

103RD CONGRESS
2^D SESSION

H. R. 2461

AMENDMENT

In the Senate of the United States,

October 7 (legislative day, September 12), 1994.

Resolved, That the bill from the House of Representatives (H.R. 2461) entitled “An Act to amend the Federal Property and Administrative Services Act of 1949 to authorize the transfer to States of surplus personal property for donation to nonprofit providers of necessities to impoverished families and individuals”, do pass with the following

AMENDMENT:

1 Page 2, after line 11, insert:

2 ***TITLE I—PAPERWORK***
3 ***REDUCTION***

4 ***SEC. 101. SHORT TITLE.***

5 *This title may be cited as the “Paperwork Reduction*
6 *Act of 1994”.*

7 ***SEC. 102. COORDINATION OF FEDERAL INFORMATION POL-***
8 ***ICY.***

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

1 **“CHAPTER 35—COORDINATION OF**
 2 **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.

3 **“§ 3501. Purposes**

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

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

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

1 “(3) coordinate, integrate, and to the extent
2 *practicable and appropriate, make uniform Federal*
3 *information resources management policies and prac-*
4 *tices as a means to improve the productivity, effi-*
5 *ciency, and effectiveness of Government programs, in-*
6 *cluding the reduction of information collection bur-*
7 *dens on the public and the improvement of service de-*
8 *livery to the public;*

9 “(4) improve the quality and use of Federal in-
10 *formation to strengthen decisionmaking, accountabil-*
11 *ity, and openness in Government and society;*

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

15 “(6) strengthen the partnership between the Fed-
16 *eral Government and State, local, and tribal govern-*
17 *ments by minimizing the burden and maximizing the*
18 *utility of information created, collected, maintained,*
19 *used, disseminated, and retained by or for the Federal*
20 *Government;*

21 “(7) provide for the dissemination of public in-
22 *formation on a timely basis, on equitable terms, and*
23 *in a manner that promotes the utility of the informa-*
24 *tion to the public and makes effective use of informa-*
25 *tion technology;*

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

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

7 “(B) security of information, including the
8 Computer Security Act of 1987 (Public Law
9 100–235); and

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

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

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

18 “(11) improve the responsibility and account-
19 ability of the Office of Management and Budget and
20 all other Federal agencies to Congress and to the pub-
21 lic for implementing the information collection review
22 process, information resources management, and re-
23 lated policies and guidelines established under this
24 chapter.

1 **“§ 3502. Definitions**

2 *“As used in this chapter—*

3 *“(1) the term ‘agency’ means any executive de-*
4 *partment, military department, Government corpora-*
5 *tion, Government controlled corporation, or other es-*
6 *tablishment in the executive branch of the Government*
7 *(including the Executive Office of the President), or*
8 *any independent regulatory agency, but does not in-*
9 *clude—*

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

11 *“(B) Federal Election Commission;*

12 *“(C) the governments of the District of Co-*
13 *lumbia and of the territories and possessions of*
14 *the United States, and their various subdivi-*
15 *sions; or*

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

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

23 *“(A) reviewing instructions;*

24 *“(B) acquiring, installing, and utilizing*
25 *technology and systems;*

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

4 “(D) searching data sources;

5 “(E) completing and reviewing the collec-
6 tion of information; and

7 “(F) transmitting, or otherwise disclosing
8 the information;

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

14 “(A) answers to identical questions posed to,
15 or identical reporting or recordkeeping require-
16 ments imposed on, ten or more persons, other
17 than agencies, instrumentalities, or employees of
18 the United States; or

19 “(B) answers to questions posed to agencies,
20 instrumentalities, or employees of the United
21 States which are to be used for general statistical
22 purposes;

