



UNITED STATES CODE ANNOTATED
TITLE 44. PUBLIC PRINTING AND DOCUMENTS
CHAPTER 35--COORDINATION OF FEDERAL INFORMATION POLICY
SUBCHAPTER I-FEDERAL INFORMATION POLICY

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Current through P.L. 107-56, approved 10-26-01

[§ 3504. Authority and functions of Director](#)

(a)(1) The Director shall oversee the use of information resources to improve the efficiency and effectiveness of governmental operations to serve agency missions, including burden reduction and service delivery to the public. In performing such oversight, the Director shall--

(A) develop, coordinate and oversee the implementation of Federal information resources management policies, principles, standards, and guidelines; and

(B) provide direction and oversee--

(i) the review and approval of the collection of information and the reduction of the information collection burden;

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

(iii) statistical activities;

(iv) records management activities;

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

(vi) the acquisition and use of information technology, including alternative information technologies that provide for electronic submission, maintenance, or disclosure of information as a substitute for paper and for the use and acceptance of electronic signatures.

(2) The authority of the Director under this subchapter shall be exercised consistent with applicable law.

(b) With respect to general information resources management policy, the Director shall--

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

(2) foster greater sharing, dissemination, and access to public information, including through--

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

(B) the development and utilization of common standards for information collection, storage, processing and communication, including standards for security, interconnectivity and interoperability;

(3) initiate and review proposals for changes in legislation, regulations, and agency procedures to improve information resources management practices;

(4) oversee the development and implementation of best practices in information resources management, including

training; and

(5) oversee agency integration of program and management functions with information resources management functions.

(c) With respect to the collection of information and the control of paperwork, the Director shall--

(1) review and approve proposed agency collections of information;

(2) coordinate the review of the collection of information associated with Federal procurement and acquisition by the Office of Information and Regulatory Affairs with the Office of Federal Procurement Policy, with particular emphasis on applying information technology to improve the efficiency and effectiveness of Federal procurement, acquisition and payment, and to reduce information collection burdens on the public;

(3) minimize the Federal information collection burden, with particular emphasis on those individuals and entities most adversely affected;

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

(5) establish and oversee standards and guidelines by which agencies are to estimate the burden to comply with a proposed collection of information.

(d) With respect to information dissemination, the Director shall develop and oversee the implementation of policies, principles, standards, and guidelines to--

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

(2) promote public access to public information and fulfill the purposes of this subchapter, including through the effective use of information technology.

(e) With respect to statistical policy and coordination, the Director shall--

(1) coordinate the activities of the Federal statistical system to ensure--

(A) the efficiency and effectiveness of the system; and

(B) the integrity, objectivity, impartiality, utility, and confidentiality of information collected for statistical purposes;

(2) ensure that budget proposals of agencies are consistent with system-wide priorities for maintaining and improving the quality of Federal statistics and prepare an annual report on statistical program funding;

(3) develop and oversee the implementation of Governmentwide policies, principles, standards, and guidelines concerning--

(A) statistical collection procedures and methods;

(B) statistical data classification;

(C) statistical information presentation and dissemination;

(D) timely release of statistical data; and

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

(4) evaluate statistical program performance and agency compliance with Governmentwide policies, principles, standards and guidelines;

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

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

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

(8) establish an Interagency Council on Statistical Policy to advise and assist the Director in carrying out the functions under this subsection that shall--

(A) be headed by the chief statistician; and

(B) consist of--

(i) the heads of the major statistical programs; and

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

(9) provide opportunities for training in statistical policy functions to employees of the Federal Government under which--

(A) each trainee shall be selected at the discretion of the Director based on agency requests and shall serve under the chief statistician for at least 6 months and not more than 1 year; and

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

(f) With respect to records management, the Director shall--

(1) provide advice and assistance to the Archivist of the United States and the Administrator of General Services to promote coordination in the administration of chapters 29, 31, and 33 of this title with the information resources management policies, principles, standards, and guidelines established under this subchapter;

(2) review compliance by agencies with--

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

(B) regulations promulgated by the Archivist of the United States and the Administrator of General Services; and

(3) oversee the application of records management policies, principles, standards, and guidelines, including requirements for archiving information maintained in electronic format, in the planning and design of information systems.

