

96TH CONGRESS } HOUSE OF REPRESENTATIVES { REPORT
2d Session } { No. 96-835

PAPERWORK REDUCTION ACT OF 1980

MARCH 19, 1980.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. BROOKS, from the Committee on Government Operations, submitted the following

REPORT

[To accompany H.R. 6410]

[Including Cost Estimate of the Congressional Budget Office]

The Committee on Government Operations, to whom was referred the bill (H.R. 6410) to reduce paperwork and enhance the economy and efficiency of the Government and the private sector by improving Federal information policymaking, and for other purposes, having considered the same, report favorably thereon with an amendment and recommend that the bill as amended do pass.

The amendment strikes out all after the enacting clause of the bill and inserts a new text which appears in italic type in the reported bill.

EXPLANATION OF AMENDMENT

Inasmuch as all after the enacting clause of H.R. 6410 was stricken and all language incorporated into one amendment, the contents of this report constitutes an explanation of the amendment.

SUMMARY AND PURPOSE

The objectives of H.R. 6410 are to: (1) Reduce the information processing burden on the public and private sectors by requiring the development and implementation of uniform and consistent information policies and practices; (2) increase the availability and accuracy of agency data and information; (3) expand and strengthen Federal information management activities; (4) establish a single focal point for information management within the Office of

Management and Budget which will have specific authority, responsibility, and accountability to the President, the Congress and the public for Government-wide information policy and oversight; and (5) decrease the paperwork burden on individuals, businesses, State and local governments, and others outside the Federal Government by vesting that OMB office with the authority to approve or deny all agency forms for collecting information.

To accomplish these objectives, H.R. 6410 establishes an Office of Federal Information Policy in OMB, with the responsibility for overall direction of the Government's information policies, standards, and guidelines. This Office, which will be headed by an Administrator appointed by the OMB Director, will have specific responsibility over Federal information management activities such as automatic data processing and telecommunications under Public Law 89-306 (the Brooks Act), paperwork clearance, records management, the Privacy Act, and statistical policy. These functions are presently located in OMB except for records management and for statistical policy, which was transferred in 1977 from OMB to Commerce by Executive Order. However, H.R. 6410 expands OMB's management role in each of these areas and requires specific actions by OMB to insure that the objectives of the legislation will be met on a timely basis.

This legislation also rewrites the Federal Reports Act, passed in 1942, which governs the clearance of information collection requests made by Federal agencies. The bill strengthens the clearance function, which is the mechanism used to minimize the public reporting burden. It also makes all Federal agencies subject to that act (approximately 80 percent of all information collections are now exempt). The clearance function is now divided among several agencies; H.R. 6410 consolidates that authority to approve agency data collection requests in OMB. The independent regulatory agencies are covered under this legislation. However, such agencies' independence in information collection is maintained by providing the right to veto OMB disapprovals by a majority vote of their members.

In addition, H.R. 6410 establishes a Federal Information Locator System which will contain descriptions of all information requests made by Federal agencies and any reports or analyses which are derived from such requests. It is not the intent of this legislation that the Locator System contain the actual data collected by the Federal agencies through the use of information collection requests. This system will be used to: (a) Identify duplication in agencies' reporting and recordkeeping requirements; (b) locate existing information that may meet the needs of the Congress, executive agencies, and the public; and (c) assist the new office in deciding which agency requests for information collection should be approved.

COMMITTEE ACTION AND VOTE

H.R. 6410 was introduced by Chairman Jack Brooks. The Committee on Government Operations ordered the bill reported on March 4, 1980, by a unanimous voice vote with a quorum present.

HEARINGS

Hearings on H.R. 6410 were held by the Subcommittee on Legislation and National Security on February 7, 21, and 26, 1980. Testimony was received from the Comptroller General of the United States and representatives of the President's Federal Data Processing Reorganization Project, Office of Management and Budget, Department of Defense, General Services Administration, Citizens Committee on Paperwork Reduction, Association for Federal Information Resources Management, Association of Records Managers and Administrators, and Business Advisory Council on Federal Reports.

DISCUSSION

BACKGROUND

The legislation is the result of a growing concern that the way the Government collects, uses, and disseminates information must be improved. Inefficiencies in current Federal information practices drastically reduce the effectiveness of the Government while, at the same time, drowning our citizens in a sea of forms, questionnaires, and reports.

H.R. 6410 is based on long and careful study of problems associated with the way the Government manages its information resources. Different segments of this study were carried out by the Commission on Federal Paperwork, the President's Federal Data Processing Reorganization Project, the General Accounting Office, and others. The Paperwork Commission recommended the consolidation of major paperwork, information, and communication-related policy oversight functions into a central management policy unit within OMB. The Data Processing Reorganization Project suggested that OMB establish an office to serve as a focal point within Government to advocate the management and use of information technology to reduce the costs of Government and to make it more effective. GAO also has recommended that an information policy-making unit be set up in OMB. Creation of the new Office of Federal Information Policy in OMB and assignment of the particular functions under H.R. 6410 are based on the recommendations of these organizations.

The bill establishes a management system that should not only help to solve the information management problems we have today, but should also provide the framework for solving the problems to be faced by the Federal Government in the future. Creation of the new OMB Office and establishing and strengthening focal points in each agency are the key parts of this management system. Another important element is providing the necessary funding to insure that adequate resources are applied toward achieving the objectives of this bill.

By "information resources management," the Committee means to include the planning, budgeting, organizing, directing, training, promoting, controlling, and other managerial activities involved with the collection or creation, use, and dissemination of information by Federal departments and agencies. Information creation may be through reports or questionnaire responses by the public or

other methods. Information use includes, analysis, sharing or dissemination, and restriction. Use may also involve information and data processing and transmission.

In addition to these process stages of treating information, information resources management is defined in terms of the different functions which are assigned to OMB under Section 3504 of proposed new chapter 35, Title 44, United States Code. These functions are all related to the management of information by Federal agencies. The Committee believes the combination of these definitions is sufficiently precise to support the objectives of the bill while at the same time flexible enough to allow for future changes in technology and Government activities.

BENEFITS FROM ENACTMENT OF THE PAPERWORK REDUCTION ACT OF
1980

During testimony, a number of witnesses cited substantial benefits which potentially could be derived from passage of H.R. 6410.

The Comptroller General, Elmer Staats, stated the bill would greatly strengthen the hand of OMB in exercising its broad responsibilities for improving the management of the Federal Government. He saw the charter and staff provided by existing law as inadequate for OMB to do the job. Without this legislation, the Comptroller General said that fragmented policy and oversight responsibilities would continue and badly needed changes in Federal information policy would not be effected.

In a recent letter to this Committee, the Comptroller General elaborated further on the benefits of implementing H.R. 6410:

We believe that effective implementation of H.R. 6410 will provide the basis for long-term improvement in every phase of Federal information management. It provides for the first time the statutory authority, the responsibility, and fixed accountability for Government-wide information management in the Office of Management and Budget (OMB). Some of the specific benefits in terms of management improvements which H.R. 6410 should provide include:

A single control point for Federal information management policy and oversight;

An end to fragmented responsibility for controlling Federal paperwork burdens on the public;

Visible and accountable officials for information management, both in OMB and in each agency;

Uniformity and consistency in policies for acquisition and management of advanced information technology;

Much needed visibility, authority, and accountability for statistical policy coordination and records management; and

Development and implementation of a long-needed Federal information locator system.

As I stated in my testimony, we believe that enactment of H.R. 6410 will mark the beginning of the long and arduous task to solve the many information management problems now existing. Successful performance of that task should result in improved information management and

reduced paperwork burdens on the public fully justifying the relatively modest incremental costs associated with the bill.

Mr. Staats also provided several examples taken from GAO reports illustrating problems in information management and demonstrating opportunities for substantial cost savings both within the Federal Government and in the private sector. The Comptroller General concluded that, although some benefits could not be quantified, the benefits from improved information management would be substantial.

The witnesses from the President's Federal Data Processing Reorganization Project told the Committee that the bill took the critically important step of explicitly assigning tasks and deadlines to the Office of Federal Information Policy and to the agencies. The significant acts of centralizing agency responsibility and mandating specific review activities will force a much overdue reexamination of internal agency procedures, capabilities, and policies, and force some bureaucracies to do jobs they have avoided doing for years. The witnesses said that H.R. 6410 sets a new direction for Federal information policy, adding substance, specificity, and vigor to the present vague, formless, and aimless ADP management system.

In terms of monetary benefits from passage of H.R. 6410, the Data Processing Reorganization Project witnesses cited one example involving the Department of Labor's Black Lung Program. The Project team concluded that the costs of running the program could be reduced from its present level of \$41 million to \$17 million through automation. The Committee believes savings of this magnitude can be obtained in most major Government programs or activities.

The OMB Associate Director for Management and Regulatory Policy testified that H.R. 6410 was important because it would accomplish three objectives. First, it would close existing statutory loopholes which diminish OMB's authority to review Federal paperwork activities. Second, it would strengthen the Federal Reports Act by centralizing the oversight of Federal reporting requirements in a single organization. Third, it would clearly identify a focal point for overseeing Federal information activities and assuring the development of Government-wide information policies and procedures. The OMB Associate Director concluded his testimony by stating that H.R. 6410 is a significant and far-reaching piece of legislation which would provide OMB some badly needed tools to improve the management of Federal information activities.

MANAGEMENT STRUCTURE CREATED

H.R. 6410 creates a new management structure for the Government's information activities. These activities involve the collection, use, and dissemination of information by Federal agencies. The structure consists of three key elements: (1) The central policy and oversight office established in OMB, (2) the central management responsibility assigned to the General Services Administration (discussed later in the report), and (3) a high-ranking official in each agency in insure that the agency effectively carries out its information activities. The central policy-making office is to conduct and report on periodic evaluations of the effectiveness of the

agency activities. This reporting will provide the necessary feedback to stimulate continued improvements in the Government's information management activities.

The new central policy and oversight office created in OMB will be the Office of Federal Information Policy. The head of the new office, an Administrator, will be appointed by the OMB Director; thus both the Administrator and the OMB Director will be directly responsible and accountable for insuring that the Office of Federal Information Policy effectively carries out its assigned responsibilities. H.R. 6410 vests the functions of the office in the Director, but mandates that the Director delegate them to the Administrator.

The legislation requires the OMB Director to provide overall direction in developing and implementing information policies, principles, standards, and guidelines for the Federal Government's information activities. These activities include the review of information collection requests, reduction of the paperwork burden placed on the public, Federal statistical activities, records management, privacy, interagency sharing of information, and use of automatic data processing and other technology for managing information resources. This alignment will require a consolidation of policymaking and oversight functions into the new OMB office. While the Committee clearly intends that the individual agencies will retain operating responsibilities in these areas, such activities will be subject to the responsibilities vested in OMB under this legislation.

An important part of the OMB office's management responsibility will be reviewing agency information activities. H.R. 6410 requires the OMB Director to evaluate the agencies' information practices to determine their adequacy, efficiency, and compliance with policies, principles, standards, and guidelines promulgated by the Director. The Director is to review, with the advice and assistance of the Administrator of General Services, each agency's information management activities at least once every three years. It is expected that GSA will provide considerable support to OMB in carrying out this responsibility. The Director is to report on the results of these reviews to the appropriate agency head and to specified congressional committees. In turn, the agencies are to respond to the reports by submitting a written statement to the OMB Director and to the same committees receiving the report, describing measures taken to alleviate or remove any problems or deficiencies identified in such reports. The reporting and required agency response is patterned after the practice of agencies responding to GAO reports. It will provide the essential information to insure that the agencies are fully considering and responding to recommendations to improve their information activities.

GSA, in its reviews of requests for authority to acquire information technology, is to review the need for the technology and whether it will improve the agency's operations. At the time GSA makes these reviews, it should consider the results of any studies performed of the agency's information activities under section 3515 to insure that any problems or deficiencies identified have been resolved or that the proposed acquisition will assist in resolving the problem.

It is also expected that certain restructuring of activities may be required within the agencies. The Committee expects that each

agency will reorganize, to the extent necessary, so that the counterpart activities within the agency to those assigned to the OMB Office of Federal Information Policy will report directly to the senior official designated by the agency head. This realignment should provide for greater coordination among the agency's information activities as well as greater visibility within the agency.

In a communication to the Committee, the Environmental Protection Agency raised a question concerning its proposed structure for its information management activities. EPA proposes to have its reports clearance and statistical policy functions assigned to a staff that manages its regulation development process and its internal information management functions assigned to a separate component. These functions are all assigned to the Assistant Administrator for Planning Management who reports directly to the EPA Administrator. EPA raised a question concerning whether this kind of structure was permitted by H.R. 6410.

Under this legislation, the responsibility and accountability for the agency's information management activities is in that senior official designated by, and reporting directly to, the agency head under Section 3506(b) of proposed new chapter 35, Title 44, United States Code. A proposed structure for an agency will comply with the intent of H.R. 6410 provided that (a) the agency's information functions, which relate to the OMB Director's functions listed in Section 3504(a), are under the jurisdiction of the designated agency official and (b) the designated official has final approval authority over the agency's information functions. Subcomponents may be created under the designated agency official as necessary to reflect the agency's operating needs, as long as such subcomponents shall report directly to, and be under the direction of, such official. This recognizes that one structure will not be appropriate for all agencies.

The appropriate structure under H.R. 6410 is somewhat different in the case of a Government department having constituent agencies, such as the Department of Defense. The Committee expects that each constituent agency will establish a central information management unit, subject to the review and approval of the department-level unit headed by the designated senior official. The basic reason for this organization is that a department has the responsibility to consider its mission in a department-wide sense, whereas a constituent agency will generally consider only its own mission. In some cases, an individual action may raise a conflict between a constituent agency and its department. Consistent with the objectives of this legislation and within statutory limits, the constituent agency must conform its needs and interests to those of the department.

H.R. 6410 permits the OMB Director to delegate the responsibility of approving proposed information collection requests to the agencies. Should the OMB Director find that the senior official responsible for an agency's information management has sufficient resources to effectively evaluate proposed information collection requests, the Director may, subject to the notice and comment provisions of the Administrative Procedure Act (chapter 5 of title 5, United States Code), delegate his power to approve those requests to the senior official. However, before such delegation is made, the Committee expects that the OMB Director will verify, by reviewing

the agency's structure, procedures, and resources applied, that the agency has sufficient capability to effectively evaluate the proposed information collection requests. H.R. 6410 states that, in acting for the OMB Director, the senior agency official is to comply fully with the rules and regulations promulgated by the Director. The bill does not permit that official to redelegate his approval authority within his agency.

