

(g) The Presidential Memorandum of May 7, 2008, entitled “Designation and Sharing of Controlled Unclassified Information (CUI)” is hereby rescinded.

BARACK OBAMA.

MAKING IT EASIER FOR AMERICA’S SMALL BUSINESSES AND AMERICA’S EXPORTERS TO ACCESS GOVERNMENT SERVICES TO HELP THEM GROW AND HIRE

Memorandum of President of the United States, Oct. 28, 2011, 76 F.R. 68049, provided:

Memorandum for the Heads of Executive Departments and Agencies

As I outlined in my State of the Union address to the Congress on January 25, 2011, winning the future in the global economy will require a Government that wisely allocates its scarce resources to maximize efficiency and effectiveness so that it can best support American competitiveness, innovation, and job growth. If we are to thrive in the global economy, and make America the best place on Earth to do business, we need to equip our Government with the tools necessary to support innovation and job growth in the 21st century.

Accordingly, we must make it easier for businesses to access the full range of Government programs and services without having to waste effort navigating their way through the Federal bureaucracy. At the same time, we must further streamline and coordinate Federal programs to reduce costs and provide customer-oriented service.

Businesses looking for assistance from the Federal Government should feel like they are interacting with one entity, rather than a number of separate, albeit linked, components. This means adopting a “No Wrong Door” policy that uses technology to quickly connect businesses to the services and information relevant to them, regardless of which agency’s website, call center, or office they go to for help.

In addition, a business’s interactions with the Federal Government should be individualized and efficient. If the private sector can allow consumers to customize interactions so that they receive only the information they want, in the form they want it, so can the Federal Government.

Today, I am directing a first wave of changes focused on both small businesses and businesses of all sizes that want to begin or increase exporting (exporters), because those businesses help drive economic growth and have the most to gain from Federal assistance. We plan to use the resulting improvements as a model for future reforms so that, in time, all businesses and all citizens receive the highest level of customer service when they interact with the Federal Government.

Accordingly, I direct the following:

(1) All executive departments and agencies (agencies) shall work with a Steering Committee co-chaired by the Federal Chief Information Officer, Assistant to the President and Chief Technology Officer, and Chief Performance Officer (the Co-Chairs) to carry out the directives in this memorandum within 90 days of the date of this memorandum, unless a provision of this memorandum expressly states otherwise. The Steering Committee shall include senior policy and technical representatives, appointed by the heads of their respective agencies, from the Departments of State, Defense, Agriculture, Commerce, and Veterans Affairs, the Small Business Administration (SBA), the General Services Administration (GSA), the Export-Import Bank, and other agencies designated by the Co-Chairs. The Co-Chairs and representatives from the Department of Commerce and SBA shall serve as the Executive Committee of the Steering Committee, which shall coordinate the strategy, design, development, launch, and operation of BusinessUSA, a common, open, online platform and web service with dedicated resources that will, as a first step, disseminate core information regarding the Federal Government’s programs and services relevant to small businesses and exporters.

(2) Agencies shall work with the Steering Committee to develop and launch an introductory version of

BusinessUSA. BusinessUSA shall be designed, tested, and built with the active feedback of U.S. businesses and relevant online communities. To the extent appropriate, practicable, and permitted by law, the BusinessUSA platform shall integrate related State and local government services as well as those of private sector partners.

(3) Agencies shall make information regarding their small business and export programs and services accessible through BusinessUSA. To accomplish this in a uniform fashion, the Steering Committee shall develop a common set of standards for content available through BusinessUSA, which shall identify the types of programs and services to be included initially on BusinessUSA and a structure for organizing and presenting such information. These standards shall be used by all agencies in the creation, presentation, and delivery of information regarding their programs and services, to the extent practicable and permitted by law.

(4) Agencies shall also work with the Steering Committee to develop new content for BusinessUSA that synthesizes information available across agencies to better serve small businesses and exporters. Among other things, agencies shall work together to aggregate on the BusinessUSA platform statistical, demographic, and other raw Government datasets of particular interest to small businesses and exporters, making Government data more easily accessible and spurring innovative uses of the data through business-oriented web or mobile applications.