(g) With respect to privacy and security, the Director shall--

(1) develop and oversee the implementation of policies, principles, standards, and guidelines on privacy, confidentiality, security, disclosure and sharing of information collected or maintained by or for agencies;

(2) oversee and coordinate compliance with sections 552 and 552a of title 5, sections 20 and 21 of the National Institute of Standards and Technology Act ([15 U.S.C. 278g-3](#) and [278g-4](#)), section 5131 of the Clinger-Cohen Act of 1996 ([40 U.S.C. 1441](#)), and sections 5 and 6 of the Computer Security Act of 1987 ([40 U.S.C. 759](#) note), and related

information management laws; and

(3) require Federal agencies, consistent with the standards and guidelines promulgated under section 5131 of the Clinger-Cohen Act of 1996 ([40 U.S.C. 1441](#)) and sections 5 and 6 of the Computer Security Act of 1987 ([40 U.S.C. 759](#) note), to identify and afford security protections commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of information collected or maintained by or on behalf of an agency.

(h) With respect to Federal information technology, the Director shall--

(1) in consultation with the Director of the National Institute of Standards and Technology and the Administrator of General Services--

(A) develop and oversee the implementation of policies, principles, standards, and guidelines for information technology functions and activities of the Federal Government, including periodic evaluations of major information systems; and

(B) oversee the development and implementation of standards under section 5131 of the Clinger-Cohen Act of 1996 ([40 U.S.C. 1441](#));

(2) monitor the effectiveness of, and compliance with, directives issued under division E of the Clinger-Cohen Act of 1996 ([40 U.S.C. 1401](#) et seq.) and directives issued under section 110 of the Federal Property and Administrative Services Act of 1949 ([40 U.S.C. 757](#));

(3) coordinate the development and review by the Office of Information and Regulatory Affairs of policy associated with Federal procurement and acquisition of information technology with the Office of Federal Procurement Policy;

(4) ensure, through the review of agency budget proposals, information resources management plans and other means--

(A) agency integration of information resources management plans, program plans and budgets for acquisition and use of information technology; and

(B) the efficiency and effectiveness of inter-agency information technology initiatives to improve agency performance and the accomplishment of agency missions; and

(5) promote the use of information technology by the Federal Government to improve the productivity, efficiency, and effectiveness of Federal programs, including through dissemination of public information and the reduction of information collection burdens on the public.

CREDIT(S)
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(Added [Pub.L. 104-13, § 2](#), May 22, 1995, 109 Stat. 167, and amended [Pub.L. 104-106](#), Div. E, Title LI, § 5131(e)(1), Title LVI, § 5605(b), (c), Feb. 10, 1996, 110 Stat. 688, 700; [Pub.L. 104-208](#), Div. A, Title I, § 101(f) [Title VIII, § 808(c)], Sept. 30, 1996, 110 Stat. 3009-394; [Pub.L. 105-85](#), Div. A, Title X, § 1073(h)(5)(B), (C), Nov. 18, 1997, 111 Stat. 1907; [Pub.L. 105-277, Div. C, Title XVII, § 1702](#), Oct. 21, 1998, 112 Stat. 2681- 750; [Pub.L. 106-398, § 1](#) [Div. A, Title X, § 1064(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-275.)

<General Materials (GM) - References, Annotations, or Tables>

HISTORICAL AND STATUTORY NOTES

Revision Notes and Legislative Reports

1995 Acts. House Report No. 104-37 and House Conference Report No. 104- 99, see 1995 U.S. Code Cong. and Adm. News, p. 164.

1996 Acts. House Conference Report No. 104-450, see 1996 U.S. Code Cong. and Adm. News, p. 238.

1997 Acts. House Conference Report No. 105-340 and Statement by President, see 1997 U.S. Code Cong. and Adm. News, p. 2251.

1998 Acts. Statement by President, see 1998 U.S. Code Cong. and Adm. News, p. 582.

2000 Acts. House Conference Report No. 106-945 and Statement by President, see 2000 U.S. Code Cong. and Adm. News, p. 1516.

