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104TH CONGRESS
1ST SESSION

H. R. 830

[Report No. 104-37]

To amend chapter 35 of title 44, United States Code, 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 HOUSE OF REPRESENTATIVES

FEBRUARY 6, 1995

Mr. CLINGER (for himself, Mr. SISISKY, Mr. MCINTOSH, Mr. DAVIS, Mr. SOLOMON, and Mr. BLUTE) introduced the following bill; which was referred to the Committee on Government Reform and Oversight

FEBRUARY 15, 1995

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

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

A BILL

To amend chapter 35 of title 44, United States Code, to further the goals of the Paperwork Reduction Act to have Federal agencies become more responsible and publicly accountable for reducing the burden of Federal paperwork on the public, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

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

6 **SEC. 2. COORDINATION OF FEDERAL INFORMATION POL-**
 7 **ICY.**

8 Chapter 35 of title 44, United States Code, is amend-
 9 ed to read as follows:

10 **“CHAPTER 35—COORDINATION OF**
 11 **FEDERAL INFORMATION POLICY**

“Sec.

“3501. Purposes.

“3502. Definitions.

“3503. Office of Information and Regulatory Affairs.

“3504. Authority and functions of Director.

“3505. Assignment of tasks and deadlines.

“3506. Federal agency responsibilities.

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

“3508. Determination of necessity for information; hearing.

“3509. Designation of central collection agency.

“3510. Cooperation of agencies in making information available.

“3511. Establishment and operation of Government Information Locator Serv-
 ice.

“3512. Public protection.

“3513. Director review of agency activities; reporting; agency response.

“3514. Responsiveness to Congress.

“3515. Administrative powers.

“3516. Rules and regulations.

“3517. Consultation with other agencies and the public.

“3518. Effect on existing laws and regulations.

“3519. Access to information.

“3520. Authorization of appropriations.

12 **“§ 3501. Purposes**

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
11 information 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
15 department, military department, Government cor-
16 poration, Government controlled corporation, or
17 other establishment in the executive branch of the
18 Government (including the Executive Office of the
19 President), or any independent regulatory agency,
20 but 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’ means
23 the obtaining, causing to be obtained, soliciting, or
24 requiring the disclosure to third parties or the pub-

1 lic, of facts or opinions by or for an agency, regard-
2 less of form or format, calling for either—

3 “(A) answers to identical questions posed
4 to, or identical reporting or recordkeeping re-
5 quirements imposed on, ten or more persons,
6 other than agencies, instrumentalities, or
7 employees of the United States; or

8 “(B) answers to questions posed to agen-
9 cies, instrumentalities, or employees of the
10 United States which are to be used for general
11 statistical purposes;

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

14 “(5) the term ‘independent regulatory agency’
15 means the Board of Governors of the Federal Re-
16 serve System, the Commodity Futures Trading Com-
17 mission, the Consumer Product Safety Commission,
18 the Federal Communications Commission, the Fed-
19 eral Deposit Insurance Corporation, the Federal En-
20 ergy Regulatory Commission, the Federal Housing
21 Finance Board, the Federal Maritime Commission,
22 the Federal Trade Commission, the Interstate Com-
23 merce Commission, the Mine Enforcement Safety
24 and Health Review Commission, the National Labor
25 Relations Board, the Nuclear Regulatory Commis-

1 sion, the Occupational Safety and Health Review
2 Commission, the Postal Rate Commission, the Secu-
3 rities and Exchange Commission, and any other
4 similar agency designated by statute as a Federal
5 independent regulatory agency or commission;

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

9 “(7) the term ‘information resources manage-
10 ment’ means the process of managing information
11 resources to accomplish agency missions and to im-
12 prove agency performance, including through the re-
13 duction of information collection burdens on the
14 public;

15 “(8) the term ‘information system’ means a dis-
16 crete set of information resources and processes,
17 automated or manual, organized for the collection,
18 processing, maintenance, use, sharing, dissemina-
19 tion, or disposition of information;

20 “(9) the term ‘information technology’ has the
21 same meaning as the term ‘automatic data process-
22 ing equipment’ as defined by section 111(a)(2) of
23 the Federal Property and Administrative Services
24 Act of 1949 (40 U.S.C. 759(a)(2));

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

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

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

16 “(13) the term ‘recordkeeping requirement’
17 means a requirement imposed by or for an agency
18 on persons to maintain specified records, including a
19 requirement to—

20 “(A) retain such records;

21 “(B) notify third parties or the public of
22 the existence of such records;

23 “(C) disclose such records to third parties
24 or the public; or

1 “(D) report to third parties or the public
2 regarding such records.