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

1 “(5) the term ‘independent regulatory agency’
2 means the Board of Governors of the Federal Reserve
3 System, the Commodity Futures Trading Commis-
4 sion, the Consumer Product Safety Commission, the
5 Federal Communications Commission, the Federal
6 Deposit Insurance Corporation, the Federal Energy
7 Regulatory Commission, the Federal Housing Fi-
8 nance Board, the Federal Maritime Commission, the
9 Federal Trade Commission, the Interstate Commerce
10 Commission, the Mine Enforcement Safety and
11 Health Review Commission, the National Labor Rela-
12 tions Board, the Nuclear Regulatory Commission, the
13 Occupational Safety and Health Review Commission,
14 the Postal Rate Commission, the Securities and Ex-
15 change Commission, and any other similar agency
16 designated by statute as a Federal independent regu-
17 latory agency or commission;

18 “(6) the term ‘information resources’ means in-
19 formation and related resources, such as personnel,
20 equipment, funds, and information technology;

21 “(7) the term ‘information resources manage-
22 ment’ means the process of managing information re-
23 sources to accomplish agency missions and to improve
24 agency performance, including through the reduction
25 of information collection burdens on the public;

1 “(8) the term ‘information system’ means a dis-
2 crete set of information resources and processes, auto-
3 mated or manual, organized for the collection, proc-
4 essing, maintenance, use, sharing, dissemination, or
5 disposition of information;

6 “(9) the term ‘information technology’ has the
7 same meaning as the term ‘automatic data processing
8 equipment’ as defined by section 111(a)(2) of the Fed-
9 eral Property and Administrative Services Act of
10 1949 (40 U.S.C. 759(a)(2));

11 “(10) the term ‘person’ means an individual,
12 partnership, association, corporation, business trust,
13 or legal representative, an organized group of individ-
14 uals, a State, territorial, or local government or
15 branch thereof, or a political subdivision of a State,
16 territory, or local government or a branch of a politi-
17 cal subdivision;

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

22 “(12) the term ‘public information’ means any
23 information, regardless of form or format, that an
24 agency discloses, disseminates, or makes available to
25 the public; and

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

4 **“§ 3503. Office of Information and Regulatory Affairs**

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

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

17 “(c) The Administrator and employees of the Office of
18 Information and Regulatory Affairs shall be appointed with
19 special attention to professional qualifications required to
20 administer the functions of the Office described under this
21 chapter. Such qualifications shall include relevant edu-
22 cation, work experience, or related professional activities.

23 **“§ 3504. Authority and functions of Director**

24 “(a)(1) The Director shall oversee the use of informa-
25 tion resources to improve the efficiency and effectiveness of

1 *governmental operations to serve agency missions, includ-*
2 *ing service delivery to the public. In performing such over-*
3 *sight, the Director shall—*

4 “(A) *develop, coordinate and oversee the imple-*
5 *mentation of Federal information resources manage-*
6 *ment policies, principles, standards, and guidelines;*
7 *and*

8 “(B) *provide direction and oversee—*

9 “(i) *the review of the collection of informa-*
10 *tion and the reduction of the information collec-*
11 *tion burden;*

12 “(ii) *agency dissemination of and public*
13 *access to information;*

14 “(iii) *statistical activities;*

15 “(iv) *records management activities;*

16 “(v) *privacy, confidentiality, security, dis-*
17 *closure, and sharing of information; and*

18 “(vi) *the acquisition and use of information*
19 *technology.*

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

22 “(b) *With respect to general information resources*
23 *management policy, the Director shall—*

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

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

6 “(A) the use of the Government Information
7 Locator Service; and

8 “(B) the development and utilization of
9 common standards for information collection,
10 storage, processing and communication, includ-
11 ing standards for security, interconnectivity and
12 interoperability;

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

16 “(4) oversee the development and implementation
17 of best practices in information resources manage-
18 ment, including training; and

19 “(5) oversee agency integration of program and
20 management functions with information resources
21 management functions.