References in Text

The National Institute of Standards and Technology Act, referred to in subsec. (g)(2), is Act Mar. 3, 1901, c. 872, 31 Stat. 1449, as amended, which enacted chapter 7 (section 271 et seq.) of Title 15, Commerce and Trade. Sections 20 and 21 of such Act are classified to [sections 278g-3](#) and [278g-4](#), respectively, of [Title 15](#). For complete classification of this Act to the Code, see Short Title note set out under section 271 of Title 15 and Tables.

The Clinger-Cohen Act of 1996, referred to in subsecs. (g)(2), (3), and (h)(1)(B), (2), is [Pub.L. 104-106](#), Div. E, § 5001 to 5703, Feb. 10, 1996, 110 Stat. 679 et seq., which is classified principally to chapter 25 (section 1401 et seq.) of Title 40, Public Buildings, Property, and Works. Section 5131 of such Act is classified to [section 1441 of Title 40](#). For complete classification of this Act to the Code, see Short Title note set out under section 1401 of Title 40 and Tables.

The Computer Security Act of 1987, referred to in subsec. (g)(2) and (3), is [Pub.L. 100-235](#), Jan. 8, 1988, 101 Stat. 1724, as amended, which enacted [sections 278g-3](#) and [278g-4 of Title 15](#), Commerce and Trade, amended [sections 272](#) and [272h](#) of Title 15 and former section 759 of Title 40, Public Buildings, Property, and Works, and enacted provisions set out as notes under section 271 of Title 15 and section 1441 of Title 40. [Sections 5 and 6 of Pub.L. 100-235](#), which were set out in a note under [section 759 of Title 40](#), prior to the repeal of such [section 759](#), are now set out in a note under section 1441 of Title 40. For complete classification of [Pub.L. 100-235](#) to the Code, see Tables.

Section 110 of the Federal Property and Administrative Services Act of 1949, referred to in subsec. (h)(2), is section 110 of Act June 30, 1949, c. 288, Title I, as added and amended, which is classified to [section 757 of Title 40](#), Public Buildings, Property, and Works.

Amendments

2000 Amendments. [Pub.L. 106-398](#) [Div. A, Title X, § 1064(b)], struck "subchapter" and inserted "chapter" wherever appearing.

1998 Amendments. Subsec. (a)(1)(B)(vi). [Pub.L. 105-277, § 1702](#), amended cl. (vi), which formerly read "(vi) the acquisition and use of information technology".

1997 Amendments. Subsec. (g)(2), (3). [Pub.L. 105-85, § 1073\(h\)\(5\)\(C\)](#), instructed that "Clinger-Cohen Act of 1996 ([40 U.S.C. 1441](#))" be substituted for "Information Technology Management and Reform Act of 1996". Since "the Clinger-Cohen Act of 1996" had previously been substituted for "the Information Technology Management Reform Act of 1996" under [Pub.L. 104-208, § 101\(f\)](#) [§ 808(c)], this amendment was executed by substituting "Clinger-Cohen Act of 1996 ([40 U.S.C. 1441](#))" for "Clinger-Cohen Act of 1996", as the probable intent of Congress.

Subsec. (h)(1)(B). [Pub.L. 105-85, § 1073\(h\)\(5\)\(C\)](#), instructed that "Clinger-Cohen Act of 1996 ([40 U.S.C. 1441](#))" be substituted for "Information Technology Management and Reform Act of 1996". Since "the Clinger-Cohen Act of 1996" had previously been substituted for "the Information Technology Management Reform Act of 1996" under [Pub.L. 104-208, § 101\(f\)](#) [§ 808(c)], this amendment was executed by substituting "Clinger-Cohen Act of 1996 ([40 U.S.C. 1441](#))" for "Clinger-Cohen Act of 1996", as the probable intent of Congress.

Subsec. (h)(2). [Pub.L. 105-85, § 1073\(h\)\(5\)\(B\)](#), instructed that "division E of the Clinger-Cohen Act of 1996 ([40 U.S.C. 1401](#) et seq.)" be substituted for "the Information Technology Management Reform Act of 1996". Since "the Clinger-Cohen Act of 1996" had previously been substituted for "the Information Technology Management Reform Act of 1996" under [Pub.L. 104-208, § 101\(f\)](#) [§ 808(c)], this amendment was executed by substituting "division E of the Clinger-Cohen Act of 1996 ([40 U.S.C. 1401](#) et seq.)" for "Clinger-Cohen Act of 1996", as the probable intent of Congress.