3 **“§ 3503. Office of Information and Regulatory Affairs**

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

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

16 **“§ 3504. Authority and functions of Director**

17 “(a)(1) The Director shall—

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

22 “(B) provide direction and oversee—

23 “(i) the review and approval of the collec-
24 tion of information and the reduction of the
25 information collection burden;

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

3 “(iii) statistical activities;

4 “(iv) records management activities;

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

7 “(vi) the acquisition and use of informa-
8 tion technology.

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

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

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

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

18 “(A) the use of the Government Informa-
19 tion Locator Service; and

20 “(B) the development and utilization of
21 common standards for information collection,
22 storage, processing and communication, includ-
23 ing standards for security, interconnectivity and
24 interoperability;

1 “(3) initiate and review proposals for changes
2 in legislation, regulations, and agency procedures to
3 improve information resources management prac-
4 tices;

5 “(4) oversee the development and implementa-
6 tion of best practices in information resources man-
7 agement, including training; and

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

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

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

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

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

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

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

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

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

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

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

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

24 “(A) the efficiency and effectiveness of the
25 system; and

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

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

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

12 “(A) statistical collection procedures and
13 methods;

14 “(B) statistical data classification;

15 “(C) statistical information presentation
16 and dissemination;

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

18 “(E) such statistical data sources as may
19 be required for the administration of Federal
20 programs;

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

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

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

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

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

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

16 and

17 “(B) consist of—

18 “(i) the heads of the major statistical
19 programs; and

20 “(ii) representatives of other statis-
21 tical agencies under rotating membership;

22 and

23 “(9) provide opportunities for training in statis-
24 tical policy functions to employees of the Federal
25 Government under which—

1 “(A) each trainee shall be selected at the
2 discretion of the Director based on agency re-
3 quests and shall serve under the chief statisti-
4 cian for at least 6 months and not more than
5 1 year; and

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

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

10 “(1) provide advice and assistance to the Archi-
11 vist of the United States and the Administrator of
12 General Services to promote coordination in the ad-
13 ministration of chapters 29, 31, and 33 of this title
14 with the information resources management policies,
15 principles, standards, and guidelines established
16 under this chapter;

17 “(2) review compliance by agencies with—

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

20 “(B) regulations promulgated by the Ar-
21 chivist of the United States and the Adminis-
22 trator of General Services; and

23 “(3) oversee the application of records manage-
24 ment policies, principles, standards, and guidelines,
25 including requirements for archiving information

1 maintained in electronic format, in the planning and
2 design of information systems.

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

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

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

14 “(3) require Federal agencies, consistent with
15 the Computer Security Act of 1987 (40 U.S.C. 759
16 note), to identify and afford security protections
17 commensurate with the risk and magnitude of the
18 harm resulting from the loss, misuse, or unauthor-
19 ized access to or modification of information col-
20 lected or maintained by or on behalf of an agency.

21 “(h) With respect to Federal information technology,
22 the Director shall—

23 “(1) in consultation with the Director of the
24 National Institute of Standards and Technology and
25 the Administrator of General Services—

1 “(A) develop and oversee the implementa-
2 tion of policies, principles, standards, and
3 guidelines for information technology functions
4 and activities of the Federal Government, in-
5 cluding periodic evaluations of major informa-
6 tion systems; and

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

11 “(2) monitor the effectiveness of, and compli-
12 ance with, directives issued under sections 110 and
13 111 of the Federal Property and Administrative
14 Services Act of 1949 (40 U.S.C. 757 and 759);

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

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

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

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

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

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

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

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

16 “(1) in consultation with agency heads, set an
17 annual Governmentwide goal for the reduction of in-
18 formation collection burdens by at least ~~five~~ 10 per-
19 cent, and set annual agency goals to—

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

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

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

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

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

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

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

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

24 “(B) plans for—

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

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

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

13 “(C) a description of progress in applying
14 information resources management to improve
15 agency performance and the accomplishment of
16 missions.

17 “(b) For purposes of any pilot project conducted
18 under subsection (a)(2), the Director may waive the appli-
19 cation of any regulation or administrative directive issued
20 by an agency with which the project is conducted, includ-
21 ing any regulation or directive requiring a collection of in-
22 formation, after giving timely notice to the public and the
23 Congress regarding the need for such waiver.

