

Calendar No. 21

104TH CONGRESS
1ST SESSION

S. 244

[Report No. 104-8]

A BILL

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.

FEBRUARY 14 (legislative day, JANUARY 30), 1995

Reported with amendments

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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.

IN THE SENATE OF THE UNITED STATES

JANUARY 19 (legislative day, JANUARY 10), 1995

Mr. NUNN (for himself, Mr. ROTH, Mr. GLENN, Mr. BOND, Mr. BUMPERS, Mr. PRESSLER, Mr. LIEBERMAN, Mrs. HUTCHISON, Mr. JOHNSTON, Mr. DOMENICI, Mr. HOLLINGS, Mr. NICKLES, Mr. BREAUX, Mr. WARNER, Mr. ROBB, Mr. COCHRAN, Mr. BRYAN, Mr. SMITH, Mr. LAUTENBERG, Mr. MACK, Ms. MOSELEY-BRAUN, and Mr. SHELBY) introduced the following bill; which was read twice and referred to the Committee on Governmental Affairs

FEBRUARY 14 (legislative day, JANUARY 30), 1995

Reported by Mr. ROTH, with amendments

[Omit the part struck through and insert the part printed in italic]

A BILL

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.

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

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

- "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.

13 “The purposes of this chapter are to—

1 “(1) minimize the paperwork burden for indi-
2 viduals, small businesses, educational and nonprofit
3 institutions, Federal contractors, State, local and
4 tribal governments, and other persons resulting from
5 the collection of information by or for the Federal
6 Government;

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

11 “(3) coordinate, integrate, and to the extent
12 practicable and appropriate, make uniform Federal
13 information resources management policies and
14 practices as a means to improve the productivity, ef-
15 ficiency, and effectiveness of Government programs,
16 including the reduction of information collection bur-
17 dens on the public and the improvement of service
18 delivery to the public;

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

22 “(5) minimize the cost to the Federal Govern-
23 ment of the creation, collection, maintenance, use,
24 dissemination, and disposition of information;

1 “(6) strengthen the partnership between the
2 Federal Government and State, local, and tribal gov-
3 ernments by minimizing the burden and maximizing
4 the utility of information created, collected, main-
5 tained, used, disseminated, and retained by or for
6 the Federal Government;

7 “(7) provide for the dissemination of public in-
8 formation on a timely basis, on equitable terms, and
9 in a manner that promotes the utility of the infor-
10 mation to the public and makes effective use of in-
11 formation technology;

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

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

18 “(B) security of information, including the
19 Computer Security Act of 1987 (Public Law
20 100–235); and

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

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

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

5 “(11) improve the responsibility and account-
 6 ability of the Office of Management and Budget and
 7 all other Federal agencies to Congress and to the
 8 public for implementing the information collection
 9 review process, information resources management,
 10 and related policies and guidelines established under
 11 this chapter.

12 **“§ 3502. Definitions**

13 “As used in this chapter—

14 “(1) the term ‘agency’ means any executive de-
 15 partment, military department, Government corpora-
 16 tion, Government controlled corporation, or other es-
 17 tablishment in the executive branch of the Govern-
 18 ment (including the Executive Office of the Presi-
 19 dent), or any independent regulatory agency, but
 20 does not include—

21 “(A) the General Accounting Office;

22 “(B) Federal Election Commission;

23 “(C) the governments of the District of
 24 Columbia and of the territories and possessions

1 of the United States, and their various subdivi-
2 sions; or

3 “(D) Government-owned contractor-oper-
4 ated facilities, including laboratories engaged in
5 national defense research and production activi-
6 ties;

7 “(2) the term ‘burden’ means time, effort, or fi-
8 nancial resources expended by persons to generate,
9 maintain, or provide information to or for a Federal
10 agency, including the resources expended for—

11 “(A) reviewing instructions;

12 “(B) acquiring, installing, and utilizing
13 technology and systems;

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

17 “(D) searching data sources;

18 “(E) completing and reviewing the collec-
19 tion of information; and

20 “(F) transmitting, or otherwise disclosing
21 the information;

22 “(3) the term ‘collection of information’—

23 “(A) means the obtaining, causing to be
24 obtained, soliciting, or requiring the disclosure
25 to third parties or the public, of facts or opin-

