

103D CONGRESS  
2D SESSION

**S. 560**

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**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.

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## 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.

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 1994”.

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 in-  
5           formation 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 de-  
8 partment, military department, Government corpora-  
9 tion, Government controlled corporation, or other es-  
10 tablishment in the executive branch of the Govern-  
11 ment (including the Executive Office of the Presi-  
12 dent), or any independent regulatory agency, but  
13 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 em-  
23 ployees 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.

10 **“§ 3503. Office of Information and Regulatory Affairs**

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

14 “(b) There shall be at the head of the Office an Ad-  
15 ministrator who shall be appointed by the President, by  
16 and with the advice and consent of the Senate. The Direc-  
17 tor shall delegate to the Administrator the authority to  
18 administer all functions under this chapter, except that  
19 any such delegation shall not relieve the Director of re-  
20 sponsibility for the administration of such functions. The  
21 Administrator shall serve as principal adviser to the Direc-  
22 tor on Federal information resources management policy.

23 “(c) The Administrator and employees of the Office  
24 of Information and Regulatory Affairs shall be appointed  
25 with special attention to professional qualifications re-

1 quired to administer the functions of the Office described  
2 under this chapter. Such qualifications shall include rel-  
3 evant education, work experience, or related professional  
4 activities.

5 **“§ 3504. Authority and functions of Director**

6 “(a)(1) The Director shall oversee the use of informa-  
7 tion resources to improve the efficiency and effectiveness  
8 of governmental operations to serve agency missions, in-  
9 cluding service delivery to the public. In performing such  
10 oversight, the Director shall—

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

15 “(B) provide direction and oversee—

16 “(i) the review of the collection of informa-  
17 tion and the reduction of the information collec-  
18 tion burden;

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

21 “(iii) statistical activities;

22 “(iv) records management activities;

23 “(v) privacy, confidentiality, security, dis-  
24 closure, and sharing of information; and

1           “(vi) the acquisition and use of informa-  
2           tion technology.

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

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

7           “(1) develop and oversee the implementation of  
8           uniform information resources management policies,  
9           principles, standards, and guidelines;

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

12           “(A) the use of the Government Informa-  
13           tion Locator Service; and

14           “(B) the development and utilization of  
15           common standards for information collection,  
16           storage, processing and communication, includ-  
17           ing standards for security, interconnectivity and  
18           interoperability;

19           “(3) initiate and review proposals for changes  
20 in legislation, regulations, and agency procedures to  
21 improve information resources management prac-  
22 tices;

23           “(4) oversee the development and implementa-  
24           tion of best practices in information resources man-  
25           agement, including training; and

1           “(5) oversee agency integration of program and  
2           management functions with information resources  
3           management functions.

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

6           “(1) review proposed agency collections of infor-  
7           mation, and in accordance with section 3508, deter-  
8           mine whether the collection of information by or for  
9           an agency is necessary for the proper performance  
10          of the functions of the agency, including whether the  
11          information shall have practical utility;

12          “(2) coordinate the review of the collection of  
13          information associated with Federal procurement  
14          and acquisition by the Office of Information and  
15          Regulatory Affairs with the Office of Federal Pro-  
16          curement Policy, with particular emphasis on apply-  
17          ing information technology to improve the efficiency  
18          and effectiveness of Federal procurement and acqui-  
19          sition and to reduce information collection burdens  
20          on the public;

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

1           “(4) maximize the practical utility of and public  
2       benefit from information collected by or for the Fed-  
3       eral Government; and

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

7       “(d) With respect to information dissemination, the  
8       Director shall develop and oversee the implementation of  
9       policies, principles, standards, and guidelines to—

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

13           “(2) promote public access to public informa-  
14       tion and fulfill the purposes of this chapter, includ-  
15       ing through the effective use of information tech-  
16       nology.

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

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

21           “(A) the efficiency and effectiveness of the  
22       system; and

23           “(B) the integrity, objectivity, impartiality,  
24       utility, and confidentiality of information col-  
25       lected for statistical purposes;

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

6           “(3) develop and oversee the implementation of  
7           Governmentwide policies, principles, standards, and  
8           guidelines concerning—

9                 “(A) statistical collection procedures and  
10           methods;

11                 “(B) statistical data classification;

12                 “(C) statistical information presentation  
13           and dissemination;

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

15                 “(E) such statistical data sources as may  
16           be required for the administration of Federal  
17           programs;

18           “(4) evaluate statistical program performance  
19           and agency compliance with Governmentwide poli-  
20           cies, principles, standards and guidelines;

21           “(5) promote the sharing of information col-  
22           lected for statistical purposes consistent with privacy  
23           rights and confidentiality pledges;

