

By Ms. Spilka, a petition (accompanied by bill, Senate, No. 1781) of Karen E. Spilka and Tom Sannicandro for legislation to reduce paperwork in the Commonwealth. State Administration and Regulatory Oversight.

**The Commonwealth of Massachusetts**

In the Year Two Thousand and Five.

AN ACT TO REDUCE PAPERWORK IN THE COMMONWEALTH.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. An act to further the goals to have the Common-  
2 wealth's secretariats, agencies, and authorities become more  
3 responsible and publicly accountable for reducing the burden of  
4 state paperwork on the public, preserving state financial and nat-  
5 ural resources, and for other purposes.

6 Section 1. SHORT TITLE.

7 This Act may be cited as the Paperwork Reduction Act of the  
8 Commonwealth.

9 Section 2. PURPOSES.

10 The purposes of this chapter are to:—

11 (1) minimize the paperwork burden for individuals, educational  
12 and non-profit institutions, businesses, state contractors, federal,  
13 state, county, and local governments, agencies, and other persons  
14 resulting from the dissemination and collection of information for  
15 or by an agency of the Commonwealth;

16 (2) ensure the greatest possible public benefit from and maxi-  
17 mize the utility of information created, collected, maintained,  
18 used, shared and disseminated for or by an agency of the Com-  
19 monwealth;

20 (3) coordinate, integrate, and to the extent practicable and  
21 appropriate, make uniform to the Commonwealth's information  
22 resources management policies and practices as a means to  
23 improve the productivity, efficiency, and effectiveness of the

24 Commonwealth's programs, including the reduction of informa-  
25 tion collection burdens on the public and the improvement of  
26 service delivery to the public;

27 (4) minimize the cost to the Commonwealth's secretariats,  
28 agencies, and authorities of the creation, collection, maintenance,  
29 use, dissemination, and disposition of information;

30 (5) provide for the dissemination of public information on a  
31 timely basis, on equitable terms, and in a manner that promotes  
32 the best utility of the information to the public and makes effec-  
33 tive use of available science and information technology;

34 (6) ensure that information technology is acquired, used, and  
35 managed to improve performance of agency missions, including  
36 the reduction of information collection burdens on the public;

37 (7) improve the quality and use of state information to  
38 strengthen decision-making, accountability, and openness in state  
39 government;

40 (8) strengthen the partnership between the Commonwealth's  
41 secretariats, agencies, and authorities and the federal, county, and  
42 local governments by minimizing the burden and maximizing the  
43 utility of information created, collected, maintained, used, dissem-  
44 inated, and retained; and

45 (9) preserve, to a greater extent, state and federal natural  
46 resources, and at the same time, decrease energy consumption.

47 Section 3. DEFINITIONS.

48 As used in this chapter:—

49 (1) the term "agency" means any secretariat, state agency, or  
50 authority;

51 (2) the term "burden" means time, effort, or financial resources  
52 expended by persons to generate, maintain, or provide information  
53 to or for a state agency, individuals, educational and non-profit  
54 institutions, businesses, state contractors, federal, county, local  
55 governments, and other persons;

56 (3) the term "collection of information" means obtaining,  
57 causing to be obtained, soliciting, or requiring the disclosure to  
58 third parties, agencies, or the public, of facts, opinions, reports, or  
59 information by or for an agency, regardless of form or format;

60 (4) the term "person" means an individual, partnership, associa-  
61 tion, corporation, business trust, or legal representative, an orga-  
62 nized group of individuals, a State, territorial, tribal, or local

63 government or branch thereof, or a political subdivision of a State,  
64 territory, tribal, or local government or a branch of a political sub-  
65 division;

66 (5) the term “public information” means any information,  
67 regardless of form or format, that an agency discloses, dissemi-  
68 nates, or makes available to another agency, persons, or the  
69 public;

70 (6) the term “record keeping requirement” means a requirement  
71 imposed for or by an agency on persons to maintain specified  
72 records, including a requirement to:—

73 (A) retain such records;

74 (B) notify of the existence of such records or disclose such  
75 records to third parties, persons, or the public;

76 (D) report to third parties, the Federal Government, or the  
77 public regarding such records.