1 ions by or for an agency, regardless of form or
2 format, calling for either—

3 “(i) answers to identical questions
4 posed to, or identical reporting or record-
5 keeping requirements imposed on, ten or
6 more persons, other than agencies, instru-
7 mentalities, or employees of the United
8 States; or

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

13 “(B) shall not include a collection of infor-
14 mation described under section 3518(c)(1);

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

17 “(5) the term ‘independent regulatory agency’
18 means the Board of Governors of the Federal Re-
19 serve System, the Commodity Futures Trading Com-
20 mission, the Consumer Product Safety Commission,
21 the Federal Communications Commission, the Fed-
22 eral Deposit Insurance Corporation, the Federal En-
23 ergy Regulatory Commission, the Federal Housing
24 Finance Board, the Federal Maritime Commission,
25 the Federal Trade Commission, the Interstate Com-

merce Commission, the Mine Enforcement Safety and Health Review Commission, the National Labor Relations Board, the Nuclear Regulatory Commission, the Occupational Safety and Health Review Commission, the Postal Rate Commission, the Securities and Exchange Commission, and any other similar agency designated by statute as a Federal independent regulatory agency or commission;

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

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

“(8) the term ‘information system’ means a discrete set of information resources and processes, automated or manual, organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information;

“(9) the term ‘information technology’ has the same meaning as the term ‘automatic data processing equipment’ as defined by section 111(a)(2) of

1 the Federal Property and Administrative Services
2 Act of 1949 (40 U.S.C. 759(a)(2));

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

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

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

18 “(13) the term ‘recordkeeping requirement’
19 means a requirement imposed by or for an agency
20 on persons to maintain specified records.

21 **“§ 3503. Office of Information and Regulatory Affairs**

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

1 “(b) There shall be at the head of the Office an Ad-
2 ministrators who shall be appointed by the President, by
3 and with the advice and consent of the Senate. The Direc-
4 tor shall delegate to the Administrator the authority to
5 administer all functions under this chapter, except that
6 any such delegation shall not relieve the Director of re-
7 sponsibility for the administration of such functions. The
8 Administrator shall serve as principal adviser to the Direc-
9 tor on Federal information resources management policy.

10 “(c) The Administrator and employees of the Office
11 of Information and Regulatory Affairs shall be appointed
12 with special attention to professional qualifications re-
13 quired to administer the functions of the Office described
14 under this chapter. Such qualifications shall include rel-
15 evant education, work experience, or related professional
16 activities.

17 **“§ 3504. Authority and functions of Director**

18 “(a)(1) The Director shall oversee the use of informa-
19 tion resources to improve the efficiency and effectiveness
20 of governmental operations to serve agency missions, in-
21 cluding service delivery to the public. In performing such
22 oversight, the Director shall—

23 “(A) develop, coordinate and oversee the imple-
24 mentation of Federal information resources manage-

1 ment policies, principles, standards, and guidelines;
2 and

3 “(B) provide direction and oversee—

4 “(i) the review of the collection of informa-
5 tion and the reduction of the information collec-
6 tion burden;

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

9 “(iii) statistical activities;

10 “(iv) records management activities;

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

13 “(vi) the acquisition and use of informa-
14 tion technology.

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

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

19 “(1) develop and oversee the implementation of
20 uniform information resources management policies,
21 principles, standards, and guidelines;

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

24 “(A) the use of the Government Informa-
25 tion Locator Service; and

1 “(B) the development and utilization of
2 common standards for information collection,
3 storage, processing and communication, includ-
4 ing standards for security, interconnectivity and
5 interoperability;

6 “(3) initiate and review proposals for changes
7 in legislation, regulations, and agency procedures to
8 improve information resources management prac-
9 tices;

10 “(4) oversee the development and implementa-
11 tion of best practices in information resources man-
12 agement, including training; and

13 “(5) oversee agency integration of program and
14 management functions with information resources
15 management functions.