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

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

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

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

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

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

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

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

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

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

15 “(1) manage information resources to—

16 “(A) reduce information collection burdens
17 on the public;

18 “(B) increase program efficiency and effec-
19 tiveness; and

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

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

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

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

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

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

24 “(4) in consultation with the Director, the Ad-
25 ministrators of General Services, and the Archivist of

1 the United States, maintain a current and complete
2 inventory of the agency's information resources, in-
3 cluding directories necessary to fulfill the require-
4 ments of section 3511 of this chapter; and

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

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

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

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

21 “(i) an evaluation of the need for the
22 collection of information;

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

1 “(iii) a plan for the collection of the
2 information;

3 “(iv) a specific, objectively supported
4 estimate of burden;

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

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

12 “(B) ensure that each information collec-
13 tion—

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

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

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

23 “(I) the reasons the information
24 is being collected;

1 “(II) the way such information is
2 to be used;

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

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

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

12 “(2)(A) except for good cause or as provided
13 under subparagraph (B), provide 60-day notice in
14 the Federal Register, and otherwise consult with
15 members of the public and affected agencies con-
16 cerning each proposed collection of information, to
17 solicit comment to—

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

23 “(ii) evaluate the accuracy of the agency’s
24 estimate of the burden of the proposed collec-
25 tion of information;

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

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

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

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

20 “(A) is necessary for the proper perform-
21 ance of the functions of the agency, including
22 that the information has practical utility;

23 “(B) is not unnecessarily duplicative of in-
24 formation otherwise reasonably accessible to the
25 agency;

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

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

11 “(ii) the clarification, consolidation, or
12 simplification of compliance and reporting
13 requirements; or

14 “(iii) an exemption from coverage of
15 the collection of information, or any part
16 thereof;

17 “(D) is written using plain, coherent, and
18 unambiguous terminology and is understand-
19 able to those who are to respond;

20 “(E) is to be implemented in ways consist-
21 ent and compatible, to the maximum extent
22 practicable, with the existing reporting and rec-
23 ordkeeping practices of those who are to re-
24 spond;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

1 information collected or maintained by or for the
2 agency;

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

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

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

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

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

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

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

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

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

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

15 “(B) used to select, control, and evaluate
16 the results of major information systems initia-
17 tives.

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

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

24 “(1) the agency has—

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

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

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

11 “(D) published a notice in the Federal
12 Register—

13 “(i) stating that the agency has made
14 such submission; and

15 “(ii) setting forth—

16 “(I) a title for the collection of
17 information;

18 “(II) a summary of the collection
19 of information;

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

23 “(IV) a description of the likely
24 respondents and proposed frequency

1 of response to the collection of infor-
2 mation;

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

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

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

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

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

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

23 “(2) The Director shall provide the notification under
24 paragraph (1), within 60 days after receipt or publication

1 of the notice under subsection (a)(1)(D), whichever is
2 later.

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

6 “(A) the approval may be inferred;

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

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

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

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

21 “(B) within 60 days after the notice of pro-
22 posed rulemaking is published in the Federal Reg-
23 ister, the Director may file public comments pursu-
24 ant to the standards set forth in section 3508 on the

1 collection of information contained in the proposed
2 rule;

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

5 “(A) how any collection of information con-
6 tained in the final rule responds to the comments,
7 if any, 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
15 to 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, and after considering the agency's re-
2 sponse to the Director's comments filed under para-
3 graph (2), that the collection of information cannot
4 be approved under the standards set forth in section
5 3508; or

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

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

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

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

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

23 “(e)(1) Any decision by the Director under subsection
24 (c), (d), (h), or (j) to disapprove a collection of informa-
25 tion, or to instruct the agency to make substantive or ma-

1 terial change to a collection of information, shall be pub-
2 licly available and include an explanation of the reasons
3 for such decision.

4 “(2) Any written communication between the Admin-
5 istrator of the Office of Information and Regulatory Af-
6 fairs, or any employee of the Office of Information and
7 Regulatory Affairs, and an agency or person not employed
8 by the Federal Government concerning a proposed collec-
9 tion of information shall be made available 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
14 which has been specifically authorized under criteria
15 established by an Executive order or an Act of Con-
16 gress to be kept secret in the interest of national
17 defense or foreign policy; or

18 “(B) any communication relating to a collection
19 of information, the disclosure of which could lead to
20 retaliation or discrimination against the communica-
21 tor.