The Committee also notes that, under section 111 of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 759), where the agencies have demonstrated procurement competence and a good record the General Services Administration may grant broad discretion to the agencies in making procurements of automatic data processing resources with less direct GSA involvement. H.R. 6410 requires that any such delegations by GSA to the agencies be made to the senior information management official designated under this legislation.

The Committee hopes that these potential delegations, permitting a certain degree of agency autonomy, will provide strong incentive to the agencies to make the substantial improvements in their information resources management which are a necessary prerequisite for the delegations being made.

Another essential part of the design for the Federal Government's information resources management structure is the opportunity for public input. H.R. 6410 requires the OMB Director to consult with the public and the agencies affected in developing information policies, rules, regulations, and procedures. The agencies are to publish in the Federal Register notices of their submissions of proposed information collection requests to OMB for approval. It should be clearly understood that this requirement is for the purpose of allowing the public to comment on the proposed information collection. Delegations of the OMB Director's information collection approval authority to the agencies are also subject to the notice and comment provisions of the Administrative Procedure Act allowing public comment on the proposed delegations. The Committee also expects that in promulgating information policies, rules, regulations, and procedures, the OMB Director will require agencies to consult with the public with regard to the conduct of their information management activities. These provision should increase the opportunity for the public to provide suggestions to the Government for improving its information activities.

A final component of the management structure being created under the legislation is ensuring that necessary resources are allocated to the information resources management task. In this regard, H.R. 6410 provides a specific authorization of funds for OMB to carry out the provisions of the bill. It is not clear to the Committee whether any additional funding will be required by individual agencies. If the information resources management functions are properly staffed now, no additional resources will be needed. Assistant Secretary of Defense Wacker testified that his department would not need additional resources to carry out the bill's provisions.

ASSIGNMENT OF FUNCTIONS TO OMB OFFICE

H.R. 6410 not only strengthens and expands functions presently existing in OMB but also adds two new functions. The legislation further allows the OMB Director to assign other related information policy functions to the new office.

The Office of Federal Information Policy will be responsible for setting Government-wide information policies and standards related to the collection, use, and dissemination of information by Federal agencies. The functions vested in the new office are described in Section 3504 of proposed new chapter 35 of Title 44, United States Code. These functions are policymaking and management oversight functions, as distinguished from operating functions which will remain with the various agencies. However, the agencies are required and expected to abide by the policies and standards established by the Office of Federal Information Policy.

Several functions related to information policy are presently located in OMB. The Committee expects the core of the new office will be OMB's recently-created Office of Regulatory and Information Policy. That office now has responsibility for (1) overseeing agency activities under Executive Order 12044 on "Improving Government Regulations," (2) that portion of the reports clearance responsibility currently assigned to OMB, (3) oversight of automatic data processing resources under the Brooks Act (P.L. 89-306), (4) certain telecommunications responsibilities under Executive Order 12046, (5) Privacy Act oversight, and (6) following up and reporting on the status of the recommendations of the Commission on Federal Paperwork.

Under H.R. 6410, the OMB Director is to ensure that the agencies, in developing rules and regulations, use efficient methods to collect, use, and disseminate the necessary information. The Committee views this function as similar to the present OMB function of overseeing agency activities under Executive Order 12044.

A question was raised during the hearings as to whether the bill's language meant the OMB office was to have a regulatory reform function. Regulatory reform is a separate issue from the function assigned by H.R. 6410. Under the bill, OMB is assigned the responsibility for reviewing, reporting and recordkeeping requirements imposed on the public by regulations. Regulatory reform, on the other hand, deals with major modifications in agency responsibilities. The Committee intends that OMB continue its effort in overseeing the information aspects of Government regulations. However, the assignment of regulatory reform to the Office of Federal Information Policy would dilute the information functions assigned under this bill.

OMB's responsibilities under the Brooks Act (Public Law 89-306) are to be delegated to the Office of Federal Information Policy under H.R. 6410. The Brooks Act was enacted to establish a framework for the central management and procurement of the Government's automatic data processing resources. The Act has two basic objectives: (1) ADP resources should be procured as economically and efficiently as possible and (2) only those resources should be procured which are needed and which can assist the management of Government programs.

The Committee described its view of OMB's role in ADP oversight in its report on the Air Force's Phase IV Program (House Report 96-694). The Committee said in that report that OMB, in conformity with the requirements of the Brooks Act, should establish: (1) Government-wide policies on the acquisition and use of ADP resources; (2) regulations containing detailed requirements on how agencies are to justify their ADP planning and acquisition decisions, including the development of common workload definitions, descriptions, analyses, and standard forms of presentation; (3) operational guidelines for the General Services Administration and the Department of Commerce to follow in carrying out their responsibilities, including review of agency plans and studies and enforcement of central oversight policies and regulations; and (4) a 5-year operating plan for the effective implementation of the Brooks Act, to be reviewed yearly to allow for operational adjustments and budgetary considerations. Additional guidance on how the Brooks Act objectives should be carried out is contained in Appendix IV of the House Report. The Committee expects that the Office of Federal Information Policy will use this guidance in fulfilling its responsibilities under H.R. 6410.

OMB's ADP oversight role under the Brooks Act ties very closely to a major purpose of H.R. 6410, to improve the efficiency and effectiveness of Government programs through the improved management of information resources. Under this legislation, technology for managing information resources should be acquired and used in a manner which improves service delivery and program management, increases productivity, reduces waste and fraud, and reduces the information processing burden on the Government agencies and the public. This technology includes, but is not limited to, computer technology, communications technology, and related information handling, storage, and retrieval technology.

During testimony, the GSA witness discussed the issue of managing equipment under the Brooks Act which was classified as office equipment. He specifically referred to a new regulation issued to the agencies by GSA on word processing but stated that many agencies were resisting the notion that office automation, data processing, and communications were related. It is the intent of the Committee that word processors and other kinds of technology for handling information be covered for purposes of H.R. 6410 and the Brooks Act.

H.R. 6410 also expends OMB's telecommunications responsibilities. The telecommunications policy-setting function is presently split among several organizations, including OMB. This legislation expands the OMB Director's responsibility by vesting full responsibility for establishing all telecommunications policies, principals, standards, and guidelines in the Director. Subject to OMB's oversight, the Department of Commerce will retain its operational responsibilities with regard to private sector telecommunications, and GSA will retain its operational and management responsibilities relating to Government telecommunications.

This legislation extends OMB's responsibility to follow up on the recommendations of the Commission on Federal Paperwork. Under legislation which created the Commission, OMB, in conjunction with the executive agencies, was to (1) formulate the views of the executive agencies on the recommendations of the Commission, (2)

carry out the recommendations in which they concur to the extent practicable within the limits of their authority and resources, and (3) propose legislation needed to carry out or to provide authority to carry out other Commission recommendations in which they concur. OMB was to submit to the President and the Congress status reports at least every 6 months and a final report within 2 years of the conclusion of the Commission's work.

Action on the Commission's recommendations is far from completed. OMB testified on February 21, 1980, before the Subcommittee that more than half of the Commission's recommendations directed at the executive branch had been implemented. However, the Committee's Ranking Minority Member, the Honorable Frank Horton, who is the former Chairman of the Paperwork Commission, questioned OMB about a draft GAO report entitled "The Followup Program for Federal Paperwork Commission Recommendations Is in Trouble". The report, issued after the hearing, stated that (1) the OMB followup program needs leadership and has a number of fundamental problems in the way it was designed to operate, (2) agency top managers are not participating in the followup program, (3) the reported claims of implementation and rejection of many recommendations is incorrect, (4) the OMB status reports provided insufficient information and need to be completely redesigned, (5) some Commission recommendations had not been assigned to agencies for action, and (6) OMB had excluded recommendations directed at the Congress from its followup process even though the recommendations impact in a major way on ongoing agency programs and policies. OMB agreed to provide information for the record responding to the issues raised in the GAO report.

OMB subsequently provided the Committee with a copy of its comments to GAO on a draft report. OMB said that GAO's conclusions about the status of individual Paperwork Commission recommendations were premature because OMB has not rendered final decisions on the status of any of the recommendations even though a status is shown in OMB's interim reports. OMB also said it has taken steps to augment the resources and increase the level of effort devoted to the Commission recommendations.

GAO, in its final report, disagrees with these and other OMB comments. The GAO report points out that the most recent OMB status report (September, 1979) does not indicate any "tentative" status on those recommendations marked "Implemented" or "Rejected" and that OMB did not have actions underway to report better information in the final OMB report. While OMB contends that more than half of the recommendations have been "fully implemented," GAO states that Commission recommendations were often assigned to the wrong people, written evaluations were not prepared, decisions were based on limited or bad information, top managers were not brought into these decisions and the implementing actions were not taken. GAO further pointed out that OMB comments did not address GAO's recommendations aimed at redesigning the program, putting someone in charge full-time, and obtaining entirely new agency responses for a majority of the Commission recommendations.

OMB recognizes that additional time is necessary to complete action on the Commission recommendations and has endorsed the

provision in H.R. 6410 extending its statutory responsibility for following up on the Paperwork Commission recommendations.

Under this legislation, the Office of Federal Information Policy will become responsible for statistical policy. This responsibility will include: (1) Developing long range plans for improving the performance of Federal statistical activities; (2) coordinating the Government functions relating to statistics and statistical information; (3) overseeing the establishment of Government-wide statistical policies, principles, standards, and guidelines; and (4) evaluating statistical program performance. The statistical policy and coordination function, which is described generally in section 103 of the Budget and Accounting Procedures Act of 1950 (31 U.S.C. 18b), is vested in the President but presently assigned to the Department of Commerce by Executive Order 12013. H.R. 6410 transfers the statistical policy function to the OMB Office of Federal Information Policy and describes it with greater specificity than does the existing law.

There is some disagreement as to where the statistical policy function should be located. The Comptroller General testified that he clearly favors transferring the statistical policy function from the Department of Commerce to the new OMB office, as provided by H.R. 6410. He indicated that the statistical policy function is closely related to the other information management functions assigned the new office by H.R. 6410 and that statistical policy should also be assigned to OMB.

The OMB witnesses, however, testified that they believed the bill's provisions assigning statistical policy to OMB should be deleted. OMB considered the statistical policy function to be unique and alleged that its administration requires sufficient independence to address the needs of the statistical community. The OMB witnesses conceded, however, that their agency must work closely with those persons responsible for statistical policy, suggesting a close interrelationship between the statistical policy function and the other information management functions presently assigned to OMB.

In a March 3, 1980, letter to the Committee Chairman, OMB reiterated its strong belief that the statistical policy function should remain outside OMB and should not be absorbed within an organization devoted to paperwork reduction and information resources management. OMB gave two reasons for its position.

First, OMB said that, if statistical policy coordination and oversight is to be effective, it must be a demanding, time-consuming function. OMB believes that inclusion of statistical policy functions within the Office of Federal Information Policy would distract the OMB officials concerned with regulatory and information policy issues and would interfere with the effective execution of both the objectives of H.R. 6410 and the President's directives to OMB to reduce the burden of regulations and paperwork imposed upon the public. OMB contends that combining statistical policy with the other information management functions will submerge either important statistical issues or the other functions.

Second, OMB said the importance of statistical policy issues has grown so great in the past several years as to merit significant and separate emphasis. OMB pointed out that statistics are used to distribute monies under several grant programs and that the effect of

statistics on inflation is of real concern. OMB believes these policy issues should be resolved separately from OMB's responsibilities for reducing the regulatory and paperwork burden on the public. According to OMB, it was for this reason that the President approved the transfer of the statistical policy function from OMB to the Department of Commerce.

The Committee believes that most policy setting, coordination, and oversight functions, if they are to be effectively and efficiently carried out, will be time consuming. With regard to the possibility of one information management function being overshadowed by another, the Committee expects that the OMB Director and Administrator of the Office of Federal Information Policy would not let this occur. The Committee expects OMB to effectively and efficiently carry out each of the functions assigned under H.R. 6410 or provide it with reasons why such implementation cannot be performed.

The intent of the Committee under H.R. 6410 is to consolidate all the policy-setting and oversight functions related to information management, so that coordinated, consistent, Government-wide policies will be developed and implemented. Thus far, policies related to information management have been developed on a piecemeal basis by numerous organizations. The Committee believes that the Government must coordinate these policies and make them consistent. The closeness of the relationship to information resources management is the criterion for inclusion of functions in the Office of Federal Information Policy. OMB agrees that a relationship exists between statistical policy and the other information management functions described under the bill. The Comptroller General and other witnesses testifying before the Committee recommended that statistical policy is clearly an information resources management function.

With regard to the importance of statistical policy issues, prior to October 1977, statistical policy was determined within OMB, at a level above the agencies' statistical operating activities. Since October 1977, statistical policy has been made within an executive department, at the same level as the agencies' statistical operating activities. The Committee views this 1977 move as a downgrading in the importance of the statistical policy function and contrary to the increasing significance of the function.

The Committee's inclusion of statistical policy in H.R. 6410 will elevate the function, combine it with related information functions, and correct the current deficiencies of the ineffective statistical policy function. Because of these factors, the Committee concludes that it is appropriate to assign the statistical policy function to the new OMB Office of Federal Information Policy. However, since the Committee believes improvements are necessary, it will consider further Administration proposals with regard to creating protected "statistical enclaves" or other improvements in statistical activities.

A records management policy-setting and oversight function is being created and assigned to the Office of Federal Information Policy. The Office will oversee the records management activities carried out by the Administrator of General Services, provide advice and assistance to GSA, and review agency compliance with records management requirements. The Comptroller General cited

the need for this new function stating that, in the past, the records management function has not received the level of management attention it deserves. The GSA witness testified that having the authority and support of OMB behind GSA's record management inspection programs would have a very positive effect on agencies' commitments to improve their records and information management practices.