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

4           “(7) appoint a chief statistician who is a  
5 trained and experienced professional statistician to  
6 carry out the functions described under this sub-  
7 section;

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

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

14                   “(B) consist of—

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

17                           “(ii) representatives of other statis-  
18 tical agencies under rotating membership;  
19 and

20           “(9) provide opportunities for training in statis-  
21 tical policy functions to employees of the Federal  
22 Government 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 statisti-



1           cian for at least 6 months and not more than  
2           1 year; 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 Direc-  
6     tor 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 Ar-  
18     chivist of the United States and the Adminis-  
19     trator 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 Direc-  
2 tor 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  
7 agencies;

8 “(2) oversee and coordinate compliance with  
9 sections 552 and 552a of title 5, the Computer Se-  
10 curity Act of 1987 (40 U.S.C. 759 note), and relat-  
11 ed information management laws; and

12 “(3) require Federal agencies, consistent with  
13 the Computer Security Act of 1987 (40 U.S.C. 759  
14 note), to identify and afford security protections  
15 commensurate with the risk and magnitude of the  
16 harm resulting from the loss, misuse, or unauthor-  
17 ized access to or modification of information col-  
18 lected or maintained 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  
22 National Institute of Standards and Technology and  
23 the Administrator of General Services—

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

1 guidelines for information technology functions  
2 and activities of the Federal Government, in-  
3 cluding periodic evaluations of major informa-  
4 tion systems; 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 compli-  
10 ance with, directives issued under sections 110 and  
11 111 of the Federal Property and Administrative  
12 Services Act of 1949 (40 U.S.C. 757 and 759) and  
13 review proposed determinations under section 111(e)  
14 of such Act;

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

20 “(4) ensure, through the review of agency budg-  
21 et proposals, information resources management  
22 plans and other means—

23 “(A) agency integration of information re-  
24 sources management plans, program plans and

1 budgets for acquisition and use of information  
2 technology; and

3 “(B) the efficiency and effectiveness of  
4 inter-agency information technology initiatives  
5 to improve agency performance and the accom-  
6 plishment of agency missions; and

7 “(5) promote the use of information technology  
8 by the Federal Government to improve the produc-  
9 tivity, efficiency, and effectiveness of Federal pro-  
10 grams, including through dissemination of public in-  
11 formation and the reduction of information collection  
12 burdens on the public.

13 **“§ 3505. Assignment of tasks and deadlines**

14 “In carrying out the functions under this chapter, the  
15 Director shall—

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

20 “(A) reduce information collection burdens  
21 imposed on the public that—

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

24 “(ii) are consistent with improving  
25 agency management of the process for the

1 review of collections of information estab-  
2 lished under section 3506(c); and

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

7 “(2) with selected agencies and non-Federal en-  
8 tities on a voluntary basis, conduct pilot projects to  
9 test alternative policies, practices, regulations, and  
10 procedures to fulfill the purposes of this chapter,  
11 particularly with regard to minimizing the Federal  
12 information collection burden;

13 “(3) in consultation with the Administrator of  
14 General Services, the Director of the National Insti-  
15 tute of Standards and Technology, the Archivist of  
16 the United States, and the Director of the Office of  
17 Personnel Management, develop and maintain a  
18 Governmentwide strategic plan for information re-  
19 sources management, that shall include—

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

24 “(B) plans for—

1           “(i) reducing information burdens on  
2           the public, including reducing such bur-  
3           dens through the elimination of duplication  
4           and meeting shared data needs with shared  
5           resources;

6           “(ii) enhancing public access to and  
7           dissemination of, information, using elec-  
8           tronic and other formats; and

9           “(iii) meeting the information tech-  
10          nology needs of the Federal Government in  
11          accordance with the requirements of sec-  
12          tions 110 and 111 of the Federal Property  
13          and Administrative Services Act of 1949  
14          (40 U.S.C. 757 and 759), and the pur-  
15          poses of this chapter; and

16          “(C) a description of progress in applying  
17          information resources management to improve  
18          agency performance and the accomplishment of  
19          missions; and

20          “(4) in cooperation with the Administrator of  
21          General Services, issue guidelines for the establish-  
22          ment and operation in each agency of a process, as  
23          required under section 3506(h)(5) of this chapter, to  
24          review major information systems initiatives, includ-  
25          ing acquisition and use of information technology.

1   **“§ 3506. Federal agency responsibilities**

2       “(a)(1) The head of each agency shall be responsible  
3 for—

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

7           “(B) complying with the requirements of this  
8 chapter and related policies established by the Direc-  
9 tor.