(5) Agencies shall integrate BusinessUSA, including ready access to the BusinessUSA website, into their current websites, call centers, and field offices to ensure that small businesses and exporters have access to the wide range of Government programs and services at each entry point into the Federal Government. During the year following the date of this memorandum, agencies shall work with GSA and the Office of Management and Budget to enhance the centralized call center for responding to public questions about Federal programs and services (1-800-FED-INFO) to add expertise with Government programs and services for small businesses and exporters.

(6) (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) authority granted by law or Executive Order to an agency, or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) BusinessUSA shall be operated by a single hosting agency under the Executive Committee’s coordination. To the extent permitted by law, agencies shall reimburse the hosting agency for the cost of establishing, maintaining, and operating BusinessUSA.

(c) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(d) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(7) The Director of the Office of Management and Budget is authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

§ 3502. Definitions

As used in this subchapter—

(1) the term “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—

- (A) the Government Accountability Office;
 - (B) Federal Election Commission;
 - (C) the governments of the District of Columbia and of the territories and possessions of the United States, and their various subdivisions; or
 - (D) Government-owned contractor-operated facilities, including laboratories engaged in national defense research and production activities;
- (2) the term “burden” means time, effort, or financial resources expended by persons to generate, maintain, or provide information to or for a Federal agency, including the resources expended for—
- (A) reviewing instructions;
 - (B) acquiring, installing, and utilizing technology and systems;
 - (C) adjusting the existing ways to comply with any previously applicable instructions and requirements;
 - (D) searching data sources;
 - (E) completing and reviewing the collection of information; and
 - (F) transmitting, or otherwise disclosing the information;
- (3) the term “collection of information”—
- (A) means the obtaining, causing to be obtained, soliciting, or requiring the disclosure to third parties or the public, of facts or opinions by or for an agency, regardless of form or format, calling for either—
 - (i) answers to identical questions posed to, or identical reporting or recordkeeping requirements imposed on, ten or more persons, other than agencies, instrumentalities, or employees of the United States; or
 - (ii) answers to questions posed to agencies, instrumentalities, or employees of the United States which are to be used for general statistical purposes; and
 - (B) shall not include a collection of information described under section 3518(c)(1);
- (4) the term “Director” means the Director of the Office of Management and Budget;
- (5) the term “independent regulatory agency” means the Board of Governors of the Federal Reserve System, the Commodity Futures Trading Commission, the Consumer Product Safety Commission, the Federal Communications Commission, the Federal Deposit Insurance Corporation, the Federal Energy Regulatory Commission, the Federal Housing Finance Agency, 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 Regulatory Commission, the Securities and Exchange Commission, the Bureau of Consumer Financial Protection, the Office of Financial Research, Office of the Comptroller of the Currency, and any other similar agency designated by statute as a Federal independent regulatory agency or commission;

(6) the term “information resources” means information and related resources, such as personnel, equipment, funds, and information technology;

(7) the term “information resources management” means the process of managing information resources to accomplish agency missions and to improve agency performance, including through the reduction of information collection burdens on the public;

(8) the term “information system” means a discrete set of information resources organized for the collection, processing, maintenance, use, sharing, dissemination, or disposition of information;

(9) the term “information technology” has the meaning given that term in section 11101 of title 40 but does not include national security systems as defined in section 11103 of title 40;

(10) the term “person” means an individual, partnership, association, corporation, business trust, or legal representative, an organized group of individuals, a State, territorial, tribal, or local government or branch thereof, or a political subdivision of a State, territory, tribal, or local government or a branch of a political subdivision;

(11) the term “practical utility” means the ability of an agency to use information, particularly the capability to process such information in a timely and useful fashion;

(12) the term “public information” means any information, regardless of form or format, that an agency discloses, disseminates, or makes available to the public;