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

24 “(1) review proposed agency collections of infor-
25 mation, and in accordance with section 3508, deter-

1 *mine whether the collection of information by or for*
2 *an agency is necessary for the proper performance of*
3 *the functions of the agency, including whether the in-*
4 *formation shall have practical utility;*

5 *“(2) coordinate the review of the collection of in-*
6 *formation associated with Federal procurement and*
7 *acquisition by the Office of Information and Regu-*
8 *latory Affairs with the Office of Federal Procurement*
9 *Policy, with particular emphasis on applying infor-*
10 *mation technology to improve the efficiency and effec-*
11 *tiveness of Federal procurement and acquisition and*
12 *to reduce information collection burdens on the pub-*
13 *lic;*

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

17 *“(4) maximize the practical utility of and public*
18 *benefit from information collected by or for the Fed-*
19 *eral Government; and*

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

23 *“(d) With respect to information dissemination, the*
24 *Director shall develop and oversee the implementation of*
25 *policies, principles, standards, and guidelines to—*

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

4 “(2) promote public access to public information
5 and fulfill the purposes of this chapter, including
6 through the effective use of information technology.

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

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

11 “(A) the efficiency and effectiveness of the
12 system; and

13 “(B) the integrity, objectivity, impartiality,
14 utility, and confidentiality of information col-
15 lected for statistical purposes;

16 “(2) ensure that budget proposals of agencies are
17 consistent with system-wide priorities for maintain-
18 ing and improving the quality of Federal statistics
19 and prepare an annual report on statistical program
20 funding;

21 “(3) develop and oversee the implementation of
22 Governmentwide policies, principles, standards, and
23 guidelines concerning—

24 “(A) statistical collection procedures and
25 methods;

1 “(B) *statistical data classification;*

2 “(C) *statistical information presentation*
3 *and dissemination;*

4 “(D) *timely release of statistical data; and*

5 “(E) *such statistical data sources as may be*
6 *required for the administration of Federal pro-*
7 *grams;*

8 “(4) *evaluate statistical program performance*
9 *and agency compliance with Governmentwide poli-*
10 *cies, principles, standards and guidelines;*

11 “(5) *promote the sharing of information collected*
12 *for statistical purposes consistent with privacy rights*
13 *and confidentiality pledges;*

14 “(6) *coordinate the participation of the United*
15 *States in international statistical activities, including*
16 *the development of comparable statistics;*

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

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

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

25 “(B) *consist of—*

1 “(i) the heads of the major statistical
2 programs; and

3 “(ii) representatives of other statistical
4 agencies under rotating membership; and

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

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

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

15 “(f) With respect to records management, the Director
16 shall—

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

24 “(2) review compliance by agencies with—

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

3 “(B) regulations promulgated by the Archi-
4 vist of the United States and the Administrator
5 of General Services; and

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

11 “(g) With respect to privacy and security, the Director
12 shall—

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

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

22 “(3) require Federal agencies, consistent with the
23 Computer Security Act of 1987 (40 U.S.C. 759 note),
24 to identify and afford security protections commensu-
25 rate with the risk and magnitude of the harm result-

1 *ing from the loss, misuse, or unauthorized access to*
2 *or modification of information collected or main-*
3 *tained by or on behalf of an agency.*

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

6 “(1) *in consultation with the Director of the Na-*
7 *tional Institute of Standards and Technology and the*
8 *Administrator of General Services—*

9 “(A) *develop and oversee the implementa-*
10 *tion of policies, principles, standards, and guide-*
11 *lines for information technology functions and*
12 *activities of the Federal Government, including*
13 *periodic evaluations of major information sys-*
14 *tems; and*

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

19 “(2) *monitor the effectiveness of, and compliance*
20 *with, directives issued under sections 110 and 111 of*
21 *the Federal Property and Administrative Services Act*
22 *of 1949 (40 U.S.C. 757 and 759) and review proposed*
23 *determinations under section 111(e) 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 budget
5 *proposals, information resources management plans*
6 *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 inter-*
12 *agency information technology initiatives to im-*
13 *prove agency performance and the accomplish-*
14 *ment of agency missions; and*

15 “(5) *promote the use of information technology*
16 *by the Federal Government to improve the productiv-*
17 *ity, efficiency, and effectiveness of Federal programs,*
18 *including through dissemination of public informa-*
19 *tion and the reduction of information collection bur-*
20 *dens 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 programs,*
14 *including service delivery to the public;*