22 “(f)(1) An independent regulatory agency which is
23 administered by 2 or more members of a commission,
24 board, 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
3 that agency; or

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

6 “(2) The agency shall certify each vote to void such
7 disapproval or exercise to the Director, and explain the
8 reasons for such vote. The Director shall without further
9 delay assign a control number to such collection of infor-
10 mation, and such vote to void the disapproval or exercise
11 shall be 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 col-
16 lection of information, the agency shall—

17 “(A) conduct the review established under sec-
18 tion 3506(c), including the seeking of comment from
19 the public on the continued need for, and burden im-
20 posed 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 be-
23 fore the expiration date of the control number as-
24 signed by the Director for the currently approved
25 collection of information, submit the collection of in-

1 formation for review and approval under this sec-
2 tion, which shall include an explanation of how the
3 agency has used the information that it has col-
4 lected.

5 “(2) If under the provisions of this section, the Direc-
6 tor disapproves a collection of information contained in an
7 existing rule, or recommends or instructs the agency to
8 make a substantive or material change to a collection of
9 information contained in an existing rule, the Director
10 shall—

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

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

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

24 “(i)(1) If the Director finds that a senior official of
25 an agency designated under section 3506(a) is sufficiently

1 independent of program responsibility to evaluate fairly
2 whether proposed collections of information should be ap-
3 proved and has sufficient resources to carry out this re-
4 sponsibility effectively, the Director may, by rule in ac-
5 cordance with the notice and comment provisions of chap-
6 ter 5 of title 5, United States Code, delegate to such offi-
7 cial the authority to approve proposed collections of infor-
8 mation in specific program areas, for specific purposes,
9 or for all agency purposes.

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

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

23 “(A) a collection of information—

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

1 “(ii) is essential to the mission of the agen-
2 cy; and

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

6 “(i) public harm is reasonably likely to re-
7 sult if normal clearance procedures are fol-
8 lowed; or

9 “(ii) an unanticipated event has occurred
10 and the use of normal clearance procedures is
11 reasonably likely to prevent or disrupt the col-
12 lection of information related to the event or is
13 reasonably likely to cause a statutory or court-
14 ordered deadline to be missed.

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

1 **“§ 3508. Determination of necessity for information;**
2 **hearing**

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

14 **“§ 3509. Designation of central collection agency**

15 “The Director may designate a central collection
16 agency to obtain information for two or more agencies if
17 the Director determines that the needs of such agencies
18 for information will be adequately served by a single collec-
19 tion agency, and such sharing of data is not inconsistent
20 with applicable law. In such cases the Director shall pre-
21 scribe (with reference to the collection of information) the
22 duties and functions of the collection agency so designated
23 and of the agencies for which it is to act as agent (includ-
24 ing reimbursement for costs). While the designation is in
25 effect, an agency covered by the designation may not ob-
26 tain for itself information for the agency which is the duty

1 of the collection agency to obtain. The Director may mod-
2 ify the designation from time to time as circumstances re-
3 quire. The authority to designate under this section is sub-
4 ject to the provisions of section 3507(f) of this chapter.

5 **“§ 3510. Cooperation of agencies in making informa-**
6 **tion available**

7 “(a) The Director may direct an agency to make
8 available to another agency, or an agency may make avail-
9 able to another agency, information obtained by a collec-
10 tion of information if the disclosure is not inconsistent
11 with applicable law.

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

20 “(2) The officers and employees of the agency to
21 which the information is released, in addition, shall be
22 subject to the same provisions of law, including penalties,
23 relating to the unlawful disclosure of information as if the
24 information 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 In-
8 formation Locator Service (hereafter in this section
9 referred 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 op-
15 eration of the Service;

16 “(3) in cooperation with the Archivist of the
17 United States, the Administrator of General Serv-
18 ices, the Public Printer, and the Librarian of Con-
19 gress, establish an interagency committee to advise
20 the Secretary of Commerce on the development of
21 technical standards for the Service to ensure com-
22 patibility, promote information sharing, and uniform
23 access by the public;

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

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

5 “(6) periodically review the development and ef-
6 fectiveness of the Service and make recommenda-
7 tions for improvement, including other mechanisms
8 for improving public access to Federal agency public
9 information.

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) does not display a valid control number as-
16 signed by the Director; and

17 “(2) fails to state that the person who is to re-
18 spond to the collection of information is not required
19 to comply unless such collection displays a valid con-
20 trol number.

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

23 “(a) In consultation with the Administrator of Gen-
24 eral Services, the Archivist of the United States, the Di-
25 rector of the National Institute of Standards and Tech-

1 nology, and the Director of the Office of Personnel Man-
2 agement, the Director shall periodically review selected
3 agency information resources management activities to as-
4 certain the efficiency and effectiveness of such activities
5 to improve agency performance and the accomplishment
6 of agency missions.

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

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

13 “(2) improve agency performance and the ac-
14 complishment of agency missions.

