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H.R. 2458 AND S. 803, THE E-GOVERNMENT ACT OF 2002

HEARING

BEFORE THE

SUBCOMMITTEE ON TECHNOLOGY AND PROCUREMENT POLICY

OF THE

COMMITTEE ON GOVERNMENT REFORM
HOUSE OF REPRESENTATIVES

ONE HUNDRED SEVENTH CONGRESS

SECOND SESSION

ON

H.R. 2458 AND S. 803

TO ENHANCE THE MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES AND PROCESSES BY ESTABLISHING AN OFFICE OF ELECTRONIC GOVERNMENT WITHIN THE OFFICE OF MANAGEMENT AND BUDGET, AND BY ESTABLISHING A BROAD FRAMEWORK OF MEASURES THAT REQUIRE USING INTERNET-BASED INFORMATION TECHNOLOGY TO ENHANCE CITIZEN ACCESS TO GOVERNMENT INFORMATION AND SERVICES, AND FOR OTHER PURPOSES

SEPTEMBER 18, 2002

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H.R. 2458 AND S. 803, THE E-GOVERNMENT ACT OF 2002

WEDNESDAY, SEPTEMBER 18, 2002

HOUSE OF REPRESENTATIVES,
SUBCOMMITTEE ON TECHNOLOGY AND PROCUREMENT POLICY,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC.

The subcommittee met, pursuant to notice, at 2:07 p.m., in room 2154, Rayburn House Office Building, Hon. Thomas M. Davis (chairman of the subcommittee) presiding.

Present: Representatives Tom Davis of Virginia, Jo Ann Davis of Virginia, and Turner.

Staff present: Melissa Wojciak, staff director; George Rogers, Uyen Dinh, and John Brosnan, counsels; Victoria Proctor and Teddy Kidd, professional staff members; Ryan Voccola, intern; David McMillen and Mark Stephenson, minority professional staff members; and Jean Gosa, minority assistant clerk.

Mr. DAVIS. Good afternoon. We are going to start with opening statements. I am going to put my entire statement in the record and try to be quick. We may have a series of votes shortly, and I want to move through this as quickly as we can.

Today's legislative hearing is on S. 803 and H.R. 2458, the Electronic Government Act of 2002. Both of these pieces of legislation attempt to establish a new framework for managing the Federal Government's information resources. Both create a new position within OMB to centralize and coordinate information management, and both bills authorize a number of programs to promote or establish E-government within the Federal Government.

For the last 20 years, the management of Federal information resources has been governed by a set of laws directing specific information functions, and one law, the Paperwork Reduction Act, which is intended to tie them together in a coordinated approach to information resources management. Under that law, which is in effect today, OMB's Office of Information and Regulatory Affairs is responsible for overseeing Federal agency information activities, including information technology management. There have been many complaints about OIRA and agency information resource management. S. 803 does not address OIRA's job. Instead, it carves out pieces of the information management puzzle and identifies it as electronic government, and gives it to a newly created OMB Office of E-Government. If this bill becomes law, Congress will have created two overlapping information management structures. The subcommittee will review the effectiveness of creating such a struc-

ture, and will seek whether or not we should examine current law in order to assist agencies in the complex task of information management.

While the government continues to be the largest purchaser worldwide of IT products, it is uncertain whether or not the government is receiving its return on investment. According to the JFK School of Government at Harvard, over 45 percent of the government's IT projects fail. Recognizing these ongoing management challenges, the President appointed Mark Forman, Administrator of E-Government at OMB, to lead a more centrally coordinated approach to IT investment and the deployment of E-Government services to citizens. S. 803, if passed by the Senate, will codify this new management structure for e-government, but it does make the position Senate-confirmed; it currently is not. The subcommittee will review the current structure of the e-government Administrator and ascertain if this is the appropriate management solution for the IT challenges facing the Federal Government.

I want to thank Senator Lieberman and Congressman Turner for their work on this legislation to date. I look forward to working with both of them and with the administration on a comprehensive information management bill that addresses the government's need for more centralized and coordinated management.

I would now yield to the ranking member of the subcommittee for any comments he may wish to make.

[The prepared statement of Hon. Tom Davis and the texts of H.R. 2458 and S. 803 follow:]

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Opening Statement of Chairman Tom Davis
Legislative Hearing on "S. 803 and H.R. 2458, the Electronic Government Act of 2002"
Subcommittee on Technology and Procurement Policy
September 18, 2:00 pm
2154 Rayburn House Office Building

Good afternoon and welcome to today's legislative hearing on S. 803 and H.R. 2458, The Electronic Government Act of 2002. These two important pieces of legislation attempt to establish a new framework for managing the Federal government's information resources. Both create a new position within the Office of Management and Budget to centralize and coordinate information management. Additionally, both bills authorize a number of programs to promote or establish E-government within the federal government.

Representative Jim Turner, my colleague and friend from Texas and Ranking Member of the Subcommittee, is the author and primary sponsor of H.R. 2458. S. 803 is sponsored by Senator Joe Lieberman who is the Chairman of the Senate Governmental Affairs Committee. S. 803 passed the Senate by unanimous consent on June 27th of this year. These pieces of legislation build on separate bills that Representative Turner and I each introduced in the 106th Congress to establish a Federal Chief Information Officer. In the wake of the Clinger-Cohen Act, it has become readily apparent that the lack of a centralized focus on information management has significantly harmed the government's capability to manage information technology, information security, and develop effective business plans for acquisition of IT products and services.

According to the General Accounting Office, major barriers to realizing the promise of Electronic Government center on Federal agency weaknesses in information security, IT management (planning, acquisition and operations), and re-engineering programs to take advantage of automated processes. The Subcommittee will consider how S. 803 and H.R. 2458 address those problems for Federal agencies. Moreover, we will review provisions in this bill to determine if it will drive change towards better management of our information resources.

For the last 20 years, the management of Federal information resources has been governed by a set of laws directing specific information functions and one law, the Paperwork Reduction Act, which is intended to tie them together in a coordinated approach to information resources management. Under that law, which is in effect today, OMB's Office of Information and Regulatory Affairs (OIRA) is responsible for overseeing Federal agency information activities, including information technology (IT) management. There have been many complaints about OIRA and agency information resources management. S. 803, however, does not address OIRA's job. Instead, S. 803 carves out pieces of the information management puzzle and identifies it as electronic government, and gives it to a newly created OMB Office of E-Government. If this bill becomes law, Congress will have created two overlapping information management structures. The Subcommittee will review the effectiveness of creating such a structure. We will also ask whether or not we should examine current law in order to assist agencies in the complex task of information management.

As electronic commerce and "e-business" transactions have become commonplace, providing for end-to-end transactions, the demands for "electronic government" have increased. An August 2000 Hart/Teeter poll conducted for KPMG and the Council for Excellence in Government found that 75% of the public expects the Internet to improve its ability to get information from federal agencies, and 60% expect E-government to have a strong positive effect on overall government operations. However, a June 2001 Accenture study found that the United States government had fallen behind both Canada and Great Britain in the effective, coordinated deployment of E-government services to citizens.

While the federal government continues to be the largest purchaser worldwide of IT products and services, it is uncertain whether or not the government is receiving its' return on investment. Additionally, according to the John F. Kennedy School of Government, over 45% of the government's IT projects fail. Recognizing these ongoing management challenges, the President appointed Mark Forman, Administrator of E-Government at the Office of Management and Budget, to lead a more centrally coordinated approach to IT investment and the deployment of e-government services to citizens. S. 803, as passed by the Senate, will codify this new management structure for e-government, although it does make the position Senate confirmed (it is currently not Senate confirmed). The Subcommittee will review the current structure of the E-Government Administrator and ascertain if this is the appropriate management solution for the IT challenges facing the Federal government.

Furthermore, today's hearing will review Title II of S. 803 and H.R. 2458. Title II contains several sections that promote the deployment of E-government through programs that are intended to improve access to government information or to improve federal agencies' collection and maintenance of information. Specifically, Title II authorizes the establishment of a federal government portal similar to the existing FirstGov. It implements governmentwide policy for commenting on the regulatory process to make it more transparent and it also authorizes the creation of privacy impact assessments for information collected and maintained by federal agencies.

The bill also authorizes usage of share-in-savings contracts. I am disappointed that the legislation does not include more provisions to improve information technology acquisitions. I am looking forward to working with my colleagues to include additional IT procurement provisions in the bills as we move forward. The deployment of many E-Government solutions will rely on the speed with which the Federal government can contract for the latest products and services. Additionally, I am concerned that this legislation does not do enough to address the lack of IT training for federal employees. Therefore, I am hopeful that we can work together to also enact the Digital Tech Corps Act of 2002 which passed the House in April and is awaiting further action in the Senate.

I would like to thank Senator Lieberman and Congressman Turner for their work on this legislation to date. I look forward to working with both of them and with the Administration on a comprehensive information management bill that addresses the government's need for more centralized and coordinated management.

I

107TH CONGRESS
1ST SESSION

H. R. 2458

To enhance the management and promotion of electronic Government services and processes by establishing a Federal Chief Information Officer within the Office of Management and Budget, and by establishing a broad framework of measures that require using Internet-based information technology to enhance citizen access to Government information and services, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 11, 2001

Mr. TURNER, (for himself, Ms. HARMAN, Mr. SANDLIN, Mrs. MCCARTHY of New York, Mrs. TAUSCHER, Mr. SCHIFF, Mr. MORAN of Virginia, Mrs. CAPPS, Mr. DOOLEY of California, Mr. MCINTYRE, Mr. KIND, Mr. CRAMER, Mr. TANNER, Mr. STENHOLM, Mr. THOMPSON of California, Mr. FORD, Mr. MOORE, Mr. CARSON of Oklahoma, Mr. ROSS, Mr. DAVIS of Florida, Mr. SMITH of Washington, Ms. ESHOO, Mr. ETHERIDGE, Mr. BOSWELL, Mr. BOYD, Mr. BENTSEN, Mr. EDWARDS, Mr. WU, Ms. HOOLEY of Oregon, Mr. HILL, Mr. LAMPSON, Mr. PRICE of North Carolina, Mr. DOGGETT, Mr. HOLT, Mr. LARSON of Connecticut, Mrs. THURMAN, and Mr. GREEN of Texas) introduced the following bill; which was referred to the Committee on Government Reform

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A BILL

To enhance the management and promotion of electronic Government services and processes by establishing a Federal Chief Information Officer within the Office of Management and Budget, and by establishing a broad framework of measures that require using Internet-based information technology to enhance citizen access to Government information and services, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the "E-
5 Government Act of 2001".

6 (b) TABLE OF CONTENTS.—The table of contents for
7 this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.

TITLE I—OFFICE OF MANAGEMENT AND BUDGET ELECTRONIC GOVERNMENT SERVICES

Sec. 101. Federal Chief Information Officer.
Sec. 102. Office of Information Policy and Office of Information and Regulatory Affairs.
Sec. 103. Management and promotion of electronic Government services.

TITLE II—FEDERAL MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES

Sec. 201. Federal agency responsibilities.
Sec. 202. Compatibility of executive agency methods for use and acceptance of electronic signatures.
Sec. 203. Online Federal telephone directory.
Sec. 204. Online National Library.
Sec. 205. Federal courts.
Sec. 206. Regulatory agencies.
Sec. 207. Integrated reporting feasibility study and pilot projects.
Sec. 208. Online access to federally funded research and development.
Sec. 209. Common protocols for geographic information systems.
Sec. 210. Share-In-Savings Program improvements.
Sec. 211. Enhancing crisis management through advanced information technology.
Sec. 212. Federal Information Technology Training Center.
Sec. 213. Community technology centers.
Sec. 214. Disparities in access to the Internet.
Sec. 215. Accessibility, usability, and preservation of Government information.
Sec. 216. Public domain directory of Federal Government websites.
Sec. 217. Standards for agency websites.
Sec. 218. Privacy protections.
Sec. 219. Accessibility to people with disabilities.
Sec. 220. Notification of obsolete or counterproductive provisions.

TITLE III—AUTHORIZATION OF APPROPRIATIONS AND EFFECTIVE DATE

Sec. 301. Authorization of appropriations.
Sec. 302. Effective date.

1 **SEC. 2. FINDINGS AND PURPOSES.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) The use of computers and the Internet is
4 rapidly transforming societal interactions and the re-
5 lationships among citizens, private businesses, and
6 the Government.

7 (2) The Federal Government has had uneven
8 success in applying advances in information tech-
9 nology to enhance Governmental functions and serv-
10 ices, achieve more efficient performance, and in-
11 crease access to Government information and citizen
12 participation in Government.