1996 Amendments. Subsec. (g)(2). [Pub.L. 104-208, § 101\(f\)](#) [§ 808(c)], substituted "Clinger-Cohen Act of 1996" for "Information Technology Management Reform Act of 1996".

[Pub.L. 104-106, § 5131\(e\)\(1\)\(A\)](#), substituted "sections 20 and 21 of the National Institute of Standards and Technology Act ([15 U.S.C. 278g-3](#) and [278g-4](#)), section 5131 of the Information Technology Management Reform Act of 1996, and sections 5 and 6 of the Computer Security Act of 1987 ([40 U.S.C. 759](#) note)" for "the Computer Security Act of 1987 ([40 U.S.C. 759](#) note)".

Subsec. (g)(3). [Pub.L. 104-208, § 101\(f\)](#) [§ 808(c)], substituted "Clinger-Cohen Act of 1996" for "Information Technology Management Reform Act of 1996".

[Pub.L. 104-106, § 5131\(e\)\(1\)\(B\)](#), substituted "the standards and guidelines promulgated under section 5131 of the Information Technology Management Reform Act of 1996 and sections 5 and 6 of the Computer Security Act of 1987 ([40 U.S.C. 759](#) note)" for "the Computer Security Act of 1987 ([40 U.S.C. 759](#) note)".

Subsec. (h)(1)(B). [Pub.L. 104-208, § 101\(f\)](#) [§ 808(c)], substituted "Clinger-Cohen Act of 1996" for "Information Technology Management Reform Act of 1996".

[Pub.L. 104-106, § 5605\(b\)](#), substituted "section 5131 of the Information Technology Management Reform Act of 1996" for "section 111(d) of the Federal Property and Administrative Services Act of 1949 ([40 U.S.C. 759\(d\)](#))".

Subsec. (h)(2). [Pub.L. 104-208, § 101\(f\)](#) [§ 808(c)], substituted "Clinger- Cohen Act of 1996" for "Information Technology Management Reform Act of 1996".

[Pub.L. 104-106, § 5605\(c\)](#), substituted "the Information Technology Management Reform Act of 1996 and directives issued under section 110 of the Federal Property and Administrative Services Act of 1949 ([40 U.S.C. 757](#))" for "sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 ([40 U.S.C. 757](#) and [759](#))".

Effective and Applicability Provisions

2000 Acts. [Pub.L. 106-398, § 1](#) [Div. A, Title X, § 1065], Oct. 30, 2000, 114 Stat 1654, 1654A-275, provided that the amendment to this section by Subtitle G of [Pub. L. 106-398, § 1](#) [Div. A, Title X, § § 1061 to 1065], Oct. 30, 2000, 114 Stat 1654, 1654A-266] shall take effect 30 days after Oct. 30, 2000. See note set out under section 3531 of this title.

1996 Acts. Amendment by [sections 5131\(e\)\(1\) and 5605\(b\) and \(c\) of Pub.L. 104-106](#) effective 180 days after Feb. 10, 1996, see [section 5701 of Pub.L. 104-106](#), set out as a note under [section 1401 of Title 40](#), Public Buildings, Property, and Works.

1995 Acts. Section effective Oct. 1, 1995, except as otherwise provided, see [section 4 of Pub.L. 104-13](#), set out as a note under section 3501 of this title.

Prior Provisions

A prior section 3504, added [Pub.L. 96-511, § 2\(a\)](#), Dec. 11, 1980, 94 Stat. 2815, and amended [Pub.L. 98-497, Title I, § 107\(b\)\(26\)](#), Oct. 19, 1984, 98 Stat. 2291; [Pub.L. 99-500, § 101\(m\)](#) [Title VIII, § § 814, 821(b)(2)], Oct. 18, 1986, 100 Stat. 1783-308, 1783-336, 1783-342; [Pub.L. 99-591, § 101\(m\)](#) [Title VIII, § § 814, 821(b)(2)], Oct. 30, 1986, 100 Stat. 3341-308, 3341-336, 3341-342, setting out the authority and functions of the Director, was omitted in the general revision of this chapter by [Pub.L. 104-13](#).