78 Section 4. AGENCY RESPONSIBILITIES.

79 (1) With respect to the dissemination and/or collection of infor-  
80 mation, record keeping requirement, and managing general infor-  
81 mation resources, each agency shall:—

82 (A) reduce, whenever possible, information collection burdens  
83 on individuals, educational and non-profit institutions, businesses,  
84 state contractors, federal, state, county, and local governments,  
85 and other persons;

86 (B) improve data quality, agency efficiency and responsiveness  
87 to the public;

88 (C) improve the integrity, quality, and utility of information to  
89 all users within and outside the agency, including capabilities for  
90 ensuring dissemination and sharing of public information, public  
91 access to state information, and protections for privacy and secu-  
92 rity;

93 (D) plan a strategy of acquisition and use of information main-  
94 tained in electronic format, appropriate information technology,  
95 and development of agency procedures to improve information  
96 resources management practices; and

97 (E) promote public access to public information;

98 (F) fulfill the purposes of this chapter, by such practices that  
99 include, but are not limited to, the effective use of computer infor-  
100 mation technology and/or written notification; and

101 (F) develop and oversee the implementation of policies, princi-  
102 ples, standards, and guidelines on privacy, confidentiality, secu-  
103 rity, and disclosure.

104 (2) Whenever an agency is involved in the dissemination of  
105 public information, and consistent with any and all state reporting  
106 and record keeping requirements, prior to disseminating large  
107 amounts of public information to individuals, educational and  
108 non-profit institutions, businesses, state contractors, federal, state,  
109 county, and local governments, agencies, and other persons, such  
110 agency shall send timely and specific notification stating that such  
111 public information exists with clear directions how to obtain such  
112 information, provided that such notification:—

113 (A) Be made in writing or by computer technology;

114 (B) Be clear and unambiguous concerning how to obtain the  
115 public information;

116 (C) provide a telephone number and contact person/position to  
117 call.

118 (3) Upon request and consistent with any and all state reporting  
119 and record keeping requirements, such agency may disseminate  
120 public information in writing or via computer.

121 Section 5. EFFECT.

122 This ACT takes effect upon passage.

123 (e) With respect to statistical policy and coordination, each  
124 agency shall:—

125 (1) ensure the relevance, accuracy, timeliness, integrity, and  
126 objectivity of information collected or created for statistical pur-  
127 poses;

128 (2) inform respondents fully and accurately about the sponsors,  
129 purposes, and uses of statistical surveys and studies;

130 (3) protect respondents' privacy and ensure that disclosure poli-  
131 cies fully honor pledges of confidentiality;

132 (4) observe Federal standards and practices for data collection,  
133 analysis, documentation, sharing, and dissemination of informa-  
134 tion;

135 (5) ensure the timely publication of the results of statistical sur-  
136 veys and studies, including information about the quality and limi-  
137 tations of the surveys and studies; and

138 (6) make data available to statistical agencies and readily acces-  
139 sible to the public.

140 (f) With respect to records management, each agency shall  
141 implement and enforce applicable policies and procedures,  
142 including requirements for archiving information maintained in  
143 electronic format, particularly in the planning, design and opera-  
144 tion of information systems.

145 (g) With respect to privacy and security, each agency shall:—

146 (1) implement and enforce applicable policies, procedures,  
147 standards, and guidelines on privacy, confidentiality, security, dis-  
148 closure and sharing of information collected or maintained by or  
149 for the agency;

150 (2) assume responsibility and accountability for compliance  
151 with and coordinated management of sections 552 and 552a of  
152 title 5, the Computer Security Act of 1987 (40 U.S.C. 759 note),  
153 and related information management laws; and

154 (3) consistent with the Computer Security Act of 1987 (40  
155 U.S.C. 759 note), identify and afford security protections com-  
156 mensurate with the risk and magnitude of the harm resulting from  
157 the loss, misuse, or unauthorized access to or modification of  
158 information collected or maintained by or on behalf of an agency.