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

18 “(1) review proposed agency collections of infor-
19 mation, and in accordance with section 3508, deter-
20 mine whether the collection of information by or for
21 an agency is necessary for the proper performance
22 of the functions of the agency, including whether the
23 information shall have practical utility;

24 “(2) coordinate the review of the collection of
25 information associated with Federal procurement

1 and acquisition by the Office of Information and
2 Regulatory Affairs with the Office of Federal Pro-
3 curement Policy, with particular emphasis on apply-
4 ing information technology to improve the efficiency
5 and effectiveness of Federal procurement and acqui-
6 sition and to reduce information collection burdens
7 on the public;

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

11 “(4) maximize the practical utility of and public
12 benefit from information collected by or for the Fed-
13 eral Government; and

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

17 “(d) With respect to information dissemination, the
18 Director shall develop and oversee the implementation of
19 policies, principles, standards, and guidelines to—

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

23 “(2) promote public access to public informa-
24 tion and fulfill the purposes of this chapter, includ-

1 ing through the effective use of information tech-
2 nology.

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

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

7 “(A) the efficiency and effectiveness of the
8 system; and

9 “(B) the integrity, objectivity, impartiality,
10 utility, and confidentiality of information col-
11 lected for statistical purposes;

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

17 “(3) develop and oversee the implementation of
18 Governmentwide policies, principles, standards, and
19 guidelines concerning—

20 “(A) statistical collection procedures and
21 methods;

22 “(B) statistical data classification;

23 “(C) statistical information presentation
24 and dissemination;

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

1 “(E) such statistical data sources as may
2 be required for the administration of Federal
3 programs;

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

7 “(5) promote the sharing of information col-
8 lected for statistical purposes consistent with privacy
9 rights and confidentiality pledges;

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

13 “(7) appoint a chief statistician who is a
14 trained and experienced professional statistician to
15 carry out the functions described under this sub-
16 section;

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

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

22 and

23 “(B) consist of—

24 “(i) the heads of the major statistical
25 programs; and

1 “(ii) representatives of other statis-
2 tical agencies under rotating membership;
3 and

4 “(9) provide opportunities for training in statis-
5 tical policy functions to employees of the Federal
6 Government under which—

7 “(A) each trainee shall be selected at the
8 discretion of the Director based on agency re-
9 quests and shall serve under the chief statisti-
10 cian for at least 6 months and not more than
11 1 year; and

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

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

16 “(1) provide advice and assistance to the Archi-
17 vist of the United States and the Administrator of
18 General Services to promote coordination in the ad-
19 ministration of chapters 29, 31, and 33 of this title
20 with the information resources management policies,
21 principles, standards, and guidelines established
22 under this chapter;

23 “(2) review compliance by agencies with—

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

1 “(B) regulations promulgated by the Ar-
2 chivist of the United States and the Adminis-
3 trator of General Services; and

4 “(3) oversee the application of records manage-
5 ment policies, principles, standards, and guidelines,
6 including requirements for archiving information
7 maintained in electronic format, in the planning and
8 design of information systems.

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

11 “(1) develop and oversee the implementation of
12 policies, principles, standards, and guidelines on pri-
13 vacy, confidentiality, security, disclosure and sharing
14 of information collected or maintained by or for
15 agencies;

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

20 “(3) require Federal agencies, consistent with
21 the Computer Security Act of 1987 (40 U.S.C. 759
22 note), to identify and afford security protections
23 commensurate with the risk and magnitude of the
24 harm resulting from the loss, misuse, or unauthor-

1 ized access to or modification of information col-
2 lected or maintained by or on behalf of an agency.

3 “(h) With respect to Federal information technology,
4 the Director shall—

5 “(1) in consultation with the Director of the
6 National Institute of Standards and Technology and
7 the Administrator of General Services—

8 “(A) develop and oversee the implementa-
9 tion of policies, principles, standards, and
10 guidelines for information technology functions
11 and activities of the Federal Government, in-
12 cluding periodic evaluations of major informa-
13 tion systems; and

14 “(B) oversee the development and imple-
15 mentation of standards under section 111(d) of
16 the Federal Property and Administrative Serv-
17 ices Act of 1949 (40 U.S.C. 759(d));

18 “(2) monitor the effectiveness of, and compli-
19 ance with, directives issued under sections 110 and
20 111 of the Federal Property and Administrative
21 Services Act of 1949 (40 U.S.C. 757 and 759) ~~and~~
22 ~~review proposed determinations under section 111(e)~~
23 ~~of such Act;~~