13 (3) Most Internet-based services of the Federal
14 Government are developed and presented separately,
15 according to the jurisdictional boundaries of an indi-
16 vidual department or agency, rather than being inte-
17 grated cooperatively according to function.

18 (4) Internet-based Government services involv-
19 ing interagency cooperation are especially difficult to
20 develop and promote, in part because of a lack of
21 funding mechanisms to support such interagency co-
22 operation.

23 (5) To take full advantage of the improved Gov-
24 ernment performance that can be achieved through

1 the use of Internet-based technology requires new
2 leadership, better organization, improved interagency
3 collaboration, and more focused oversight of agency
4 compliance with statutes related to information re-
5 source management.
6 (b) PURPOSES.—The purposes of this Act are the fol-
7 lowing:
8 (1) To provide effective leadership of Federal
9 Government efforts to develop and promote elec-
10 tronic Government services and processes by estab-
11 lishing a Federal Chief Information Officer within
12 the Office of Management and Budget.
13 (2) To establish measures that require using
14 Internet-based information technology to enhance
15 citizen access to Government information and serv-
16 ices, improve Government efficiency and reduce Gov-
17 ernment operating costs, and increase opportunities
18 for citizen participation in Government.
19 (3) To promote interagency collaboration in
20 providing electronic Government services, where this
21 collaboration would improve the service to citizens by
22 integrating related function.
23 (4) To promote interagency collaboration in the
24 use of internal electronic Government processes,

where this collaboration would improve the efficiency and effectiveness of the processes.

TITLE I—OFFICE OF MANAGEMENT AND BUDGET ELECTRONIC GOVERNMENT SERVICES

SEC. 101. FEDERAL CHIEF INFORMATION OFFICER.

(a) ESTABLISHMENT.—Section 502 of title 31, United States Code, is amended—

(1) by redesignating subsections (d), (e), and (f), as subsections (e), (f), and (g), respectively; and

(2) by inserting after subsection (c) the following:

"(d) The Office has a Federal Chief Information Officer appointed by the President, by and with the advice and consent of the Senate. The Federal Chief Information Officer shall provide direction, coordination, and oversight of the development, application, and management of information resources by the Federal Government.".

(b) COMPENSATION.—Section 5313 of title 5, United States Code, is amended by adding at the end the following:

"Federal Chief Information Officer.".

(c) MODIFICATION OF DEPUTY DIRECTOR FOR MANAGEMENT FUNCTIONS.—Section 503(b)(2)(D) of title 31,

1 United States Code, is amended by striking "and statis-
2 tical policy" and inserting "collection review".
3 (d) OFFICE OF INFORMATION POLICY.—
4 (1) IN GENERAL.—Chapter 5 of title 31, United
5 States Code, is amended by inserting after section
6 506 the following:
7 **"§ 507. Office of Information Policy**
8 "The Office of Information Policy, established under
9 section 3503 of title 44, is an office in the Office of Man-
10 agement and Budget.".
11 (2) TECHNICAL AND CONFORMING AMEND-
12 MENT.—The table of sections for chapter 5 of title
13 31, United States Code, is amended by inserting
14 after the item relating to section 506 the following:
"507. Office of Information Policy.".
15 (e) PRIVACY ACT FUNCTIONS.—
16 Section 552a(v) of title 5, United States Code (com-
17 monly referred to as the Privacy Act) is amended to read
18 as follows:
19 "(v) OFFICE OF MANAGEMENT AND BUDGET RE-
20 SPONSIBILITIES.—The Director of the Office of Manage-
21 ment and Budget shall—
22 "(1) develop and, after notice and opportunity
23 for public comment, prescribe guidelines and regula-
24 tions for the use of agencies in implementing the
25 provisions of this section;

"(2) provide continuing assistance to and oversight of the implementation of this section by agencies; and

"(3) delegate all of the functions to be performed by the Director under this section to the Federal Chief Information Officer.".

(f) ACQUISITIONS OF INFORMATION TECHNOLOGY.—

(1) RESPONSIBILITIES AND FUNCTIONS.—Section 5111 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1411) is amended—

(A) by inserting "(a) IN GENERAL.—" before "In fulfilling"; and

(B) by adding at the end the following:

"(b) DELEGATION.—The Director shall delegate all of the responsibilities and functions to be performed by the Director under this title to the Federal Chief Information Officer.".

(2) INFORMATION TECHNOLOGY ACQUISITION PILOT PROGRAMS.—Section 5301(a)(1) of the Clinger-Cohen Act of 1996 (40 U.S.C. 1471(a)(1)) is amended by striking "Administrator for the Office of Information and Regulatory Affairs" and inserting "Federal Chief Information Officer".

(g) FEDERAL COMPUTER SYSTEMS STANDARDS AND GUIDELINES.—

1 (1) PROMULGATION.—Section 5131 of the
2 Clinger-Cohen Act of 1996 (40 U.S.C. 1441) is
3 amended—
4 (A) by striking "Secretary of Commerce"
5 each place it appears and inserting "Federal
6 Chief Information Officer" in each such place;
7 and
8 (B) by striking "Secretary" each place it
9 appears and inserting "Federal Chief Informa-
10 tion Officer" in each such place.
11 (2) SUBMISSION.—Section 20(a)(4) of the Na-
12 tional Institute of Standards and Technology Act
13 (15 U.S.C. 278g–3(a)(4)) is amended by striking
14 "Secretary of Commerce" and inserting "Federal
15 Chief Information Officer".
16 (h) INFORMATION TECHNOLOGY FUND.—Section
17 110(a) of the Federal Property and Administrative Serv-
18 ices Act of 1949 (40 U.S.C. 757(a)) is amended by adding
19 at the end the following:
20 "(3) The Administrator's decisions with regard
21 to obligations of and expenditures from the Fund
22 shall be made after consultation with the Federal
23 Chief Information Officer, with respect to those pro-
24 grams that—

"(A) promote the use of information technology to agencies; or

"(B) are intended to facilitate the efficient management, coordination, operation, or use of those information technologies.".

(i) ELECTRONIC GOVERNMENT AND INFORMATION TECHNOLOGIES.—

(1) IN GENERAL.—The Federal Property and Administrative Services Act of 1949 (40 U.S.C. 471 et seq.) is amended by inserting after section 112 the following:

"SEC. 113. ELECTRONIC GOVERNMENT AND INFORMATION TECHNOLOGIES.

"The Administrator of General Services shall consult with the Federal Chief Information Officer on programs undertaken by the General Services Administration to promote electronic Government and the efficient use of information technologies by Federal agencies.".

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for the Federal Property and Administrative Services Act of 1949 is amended by inserting after the item relating to section 112 the following:

"Sec. 113. Electronic Government and information technologies.".

1 (j) GOVERNMENT PAPERWORK ELIMINATION.—The
2 Government Paperwork Elimination Act (44 U.S.C. 3504
3 note) is amended—
4 (1) by redesignating sections 1709 and 1710 as
5 sections 1710 and 1711, respectively; and
6 (2) by inserting after section 1708 the fol-
7 lowing:

8 **"SEC. 1709. DELEGATION OF FUNCTIONS TO FEDERAL**
9 **CHIEF INFORMATION OFFICER.**

10 "The Director of the Office of Management and
11 Budget shall delegate all of the functions to be performed
12 by the Director under this title to the Federal Chief Infor-
13 mation Officer.".

14 **SEC. 102. OFFICE OF INFORMATION POLICY AND OFFICE**
15 **OF INFORMATION AND REGULATORY AF-**
16 **FAIRS.**

17 (a) ESTABLISHMENT.—
18 (1) IN GENERAL.—Section 3503 of title 44,
19 United States Code, is amended to read as follows:

20 **"§ 3503. Office of Information Policy and Office of In-**
21 **formation and Regulatory Affairs**

22 "(a)(1) There is established in the Office of Manage-
23 ment and Budget an office to be known as the Office of
24 Information Policy.

1 "(2) The Office shall be administered by the Federal
2 Chief Information Officer established under section
3 502(d) of title 31. The Director shall delegate to the Fed-
4 eral Chief Information Officer the authority to administer
5 all functions under this chapter, except those delegated to
6 the Administrator of the Office of Information and Regu-
7 latory Affairs under subsection (b)(2). Any such delega-
8 tion shall not relieve the Director of responsibility for the
9 administration of such function.

10 "(b)(1) There is established in the Office of Manage-
11 ment and Budget an office to be known as the Office of
12 Information and Regulatory Affairs.

13 "(2) There shall be at the head of the Office an Ad-
14 ministrator who shall be appointed by the President, by
15 and with the advice and consent of the Senate. The Direc-
16 tor shall delegate to the Administrator the authority to
17 administer all functions under this chapter explicitly relat-
18 ing to information collection review. Any such delegation
19 shall not relieve the Director of responsibility for the ad-
20 ministration of such functions.".

21 (2) TECHNICAL AND CONFORMING AMEND-
22 MENT.—The table of sections for chapter 35 of title
23 44, United States Code, is amended by striking the
24 item relating to section 3503 and inserting the fol-
25 lowing:

"3503. Office of Information Policy and Office of Information and Regulatory Affairs.".

1 (b) PROMOTION OF INFORMATION TECHNOLOGY.—
2 Section 3504(h)(5) of title 44, United States Code, is
3 amended by inserting "direct the Federal Chief Informa-
4 tion Officer and the Administrator of the Office of Infor-
5 mation and Regulatory Affairs, acting jointly, to" after
6 "(5)".
7 (c) COORDINATION OF INFORMATION COLLECTION
8 REVIEWS.—
9 (1) INFORMATION COLLECTION REVIEW.—Sec-
10 tion 3502 of title 44, United States Code is
11 amended—
12 (A) by redesignating paragraphs (6)
13 through (14) as paragraphs (7) through (15),
14 respectively; and
15 (B) by inserting after paragraph (5) the
16 following:
17 "(6) the term 'information collection review'
18 means those functions described under section
19 3504(c) and related functions;".
20 (2) COORDINATION.—Section 3504 of title 44,
21 United States Code, is amended—
22 (A) by redesignating paragraph (2) as
23 paragraph (3); and

1 (B) by inserting after paragraph (1) the
2 following:
3 "(2) The Director shall ensure that the Office
4 of Information Policy and the Office of Information
5 and Regulatory Affairs coordinate their efforts in
6 applying the principles developed and implemented
7 under this section to information collection re-
8 views.".
9 (d) REFERENCES.—Reference in any Federal law,
10 Executive order, rule, regulation, or delegation of author-
11 ity, or any document of or relating to the Office of Infor-
12 mation and Regulatory Affairs or the Administrator of the
13 Office of Information and Regulatory Affairs, respectively,
14 shall be deemed a reference to—
15 (1) the Office of Information Policy or the Fed-
16 eral Chief Information Officer, respectively, with re-
17 spect to functions described under section 3503(a) of
18 title 44, United States Code (as amended by section
19 103 of this Act); and
20 (2) the Office of Information and Regulatory
21 Affairs or the Administrator of the Office of Infor-
22 mation and Regulatory Affairs, respectively, with re-
23 spect to functions described under section 3503(b)
24 of such title (as amended by section 103 of this
25 Act).

(e) ADDITIONAL CONFORMING AMENDMENTS.—

(1) RECOMMENDED LEGISLATION.—After consultation with the appropriate committees of Congress, the Director of the Office of Management and Budget shall prepare and submit to Congress recommended legislation containing technical and conforming amendments to reflect the changes made by this Act.

(2) SUBMISSION TO CONGRESS.—Not later than 6 months after the effective date of this Act, the Director of the Office of Management and Budget shall submit the recommended legislation referred to under paragraph (1).

SEC. 103. MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES.

(a) IN GENERAL.—Title 44, United States Code, is amended by inserting after chapter 35 the following:

"CHAPTER 36—MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES

"Sec.
"3601. Definitions.
"3602. Federal Chief Information Officer functions.
"3603. Chief Information Officers Council.
"3604. E-Government Fund.

1 **"§ 3601. Definitions**

2 "In this chapter, the definitions under section 3502
3 shall apply, and the term—

4 "(1) 'Council' means the Chief Information Of-
5 ficers Council established under section 3603;

6 "(2) 'Cross-Sector Forum' means the Cross-
7 Sector Forum on Information Resources Manage-
8 ment established under section 3602(a)(10);

9 "(3) 'Fund' means the E-Government Fund es-
10 tablished under section 3604;

11 "(4) 'interoperability' means the ability of dif-
12 ferent software systems, applications, and services to
13 communicate and exchange data in an accurate, ef-
14 fective, and consistent manner; and

15 "(5) 'integrated service delivery' means the pro-
16 vision of Internet-based Federal Government infor-
17 mation or services integrated according to function
18 rather than separated according to the boundaries of
19 agency jurisdiction.

