

***In the House of Representatives, U. S.,***

*March 10, 1995.*

*Resolved*, That the bill from the Senate (S. 244) entitled “An Act to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes”, do pass with the following

**AMENDMENT:**

Strike out all after the enacting clause, and insert:

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

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

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

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

8 ***“CHAPTER 35—COORDINATION OF***  
9 ***FEDERAL INFORMATION POLICY***

*“Sec.*

*“3501. Purposes.*

*“3502. Definitions.*

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

*“3504. Authority and functions of Director.*

*“3505. Assignment of tasks and deadlines.*

*“3506. Federal agency responsibilities.*

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

*“3508. Determination of necessity for information; hearing.*

- “3509. Designation of central collection agency.  
 “3510. Cooperation of agencies in making information available.  
 “3511. Establishment and operation of Government Information Locator Service.  
 “3512. Public protection.  
 “3513. Director review of agency activities; reporting; agency response.  
 “3514. Responsiveness to Congress.  
 “3515. Administrative powers.  
 “3516. Rules and regulations.  
 “3517. Consultation with other agencies and the public.  
 “3518. Effect on existing laws and regulations.  
 “3519. Access to information.  
 “3520. Authorization of appropriations.

1 **“§ 3501. Purposes**

2 “The purposes of this chapter are to—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

19       **“§ 3502. Definitions**

20          “As used in this chapter—

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

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

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

4             *“(B) Federal Election Commission;*

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

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

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

16            *“(A) reviewing instructions;*

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

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

22            *“(D) searching data sources;*

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

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

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

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

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

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

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

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

11           “(6) the term ‘information resources’ means in-

12           *formation and related resources, such as personnel,*  
13           *equipment, funds, and information technology;*

14           “(7) the term ‘information resources manage-

15           *ment’ means the process of managing information re-*  
16           *sources to accomplish agency missions and to improve*  
17           *agency performance, including through the reduction*  
18           *of information collection burdens on the public;*

19           “(8) the term ‘information system’ means a dis-

20           *crete set of information resources and processes, auto-*  
21           *mated or manual, organized for the collection, proc-*  
22           *essing, maintenance, use, sharing, dissemination, or*  
23           *disposition of information;*

24           “(9) the term ‘information technology’ has the

25           *same meaning as the term ‘automatic data processing*

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

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

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

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

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

23 *“(A) retain such records;*

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



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

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

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

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

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

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

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

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

24                         “(B) provide direction and oversee—

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

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

6           “(iii) statistical activities;

7           “(iv) records management activities;

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

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

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

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

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

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

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

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

1            *ing standards for security, interconnectivity and*  
2            *interoperability;*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

16                 “(B) statistical data classification;

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

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

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

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

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

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

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

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

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

15                   “(B) consist of—

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

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

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

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

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

2           *and*

3                   *“(B) all costs of the training shall be paid*

4                   *by the agency requesting training.*

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

6           *shall—*

7                   *“(1) provide advice and assistance to the Archi-*

8                   *vist of the United States and the Administrator of*

9                   *General Services to promote coordination in the ad-*

10                  *ministration of chapters 29, 31, and 33 of this title*

11                  *with the information resources management policies,*

12                  *principles, standards, and guidelines established*

13                  *under this chapter;*

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

15                    *“(A) the requirements of chapters 29, 31,*

16                    *and 33 of this title; and*

17                    *“(B) regulations promulgated by the Archi-*

18                    *vist of the United States and the Administrator*

19                    *of General Services; and*

20                  *“(3) oversee the application of records manage-*

21                  *ment policies, principles, standards, and guidelines,*

22                  *including requirements for archiving information*

23                  *maintained in electronic format, in the planning and*

24                  *design of information systems.*

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

22                 “(B) plans for—

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

13               “(1) *manage information resources to—*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 *“(1) the agency has—*

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

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

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

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

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

13           “(ii) setting forth—

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

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

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

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

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

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

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

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

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

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

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

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

4               “(A) the approval may be inferred;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

16               “(A) *a collection of information—*

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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





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

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

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

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

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

14 *“(a)(1) The Director shall—*

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

8           “(B) during the conduct of—

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

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

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

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

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

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

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

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

18       **“§ 3519. Access to information**

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

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

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

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

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

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

Attest:

*Clerk.*

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

**S. 244**

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**AMENDMENT**