H.R. 6410 also permits the OMB Director to assign additional functions to the Office of Federal Information Policy. Any such functions should be specifically related to the information policy functions assigned the Office by this legislation. Some witnesses suggested certain other functions for the Office. For example, the Comptroller General and the representative of the Association for Federal Information Resources Management both mentioned Freedom of Information Act coordination as a possible added function. To the extent possible, the related functions would be added by administrative action of the OMB Director. If legislation is needed to add any appropriate functions, the Director should ensure that the necessary proposals and justification are developed and submitted to the Congress for its consideration. The Committee expects that the Director will not at any time assign to the Office of Federal Information Policy functions unrelated to information resources management.

TASKS AND DEADLINES

H.R. 6410 provides a series of tasks to be performed by the OMB Director and deadlines by which the tasks must be completed. The Committee expects the Director and Office Administrator to assign Office personnel in such a manner as to ensure the carrying out of all the functions of the Office of Federal Information Policy, as well as accomplishing the specified tasks within the times required by this legislation.

The tasks include developing a 5-year plan for meeting the ADP and telecommunications needs of the Federal Government, revitalizing the development of information processing standards, assigning the responsibility for conducting audits of major information systems, and establishing the Federal Information Locator System. These and other similar tasks of making plans for improving information activities and establishing information standards are needed to provide a base for OMB to carry out its responsibilities. Without establishing this base upon which to build, OMB will not be able to achieve the objectives of H.R. 6410.

Assignment of these tasks permit the new OMB Office of Federal Information Policy the opportunity to achieve some early successes toward improving Federal information activities. It will also permit an evaluation of OMB's effectiveness in implementing this legislation.

Of particular importance to the Committee is for the Director of OMB to develop, in consultation with the Administrator of GSA, a five-year plan for meeting the automated data processing and telecommunications needs of the Federal Government. This plan will offer Congress, agencies, industry, and the public a clear summary of planned expenditures, probable events, and patterns of technological applications in the Federal Government. This plan should

become an ongoing annual statement of the Office of Federal Information Policy.

The foundation of the plan should be an assessment of the information processing resources available to the Federal Government and estimates of future needs for the planing period. Known or probable trends in types of equipment or services consumed should be highlighted. The GSA is authorized and directed by Public Law 89-306 to provide for these needs must translate these trends and opportunities into responsive and efficient service programs. This may require GSA to discard the inadequate or no longer appropriate programs and regulations and to establish or develop new ones.

The plan should also project significant events for the five-year period and discuss the impact or consequences of each. Such events, for example, might include the issuance of new standards, revised Government-wide policies, the establishment of new service centers, scheduled audit or inspection of major automated information systems, and milestones for the Federal Information Locator System.

GSA CENTRAL MANAGEMENT RESPONSIBILITIES

The General Services Administration has some central management responsibilities under both existing law and H.R. 6410.

The Brooks Act (P.L. 89-306) gives GSA, along with OMB, a central management role to ensure that the Act's objectives are met. However, in its report on the Air Force's Phase IV automatic data processing procurement (House Report 96-694), the Committee cited several weaknesses in GSA's fulfillment of its central management role. The Committee recommended that GSA increase its activities under the management oversight responsibilities assigned by the Brooks Act. The Committee said GSA must reorient its management philosophy, which emphasizes its service role as opposed to its management oversight function. The Committee described what it believes GSA's role to be. With OMB setting policy and maintaining oversight under both the Brooks Act and H.R. 6410, GSA should act as the Government's operational manager of ADP resources following OMB's guidelines and mandates. This would include reviewing agency procurement justifications to insure compliance with Government ADP policies and regulations prior to the acquisition of ADP resources by the agencies. GSA's Brooks Act responsibilities are clarified and made more specific under H.R. 6410. Further, these responsibilities are integrated with the new central management responsibilities assigned by this legislation.

Similarly, chapter 29 of title 44, United States Code, gives GSA a central management role with regard to records management. H.R. 6410 assigns OMB policy-setting and oversight responsibilities in that field. The Committee expects that GSA, following OMB's guidelines, will continue to be the operational leader in improving agencies' records management practices.

GSA is also assigned new central management responsibilities under this legislation. As a means of identifying needed improvements in the agencies' information activities, H.R. 6410 requires the OMB Director, with the advice and assistance of GSA, to review the information resources management activities of each

agency at least once every 3 years to ascertain their adequacy and efficiency. The results of these reviews are to be reported to the agency head and selected congressional committees.

GSA was given this function of assisting the OMB Director in reviewing agency information activities because of its current expertise in ADP, telecommunications, and records management. The assignment of this central management function, however, may suggest the need for a consolidation of GSA activities pertaining to ADP, telecommunications, and records management. Furthermore, GSA may have to increase its staff assigned to these activities in order to do a creditable job in its review of the agencies' information activities. Delegations to the agencies of the responsibility for ADP acquisition authorized by section 111 of the Federal Property and Administrative Services Act would release some resources which could be applied to the reviews of agency activities. The Committee expects GSA's fulfillment of this new responsibility to be a crucial part of the new management structure created under this legislation.

In addition, GSA is to assist OMB in conducting studies and developing standards related to records retention requirements imposed on the public and on State and local governments by Federal agencies. The representative of the Association of Records Managers and Administrators testified in great detail about the problems faced by organizations attempting to comply with Federal Government records retention requirements and the need for this provision. GSA's responsibilities for Federal records retention requirements renders it uniquely capable to assist in developing and reviewing records retention requirements imposed on the public and on State and local governments.

IMPROVEMENT IN AGENCY INFORMATION MANAGEMENT ACTIVITIES

The need for improving the Federal agencies' management attention, structure, procedures, and staffing for carrying out their information activities is well documented. Such improvements will cost money, but their potential for savings due to increased efficiencies in Government operations far outweigh these costs.

Studies by various organizations demonstrate that improvements are needed in the agencies' information activities. Over the past several years, the General Accounting Office has issued a number of reports citing deficiencies in various agencies' information practices and procedures. The Comptroller General provided for the record a summary of some of these reports identifying, where possible, estimated benefits which could be achieved through improved information management in the agencies. The Commission on Federal Paperwork and the President's Reorganization Projects for Federal Data Processing and Statistics also demonstrated deficiencies in the agencies' practices and made recommendations for improvements. Furthermore, the President has stated that the reporting burden levied by Federal agencies subject to the President's paperwork reduction program has been reduced by almost 15 percent during the first two years of his Administration. These claimed reductions are commendable, but the fact that reductions could be accomplished demonstrates that the agencies' procedures were lax because the eliminated collections should never have been

made. The public continues to scream about the Federal Government's reporting and recordkeeping requirements. That complaint was very much vocalized at the recent White House Conference on Small Business.

Several of the witnesses suggested a need for greater recognition on the agencies' part that information is a resource to be managed just as personnel, supplies, and equipment resources are managed. Two agencies have cited examples of their recognition of the importance of information and the proper management of that resource. These are the Environmental Protection Agency, which provided a communication to the Committee, and the Department of Defense, which testified before the Subcommittee.

EPA advised the Committee that information about the environment and the effects on the environment of specific substances and activities was essential for EPA to implement and enforce U.S. environmental protection laws. EPA estimates that it presently spends in excess of \$150 million annually to gather and analyze information. In the past, EPA said serious questions were raised about its information activities. GAO, OMB, and other critics questioned the effectiveness of EPA's management of its information. The present EPA Administrator posed similar queries when he came into office and directed a thorough review of the situation. The review showed that EPA did not have the necessary management controls over its annual investment in information. Based on this study, the EPA Administrator initiated a series of reforms to gain control and improve the management of his agency's information resources.

Assistant Secretary of Defense Wacker also recognized the need to strengthen and improve information management and control processes. He testified that, from DOD's perspective, a major objective of H.R. 6410 is to implement the concept of information resources management. This concept focuses efforts to manage and control information through its entire life cycle, from the time the requirement for the information is first expressed through the ultimate disposition of the data. Assistant Secretary Wacker said DOD is moving to implement the life cycle information management process throughout DOD.

The Assistant Secretary described certain actions taken in his department over the past few years to improve information resources management. These actions include (1) attempting to develop department-wide policies and procedures to achieve improvements in information management, (2) developing an information locator system, and (3) reducing information collection requests by 20 percent, which the Department estimated would save an estimated \$44 million.

While these agencies have recognized that information is a valuable resource which should be managed and have taken certain steps to manage their information, substantial actions are needed by both if they are to live up to their responsibilities under H.R. 6410. The Committee's discussion of DOD's information management contained in the report on the Air Force's Phase IV automatic data processing procurement and a recently issued GAO report

on EPA's information management¹ criticize the respective agencies for the lack of management attention by the central agency offices, application of inadequate resources to the information management process, and inadequate authority being vested in the central agency office. In some respects, the two agencies are ahead of other agencies in managing their information resources although it is clear that neither have demonstrated adequate capability to qualify a delegation of authority from OMB under H.R. 6410.

H.R. 6410 establishes a broad mandate for agencies to perform their information management activities in an efficient, effective, and economical manner. In carrying out their activities, agencies are to comply with the policies, principles, standards, and guidelines prescribed by the OMB Director. In addition, agencies are required to take specific steps and develop certain procedures which, taken together, should improve information management practices. The reviews by the Director of the agencies' information activities should provide additional opportunities for resolving problems in the agencies' information management activities.

H.R. 6410 STRENGTHENS THE FEDERAL REPORTS ACT

Major revisions are made by this legislation to strengthen the administration of the Federal Reports Act, which is the statute presently providing for control of paperwork burdens imposed on the public by the Federal Government. That law, enacted in 1942, requires the Bureau of the Budget (now Office of Management and Budget) to review and approve most of the forms and questionnaires used by the Federal agencies to collect information from the public. The act contained certain weaknesses from its inception, such as certain agencies imposing a heavy reporting burden were being exempted from the Act's requirements. The Act was further weakened in 1973 when it was amended to transfer the responsibility for reviewing the independent regulatory agencies' forms and questionnaires to the General Accounting Office. Then in 1976, the Health, Education, and Welfare Secretary was assigned responsibility for establishing a data collection program on health professions personnel which was exempted from OMB's clearance authority. Finally in 1978, the HEW Secretary was assigned responsibility over all Federal data collections from educational institutions and programs. This fragmentation of responsibility further weakened the administration of the Act. The following changes contained in H.R. 6410 are intended to correct these weaknesses.

First, H.R. 6410 consolidates the paperwork control responsibility in OMB's Office of Federal Information Policy. That control responsibility is currently fragmented among OMB, GAO, and the Department of HEW. If this bill is not enacted, control will be further fragmented as some of it will soon be transferred to the new Department of Education. Both OMB and GAO testified in favor of consolidating the control responsibility in OMB. In response to a question from the Committee, the Comptroller General said such a split in responsibility (a) violates the basic management principle of clear designation of lines of authority, responsibility, and ac-

¹"Stronger Management of EPA's Information Resources Is Critical to Meeting Program Needs" (CED-80-18; March 10, 1980).

countability; (b) creates serious difficulties in trying to control duplicate information requests; (c) creates jurisdictional problems in determining which of the central clearance agencies has authority to clear certain agencies' proposals or certain types of requirements; and (d) creates confusion for the Congress and the public in obtaining information and advice and in making their views known on issues and problems associated with particular Federal information requirements. This consolidation brings the independent regulatory agencies under the same review process as other agencies, but it makes special provision to protect the independence of those regulatory agencies.

Second, H.R. 6410 eliminates all of the current exemptions from the central review process. The Federal Reports Act initially contained exemptions for the Internal Revenue Service, certain other Treasury Department agencies, and the Federal bank regulatory agencies in carrying out their bank supervisory functions. These agencies account for well over half of the information requirements currently imposed by the Government on the public.

OMB testified that the existing statutory exemptions which diminish its authority to review Federal paperwork activities should be ended. OMB pointed out that a majority of the Federal paperwork burden is presently exempt from OMB review and concluded that, without the review authority, there was little it can do to reduce the burden imposed on the public by these requirements. GAO agreed that the exemptions should be eliminated. A former IRS Commissioner, testifying for the Citizens Committee on Paperwork Reduction, also advocated the need for strong oversight of all agencies, including IRS, to make sure that efforts to reduce paperwork continue.

Third, recordkeeping requirements are specifically included in the reports clearance process. The Federal Reports Act is presently unclear on whether the recordkeeping requirements are subject to clearance. The Comptroller General stated in his testimony that both GAO and OMB have required that these requirements be cleared, but some agencies have resisted compliance.

Fourth, the definition of "collection of information" clarifies an ambiguity as to the types of information collections covered by the Act. The Comptroller General testified that certain interpretations, such as that by the Securities and Exchange Commission, severely limit the scope of the act and the controls over Federal information collection efforts.

Fifth, the bill clarifies the agencies' responsibilities by requiring agencies to eliminate duplication, minimize burden, and develop plans for tabulating data before they request OMB approval of proposed information requirements. Agency responsibilities under the Federal Reports Act are unclear. The Comptroller General testified that, in some cases, agencies have attempted to force upon OMB and GAO tasks which he believes the agencies should be performing while developing their information collection instruments.

Sixth, H.R. 6410 is specific in requiring OMB to evaluate and report on the agencies' information management activities on a periodic basis. The Federal Reports Act now requires the OMB Director to investigate agencies' needs for information and methods used to obtain data. OMB has implemented this language almost entirely through the reports clearance process. H.R. 6410 requires evalu-

ations to be carried out separate from, and in addition to, that process. The Committee believes that the implementation of this provision is essential if OMB is to achieve the objectives of this legislation. Further, the Committee expects that the agencies will complete the needed corrective actions in a timely manner.

Seventh, H.R. 6410 requires agencies, when submitting a proposed information collection request to the OMB Director for approval, to cause a notice of the submission to be published in the Federal Register. This notice is for the express purpose of alerting the public to the proposed information collection, so that comment can be made on it. The Federal Reports Act does not now require a Federal Register notice.

Eighth, the bill stipulates that no penalty may be imposed on a person who fails to respond to an information collection request which was not approved in accordance with the law's provisions. OMB identified in September, 1979, 12 information collection instruments with regard to education alone, which were being used by various agencies without approval. H.R. 6410 would allow the public, by refusing to answer these questionnaires, to help control "outlaw forms".