20 **"§ 3602. Federal Chief Information Officer functions**

21 "(a) Subject to the direction and approval of the Di-
22 rector of the Office of Management Budget, and subject
23 to requirements of this chapter, the Federal Chief Infor-
24 mation Officer shall perform information resources man-
25 agement functions as follows:

1 "(1) Perform all functions of the Director, in-
2 cluding all functions delegated by the President to
3 the Director, relating to information resources man-
4 agement.
5 "(2) Perform the following functions with re-
6 spect to information resources management:
7 "(A) Under section 5112 of the Clinger-
8 Cohen Act of 1996 (40 U.S.C. 1412), review
9 agency budget requests related to information
10 technology capital planning and investment.
11 "(B) Under section 5113 of the Clinger-
12 Cohen Act of 1996 (40 U.S.C. 1413), evaluate
13 the investments referred to under subparagraph
14 (A) with respect to performance and results.
15 "(C) Review legislative proposals related to
16 information technology capital planning and in-
17 vestment.
18 "(D) Advise the Director on the resources
19 required to develop and effectively operate and
20 maintain Federal Government information sys-
21 tems.
22 "(E) Recommend to the Director changes
23 relating to Governmentwide strategies and pri-
24 orities for information resources management.

1 "(3) Provide overall leadership and direction to
2 the executive branch on information policy by estab-
3 lishing information resources management policies
4 and requirements, and by reviewing each agency's
5 performance in acquiring, using, and managing in-
6 formation resources.

7 "(4) Promote innovative uses of information
8 technology by agencies, particularly initiatives in-
9 volving multiagency collaboration, through support
10 of pilot projects, research, experimentation, and the
11 use of innovative technologies.

12 "(5) Administer the distribution of funds from
13 the E-Government Fund established under section
14 3604.

15 "(6) Consult with the Administrator of General
16 Services regarding the use of the Information Tech-
17 nology Fund established under section 110 of the
18 Federal Property and Administrative Coordinate
19 Services Act of 1949 (40 U.S.C. 757), and coordi-
20 nate with the Administrator of General Services re-
21 garding programs undertaken by the General Serv-
22 ices Administration to promote electronic Govern-
23 ment and the efficient use of information tech-
24 nologies by agencies.

1 "(7) Chair the Chief Information Officers
2 Council established under section 3603.
3 "(8) Establish and promulgate information
4 technology standards for the Federal Government
5 under section 5131 of the Clinger-Cohen Act of
6 1996 (40 U.S.C. 1441) based on the recommenda-
7 tions of the National Institute of Standards and
8 Technology, taking into account, if appropriate, rec-
9 ommendations of the Chief Information Officers
10 Council, experts, and interested parties from the pri-
11 vate and nonprofit sectors and State, local, and trib-
12 al governments, as follows:
13 "(A) Standards and guidelines for
14 interconnectivity and interoperability as de-
15 scribed under section 3504.
16 "(B) Standards and guidelines for catego-
17 rizing and electronically labeling Federal Gov-
18 ernment electronic information, to enhance elec-
19 tronic search capabilities.
20 "(C) Standards and guidelines for Federal
21 Government computer system efficiency and se-
22 curity.
23 "(9) Establish a regular forum for consulting
24 and communicating with leaders in information re-
25 sources management in the legislative and judicial

1 branches to encourage collaboration and enhance un-
2 derstanding of best practices and innovative ap-
3 proaches in acquiring, using, and managing informa-
4 tion resources.

5 "(10) Establish a regular forum for consulting
6 and communicating with leaders in information re-
7 sources management in State, local, and tribal gov-
8 ernments (including the National Association of
9 State Information Resources Executives) to encour-
10 age collaboration and enhance understanding of best
11 practices and innovative approaches in acquiring,
12 using, and managing information resources.

13 "(11) Establish a regular forum for consulting
14 and communicating with program managers and
15 leaders in information resources management in the
16 regulatory executive branch agencies to encourage
17 collaboration and enhance understanding of best
18 practices and innovative approaches related to the
19 acquisition, use, and management of information re-
20 sources in regulatory applications.

21 "(12) Establish a Cross-Sector Forum on Infor-
22 mation Resources Management, subject to the Fed-
23 eral Advisory Committee Act (5 U.S.C. App.), as a
24 periodic colloquium with representatives from Fed-
25 eral agencies (including Federal employees who are

1 not supervisors or management officials as such
2 terms are defined under section 7103(a) (10) and
3 (11), respectively) and the private, nonprofit, and
4 academic sectors, to encourage collaboration and en-
5 hance understanding of best practices and innovative
6 approaches in acquiring, using, and managing infor-
7 mation resources. The Cross-Sector Forum shall be
8 used for the following:

9 "(A) To develop innovative models for Gov-
10 ernment information resources management
11 and for Government information technology
12 contracts. These models may be developed
13 through focused Cross-Sector Forum discus-
14 sions or using separately sponsored research.

15 "(B) To identify opportunities for perform-
16 ance-based shared-savings contracts as a means
17 of increasing the quantity and quality of Gov-
18 ernment information and services available
19 through the Internet.

20 "(C) To identify opportunities for public-
21 private collaboration in using Internet-based
22 technology to increase the efficiency of Govern-
23 ment-to-business transactions.

24 "(D) To identify mechanisms for providing
25 incentives to program managers and other Gov-

1 ernment employees to develop and implement
2 innovative uses of information technologies.
3 "(E) To identify opportunities for public-
4 private collaboration in addressing the dispari-
5 ties in access to the Internet and information
6 technology.
7 "(F) To develop guidance to advise agen-
8 cies and private companies on any relevant legal
9 and ethical restrictions.
10 "(13) Direct the establishment, maintenance,
11 and promotion of an integrated Internet-based sys-
12 tem of delivering Government information and serv-
13 ices to the public. To the extent practicable, the in-
14 tegrated system shall be designed and operated ac-
15 cording to the following criteria:
16 "(A) The provision of Internet-based Gov-
17 ernment information and services integrated ac-
18 cording to function rather than separated ac-
19 cording to the boundaries of agency jurisdic-
20 tion.
21 "(B) An ongoing effort to ensure that all
22 Internet-based Government services relevant to
23 a given citizen activity are available from a sin-
24 gle point.

1 "(C) Standardized methods for navigating
2 Internet-based Government information and
3 services.
4 "(D) The consolidation of Federal Govern-
5 ment information and services with Internet-
6 based information and services provided by
7 State, local, and tribal governments.
8 "(14) Coordinate with the Administrator of the
9 Office of Federal Procurement Policy to ensure ef-
10 fective implementation of electronic procurement ini-
11 tiatives.
12 "(15) Assist Federal agencies, the United
13 States Access Board, the General Services Adminis-
14 tration, and the Attorney General in—
15 "(A) implementing accessibility standards
16 under section 508 of the Rehabilitation Act of
17 1973 (29 U.S.C. section 794d); and
18 "(B) ensuring compliance with those
19 standards through the budget review process
20 and other means.
21 "(16) Administer the Office of Information Pol-
22 icy established under section 3503.
23 "(b) The Director of the Office of Management and
24 Budget shall consult with the Federal Chief Information

1 Officer on each agency budget request and legislative pro-
2 posal described under subsection (a)(2).
3 "(c) The Federal Chief Information Officer shall ap-
4 point the employees of the Office. The Director of the Of-
5 fice of Management and Budget shall ensure that the Of-
6 fice of Information Policy has adequate employees and re-
7 sources to properly fulfill all functions delegated to the Of-
8 fice and the Federal Chief Information Officer.
9 "(d) There are authorized to be appropriated
10 $15,000,000 for the establishment, maintenance, and pro-
11 motion of the integrated Internet-based system established
12 under subsection (a)(13) for fiscal year 2002, and such
13 sums as are necessary for fiscal years 2003 through 2006.
14 **"§ 3603. Chief Information Officers Council**
15 "(a) There is established in the executive branch a
16 Chief Information Officers Council.
17 "(b) The members of the Council shall be as follows:
18 "(1) The chief information officer of each agen-
19 cy described under section 901(b) of title 31.
20 "(2) The chief information officer of the Cen-
21 tral Intelligence Agency.
22 "(3) The chief information officer of the De-
23 partment of the Army, the Department of the Navy,
24 and the Department of the Air Force, if chief infor-

1 mation officers have been designated for these de-
2 partments under section 3506(a)(2)(B).
3 "(4) Any other officers or employees of the
4 United States designated by the Federal Chief Infor-
5 mation Officer.
6 "(e)(1) The Federal Chief Information Officer shall
7 be the Chairman of the Council.
8 "(2)(A) The Deputy Chairman of the Council shall
9 be selected by the Council from among its members.
10 "(B) The Deputy Chairman shall serve a 1-year term,
11 and may serve multiple terms.
12 "(3) The Administrator of General Services shall pro-
13 vide administrative and other support for the Council, in-
14 cluding resources provided through the Information Tech-
15 nology Fund established under section 110 of the Federal
16 Property and Administrative Services Act of 1949 (40
17 U.S.C. 757).
18 "(d) The Council is designated the principal inter-
19 agency forum for improving agency practices related to
20 the design, acquisition, development, modernization, use,
21 operation, sharing, and performance of Federal Govern-
22 ment information resources. The Council shall perform the
23 following functions:
24 "(1) Develop recommendations for the Federal
25 Chief Information Officer on Government informa-

1 tion resources management policies and require-
2 ments.
3 "(2) Assist the Federal Chief Information Offi-
4 cer in developing and maintaining the Government-
5 wide strategic information resources management
6 plan required under section 3506.
7 "(3) Share experiences, ideas, best practices,
8 and innovative approaches related to information re-
9 sources management.
10 "(4) Assist the Federal Chief Information Offi-
11 cer in the identification, development, and coordina-
12 tion of multiagency projects and other innovative ini-
13 tiatives to improve Government performance through
14 the use of information technology.
15 "(5) Provide recommendations to the Federal
16 Chief Information Officer regarding the distribution
17 of funds from the E-Government Fund established
18 under section 3604.
19 "(6) Coordinate the development and use of
20 common performance measures for agency informa-
21 tion resources management under section 5123 of
22 the Clinger-Cohen Act of 1996 (40 U.S.C. 1423).
23 "(7) Work as appropriate with the National In-
24 stitute of Standards and Technology to develop rec-
25 ommendations for the Federal Chief Information Of-

1 ficer on information technology standards developed
2 under section 20 of the National Institute of Stand-
3 ards and Technology Act (15 U.S.C. 278g–3) and
4 promulgated under section 5131 of the Clinger-
5 Cohen Act of 1996 (40 U.S.C. 1441), as follows:
6 "(A) Standards and guidelines for
7 interconnectivity and interoperability as de-
8 scribed under section 3504.
9 "(B) Standards and guidelines for catego-
10 rizing and electronically labeling Government
11 electronic information, to enhance electronic
12 search capabilities.
13 "(C) Standards and guidelines for Federal
14 Government computer system efficiency and se-
15 curity.
16 "(8) Work with the Office of Personnel Man-
17 agement to assess and address the hiring, training,
18 classification, and professional development needs of
19 the Government related to information resources
20 management.
21 **"§ 3604. E-Government Fund**
22 "(a) There is established in the Treasury of the
23 United States an E-Government Fund, which shall be
24 available without fiscal year limitation.

1 "(b) The Fund shall be used to fund interagency in-
2 formation technology projects, and other innovative uses
3 of information technology. The Fund shall be operated as
4 follows:

5 "(1) Any member of the Council, including the
6 Federal Chief Information Officer, may propose a
7 project to be funded from the Fund.

8 "(2) On a regular basis, an appropriate com-
9 mittee within the Council shall review candidate
10 projects for funding eligibility, and make rec-
11 ommendations to the Federal Chief Information Of-
12 ficer on which projects should be funded from the
13 Fund. The review committee shall consider the fol-
14 lowing:

15 "(A) The relevance of this project in sup-
16 porting the missions of the affected agencies
17 and other statutory provisions.

18 "(B) The usefulness of interagency collabo-
19 ration on this project in supporting integrated
20 service delivery.

21 "(C) The usefulness of this project in illus-
22 trating a particular use of information tech-
23 nology that could have broader applicability
24 within the Government.