An earlier section 3504, [Pub.L. 90-620, Oct. 22, 1968, 82 Stat. 1303](#), which provided for designation of central collection agency, was omitted in the general revision of this chapter by [section 2\(a\) of Pub.L. 96-511](#).

Government Paperwork Elimination Act

[Pub.L. 105-277, Div. C, Title XVII, § § 1701 to 1710](#), Oct. 21, 1998, 112 Stat. 2681-749 to 2681-751, provided that:

"Sec. 1701. Short Title.

"This title [amending this section and enacting provisions set out as notes under this section and section 101 of this title] may be cited as the 'Government Paperwork Elimination Act'.

"**Sec. 1702.** [Amended subsec. (a)(1)(B)(vi) of this section.]

"**Sec. 1703. Procedures for Use and Acceptance of Electronic Signatures by Executive Agencies.**

"(a) **In general.**--In order to fulfill the responsibility to administer the functions assigned under chapter 35 of Title 44, United States Code [[44 U.S.C.A. § 3501](#) et seq.], the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of [Public Law 104-106](#)) and the amendments made by that Act [[Pub.L. 104-106](#), Div. D and E, Feb. 10, 1996, 110 Stat. 642, 679; for complete classification to the Code, see Tables] and the provisions of this title [[Title XVII, Div. C. of Pub.L. 105-277](#), Oct. 21, 1998, 112 Stat. 2681- 584, amending this section, and enacting this note and provisions set out as a note under section 101 of this title], the Director of the Office of Management and Budget shall, in consultation with the National Telecommunications and Information Administration and not later than 18 months after the date of enactment of this Act [Oct. 21, 1998], develop procedures for the use and acceptance of electronic signatures by Executive agencies.

"(b) **Requirements for procedures.**--(1) The procedures developed under subsection (a) [of this note]--

"(A) shall be compatible with standards and technology for electronic signatures that are generally used in commerce and industry and by State governments;

"(B) may not inappropriately favor one industry or technology;

"(C) shall ensure that electronic signatures are as reliable as is appropriate for the purpose in question and keep intact the information submitted;

"(D) shall provide for the electronic acknowledgment of electronic forms that are successfully submitted; and

"(E) shall, to the extent feasible and appropriate, require an Executive agency that anticipates receipt by electronic means of 50,000 or more submittals of a particular form to take all steps necessary to ensure that multiple methods of electronic signatures are available for the submittal of such form.

"(2) The Director shall ensure the compatibility of the procedures under paragraph (1)(A) in consultation with appropriate private bodies and State government entities that set standards for the use and acceptance of electronic signatures.

"**Sec. 1704. Deadline for Implementation by Executive Agencies of Procedures for Use and Acceptance of Electronic Signatures.**

"In order to fulfill the responsibility to administer the functions assigned under chapter 35 of Title 44, United States Code [[44 U.S.C.A. § 3501](#) et seq.], the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of [Public Law 104-106](#)) and the amendments made by that Act [[Pub.L. 104-106](#), Div. D and E, Feb. 10, 1996, 110 Stat. 642, 679; for complete classification to the Code, see Tables] and the provisions of this title [[Title XVII, Div. C. of Pub.L. 105-277](#), Oct. 21, 1998, 112 Stat. 2681-584, amending this section and enacting this note and provisions set out as a note under section 101 of this title], the Director of the Office of Management and Budget shall ensure that, commencing not later than five years after the date of enactment of this Act [Oct. 21, 1998], Executive agencies provide--

"(1) for the option of the electronic maintenance, submission, or disclosure of information, when practicable as a substitute for paper; and

"(2) for the use and acceptance of electronic signatures, when practicable.

"Sec. 1705. Electronic Storage and Filing of Employment Forms.