24 “(3) coordinate the development and review by
25 the Office of Information and Regulatory Affairs of

1 policy associated with Federal procurement and ac-
2 quisition of information technology with the Office of
3 Federal Procurement Policy;

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

7 “(A) agency integration of information re-
8 sources management plans, program plans and
9 budgets for acquisition and use of information
10 technology; and

11 “(B) the efficiency and effectiveness of
12 inter-agency information technology initiatives
13 to improve agency performance and the accom-
14 plishment of agency missions; and

15 “(5) promote the use of information technology
16 by the Federal Government to improve the produc-
17 tivity, efficiency, and effectiveness of Federal pro-
18 grams, including through dissemination of public in-
19 formation and the reduction of information collection
20 burdens on the public.

21 **“§ 3505. Assignment of tasks and deadlines**

22 “In carrying out the functions under this chapter, the
23 Director shall—

24 “(1) in consultation with agency heads, set an
25 annual Governmentwide goal for the reduction of in-

1 formation collection burdens by at least five percent,
2 and set annual agency goals to—

3 “(A) reduce information collection burdens
4 imposed on the public that—

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

7 “(ii) are consistent with improving
8 agency management of the process for the
9 review of collections of information estab-
10 lished under section 3506(c); and

11 “(B) improve information resources man-
12 agement in ways that increase the productivity,
13 efficiency and effectiveness of Federal pro-
14 grams, including service delivery to the public;

15 “(2) with selected agencies and non-Federal en-
16 tities on a voluntary basis, conduct pilot projects to
17 test alternative policies, practices, regulations, and
18 procedures to fulfill the purposes of this chapter,
19 particularly with regard to minimizing the Federal
20 information collection burden; *and*

21 “(3) in consultation with the Administrator of
22 General Services, the Director of the National Insti-
23 tute of Standards and Technology, the Archivist of
24 the United States, and the Director of the Office of
25 Personnel Management, develop and maintain a

1 Governmentwide strategic plan for information re-
2 sources management, that shall include—

3 “(A) a description of the objectives and the
4 means by which the Federal Government shall
5 apply information resources to improve agency
6 and program performance;

7 “(B) plans for—

8 “(i) reducing information burdens on
9 the public, including reducing such bur-
10 dens through the elimination of duplication
11 and meeting shared data needs with shared
12 resources;

13 “(ii) enhancing public access to and
14 dissemination of, information, using elec-
15 tronic and other formats; and

16 “(iii) meeting the information tech-
17 nology needs of the Federal Government in
18 accordance with ~~the requirements of sec-~~
19 ~~tions 110 and 111 of the Federal Property~~
20 ~~and Administrative Services Act of 1949~~
21 ~~(40 U.S.C. 757 and 759), and the pur-~~
22 ~~poses of this chapter; and~~

23 “(C) a description of progress in applying
24 information resources management to improve

1 agency performance and the accomplishment of
2 missions.; and

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

9 **“§ 3506. Federal agency responsibilities**

10 “(a)(1) The head of each agency shall be responsible
11 for—

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

15 “(B) complying with the requirements of this
16 chapter and related policies established by the Direc-
17 tor.

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

22 “(B) The Secretary of the Department of Defense
23 and the Secretary of each military department may each
24 designate a senior official who shall report directly to such
25 Secretary to carry out the responsibilities of the depart-

1 ment under this chapter. If more than one official is des-
2 ignated for the military departments, the respective duties
3 of the officials shall be clearly delineated.

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

14 “(4) Each agency program official shall be respon-
15 sible and accountable for information resources assigned
16 to and supporting the programs under such official. In
17 consultation with the senior official designated under
18 paragraph (2) and the agency Chief Financial Officer (or
19 comparable official), each agency program official shall de-
20 fine program information needs and develop strategies,
21 systems, and capabilities to meet those needs.