1 "(D) The extent to which privacy and in-
2 formation security will be provided in the imple-
3 mentation of the project.
4 "(E) The willingness of the agencies af-
5 fected by this project to provide matching
6 funds.
7 "(F) The availability of funds from other
8 sources for this project.
9 "(3) After considering the recommendations of
10 the Council, the Federal Chief Information Officer
11 shall have final authority to determine which of the
12 candidate projects shall be funded from the Fund.
13 "(c) The Fund may be used to fund the integrated
14 Internet-based system under section 3602(a)(13).
15 "(d) None of the funds provided from the Fund may
16 be transferred to any agency until 15 days after the Fed-
17 eral Chief Information Officer has submitted to the Com-
18 mittees on Appropriations of the Senate and the House
19 of Representatives, the Committee on Governmental Af-
20 fairs of the Senate, the Committee on Government Reform
21 of the House of Representatives, and the appropriate au-
22 thorizing committees of the Senate and the House of Rep-
23 resentatives, a notification and description of how the
24 funds are to be allocated and how the expenditure will fur-
25 ther the purposes of this chapter.

1 "(e) The Federal Chief Information Officer shall sub-
2 mit an annual report to the President and Congress on
3 the operation of the Fund. The report shall describe—
4 "(1) all projects which the Federal Chief Infor-
5 mation Officer has approved for funding from the
6 Fund;
7 "(2) the results that have been achieved to date
8 for these funded projects; and
9 "(3) any recommendations for changes to the
10 amount of capital appropriated annually for the
11 Fund, with a description of the basis for any such
12 recommended change.
13 "(f) There are authorized to be appropriated to the
14 Fund $200,000,000 in each of the fiscal years 2002
15 through 2004, and such sums as may be necessary for
16 fiscal years 2005 and 2006.".
17 (b) TECHNICAL AND CONFORMING AMENDMENT.—
18 The table of chapters for title 44, United States Code,
19 is amended by inserting after the item relating to chapter
20 35 the following:

"36. Management and Promotion of Electronic Government Services ..... 3601".

TITLE II—FEDERAL MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES

SEC. 201. FEDERAL AGENCY RESPONSIBILITIES.

(a) IN GENERAL.—The head of each agency shall be responsible for—

(1) complying with the requirements of this Act (including the amendments made by this Act) and the related information resource management policies and information technology standards established by the Federal Chief Information Officer;

(2) ensuring that the policies and standards established by the Federal Chief Information Officer and the Chief Information Officers Council are communicated promptly and effectively to all relevant managers with information resource management responsibilities within their agency; and

(3) supporting the efforts of the Federal Chief Information Officer to develop, maintain, and promote an integrated Internet-based system of delivering Federal Government information and services to the public under chapter 36 of title 44, United States Code (as added by section 103 of this Act).

1 (b) CHIEF INFORMATION OFFICERS.—The Chief In-
2 formation Officer of each of the agencies designated under
3 chapter 36 of title 44, United States Code (as added by
4 section 103 of this Act), shall be responsible for—
5 (1) participating in the functions of the Chief
6 Information Officers Council; and
7 (2) monitoring the implementation, within their
8 respective agencies, of information technology stand-
9 ards established by the Federal Chief Information
10 Officer, including common standards for
11 interconnectivity and interoperability, categorization
12 and labeling of Federal Government electronic infor-
13 mation, and computer system efficiency and security.
14 (c) E-GOVERNMENT STATUS REPORT.—
15 (1) IN GENERAL.—Each agency shall compile
16 and submit to the Federal Chief Information Officer
17 an E-Government Status Report on the current sta-
18 tus of agency information and agency services avail-
19 able online.
20 (2) CONTENT.—Each report under this sub-
21 section shall contain—
22 (A) a list and brief description of the agen-
23 cy services available online;
24 (B) a list, by number and title, of the 25
25 most frequently requested agency forms avail-

able online, annotated to indicate which forms can be submitted to the agency electronically; and

(C) a summary of the type, volume, general topical areas, and currency of agency information available online.

(3) SUBMISSION.—Not later than March 1, of each year, each agency shall submit a report under this subsection to the Federal Chief Information Officer.

(4) CONSOLIDATION OF REPORTS.—Section 3516(a)(2) of title 31, United States Code, is amended—

(A) by redesignating subparagraph (C) as subparagraph (D); and

(B) by inserting after subparagraph (B) the following:

"(C) Any E-Government Status Report under section 201(c) of the E-Government Act of 2001.".

SEC. 202. COMPATIBILITY OF EXECUTIVE AGENCY METHODS FOR USE AND ACCEPTANCE OF ELECTRONIC SIGNATURES.

(a) ELECTRONIC SIGNATURES.—In order to fulfill the objectives of the Government Paperwork Elimination

1 Act (Public Law 105–277; 112 Stat. 2681–749 through
2 2681–751), each Executive agency (as defined under sec-
3 tion 105 of title 5, United States Code) shall ensure that
4 its methods for use and acceptance of electronic signatures
5 are compatible with the relevant procedures and standards
6 promulgated by the Director of the Office of Management
7 and Budget.

8 (b) BRIDGE AUTHORITY FOR DIGITAL SIGNA-
9 TURES.—The Administrator of the General Services Ad-
10 ministration shall support the Director of the Office of
11 Management and Budget by establishing the Federal
12 bridge certification authority which shall provide a central
13 authority to allow efficient interoperability among Execu-
14 tive agencies when certifying digital signatures.

15 (c) AUTHORIZATION OF APPROPRIATIONS.—There
16 are authorized to be appropriated to the General Services
17 Administration, to ensure the development and operation
18 of a Federal bridge certification authority for digital sig-
19 nature compatibility, $7,000,000 in fiscal year 2002, and
20 such sums as may be necessary for each fiscal year there-
21 after.

22 **SEC. 203. ONLINE FEDERAL TELEPHONE DIRECTORY.**

23 (a) IN GENERAL.—

24 (1) DEVELOPMENT.—The Administrator of the
25 General Services Administration, in coordination

1 with the Chief Information Officers Council, shall
2 develop and promulgate an online Federal telephone
3 directory.
4 (2) ORGANIZATION.—Information in the online
5 Federal telephone directory shall be organized and
6 retrievable both by function and by agency name.
7 (3) TELEPHONE DIRECTORIES.—Information
8 compiled for publication in the online Federal tele-
9 phone directory shall be provided to local telephone
10 book publishers, to encourage publication and dis-
11 semination of functionally arranged directories in
12 local Federal blue pages.
13 (b) EXECUTIVE AGENCIES.—
14 (1) IN GENERAL.—Each Executive agency (as
15 defined under section 105 of title 5, United States
16 Code) shall publish an online agency directory, ac-
17 cessible by electronic link from the online Federal
18 telephone directory.
19 (2) CONTENT.—Each agency directory—
20 (A) shall include telephone numbers and
21 electronic mail addresses for principal depart-
22 ments and principal employees, subject to secu-
23 rity restrictions and agency judgment; and
24 (B) shall be electronically searchable.

1 **SEC. 204. ONLINE NATIONAL LIBRARY.**

2 (a) IN GENERAL.—The Director of the National
3 Science Foundation, the Secretary of the Smithsonian In-
4 stitution, the Director of the National Park Service, the
5 Director of the Institute of Museum and Library Services,
6 and the Librarian of Congress shall establish an Online
7 National Library after consultation with—

8 (1) the private sector;

9 (2) public, research, and academic libraries;

10 (3) historical societies;

11 (4) archival institutions; and

12 (5) other cultural and academic organizations.

13 (b) FUNCTIONS.—The Online National Library—

14 (1) shall provide public access to an expanding
15 database of educational resource materials, including
16 historical documents, photographs, audio recordings,
17 films, and other media as appropriate, that are sig-
18 nificant for education and research in United States
19 history and culture;

20 (2) shall be functionally integrated, so that a
21 user may have access to the resources of the Library
22 without regard to the boundaries of the contributing
23 institutions; and

24 (3) shall include educational resource materials
25 across a broad spectrum of United States history
26 and culture, including the fields of mathematics,

1 science, technology, liberal arts, fine arts, and hu-
2 manities.
3 (c) AUTHORIZATION OF APPROPRIATIONS.—For the
4 purposes of developing, expanding, and maintaining this
5 Online National Library, there are authorized to be
6 appropriated—
7 (1) to the National Science Foundation
8 $5,000,000 in fiscal year 2002, and such sums as
9 may be necessary for each fiscal year thereafter; and
10 (2) to the Library of Congress $5,000,000 in
11 fiscal year 2002, and such sums as may be nec-
12 essary for each fiscal year thereafter.
13 **SEC. 205. FEDERAL COURTS.**
14 (a) INDIVIDUAL COURT WEBSITES.—The Chief Jus-
15 tice of the United States and the chief judge of each cir-
16 cuit and district shall establish with respect to the Su-
17 preme Court or the respective court of appeal or district
18 (including the bankruptcy court of that district) a website,
19 that contains the following information or links to websites
20 with the following information:
21 (1) Location and contact information for the
22 courthouse, including the telephone numbers and
23 contact names for the clerk's office and justices' or
24 judges' chambers.

1 (2) Local rules and standing or general orders
2 of the court.
3 (3) Individual rules, if in existence, of each jus-
4 tice or judge in that court.
5 (4) Access to docket information for each case.
6 (5) Access to the substance of all written opin-
7 ions issued by the court, regardless of whether such
8 opinions are to be published in the official court re-
9 porter, in a text searchable format.
10 (6) Access to all documents filed with the court-
11 house in electronic form, described under subsection
12 (c)(2).
13 (7) Any other information (including forms in
14 a format that can be downloaded) that the court de-
15 termines useful to the public.
16 (b) MAINTENANCE OF DATA ONLINE.—
17 (1) UPDATE OF INFORMATION.—The informa-
18 tion and rules on each website shall be updated reg-
19 ularly and kept reasonably current.
20 (2) CLOSED CASES.—Electronic files and docket
21 information for cases closed for more than 1 year
22 are not required to be made available online, except
23 all written opinions with a date of issuance after the
24 effective date of this section shall remain available
25 online.

1 (c) ELECTRONIC FILINGS.—

2 (1) IN GENERAL.—Each court shall make any
3 document that is filed electronically publicly avail-
4 able online. A court may convert any document that
5 is filed in paper form to electronic form. To the ex-
6 tent such conversions are made, all such electronic
7 versions of the document shall be made available on-
8 line.

9 (2) EXCEPTIONS.—

10 (A) IN GENERAL.—Documents that are
11 filed that are not otherwise available to the
12 public, such as documents filed under seal, shall
13 not be made available online.

14 (B) LIMITATION.—

15 (i) IN GENERAL.—A party, witness, or
16 other person with an interest may file a
17 motion with the court to redact any docu-
18 ment that would be made available online
19 under this section.

20 (ii) REDACTION.—A redaction under
21 this subparagraph shall be made only to—

22 (I) the electronic form of the doc-
23 ument made available online; and

24 (II) the extent necessary to pro-
25 tect important privacy concerns.

1 (C) PRIVACY CONCERNS.—The Judicial
2 Conference of the United States may promul-
3 gate rules under this subsection to protect im-
4 portant privacy concerns.
5 (d) DOCKETS WITH LINKS TO DOCUMENTS.—The
6 Judicial Conference of the United States, in consultation
7 with the Federal Chief Information Officer, shall explore
8 the feasibility of technology to post online dockets with
9 links allowing all filings, decisions, and rulings in each
10 case to be obtained from the docket sheet of that case.
11 (e) COST OF PROVIDING ELECTRONIC DOCKETING
12 INFORMATION.—Section 503(a) of the Judiciary Appro-
13 priations Act, 1992 (28 U.S.C. 1913 note) is amended in
14 the first sentence by striking "shall hereafter" and insert-
15 ing "may, only to the extent necessary,".
16 (f) TIME REQUIREMENTS.—Not later than 2 years
17 after the effective date of this Act, the websites under sub-
18 section (a) shall be established, except that access to docu-
19 ments filed in electronic form shall be established not later
20 than 4 years after that effective date.
21 (g) OPT OUT.—
22 (1) IN GENERAL.—
23 (A) ELECTION.—
24 (i) NOTIFICATION.—The Chief Justice
25 of the United States or a chief judge may

1 submit a notification to the Administrative
2 Office of the United States Courts to elect
3 not to comply with any requirement of this
4 section with respect to the Supreme Court,
5 a court of appeals, or district (including
6 the bankruptcy court of that district).
7 (ii) CONTENTS.—A notification sub-
8 mitted under this subparagraph shall
9 state—
10 (I) the reasons for the non-
11 compliance; and
12 (II) the online methods, if any,
13 or any alternative methods, such court
14 or district is using to provide greater
15 public access to information.
16 (B) EXCEPTION.—To the extent that the
17 Supreme Court, a court of appeals, or district
18 maintains a website under subsection (a), the
19 Supreme Court or that court of appeals or dis-
20 trict shall comply with subsection (b)(1).
21 (2) REPORT.—Not later than 1 year after the
22 effective date of this Act, the Judicial Conference of
23 the United States shall submit a report to the Com-
24 mittees on Governmental Affairs and the Judiciary
25 of the Senate and the Committees on Government

1 Reform and the Judiciary of the House of Rep-
2 resentatives that—
3 (A) contains all notifications submitted to
4 the Administrative Office of the United States
5 Courts under this subsection; and
6 (B) summarizes and evaluates all notifica-
7 tions.