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

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

21       “(3) The senior official designated under paragraph  
22 (2) shall head an office responsible for ensuring agency  
23 compliance with and prompt, efficient, and effective imple-  
24 mentation of the information policies and information re-  
25 sources management responsibilities established under  
26 this chapter, including the reduction of information collec-

1 tion burdens on the public. The senior official and employ-  
2 ees of such office shall be selected with special attention  
3 to the professional qualifications required to administer  
4 the functions described under this chapter.

5 “(4) Each agency program official shall be respon-  
6 sible and accountable for information resources assigned  
7 to and supporting the programs under such official. In  
8 consultation with the senior official designated under  
9 paragraph (2) and the agency Chief Financial Officer (or  
10 comparable official), each agency program official shall de-  
11 fine program information needs and develop strategies,  
12 systems, and capabilities to meet those needs.

13 “(5) The head of each agency shall establish a perma-  
14 nent information resources management steering commit-  
15 tee, which shall be chaired by the senior official designated  
16 under paragraph (2) and shall include senior program offi-  
17 cials and the Chief Financial Officer (or comparable offi-  
18 cial). Each steering committee shall—

19 “(A) assist and advise the head of the agency  
20 in carrying out information resources management  
21 responsibilities of the agency;

22 “(B) assist and advise the senior official des-  
23 igned under paragraph (2) in the establishment of  
24 performance measures for information resources  
25 management that relate to program missions;



1           “(C) select, control, and evaluate all major in-  
2           formation system initiatives (including acquisitions  
3           of information technology) in accordance with the  
4           requirements of subsection (h)(5); and

5           “(D) identify opportunities to redesign business  
6           practices and supporting information systems to im-  
7           prove agency performance.

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

10           “(1) develop information systems, processes,  
11           and procedures to—

12                   “(A) reduce information collection burdens  
13                   on the public;

14                   “(B) increase program efficiency and effec-  
15                   tiveness; and

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

22           “(2) in accordance with guidance by the Direc-  
23           tor, develop and maintain a strategic information re-  
24           sources management plan that shall describe how in-

1       formation resources management activities help ac-  
2       complish agency missions;

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

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

10              “(B) develop and maintain an integrated,  
11       comprehensive and controlled process of infor-  
12       mation systems selection, development, and  
13       evaluation;

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

19              “(D) establish goals for improving infor-  
20       mation resources management’s contribution to  
21       program productivity, efficiency, and effective-  
22       ness, methods for measuring progress towards  
23       those goals, and clear roles and responsibilities  
24       for achieving those goals;

1           “(4) in consultation with the Director, the Ad-  
2           ministrators of General Services, and the Archivist of  
3           the United States, maintain a current and complete  
4           inventory of the agency’s information resources, in-  
5           cluding directories necessary to fulfill the require-  
6           ments of section 3511 of this chapter; and

7           “(5) in consultation with the Director and the  
8           Director of the Office of Personnel Management,  
9           conduct formal training programs to educate agency  
10          program and management officials about informa-  
11          tion resources management.

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

14               “(1) establish a process within the office headed  
15               by the official designated under subsection (a), that  
16               is sufficiently independent of program responsibility  
17               to evaluate fairly whether proposed collections of in-  
18               formation should be approved under this chapter,  
19               to—

20                       “(A) review each collection of information  
21                       before submission to the Director for review  
22                       under this chapter, including—

23                               “(i) an evaluation of the need for the  
24                               collection of information;

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

3           “(iii) a plan for the collection of the  
4           information;

5           “(iv) a specific, objectively supported  
6           estimate of burden;

7           “(v) a test of the collection of infor-  
8           mation through a pilot program, if appro-  
9           priate; and

10          “(vi) a plan for the efficient and effec-  
11          tive management and use of the informa-  
12          tion to be collected, including necessary re-  
13          sources;

14          “(B) ensure that each information collec-  
15          tion—

16               “(i) is inventoried, displays a control  
17               number and, if appropriate, an expiration  
18               date;

19               “(ii) indicates the collection is in ac-  
20               cordance with the clearance requirements  
21               of section 3507; and

22               “(iii) contains a statement to inform  
23               the person receiving the collection of infor-  
24               mation—

1                   “(I) the reasons the information  
2                   is being collected;

3                   “(II) the way such information is  
4                   to be used;

5                   “(III) an estimate, to the extent  
6                   practicable, of the burden of the col-  
7                   lection; and

8                   “(IV) whether responses to the  
9                   collection of information are vol-  
10                  untary, required to obtain a benefit,  
11                  or mandatory; and

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

14                  “(2)(A) except as provided under subparagraph  
15                  (B), provide 60-day notice in the Federal Register,  
16                  and otherwise consult with members of the public  
17                  and affected agencies concerning each proposed col-  
18                  lection of information, to solicit comment to—