15 **“§ 3514. Responsiveness to Congress**

16 “(a)(1) The Director shall—

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

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

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

1 “(A) reduced information collection burdens on
2 the public, including—

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

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

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

12 “(iv) a list of agencies that in the preced-
13 ing year did not reduce information collection
14 burdens by at least ~~5~~ 10 percent pursuant to
15 section 3505, a list of the programs and statu-
16 tory responsibilities of those agencies that pre-
17 cluded that reduction, and recommendations to
18 assist those agencies to reduce information col-
19 lection burdens in accordance with that section;

20 “(B) improved the quality and utility of statis-
21 tical information;

22 “(C) improved public access to Government in-
23 formation; and

1 “(b) Any person may request the Director to review
2 any collection of information conducted by or for an agen-
3 cy to determine, if, under this chapter, the person shall
4 maintain, provide, or disclose the information to or for the
5 agency. Unless the request is frivolous, the Director shall,
6 in coordination with the agency responsible for the collec-
7 tion of information—

8 “(1) respond to the request within 60 days
9 after receiving the request, unless such period is ex-
10 tended by the Director to a specified date and the
11 person making the request is given notice of such ex-
12 tension; and

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

15 **“§ 3518. Effect on existing laws and regulations**

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

21 “(b) Nothing in this chapter shall be deemed to affect
22 or reduce the authority of the Secretary of Commerce or
23 the Director of the Office of Management and Budget pur-
24 suant to Reorganization Plan No. 1 of 1977 (as amended)
25 and Executive order, relating to telecommunications and

1 information policy, procurement and management of tele-
2 communications and information systems, spectrum use,
3 and related matters.

4 “(c)(1) Except as provided in paragraph (2), this
5 chapter shall not apply to obtaining, causing to be ob-
6 tained, soliciting, or requiring the disclosure to third par-
7 ties or the public, of facts or opinions—

8 “(A) during the conduct of a Federal criminal
9 investigation or prosecution, or during the disposi-
10 tion of a particular criminal matter;

11 “(B) during the conduct of—

12 “(i) a civil action to which the United
13 States or any official or agency thereof is a
14 party; or

15 “(ii) an administrative action or investiga-
16 tion involving an agency against specific indi-
17 viduals or entities;

18 “(C) by compulsory process pursuant to the
19 Antitrust Civil Process Act and section 13 of the
20 Federal Trade Commission Improvements Act of
21 1980; or

22 “(D) during the conduct of intelligence activi-
23 ties as defined in section 4-206 of Executive Order
24 No. 12036, issued January 24, 1978, or successor

1 orders, or during the conduct of cryptologic activities
2 that are communications security activities.

3 “(2) This chapter applies to obtaining, causing to be
4 obtained, soliciting, or requiring the disclosure to third
5 parties or the public, of facts or opinions during the con-
6 duct of general investigations (other than information col-
7 lected in an antitrust investigation to the extent provided
8 in subparagraph (C) of paragraph (1)) undertaken with
9 reference to a category of individuals or entities such as
10 a class of licensees or an entire industry.

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

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

23 ~~“(f) Notwithstanding any other provision of this~~
24 ~~chapter or any other law—~~

1 ~~“(1) any public information that an agency dis-~~
2 ~~closes, disseminates, or makes available to the public~~
3 ~~may be used by any person for profit or nonprofit~~
4 ~~activities; and~~

5 ~~“(2) if any person adds value to the public in-~~
6 ~~formation, the Federal Government shall not have~~
7 ~~any right to obtain, collect, acquire, disseminate,~~
8 ~~use, or convert—~~

9 ~~“(A) the resulting data, database, or other~~
10 ~~information product, or~~

11 ~~“(B) any method used by the person to~~
12 ~~identify such resulting data, database, or infor-~~
13 ~~mation product,~~

14 ~~except under terms that are expressly agreed to by~~
15 ~~such person.~~

16 **“§ 3519. Access to information**

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

1 **“§ 3520. Authorization of appropriations**

2 “There are authorized to be appropriated to the Of-
3 fice of Information and Regulatory Affairs to carry out
4 the provisions of this chapter such sums as may be nec-
5 essary.”.

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

7 The amendments made by this Act shall take effect
8 October 1, 1995.

HR 830 IH—2

HR 830 IH—3

HR 830 IH—4

HR 830 IH—5

Union Calendar No. 19

104TH CONGRESS
1ST SESSION

H. R. 830

[Report No. 104-37]

A BILL

To amend chapter 35 of title 44, United States Code, 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 15, 1995

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed