dec. 11, 1980, 94 Stat. 2814; amended Pub. L. 99-500, §101(m) [title VIII, §813(a)], Oct. 18, 1986, 100 Stat. 1783-308, 1783-336, and Pub. L. 99-591, §101(m) [title VIII, §813(a)], Oct. 30, 1986, 100 Stat. 3341-308, 3341-336, related to the establishment of the Office of Information and Regulatory Affairs prior to the general amendment of this chapter by Pub. L. 104-13.

Another prior section 3503, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1303, prescribed duties of Director of Bureau of the Budget, prior to the general amendment of this chapter by Pub. L. 96-511. See section 3504 of this title.

## AMENDMENTS

2000—Subsec. (b). Pub. L. 106-398 substituted “subchapter” for “chapter”.

**Statutory Notes and Related Subsidiaries**

## EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-398 effective 30 days after Oct. 30, 2000, see section 1 [[div. A], title X, §1065] of Pub. L. 106-398, Oct. 30, 2000, 114 Stat. 1654, formerly set out as an Effective Date note under former section 3531 of this title.

## EFFECTIVE DATE

Section effective Oct. 1, 1995, except as otherwise provided, see section 4(a) of Pub. L. 104-13, set out as a note under section 3501 of this title.

## DELEGATION OF OTHER FUNCTIONS TO ADMINISTRATOR

Pub. L. 96-511, §3, Dec. 11, 1980, 94 Stat. 2825, as amended by Pub. L. 97-258, §5(b), Sept. 13, 1982, 96 Stat. 1083; Pub. L. 99-500, §101(m) [title VIII, §821(b)(3)], Oct. 18, 1986, 100 Stat. 1783-308, 1783-342, and Pub. L. 99-591, §101(m) [title VIII, §821(b)(3)], Oct. 30, 1986, 100 Stat. 3341-308, 3341-342, provided:

“(a) Repealed”

“(b) The Director of the Office of Management and Budget shall delegate to the Administrator for the Office of Information and Regulatory Affairs all functions, authority, and responsibility of the Director under section 552a of title 5, United States Code, under Executive Order 12046 [Ex. Ord. No. 12046, Mar. 27, 1978, 43 F.R. 14193, set out as a note under section 305 of Title 47, Telecommunications] and Reorganization Plan No. 1 for telecommunications [probably means Reorg. Plan No. 1 of 1970, 35 F.R. 6421, 84 Stat. 2083, set out in the Appendix to Title 5, Government Organization and Employees], and under sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 ([former 40 U.S.C. 322 and former] 40 U.S.C. 759).”

[Section 101(m) [title VIII, §833] of Pub. L. 99-500 and Pub. L. 99-591 provided that: “This title and the amendments made by this title [amending former sections 3501 to 3507, 3511, 3514, and 3520 of this title and sections 751, 757, and 759 of former Title 40, Public Buildings, Property, and Works, enacting provisions set out as a notes under section 101 of this title and former section 3503 of this title, amending provisions set out as a note above, and repealing provisions set out as a note under section 759 of former Title 40] shall take effect on the date of enactment of this Act [Oct. 18, 1986], except as provided in section 813(b) [set out as a note under former section 3503 of this title] and except that the provisions of section 821 and the amendments made by such section [amending former sections 3503 and 3504 of this title, sections 757 and 759 of former Title 40, and provisions set out as a note above] shall take effect on January 1, 1987.”]

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

(a)(1) The Director shall oversee the use of information resources to improve the efficiency and effectiveness of governmental operations to serve agency missions, including burden reduction and service delivery to the public. In performing such oversight, the Director shall—

(A) develop, coordinate and oversee the implementation of Federal information resources management policies, principles, standards, and guidelines; and

(B) provide direction and oversee—

(i) the review and approval of the collection of information and the reduction of the information collection burden;

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

(iii) statistical activities;

(iv) records management activities;

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

(vi) the acquisition and use of information technology, including alternative information technologies that provide for electronic submission, maintenance, or disclosure of information as a substitute for paper and for the use and acceptance of electronic signatures.

(2) The authority of the Director under this subchapter shall be exercised consistent with applicable law.