19                  “(i) evaluate whether the proposed collec-  
20                  tion of information is necessary for the proper  
21                  performance of the functions of the agency, in-  
22                  cluding whether the information shall have  
23                  practical utility;

1           “(ii) evaluate the accuracy of the agency’s  
2           estimate of the burden of the proposed collec-  
3           tion of information;

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

6           “(iv) minimize the burden of the collection  
7           of information on those who are to respond, in-  
8           cluding through the use of automated collection  
9           techniques or other forms of information tech-  
10          nology; and

11          “(B) for any proposed collection of information  
12          contained in a proposed rule (to be reviewed by the  
13          Director under section 3507(d)), provide notice and  
14          comment through the notice of proposed rulemaking  
15          for the proposed rule and such notice shall have the  
16          same purposes specified under subparagraph (A) (i)  
17          through (iv); and

18          “(3) certify (and provide a record supporting  
19          such certification, including public comments re-  
20          ceived by the agency) that each collection of infor-  
21          mation submitted to the Director for review under  
22          section 3507—

23               “(A) is necessary for the proper perform-  
24               ance of the functions of the agency, including  
25               that the information has practical utility;

1           “(B) is not unnecessarily duplicative of in-  
2           formation otherwise reasonably accessible to the  
3           agency;

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

10           “(i) establishing differing compliance  
11           or reporting requirements or timetables  
12           that take into account the resources avail-  
13           able to those who are to respond;

14           “(ii) the clarification, consolidation, or  
15           simplification of compliance and reporting  
16           requirements; or

17           “(iii) an exemption from coverage of  
18           the collection of information, or any part  
19           thereof;

20           “(D) is written using plain, coherent, and  
21           unambiguous terminology and is understand-  
22           able to those who are to respond;

23           “(E) is to be implemented in ways consist-  
24           ent and compatible, to the maximum extent  
25           practicable, with the existing reporting and rec-

1           ordkeeping practices of those who are to re-  
2           spond;

3           “(F) contains the statement required  
4           under paragraph (1)(B)(iii);

5           “(G) has been developed by an office that  
6           has planned and allocated resources for the effi-  
7           cient and effective management and use of the  
8           information to be collected, including the proc-  
9           essing of the information in a manner which  
10          shall enhance, where appropriate, the utility of  
11          the information to agencies and the public;

12          “(H) uses effective and efficient statistical  
13          survey methodology appropriate to the purpose  
14          for which the information is to be collected; and

15          “(I) to the maximum extent practicable,  
16          uses information technology to reduce burden  
17          and improve data quality, agency efficiency and  
18          responsiveness to the public.

19          “(d) With respect to information dissemination, each  
20          agency shall—

21               “(1) ensure that the public has timely and equi-  
22               table access to the agency’s public information, in-  
23               cluding ensuring such access through—



1           “(A) encouraging a diversity of public and  
2           private sources for information based on gov-  
3           ernment public information, and

4           “(B) agency dissemination of public infor-  
5           mation in an efficient, effective, and economical  
6           manner;

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

10          “(3) not, except where specifically authorized by  
11          statute—

12               “(A) establish an exclusive, restricted, or  
13               other distribution arrangement that interferes  
14               with timely and equitable availability of public  
15               information to the public;

16               “(B) restrict or regulate the use, resale, or  
17               redissemination of public information by the  
18               public;

19               “(C) charge fees or royalties for resale or  
20               redissemination of public information; or

21               “(D) establish user fees for public informa-  
22               tion that exceed the cost of dissemination.

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

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

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

7           “(3) protect respondents’ privacy and ensure  
8 that disclosure policies fully honor pledges of con-  
9 fidentiality;

10          “(4) observe Federal standards and practices  
11 for data collection, analysis, documentation, sharing,  
12 and dissemination of information;

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

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

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

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

1           “(1) implement and enforce applicable policies,  
2           procedures, standards, and guidelines on privacy,  
3           confidentiality, security, disclosure and sharing of  
4           information collected or maintained by or for the  
5           agency;

6           “(2) assume responsibility and accountability  
7           for compliance with and coordinated management of  
8           sections 552 and 552a of title 5, the Computer Se-  
9           curity Act of 1987 (40 U.S.C. 759 note), and relat-  
10          ed information management laws; and

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

18          “(h) With respect to Federal information technology,  
19 each agency shall—

20               “(1) implement and enforce applicable Govern-  
21               mentwide and agency information technology man-  
22               agement policies, principles, standards, and guide-  
23               lines;

24               “(2) assume responsibility and accountability  
25               for any acquisitions made pursuant to a delegation

1 of authority under section 111 of the Federal Prop-  
2 erty and Administrative Services Act of 1949 (40  
3 U.S.C. 759);

4 “(3) promote the use of information technology  
5 by the agency to improve the productivity, efficiency,  
6 and effectiveness of agency programs, including the  
7 reduction of information collection burdens on the  
8 public and improved dissemination of public infor-  
9 mation;

10 “(4) propose changes in legislation, regulations,  
11 and agency procedures to improve information tech-  
12 nology practices, including changes that improve the  
13 ability of the agency to use technology to reduce  
14 burden; and

15 “(5) establish, and be responsible for, a major  
16 information system initiative review process, which  
17 shall be developed and implemented by the informa-  
18 tion resources management steering committee es-  
19 tablished under subsection (a)(5), consistent with  
20 guidelines issued under section 3505(4), and in-  
21 clude—

22 “(A) the review of major information sys-  
23 tem initiative proposals and projects (including  
24 acquisitions of information technology), ap-  
25 proval or disapproval of each such initiative,

1 and periodic reviews of the development and im-  
2 plementation of such initiatives, including  
3 whether the projected benefits have been  
4 achieved;

5 “(B) the use by the committee of specified  
6 evaluative techniques and criteria to—

7 “(i) assess the economy, efficiency, ef-  
8 fectiveness, risks, and priority of system  
9 initiatives in relation to mission needs and  
10 strategies;

11 “(ii) estimate and verify life-cycle sys-  
12 tem initiative costs; and

13 “(iii) assess system initiative privacy,  
14 security, records management, and dis-  
15 semination and access capabilities;

16 “(C) the use, as appropriate, of independ-  
17 ent cost evaluations of data developed under  
18 subparagraph (B); and

19 “(D) the inclusion of relevant information  
20 about approved initiatives in the agency’s an-  
21 nual budget request.

1 **“§ 3507. Public information collection activities; sub-**  
2 **mission to Director; approval and delega-**  
3 **tion**

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

7 “(1) the agency has—

8 “(A) conducted the review established  
9 under section 3506(c)(1);

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

12 “(C) submitted to the Director the certifi-  
13 cation required under section 3506(c)(3), the  
14 proposed collection of information, copies of  
15 pertinent statutory authority, regulations, and  
16 other related materials as the Director may  
17 specify; and

18 “(D) published a notice in the Federal  
19 Register—

20 “(i) stating that the agency has made  
21 such submission; and

22 “(ii) setting forth—

23 “(I) a title for the collection of  
24 information;

25 “(II) a summary of the collection  
26 of information;

1                   “(III) a brief description of the  
2                   need for the information and the pro-  
3                   posed use of the information;

4                   “(IV) a description of the likely  
5                   respondents and proposed frequency  
6                   of response to the collection of infor-  
7                   mation;

8                   “(V) an estimate of the burden  
9                   that shall result from the collection of  
10                  information; and

11                  “(VI) notice that comments may  
12                  be submitted to the agency and Direc-  
13                  tor;

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

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

20                  “(b) The Director shall provide at least 30 days for  
21                  public comment prior to making a decision under sub-  
22                  section (c), (d), or (h), except as provided under sub-  
23                  section (j).

24                  “(c)(1) For any proposed collection of information  
25                  not contained in a proposed rule, the Director shall notify

1 the agency involved of the decision to approve or dis-  
2 approve the proposed collection of information.

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

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

10 “(A) the approval may be inferred;

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

13 “(C) the agency may collect the information for  
14 not more than 2 years.

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

17 “(A) as soon as practicable, but no later than  
18 the date of publication of a notice of proposed rule-  
19 making in the Federal Register, each agency shall  
20 forward to the Director a copy of any proposed rule  
21 which contains a collection of information and any  
22 information requested by the Director necessary to  
23 make the determination required under this sub-  
24 section; and



1           “(B) within 60 days after the notice of pro-  
2       posed rulemaking is published in the Federal Reg-  
3       ister, the Director may file public comments pursu-  
4       ant to the standards set forth in section 3508 on the  
5       collection of information contained in the proposed  
6       rule;

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

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

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

13       “(3) If the Director has received notice and failed to  
14      comment on an agency rule within 60 days after the notice  
15      of proposed rulemaking, the Director may not disapprove  
16      any collection of information specifically contained in an  
17      agency rule.