8 **SEC. 206. REGULATORY AGENCIES.**

9 (a) INFORMATION PROVIDED BY AGENCIES ON-
10 LINE.—To the extent practicable, each agency (as defined
11 under section 551 of title 5, United States Code) shall—
12 (1) establish a website with information about
13 that agency; and
14 (2) post on the website all information—
15 (A) required to be published in the Federal
16 Register under section 552(a)(1) of title 5,
17 United States Code; and
18 (B) made available for public inspection
19 and copying under section 552(a) (2) and (5) of
20 title 5, United States Code, after the effective
21 date of this section.
22 (b) COMPLIANCE.—An agency may comply with sub-
23 section (a)(2) by providing hypertext links on a website
24 directing users to other websites where such information
25 may be found. To the extent that an agency provides

1 hypertext links, the agency shall provide clear instructions
2 to users on how to access the information sought within
3 the external website to which the links direct users.

4 (c) SUBMISSIONS BY ELECTRONIC MEANS.—To the
5 extent practicable, agencies shall accept submissions under
6 section 553(c) of title 5, United States Code, by electronic
7 means, including e-mail and telefacsimile.

8 (d) ELECTRONIC DOCKETING.—

9 (1) IN GENERAL.—To the extent practicable,
10 agencies shall, in consultation with the Federal Chief
11 Information Officer, and in connection with the
12 forum established under section 3602(a)(10) of title
13 44, United States Code (as added by section 103 of
14 this Act), establish and maintain on their websites
15 electronic dockets for rulemakings under section 553
16 of title 5, United States Code.

17 (2) INFORMATION AVAILABLE.—Agency elec-
18 tronic dockets shall make publicly available online—

19 (A) all agency notices, publications, or
20 statements in connection with each rulemaking;
21 and

22 (B) to the extent practicable, all submis-
23 sions under section 553(c) of title 5, United
24 States Code, whether or not submitted elec-
25 tronically.

1 (e) OPT OUT.—

2 (1) IN GENERAL.—

3 (A) NOTIFICATION.—An agency may sub-
4 mit a notification to the Federal Chief Informa-
5 tion Officer to elect to not comply with any re-
6 quirement of subsection (d).

7 (B) CONTENTS.—A notification submitted
8 under this paragraph shall state—

9 (i) the reasons for the noncompliance;
10 and

11 (ii) the online methods, if any, or any
12 alternative methods, the agency is using to
13 provide greater public access to regulatory
14 proceedings.

15 (2) REPORT.—Not later than October 1, of
16 each year, the Federal Chief Information Officer
17 shall submit a report to the Committee on Govern-
18 mental Affairs of the Senate and the Committee on
19 Government Reform of the House of Representatives
20 that—

21 (A) contains all notifications submitted to
22 the Federal Chief Information Officer under
23 this subsection; and

24 (B) summarizes and evaluates all notifica-
25 tions.

1 (f) TIME LIMITATION.—To the extent practicable,
2 agencies shall implement subsections (a) and (b) not later
3 than 2 years after the effective date of this Act, and sub-
4 section (c) not later than 4 years after that effective date.

5 **SEC. 207. INTEGRATED REPORTING FEASIBILITY STUDY**
6 **AND PILOT PROJECTS.**

7 (a) PURPOSES.—The purposes of this section are
8 to—
9 (1) enhance the interoperability of Federal in-
10 formation systems;
11 (2) assist the public, including the regulated
12 community, in electronically submitting information
13 to agencies under Federal requirements, by reducing
14 the burden of duplicate collection and ensuring the
15 accuracy of submitted information; and
16 (3) enable any person to integrate and obtain
17 similar information held by 1 or more agencies
18 under 1 or more Federal requirements without vio-
19 lating the privacy rights of an individual.
20 (b) DEFINITIONS.—In this section, the term—
21 (1) "agency" means an Executive agency as de-
22 fined under section 105 of title 5, United States
23 Code; and
24 (2) "person" means any individual, trust, firm,
25 joint stock company, corporation (including a gov-

1 ernment corporation), partnership, association,
2 State, municipality, commission, political subdivision
3 of a State, interstate body, or agency or component
4 of the Federal Government.
5 (c) REPORT.—
6 (1) IN GENERAL.—Not later than 3 years after
7 the date of enactment of this Act, the Federal Chief
8 Information Officer shall conduct a study and sub-
9 mit a report to the Committee on Governmental Af-
10 fairs of the Senate and the Committee on Govern-
11 ment Reform of the House of Representatives on the
12 feasibility of integrating Federal information sys-
13 tems across agencies.
14 (2) CONTENT.—The report under this section
15 shall—
16 (A) address the feasibility of integrating
17 data elements used in the electronic collection
18 of information within databases established
19 under Federal statute without reducing the
20 quality, accessibility, scope, or utility of the in-
21 formation contained in each database;
22 (B) address the feasibility of developing, or
23 enabling the development of, software, including
24 Internet-based tools, for use by reporting per-
25 sons in assembling, documenting, and validating

1 the accuracy of information electronically sub-
2 mitted to agencies under nonvoluntary, statu-
3 tory, and regulatory requirements; and
4 (C) address the feasibility of developing a
5 distributed information system involving, on a
6 voluntary basis, at least 2 agencies, that—
7 (i) provides consistent, dependable,
8 and timely public access to the information
9 holdings of 1 or more agencies, or some
10 portion of such holdings, including the un-
11 derlying raw data, without requiring public
12 users to know which agency holds the in-
13 formation;
14 (ii) provides methods for input on im-
15 proving the quality and integrity of the
16 data, including correcting errors in submis-
17 sion, consistent with the need to archive
18 changes made to the data; and
19 (iii) allows any person to integrate
20 public information held by the partici-
21 pating agencies;
22 (D) address the feasibility of incorporating
23 other elements related to the purposes of this
24 section at the discretion of the Federal Chief
25 Information Officer; and

1 (E) make recommendations that Congress
2 or the executive branch can implement, through
3 the use of integrated reporting and information
4 systems, to reduce the burden on reporting and
5 strengthen public access to databases within
6 and across agencies.
7 (d) PILOT PROJECTS TO ENCOURAGE INTEGRATED
8 COLLECTION AND MANAGEMENT OF DATA AND INTER-
9 OPERABILITY OF FEDERAL INFORMATION SYSTEMS.—
10 (1) IN GENERAL.—In order to provide input to
11 the study under subsection (c) the Federal Chief In-
12 formation Officer shall implement a series of no
13 more than 5 pilot projects that integrate data ele-
14 ments. The Federal Chief Information Officer shall
15 consult with agencies, the regulated community,
16 public interest organizations, and the public on the
17 implementation.
18 (2) GOALS OF PILOT PROJECTS.—
19 (A) IN GENERAL.—Each goal described
20 under subparagraph (B) shall be addressed by
21 at least 1 pilot project each.
22 (B) GOALS.—The goals under this para-
23 graph are to—
24 (i) reduce information collection bur-
25 dens by eliminating duplicative data ele-

1 ments within 2 or more reporting require-
2 ments;
3 (ii) create interoperability between or
4 among public databases managed by 2 or
5 more agencies using technologies and tech-
6 niques that facilitate public access; and
7 (iii) develop, or enable the develop-
8 ment, of software to reduce errors in elec-
9 tronically submitted information.
10 (3) INPUT.—Each pilot project shall seek input
11 from users on the utility of the pilot project and
12 areas for improvement.
13 (e) CONSULTATION IN PREPARING THE REPORT AND
14 PILOT PROJECT.—The Federal Chief Information Officer
15 shall coordinate with the Office of Information and Regu-
16 latory Affairs, and to the extent practicable, shall work
17 with relevant agencies, and State, tribal, and local govern-
18 ments in carrying out the report and pilot projects under
19 this section.
20 (f) PRIVACY PROTECTIONS.—The activities author-
21 ized in this section shall afford protections for confidential
22 business information consistent with section 552(b)(4) of
23 title 5, United States Code and personal privacy informa-
24 tion under section 552a of title 5, United States Code and
25 other relevant law.

1 **SEC. 208. ONLINE ACCESS TO FEDERALLY FUNDED RE-**
2 **SEARCH AND DEVELOPMENT.**

3 (a) DEFINITIONS.—In this section, the term—
4 (1) "essential information" shall include—
5 (A) information identifying any person per-
6 forming research and development under an
7 agreement and the agency providing the fund-
8 ing;
9 (B) an abstract describing the research;
10 (C) references to published results; and
11 (D) other information determined appro-
12 priate by the interagency task force convened
13 under this section; and
14 (2) "federally funded research and
15 development"—
16 (A) shall be defined by the interagency
17 task force, with reference to applicable Office of
18 Management and Budget circulars and Depart-
19 ment of Defense regulations; and
20 (B) shall include funds provided to—
21 (i) institutions other than the Federal
22 Government; and
23 (ii) Federal research and development
24 centers.
25 (b) INTERAGENCY TASK FORCE.—The Federal Chief
26 Information Officer shall—

1 (1) convene an interagency task force to—
2 (A) review databases, owned by the Fed-
3 eral Government and other entities, that collect
4 and maintain data on federally funded research
5 and development to—
6 (i) determine areas of duplication; and
7 (ii) identify data that is needed but is
8 not being collected or efficiently dissemi-
9 nated to the public or throughout the Gov-
10 ernment;
11 (B) develop recommendations for the Fed-
12 eral Chief Information Officer on standards for
13 the collection and electronic dissemination of es-
14 sential information about federally funded re-
15 search and development that addresses public
16 availability and agency coordination and col-
17 laboration; and
18 (C) make recommendations to the Federal
19 Chief Information Officer on—
20 (i) which agency or agencies should
21 develop and maintain databases and a
22 website containing data on federally fund-
23 ed research and development;

1 (ii) whether to continue using existing
2 databases, to use modified versions of
3 databases, or to develop another database;
4 (iii) the appropriate system architec-
5 ture to minimize duplication and use
6 emerging technologies;
7 (iv) criteria specifying what federally
8 funded research and development projects
9 should be included in the databases; and
10 (v) standards for security of and pub-
11 lic access to the data; and
12 (2) not later than 1 year of the date of enact-
13 ment of this Act, after offering an opportunity for
14 public comment, promulgate standards and regula-
15 tions based on the recommendations, including a de-
16 termination as to which agency or agencies should
17 develop and maintain databases and a website con-
18 taining data on federally funded research and devel-
19 opment.
20 (c) MEMBERSHIPS.—The interagency task force shall
21 consist of the Federal Chief Information Officer and rep-
22 resentatives from—
23 (1) the Department of Commerce;
24 (2) the Department of Defense;
25 (3) the Department of Energy;

1 (4) the Department of Health and Human
2 Services;
3 (5) the National Aeronautics and Space Admin-
4 istration;
5 (6) the National Archives and Records Adminis-
6 tration;
7 (7) the National Science Foundation;
8 (8) the National Institute of Standards and
9 Technology; and
10 (9) any other agency determined by the Federal
11 Chief Information Officer.
12 (d) CONSULTATION.—The task force shall consult
13 with—
14 (1) Federal agencies supporting research and
15 development;
16 (2) members of the scientific community;
17 (3) scientific publishers; and
18 (4) interested persons in the private and non-
19 profit sectors.
20 (e) DEVELOPMENT AND MAINTENANCE OF DATA-
21 BASE AND WEBSITE.—
22 (1) IN GENERAL.—
23 (A) DATABASE AND WEBSITE.—The agen-
24 cy or agencies determined under subsection
25 (b)(2), with the assistance of any other agency

1 designated by the Federal Chief Information
2 Officer, shall develop—
3 (i) a database if determined to be nec-
4 essary by the Federal Chief Information
5 Officer; and
6 (ii) a centralized, searchable website
7 for the electronic dissemination of informa-
8 tion reported under this section, with re-
9 spect to information made available to the
10 public and for agency coordination and col-
11 laboration.
12 (B) CONFORMANCE TO STANDARDS.—The
13 website and any necessary database shall con-
14 form to the standards promulgated by the Fed-
15 eral Chief Information Officer.
16 (2) LINKS.—Where the results of the federally
17 funded research have been published, the website
18 shall contain links to the servers of the publishers if
19 possible. The website may include links to other rel-
20 evant websites containing information about the re-
21 search.
22 (3) OTHER RESEARCH.—The website may in-
23 clude information about published research not
24 funded by the Federal Government, and links to the
25 servers of the publishers.