"In order to fulfill the responsibility to administer the functions assigned under chapter 35 of Title 44, United States Code [[44 U.S.C.A. § 3501](#) et seq.], the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of [Public Law 104-106](#)) and the amendments made by that Act [[Pub.L. 104-106](#), Div. D and E, Feb. 10, 1996, 110 Stat. 642, 679; for complete classification to the Code, see Tables], and the provisions of this title [[Title XVII, Div. C of Pub.L. 105-277](#), Oct. 21, 1998, 112 Stat. 2681-584, amending this section and enacting provisions set out as a note under section 101 of this title], the Director of the Office of Management and Budget shall, not later than 18 months after the date of enactment of this Act [Oct. 21, 1998], develop procedures to permit private employers to store and file electronically with Executive agencies forms containing information pertaining to the employees of such employers".

"Sec. 1706. Study on Use of Electronic Signatures.

"(a) **Ongoing study required.**--In order to fulfill the responsibility to administer the functions assigned under chapter 35 of Title 44, United States Code [[44 U.S.C.A. § 3501](#) et seq.], the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of [Public Law 104-106](#)) and the amendments made by that Act [[Pub.L. 104-106](#), Div. D and E, Feb. 10, 1996, 110 Stat. 642, 679; for complete classification to the Code, see Tables], and the provisions of this title [[Title XVII, Div. C of Pub.L. 105-277](#), Oct. 21, 1998, 112 Stat. 2681-584, amending this section and enacting provisions set out as a note under section 101 of this title], the Director of the Office of Management and Budget shall, in cooperation with the National Telecommunications and Information Administration, conduct an ongoing study of the use of electronic signatures under this title [[Title XVII, Div. C of Pub.L. 105-277](#), Oct. 21, 1998, 112 Stat. 2681-584, amending this section and enacting provisions set out as a note under section 101 of this title] on--

"(1) paperwork reduction and electronic commerce;

"(2) individual privacy; and

"(3) the security and authenticity of transactions.

"(b) **Reports.**--The Director shall submit to Congress on a periodic basis a report describing the results of the study carried out under subsection (a) [of this note].

"Sec. 1707. Enforceability and Legal Effect of Electronic Records.

"Electronic records submitted or maintained in accordance with procedures developed under this title [[Title XVII, Div. C of Pub.L. 105-277](#), Oct. 21, 1998, 112 Stat. 2681-584, amending this section and enacting provisions set out as a note under section 101 of this title], or electronic signatures or other forms of electronic authentication used in accordance with such procedures, shall not be denied legal effect, validity, or enforceability because such records are in electronic form.

"Sec. 1708. Disclosure of Information.

"Except as provided by law, information collected in the provision of electronic signature services for communications with an executive agency, as provided by this title [[Title XVII, Div. C, of Pub.L. 105-277](#), Oct. 21, 1998, 112 Stat. 2681-584, amending this section and enacting provisions set out as a note under section 101 of this title], shall only be used or disclosed by persons who obtain, collect, or maintain such information as a business or government practice, for the purpose of facilitating such communications, or with the prior affirmative consent of the person about whom the information pertains.

"Sec. 1709. Application With Internal Revenue Laws.

"No provision of this title [[Title XVII, Div. C, of Pub.L. 105-277](#), Oct. 21, 1998, 112 Stat. 2681-584, amending this section and enacting provisions set out as a note under section 101 of this title] shall apply to the Department of the Treasury or the Internal Revenue Service to the extent that such provision--

"(1) involves the administration of the internal revenue laws; or

"(2) conflicts with any provision of the Internal Revenue Service Restructuring and Reform Act of 1998 [[Pub.L. 105-206](#), July 22, 1998, 112 Stat. 685; for complete classification to the Code, see Tables] or the Internal Revenue Code of 1986 [[26 U.S.C.A. § 1](#) et seq.].

"Sec. 1710. Definitions.

"For purposes of this title [[Title XVII of Div. C of Pub.L. 105-277](#), Oct. 21, 1998, 112 Stat. 2681-584, amending this section and enacting provisions set out as a note under section 101 of this title]:

"(1) **Electronic signature.**--The term 'electronic signature' means a method of signing an electronic message that--

"(A) identifies and authenticates a particular person as the source of the electronic message; and

"(B) indicates such person's approval of the information contained in the electronic message.