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

20           “(A) from disapproving any collection of infor-  
21      mation which was not specifically required by an  
22      agency rule;

23           “(B) from disapproving any collection of infor-  
24      mation contained in an agency rule, if the agency

1 failed to comply with the requirements of paragraph  
2 (1) of this subsection;

3 “(C) from disapproving any collection of infor-  
4 mation contained in a final agency rule, if the Direc-  
5 tor finds within 60 days after the publication of the  
6 final rule that the agency’s response to the Direc-  
7 tor’s comments filed under paragraph (2) of this  
8 subsection was unreasonable; or

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

11 “(i) the Director determines that the agen-  
12 cy has substantially modified in the final rule  
13 the collection of information contained in the  
14 proposed rule; and

15 “(ii) the agency has not given the Director  
16 the information required under paragraph (1)  
17 with respect to the modified collection of infor-  
18 mation, at least 60 days before the issuance of  
19 the final rule.

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

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

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

7       “(2) Any written communication between the Office  
8 of the Director, the Administrator of the Office of Infor-  
9 mation and Regulatory Affairs, or any employee of the Of-  
10 fice of Information and Regulatory Affairs and an agency  
11 or person not employed by the Federal Government con-  
12 cerning a proposed collection of information shall be made  
13 available to the public.

14       “(3) This subsection shall not require the disclosure  
15 of—

16               “(A) any information which is protected at all  
17 times by procedures established for information  
18 which has been specifically authorized under criteria  
19 established by an Executive order or an Act of Con-  
20 gress to be kept secret in the interest of national de-  
21 fense or foreign policy; or

22               “(B) any communication relating to a collection  
23 of information which has not been approved under  
24 this chapter, the disclosure of which could lead to re-

1       talion or discrimination against the communica-  
2       tor.

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

6               “(A) any disapproval by the Director, in whole  
7       or in part, of a proposed collection of information of  
8       an independent regulatory agency; or

9               “(B) an exercise of authority under subsection  
10       (d) of section 3507 concerning such an agency.

11       “(2) The agency shall certify each vote to void such  
12       disapproval or exercise to the Director, and explain the  
13       reasons for such vote. The Director shall without further  
14       delay assign a control number to such collection of infor-  
15       mation, and such vote to void the disapproval or exercise  
16       shall be valid for a period of 3 years.

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

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

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

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

10       “(2) If under the provisions of this section, the Direc-  
11      tor disapproves a collection of information contained in an  
12      existing rule, or recommends or instructs the agency to  
13      make a substantive or material change to a collection of  
14      information contained in an existing rule, the Director  
15      shall—

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

18           “(B) instruct the agency to undertake a rule-  
19      making within a reasonable time limited to consider-  
20      ation of changes to the collection of information con-  
21      tained in the rule and thereafter to submit the col-  
22      lection of information for approval or disapproval  
23      under this chapter.

24       “(3) An agency may not make a substantive or mate-  
25      rial modification to a collection of information after such

1 collection has been approved by the Director, unless the  
2 modification has been submitted to the Director for review  
3 and approval under this chapter.

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

15 “(2) A delegation by the Director under this section  
16 shall not preclude the Director from reviewing individual  
17 collections of information if the Director determines that  
18 circumstances warrant such a review. The Director shall  
19 retain authority to revoke such delegations, both in gen-  
20 eral and with regard to any specific matter. In acting for  
21 the Director, any official to whom approval authority has  
22 been delegated under this section shall comply fully with  
23 the rules and regulations promulgated by the Director.

24 “(j)(1) The agency head may request the Director to  
25 authorize collection of information prior to expiration of

1 time periods established under this chapter, if an agency  
2 head determines that—

3 “(A) a collection of information—

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

6 “(ii) is essential to the mission of the agen-  
7 cy; and

8 “(B) the agency cannot reasonably comply with  
9 the provisions of this chapter within such time peri-  
10 ods because—

11 “(i) public harm is reasonably likely to re-  
12 sult if normal clearance procedures are fol-  
13 lowed; or

14 “(ii) an unanticipated event has occurred  
15 and the use of normal clearance procedures is  
16 reasonably likely to prevent or disrupt the col-  
17 lection of information related to the event or is  
18 reasonably likely to cause a statutory or court-  
19 ordered deadline to be missed.

20 “(2) The Director shall approve or disapprove any  
21 such authorization request within the time requested by  
22 the agency head and, if approved, shall assign the collec-  
23 tion of information a control number. Any collection of  
24 information conducted under this subsection may be con-  
25 ducted without compliance with the provisions of this

1 chapter for a maximum of 90 days after the date on which  
2 the Director received the request to authorize such collec-  
3 tion.

4 **“§ 3508. Determination of necessity for information;**  
5 **hearing**

6 “Before approving a proposed collection of informa-  
7 tion, the Director shall determine whether the collection  
8 of information by the agency is necessary for the proper  
9 performance of the functions of the agency, including  
10 whether the information shall have practical utility. Before  
11 making a determination the Director may give the agency  
12 and other interested persons an opportunity to be heard  
13 or to submit statements in writing. To the extent that the  
14 Director determines that the collection of information by  
15 an agency is unnecessary for the proper performance of  
16 the functions of the agency, for any reason, the agency  
17 may not engage in the collection of information.