Ninth, this legislation permits the OMB Director to delegate to senior agency officials his power to approve proposed information collection requests. Each agency, however, must earn the privilege of approval authority by demonstrating sufficient capability to review the requests. The Comptroller General testified in favor of this provision, which would enable OMB to move from the time-consuming effort of reviewing individual reporting and recordkeeping requirements to a policy and oversight role. OMB also testified in favor of the provision, stating its intention to concentrate on developing Government-wide policies and one evaluating agency performance, instead of reviewing individual reporting requirements. Although the Committee believes that delegation of the authority to approve information collection requests may be useful in certain instances, it does not intend that delegations be made routinely. A delegation does not eliminate or diminish in any way OMB's oversight role in monitoring agencies' clearance practices or preclude OMB from reviewing specific information collection instruments. Further, OMB must review the proposed information collection requests until such time that the agencies adequately staff the function.

ELIMINATION OF DIVISION OF CLEARANCE AUTHORITY WITH RESPECT TO EDUCATION DATA COLLECTION

H.R. 6410 eliminates the fragmentation of the central clearance process as one of the improvements in the Federal Reports Act—the direct mechanism for controlling reporting burdens imposed on the public. This necessitates making conforming amendments to other legislation. The Committee strongly believes that the information collection requests of each Federal department and agency should be scrutinized in accordance with the same rules and regulations.

In the case of information collections from educational institutions, repeal of the HEW Secretary's authority substitutes the management structure created under H.R. 6410 for one created by

amendments to the General Education Provisions Act (GEPA) which were enacted on November 1, 1978. GEPA imposes on the Secretary of HEW the responsibility for coordinating the collection of information (1) whenever the respondents are primarily educational agencies or institutions and (2) whenever the purpose of an information collection is to request information for the management of, formulation of policy related to, or evaluation of, Federal education programs. GEPA establishes a council appointed by the HEW Secretary and composed of representatives of both the public and the Federal Government. The council is to provide advice to the Secretary and review the policies, practices, and procedures established by him. The Committee understands that the Secretary's responsibilities have been delegated to the National Center for Education Statistics in the Office of the Assistant Secretary for Education. HEW's responsibility under GEPA will be transferred to the Department of Education once that Department is operating.

H.R. 6410 transfers the education information collection approval responsibility back to OMB. GAO and OMB both testified in favor of eliminating the present split authority. The Commission on Federal Paperwork, although it concluded its work before the GEPA amendment, also favored eliminating split authority and central clearance exemptions under the Federal Reports Act.

H.R. 6410 is not the first attempt to repeal the education exemption from central clearance under the Federal Reports Act. The Senate attempted to repeal the exemption by a provision contained in the Senate-passed version of the legislation to create the new Department of Education. The House-passed version did not contain a similar provision. The Senate conferees agreed to the House-passed version on this point, on the understanding that the issue would be dealt with in this legislation. Thus, the provision to repeal the exemption is included in H.R. 6410.

A question has been raised about whether OMB will staff itself to do an effective job of making Government-wide information policy and reviewing and coordinating information collection requests and minimizing the burden imposed by them on the public. The Committee intends that OMB staff itself to do an efficient and effective job carrying out all its responsibilities assigned by H.R. 6410. Specific authorization is provided for the Office of Federal Information Policy in this legislation to ensure this.

RELATIONSHIP OF INDEPENDENT REGULATORY AGENCIES TO CENTRAL MANAGEMENT STRUCTURE

Under H.R. 6410, responsibility for reviewing the independent regulatory agencies' information collection proposals is transferred from GAO to OMB, so that a single central approval authority may be created. However, the bill contains a provision for each regulatory agency, by a majority vote of its members, to override a denial by the OMB Director. This preserves for the regulatory agencies their existing authority to make the final decision on their own information needs, but requires their members to take a second look at any information collection instrument in cases where questions of need are raised by the Director.

In comments to the Committee, the Federal Communications Commission and Securities Exchange Commission both described the effect of H.R. 6410 on their autonomy in view of the impossibility of separating information management from substantive agency policymaking. Information gathering is essential for formulating policy as well as for managing regulatory programs. Determinations of compliance with regulation often are made on the basis of information collections. Both independent regulatory agencies raised questions concerning the override provision and how it relates to sections 3507 and 3508 of proposed new chapter 35, Title 44, United States Code.

Section 3507 is the section requiring approval by OMB of proposed agency information collections from the public. The override provision for the independent regulatory agencies is contained in this section.

Section 3508 deals with the OMB Director's determination of whether an agency needs information for the proper performance of its functions and whether the information has "practical utility" for the agency. Although undefined in the bill, the Committee considers "practical utility" to be the ability of an agency to use information it receives, including the capability to process such information, in a timely and useful fashion. The Committee intends for the independent regulatory agencies to have the final say in determining their needs for information as long as such decisions are part of the public record and are consistent with section 3507(b). However, the Committee believes that an agency, regulatory or otherwise, should not collect any information it neither needs nor can use in a timely fashion. Too often, agencies will collect reams of data on the basis of need only to store the data unused. The collection of such data imposes an unnecessary reporting burden on those individuals or organizations being asked to provide it.

Under section 3509, the OMB Director may designate a collection agency to obtain information for two or more agencies if he or she determines that the agencies' needs will be adequately served by a single collection agency. The Federal Communications Commission questioned whether the override provision would apply under this section to prevent OMB control over the independent agencies' information activities. The Committee does not believe the override provision applies in the case of section 3509. We recognize, however, that an independent regulatory agency can in effect veto a decision under this section in two ways: first, by convincing the Director to reverse or revise his order with regard to central collection, and second, by proposing an information collection independent from the designated agency under section 3507 and then overriding the OMB Director's disapproval of that proposal.

SEC also told the Committee that while it strongly supports the goal of reducing the paperwork burdens on the public, it has serious concerns about the provisions of the bill which establish a system of review of SEC's information collection actions by OMB. SEC said these provisions would be inconsistent with the often-stated Congressional desire to preserve the Commission's policymaking independence and could impose burdens and delays on the administrative process. SEC said it does not believe that such reviews by OMB would provide any redeeming benefits. Moreover, SEC said certain provisions of the bill might be construed to estab-

lish a basis for persons subject to its jurisdiction to disregard or delay essential filing and reporting requirements.

SEC Strongly recommended that H.R. 6410 be amended to narrow the definition of "collection of information" to exclude reporting required in connection with statutorily-authorized regulatory, enforcement, or oversight efforts. SEC believes that the current Federal Reports Act definition is limited to collection for statistical purposes and does not authorize review of disclosure or enforcement-related information gathering.

The Committee agrees with both FCC and SEC as to the close relationship between policymaking and information management. However, regulatory agencies in the executive branch, such as EPA, have been able to justify to OMB their need for information used to establish policy or for other purposes. The independent regulatory agencies should also be capable of doing so. Most independent regulatory agencies presently justify their need for such information to GAO. SEC, however, has been an exception because of the narrow interpretation it has applied to the existing Federal Reports Act definition of "information". The Committee's intent in making the changes in the definition was to clarify the existing definition to force SEC and any others who might apply a restrictive interpretation to comply with statutory information collection clearance requirements. The Committee fully expects SEC to comply with the "more extensive" definition of collection of information as contained in H.R. 6410.

SEC is correct in its interpretation that persons subject to its jurisdiction may disregard or delay filing requirements, but only if SEC fails to clear its information collections properly. The provision in section 3512 forbidding the imposition of penalties for failing to provide information to an agency if the information collection is not approved is a step the Committee believes is needed to gain agency compliance with the law. An interim period is provided before this provision takes effect to permit agencies time to have their information collection requests approved.

OVERSIGHT FINDINGS

This legislation is the result of the Committee's oversight of several of the agencies affected by H.R. 6410. The Committee has held a number of hearings relating to the need for a strong management structure for information resources. In particular, the Subcommittee on Legislation and National Security held hearings in June and July, 1976, on the administration of the Brooks Act with regard to the procurement of automatic data processing resources by Federal agencies and in October, 1979, on the Department of the Air Force's Phase IV computer acquisition plan. The Committee has made no detailed findings and recommendations other than those contained elsewhere in this report.

COST ESTIMATE OF THE CONGRESSIONAL BUDGET OFFICE

The cost estimate prepared by the Congressional Budget Office under sections 308(a) and 403 of the Congressional Budget Act of 1974 is contained in the following letter from its Director:

CONGRESSIONAL BUDGET OFFICE,
U.S. CONGRESS,
Washington, D.C., March 13, 1980.

Hon. JACK BROOKS,
Chairman, Committee on Government Operations, U.S. House of
Representatives, Rayburn House Office Building, Washington,
D.C.

DEAR MR. CHAIRMAN: Pursuant to Section 403 of the Congressional Budget Act of 1974, the Congressional Budget Office has prepared the attached cost estimate for H.R. 6410, the Paperwork Reduction Act of 1980.

Should the Committee so desire, we would be pleased to provide further details on this estimate.

Sincerely,

ROBERT D. REISCHAUER
(for Alice M. Rivlin, Director).

CONGRESSIONAL BUDGET OFFICE—COST ESTIMATE,
MARCH 13, 1980

1. Bill number: H.R. 6410.
2. Bill title: Paperwork Reduction Act of 1980.
3. Bill status: As ordered reported by the House Committee on Government Operations, March 4, 1980.
4. Bill purpose: The purpose of this legislation is to establish the Office of Federal Information Policy which would oversee the development of federal information collection and management policies to reduce the paperwork required of the public. The bill also establishes the Federal Information Locator System composed of a directory of information resources, a data element dictionary, and an information referral service. The bill is to take effect on October 1, 1980, and \$8.0 million is authorized to be appropriated for fiscal year 1981, \$8.5 million for fiscal year 1982, and \$9.0 million for fiscal year 1983 to carry out all provisions of the bill.
5. Cost estimate:

[By fiscal years, in millions of dollars]

Authorization level:

1981	8.0
1982	8.5
1983	9.0
1984	
1985	

Estimated cost:

1981	6.8
1982	8.4
1983	9.0
1984	1.3
1985	

The costs of this bill fall within budget function 800.

6. Basis of estimate: For purposes of this estimate, it has been assumed that the full amounts authorized in each

fiscal year will be appropriated. Estimated outlays in each year are based on historical spendout rates for the Office of Management and Budget of 85 percent in the first year and 15 percent in the second year.

7. Estimate comparison: None.
8. Previous CBO estimates: None.
9. Estimate prepared by: Kathy Weiss.
10. Estimate approved by: C. G. Nuckols for James L. Blum, Assistant Director for Budget Analysis.

COMMITTEE ESTIMATE OF COST

The Committee does not agree with the cost estimate for H.R. 6410 prepared by the Congressional Budget Office because of its failure to consider that several of the functions covered by H.R. 6410 are existing responsibilities and functions in OMB, GAO, Commerce, and HEW. Should H.R. 6410 not be enacted, these existing functions will continue to be funded under current law. Therefore, the true cost of H.R. 6410 would be the estimated net cost rather than the gross amount of the authorization. The Committee, using figures provided by the Comptroller General, estimates that this net amount is approximately \$3.7 million for fiscal year 1981.

INFLATIONARY IMPACT

In compliance with clause (2)(1)(4) of House Rule XI, it is the opinion of the Committee that the provisions of this bill will have no inflationary impact on prices and costs in the operation of the national economy.

NEW BUDGET AUTHORITY AND TAX EXPENDITURES

No new budget authority or tax expenditures are contained in this legislation.

SECTION-BY-SECTION ANALYSIS

Section 1—Short Title

Section 1 titles the Act the "Paperwork Reduction Act of 1980."

Section 2—Coordination of Federal Information Policy

Section 2(a) amends Title 44 of the United States Code by striking out chapter 35 and inserting a new chapter in its place. Existing chapter 35 is the Federal Reports Act, which establishes the mechanism for controlling the reporting and recordkeeping burden imposed by Federal agencies on the public. In its place, new chapter 35 creates a management structure for the Federal Government's information related activities, including the control of public reporting burden.

Sections 3501 and 3502 identify the purpose for the chapter and define the terms used therein.

Section 3503 establishes in the Office of Management and Budget a new office known as the Office of Federal Information Policy. This Office is headed by an Administrator who is appointed by and who will report directly to the OMB Director. The Director is required to delegate to the Administrator the authority and responsi-

bility to administer all the functions assigned to the Director under the chapter.

Section 3504(a) identifies the authority and functions of the Director. The Director is to provide overall direction in developing Federal Government-wide information policies, principles, standards, and guidelines. Information activities mentioned as the subjects for Government-wide policies are review and approval of information collection requests, reduction of the paperwork burden imposed by agencies on the public, Federal statistical activities, records management, records privacy, and the acquisition and use of automatic data processing and other technology for managing information resources.

Section 3504(b) describes the general information policy functions of the Director, which include developing and establishing uniform information management policies; reviewing proposals for changes in legislation, regulations, and agency procedures to cause improvements in agency information practices; coordinating agency information activities; promoting greater agency sharing of information consistent with applicable law; evaluating agencies' information activities to determine their effectiveness and their compliance with the information policies established by the Director, and overseeing research with respect to information collection, processing, storage, transmission, and use.

Section 3504(c) describes the paperwork functions of the Director. These include reviewing and approving information collection requests proposed by Federal agencies; determining whether information is needed by an agency to perform its functions; designating, where appropriate, a single collection agency to obtain information for two or more agencies; setting goals for reducing the burden imposed by Federal information collection requests; overseeing action on the recommendations of the Commission on Federal Paperwork; and designing and operating the Federal Information Locator System created by section 3511.

Section 3504(d) describes the statistical policy functions of the Director, which include developing long range plans for improving the performance of Federal statistical activities; coordinating those activities; overseeing the establishment of Government-wide policies, principles, standards, and guidelines concerning statistical activities; and evaluating the performance of Federal statistical programs.

Section 3504(e) describes the Director's records management functions, which include providing advice and assistance to the Administrator of General Services to help him implement chapters 29, 31, and 33 of Title 44, United States Code, which deal with records management activities; reviewing agencies' records management activities to determine their compliance with guidelines and policies; and coordinating records management policies with those of related information programs.