1 (4) DEVELOPMENT AND OPERATION.—The
2 Federal Chief Information Officer shall oversee the
3 development and operation of the website. The
4 website shall be operational not later than 2 years
5 after the date of enactment of this Act.
6 (f) PROVISION OF INFORMATION.—Any agency that
7 funds research and development meeting the criteria pro-
8 mulgated by the Federal Chief Information Officer shall
9 provide the required information in the manner prescribed
10 by the Federal Chief Information Officer. An agency may
11 impose reporting requirements necessary for the imple-
12 mentation of this section on recipients of Federal funding
13 as a condition of the funding.
14 (g) AUTHORIZATION OF APPROPRIATIONS.—There
15 are authorized to be appropriated for the development and
16 maintenance of the centralized website and any necessary
17 database under this section, $1,000,000 in fiscal year
18 2002, $5,000,000 in fiscal year 2003, and such sums as
19 may be necessary for fiscal years 2004 through 2006.
20 **SEC. 209. COMMON PROTOCOLS FOR GEOGRAPHIC INFOR-**
21 **MATION SYSTEMS.**
22 (a) IN GENERAL.—The Secretary of the Interior, in
23 consultation with the National Institute of Standards and
24 Technology and other agencies, private sector experts,
25 commercial and international standards groups, and other

1 interested parties, shall facilitate the development of com-
2 mon protocols for the development, acquisition, mainte-
3 nance, distribution, and application of geographic informa-
4 tion.

5 (b) FEDERAL CHIEF INFORMATION OFFICER.—The
6 Federal Chief Information Officer shall—

7 (1) oversee the interagency initiative to develop
8 common protocols;

9 (2) coordinate with State, local, and tribal gov-
10 ernments and other interested persons on aligning
11 geographic information; and

12 (3) promulgate the standards relating to the
13 protocols.

14 (c) COMMON PROTOCOLS.—The common protocols
15 shall be designed to—

16 (1) maximize the degree to which unclassified
17 geographic information from various sources can be
18 made electronically compatible; and

19 (2) promote the development of interoperable
20 geographic information systems technologies that
21 will allow widespread, low-cost use and sharing of
22 geographic data by Federal agencies, State, local,
23 and tribal governments, and the public.

1 **SEC. 210. SHARE-IN-SAVINGS PROGRAM IMPROVEMENTS.**

2 Section 5311 of the Clinger-Cohen Act of 1996 (divi-
3 sions D and E of Public Law 104–106; 110 Stat. 692;
4 40 U.S.C. 1491) is amended—

5 (1) in subsection (a)—

6 (A) by striking "the heads of two executive
7 agencies to carry out" and inserting "heads of
8 executive agencies to carry out a total of five
9 projects under";

10 (B) by striking "and" at the end of para-
11 graph (1);

12 (C) by striking the period at the end of
13 paragraph (2) and inserting "; and"; and

14 (D) by adding at the end the following:

15 "(3) encouraging the use of the contracting and
16 sharing approach described in paragraphs (1) and
17 (2) by allowing the head of the executive agency con-
18 ducting a project under the pilot program—

19 "(A) to retain, out of the appropriation ac-
20 counts of the executive agency in which savings
21 computed under paragraph (2) are realized as
22 a result of the project, up to the amount equal
23 to half of the excess of—

24 "(i) the total amount of the savings;
25 over

"(ii) the total amount of the portion of the savings paid to the private sector source for such project under paragraph (2); and

"(B) to use the retained amount to acquire additional information technology.";

(2) in subsection (b)—

(A) by inserting "a project under" after "authorized to carry out"; and

(B) by striking "carry out one project and"; and

(3) by striking subsection (c) and inserting the following:

"(c) EVOLUTION BEYOND PILOT PROGRAM.—(1) The Administrator may provide general authority to the heads of executive agencies to use a share-in-savings contracting approach to the acquisition of information technology solutions for improving mission-related or administrative processes of the Federal Government if—

"(A) after reviewing the experience under the five projects carried out under the pilot program under subsection (a), the Administrator finds that the approach offers the Federal Government an opportunity to improve its use of information technology and to reduce costs; and

1 "(B) issues guidance for the exercise of that
2 authority.
3 "(2) For the purposes of paragraph (1), a share-in-
4 savings contracting approach provides for contracting as
5 described in paragraph (1) of subsection (a) together with
6 the sharing and retention of amounts saved as described
7 in paragraphs (2) and (3) of that subsection.
8 "(3) In exercising the authority provided to the Ad-
9 ministrator in paragraph (1), the Administrator shall con-
10 sult with the Federal Chief Information Officer.
11 "(d) AVAILABILITY OF RETAINED SAVINGS.—(1)
12 Amounts retained by the head of an executive agency
13 under subsection (a)(3) or (c) shall, without further ap-
14 propriation, remain available until expended and may be
15 used by the executive agency for any of the following pur-
16 poses:
17 "(A) The acquisition of information technology.
18 "(B) Support for share-in-savings contracting
19 approaches throughout the agency including—
20 "(i) education and training programs for
21 share-in-savings contracting;
22 "(ii) any administrative costs associated
23 with the share-in-savings contract from which
24 the savings were realized; or

"(iii) the cost of employees who specialize in share-in-savings contracts.

"(2) Amounts so retained from any appropriation of the executive agency not otherwise available for the acquisition of information technology shall be transferred to any appropriation of the executive agency that is available for such purpose.".

SEC. 211. ENHANCING CRISIS MANAGEMENT THROUGH ADVANCED INFORMATION TECHNOLOGY.

(a) IN GENERAL.—

(1) STUDY ON ENHANCEMENT OF CRISIS RESPONSE.—Not later than 90 days after the date of enactment of this Act, the Federal Emergency Management Agency shall enter into a contract with the National Research Council of the National Academy of Sciences to conduct a study on using information technology to enhance crisis response and consequence management of natural and manmade disasters.

(2) CONTENT.—The study under this subsection shall address—

(A) a research and implementation strategy for effective use of information technology in crisis response and consequence management, including the more effective use of tech-

1 nologies, management of information technology
2 research initiatives, and incorporation of re-
3 search advances into the information and com-
4 munications systems of—
5 (i) the Federal Emergency Manage-
6 ment Agency; and
7 (ii) other Federal, State, and local
8 agencies responsible for crisis response and
9 consequence management; and
10 (B) opportunities for research and develop-
11 ment on enhanced technologies for—
12 (i) improving communications with
13 citizens at risk before and during a crisis;
14 (ii) enhancing the use of remote sen-
15 sor data and other information sources for
16 planning, mitigation, response, and ad-
17 vance warning;
18 (iii) building more robust and trust-
19 worthy systems for communications in cri-
20 ses;
21 (iv) facilitating coordinated actions
22 among responders through more interoper-
23 able communications and information sys-
24 tems; and

1 (v) other areas of potential improve-
2 ment as determined during the course of
3 the study.
4 (3) REPORT.—Not later than 2 years after the
5 date on which a contract is entered into under para-
6 graph (1), the National Research Council shall sub-
7 mit a report on the study, including findings and
8 recommendations to—
9 (A) the Committee on Governmental Af-
10 fairs of the Senate;
11 (B) the Committee on Government Reform
12 of the House of Representatives; and
13 (C) the Federal Emergency Management
14 Agency.
15 (4) INTERAGENCY COOPERATION.—The Federal
16 Emergency Management Agency and other Federal
17 departments and agencies with responsibility for dis-
18 aster relief and emergency assistance shall fully co-
19 operate with the National Research Council in car-
20 rying out this section.
21 (5) EXPEDITED PROCESSING OF SECURITY
22 CLEARANCES.—For the purpose of facilitating the
23 commencement of the study under this section, the
24 Federal Emergency Management Agency and other
25 relevant agencies shall expedite to the fullest extent

1 possible the processing of security clearances that
2 are necessary for the National Research Council.
3 (6) AUTHORIZATION OF APPROPRIATIONS.—
4 There are authorized to be appropriated to the Fed-
5 eral Emergency Management Agency for research
6 under this subsection, $800,000 for fiscal year 2002.
7 (b) PILOT PROJECTS.—Based on the results of the
8 research conducted under subsection (a), the Federal
9 Chief Information Officer shall initiate pilot projects with
10 the goal of maximizing the utility of information tech-
11 nology in disaster management. The Federal Chief Infor-
12 mation Officer shall cooperate with the Federal Emer-
13 gency Management Agency, other relevant agencies, and,
14 if appropriate, State, local, and tribal governments, in ini-
15 tiating such pilot projects.

16 **SEC. 212. FEDERAL INFORMATION TECHNOLOGY TRAINING**
17 **CENTER.**

18 (a) IN GENERAL.—In consultation with the Federal
19 Chief Information Officer, the Chief Information Officers
20 Council, and the Administrator of General Services, the
21 Director of the Office of Personnel Management shall es-
22 tablish and operate a Federal Information Technology
23 Training Center (in this section referred to as the "Train-
24 ing Center").
25 (b) FUNCTIONS.—The Training Center shall—

1 (1) analyze, on an ongoing basis, the personnel
2 needs of the Federal Government related to informa-
3 tion technology and information resource manage-
4 ment;
5 (2) design curricula, training methods, and
6 training schedules that correspond to the projected
7 personnel needs of the Federal Government related
8 to information technology and information resource
9 management; and
10 (3) recruit and train Federal employees in in-
11 formation technology disciplines, as necessary, at a
12 rate that ensures that the Federal Government's in-
13 formation resource management needs are met.
14 (c) CURRICULA.—The curricula of the Training
15 Center—
16 (1) shall cover a broad range of information
17 technology disciplines corresponding to the specific
18 needs of Federal agencies;
19 (2) shall be adaptable to achieve varying levels
20 of expertise, ranging from basic nonoccupational
21 computer training to expert occupational proficiency
22 in specific information technology disciplines, de-
23 pending on the specific information resource man-
24 agement needs of Federal agencies;

1 (3) shall be developed and applied according to
2 rigorous academic standards; and
3 (4) shall be designed to maximize efficiency
4 through the use of self-paced courses, online courses,
5 on-the-job training, and the use of remote instruc-
6 tors, wherever such features can be applied without
7 reducing training effectiveness or negatively impact-
8 ing academic standards.
9 (d) EMPLOYEE PARTICIPATION.—Subject to informa-
10 tion resource management needs and the limitations im-
11 posed by resource needs in other occupational areas, agen-
12 cies shall encourage their employees to participate in the
13 occupational information technology curricula of the
14 Training Center.
15 (e) AGREEMENTS FOR SERVICE.—Employees who
16 participate in full-time training at the Training Center for
17 a period of 6 months or longer shall be subject to an agree-
18 ment for service after training under section 4108 of title
19 5, United States Code.
20 (f) AUTHORIZATION OF APPROPRIATIONS.—There
21 are authorized to be appropriated to the Office of Per-
22 sonnel Management for developing and operating the
23 Training Center, $7,000,000 in fiscal year 2002, and such
24 sums as may be necessary for each fiscal year thereafter.

1 **SEC. 213. COMMUNITY TECHNOLOGY CENTERS.**

2 (a) STUDY AND REPORT.—Not later than 2 years
3 after the effective date of this Act, the Secretary of Edu-
4 cation, in consultation with the Secretary of Agriculture,
5 the Secretary of Housing and Urban Development, the
6 National Telecommunications and Information Adminis-
7 tration, and the Federal Chief Information Officer, shall—

8 (1) conduct a study to evaluate the best prac-
9 tices of community technology centers that receive
10 Federal funds; and

11 (2) submit a report on the study to—

12 (A) the Committee on Governmental Af-
13 fairs of the Senate;

14 (B) the Committee on Health, Education,
15 Labor, and Pensions of the Senate;

16 (C) the Committee on Government Reform
17 of the House of Representatives; and

18 (D) the Committee on Education and the
19 Workforce of the House of Representatives.