18 **“§ 3509. Designation of central collection agency**

19 “The Director may designate a central collection  
20 agency to obtain information for two or more agencies if  
21 the Director determines that the needs of such agencies  
22 for information will be adequately served by a single collec-  
23 tion agency, and such sharing of data is not inconsistent  
24 with applicable law. In such cases the Director shall pre-  
25 scribe (with reference to the collection of information) the



1 duties and functions of the collection agency so designated  
2 and of the agencies for which it is to act as agent (includ-  
3 ing reimbursement for costs). While the designation is in  
4 effect, an agency covered by the designation may not ob-  
5 tain for itself information for the agency which is the duty  
6 of the collection agency to obtain. The Director may mod-  
7 ify the designation from time to time as circumstances re-  
8 quire. The authority to designate under this section is sub-  
9 ject to the provisions of section 3507(f) of this chapter.

10 **“§ 3510. Cooperation of agencies in making informa-**  
11 **tion available**

12 “(a) The Director may direct an agency to make  
13 available to another agency, or an agency may make avail-  
14 able to another agency, information obtained by a collec-  
15 tion of information if the disclosure is not inconsistent  
16 with applicable law.

17 “(b)(1) If information obtained by an agency is re-  
18 leased by that agency to another agency, all the provisions  
19 of law (including penalties which relate to the unlawful  
20 disclosure of information) apply to the officers and em-  
21 ployees of the agency to which information is released to  
22 the same extent and in the same manner as the provisions  
23 apply to the officers and employees of the agency which  
24 originally obtained the information.

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

6       **“§ 3511. Establishment and operation of Government**  
7                   **Information Locator Service**

8       “‘In order to assist agencies and the public in locating  
9 information and to promote information sharing and equi-  
10 table access by the public, the Director shall—

11               “(1) cause to be established and maintained a  
12 distributed agency-based electronic Government In-  
13 formation Locator Service (hereafter in this section  
14 referred to as the ‘Service’), which shall identify the  
15 major information systems, holdings, and dissemina-  
16 tion products of each agency;

17               “(2) require each agency to establish and main-  
18 tain an agency information locator service as a com-  
19 ponent of, and to support the establishment and op-  
20 eration of the Service;

21               “(3) in cooperation with the Archivist of the  
22 United States, the Administrator of General Serv-  
23 ices, the Public Printer, and the Librarian of Con-  
24 gress, establish an interagency committee to advise  
25 the Secretary of Commerce on the development of

1 technical standards for the Service to ensure com-  
2 patibility, promote information sharing, and uniform  
3 access by the public;

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

7 “(5) ensure the security and integrity of the  
8 Service, including measures to ensure that only in-  
9 formation which is intended to be disclosed to the  
10 public is disclosed through the Service; and

11 “(6) periodically review the development and ef-  
12 fectiveness of the Service and make recommenda-  
13 tions for improvement, including other mechanisms  
14 for improving public access to Federal agency public  
15 information.

16 **“§ 3512. Public protection**

17 “Notwithstanding any other provision of law, no per-  
18 son shall be subject to any penalty for failing to maintain,  
19 provide, or disclose information to or for any agency or  
20 person if the applicable collection of information—

21 “(1) was made after December 31, 1981; and

22 “(2)(A) does not display a valid control number  
23 assigned by the Director; or

24 “(B) fails to state that such collection is not  
25 subject to this chapter.

1 **“§ 3513. Director review of agency activities; report-**  
2 **ing; agency response**

3 “(a) In consultation with the Administrator of Gen-  
4 eral Services, the Archivist of the United States, the Di-  
5 rector of the National Institute of Standards and Tech-  
6 nology, and the Director of the Office of Personnel Man-  
7 agement, the Director shall periodically review selected  
8 agency information resources management activities to as-  
9 certain the efficiency and effectiveness of such activities  
10 to improve agency performance and the accomplishment  
11 of agency missions.

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

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

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

20 **“§ 3514. Responsiveness to Congress**

21 “(a)(1) The Director shall—

22 “(A) keep the Congress and congressional com-  
23 mittees fully and currently informed of the major ac-  
24 tivities under this chapter; and

25 “(B) submit a report on such activities to the  
26 President of the Senate and the Speaker of the

1 House of Representatives annually and at such other  
2 times as the Director determines necessary.

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

5 “(A) reduced information collection burdens on  
6 the public, including—

7 “(i) a summary of accomplishments and  
8 planned initiatives to reduce collection of infor-  
9 mation burdens;

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

13 “(iii) a list of any increase in the collection  
14 of information burden, including the authority  
15 for each such collection;

16 “(B) improved the quality and utility of statis-  
17 tical information;

18 “(C) improved public access to Government in-  
19 formation; and

20 “(D) improved program performance and the  
21 accomplishment of agency missions through informa-  
22 tion resources management.