159 (h) With respect to Federal information technology, each  
160 agency shall:—

161 (1) implement and enforce applicable Government-wide and  
162 agency information technology management policies, principles,  
163 standards, and guidelines;

164 (2) assume responsibility and accountability for information  
165 technology investments;

166 (3) promote the use of information technology by the agency to  
167 improve the productivity, efficiency, and effectiveness of agency  
168 programs, including the reduction of information collection bur-  
169 dens on the public and improved dissemination of public informa-  
170 tion;

171 (4) propose changes in legislation, regulations, and agency pro-  
172 cedures to improve information technology practices, including  
173 changes that improve the ability of the agency to use technology  
174 to reduce burden; and

175 (5) assume responsibility for maximizing the value and  
176 assessing and managing the risks of major information systems  
177 initiatives through a process that is:—

178 (A) integrated with budget, financial, and program management  
179 decisions; and

180 (B) used to select, control, and evaluate the results of major  
181 information systems initiatives.

182 Sec. 3507. Public information collection activities; submission  
183 to Director; approval and delegation.

184 (a) An agency shall not conduct or sponsor the collection of  
185 information unless in advance of the adoption or revision of the  
186 collection of information:—

187 (1) the agency has:—

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

189 (B) evaluated the public comments received under  
190 section 3506(c)(2);

191 (C) submitted to the Director the certification required under  
192 section 3506(c)(3), the proposed collection of information, copies  
193 of pertinent statutory authority, regulations, and other related  
194 materials as the Director may specify; and

195 (D) published a notice in the Federal Register:—

196 (i) stating that the agency has made such submission; and

197 (ii) setting forth:—

198 (I) a title for the collection of information;

199 (II) a summary of the collection of information;

200 (III) a brief description of the need for the information and the  
201 proposed use of the information;

202 (IV) a description of the likely respondents and proposed fre-  
203 quency of response to the collection of information;

204 (V) an estimate of the burden that shall result from the collec-  
205 tion of information; and

206 (VI) notice that comments may be submitted to the agency and  
207 Director;

208 (2) the Director has approved the proposed collection of infor-  
209 mation or approval has been inferred, under the provisions of this  
210 section; and

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

213 (b) The Director shall provide at least 30 days for public com-  
214 ment prior to making a decision under subsection (c), (d), or (h),  
215 except as provided under subsection (j).

216 (c)(1) For any proposed collection of information not contained  
217 in a proposed rule, the Director shall notify the agency involved  
218 of the decision to approve or disapprove the proposed collection  
219 of information.

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

223 (3) If the Director does not notify the agency of a denial or  
224 approval within the 60-day period described under para-  
225 graph (2):—

226 (A) the approval may be inferred;

227 (B) a control number shall be assigned without further delay;  
228 and

229 (C) the agency may collect the information for not more than 1  
230 year.

231 (d)(1) For any proposed collection of information contained in  
232 a proposed rule:—

233 (A) as soon as practicable, but no later than the date of publica-  
234 tion of a notice of proposed rule-making in the Federal Register,  
235 each agency shall forward to the Director a copy of any proposed  
236 rule which contains a collection of information and any informa-  
237 tion requested by the Director necessary to make the determina-  
238 tion required under this subsection; and

239 (B) within 60 days after the notice of proposed rule-making is  
240 published in the Federal Register, the Director may file public  
241 comments pursuant to the standards set forth in section 3508 on  
242 the collection of information contained in the proposed rule;

243 (2) When a final rule is published in the Federal Register, the  
244 agency shall explain:—

245 (A) how any collection of information contained in the final  
246 rule responds to the comments, if any, filed by the Director or the  
247 public; or

248 (B) the reasons such comments were rejected.

249 (3) If the Director has received notice and failed to comment on  
250 an agency rule within 60 days after the notice of proposed rule-  
251 making, the Director may not disapprove any collection of infor-  
252 mation specifically contained in an agency rule.