20 (b) CONTENT.—The report shall include—

21 (1) an evaluation of the best practices being
22 used by successful community technology centers;

23 (2) a strategy for—

24 (A) continuing the evaluation of best prac-
25 tices used by community technology centers;
26 and

1 (B) establishing a network to share infor-
2 mation and resources as community technology
3 centers evolve;
4 (3) the identification of methods to expand the
5 use of best practices to assist community technology
6 centers, public libraries, and other institutions that
7 provide computer and Internet access to the public;
8 (4) a database of all community technology cen-
9 ters receiving Federal funds, including—
10 (A) each center's name, location, services
11 provided, director, other points of contact, num-
12 ber of individuals served; and
13 (B) other relevant information;
14 (5) an analysis of whether community tech-
15 nology centers have been deployed effectively in
16 urban and rural areas throughout the Nation; and
17 (6) recommendations of how to—
18 (A) enhance the development of community
19 technology centers; and
20 (B) establish a network to share informa-
21 tion and resources.
22 (c) COOPERATION.—All agencies that fund commu-
23 nity technology centers shall provide to the Department
24 of Education any information and assistance necessary for

1 the completion of the study and the report under this sec-
2 tion.
3 (d) ASSISTANCE.—
4 (1) IN GENERAL.—The Federal Chief Informa-
5 tion Officer shall work with the Department of Edu-
6 cation, other relevant Federal agencies, and other in-
7 terested persons in the private and nonprofit sectors
8 to—
9 (A) assist in the implementation of rec-
10 ommendations; and
11 (B) identify other ways to assist commu-
12 nity technology centers, public libraries, and
13 other institutions that provide computer and
14 Internet access to the public.
15 (2) TYPES OF ASSISTANCE.—Assistance under
16 this paragraph may include—
17 (A) contribution of funds;
18 (B) donations of equipment, and training
19 in the use and maintenance of the equipment;
20 and
21 (C) the provision of basic instruction or
22 training material in computer skills and Inter-
23 net usage.
24 (e) TRAINING CENTER.—The Federal Information
25 Technology Training Center established under section 212

1 of this Act shall make applicable information technology
2 curricula available to members of the public through the
3 community technology centers.

4 (f) ONLINE TUTORIAL.—

5 (1) IN GENERAL.—The Secretary of Education,
6 in consultation with the Federal Chief Information
7 Officer, the National Science Foundation, and other
8 interested persons, shall develop an online tutorial
9 that—

10 (A) explains how to access information and
11 services on the Internet; and

12 (B) provides a guide to available online re-
13 sources.

14 (2) DISTRIBUTION.—The Secretary of Edu-
15 cation shall distribute information on the tutorial to
16 community technology centers, public libraries, and
17 other institutions that afford Internet access to the
18 public.

19 (g) PROMOTION OF COMMUNITY TECHNOLOGY CEN-
20 TERS.—In consultation with other agencies and organiza-
21 tions, the Department of Education shall promote the
22 availability of community technology centers to raise
23 awareness within each community where such a center is
24 located.

1 (h) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to the Department of
3 Education for the study of best practices at community
4 technology centers, for the development and dissemination
5 of the online tutorial, and for the promotion of community
6 technology centers under this section $2,000,000 in fiscal
7 year 2002, $2,000,000 in fiscal year 2003, and such sums
8 as are necessary in fiscal years 2004 through 2006.

9 **SEC. 214. DISPARITIES IN ACCESS TO THE INTERNET.**

10 (a) STUDY AND REPORT.—Not later than 1 year
11 after the effective date of this Act—
12 (1) the Federal Chief Information Officer shall
13 enter into an agreement with a nonprofit, non-
14 partisan organization to conduct a study on dispari-
15 ties in Internet access across various demographic
16 distributions; and
17 (2) the nonprofit, nonpartisan organization
18 shall conduct the study and submit a report to—
19 (A) the Committee on Governmental Af-
20 fairs of the Senate; and
21 (B) the Committee on Government Reform
22 of the House of Representatives.
23 (b) CONTENT.—The report shall include a study of—
24 (1) how disparities in Internet access influence
25 the effectiveness of online Government services;

1 (2) how the increase in online Government serv-
2 ices is influencing the disparities in Internet access;
3 and
4 (3) any related societal effects arising from the
5 interplay of disparities in Internet access and the in-
6 crease in online Government services.
7 (c) RECOMMENDATIONS.—The report shall include
8 recommendations on actions to ensure that online Govern-
9 ment initiatives shall not have the unintended result of
10 increasing any deficiency in public access to Government
11 services.
12 (d) POLICY CONSIDERATIONS.—When promulgating
13 policies and implementing programs regarding the provi-
14 sion of services over the Internet, the Federal Chief Infor-
15 mation Officer and agency heads shall—
16 (1) consider the impact on persons without ac-
17 cess to the Internet; and
18 (2) ensure that the availability of Government
19 services has not been diminished for individuals who
20 lack access to the Internet.
21 (e) TECHNOLOGY CONSIDERATIONS.—To the extent
22 feasible, the Federal Chief Information Officer and agency
23 heads shall pursue technologies that make Government
24 services and information more accessible to individuals
25 who do not own computers or have access to the Internet.

1 (f) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated $950,000 in fiscal year
3 2002 to carry out this section.

4 **SEC. 215. ACCESSIBILITY, USABILITY, AND PRESERVATION**
5 **OF GOVERNMENT INFORMATION.**

6 (a) DEFINITIONS.—In this section, the term—
7 (1) "agency" has the meaning given under sec-
8 tion 3502(1) of title 44, United States Code;
9 (2) "Board" means the Advisory Board on Gov-
10 ernment Information established under subsection
11 (b);
12 (3) "Government information" means informa-
13 tion created, collected, processed, disseminated, or
14 disposed of by or for the Federal Government;
15 (4) "information" means any communication or
16 representation of knowledge such as facts, data, or
17 opinions, in any medium or form, including textual,
18 numerical, graphic, cartographic, narrative, or
19 audiovisual forms; and
20 (5) "permanent public access" means the proc-
21 ess by which applicable Government information
22 that has been disseminated on the Internet is pre-
23 served for current, continuous, and future public ac-
24 cess.
25 (b) ADVISORY BOARD.—

1 (1) ESTABLISHMENT.—There is established the
2 Advisory Board on Government Information. The
3 Board shall be subject to the Federal Advisory Com-
4 mittee Act (5 U.S.C. App.).
5 (2) MEMBERS.—The Federal Chief Information
6 Officer shall appoint the members of the Board who
7 shall include representatives from appropriate agen-
8 cies and interested persons from the public, private,
9 and nonprofit sectors.
10 (3) FUNCTIONS.—The Board shall conduct
11 studies and submit recommendations as provided by
12 this section to the Federal Chief Information Offi-
13 cer.
14 (4) TERMINATION.—The Board shall terminate
15 3 years after the effective date of this Act.
16 (c) CATALOGUING AND INDEXING STANDARDS.—
17 (1) AGENCY FUNCTIONS.—
18 (A) REPORTS.—Not later than 180 days
19 after the effective date of this Act, each agency
20 shall submit a report to the Board on all cata-
21 loguing and indexing standards used by that
22 agency, including taxonomies being used to
23 classify information.
24 (B) PRIORITIES AND SCHEDULES.—Not
25 later than 180 days after the issuance of a cir-

1 cular or the promulgation of proposed regula-
2 tions under paragraph (3), each agency shall
3 consult with interested persons and develop pri-
4 orities and schedules for making the agency in-
5 dexing and cataloguing standards fully inter-
6 operable with other standards in use in the
7 Federal Government.
8 (2) BOARD FUNCTIONS.—The Board shall—
9 (A) not later than 1 year after the effective
10 date of this Act—
11 (i) review cataloguing and indexing
12 standards used by agencies; and
13 (ii) determine whether the systems
14 using those standards are generally recog-
15 nized, in the public domain, and interoper-
16 able; and
17 (B) not later than 18 months after the ef-
18 fective date of this Act—
19 (i) consult interested persons;
20 (ii) analyze and determine agency
21 public domain standards that are not fully
22 interoperable with other standards; and
23 (iii) recommend priorities and sched-
24 ules for making such standards fully inter-
25 operable.

1 (3) FEDERAL CHIEF INFORMATION OFFICER
2 FUNCTIONS.—
3 (A) PROHIBITION OF PROPRIETARY SYS-
4 TEMS.—
5 (i) IN GENERAL.—After the submis-
6 sion of recommendations by the Board
7 under paragraph (2) and public notice and
8 opportunity for comment, the Federal
9 Chief Information Officer shall prohibit
10 agencies from using any system the Fed-
11 eral Chief Information Officer determines
12 to be proprietary.
13 (ii) WAIVER.—The Federal Chief In-
14 formation Officer may waive the applica-
15 tion of clause (i), if the Federal Chief In-
16 formation Officer determines there is a
17 compelling reason to continue the use of
18 the system.
19 (B) INTEROPERABILITY STANDARDS.—Not
20 later than 18 months after the effective date of
21 this Act and after public notice and opportunity
22 for comment, the Office of Management and
23 Budget, acting through the Federal Chief Infor-
24 mation Officer, shall issue a circular or promul-
25 gate proposed and final regulations requiring

1 the interoperability standards of cataloguing
2 and indexing standards used by agencies.
3 (d) PERMANENT PUBLIC ACCESS STANDARDS.—
4 (1) AGENCY FUNCTIONS.—
5 (A) REPORT TO BOARD.—Not later than
6 180 days after the effective date of this Act,
7 each agency shall submit a report to the Board
8 on any action taken by the agency to—
9 (i) preserve public access to informa-
10 tion disseminated by the Federal Govern-
11 ment on the Internet; and
12 (ii) set standards and develop policies
13 to ensure permanent public access to infor-
14 mation disseminated by the Federal Gov-
15 ernment on the Internet.
16 (B) COMPLIANCE WITH REGULATIONS.—
17 Not later than 1 year after the issuance of the
18 circular or the promulgation of final regulations
19 under paragraph (3), and on October 1, of each
20 year thereafter, each agency shall submit a re-
21 port on compliance of that agency with such
22 regulations to—
23 (i) the Federal Chief Information Of-
24 ficer;

1 (ii) the Committee on Governmental
2 Affairs of the Senate; and
3 (iii) the Committee on Government
4 Reform of the House of Representatives.
5 (2) BOARD FUNCTIONS.—
6 (A) RECOMMENDED STANDARDS.—Not
7 later than 30 months after the effective date of
8 this Act and after consultation with interested
9 persons, the Board shall submit recommenda-
10 tions to the Federal Chief Information Officer
11 on standards for permanent public access to in-
12 formation disseminated by the Federal Govern-
13 ment on the Internet.
14 (B) CONTENTS.—The recommendations
15 under subparagraph (A) shall include—
16 (i) a definition of the types of infor-
17 mation to which the standards apply; and
18 (ii) the process by which an agency—
19 (I) applies that definition to in-
20 formation disseminated by the agency
21 on the Internet; and
22 (II) implements permanent public
23 access.
24 (3) FEDERAL CHIEF INFORMATION OFFICER
25 FUNCTIONS.—

1 (A) IN GENERAL.—After the submission of
2 recommendations by the Board under para-
3 graph (2) and public notice and opportunity for
4 comment, the Office of Management and Budg-
5 et, acting through the Federal Chief Informa-
6 tion Officer, shall issue a circular or promulgate
7 proposed and final regulations establishing per-
8 manent public access standards for agencies.
9 (B) COMPLIANCE.—The Federal Chief In-
10 formation Officer shall—
11 (i) work with agencies to ensure time-
12 ly and ongoing compliance with this sub-
13 section; and
14 (ii) post agency reports on a central-
15 ized searchable database, with a link to the
16 integrated Internet-based system estab-
17 lished under section 3602(a)(13) of title
18 44, United States Code, as added by this
19 Act.
20 (e) INVENTORIES.—
21 (1) AGENCY FUNCTIONS.—
22 (A) IN GENERAL.—
23 (i) INVENTORIES.—Not later than
24 180 days after the effective date of this
25 Act, each agency shall inventory agency

1 websites, including all directories and sub-
2 directories of such websites established by
3 the agency or contractors of the agency.
4 (ii) INDIVIDUAL DOCUMENTS.—Noth-
5 ing in this paragraph shall preclude an
6 agency from inventorying individual docu-
7 ments on a website.
8 (iii) ASSISTANCE.—The Federal Chief
9 Information Officer and the General Serv-
10 ices Administration shall assist agencies
11 with inventories under this subsection.
12 (B) COMPLETION OF INVENTORY.—Each
13 agency shall complete inventories in accordance
14 with the circular issued or regulations promul-
15 gated under paragraph (3) and post the inven-
16 tories on the Internet.
17 (2) BOARD FUNCTIONS.—Not later than 1 year
18 after the effective date of this Act, the Board
19 shall—
20 (A) consult with interested parties;
21 (B) identify for inventory purposes all
22 classes of Government information, except
23 classes of information—
24 (i) the existence of which is classified;
25 or

1 (ii) is of such a sensitive nature, that
2 disclosure would harm the public interest;
3 and
4 (C) make recommendations on—
5 (i) the classes of information to be
6 inventoried; and
7 (ii) how the information within those
8 classes should be inventoried.
9 (3) FEDERAL CHIEF INFORMATION OFFICER
10 FUNCTIONS.—
11 (A) GUIDANCE.—After submission of rec-
12 ommendations by the Board under paragraph
13 (2) and public notice and opportunity for com-
14 ment, the Office of Management and Budget,
15 acting through the Chief Information Officer,
16 shall issue a circular or promulgate proposed
17 and final regulations to provide guidance and
18 requirements for inventorying under this sub-
19 section.
20 (B) CONTENTS.—The circular or regula-
21 tions under this paragraph shall include—
22 (i) requirements for the completion of
23 inventories of some portion of Government
24 information identified by the Board;
25 (ii) the scope of required inventories;

1 (iii) a schedule for completion; and
2 (iv) the classes of information re-
3 quired to be inventoried by law.
4 (C) LINKING OF INVENTORIES.—The Fed-
5 eral Chief Information Officer shall link inven-
6 tories posted by agencies under this subsection
7 to the integrated Internet-based system estab-
8 lished under section 3602(a)(13) of title 44,
9 United States Code, as added by this Act.
10 (f) STATUTORY AND REGULATORY REVIEW.—Not
11 later than 180 days after the effective date of this Act,
12 the General Accounting Office shall—
13 (1) conduct a review of all statutory and regu-
14 latory requirements of agencies to list and describe
15 Government information;
16 (2) analyze the inconsistencies, redundancies,
17 and inadequacies of such requirements; and
18 (3) submit a report on the review and analysis
19 to—
20 (A) the Federal Chief Information Officer;
21 (B) the Committee on Governmental Af-
22 fairs of the Senate; and
23 (C) the Committee on Government Reform
24 of the House of Representatives.