Section 3504(f) describes the functions related to records privacy, which include overseeing the developing of policies, principles, standards, and guidelines both on information disclosure and confidentiality, and on safeguarding the security of information collected or maintained by Federal agencies or in conjunction with Federal programs; providing advice and guidance to the agencies concerning information security, restriction, exchange, and disclosure;

and monitoring compliance with the Privacy Act of 1974 and other related information management laws.

Section 3504(g) describes the automatic data processing and telecommunications functions, which include establishing policies, principles, standards, and guidelines for ADP and telecommunications functions and activities and overseeing the establishing of standards by the National Bureau of Standards under section 111(f) of the Federal Property and Administrative Services Act of 1949; monitoring the effectiveness of, and compliance with, directives issued pursuant to sections 110 and 111 of the Federal Property and Administrative Services Act (the Brooks Act) and reviewing determinations under section 111(g) of the Act; providing advice and guidance, in coordination with the Administrator of General Services, on the acquisition and use of information technology including, but not limited to, computer technology, communications technology, and related information handling, storage, and retrieval technology, promoting the use of ADP and telecommunications equipment to improve the effectiveness of the use and dissemination of Federal data; and reviewing proposals for changes in legislation, regulations, and agency procedures to improve automatic data processing and telecommunications practices.

Section 3504(h) requires the Director to insure that agencies, in developing rules and regulations, utilize efficient methods in collecting, using, and disseminating information; provides an early opportunity for the public to comment on proposed means of collecting information—by selection inspection by questionnaire, or by other methods—related to such rules and regulations; and assess the consequences of alternative methods of implementing the statutory goals of such rules and regulations, including alternative methods of collecting information.

Section 3505 assigns certain specific tasks to the Director and sets deadlines for their accomplishment. Within one year after the date of enactment of the Act, the Director is to:

- (1) establish standards and requirements for agency audits of all major information systems, assign the responsibility for conducting such audits, and assign the responsibility for conducting Government-wide or multiagency audits;
- (2) establish the Federal Information Locator System;
- (3) identify areas of duplication in information collections by Federal agencies and develop a schedule and methods for eliminating the duplication; and
- (4) develop a proposal to augment the Locator System to include profiles of major information holdings of Federal agencies which are not required to be included in the Locator System.

Within two years after the enactment date, the Director is to:

- (1) establish a schedule and a management control system to insure that the practices and programs of the various areas related to information management are appropriately integrated with each other and with the broad information policies established by chapter 35;
- (2) identify initiatives which may achieve substantial improvements in the productivity of Federal operations through the use of information processing technology;

(3) develop a program to enforce Federal information processing standards at all Federal installations, and revitalize the standards development program, separating it from peripheral technical assistance functions;

(4) complete action on the recommendations of the Commission on Federal Paperwork, including the development of legislation necessary to implement such recommendations;

(5) develop, in consultation with the Administrator of General Services, a five-year plan for meeting the automatic data processing and telecommunications needs of the Federal Government in accordance with the requirements of section 111 of the Federal Property and Administrative Services Act and the purposes of this Act; and

(6) submit to the President and the Congress legislative proposals to remove inconsistencies in laws and practices involving privacy, confidentiality, and disclosure of information.

Section 3506 describes the responsibilities of the Federal agencies under chapter 35. Each agency is to carry out its information activities in an efficient, effective, and economical manner, and to comply with the policies, principles, standards, and guidelines prescribed by the OMB Director. Each agency head is to designate within three months of the date of enactment of this Act a senior official who reports directly to the agency head and who will carry out the agency's responsibilities under this chapter. Each agency is to inventory its major information systems and review its information management activities involving the collection, use, and dissemination of information; take steps to insure that its information systems do not overlap or duplicate those of other agencies; develop procedures for assessing the paperwork and reporting burden of its information collection activities and of proposed legislation and regulations related to the agency; and assign to the official heading its information resources management program the responsibility for the conduct of an accountability for any acquisitions made pursuant to a delegation of authority under section 111 of the Federal Property and Administrative Services Act. In addition, each agency head is to establish necessary procedures to ensure compliance with the requirements of the Federal Information Locator System. The Committee believes that in performing all of these functions, agencies will benefit substantially from consultation with members of the public.

Section 3507 requires agencies to submit their proposed information collection requests to the OMB Director for his approval. Before an agency makes a submission, it is to eliminate any information collections which seek to obtain information available from other sources within the Federal Government, to minimize the compliance burden on respondents, and to formulate plans for tabulating the information in a manner such that the information will be useful not only to that agency, but also to other agencies and the public. Agencies are required to submit to the Director with their proposed information collection requests, copies of pertinent regulations and other related materials specified by the OMB Director and explanations of measures they have taken to eliminate duplication, reduce burden, and tabulate data. Agencies are to cause notices of their submissions to the Director to be published in

the Federal Register specifically for purposes of obtaining comment from the public.

The Director is to review, modify, approve, or deny the collection requests submitted, except that a denial of a request submitted by an independent regulatory agency may be overridden by majority vote of the regulatory agency's members. The Director is to notify an agency of his decision to approve or disapprove a proposed information collection request within 60 days of receipt. However, if circumstances warrant, the Director may extend the review period for an additional 30 days. If the Director does not notify the agency of his decision within 60 days or within the time extension, his approval may be inferred and the agency may collect the information for a period of up to one year. Approvals of the information collection requests are to be valid for a period of no more than three years.

The Director may delegate his information collection approval authority to an agency if he determines that the senior official within that agency is independent from any program responsibility and has sufficient resources to evaluate whether proposed information collection requests should be approved. This delegation is subject to the notice and comment provisions of the Administrative Procedure Act. The scope of delegation is to be determined by the Director; it could encompass, for example, information requirements which impose a small burden on the public, but not those which demand more than an hour of each respondent's time. Delegation does not preclude the Director, on his own initiative or on request of interested persons, from reviewing individual information collection requests if he determines that circumstances warrant such review. The Director retains the authority to revoke delegations to the agencies, both in general and with regard to any specific matter. He may approve, modify, or disapprove any requests on which a delegee has already ruled. Any official to whom the approval powers have been delegated is to comply fully with the rules and regulations established by the Director.

Under section 3507, no agency will be exempt from the requirements established by chapter 35.

Section 3508 requires the Director, before approving, modifying, or denying a proposed information collection request, to determine whether the collection is needed for the performance of agency functions and has practical utility for the agency. If the Director determines that a collection is not necessary, he should not approve it. Before making any determination under this section, the Director should, wherever useful, give the agency involved and other interested persons an opportunity to be heard or to submit written statements.

Section 3509 allows the Director to designate a collection agency to obtain information for two or more agencies if the Director decides that the needs of such agencies for information would be adequately served by a single collection body. In such cases, the Director is to prescribe the duties and functions of the collection agency and the agencies for which information is to be collected. While this designation is in effect, an agency covered by the designation is not to obtain for itself the information which it is the duty of the collection agency to obtain. The Director may modify any designations under this section as circumstances require.

Designation of a collection agency under this section is not authorized if the sharing of data between agencies is "inconsistent with any applicable law." To be inconsistent, the applicable law must prohibit the sharing of data between agencies or must totally prohibit the disclosure to anyone outside the agency. A mere prohibition on disclosure to the public would not be inconsistent with sharing the data with another agency unless the sharing would inexorably lead to a violation of that prohibition. Section 3510(b) provides for penalties relating to the unlawful disclosure of data and is sufficient to protect against unauthorized disclosure of data by a receiving agency.

Section 3510 promotes the sharing of information among agencies to the extent not precluded by other provisions of law. The Director can direct an agency to make information it has collected available to another agency if the disclosure is not inconsistent with any applicable law, if it is disclosed in the form of statistical totals or summaries, or if the person who supplied the information consents to the disclosure. If information obtained by an agency is released to another agency, all provisions of law, including penalties which relate to the unlawful disclosure of the information, apply to the officers and employees of the receiving agency to the same extent and in the same manner as the provisions apply to the officers and employees of the agency which originally obtained the information.

The Director may direct an agency to share its data with another agency if, among other things, the disclosure is "not inconsistent with any applicable law." As with section 3509, to be inconsistent, the applicable law must prohibit the sharing of data between agencies or must totally prohibit the disclosure to anyone outside the agency. A mere prohibition on disclosure to the public would not be inconsistent with sharing the data with another agency unless the sharing would inexorably lead to a violation of that prohibition. Subsection (b) provides for penalties relating to the unlawful disclosure of data and is sufficient to protect against unauthorized disclosure of data by a receiving agency.

Section 3511 requires the establishment and operation of a Federal Information Locator System. The System is to serve as the authoritative register of all information collection requests by Federal agencies. In designing and operating the System, the Director is to design and operate an indexing system for it; prescribe rules requiring each agency head to submit a data profile for each information collection request of such agency; compare the data profiles for proposed information collection requests against existing profiles in the System; and make the results of the comparison available to agency officials who are planning new information collection activities and, on request, to members of the general public. The Director is to ensure that no actual data collected by Federal agencies is contained within the System.

Section 3512 states that, notwithstanding any other provision of law, an agency cannot impose a penalty on any person for failing to provide the information to the agency if the information collection request involved was not approved in accordance with section 3507. This provision does not take effect until December 31, 1981, so that agencies may have time to secure approval of all essential information collection requests.

Section 3513 requires the Director, with the advice and assistance of the Administrator of General Services, to review, at least once every three years, the information management activities of each agency. These reviews are to determine the adequacy and efficiency of the agencies' information activities, including the acquisition and use of information technology, as well as compliance with the information policies, principles, standards, and guidelines prescribed by the Director. The Director shall also determine whether an agency has complied with the responsibilities imposed on it by section 3506. The results of these reviews are to be reported by the Director to the appropriate agency head, the House Committee on Government Operations, the Senate Committee on Governmental Affairs, the House and Senate Committees on Appropriations, and the committees having jurisdiction over legislation relating to the operations of the agency involved. Each agency receiving a report, in turn, is to submit its response within 60 days to the Director and the congressional committees identified above. This response is to be a written statement describing measures taken by the agency to alleviate or remove any problems or deficiencies identified in the Director's report.

Section 3514 requires the Director to keep the Congress and its committees fully and currently informed of the major activities carried out under this chapter by submitting a report on such activities to the President of the Senate and the Speaker of the House of Representatives annually and at other times as may be necessary. Topic to be included by the Director in such reports are:

- (1) proposals for legislative changes needed to improve Federal information management activities including recommendations to ease the paperwork burden imposed by the Government on individuals and small organizations;

- (2) a compilation of legislative impediments to the collection of information in cases where the Director concludes that an agency needs the information but does not have the authority to collect it;

- (3) an analysis by agency, and by such other categories as the Director deems useful, describing the compliance burden of information collection requests imposed by Federal agencies on the public, as well as the cost incurred by agencies in collecting data;

- (4) a summary of accomplishments to reduce the burden of responding to Federal information collection requests by reducing the time, costs, complexity, and incomprehensibility of Federal information collections;

- (5) a tabulation of the areas of duplication in agency information collection requests and any designations of central collection agencies made to preclude the collection of duplicate information;

- (6) a list of all violations of the provisions of chapter 35 or of the rules, regulations, guidelines, policies, and procedures issued pursuant to the chapter;

- (7) information with respect to the recommendations of the Commission on Federal Paperwork, including the specific actions taken on each recommendation which has been implemented, the actions required to implement each remaining recommendation and the target date for completing such action, a

detailed assessment of the status and progress on each action remaining, and an explanation of any delays and actions required to overcome these delays.

In preparing the reports required by section 3514, the paperwork burden imposed on the public is not to be increased by establishing additional mandatory requests for information.

Section 3515 provides that the Director may request each agency (except the independent regulatory agencies) to make its services, personnel, and facilities available to him to assist in the performance of his functions under this chapter. In addition, upon the request of the Director, each agency is to furnish to the Director and give him access to all information in its possession which he determines is necessary to perform his functions under the chapter. One constraint is placed on this last authority: the Director may not ask an agency to make a disclosure prohibited by law.

Section 3516 permits the Director to promulgate rules and regulations necessary to exercise the authority conferred on him by the chapter.

Section 3517 requires the director, in developing information policies, rules, regulations, procedures, and related forms, to consult with persons outside the Federal Government and the Federal agencies affected. The Committee contemplates that these policies themselves will include the requirement that in implementing them, agencies, too, will consult with the public and thereby benefit from its advice.

Section 3518 provides that the authority of an agency under any other law to prescribe policies, rules, regulations, procedures, and forms for Federal information activities is subject to the authority conferred on the Director by the chapter.

Section 3519 provides that the Comptroller General of the United States or his designated representatives shall have access to all books, documents, papers, and records of the Office of Federal Information Policy within OMB.

Section 3520 authorizes appropriations to carry out the provisions of chapter 35, and for no other purpose, the following amounts for the fiscal years indicated:

	<i>Million</i>
1981.....	\$8.0
1982.....	8.5
1983.....	9.0

Section 2(b) amends the table of contents for the chapters contained in Title 44, United States Code, by striking out the present title and inserting the new title, "Coordination of Federal Information Policy."

Section 2(c)(1) amends section 2904 of Title 44, United States Code, by striking out paragraph (10) and inserting a new paragraph requiring the Administrator of General Services to report to the appropriate oversight and appropriations committees of the Congress and to the OMB Director annually and at such other times as he deems desirable on the results of his records management activities, on evaluations of responses by Federal agencies to any recommendations resulting from his records management inspections or studies, and on estimates of lost benefits or savings resulting from the failure of agencies to implement his recommendations.

Section 2(c)(2) amends section 2905 of Title 44, United States Code, by redesignating the present text as subsection (a) and adding a new subsection requiring the Administrator of General Services to assist the Administrator of the Office of Federal Information Policy in conducting studies and developing standards related to record retention requirements imposed on the public and on State and local government agencies by Federal agencies.

Section 3—Delegation of Related Functions

Section 3(a) requires the President and the Director of OMB to delegate to the Administrator of the Office of Federal Information Policy all their functions, authority, and responsibility for statistical policy and coordination under section 103 of the Budget and Accounting Procedures Act of 1950.

Section 3(b) requires the Director of OMB to delegate to the Administrator of the Office of Federal Information Policy all functions, authority, and responsibility of the Director under section 552a of title 5, United States Code (the Privacy Act of 1974), and under sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757, 759), pertaining to automatic data processing and telecommunications.