253 (4) No provision in this section shall be construed to prevent  
254 the Director, in the Director's discretion:—

255 (A) from disapproving any collection of information which was  
256 not specifically required by an agency rule;

257 (B) from disapproving any collection of information contained  
258 in an agency rule, if the agency failed to comply with the require-  
259 ments of paragraph (1) of this subsection;

260 (C) from disapproving any collection of information contained  
261 in a final agency rule, if the Director finds within 60 days after the  
262 publication of the final rule that the agency's response to the  
263 Director's comments filed under paragraph (2) of this subsection  
264 was unreasonable; or

265 (D) from disapproving any collection of information contained  
266 in a final rule, if:—

267 (i) the Director determines that the agency has substantially  
268 modified in the final rule the collection of information contained  
269 in the proposed rule; and

270 (ii) the agency has not given the Director the information  
271 required under paragraph (1) with respect to the modified collec-  
272 tion of information, at least 60 days before the issuance of the  
273 final rule.

274 (5) This subsection shall apply only when an agency publishes  
275 a notice of proposed rule-making and requests public comments.

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

279 (e)(1) Any decision by the Director under subsection (c), (d),  
280 (h), or (j) to disapprove a collection of information, or to instruct  
281 the agency to make substantive or material change to a collection  
282 of information, shall be publicly available and include an explana-  
283 tion of the reasons for such decision.

284 2) Any written communication between the Administrator of  
285 the Office of Information and Regulatory Affairs, or any  
286 employee of the Office of Information and Regulatory Affairs,  
287 and an agency or person not employed by the Federal Government  
288 concerning a proposed collection of information shall be made  
289 available to the public.

290 (3) This subsection shall not require the disclosure of:—

291 (A) any information which is protected at all times by proce-  
292 dures established for information which has been specifically  
293 authorized under criteria established by an Executive Order or an

294 Act of Congress to be kept secret in the interest of national  
295 defense or foreign policy; or

296 (B) any communication relating to a collection of information  
297 which is not approved under this chapter, the disclosure of which  
298 could lead to retaliation or discrimination against the communi-  
299 cator.

300 (f)(1) An independent regulatory agency which is administered  
301 by 2 or more members of a commission, board, or similar body,  
302 may by majority vote void:—

303 (A) any disapproval by the Director, in whole or in part, of a  
304 proposed collection of information of that agency; or

305 (B) an exercise of authority under subsection (d) of section  
306 3507 concerning that agency.

307 (2) The agency shall certify each vote to void such disapproval  
308 or exercise to the Director, and explain the reasons for such vote.  
309 The Director shall without further delay assign a control number  
310 to such collection of information, and such vote to void the disap-  
311 proval or exercise shall be valid for a period of 3 years.

312 (g) The Director may not approve a collection of information  
313 for a period in excess of 3 years.

314 (h)(1) If an agency decides to seek extension of the Director's  
315 approval granted for a currently approved collection of informa-  
316 tion, the agency shall:—

317 (A) conduct the review established under section 3506(c),  
318 including the seeking of comment from the public on the con-  
319 tinued need for, and burden imposed by the collection of informa-  
320 tion; and

321 (B) after having made a reasonable effort to seek public com-  
322 ment, but no later than 60 days before the expiration date of the  
323 control number assigned by the Director for the currently  
324 approved collection of information, submit the collection of infor-  
325 mation for review and approval under this section, which shall  
326 include an explanation of how the agency has used the informa-  
327 tion that it has collected.

328 (2) If under the provisions of this section, the Director disap-  
329 proves a collection of information contained in an existing rule, or  
330 recommends or instructs the agency to make a substantive or  
331 material change to a collection of information contained in an  
332 existing rule, the Director shall:—

333 (A) publish an explanation thereof in the Federal Register; and  
334 (B) instruct the agency to undertake a rule-making within a rea-  
335 sonable time limited to consideration of changes to the collection  
336 of information contained in the rule and thereafter to submit the  
337 collection of information for approval or disapproval under this  
338 chapter.

339 (3) An agency may not make a substantive or material modifi-  
340 cation to a collection of information after such collection has been  
341 approved by the Director, unless the modification has been sub-  
342 mitted to the Director for review and approval under this chapter.