23 “(b) The preparation of any report required by this  
24 section shall be based on performance results reported by  
25 the agencies and shall not increase the collection of infor-

1 mation burden on persons outside the Federal Govern-  
2 ment.

3 **“§ 3515. Administrative powers**

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

9 **“§ 3516. Rules and regulations**

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

13 **“§ 3517. Consultation with other agencies and the**  
14 **public**

15 “(a) In developing information resources manage-  
16 ment policies, plans, rules, regulations, procedures, and  
17 guidelines and in reviewing collections of information, the  
18 Director shall provide interested agencies and persons  
19 early and meaningful opportunity to comment.

20 “(b) Any person may request the Director to review  
21 any collection of information conducted by or for an agen-  
22 cy to determine, if, under this chapter, the person shall  
23 maintain, provide, or disclose the information to or for the  
24 agency. Unless the request is frivolous, the Director shall,

1 in coordination with the agency responsible for the collec-  
2 tion of information—

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

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

10 **“§ 3518. Effect on existing laws and regulations**

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

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

24 “(c)(1) Except as provided in paragraph (2), this  
25 chapter shall not apply to the collection of information—

1           “(A) during the conduct of a Federal criminal  
2           investigation or prosecution, or during the disposi-  
3           tion of a particular criminal matter;

4           “(B) during the conduct of—

5                 “(i) a civil action to which the United  
6                 States or any official or agency thereof is a  
7                 party; or

8                 “(ii) an administrative action or investiga-  
9                 tion involving an agency against specific indi-  
10                viduals or entities;

11           “(C) by compulsory process pursuant to the  
12           Antitrust Civil Process Act and section 13 of the  
13           Federal Trade Commission Improvements Act of  
14           1980; or

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

20           “(2) This chapter applies to the collection of informa-  
21           tion during the conduct of general investigations (other  
22           than information collected in an antitrust investigation to  
23           the extent provided in subparagraph (C) of paragraph (1))  
24           undertaken with reference to a category of individuals or  
25           entities such as a class of licensees or an entire industry.



1       “(d) Nothing in this chapter shall be interpreted as  
2 increasing or decreasing the authority conferred by Public  
3 Law 89–306 on the Administrator of the General Services  
4 Administration, the Secretary of Commerce, or the Direc-  
5 tor of the Office of Management and Budget.

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

13   **“§ 3519. Access to information**

14       “Under the conditions and procedures prescribed in  
15 section 716 of title 31, the Director and personnel in the  
16 Office of Information and Regulatory Affairs shall furnish  
17 such information as the Comptroller General may require  
18 for the discharge of the responsibilities of the Comptroller  
19 General. For the purpose of obtaining such information,  
20 the Comptroller General or representatives thereof shall  
21 have access to all books, documents, papers and records,  
22 regardless of form or format, of the Office.

23   **“§ 3520. Authorization of appropriations**

24       “(a) Subject to subsection (b), there are authorized  
25 to be appropriated to the Office of Information and Regu-

1 latory Affairs to carry out the provisions of this chapter,  
2 and for no other purpose, \$8,000,000 for each of the fiscal  
3 years 1995, 1996, 1997, 1998, and 1999.

4 “(b)(1) No funds may be appropriated pursuant to  
5 subsection (a) unless such funds are appropriated in an  
6 appropriation Act (or continuing resolution) which sepa-  
7 rately and expressly states the amount appropriated pur-  
8 suant to subsection (a) of this section.

9 “(2) No funds are authorized to be appropriated to  
10 the Office of Information and Regulatory Affairs, or to  
11 any other officer or administrative unit of the Office of  
12 Management and Budget, to carry out the provisions of  
13 this chapter, or to carry out any function under this chap-  
14 ter, for any fiscal year pursuant to any provision of law  
15 other than subsection (a) of this section.”.

16 **SEC. 3. EFFECTIVE DATE.**

17 The provisions of this Act and the amendments made  
18 by this Act shall take effect on March 31, 1995.

Passed the Senate October 6 (legislative day, Sep-  
tember 12), 1994.

Attest:

*Secretary.*

S 560 ES——2

S 560 ES——3

S 560 ES——4

S 560 ES——5

S 560 ES——6

S 560 ES——7

S 560 ES——8

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S 560 ES——10