22 ~~“(5) The head of each agency shall establish a perma-~~
23 ~~nent information resources management steering commit-~~
24 ~~tee, which shall be chaired by the senior official designated~~
25 ~~under paragraph (2) and shall include senior program offi-~~

1 cials and the Chief Financial Officer (or comparable offi-
 2 cial). Each steering committee shall—

3 ~~“(A) assist and advise the head of the agency~~
 4 ~~in carrying out information resources management~~
 5 ~~responsibilities of the agency;~~

6 ~~“(B) assist and advise the senior official des-~~
 7 ~~ignated under paragraph (2) in the establishment of~~
 8 ~~performance measures for information resources~~
 9 ~~management that relate to program missions;~~

10 ~~“(C) select, control, and evaluate all major in-~~
 11 ~~formation system initiatives (including acquisitions~~
 12 ~~of information technology) in accordance with the~~
 13 ~~requirements of subsection (h)(5); and~~

14 ~~“(D) identify opportunities to redesign business~~
 15 ~~practices and supporting information systems to im-~~
 16 ~~prove agency performance.~~

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

19 “(1) ~~develop information systems, processes,~~
 20 ~~and procedures to~~ *manage information resources to—*

21 “(A) reduce information collection burdens
 22 on the public;

23 “(B) increase program efficiency and effec-
 24 tiveness; and

1 “(C) improve the integrity, quality, and
2 utility of information to all users within and
3 outside the agency, including capabilities for en-
4 suring dissemination of public information, pub-
5 lic access to government information, and pro-
6 tections for privacy and security;

7 “(2) in accordance with guidance by the Direc-
8 tor, develop and maintain a strategic information re-
9 sources management plan that shall describe how in-
10 formation resources management activities help ac-
11 complish agency missions;

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

14 “(A) ensure that information resources
15 management operations and decisions are inte-
16 grated with organizational planning, budget, fi-
17 nancial management, human resources manage-
18 ment, and program decisions;

19 ~~“(B) develop and maintain an integrated,~~
20 ~~comprehensive and controlled process of infor-~~
21 ~~mation systems selection, development, and~~
22 ~~evaluation;~~

23 ~~“(C)~~ (B) in cooperation with the agency
24 Chief Financial Officer (or comparable official),
25 develop a full and accurate accounting of infor-

1 mation technology expenditures, related ex-
2 penses, and results; and

3 “~~(D)~~ (C) establish goals for improving in-
4 formation resources management’s contribution
5 to program productivity, efficiency, and effec-
6 tiveness, methods for measuring progress to-
7 wards those goals, and clear roles and respon-
8 sibilities for achieving those goals;

9 “(4) in consultation with the Director, the Ad-
10 ministrators of General Services, and the Archivist of
11 the United States, maintain a current and complete
12 inventory of the agency’s information resources, in-
13 cluding directories necessary to fulfill the require-
14 ments of section 3511 of this chapter; and

15 “(5) in consultation with the Director and the
16 Director of the Office of Personnel Management,
17 conduct formal training programs to educate agency
18 program and management officials about informa-
19 tion resources management.

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

22 “(1) establish a process within the office headed
23 by the official designated under subsection (a), that
24 is sufficiently independent of program responsibility
25 to evaluate fairly whether proposed collections of in-

1 formation should be approved under this chapter,
2 to—

3 “(A) review each collection of information
4 before submission to the Director for review
5 under this chapter, including—

6 “(i) an evaluation of the need for the
7 collection of information;

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

10 “(iii) a plan for the collection of the
11 information;

12 “(iv) a specific, objectively supported
13 estimate of burden;

14 “(v) a test of the collection of infor-
15 mation through a pilot program, if appro-
16 priate; and

17 “(vi) a plan for the efficient and effec-
18 tive management and use of the informa-
19 tion to be collected, including necessary re-
20 sources;

21 “(B) ensure that each information collec-
22 tion—

23 “(i) is inventoried, displays a control
24 number and, if appropriate, an expiration
25 date;

1 “(ii) indicates the collection is in ac-
2 cordance with the clearance requirements
3 of section 3507; and

4 “(iii) contains a statement to inform
5 the person receiving the collection of infor-
6 mation—

7 “(I) the reasons the information
8 is being collected;

9 “(II) the way such information is
10 to be used;

11 “(III) an estimate, to the extent
12 practicable, of the burden of the col-
13 lection; and

14 “(IV) whether responses to the
15 collection of information are vol-
16 untary, required to obtain a benefit,
17 or mandatory; and

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

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

1 “(i) evaluate whether the proposed collec-
2 tion of information is necessary for the proper
3 performance of the functions of the agency, in-
4 cluding whether the information shall have
5 practical utility;