15 *“(2) with selected agencies and non-Federal enti-*
16 *ties on a voluntary basis, conduct pilot projects to test*
17 *alternative policies, practices, regulations, and proce-*
18 *dures to fulfill the purposes of this chapter, particu-*
19 *larly with regard to minimizing the Federal informa-*
20 *tion collection burden;*

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 the*
24 *United States, and the Director of the Office of Per-*
25 *sonnel Management, develop and maintain a Govern-*

1 *mentwide strategic plan for information resources*
2 *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 burdens*
10 *through the elimination of duplication and*
11 *meeting shared data needs with shared re-*
12 *sources;*

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 sections*
19 *110 and 111 of the Federal Property and*
20 *Administrative Services Act of 1949 (40*
21 *U.S.C. 757 and 759), and the purposes of*
22 *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 pro-*
14 *ductivity, 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 who*
20 *shall report directly to such agency head to carry out the*
21 *responsibilities of the agency under this chapter.*

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

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

4 “(3) The senior official designated under paragraph
5 (2) shall head an office responsible for ensuring agency com-
6 pliance with and prompt, efficient, and effective implemen-
7 tation of the information policies and information resources
8 management responsibilities established under this chapter,
9 including the reduction of information collection burdens
10 on the public. The senior official and employees of such of-
11 fice shall be selected with special attention to the profes-
12 sional qualifications required to administer the functions
13 described under this chapter.

14 “(4) Each agency program official shall be responsible
15 and accountable for information resources assigned to and
16 supporting the programs under such official. In consulta-
17 tion with the senior official designated under paragraph (2)
18 and the agency Chief Financial Officer (or comparable offi-
19 cial), each agency program official shall define program in-
20 formation needs and develop strategies, systems, and capa-
21 bilities to meet those needs.

22 “(5) The head of each agency shall establish a perma-
23 nent information resources management steering committee,
24 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 in*
4 *carrying out information resources management re-*
5 *sponsibilities 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 man-*
9 *agement that relate to program missions;*

10 *“(C) select, control, and evaluate all major infor-*
11 *mation system initiatives (including acquisitions of*
12 *information technology) in accordance with the re-*
13 *quirements 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, and*
20 *procedures 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 protec-
6 tions 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 informa-
21 tion systems selection, development, and evalua-
22 tion;

23 “(C) in cooperation with the agency Chief
24 Financial Officer (or comparable official), de-
25 velop a full and accurate accounting of informa-

1 *tion technology expenditures, related expenses,*
2 *and results; and*

3 *“(D) establish goals for improving informa-*
4 *tion resources management’s contribution to pro-*
5 *gram productivity, efficiency, and effectiveness,*
6 *methods for measuring progress towards those*
7 *goals, and clear roles and responsibilities for*
8 *achieving those goals;*

9 *“(4) in consultation with the Director, the Ad-*
10 *ministrator 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, con-*
17 *duct formal training programs to educate agency pro-*
18 *gram and management officials about information re-*
19 *sources 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 is*
24 *sufficiently independent of program responsibility to*

1 *evaluate fairly whether proposed collections of infor-*
2 *mation should be approved under this chapter, 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 informa-*
15 *tion 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 information*
19 *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 of
3 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 is
8 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 collec-
13 tion; and

14 “(IV) whether responses to the col-
15 lection of information are voluntary,
16 required to obtain a benefit, or manda-
17 tory; 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 and
23 affected agencies concerning each proposed collection
24 of information, to solicit comment to—

1 “(i) evaluate whether the proposed collection
2 of information is necessary for the proper per-
3 formance of the functions of the agency, includ-
4 ing whether the information shall have practical
5 utility;

6 “(ii) evaluate the accuracy of the agency’s
7 estimate of the burden of the proposed collection
8 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 received
25 by the agency) that each collection of information

1 *submitted to the Director for review under section*
2 *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, includ-*
12 *ing 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 that*
17 *take into account the resources available to*
18 *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 understandable
3 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 respond;

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

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

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

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

24 “(d) With respect to information dissemination, each
25 agency shall—

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

4 “(A) encouraging a diversity of public and
5 private sources for information based on govern-
6 ment public information, and

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

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

13 “(3) not, except where specifically authorized by
14 statute—

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

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

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

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

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

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

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

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

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

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

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

21 “(f) With respect to records management, each agency
22 shall implement and enforce applicable policies and proce-
23 dures, including requirements for archiving information
24 maintained in electronic format, particularly in the plan-
25 ning, design and operation of information systems.

