

TITLE 44 - PUBLIC PRINTING AND DOCUMENTS
CHAPTER 35 - COORDINATION OF FEDERAL INFORMATION POLICY
SUBCHAPTER I - FEDERAL INFORMATION POLICY

§ 3518. Effect on existing laws and regulations

- (a) Except as otherwise provided in this subchapter, the authority of an agency under any other law to prescribe policies, rules, regulations, and procedures for Federal information resources management activities is subject to the authority of the Director under this subchapter.
- (b) Nothing in this subchapter shall be deemed to affect or reduce the authority of the Secretary of Commerce or the Director of the Office of Management and Budget pursuant to Reorganization Plan No. 1 of 1977 (as amended) and Executive order, relating to telecommunications and information policy, procurement and management of telecommunications and information systems, spectrum use, and related matters.
- (c) (1) Except as provided in paragraph (2), this subchapter shall not apply to the collection of information—
- (A) during the conduct of a Federal criminal investigation or prosecution, or during the disposition of a particular criminal matter;
 - (B) during the conduct of—
 - (i) a civil action to which the United States or any official or agency thereof is a party; or
 - (ii) an administrative action or investigation involving an agency against specific individuals or entities;
 - (C) by compulsory process pursuant to the Antitrust Civil Process Act and section 13 of the Federal Trade Commission Improvements Act of 1980; or
 - (D) during the conduct of intelligence activities as defined in section 3.4(e) of Executive Order No. 12333, issued December 4, 1981, or successor orders, or during the conduct of cryptologic activities that are communications security activities.
- (2) This subchapter applies to the collection of information during the conduct of general investigations (other than information collected in an antitrust investigation to the extent provided in subparagraph (C) of paragraph (1)) undertaken with reference to a category of individuals or entities such as a class of licensees or an entire industry.
- (d) Nothing in this subchapter shall be interpreted as increasing or decreasing the authority conferred by sections 11331 and 11332¹ of title 40 on the Secretary of Commerce or the Director of the Office of Management and Budget.
- (e) Nothing in this subchapter shall be interpreted as increasing or decreasing the authority of the President, the Office of Management and Budget or the Director thereof, under the laws of the United States, with respect to the substantive policies and programs of departments, agencies and offices, including the substantive authority of any Federal agency to enforce the civil rights laws.

Footnotes

¹ See References in Text note below.

(Added Pub. L. 104–13, § 2, May 22, 1995, 109 Stat. 183; amended Pub. L. 104–106, div. E, title LI, § 5131(e)(2), Feb. 10, 1996, 110 Stat. 688; Pub. L. 105–85, div. A, title X, § 1073(h)(5)(C), 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)(7), Aug. 21, 2002, 116 Stat. 1302.)

References in Text

Reorganization Plan No. 1 of 1977, referred to in subsec. (b), is set out in the Appendix to Title 5, Government Organization and Employees.

NB: This unofficial compilation of the U.S. Code is current as of Jan. 5, 2009 (see <http://www.law.cornell.edu/uscode/uscprint.html>).

Executive order, referred to in subsec. (b), probably means Ex. Ord. No. 12046, Mar. 27, 1978, 43 F.R. 13349, which is set out as a note under section 305 of Title 47, Telegraphs, Telephones, and Radiotelegraphs.

The Antitrust Civil Process Act, referred to in subsec. (c)(1)(C), is Pub. L. 87-664, Sept. 19, 1962, 76 Stat. 548, as amended, which is classified generally to chapter 34 (§ 1311 et seq.) of Title 15, Commerce and Trade. For complete classification of this Act to the Code, see Short Title note set out under section 1311 of Title 15 and Tables.

Section 13 of the Federal Trade Commission Improvements Act of 1980, referred to in subsec. (c)(1)(C), is classified to section 57b-1 of Title 15.

Executive Order No. 12333, referred to in subsec. (c)(1)(D), is Ex. Ord. No. 12333, Dec. 4, 1981, 46 F.R. 59941, which is set out as a note under section 401 of Title 50, War and National Defense.

Section 11332 of title 40, referred to in subsec. (d), was repealed by Pub. L. 107-296, title X, § 1005(a)(1), Nov. 25, 2002, 116 Stat. 2272, and Pub. L. 107-347, title III, § 305(a), Dec. 17, 2002, 116 Stat. 2960.

The civil rights laws, referred to in subsec. (e), are classified generally to chapter 21 (§ 1981 et seq.) of Title 42, The Public Health and Welfare.

Prior Provisions

A prior section 3518, added Pub. L. 96-511, § 2(a), Dec. 11, 1980, 94 Stat. 2824, related to the effect on existing laws and regulations prior to the general amendment of this chapter by Pub. L. 104-13.

Amendments

2002—Subsec. (d). Pub. L. 107-217 substituted “sections 11331 and 11332 of title 40” for “section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441) and the Computer Security Act of 1987 (40 U.S.C. 759 note)”.

2000—Pub. L. 106-398 substituted “subchapter” for “chapter” wherever appearing.

1997—Subsec. (d). Pub. L. 105-85 substituted “Clinger-Cohen Act of 1996 (40 U.S.C. 1441)” for “Information Technology Management Reform Act of 1996”.

1996—Subsec. (d). Pub. L. 104-106 substituted “section 5131 of the Information Technology Management Reform Act of 1996 and the Computer Security Act of 1987 (40 U.S.C. 759 note) on the Secretary of Commerce or” for “Public Law 89-306 on the Administrator of the General Services Administration, the Secretary of Commerce, or”.

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, set out as an Effective Date note under 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.