(2) **Executive agency.**--The term 'Executive agency' has the meaning given that term in [section 105 of Title 5, United States Code \[5 U.S.C.A. § 105\]](#)."

Coordination with Other Amendments

Amendments by [section 1073 of Pub.L. 105-85](#) to be treated as having been enacted immediately before the other provisions of [Pub.L. 105-85](#), see [section 1073\(i\) of Pub.L. 105-85](#), set out as a note under [section 5315 of Title 5, Government Organization and Employees](#).

Delayed Application of 1995 Revision

Pursuant to [section 4\(c\) of Pub.L. 104-13](#), set out as a note under [section 3501](#) of this title, prior section 3504, as in effect on Sept. 30, 1995, shall continue to apply to the collection of information for which there is in effect on Sept.

30, 1995, a control number issued by the Office of Management and Budget under this chapter, and shall continue so to apply until the earlier of (1) the first renewal or modification of that collection of information after Sept. 30, 1995, or (2) the expiration of its control number after Sept. 30, 1995.

Prior section 3504, as in effect on Sept. 30, 1995, reads as follows:

"(a) The Director shall develop and implement Federal information policies, principles, standards, and guidelines and shall provide direction and oversee the review and approval of information collection requests, the reduction of the paperwork burden, Federal statistical activities, records management activities, privacy and security of records, agency sharing and dissemination of information, and acquisition and use of automatic data processing, telecommunications, and other information technology for managing information resources. The authority of the Director under this section shall be exercised consistent with applicable law.

"(b) The general information policy functions of the Director shall include--

"(1) developing and implementing uniform and consistent 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 therein;

"(3) coordinating, through the review of budget proposals and as otherwise provided in this section, agency information practices;

"(4) promoting, through the use of the Federal Information Locator System, the review of budget proposals and other methods, greater sharing of information by agencies;

"(5) evaluating agency information management practices to determine their adequacy and efficiency, and to determine compliance of such practices with the policies, principles, standards, and guidelines promulgated by the Director; and

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

"(c) The information collection request clearance and other paperwork control 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, including whether the information will have practical utility for the agency;

"(3) ensuring that all information collection requests --

"(A) are inventoried, display a control number and, when appropriate, an expiration date;

"(B) indicate the request is in accordance with the clearance requirements of section 3507; and

"(C) contain a statement to inform the person receiving the request why the information is being collected, how it

is to be used, and whether responses to the request are voluntary, required to obtain a benefit, or mandatory;

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

"(5) setting goals for reduction of the burdens of Federal information collection requests;

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

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

"(d) The statistical policy and coordination functions of the Director shall include--

"(1) developing and periodically reviewing and, as necessary, revising long-range plans for the improved coordination and performance of the statistical activities and programs of the Federal Government;

"(2) reviewing budget proposals of agencies to assure that the proposals are consistent with such long-range plans;

"(3) coordinating, through the review of budget proposals and as otherwise provided in this chapter, the functions of the Federal Government with respect to gathering, interpreting, and disseminating statistics and statistical information;

"(4) developing and implementing Government-wide policies, principles, standards, and guidelines concerning statistical collection procedures and methods, statistical data classification, statistical information presentation and dissemination, and such statistical data sources as may be required for the administration of Federal programs;

"(5) evaluating statistical program performance and agency compliance with Government-wide policies, principles, standards, and guidelines;

"(6) integrating the functions described in paragraphs (1) through (5) of this subsection with the other information resources management functions specified in this chapter; and

"(7) appointing a chief statistician who is a trained and experienced professional statistician to carry out the functions described in paragraphs (1) through (6) of this subsection.

"(e) The records management functions of the Director shall include--

"(1) providing advice and assistance to the Archivist of the United States and the Administrator of General Services in order 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 agencies with the requirements of chapters 29, 31, and 33 of this title and with regulations promulgated by the Archivist of the United States and 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) developing and implementing policies, principles, standards, and guidelines on information disclosure and confidentiality, and on safeguarding the security of information collected or maintained by or on behalf of agencies;

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

"(3) monitoring compliance with [section 552a of title 5, United States Code](#), and related information management laws.

"(g) The Federal automatic data processing (including telecommunications) functions of the Director shall include--

"(1) developing and implementing policies, principles, standards, and guidelines for automatic data processing (including telecommunications) functions and activities of the Federal Government, and overseeing the establishment of standards under section 111(d) of the Federal Property and Administrative Services Act of 1949;

"(2) monitoring the effectiveness of, and compliance with, directives issued pursuant to sections 110 and 111 of such Act of 1949 and reviewing proposed determinations under section 111(e) of such Act;

"(3) providing advice and guidance on the acquisition and use of automatic data processing (including telecommunications) equipment, and coordinating, through the review of budget proposals and other methods, agency proposals for acquisition and use of such equipment;

"(4) promoting the use of automatic data processing (including telecommunications) equipment by the Federal Government 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 (including telecommunications) practices, and informing the President and the Congress of the progress made therein.

"(h)(1) As soon as practicable, but no later than publication of a notice of proposed rulemaking in the Federal Register, each agency shall forward to the Director a copy of any proposed rule which contains a collection of information requirement and upon request, information necessary to make the determination required pursuant to this section.

"(2) Within sixty days after the notice of proposed rulemaking is published in the Federal Register, the Director may file public comments pursuant to the standards set forth in section 3508 on the collection of information requirement contained in the proposed rule.

"(3) When a final rule is published in the Federal Register, the agency shall explain how any collection of information requirement contained in the final rule responds to the comments, if any, filed by the Director or the public, or explain why it rejected those comments.

"(4) The Director has no authority to disapprove any collection of information requirement specifically contained in an agency rule, if he has received notice and failed to comment on the rule within sixty days of the notice of proposed rulemaking.

"(5) Nothing in this section prevents the Director, in his discretion--

"(A) from disapproving any information collection request which was not specifically required by an agency rule;

"(B) from disapproving any collection of information requirement contained in an agency rule, if the agency failed to comply with the requirements of paragraph (1) of this subsection; or

"(C) from disapproving any collection of information requirement contained in a final agency rule, if the Director finds within sixty days of the publication of the final rule that the agency's response to his comments filed pursuant to paragraph (2) of this subsection was unreasonable.

"(D) from disapproving any collection of information requirement where the Director determines that the agency has substantially modified in the final rule the collection of information requirement contained in the proposed rule where the agency has not given the Director the information required in paragraph (1), with respect to the modified collection of information requirement, at least sixty days before the issuance of the final rule.

"(6) The Director shall make publicly available any decision to disapprove a collection of information requirement contained in an agency rule, together with the reasons for such decision.

"(7) The authority of the Director under this subsection is subject to the provisions of section 3507(c).

"(8) This subsection shall apply only when an agency publishes a notice of proposed rulemaking and requests public comments.

"(9) There shall be no judicial review of any kind of the Director's decision to approve or not to act upon a collection of information requirement contained in an agency rule."

CROSS REFERENCES

Director of Office of Management and Budget capital planning and investment control for information technology, see [40 USCA § 1412](#).

Performance-based and results-based management, see [40 USCA § 1413](#).

Public comment on proposed procurement regulations, see [41 USCA § 421](#).

LIBRARY REFERENCES

American Digest System

Records  13.

Key Number System Topic No. 326.

United States  40, 41.

Key Number System Topic No. 393.

Encyclopedias

Records, see C.J.S. § 32.

United States, see C.J.S. § § 40, 41, 57, 74.

NOTES OF DECISIONS

Retroactive effect [1](#)

Review of agency collection request [2](#)

[1](#). Retroactive effect

Requirements for the maintenance and provision of information contained in regulations in existence prior to the effective date of this chapter are not subject to the information collection request approval procedures of this section and section 3507 of this title. 1982 (Counsel-Inf. Op.) 6 O.L.C. 388.

[2](#). Review of agency collection request

This section and not section 3507 of this title is the exclusive mechanism for the Office of Management and Budget review and possible disapproval of aspects of new regulations specifically imposing information burdens. 1982 (Counsel-Inf.Op.) 6 O.L.C. 388.

44 U.S.C.A. § 3504

44 USCA § 3504

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