(13) the term “recordkeeping requirement” means a requirement imposed by or for an agency on persons to maintain specified records, including a requirement to—

- (A) retain such records;
- (B) notify third parties, the Federal Government, or the public of the existence of such records;
- (C) disclose such records to third parties, the Federal Government, or the public; or
- (D) report to third parties, the Federal Government, or the public regarding such records;

(14) the term “penalty” includes the imposition by an agency or court of a fine or other punishment; a judgment for monetary damages or equitable relief; or the revocation, suspension, reduction, or denial of a license, privilege, right, grant, or benefit;

(15) the term “comprehensive data inventory” means the inventory created under section 3511(a), but does not include any underlying data asset listed on the inventory;

(16) the term “data” means recorded information, regardless of form or the media on which the data is recorded;

(17) the term “data asset” means a collection of data elements or data sets that may be grouped together;

(18) the term “machine-readable”, when used with respect to data, means data in a format that can be easily processed by a computer without human intervention while ensuring no semantic meaning is lost;

(19) the term “metadata” means structural or descriptive information about data such as

content, format, source, rights, accuracy, provenance, frequency, periodicity, granularity, publisher or responsible party, contact information, method of collection, and other descriptions;

(20) the term “open Government data asset” means a public data asset that is—

- (A) machine-readable;
- (B) available (or could be made available) in an open format;
- (C) not encumbered by restrictions, other than intellectual property rights, including under titles 17 and 35, that would impede the use or reuse of such asset; and
- (D) based on an underlying open standard that is maintained by a standards organization;

(21) the term “open license” means a legal guarantee that a data asset is made available—

- (A) at no cost to the public; and
- (B) with no restrictions on copying, publishing, distributing, transmitting, citing, or adapting such asset;

(22) the term “public data asset” means a data asset, or part thereof, maintained by the Federal Government that has been, or may be, released to the public, including any data asset, or part thereof, subject to disclosure under section 552 of title 5; and

(23) the term “statistical laws” means subchapter III of this chapter and other laws pertaining to the protection of information collected for statistical purposes as designated by the Director.

(Added Pub. L. 104-13, § 2, May 22, 1995, 109 Stat. 164; amended Pub. L. 104-106, div. E, title LVI, § 5605(a), Feb. 10, 1996, 110 Stat. 700; Pub. L. 105-85, div. A, title X, § 1073(h)(5)(A), Nov. 18, 1997, 111 Stat. 1907; Pub. L. 106-398, § 1 [[div. A], title X, § 1064(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-275; Pub. L. 107-217, § 3(l)(4), Aug. 21, 2002, 116 Stat. 1301; Pub. L. 108-271, § 8(b), July 7, 2004, 118 Stat. 814; Pub. L. 109-435, title VI, § 604(e), Dec. 20, 2006, 120 Stat. 3242; Pub. L. 110-289, div. A, title II, § 1216(e), July 30, 2008, 122 Stat. 2792; Pub. L. 111-203, title III, § 315, title X, § 1100D(a), July 21, 2010, 124 Stat. 1524, 2111; Pub. L. 115-435, title II, § 202(a), Jan. 14, 2019, 132 Stat. 5534.)

Editorial Notes

PRIOR PROVISIONS

A prior section 3502, added Pub. L. 96-511, § 2(a), Dec. 11, 1980, 94 Stat. 2813; amended Pub. L. 98-443, § 9(h), Oct. 4, 1984, 98 Stat. 1708; Pub. L. 99-500, § 101(m) [title VIII, § 812], Oct. 18, 1986, 100 Stat. 1783-308, 1783-335, and Pub. L. 99-591, § 101(m) [title VIII, § 812], Oct. 30, 1986, 100 Stat. 3341-308, 3341-335; Pub. L. 101-73, title VII, § 744(e), Aug. 9, 1989, 103 Stat. 438, defined terms used in this chapter prior to the general amendment of this chapter by Pub. L. 104-13.