1 “(g) With respect to privacy and security, each agency
2 shall—

3 “(1) implement and enforce applicable policies,
4 procedures, standards, and guidelines on privacy,
5 confidentiality, security, disclosure and sharing of in-
6 formation collected or maintained by or for the agen-
7 cy;

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

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

20 “(h) With respect to Federal information technology,
21 each agency shall—

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

1 “(2) assume responsibility and accountability for
2 any acquisitions made pursuant to a delegation of
3 authority under section 111 of the Federal Property
4 and Administrative Services Act of 1949 (40 U.S.C.
5 759);

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

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

17 “(5) establish, and be responsible for, a major in-
18 formation system initiative review process, which
19 shall be developed and implemented by the informa-
20 tion resources management steering committee estab-
21 lished under subsection (a)(5), consistent with guide-
22 lines issued under section 3505(4), and include—

23 “(A) the review of major information sys-
24 tem initiative proposals and projects (including
25 acquisitions of information technology), approval

1 *or disapproval of each such initiative, and peri-*
2 *odic reviews of the development and implementa-*
3 *tion of such initiatives, including whether the*
4 *projected benefits have been achieved;*

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

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

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

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

16 *“(C) the use, as appropriate, of independent*
17 *cost evaluations of data developed under sub-*
18 *paragraph (B); and*

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

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

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

7 “(1) the agency has—

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

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

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

18 “(D) published a notice in the Federal Reg-
19 ister—

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

22 “(ii) setting forth—

23 “(I) a title for the collection of in-
24 formation;

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

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

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

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

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

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

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

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

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

1 *agency involved of the decision to approve or disapprove*
2 *the proposed collection of information.*

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

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

9 “(A) *the approval may be inferred;*

10 “(B) *a control number shall be assigned without*
11 *further delay; and*

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

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

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

23 “(B) *within 60 days after the notice of proposed*
24 *rulemaking is published in the Federal Register, the*
25 *Director may file public comments pursuant to the*

1 standards set forth in section 3508 on the collection
2 of information contained in the proposed rule;

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

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

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

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

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

16 “(A) from disapproving any collection of infor-
17 mation which was not specifically required by an
18 agency rule;

19 “(B) from disapproving any collection of infor-
20 mation contained in an agency rule, if the agency
21 failed to comply with the requirements of paragraph
22 (1) of this subsection;

23 “(C) from disapproving any collection of infor-
24 mation contained in a final agency rule, if the Direc-
25 tor finds within 60 days after the publication of the

1 *final rule that the agency's response to the Director's*
2 *comments filed under paragraph (2) of this subsection*
3 *was unreasonable; or*

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

6 “(i) the Director determines that the agency
7 *has substantially modified in the final rule the*
8 *collection of information contained in the pro-*
9 *posed rule; and*

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

15 “(5) This subsection shall apply only when an agency
16 *publishes a notice of proposed rulemaking and requests pub-*
17 *lic comments.*

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

21 “(e)(1) Any decision by the Director under subsection
22 *(c), (d), (h), or (j) to disapprove a collection of information,*
23 *or to instruct the agency to make substantive or material*
24 *change to a collection of information, shall be publicly*

1 *available and include an explanation of the reasons for such*
2 *decision.*

3 “(2) Any written communication between the Office of
4 the Director, the Administrator of the Office of Information
5 and Regulatory Affairs, or any employee of the Office of
6 Information and Regulatory Affairs and an agency or per-
7 son not employed by the Federal Government concerning
8 a proposed collection of information shall be made available
9 to the public.

10 “(3) This subsection shall not require the disclosure
11 of—

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

18 “(B) any communication relating to a collection
19 of information which has not been approved under
20 this chapter, the disclosure of which could lead to re-
21 taliation or discrimination against the communi-
22 cator.

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

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

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

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

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

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

17 “(A) conduct the review established under section
18 3506(c), including the seeking of comment from the
19 public on the continued need for, and burden imposed
20 by the collection of information; and

21 “(B) after having made a reasonable effort to
22 seek public comment, but no later than 60 days before
23 the expiration date of the control number assigned by
24 the Director for the currently approved collection of
25 information, submit the collection of information for

1 *review and approval under this section, which shall*
2 *include an explanation of how the agency has used*
3 *the information that it has collected.*

4 *“(2) If under the provisions of this section, the Director*
5 *disapproves a collection of information contained in an ex-*
6 *isting rule, or recommends or instructs the agency to make*
7 *a substantive or material change to a collection of informa-*
8 *tion contained in an existing rule, the Director shall—*

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

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

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

22 *“(i)(1) If the Director finds that a senior official of*
23 *an agency designated under section 3506(a) is sufficiently*
24 *independent of program responsibility to evaluate fairly*
25 *whether proposed collections of information should be ap-*

1 *proved and has sufficient resources to carry out this respon-*
2 *sibility effectively, the Director may, by rule in accordance*
3 *with the notice and comment provisions of chapter 5 of title*
4 *5, United States Code, delegate to such official the authority*
5 *to approve proposed collections of information in specific*
6 *program areas, for specific purposes, or for all agency pur-*
7 *poses.*

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

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

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

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

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

1 “(B) the agency cannot reasonably comply with
2 the provisions of this chapter within such time peri-
3 ods because—

4 “(i) public harm is reasonably likely to re-
5 sult if normal clearance procedures are followed;
6 or

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

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

21 **“§ 3508. Determination of necessity for information;**
22 **hearing**

23 “Before approving a proposed collection of informa-
24 tion, the Director shall determine whether the collection of
25 information by the agency is necessary for the proper per-

1 *formance of the functions of the agency, including whether*
2 *the information shall have practical utility. Before making*
3 *a determination the Director may give the agency and other*
4 *interested persons an opportunity to be heard or to submit*
5 *statements in writing. To the extent that the Director deter-*
6 *mines that the collection of information by an agency is*
7 *unnecessary for the proper performance of the functions of*
8 *the agency, for any reason, the agency may not engage in*
9 *the collection of information.*

10 ***“§ 3509. Designation of central collection agency***

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

1 authority to designate under this section is subject to the
2 provisions of section 3507(f) of this chapter.

3 **“§ 3510. Cooperation of agencies in making informa-**
4 **tion available**

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

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

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

1 **“§3511. Establishment and operation of Government**
2 **Information Locator Service**

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

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

12 *“(2) require each agency to establish and main-*
13 *tain an agency information locator service as a com-*
14 *ponent of, and to support the establishment and oper-*
15 *ation of the Service;*

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

24 *“(4) consider public access and other user needs*
25 *in the establishment and operation of the Service;*

1 “(5) ensure the security and integrity of the
2 Service, including measures to ensure that only infor-
3 mation which is intended to be disclosed to the public
4 is disclosed through the Service; and

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

10 **“§ 3512. Public protection**

11 “Notwithstanding any other provision of law, no per-
12 son shall be subject to any penalty for failing to maintain,
13 provide, or disclose information to or for any agency or
14 person if the applicable collection of information—

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

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

18 “(B) fails to state that such collection is not sub-
19 ject to this chapter.

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

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

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

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

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

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

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

14 *“(a)(1) The Director shall—*

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

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

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

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

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

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

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

10 “(B) improved the quality and utility of statis-
11 tical information;

12 “(C) improved public access to Government in-
13 formation; and

14 “(D) improved program performance and the ac-
15 complishment of agency missions through information
16 resources management.