Section 4—Conforming Amendments

Section 4(a) repeals the authority provided the HEW Secretary under section 400A of the General Education Provisions Act, under which the Secretary reviews and approves education information collection proposals.

Section 4(b) repeals the provision in the Surface Mining Control and Reclamation Act of 1977 which requires the General Accounting Office to review the proposed information collections of the Office of Surface Mining, Reclamation and Enforcement of the Department of the Interior.

Section 4(c) repeals the provision of section 708 of the Public Health Service Act which excludes the HEW program for collecting information on the health professions from clearance by OMB.

Section 4(d) establishes the salary level for the Administrator of the Office of Federal Information Policy at Executive Level IV.

Section 5—Effective Date

Section 5 establishes October 1, 1980, as the effective date of this Act.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3 of Rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

TITLE 44, UNITED STATES CODE

Chap.		Sec.
1.	Joint Committee on Printing	101
3.	Government Printing Office.....	301
5.	Production and Procurement of Printing and Binding.....	501

7. Congressional Printing and Binding.....	701
9. Congressional Record.....	901
11. Executive and Judiciary Printing and Binding.....	1101
13. Particular Reports and Documents.....	1301
15. Federal Register and Code of Federal Regulations.....	1501
17. Distribution and Sale of Public Documents.....	1701
19. Depository Library Program.....	1901
21. Archival Administration.....	2101
23. National Archives Trust Fund Board.....	2301
25. National Historical Publications and Records Commission.....	2501
27. Federal Records Council.....	2701
29. Records Management by Administrator of General Services.....	2901
31. Records Management by Federal Agencies.....	3101
33. Disposal of Records.....	3301
35. Coordination of Federal [Reporting Services] Information Policy.....	3501
37. Advertisements by Government Agencies.....	3701
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CHAPTER 29—RECORDS MANAGEMENT BY ADMINISTRATOR OF GENERAL SERVICES

Sec.

- 2901. Definitions.
- 2902. Objectives of records management.
- 2903. Custody and control of property.
- 2904. General responsibilities of Administrator.
- 2905. Establishment of standards for selective retention of records; security measures.
- 2906. Inspection of agency records.
- 2907. Records centers and centralized microfilming services.
- 2908. Regulations.
- 2909. Retention of records.
- [2910. Repealed.]

* * * * *

§ 2904. General responsibilities of Administrator

The Administrator shall provide guidance and assistance to Federal agencies with respect to records creation, records maintenance and use, and records disposition. In providing such guidance and assistance, the Administrator shall have responsibility to—

(1) * * *

* * * * *

[(10) report to the Congress and to the Director of the Office of Management and Budget each year, at such time or times as he may deem desirable, on the results of the foregoing activities, including evaluations of responses by Federal agencies to any recommendations resulting from studies or inspections conducted by him.]

(10) report to the appropriate oversight and appropriations committees of the Congress and to the Director of the Office of Management and Budget annually and at such other times as he deems desirable (A) on the results of activities conducted pursuant to paragraphs (1) through (9) of this section, (B) on

evaluations of responses by Federal agencies to any recommendations resulting from inspections or studies conducted under paragraphs (8) and (9) of this section, and (C) on estimates of lost benefits or savings resulting from the failure of agencies to implement such recommendations.

§2905. Establishment of standards for selective retention of records; security measures

(a) The Administrator of General Services shall establish standards for the selective retention of records of continuing value, and assist Federal agencies in applying the standards to records in their custody. He shall notify the head of a Federal agency of any actual, impending, or threatened unlawful removal, defacing, alteration, or destruction of records in the custody of the agency that shall come to his attention, and assist the head of the agency in initiating action through the Attorney General for the recovery of records unlawfully removed and for other redress provided by law.

(b) *The Administrator of General Services shall assist the Administrator of the Office of Federal Information Policy in conducting studies and developing standards relating to record retention requirements imposed on the public and on State and local governments by Federal agencies.*

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CHAPTER 35—COORDINATION OF FEDERAL REPORTING SERVICES

Sec.

- 【3501. Information for Federal agencies.
- 【3502. Definitions.
- 【3503. Duties of Director of the Bureau of the Budget.
- 【3504. Designation of central collection agency.
- 【3505. Independent collection by an agency prohibited.
- 【3506. Determination of necessity for information; hearing.
- 【3507. Cooperation of agencies in making information available.
- 【3508. Unlawful disclosure of information; penalties; release of information to other agencies.
- 【3509. Plans or forms for collecting information; submission to Director; approval.
- ~~【35010. Rules and regulations.~~
- 【35011. Penalty for failure to furnish information.

【§ 3501. Information for Federal agencies

【Information needed by Federal agencies shall be obtained with a minimum burden upon business enterprises, especially small business enterprises, and other persons required to furnish the information, and at a minimum cost to the Government. Unnecessary duplication of efforts in obtaining information through the use of reports, questionnaires, and other methods shall be eliminated as rapidly as practicable. Information collected and tabulated by a Federal agency shall, as far as is expedient, be tabulated in a manner to maximize the usefulness of the information to other Federal agencies and the public.

【§ 3502. Definitions

【As used in this chapter—

【“Federal agency” means an executive department, commission, independent establishment, corporation owned or controlled by the United States, board, bureau, division, service, office, authority, or administration in the executive branch of the Government; but does not include the General Accounting Office, independent Federal regulatory agencies, nor the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions;

【“person” means an individual, partnership, association, corporation, business trust, or legal representative, an organized group of persons, a State or territorial government or branch, or a political subdivision of a State or territory or a branch of a political subdivision;

【“information” means facts obtained or solicited by the use of written report forms, application forms, schedules, questionnaires, or other similar methods calling either for answers to identical questions from ten or more persons other than agencies, instrumentalities, or employees of the United States or for answers to questions from agencies, instrumentalities, or employees of the United States which are to be used for statistical compilations of general public interest.

【§ 3503. Duties of Director of the Bureau of the Budget

【With a view to carrying out the policy of this chapter, the Director of the Bureau of the Budget from time to time shall—

【(1) investigate the needs of the various Federal agencies for information from business enterprises, from other persons, and from other Federal agencies;

【(2) investigate the methods used by agencies in obtaining information; and

【(3) coordinate as rapidly as possible the information-collecting services of all agencies with a view to reducing the cost to the Government of obtaining information and minimizing the burden upon business enterprises and other persons, and using, as far as practicable, for continuing organization, files of information and existing facilities of the established Federal agencies.

【§ 3504. Designation of central collection agency

【When, after investigation, the Director of the Bureau of the Budget is of the opinion that the needs of two or more Federal agencies for information from business enterprises and other persons will be adequately served by a single collecting agency, he shall fix a time and place for a hearing at which the agencies concerned and other interested persons may have an opportunity to present their views. After the hearing, the Director may issue an order designating a collecting agency to obtain information for two or more of the agencies concerned, and prescribing (with reference to the collection of information) the duties and functions of the collecting agency so designated and the Federal agencies for which it is to act as agent. The Director may modify the order from time to time as circumstances required, but modification may not be made except after investigation and hearing.

§ 3505. Independent collection by an agency prohibited

While an order or modified order is in effect, a Federal agency covered by it may not obtain for itself information which it is the duty of the collecting agency designated by the order to obtain.

§ 3506. Determination of necessity for information; hearing

Upon the request of a party having a substantial interest, or upon his own motion, the Director of the Bureau of the Budget may determine whether or not the collection of information by a Federal agency is necessary for the proper performance of the functions of the agency or for any other proper purpose. Before making a determination, he may give the agency and other interested persons an opportunity to be heard or to submit statements in writing. To the extent, if any, that the Director determines the collection of information by the agency is unnecessary, for any reason, the agency may not engage in the collection of the information.

§ 3507. Cooperation of agencies in making information available

For the purposes of this chapter, the Director of the Bureau of the Budget may require a Federal agency to make available to another Federal agency information obtained from any person after December 24, 1942, and all agencies are directed to cooperate to the fullest practicable extent at all times in making information available to other agencies.

This chapter does not apply to the obtaining or releasing of information by the Internal Revenue Service, the Comptroller of the Currency, the Bureau of the Public Debt, the Bureau of Accounts, and the Division of Foreign Funds Control of the Treasury Department, nor to the obtaining by a Federal bank supervisory agency of reports and information from banks as authorized by law and in the proper performance of the agency's functions in its supervisory capacity.

§ 3508. Unlawful disclosure of information; penalties; release of information to other agencies

(a) If information obtained in confidence by a Federal agency is released by that agency to another Federal agency, all the provisions of law including penalties which relate to the unlawful disclosure of information apply to the officers and employees of the agency to which information is released to the same extent and in the same manner as the provisions apply to the officers and employees of the agency which originally obtained the information. The officers and employees of the agency to which the information is released, in addition, shall be subject to the same provisions of law, including penalties, relating to the unlawful disclosure of information as if the information has been collected directly by that agency.

(b) Information obtained by a Federal agency from a person under this chapter may be released to another Federal agency only—

(1) in the form of statistical totals or summaries; or

(2) if the information as supplied by persons to a Federal agency had not, at the time of collection, been declared by that agency or by a superior authority to be confidential; or

[(3) when the persons supplying the information consent to the release of it to a second agency by the agency to which the information was originally supplied; or

[(4) when the Federal agency to which another Federal agency releases the information has authority to collect the information itself and the authority is supported by legal provision for criminal penalties against persons failing to supply the information.

【§ 3509. Plans or forms for collecting information; submission to Director; approval

【A Federal agency may not conduct or sponsor the collection of information upon identical items, from ten or more persons, other than Federal employees, unless, in advance of adoption or revision of any plans or forms to be used in the collection—

【(1) the agency has submitted to the Director the plans or forms, together with copies of pertinent regulations and of other related materials as the Director of the Bureau of the Budget has specified; and

【(2) the Director has stated that he does not disapprove the proposed collection of information.

【§ 3510. Rules and regulations

【The Director of the Bureau of the Budget may promulgate rules and regulations necessary to carry out sections 3501-3511 of this title.

【§ 3511. Penalty for failure to furnish information

【A person failing to furnish information required by an agency shall be subject to penalties specifically prescribed by law, and no other penalty may be imposed either by way of fine or imprisonment or by the withdrawal or denial of a right, privilege, priority, allotment, or immunity, except when the right, privilege, priority, allotment, or immunity is legally conditioned on facts which would be revealed by the information requested.

【§ 3512. Information for independent regulatory agencies

【(a) The Comptroller General of the United States shall review the collection of information required by independent Federal regulatory agencies described in section 3502 of this chapter to assure that information required by such agencies is obtained with a minimum burden upon business enterprises, especially small business enterprises, and other persons required to furnish the information. Unnecessary duplication of efforts in obtaining information already filed with other Federal agencies or departments through the use of reports, questionnaires, and other methods shall be eliminated as rapidly as practicable. Information collected and tabulated by an independent regulatory agency shall, as far as is expedient, be tabulated in a manner to maximize the usefulness of the information to other Federal agencies and the public.

【(b) In carrying out the policy of this section, the Comptroller General shall review all existing information gathering practices of independent regulatory agencies as well as requests for additional information with a view toward—

[(1) avoiding duplication of effort by independent regulatory agencies, and

[(2) minimizing the compliance burden on business enterprises and other persons.

[(c) In complying with this section, an independent regulatory agency shall not conduct or sponsor the collection of information upon an identical item from ten or more persons, other than Federal employees, unless, in advance of adoption or revision of any plans or forms to be used in the collection—

[(1) the agency submitted to the Comptroller General the plans or forms, together with the copies of pertinent regulations and of other related materials as the Comptroller General has specified; and

[(2) the Comptroller General has advised that the information is not presently available to the independent agency from another source within the Federal Government and has determined that the proposed plans or forms are consistent with the provision of this section. The Comptroller General shall maintain facilities for carrying out the purposes of this section and shall render such advice to the requestive independent regulatory agency within forty-five days.

[(d) While the Comptroller General shall determine the availability from other Federal sources of the information sought and the appropriateness of the forms for the collection of such information, the independent regulatory agency shall make the final determination as to the necessity of the information in carrying out its statutory responsibilities and whether to collect such information. If no advice is received from the Comptroller General within forty-five days, the independent regulatory agency may immediately proceed to obtain such information.

[(e) Section 3508(a) of this chapter dealing with unlawful disclosure of information shall apply to the use of information by independent regulatory agencies.

[(f) The Comptroller General may promulgate rules and regulations necessary to carry out this chapter.]

CHAPTER 35—COORDINATION OF FEDERAL INFORMATION POLICY

Sec.

3501. Purpose.

3502. Definitions.

3503. Office of Federal Information Policy.

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 Federal Information Locator System.

3512. Penalty for failure to furnish information.

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.

§ 3501. Purpose

It is the purpose of this chapter to ensure that—

(1) Federal information policies and practices shall be coordinated and integrated with each other and shall be uniform, as far as practicable, throughout the Federal Government;

(2) information needed by agencies shall be obtained with a minimum burden upon persons and entities required to furnish the information, and obtained, used, and disseminated at a minimum cost to the Government;

(3) information collected and tabulated by an agency shall, as far as practicable, be maintained in a manner to maximize the usefulness of the information to Congress, agencies, and the public;

(4) the collection, maintenance, use, and dissemination of personal information by agencies shall be consistent with the Privacy Act of 1974 and other applicable laws; and

(5) automatic data processing and telecommunications technology shall be acquired and used in a manner which improves service delivery and program management, increases productivity, reduces waste and fraud, and, where possible, reduces the information processing burden on the public and private sectors.