Another prior section 3502, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1302; Pub. L. 93-153, title IV, § 409(a), Nov. 16, 1973, 87 Stat. 593, defined “Federal agency”, “person”, and “information”, prior to the general amendment of this chapter by Pub. L. 96-511.

AMENDMENTS

2019—Pars. (15) to (23). Pub. L. 115-435 added pars. (15) to (23).

2010—Par. (5). Pub. L. 111-203, § 1100D(a), which directed amendment of section 2(5) of the Paperwork Reduction Act (44 U.S.C. 3502(5)) by inserting “the Bureau of Consumer Financial Protection, the Office of Financial Research,” after “the Securities and Exchange Commission,” was executed to this section to reflect the probable intent of Congress.

Pub. L. 111-203, § 315, inserted “Office of the Comptroller of the Currency,” after “the Securities and Exchange Commission,”.

2008—Par. (5). Pub. L. 110-289 substituted “Federal Housing Finance Agency” for “Federal Housing Finance Board”.

2006—Par. (5). Pub. L. 109-435 substituted “Postal Regulatory Commission” for “Postal Rate Commission”.

2004—Par. (1)(A). Pub. L. 108-271 substituted “Government Accountability Office” for “General Accounting Office”.

2002—Par. (9). Pub. L. 107-217 substituted “section 11101 of title 40” for “section 5002 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1401)” and “section 11103 of title 40” for “section 5142 of that Act (40 U.S.C. 1452)”.

2000—Pub. L. 106-398 substituted “subchapter” for “chapter” in introductory provisions.

1997—Par. (9). Pub. L. 105-85 substituted “the Clinger-Cohen Act of 1996 (40 U.S.C. 1401)” for “the Information Technology Management Reform Act of 1996” and inserted “(40 U.S.C. 1452)” after “that Act”.

1996—Par. (9). Pub. L. 104-106 added par. (9) and struck out former par. (9) which read as follows: “the term ‘information technology’ has the same meaning as the term ‘automatic data processing equipment’ as defined by section 111(a)(2) and (3)(C)(i) through (v) of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759(a)(2) and (3)(C)(i) through (v));”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2019 AMENDMENT

Amendment by Pub. L. 115-435 effective 180 days after Jan. 14, 2019, see section 403 of Pub. L. 115-435, set out as a note under section 306 of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 2010 AMENDMENT

Amendment by section 315 of Pub. L. 111-203 effective 1 day after July 21, 2010, except as otherwise provided, see section 4 of Pub. L. 111-203, set out as an Effective Date note under section 5301 of Title 12, Banks and Banking.

Amendment by section 1100D(a) of Pub. L. 111-203 effective on the designated transfer date, see section 1100H of Pub. L. 111-203, set out as a note under section 552a of Title 5, Government Organization and Employees.

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-398 effective 30 days after Oct. 30, 2000, see section 1 [[div. A], title X, § 1065] of Pub. L. 106-398, Oct. 30, 2000, 114 Stat. 1654, formerly set out as an Effective Date note under former section 3531 of this title.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104-106 effective 180 days after Feb. 10, 1996, see section 5701 of Pub. L. 104-106, Feb. 10, 1996, 110 Stat. 702.

EFFECTIVE DATE

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

ABOLITION OF INTERSTATE COMMERCE COMMISSION AND TRANSFER OF FUNCTIONS

Interstate Commerce Commission abolished and functions of Commission transferred, except as otherwise

provided in Pub. L. 104-88, to Surface Transportation Board effective Jan. 1, 1996, by section 1302 of Title 49, Transportation, and section 101 of Pub. L. 104-88, set out as a note under section 1301 of Title 49. References to Interstate Commerce Commission deemed to refer to Surface Transportation Board, a member or employee of the Board, or Secretary of Transportation, as appropriate, see section 205 of Pub. L. 104-88, set out as a note under section 1301 of Title 49.