6 “(ii) evaluate the accuracy of the agency’s
7 estimate of the burden of the proposed collec-
8 tion of information;

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

11 “(iv) minimize the burden of the collection
12 of information on those who are to respond, in-
13 cluding through the use of automated collection
14 techniques or other forms of information tech-
15 nology; and

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

23 “(3) certify (and provide a record supporting
24 such certification, including public comments re-
25 ceived by the agency) that each collection of infor-

1 mation submitted to the Director for review under
2 section 3507—

3 “(A) is necessary for the proper perform-
4 ance of the functions of the agency, including
5 that the information has practical utility;

6 “(B) is not unnecessarily duplicative of in-
7 formation otherwise reasonably accessible to the
8 agency;

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

15 “(i) establishing differing compliance
16 or reporting requirements or timetables
17 that take into account the resources avail-
18 able to those who are to respond;

19 “(ii) the clarification, consolidation, or
20 simplification of compliance and reporting
21 requirements; or

22 “(iii) an exemption from coverage of
23 the collection of information, or any part
24 thereof;

1 “(D) is written using plain, coherent, and
2 unambiguous terminology and is understand-
3 able to those who are to respond;

4 “(E) is to be implemented in ways consist-
5 ent and compatible, to the maximum extent
6 practicable, with the existing reporting and rec-
7 ordkeeping practices of those who are to re-
8 spond;

9 “(F) contains the statement required
10 under paragraph (1)(B)(iii);

11 “(G) has been developed by an office that
12 has planned and allocated resources for the effi-
13 cient and effective management and use of the
14 information to be collected, including the proc-
15 essing of the information in a manner which
16 shall enhance, where appropriate, the utility of
17 the information to agencies and the public;

18 “(H) uses effective and efficient statistical
19 survey methodology appropriate to the purpose
20 for which the information is to be collected; and

21 “(I) to the maximum extent practicable,
22 uses information technology to reduce burden
23 and improve data quality, agency efficiency and
24 responsiveness to the public.

1 “(d) With respect to information dissemination, each
2 agency shall—

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

6 “(A) encouraging a diversity of public and
7 private sources for information based on gov-
8 ernment public information, and

9 “(B) agency dissemination of public infor-
10 mation in an efficient, effective, and economical
11 manner;

12 “(2) regularly solicit and consider public input
13 on the agency’s information dissemination activities;
14 and

15 “(3) not, except where specifically authorized by
16 statute—

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

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

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

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

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

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

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

11 “(3) protect respondents’ privacy and ensure
12 that disclosure policies fully honor pledges of con-
13 fidentiality;

14 “(4) observe Federal standards and practices
15 for data collection, analysis, documentation, sharing,
16 and dissemination of information;

17 “(5) ensure the timely publication of the results
18 of statistical surveys and studies, including informa-
19 tion about the quality and limitations of the surveys
20 and studies; and

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

23 “(f) With respect to records management, each agen-
24 cy shall implement and enforce applicable policies and pro-
25 cedures, including requirements for archiving information

1 maintained in electronic format, particularly in the plan-
2 ning, design and operation of information systems.

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

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

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

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

22 “(h) With respect to Federal information technology,
23 each agency shall—

24 “(1) implement and enforce applicable Govern-
25 mentwide and agency information technology man-

1 agement policies, principles, standards, and guide-
2 lines;

3 “(2) assume responsibility and accountability
4 for any acquisitions made pursuant to a delegation
5 of authority under section 111 of the Federal Prop-
6 erty and Administrative Services Act of 1949 (40
7 U.S.C. 759); *for information technology investments*;

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

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

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

1 “(A) the review of major information sys-
2 tem initiative proposals and projects (including
3 acquisitions of information technology); ap-
4 proval or disapproval of each such initiative;
5 and periodic reviews of the development and im-
6 plementation of such initiatives; including
7 whether the projected benefits have been
8 achieved;

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

11 “(i) assess the economy, efficiency, ef-
12 fectiveness, risks, and priority of system
13 initiatives in relation to mission needs and
14 strategies;

15 “(ii) estimate and verify life-cycle sys-
16 tem initiative costs; and

17 “(iii) assess system initiative privacy,
18 security, records management, and dis-
19 semination and access capabilities;

20 “(C) the use, as appropriate, of independ-
21 ent cost evaluations of data developed under
22 subparagraph (B); and

23 “(D) the inclusion of relevant information
24 about approved initiatives in the agency’s an-
25 nual budget request.

1 “(5) ensure responsibility for maximizing the
 2 value and assessing and managing the risks of major
 3 information systems initiatives through a process that
 4 is—

5 “(A) integrated with budget, financial, and
 6 program management decisions; and

7 “(B) used to select, control, and evaluate the
 8 results of major information systems initiatives.

9 **“§ 3507. Public information collection activities; sub-**
 10 **mission to Director; approval and delega-**
 11 **tion**

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

15 “(1) the agency has—

16 “(A) conducted the review established
 17 under section 3506(c)(1);

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

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

1 “(D) published a notice in the Federal
2 Register—

3 “(i) stating that the agency has made
4 such submission; and

5 “(ii) setting forth—

6 “(I) a title for the collection of
7 information;

8 “(II) a summary of the collection
9 of information;

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

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

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

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

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

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

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

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

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

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

19 “(A) the approval may be inferred;

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

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

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

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

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

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

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

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

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

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

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

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

10 “(C) from disapproving any collection of infor-
11 mation contained in a final agency rule, if the Direc-
12 tor finds within 60 days after the publication of the
13 final rule that the agency’s response to the Direc-
14 tor’s comments filed under paragraph (2) of this
15 subsection was unreasonable; or

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

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

22 “(ii) the agency has not given the Director
23 the information required under paragraph (1)
24 with respect to the modified collection of infor-

1 mation, at least 60 days before the issuance of
2 the final rule.

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

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

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

15 “(2) Any written communication between the Office
16 of the Director, the Administrator of the Office of Infor-
17 mation and Regulatory Affairs, or any employee of the Of-
18 fice of Information and Regulatory Affairs and an agency
19 or person not employed by the Federal Government con-
20 cerning a proposed collection of information shall be made
21 available to the public.

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

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

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

5 “(B) any communication relating to a collection
6 of information which has not been approved under
7 this chapter, the disclosure of which could lead to re-
8 taliation or discrimination against the communica-
9 tor.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

11 “(A) a collection of information—

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

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

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

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

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

1 reasonably likely to cause a statutory or court-
2 ordered deadline to be missed.

3 “(2) The Director shall approve or disapprove any
4 such authorization request within the time requested by
5 the agency head and, if approved, shall assign the collec-
6 tion of information a control number. Any collection of
7 information conducted under this subsection may be con-
8 ducted without compliance with the provisions of this
9 chapter for a maximum of 90 days after the date on which
10 the Director received the request to authorize such collec-
11 tion.

12 **“§ 3508. Determination of necessity for information;**
13 **hearing**

14 “Before approving a proposed collection of informa-
15 tion, the Director shall determine whether the collection
16 of information by the agency is necessary for the proper
17 performance of the functions of the agency, including
18 whether the information shall have practical utility. Before
19 making a determination the Director may give the agency
20 and other interested persons an opportunity to be heard
21 or to submit statements in writing. To the extent that the
22 Director determines that the collection of information by
23 an agency is unnecessary for the proper performance of
24 the functions of the agency, for any reason, the agency
25 may not engage in the collection of information.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

23 **“§ 3512. Public protection**

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

1 provide, or disclose information to or for any agency or
2 person if the collection of information subject to this chap-
3 ter—

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

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

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

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

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

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

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

5 **“§ 3514. Responsiveness to Congress**

6 “(a)(1) The Director shall—

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

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

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

16 “(A) reduced information collection burdens on
17 the public, including—

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

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

1 “(iii) a list of any increase in the collection
2 of information burden, including the authority
3 for each such collection;

4 “(B) improved the quality and utility of statis-
5 tical information;

6 “(C) improved public access to Government in-
7 formation; and

8 “(D) improved program performance and the
9 accomplishment of agency missions through informa-
10 tion resources management.

11 “(b) The preparation of any report required by this
12 section shall be based on performance results reported by
13 the agencies and shall not increase the collection of infor-
14 mation burden on persons outside the Federal Govern-
15 ment.