§ 3502. Definitions

As used in this chapter, the term—

(1) "agency" means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Government (including the Executive Office of the President), or any independent regulatory agency; but does not include the General Accounting Office or the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions;

(2) "collection of information" means the obtaining or soliciting of facts or opinions for any purpose by an agency by the use of written report forms, application forms, schedules, questionnaires, reporting or recordkeeping requirements, or other similar methods calling for either—

(A) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, ten or more persons; or

(B) answers to questions posed to agencies of the United States which are to be used for general statistical purposes;

(3) "data element" means a distinct piece of information such as a name, term, number, abbreviation, or symbol;

(4) "data element dictionary" means a system containing standard and uniform definitions and cross references for commonly used data elements;

(5) "data profile" means a synopsis of the questions contained in an information collection request, and also such related items as the official name of the request, the location of information obtained through such request, a description of any compilations, analyses, or reports derived from such information, any record retention requirements associated with such request, the agency responsible for such request, the authorizing statute, and other information necessary to identify, access, and use the data contained in such information;

(6) "Director" means the Director of the Office of Management and Budget;

(7) "directory of information resources" means a catalog of information collection requests, containing a data profile for each request;

(8) "independent regulatory agency" means the Board of Governors of the Federal Reserve System, the Civil Aeronautics Board, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Election Commission, the Federal Energy Regulatory Commission, the Federal Home Loan Bank Board, the Federal Maritime Commission, the Federal Trade Commission, the Interstate Commerce Commission, the Mine Enforcement Safety and Health Review Commission, the National Labor Relations Board, the Nuclear Regulatory Commission, the Occupational Safety and Health Review Commission, the Postal Rate Commission, and the Securities and Exchange Commission, and other similar agencies designated by statute as independent regulatory establishments of the Federal Government;

(9) "information collection request" means a written report form, application form, schedule, questionnaire, or other reporting or recordkeeping requirement for the collection of information;

(10) "information referral service" means the function that assists officials and citizens in obtaining access to the Federal Information Locator System;

(11) "person" means an individual, partnership, association, corporation, business trust, or legal representative, an organized group of individuals, a State, territorial, or local government or branch thereof, or a political subdivision of a State, territory, or local government or a branch of a political subdivision;

(12) "recordkeeping requirement" means a requirement imposed by an agency on persons to maintain specified records.

§ 3503. Office of Federal Information Policy

(a) There is established in the Office of Management and Budget an office to be known as the Office of Federal Information Policy.

(b) There shall be at the head of the Office an Administrator who shall be appointed by, and who shall report directly to, the Director. The Director shall delegate to the Administrator the authority and responsibility to administer all functions under this chapter. The Administrator shall serve as principal adviser to the Director on Federal information policy.

§ 3504. Authority and functions of Director

(a) *The Director shall provide overall direction in the development and implementation of Federal information policies, principles, standards, and guidelines, including review and approval of information collection requests, the reduction of the paperwork burden placed on the public, Federal statistical activities, records management activities, privacy of records pertaining to individuals, inter-agency sharing of information, and acquisition and use of automatic data processing and other technology for managing information resources.*

(b) *The general information policy functions of the Director shall include—*

(1) developing and establishing uniform information resources management policies and overseeing the development of information management principles, standards, and guidelines and promoting their use;

(2) initiating and reviewing proposals for changes in legislation, regulations, and agency procedures to improve information practices, and informing the President and the Congress on the progress made in effecting such changes;

(3) coordinating, through the review of budget proposals and otherwise, agency information practices;

(4) promoting, through the use of the Federal Information Locator System and the review of budget proposals, and otherwise, greater agency sharing of information (consistent with the Privacy Act of 1974 (5 U.S.C. 552a) and other applicable laws) to enhance the usefulness of the information and limit the reporting burden on the public;

(5) evaluating the agencies' information practices to determine their adequacy, efficiency, and compliance with policies, principles, standards, and guidelines promulgated by the Director; and

(6) overseeing the planning of, and the conduct of research with respect to, Federal information collection, processing, storage, transmission, and use.

(c) *The information collection request clearance and other paperwork functions of the Director shall include—*

(1) reviewing and approving information collection requests proposed by agencies;

(2) determining whether the collection of information by an agency is necessary for the proper performance of the functions of the agency and has practical utility for the agency;

(3) designating, in accordance with section 3509, a collection agency to obtain information for two or more agencies;

(4) setting goals for reductions of the numbers and burdens of Federal information collection requests;

(5) overseeing action on the recommendations of the Commission on Federal Paperwork; and

(6) designing and operating the Federal Information Locator System in accordance with section 3511.

(d) *The statistical policy and coordination functions of the Director shall include—*

(1) developing, in conjunction with the agencies, long range plans for the improved performance of Federal statistical activities and programs;

(2) *coordinating, through the review of budget proposals and otherwise, the functions of the Government with respect to gathering, interpreting, and disseminating statistics and statistical information;*

(3) *overseeing the establishment of Government-wide policies, principles, standards, and guidelines covering statistical collection procedures and methods, statistical data classifications, and statistical information presentation and dissemination; and*

(4) *evaluating statistical program performance and agencies' compliance with Government-wide policies, principles, standards, and guidelines.*

(e) *The records management functions of the Director shall include—*

(1) *providing advice and assistance to the Administrator of General Services to promote coordination in the administration of chapters 29, 31, and 33 of this title with the information policies, principles, standards, and guidelines established under this chapter;*

(2) *reviewing compliance by Federal agencies with the requirements of chapters 29, 31, and 33 of this title and with regulations promulgated by the Administrator of General Services thereunder; and*

(3) *coordinating records management policies and programs with related information programs such as information collection, statistics, automatic data processing and telecommunications, and similar activities.*

(f) *The privacy functions of the Director shall include—*

(1) *overseeing the development of and promulgating policies, principles, standards, and guidelines on information disclosure and confidentiality, and on safeguarding the security of information collected or maintained by agencies, or in conjunction with Federal programs;*

(2) *providing agencies with advice and guidance about information security, restriction, exchange, and disclosure; and*

(3) *monitoring compliance with the Privacy Act of 1974 (5 U.S.C. 552a) and related information management laws.*

(g) *The automatic data processing and telecommunications functions of the Director shall include—*

(1) *establishing policies, principles, standards, and guidelines for automatic data processing and telecommunications functions and activities, and overseeing the establishment of standards under section 111(f) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(f));*

(2) *monitoring the effectiveness of, and compliance with, directives issued pursuant to sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 757, 759) and reviewing proposed determinations under section 111(g) of such Act;*

(3) *providing, in coordination with the Administrator of General Services, advice and guidance on the acquisition and use of automatic data processing and telecommunications equipment, and coordinating, through the review of budget proposals and otherwise, agency proposals for acquisition and use of such equipment; and*

(4) promoting the use of automatic data processing and telecommunications equipment to improve the effectiveness of the use and dissemination of data in the operation of Federal programs; and

(5) initiating and reviewing proposals for changes in legislation, regulations, and agency procedures to improve automatic data processing and telecommunications practices, and informing the President and the Congress of the progress made in effecting such changes.

(h) Other functions of the Director shall include ensuring that, in developing rules and regulations, agencies—

(1) utilize efficient methods to collect, use, and disseminate necessary information;

(2) provide an early and substantial opportunity for the public to comment on proposed means of collecting information related to such rules and regulations; and

(3) make assessments of the consequences of alternative methods of implementing the statutory goals of such rules and regulations (including alternative methods of collecting information).

(i) In any review of regulations by the Director authorized by law, the Director shall consider the relationship of such regulations to the policies, principles, standards, and guidelines established under this chapter.

§ 3505. Assignment of tasks and deadlines

In carrying out the authority and functions assigned by this chapter, the Director shall—

(1) within one year after the date of enactment of the Paperwork Reduction Act of 1980—

(A) establish standards and requirements for agency audits of all major information systems, assign the responsibility for conducting such audits, and assign the responsibility for conducting Government-wide or multiagency audits;

(B) establish the Federal Information Locator System;

(C) identify areas of duplication in information collection requests and develop a schedule and methods for eliminating the duplication; and

(D) develop a proposal to augment the Federal Information Locator System to include data profiles of major information holdings of agencies (used in the conduct of their operations) which are not otherwise required by this chapter to be included in the System; and

(2) within two years after such date of enactment—

(A) establish a schedule and a management control system (including policies, principles, standards, and guidelines) to ensure that practices and programs of the various information handling disciplines, such as records management, are appropriately integrated with each other, and with the broad information policies established by this chapter;

(B) identify initiatives which may achieve substantial productivity improvement in Federal operations using information processing technology;

(C) develop a program to (i) enforce Federal information processing standards, particularly language standards, at all Federal installations; and (ii) revitalize the standards development program, separating it from peripheral technical assistance functions and directing it to the most productive areas;

(D) complete action on recommendations of the Commission on Federal Paperwork, including development of legislation necessary to implement such recommendations;

(E) develop, in consultation with the Administrator of General Services, a five-year plan for meeting the automatic data processing and telecommunications needs of the Federal Government in accordance with the requirements of section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759) and the purposes of the Paperwork Reduction Act of 1980; and

(F) submit to the President and the Congress legislative proposals to remove inconsistencies in laws and practices involving privacy, confidentiality, and disclosure of information.

§ 3506. Federal agency responsibilities

(a) Each agency shall be responsible for carrying out its information management activities in an efficient, effective, and economical manner, and for complying with the information policies, principles, standards, and guidelines prescribed by the Director.

(b) The head of each agency shall designate, within three months of the date of enactment of the Paperwork Reduction Act of 1980, a senior official who reports directly to such agency head to carry out the responsibilities of the agency under this chapter.

(c) Each agency shall—

(1) systematically inventory its major information systems and periodically review its information management activities, including planning, budgeting, organizing, directing, training, promoting, controlling, and other managerial activities involving the collection, use, and dissemination of information;

(2) take steps to ensure that its information systems do not overlap each other or duplicate those of other agencies;

(3) develop procedures for assessing the paperwork and reporting burden of its information collection activities and of proposed legislation and regulations related to such agency; and

(4) assign to the official designated under subsection (b) the responsibility for the conduct of and accountability for any acquisitions made pursuant to a delegation of authority under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759).

(d) The head of each agency shall establish such procedures as he may deem necessary to ensure the compliance of his agency with the requirements of the Federal Information Locator System, including necessary screening and compliance activities.

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

(a) An agency shall not conduct or sponsor the collection of information unless, in advance of adoption or revision of the request for collection of such information—

(1) the agency has taken appropriate steps, including consultation with the Director (A) to eliminate information collections which seek to obtain information available from another source within the Federal Government (through the use of the Federal Information Locator System and other means), (B) to reduce the compliance burden on respondents, and (C) to formulate plans for tabulating the information in a manner which will enhance its usefulness to other agencies and to the public;

(2) the agency has submitted to the Director the proposed information collection request, copies of pertinent regulations and of other related materials as the Director may specify, and an explanation of measures taken to satisfy paragraph (1) of this section, and has caused a notice of such submission to be published in the Federal Register; and

(3) the Director has approved the proposed information collection request, or sufficient time has elapsed as provided under subsection (c).

(b) Any disapproval, in whole or in part, under subsection (a) of a proposed information collection request of an independent regulatory agency may be voided if the agency, by a majority vote of its members, overrides the Director's decision.

(c) The Director shall, within sixty days of receipt of a proposed information collection request, notify the agency involved of his decision to approve or disapprove the request. If the Director determines that a request submitted for review cannot be reviewed within sixty days, he may, after notice to the agency involved, extend the review period for an additional thirty days. If the Director does not notify the agency of an extension, denial, or approval within sixty days (or, if he has extended the review period for an additional thirty days and does not notify the agency of a denial or approval within the time of the extension), his approval may be inferred and the agency may collect the information for not more than one year.

(d) No approval of an information collection request shall be valid for a period of more than three years.

(e) If the Director finds that a senior official designated pursuant to section 3506(b) has independence from any program responsibility and has sufficient resources to evaluate whether proposed information collection requests should be approved, the Director may, by rule subject to the notice and comment provisions of chapter 5 of title 5, delegate to such official his power to approve proposed requests in specific program areas, for specific purposes, or for all agency purposes. Such delegation shall not preclude the Director from reviewing individual information collection requests if the Director determines that circumstances warrant such a review. The Director shall retain authority to revoke such delegations of power, both in general and with regard to any specific matter. In acting for the Director, any official to whom approval powers have been delegated shall comply fully with the rules and regulations promulgated by the Director.

(f) No agency shall be exempt from the requirements of this chapter.

§ 3508. Determination of necessity for information; hearing

Before approving a proposed information collection request, the Director shall determine whether the collection of information by an agency is necessary for the proper performance of the functions of the agency and has practical utility for the agency. Before making a determination the Director may give the agency and other interested persons an opportunity to be heard or to submit statements in writing. To the extent, if any, that the Director determines that the collection of information by an agency is unnecessary, for any reason, the agency may not engage in the collection of the information.

§ 3509. Designation of central collection agency

The Director may designate a collection agency to obtain information for two or more agencies if the Director is of the opinion that the needs of such agencies for information will be adequately served by a single collection agency, and such sharing of data is not inconsistent with any applicable law. In such cases, the Director shall prescribe (with reference to the collection of information) the duties and functions of the collection agency so designated and of the agencies for which it is to act as agent (including reimbursement for costs). While the designation is in effect, an agency covered by it may not obtain for itself information which it is the duty of the collection agency to obtain. The Director may modify the designation from time to time as circumstances require.

§ 3510. Cooperation of agencies in making information available

(a) The Director may direct an agency to make available to another agency information obtained pursuant to an information collection request if—

- (1) the disclosure is not inconsistent with any applicable laws;
- (2) it is disclosed in the form of statistical totals or summaries;

or

- (3) the person who supplied the information consents to such disclosure.

(b) If information obtained by an agency is released by that agency to another agency, all the provisions of law (including penalties which relate to the unlawful disclosure of information) apply to the officers and employees of the agency to which information is released to the same extent and in the same manner as the provisions apply to the officers and employees of the agency which originally obtained the information. The officers and employees of the agency to which the information is released, in addition, shall be subject to the same provisions of law, including penalties, relating to the unlawful disclosure of information as if the information had been collected directly by that agency.

§ 3511. Establishment and operation of Federal Information Locator System

(a) There is hereby established in the Office of Federal Information Policy a Federal Information Locator System (hereinafter in this section referred to as the "System") composed of a directory of information resources, a data element dictionary, and an informa-

tion referral service. The System shall serve as the authoritative register of all information collection requests.

(b) In designing and operating the System, the Director shall—

- (1) design and operate an indexing system for the System;
- (2) promulgate rules requiring the head of each agency to prepare in a form specified by the Director, and to submit to the Director for inclusion in the System, a data profile for each information collection request of such agency;
- (3) compare data profiles for proposed information collection requests against existing profiles in the System, and make available the results of such comparison to—
 - (A) agency officials who are planning new information collection activities; and
 - (B) on request, members of the general public; and
- (4) ensure that no actual data, except descriptive data profiles necessary to identify duplicative data or to locate information, are contained within the System.