§ 3503. Office of Information and Regulatory Affairs

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

(b) There shall be at the head of the Office an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall delegate to the Administrator the authority to administer all functions under this subchapter, except that any such delegation shall not relieve the Director of responsibility for the administration of such functions. The Administrator shall serve as principal adviser to the Director on Federal information resources management policy.

(Added Pub. L. 104-13, § 2, May 22, 1995, 109 Stat. 166; amended Pub. L. 106-398, § 1 [[div. A], title X, § 1064(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-275.)

Editorial Notes

PRIOR PROVISIONS

A prior section 3503, added Pub. L. 96-511, § 2(a), Dec. 11, 1980, 94 Stat. 2814; amended Pub. L. 99-500, § 101(m) [title VIII, § 813(a)], Oct. 18, 1986, 100 Stat. 1783-308, 1783-336, and Pub. L. 99-591, § 101(m) [title VIII, § 813(a)], Oct. 30, 1986, 100 Stat. 3341-308, 3341-336, related to the establishment of the Office of Information and Regulatory Affairs prior to the general amendment of this chapter by Pub. L. 104-13.

Another prior section 3503, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1303, prescribed duties of Director of Bureau of the Budget, prior to the general amendment of this chapter by Pub. L. 96-511. See section 3504 of this title.

AMENDMENTS

2000—Subsec. (b). Pub. L. 106-398 substituted “subchapter” for “chapter”.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-398 effective 30 days after Oct. 30, 2000, see section 1 [[div. A], title X, § 1065] of Pub. L. 106-398, Oct. 30, 2000, 114 Stat. 1654, formerly set out as an Effective Date note under former section 3531 of this title.

EFFECTIVE DATE

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

DELEGATION OF OTHER FUNCTIONS TO ADMINISTRATOR

Pub. L. 96-511, § 3, Dec. 11, 1980, 94 Stat. 2825, as amended by Pub. L. 97-258, § 5(b), Sept. 13, 1982, 96 Stat. 1083; Pub. L. 99-500, § 101(m) [title VIII, § 821(b)(3)], Oct. 18, 1986, 100 Stat. 1783-308, 1783-342, and Pub. L. 99-591, § 101(m) [title VIII, § 821(b)(3)], Oct. 30, 1986, 100 Stat. 3341-308, 3341-342, provided:

“(a) Repealed]

“(b) The Director of the Office of Management and Budget shall delegate to the Administrator for the Of-

fice of Information and Regulatory Affairs all functions, authority, and responsibility of the Director under section 552a of title 5, United States Code, under Executive Order 12046 [Ex. Ord. No. 12046, Mar. 27, 1978, 43 F.R. 14193, set out as a note under section 305 of Title 47, Telecommunications] and Reorganization Plan No. 1 for telecommunications [probably means Reorg. Plan No. 1 of 1970, 35 F.R. 6421, 84 Stat. 2083, set out in the Appendix to Title 5, Government Organization and Employees], and under sections 110 and 111 of the Federal Property and Administrative Services Act of 1949 ([former 40 U.S.C. 322 and former] 40 U.S.C. 759).”

[Section 101(m) [title VIII, § 833] of Pub. L. 99-500 and Pub. L. 99-591 provided that: “This title and the amendments made by this title [amending former sections 3501 to 3507, 3511, 3514, and 3520 of this title and sections 751, 757, and 759 of former Title 40, Public Buildings, Property, and Works, enacting provisions set out as a notes under section 101 of this title and former section 3503 of this title, amending provisions set out as a note above, and repealing provisions set out as a note under section 759 of former Title 40] shall take effect on the date of enactment of this Act [Oct. 18, 1986], except as provided in section 813(b) [set out as a note under former section 3503 of this title] and except that the provisions of section 821 and the amendments made by such section [amending former sections 3503 and 3504 of this title, sections 757 and 759 of former Title 40, and provisions set out as a note above] shall take effect on January 1, 1987.”]

§ 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 comprehensive data inventories and the Federal data catalogue under section 3511; and

(B) the development and utilization of common standards for information collec-