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

21 **“§ 3515. Administrative powers**

22 “Upon the request of the Director, each agency (other
23 than an independent regulatory agency) shall, to the extent
24 practicable, make its services, personnel, and facilities

1 *available to the Director for the performance of functions*
2 *under this chapter.*

3 **“§ 3516. Rules and regulations**

4 *“The Director shall promulgate rules, regulations, or*
5 *procedures necessary to exercise the authority provided by*
6 *this chapter.*

7 **“§ 3517. Consultation with other agencies and the**
8 **public**

9 *“(a) In developing information resources management*
10 *policies, plans, rules, regulations, procedures, and guide-*
11 *lines and in reviewing collections of information, the Direc-*
12 *tor shall provide interested agencies and persons early and*
13 *meaningful opportunity to comment.*

14 *“(b) Any person may request the Director to review*
15 *any collection of information conducted by or for an agency*
16 *to determine, if, under this chapter, the person shall main-*
17 *tain, provide, or disclose the information to or for the agen-*
18 *cy. Unless the request is frivolous, the Director shall, in co-*
19 *ordination with the agency responsible for the collection of*
20 *information—*

21 *“(1) respond to the request within 60 days after*
22 *receiving the request, unless such period is extended*
23 *by the Director to a specified date and the person*
24 *making the request is given notice of such extension;*
25 *and*

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

3 **“§ 3518. Effect on existing laws and regulations**

4 “(a) Except as otherwise provided in this chapter, the
5 authority of an agency under any other law to prescribe
6 policies, rules, regulations, and procedures for Federal in-
7 formation resources management activities is subject to the
8 authority of the Director under this chapter.

9 “(b) Nothing in this chapter shall be deemed to affect
10 or reduce the authority of the Secretary of Commerce or
11 the Director of the Office of Management and Budget pursu-
12 ant to Reorganization Plan No. 1 of 1977 (as amended)
13 and Executive order, relating to telecommunications and
14 information policy, procurement and management of tele-
15 communications and information systems, spectrum use,
16 and related matters.

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

19 “(A) during the conduct of a Federal criminal
20 investigation or prosecution, or during the disposition
21 of a particular criminal matter;

22 “(B) during the conduct of—

23 “(i) a civil action to which the United
24 States or any official or agency thereof is a
25 party; or

1 “(ii) an administrative action or investiga-
2 tion involving an agency against specific indi-
3 viduals or entities;

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

7 “(D) during the conduct of intelligence activities
8 as defined in section 4–206 of Executive Order No.
9 12036, issued January 24, 1978, or successor orders,
10 or during the conduct of cryptologic activities that
11 are communications security activities.

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

18 “(d) Nothing in this chapter shall be interpreted as
19 increasing or decreasing the authority conferred by Public
20 Law 89–306 on the Administrator of the General Services
21 Administration, the Secretary of Commerce, or the Director
22 of the Office of Management and Budget.

23 “(e) Nothing in this chapter shall be interpreted as in-
24 creasing or decreasing the authority of the President, the
25 Office of Management and Budget or the Director thereof,

1 *under the laws of the United States, with respect to the sub-*
2 *stantive policies and programs of departments, agencies*
3 *and offices, including the substantive authority of any Fed-*
4 *eral agency to enforce the civil rights laws.*

5 **“§ 3519. Access to information**

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

15 **“§ 3520. Authorization of appropriations**

16 *“(a) Subject to subsection (b), there are authorized to*
17 *be appropriated to the Office of Information and Regu-*
18 *latory Affairs to carry out the provisions of this chapter,*
19 *and for no other purpose, \$8,000,000 for each of the fiscal*
20 *years 1995, 1996, 1997, 1998, and 1999.*

21 *“(b)(1) No funds may be appropriated pursuant to*
22 *subsection (a) unless such funds are appropriated in an ap-*
23 *propriation Act (or continuing resolution) which separately*
24 *and expressly states the amount appropriated pursuant to*
25 *subsection (a) of this section.*

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