343 (i)(1) If the Director finds that a senior official of an agency  
344 designated under section 3506(a) is sufficiently independent of  
345 program responsibility to evaluate fairly whether proposed collec-  
346 tions of information should be approved and has sufficient  
347 resources to carry out this responsibility effectively, the Director  
348 may, by rule in accordance with the notice and comment provi-  
349 sions of chapter 5 of title 5, United States Code, delegate to such  
350 official the authority to approve proposed collections of informa-  
351 tion in specific program areas, for specific purposes, or for all  
352 agency purposes.

353 (2) A delegation by the Director under this section shall not  
354 preclude the Director from reviewing individual collections of  
355 information if the Director determines that circumstances warrant  
356 such a review. The Director shall retain authority to revoke such  
357 delegations, both in general and with regard to any specific  
358 matter. In acting for the Director, any official to whom approval  
359 authority has been delegated under this section shall comply fully  
360 with the rules and regulations promulgated by the Director.

361 (j)(1) The agency head may request the Director to authorize a  
362 collection of information, if an agency head determines that:—

363 (A) a collection of information:—

364 (i) is needed prior to the expiration of time periods established  
365 under this chapter; and

366 (ii) is essential to the mission of the agency; and

367 (B) the agency cannot reasonably comply with the provisions of  
368 this chapter because:—

369 (i) public harm is reasonably likely to result if normal clearance  
370 procedures are followed;

371 (ii) an unanticipated event has occurred; or

372 (iii) the use of normal clearance procedures is reasonably likely  
373 to prevent or disrupt the collection of information or is reasonably  
374 likely to cause a statutory or court ordered deadline to be missed.

375 (2) The Director shall approve or disapprove any such autho-  
376 rization request within the time requested by the agency head and,  
377 if approved, shall assign the collection of information a control  
378 number. Any collection of information conducted under this sub-  
379 section may be conducted without compliance with the provisions  
380 of this chapter for a maximum of 90 days after the date on which  
381 the Director received the request to authorize such collection.

382 Sec. 3508. Determination of necessity for information; hearing.  
383 Before approving a proposed collection of information, the  
384 Director shall determine whether the collection of information by  
385 the agency is necessary for the proper performance of the func-  
386 tions of the agency, including whether the information shall have  
387 practical utility. Before making a determination the Director may  
388 give the agency and other interested persons an opportunity to be  
389 heard or to submit statements in writing. To the extent, if any, that  
390 the Director determines that the collection of information by an  
391 agency is unnecessary for any reason, the agency may not engage  
392 in the collection of information.

393 Sec. 3509. Designation of central collection agency.

394 The Director may designate a central collection agency to  
395 obtain information for two or more agencies if the Director deter-  
396 mines that the needs of such agencies for information will be ade-  
397 quately served by a single collection agency, and such sharing of  
398 data is not inconsistent with applicable law. In such cases the  
399 Director shall prescribe (with reference to the collection of infor-  
400 mation) the duties and functions of the collection agency so desig-  
401 nated and of the agencies for which it is to act as agent (including  
402 reimbursement for costs). While the designation is in effect, an  
403 agency covered by the designation may not obtain for itself infor-  
404 mation for the agency which is the duty of the collection agency  
405 to obtain. The Director may modify the designation from time to  
406 time as circumstances require. The authority to designate under  
407 this section is subject to the provisions of section 3507(f) of this  
408 chapter.

409 Sec. 3510. Cooperation of agencies in making information  
410 available.

411 (a) The Director may direct an agency to make available to  
412 another agency, or an agency may make available to another  
413 agency, information obtained by a collection of information if the  
414 disclosure is not inconsistent with applicable law.

415 (b)(1) If information obtained by an agency is released by that  
416 agency to another agency, all the provisions of law (including  
417 penalties) that relate to the unlawful disclosure of information  
418 apply to the officers and employees of the agency to which infor-  
419 mation is released to the same extent and in the same manner as  
420 the provisions apply to the officers and employees of the agency  
421 which originally obtained the information.