16 **“§ 3515. Administrative powers**

17 “Upon the request of the Director, each agency
18 (other than an independent regulatory agency) shall, to
19 the extent practicable, make its services, personnel, and
20 facilities available to the Director for the performance of
21 functions under this chapter.

22 **“§ 3516. Rules and regulations**

23 “The Director shall promulgate rules, regulations, or
24 procedures necessary to exercise the authority provided by
25 this chapter.

1 **“§ 3517. Consultation with other agencies and the**
 2 **public**

3 “(a) In developing information resources manage-
 4 ment policies, plans, rules, regulations, procedures, and
 5 guidelines and in reviewing collections of information, the
 6 Director shall provide interested agencies and persons
 7 early and meaningful opportunity to comment.

8 “(b) Any person may request the Director to review
 9 any collection of information conducted by or for an agen-
 10 cy to determine, if, under this chapter, a person shall
 11 maintain, provide, or disclose the information to or for the
 12 agency. Unless the request is frivolous, the Director shall,
 13 in coordination with the agency responsible for the collec-
 14 tion of information—

15 “(1) respond to the request within 60 days
 16 after receiving the request, unless such period is ex-
 17 tended by the Director to a specified date and the
 18 person making the request is given notice of such ex-
 19 tension; and

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

22 **“§ 3518. Effect on existing laws and regulations**

23 “(a) Except as otherwise provided in this chapter, the
 24 authority of an agency under any other law to prescribe
 25 policies, rules, regulations, and procedures for Federal in-

1 formation resources management activities is subject to
2 the authority of the Director under this chapter.

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

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

13 “(A) during the conduct of a Federal criminal
14 investigation or prosecution, or during the disposi-
15 tion of a particular criminal matter;

16 “(B) during the conduct of—

17 “(i) a civil action to which the United
18 States or any official or agency thereof is a
19 party; or

20 “(ii) an administrative action or investiga-
21 tion involving an agency against specific indi-
22 viduals or entities;

23 “(C) by compulsory process pursuant to the
24 Antitrust Civil Process Act and section 13 of the

1 Federal Trade Commission Improvements Act of
2 1980; or

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

8 “(2) This chapter applies to the collection of informa-
9 tion during the conduct of general investigations (other
10 than information collected in an antitrust investigation to
11 the extent provided in subparagraph (C) of paragraph (1))
12 undertaken with reference to a category of individuals or
13 entities such as a class of licensees or an entire industry.

14 “(d) Nothing in this chapter shall be interpreted as
15 increasing or decreasing the authority conferred by Public
16 Law 89-306 on the Administrator of the General Services
17 Administration, the Secretary of Commerce, or the Direc-
18 tor of the Office of Management and Budget.

19 “(e) Nothing in this chapter shall be interpreted as
20 increasing or decreasing the authority of the President,
21 the Office of Management and Budget or the Director
22 thereof, under the laws of the United States, with respect
23 to the substantive policies and programs of departments,
24 agencies and offices, including the substantive authority
25 of any Federal agency to enforce the civil rights laws.

1 **“§ 3519. Access to information**

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

11 **“§ 3520. Authorization of appropriations**

12 “(a) Subject to subsection (b), there are authorized
13 to be appropriated to the Office of Information and Regu-
14 latory Affairs to carry out the provisions of this chapter,
15 and for no other purpose, \$8,000,000 for each of the fiscal
16 years 1996, 1997, 1998, 1999, and 2000.

17 “(b)(1) No funds may be appropriated pursuant to
18 subsection (a) unless such funds are appropriated in an
19 appropriation Act (or continuing resolution) which sepa-
20 rately and expressly states the amount appropriated pur-
21 suant to subsection (a) of this section.

22 “(2) No funds are authorized to be appropriated to
23 the Office of Information and Regulatory Affairs, or to
24 any other officer or administrative unit of the Office of
25 Management and Budget, to carry out the provisions of
26 this chapter, or to carry out any function under this chap-

1 ter, for any fiscal year pursuant to any provision of law
2 other than subsection (a) of this section.”.

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

4 The provisions of this Act and the amendments made
5 by this Act shall take effect on June 30, 1995.

S 244 RS——2

S 244 RS——3

S 244 RS——4

S 244 RS——5