§ 3512. Penalty for failure to furnish information

Notwithstanding any other provision of law, no person shall be subject to any penalty for failing to provide information to any agency if the information collection request involved was made after December 31, 1981, in violation of section 3507.

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

(a) The Director shall, with the advice and assistance of the Administrator of General Services, review, at least once every three years, by means of selective inspections, the information management activities of each agency to ascertain their adequacy and efficiency. In evaluating the adequacy and efficiency of these activities, the Director shall pay particular attention to whether the agency has complied with section 3506.

(b) The Director shall report the results of the inspections to the appropriate agency head, the House Committee on Government Operations, the Senate Committee on Governmental Affairs, the House and Senate Committees on Appropriations, and committees of the Congress having jurisdiction over legislation relating to the operations of the agency involved.

(c) Each agency which receives a report pursuant to subsection (b) shall, within sixty days thereafter, prepare and submit to the Director, the House Committee on Government Operations, the Senate Committee on Governmental Affairs, the House and Senate Committees on Appropriations, and the committees of the Congress having jurisdiction over legislation relating to its operations, a written statement describing any measures taken to alleviate or remove any problems or deficiencies identified in such report.

§ 3514. Responsiveness to Congress

(a) The Director shall keep the Congress and its committees fully and currently informed of the major activities under this chapter, and shall submit a report thereon to the President of the Senate and the Speaker of the House of Representatives annually and at such other times as may be necessary for this purpose. The Director shall include in such reports—

(1) proposals for legislative changes needed to improve Federal information management, including, with respect to information collection, recommendations to ease the burden upon individuals and small organizations;

(2) a compilation of legislative impediments to the collection of information which the Director concludes that an agency needs but does not have authority to collect;

(3) an analysis by agency, and by such other categories as he may deem useful, describing the compliance burden of information collection requests of agencies on persons outside the Federal Government, as well as the costs to agencies;

(4) a summary of accomplishments to reduce the burden of complying with Federal information collection requests by such means as reducing the time, cost, complexity, and incomprehensibility of Federal paperwork;

(5) a tabulation of areas of duplication in agency information collection requests identified during the preceding year and any designations of central collection agencies made to preclude the collection of duplicate information;

(6) a list of all violations of provisions of this chapter and rules, regulations, guidelines, policies, and procedures issued pursuant to this chapter; and

(7) with respect to recommendations of the Commission on Federal Paperwork—

(A) the specific actions taken on each recommendation which has been completely implemented;

(B) the major actions still required to implement each remaining recommendation and the target date for completing each such action;

(C) a detailed assessment of the status of and progress on each such action; and

(D) an explanation of any delays and actions required to overcome these delays.

(b) The preparation of these reports shall not increase the burden on persons outside the Federal Government of responding to mandatory requests for information.

§ 3515. Administrative powers

(a) Upon the request of the Director, each agency (other than an independent regulatory agency) shall make its services, personnel, and facilities available to the Director for the performance of functions under this chapter.

(b) Upon the request of the Director, each agency shall, except where prohibited by law, furnish to the Director and give him access to all information in its possession which the Director may determine to be necessary for the performance of functions under this chapter.

§ 3516. Rules and regulations

The Director shall promulgate rules and regulations necessary to exercise the authority provided by this chapter.

§ 3517. Consultation with other agencies and the public

In the development of information policies, rules, regulations, procedures, and forms, the Director shall, from the beginning of each

initiative, consult with persons outside the Federal Government and the agencies affected.

§ 3518. Effect on existing laws and regulations

The authority of an agency under any other law to prescribe policies, rules, regulations, procedures, and forms for Federal information activities is subject to the authority conferred on the Director by this chapter.

§ 3519. Access to information

The Director and personnel in the Office of Federal Information Policy shall furnish such information as the Comptroller General may require for the discharge of his responsibilities. For this purpose, the Comptroller General or his representatives shall have access to all books, documents, papers, and records of that Office.

§ 3520. Authorization of appropriations

There are hereby authorized to be appropriated to carry out the provisions of this chapter, and for no other purpose—

(1) not to exceed \$8,000,000 for the fiscal year ending September 30, 1981;

(2) not to exceed \$8,500,000 for the fiscal year ending September 30, 1982;

(3) not to exceed \$9,000,000 for the fiscal year ending September 30, 1983.

* * * * *

SECTION 400A OF THE GENERAL EDUCATION PROVISIONS ACT

[CONTROL OF PAPERWORK

[SEC. 400A. (a)(1)(A) In order to eliminate excessive detail and unnecessary and redundant information requests and to achieve the collection of information in the most efficient and effective possible manner, the Secretary shall coordinate the collection of information and data acquisition activities of all Federal agencies, (i) whenever the respondents are primarily educational agencies or institutions, and (ii) whenever the purpose of such activities is to request information needed for the management of, or the formulation of, policy related to Federal education programs or research or evaluation studies related to the implementation of Federal education programs.

[(B) There is hereby established a Federal Education Data Acquisition Council, to consist of members appointed by the Secretary who shall represent the public and the major agencies which collect and use education data, including one representative each of the Office of Management and Budget and of the Office of Federal Statistical Policy and Standards. The members representing the public may be appointed for not more than three years. The Council shall advise and assist the Secretary with respect to the improvement, development, and coordination of Federal education information and data acquisition activities, and shall review the poli-

cies, practices, and procedures established by the Secretary. The Council shall meet regularly during the year and shall be headed by an individual from an agency which has expertise in data collection but which undertakes no major data collection of education data.

【(2) For the purposes of this section, the term—

【(A) “information” has the meaning given it by section 3502 of title 44, United States Code;

【(B) “Federal agency” has the meaning given it by section 3502 of the same title; and

【(C) “educational agency or institution” means any public or private agency or institution offering education programs.

【(3)(A) The Secretary shall review and coordinate all collection of information and data acquisition activities described in paragraph (1)(A) of this subsection, in accordance with procedures approved by the Federal Education Data Acquisition Council. Such procedures shall be designed in order to enable the Secretary to determine whether proposed collection of information and data acquisition activities are excessive in detail, unnecessary, redundant, ineffective, or excessively costly, and, if so, to advise the heads of the relevant Federal agencies.

【(B) No collection of information or data acquisition activity subject to such procedures shall be subject to any other review, coordination, or approval procedure outside of the relevant Federal agency except as required by this subsection and except that an aggrieved agency may seek review of an adverse action by the Secretary under subparagraph (A) by the Director of the Office of Management under the rules and regulations established pursuant to section 3509 of title 44, United States Code, and the Director shall issue a decision thereon within 10 days after receipt of the request for review.

【(C) The procedures established by the Secretary shall include a review of plans for evaluations and for research when such plans are in their preliminary stages, in order to give advice to the heads of Federal agencies regarding the data acquisition aspects of such plans.

【(b)(1) The Secretary shall assist each Federal agency in performing the review and coordination required by this section and shall require of each agency a plan for each collection of information and data acquisition activity, which shall include—

【(A) a detailed justification of how information once collected will be used;

【(B) the methods of analysis which will be applied to such data;

【(C) the timetable for the dissemination of the collected data; and

【(D) an estimate of the costs and man-hours required by each educational agency or institution to complete the request and an estimate of costs to Federal agencies to collect, process, and analyze the information, based upon previous experience with similar data or upon a sample of respondents.

【(2) In performing the review and coordination required by this section, the Secretary shall assure that—

【(A) no information or data will be requested of any educational agency or institution unless that request has been ap-

proved and publicly announced by the February 15 immediately preceding the beginning of the new school year, unless there is an urgent need for this information or a very unusual circumstance exists regarding it;

[(B) sampling techniques, instead of universal responses, will be used wherever possible, with special consideration being given to the burden being placed upon small school districts, colleges, and other educational agencies and institutions; and

[(C) no request for information or data will be approved if such information or data exist in the same or a similar form in the automated indexing system required to be developed pursuant to subsection (d).

[(3) Each educational agency or institution subject to a request under the collection of information and data acquisition activity and their representative organizations shall have an opportunity, during a thirty-day period, to comment to the Secretary on the collection of information and data acquisition activity. The exact data instruments for each proposed activity shall be available to the public upon request during this comment period.

[(4) No changes may be made in the plans for the acquisition of that information or data, except changes required as a result of the review described in this section, after such plans have been finally approved under this section, unless the changed plans go through the same approval process.

[(5) The Secretary may waive the requirements of this section for individual research and evaluation studies which are not designated for individual project monitoring or review, provided that—

[(A) the study shall be of a nonrecurring nature;

[(B) any educational agency or institution may choose whether or not to participate, and that any such decision shall not be used by any Federal agency for purposes of individual project monitoring or funding decisions;

[(C) the man-hours necessary for educational agencies and institutions to respond to requests for information or data shall not be excessive, and the requests shall not be excessive in detail, unnecessary, redundant, ineffective, or excessively costly; and

[(D) the Federal agency requesting information or data has announced the plans for the study in the Federal Register.

[(The Secretary shall inform the relevant agency or institution concerning the waiver decision within thirty days following such an announcement, or the study shall be deemed waived and may proceed. Any study waived under the provisions of this subsection shall be subject to no other review than that of the agency requesting information or data from educational agencies or institutions.)

[(6) Nothing in this section shall be construed to interfere with the enforcement of the provisions of the Civil Rights Act of 1964 or any other nondiscrimination provision of Federal law.

[(c) The Secretary shall, insofar as practicable, and in accordance with the provisions of this Act, provide educational agencies and institutions and other Federal agencies, pursuant to the requirement of section 406(f)(2)(A), with summaries of information collected and the data acquired by Federal agencies, unless such data were acquired on a confidential basis.

[(d) The Secretary shall, insofar as practicable—

[(1) develop standard definitions and terms consistent, wherever possible, with those established by the Office of Federal Statistical Policy and Standards, Department of Commerce, to be used by all Federal agencies in dealing with education-related information and data acquisition requests;

[(2) develop an automated indexing system for cataloging all available data;

[(3) establish uniform reporting dates among Federal agencies for the information and data acquisition required after review under this section;

[(4) publish annually a listing of education data requests, by Federal agency, and for the programs administered in the Education Division, publish a listing annually of each such program with its appropriation and with the data burden resulting from each such program; and

[(5) require the Federal agency proposing the collection of information or data acquisition activity to identify in its data instrument the legislative authority specifically requiring such collection, if any, and require the responding educational agency or institution to make the same identification if it in turn collects such information or data from other agencies or individuals.

[(e)(1) Subject to the provisions of paragraph (2), the Secretary shall develop, in consultation with Federal and State agencies and local educational agencies, procedures whereby educational agencies and institutions are permitted to submit information required under any federal educational program to a single Federal or State educational agency.

[(2) Any procedures developed under paragraph (1) shall be considered regulations for the purpose of section 431 and shall be submitted subject to disapproval in accordance with section 431(e) of this Act for a period of not to exceed 60 days computed in accordance with such section.

[(f) The Secretary shall submit a report to the Congress not less than once every three years, describing the implementation of this section. Such report shall contain recommendations for revisions to Federal laws which the Secretary finds are imposing undue burdens on educational agencies and institutions, and such recommendations shall not be subject to any review by any Federal agency outside the Department.

[(f)(1) The Secretary is authorized to make grants from sums appropriated pursuant to this subsection to State educational agencies, including State agencies responsible for postsecondary education, for the development or improvement of education management information systems.

[(2) Any State educational agency is eligible for a grant of funds under this subsection subject to the following conditions:

[(A) The agency agrees to use such funds for the development or improvement of its management information system and agrees to coordinate all data collection for Federal programs administered by the agency through such a system.

[(B) The agency agrees to provide funds to local educational agencies and institutions of higher education for the development or improvement of management information systems

when such grants are deemed necessary by the State educational agency.

[(C) The State agency agrees to take specific steps, in cooperation with the Secretary and with local educational agencies or institutions of higher education in the State, as appropriate, to eliminate excessive detail and unnecessary and redundant information requests within the State and to achieve the collection of information in the most efficient and effective possible manner so as to avoid imposing undue burdens on local educational agencies or institutions of higher education.

[(g) For the purpose of carrying out this subsection—

[(1) there are authorized to be appropriated for salaries and expenses \$600,000 for fiscal year 1979, \$1,000,000 for fiscal year 1980, and \$1,200,000 for each of the two succeeding fiscal years;

[(2) there are authorized to be appropriated for grants under paragraph (6) the sums of \$5,000,000 for fiscal year 1979, \$25,000,000 for fiscal year 1980, and \$50,000,000 for each of the two succeeding fiscal years; and

[(3) the sums appropriated according to paragraphs (1) and (2) shall be appropriated as separate line items.]

SECTION 201 OF THE SURFACE MINING CONTROL AND RECLAMATION ACT OF 1977

TITLE II—OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

CREATION OF THE OFFICE

SEC. 201. (a) * * *

* * * * *

[(e) The Office shall be considered an independent Federal regulatory agency for the purposes of sections 3502 and 3512 of title 44 of the United States Code.]

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SECTION 708 OF THE PUBLIC HEALTH SERVICE ACT

TITLE VII—HEALTH RESEARCH AND TEACHING FACILITIES AND TRAINING OF PROFESSIONAL HEALTH PERSONNEL

PART A—GENERAL PROVISIONS

* * * * *

HEALTH PROFESSIONS DATA

SEC. 708. (a) * * *

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[(f) In carrying out his responsibilities under this section, the Secretary shall not be subject to the provisions of chapter 35 of title 44, United States Code.]

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SECTION 5315 OF TITLE 5, UNITED STATES CODE

CHAPTER 53—PAY RATES AND SYSTEMS

* * * * *

SUBCHAPTER II—EXECUTIVE SCHEDULE PAY RATES

* * * * *

§ 5315. Positions at level IV

Level IV of the Executive Schedule applies to the following positions, for which the annual rate of basic pay shall be the rate determined with respect to such level under chapter 11 of title 2, as adjusted by section 5318 of this title:

* * * * *

Administrator, Office of Federal Information Policy, Office of Management and Budget.

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