422 (2) The officers and employees of the agency to which the  
423 information is released, in addition, shall be subject to the same  
424 provisions of law, including penalties, relating to the unlawful dis-  
425 closure of information as if the information had been collected  
426 directly by that agency.

427 Sec. 3511. Establishment and operation of Government Infor-  
428 mation Locator Service.

429 (a) In order to assist agencies and the public in locating infor-  
430 mation and to promote information sharing and equitable access  
431 by the public, the Director shall:—

432 (1) cause to be established and maintained a distributed agency-  
433 based electronic Government Information Locator Service (here-  
434 after in this section referred to as the Service), which shall  
435 identify the major information systems, holdings, and dissemina-  
436 tion products of each agency;

437 (2) require each agency to establish and maintain an agency  
438 information locator service as a component of, and to support the  
439 establishment and operation of the Service;

440 (3) in cooperation with the Archivist of the United States, the  
441 Administrator of General Services, the Public Printer, and the  
442 Librarian of Congress, establish an interagency committee to  
443 advise the Secretary of Commerce on the development of tech-  
444 nical standards for the Service to ensure compatibility, promote  
445 information sharing, and uniform access by the public;

446 (4) consider public access and other user needs in the establish-  
447 ment and operation of the Service;

448 (5) ensure the security and integrity of the Service, including  
449 measures to ensure that only information which is intended to be  
450 disclosed to the public is disclosed through the Service; and

451 (6) periodically review the development and effectiveness of  
452 the Service and make recommendations for improvement,  
453 including other mechanisms for improving public access to Fed-  
454 eral agency public information.

455 (b) This section shall not apply to operational files as defined  
456 by the Central Intelligence Agency Information Act (50 U.S.C.  
457 431 et seq.).

458 Sec. 3512. Public protection.

459 (a) Notwithstanding any other provision of law, no person shall  
460 be subject to any penalty for failing to comply with a collection of  
461 information that is subject to this chapter if:—

462 (1) the collection of information does not display a valid con-  
463 trol number assigned by the Director in accordance with this  
464 chapter; or

465 (2) the agency fails to inform the person who is to respond to  
466 the collection of information that such person is not required to  
467 respond to the collection of information unless it displays a valid  
468 control number.

469 (b) The protection provided by this section may be raised in the  
470 form of a complete defense, bar, or otherwise at any time during  
471 the agency administrative process or judicial action applicable  
472 thereto.

473 Sec. 3513. Director review of agency activities; reporting;  
474 agency response.

475 (a) In consultation with the Administrator of General Services,  
476 the Archivist of the United States, the Director of the National  
477 Institute of Standards and Technology, and the Director of the  
478 Office of Personnel Management, the Director shall periodically  
479 review selected agency information resources management activi-  
480 ties to ascertain the efficiency and effectiveness of such activities  
481 to improve agency performance and the accomplishment of  
482 agency missions.

483 (b) Each agency having an activity reviewed under subsection  
484 (a) shall, within 60 days after receipt of a report on the review,  
485 provide a written plan to the Director describing steps (including  
486 milestones) to:—

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

489 (2) improve agency performance and the accomplishment of  
490 agency missions.

491 Sec. 3514. Responsiveness to Congress.

492 (a)(1) The Director shall:—

493 (A) keep the Congress and congressional committees fully and  
494 currently informed of the major activities under this chapter; and

495 (B) submit a report on such activities to the President of the  
496 Senate and the Speaker of the House of Representatives annually  
497 and at such other times as the Director determines necessary.

498 (2) The Director shall include in any such report a description  
499 of the extent to which agencies have:—

500 (A) reduced information collection burdens on the public,  
501 including:—

502 (i) a summary of accomplishments and planned initiatives to  
503 reduce collection of information burdens;

504 (ii) a list of all violations of this chapter and of any rules,  
505 guidelines, policies, and procedures issued pursuant to this  
506 chapter;

507 (iii) a list of any increase in the collection of information  
508 burden, including the authority for each such collection; and

509 (iv) a list of agencies that in the preceding year did not reduce  
510 information collection burdens in accordance with section  
511 3505(a)(1), a list of the programs and statutory responsibilities of  
512 those agencies that precluded that reduction, and recommenda-  
513 tions to assist those agencies to reduce information collection bur-  
514 dens in accordance with that section;

515 (B) improved the quality and utility of statistical information;

516 (C) improved public access to Government information; and

517 (D) improved program performance and the accomplishment of  
518 agency missions through information resources management.

519 (b) The preparation of any report required by this section shall  
520 be based on performance results reported by the agencies and  
521 shall not increase the collection of information burden on persons  
522 outside the Federal Government.

523 Sec. 3515. Administrative powers.

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

528 Sec. 3516. Rules and regulations.

529 The Director shall promulgate rules, regulations, or procedures  
530 necessary to exercise the authority provided by this chapter.

531 Sec. 3517. Consultation with other agencies and the public.

532 (a) In developing information resources management policies,  
533 plans, rules, regulations, procedures, and guidelines and in  
534 reviewing collections of information, the Director shall provide  
535 interested agencies and persons early and meaningful opportunity  
536 to comment.

537 (b) Any person may request the Director to review any collec-  
538 tion of information conducted by or for an agency to determine, if,  
539 under this chapter, a person shall maintain, provide, or disclose  
540 the information to or for the agency. Unless the request is frivo-  
541 lous, the Director shall, in coordination with the agency respon-  
542 sible for the collection of information:—

543 (1) respond to the request within 60 days after receiving the  
544 request, unless such period is extended by the Director to a speci-  
545 fied date and the person making the request is given notice of such  
546 extension; and

547 (2) take appropriate remedial action, if necessary.

548 Sec. 3518. Effect on existing laws and regulations.

549 (a) Except as otherwise provided in this chapter, the authority  
550 of an agency under any other law to prescribe policies, rules, reg-  
551 ulations, and procedures for Federal information resources man-  
552 agement activities is subject to the authority of the Director under  
553 this chapter.

554 (b) Nothing in this chapter shall be deemed to affect or reduce  
555 the authority of the Secretary of Commerce or the Director of the  
556 Office of Management and Budget pursuant to Reorganization  
557 Plan No. 1 of 1977 (as amended) and Executive order, relating to  
558 telecommunications and information policy, procurement and  
559 management of telecommunications and information systems,  
560 spectrum use, and related matters.

561 (c)(1) Except as provided in paragraph (2), this chapter shall  
562 not apply to the collection of information:—

563 (A) during the conduct of a Federal criminal investigation or  
564 prosecution, or during the disposition of a particular criminal  
565 matter;

566 (B) during the conduct of:—

567 (i) a civil action to which the United States or any official or  
568 agency thereof is a party; or

569 (ii) an administrative action or investigation involving an  
570 agency against specific individuals or entities;

571 (C) by compulsory process pursuant to the Antitrust Civil  
572 Process Act and section 13 of the Federal Trade Commission  
573 Improvements Act of 1980; or

574 (D) during the conduct of intelligence activities as defined in  
575 section 3.4(e) of Executive Order No. 12333, issued December 4,  
576 1981, or successor orders, or during the conduct of cryptologic  
577 activities that are communications security activities.

578 (2) This chapter applies to the collection of information during  
579 the conduct of general investigations (other than information col-  
580 lected in an antitrust investigation to the extent provided in sub-  
581 paragraph (C) of paragraph (1) undertaken with reference to a  
582 category of individuals or entities such as a class of licensees or  
583 an entire industry.

584 (d) Nothing in this chapter shall be interpreted as increasing or  
585 decreasing the authority conferred by Public Law 89-306 on the  
586 Administrator of the General Services Administration, the Secre-  
587 tary of Commerce, or the Director of the Office of Management  
588 and Budget.

589 (e) Nothing in this chapter shall be interpreted as increasing or  
590 decreasing the authority of the President, the Office of Manage-  
591 ment and Budget or the Director thereof, under the laws of the  
592 United States, with respect to the substantive policies and pro-  
593 grams of departments, agencies and offices, including the substan-  
594 tive authority of any Federal agency to enforce the civil rights  
595 laws.

596 Sec. 3519. Access to information.

597 Under the conditions and procedures prescribed in section 716  
598 of title 31, the Director and personnel in the Office of Information  
599 and Regulatory Affairs shall furnish such information as the  
600 Comptroller General may require for the discharge of the respon-  
601 sibilities of the Comptroller General. For the purpose of obtaining  
602 such information, the Comptroller General or representatives  
603 thereof shall have access to all books, documents, papers and  
604 records, regardless of form or format, of the Office.

605 Sec. 3520. Authorization of appropriations.

606 There are authorized to be appropriated to the Office of Infor-  
607 mation and Regulatory Affairs to carry out the provisions of this  
608 chapter, and for no other purpose, \$8,000,000 for each of the  
609 fiscal years 1996, 1997, 1998, 1999, 2000, and 2001.

1 SECTION 2. BURDEN REDUCTION REGARDING QUAR-  
2 TERLY FINANCIAL REPORT PROGRAM AT BUREAU OF  
3 THE CENSUS.

4 Section 91 of title 13, United States Code, is amended by  
5 adding at the end the following new subsection:

6 (d)(1) The Secretary shall not select an organization or entity  
7 for participation in a survey, if:—

8 (A) the organization or entity:—

9 (i) has assets of less than \$50,000,000;

10 (ii) completed participation in a prior survey in the preceding  
11 10-year period, as determined by the Secretary; and

12 (iii) was selected for that prior survey participation after Sep-  
13 tember 30, 1990; or

14 (B) the organization or entity:—

15 (i) has assets of more than \$50,000,000 and less than  
16 \$100,000,000;

17 (ii) completed participation in a prior survey in the preceding 2-  
18 year period, as determined by the Secretary; and

19 (iii) was selected for that prior survey participation after Sep-  
20 tember 30, 1995.

21 (2)(A) The Secretary shall furnish advice and similar assistance  
22 to ease the burden of a small business concern which is attempting  
23 to compile and furnish the business information required of orga-  
24 nizations and entities participating in the survey.

25 (B) To facilitate the provision of the assistance under subpara-  
26 graph (A), the Secretary shall establish a toll-free telephone  
27 number.

28 (C) The Secretary shall expand the use of statistical sampling  
29 techniques to select organizations and entities having assets less  
30 than \$100,000,000 to participate in the survey.

31 (3) The Secretary may undertake such additional paperwork  
32 burden reduction initiatives with respect to the conduct of the  
33 survey as may be deemed appropriate by the Secretary.

34 (4) For purposes of this subsection:

35 (A) The term small business concern means a business concern  
36 that meets the requirements of section 3(a) of the Small Business  
37 Act and the regulations promulgated pursuant thereto.

38 (B) The term “survey” means the collection of information by  
39 the Secretary pursuant to this section for the purpose of preparing  
40 the publication entitled Quarterly Financial Report for Manufac-  
41 turing, Mining, and Trade Corporations”.

1 SECTION 3. EFFECTIVE DATE.

2 (a) In General: Except as otherwise provided in this section,  
3 this Act and the amendments made by this Act shall take effect on  
4 October 1, 1995.

5 (b) Authorization of Appropriations: Section 3520 of title 44,  
6 United States Code, as amended by this Act, shall take effect on  
7 the date of enactment of this Act.

8 (c) Delayed Application: In the case of a collection of informa-  
9 tion for which there is in effect on September 30, 1995, a control  
10 number issued by the Office of Management and Budget under  
11 chapter 35 of title 44, United States Code:—

12 (1) the amendments made by this Act shall apply to the collec-  
13 tion of information beginning on the earlier of:—

14 (A) the first renewal or modification of that collection of infor-  
15 mation after September 30, 1995; or

16 (B) the expiration of its control number after September 30,  
17 1995.

18 (2) prior to such renewal, modification, or expiration, the col-  
19 lection of information shall be subject to chapter 35 of title 44,  
20 United States Code, as in effect on September 30, 1995.

21 Speaker of the House of Representatives.

22 Vice President of the United States and

23 President of the Senate.