1 (g) CATALOGUING AND INDEXING DETERMINA-
2 TIONS.—
3 (1) AGENCY FUNCTIONS.—
4 (A) PRIORITIES AND SCHEDULES.—Not
5 later than 180 days after the issuance of a cir-
6 cular or the promulgation of proposed regula-
7 tions under paragraph (3), each agency shall
8 consult with interested persons and develop pri-
9 orities and schedules for cataloguing and index-
10 ing Government information. Agency priorities
11 and schedules shall be made available for public
12 review and comment and shall be linked on the
13 Internet to an agency's inventories.
14 (B) COMPLIANCE WITH REGULATIONS.—
15 Not later than 1 year after the issuance of the
16 circular or the promulgation of final regulations
17 under paragraph (3), and on October 1, of each
18 year thereafter, each agency shall submit a re-
19 port on compliance of that agency with such
20 circular or regulations to—
21 (i) the Federal Chief Information Of-
22 ficer;
23 (ii) the Committee on Governmental
24 Affairs of the Senate; and

1 (iii) the Committee on Government
2 Reform of the House of Representatives.
3 (2) BOARD FUNCTIONS.—The Board shall—
4 (A) not later than 1 year after the effective
5 date of this Act—
6 (i) review the report submitted by the
7 General Accounting Office under sub-
8 section (f); and
9 (ii) review the types of Government
10 information not covered by cataloguing or
11 indexing requirements; and
12 (B) not later than 18 months after receipt
13 of agency inventories—
14 (i) consult interested persons;
15 (ii) review agency inventories; and
16 (iii) make recommendations on—
17 (I) which Government informa-
18 tion should be catalogued and in-
19 dexed; and
20 (II) the priorities for the cata-
21 loguing and indexing of that Govern-
22 ment information, including priorities
23 required by statute or regulation.
24 (3) FEDERAL CHIEF INFORMATION OFFICER
25 FUNCTIONS.—

1 (A) IN GENERAL.—After the submission of
2 recommendations by the Board under para-
3 graph (2) and public notice and opportunity for
4 comment, the Office of Management and Budg-
5 et, acting through the Federal Chief Informa-
6 tion Officer, shall issue a circular or promulgate
7 proposed and final regulations that—
8 (i) specify which Government informa-
9 tion is required to be catalogued and in-
10 dexed; and
11 (ii) establish priorities for the cata-
12 loguing and indexing of that information.
13 (B) COMPLIANCE.—The Federal Chief In-
14 formation Officer shall—
15 (i) work with agencies to ensure time-
16 ly and ongoing compliance with this sub-
17 section; and
18 (ii) post agency reports and indexes
19 and catalogues on a centralized searchable
20 database, with a link to the integrated
21 Internet-based system established under
22 section 3602(a)(13) of title 44, United
23 States Code, as added by this Act.
24 (h) AVAILABILITY OF GOVERNMENT INFORMATION
25 ON THE INTERNET.—Not later than 1 year after the com-

1 pletion of the agency inventory referred to under sub-
2 section (e)(1)(B), each agency shall—
3 (1) consult with the Board and interested per-
4 sons;
5 (2) determine which Government information
6 the agency intends to make available and accessible
7 to the public on the Internet and by other means;
8 (3) develop priorities and schedules for making
9 that Government information available and acces-
10 sible;
11 (4) make such final determinations, priorities,
12 and schedules available for public comment; and
13 (5) post such final determinations, priorities,
14 and schedules on an agency website with a link to
15 the integrated Internet-based system established
16 under section 3602(a)(13) of title 44, United States
17 Code, as added by this Act.

18 **SEC. 216. PUBLIC DOMAIN DIRECTORY OF FEDERAL GOV-**
19 **ERNMENT WEBSITES.**

20 (a) DEFINITIONS.—In this section, the term—
21 (1) "agency" has the meaning given under sec-
22 tion 3502(1) of title 44, United States Code; and
23 (2) "directory" means a taxonomy of subjects
24 linked to websites that is created with the participa-
25 tion of human editors.

1 (b) ESTABLISHMENT.—Not later than 2 years after
2 the effective date of this Act, the Federal Chief Informa-
3 tion Officer and each agency shall—
4 (1) develop and establish a public domain direc-
5 tory of Federal Government websites; and
6 (2) post the directory on the Internet with a
7 link to the integrated Internet-based system estab-
8 lished under section 3602(a)(13) of title 44, United
9 States Code, as added by this Act.
10 (c) DEVELOPMENT.—With the assistance of each
11 agency, the Federal Chief Information Officer shall—
12 (1) direct the development of the directory
13 through a collaborative effort, including input
14 from—
15 (A) agency librarians;
16 (B) Federal depository librarians; and
17 (C) other interested parties; and
18 (2) develop a public domain taxonomy of sub-
19 jects used to review and categorize Federal Govern-
20 ment websites.
21 (d) UPDATE.—With the assistance of each agency,
22 the Federal Chief Information Officer shall—
23 (1) update the directory; and
24 (2) solicit interested persons for improvements
25 to the directory.

1 **SEC. 217. STANDARDS FOR AGENCY WEBSITES.**

2 Not later than 1 year after the effective date of this
3 Act, the Federal Chief Information Officer shall promul-
4 gate standards and criteria for agency websites that
5 include—

6 (1) requirements that websites include direct
7 links to—

8 (A) privacy statements;

9 (B) descriptions of the mission and statu-
10 tory authority of the agency;

11 (C) the electronic reading rooms of the
12 agency relating to the disclosure of information
13 under section 552 of title 5, United States Code
14 (commonly referred to as the Freedom of Infor-
15 mation Act);

16 (D) agency regulations, rules, and
17 rulemakings;

18 (E) information about the organizational
19 structure of the agency, with an outline linked
20 to the agency on-line staff directory; and

21 (F) the strategic plan of the agency devel-
22 oped under section 306 of title 5, United States
23 Code; and

24 (2) minimum agency goals to assist public users
25 to navigate agency websites, including—

26 (A) speed of retrieval of search results;

1 (B) the relevance of the results; and
2 (C) tools to aggregate and disaggregate
3 data.

4 **SEC. 218. PRIVACY PROVISIONS.**

5 (a) DEFINITIONS.—In this section, the term—
6 (1) "agency" has the meaning given under sec-
7 tion 551(1) of title 5, United States Code;
8 (2) "information system" means a discrete set
9 of information resources organized for the collection,
10 processing, maintenance, transmission, and dissemi-
11 nation of information, in accordance with defined
12 procedures that—
13 (A) electronically collects or maintains per-
14 sonally identifiable information on 10 or more
15 individuals; or
16 (B) makes personally identifiable informa-
17 tion available to the public; and
18 (3) "personally identifiable information" means
19 individually identifiable information about an indi-
20 vidual, including—
21 (A) a first and last name;
22 (B) a home or other physical address in-
23 cluding street name and name of a city or town;
24 (C) an e-mail address;
25 (D) a telephone number;

1 (E) a social security number;
2 (F) a credit card number;
3 (G) a birth date, birth certificate number,
4 or a place of birth; and
5 (H) any other identifier that the Federal
6 Chief Information Officer determines permits
7 the identification or physical or online con-
8 tacting of a specific individual.
9 (b) PRIVACY IMPACT ASSESSMENTS.—
10 (1) RESPONSIBILITIES OF AGENCIES.—
11 (A) IN GENERAL.—Before developing or
12 procuring an information system, or initiating a
13 new collection of personally identifiable infor-
14 mation that will be collected, processed, main-
15 tained, or disseminated electronically, an agency
16 shall—
17 (i) conduct a privacy impact assess-
18 ment;
19 (ii) submit the assessment to the Fed-
20 eral Chief Information Officer; and
21 (iii) after completion of any review
22 conducted by the Federal Chief Informa-
23 tion Officer, where practicable—
24 (I) publish the assessment in the
25 Federal Register; or

1 (II) disseminate the assessment
2 electronically.
3 (B) SENSITIVE INFORMATION.—Subpara-
4 graph (A)(iii) may be modified or waived to
5 protect classified, sensitive, or private informa-
6 tion contained in an assessment.
7 (2) CONTENTS OF A PRIVACY IMPACT ASSESS-
8 MENT.—A privacy impact assessment shall include—
9 (A) a description of—
10 (i) the information to be collected;
11 (ii) the purpose for the collection of
12 the information and the reason each item
13 of information is necessary and relevant;
14 (iii)(I) any notice that will be provided
15 to persons from whom information is col-
16 lected; and
17 (II) any choice that an individual who
18 is the subject of the collection of informa-
19 tion shall have to decline to provide infor-
20 mation;
21 (iv) the intended uses of the informa-
22 tion and proposed limits on other uses of
23 the information;
24 (v) the intended recipients or users of
25 the information and any limitations on ac-

1 cess to or reuse or redisclosure of the in-
2 formation;
3 (vi) the period for which the informa-
4 tion will be retained;
5 (vii) whether and by what means the
6 individual who is the subject of the collec-
7 tion of information—
8 (I) shall have access to the infor-
9 mation about that individual; or
10 (II) may exercise other rights
11 under section 552a of title 5, United
12 States Code; and
13 (viii) security measures that will pro-
14 tect the information;
15 (B) an assessment of the potential impact
16 on privacy relating to risks and mitigation of
17 risks; and
18 (C) other information and analysis re-
19 quired under guidance issued by the Federal
20 Chief Information Officer.
21 (3) RESPONSIBILITIES OF THE FEDERAL CHIEF
22 INFORMATION OFFICER.—The Federal Chief Infor-
23 mation Officer shall—

1 (A)(i) develop policies and guidelines for
2 agencies on the conduct of privacy impact as-
3 sessments; and
4 (ii) oversee the implementation of the pri-
5 vacy impact assessment process throughout the
6 Government;
7 (B) require agencies to conduct privacy im-
8 pact assessments in—
9 (i) developing or procuring an infor-
10 mation system; or
11 (ii) planning for the initiation of a
12 new collection of personally identifiable in-
13 formation;
14 (C) require agencies to conduct privacy im-
15 pact assessments of existing information sys-
16 tems or ongoing collections of personally identi-
17 fiable information as the Federal Chief Infor-
18 mation Officer determines appropriate;
19 (D) assist agencies in developing privacy
20 impact assessment policies; and
21 (E) encourage officers and employees of an
22 agency to consult with privacy officers of that
23 agency in completing privacy impact assess-
24 ments.

1 (c) PRIVACY PROTECTIONS ON AGENCY
2 WEBSITES.—
3 (1) PRIVACY POLICIES ON WEBSITES.—
4 (A) GUIDELINES FOR NOTICES.—The Fed-
5 eral Chief Information Officer shall develop
6 guidelines for privacy notices on agency
7 websites.
8 (B) CONTENTS.—The guidelines shall re-
9 quire that a privacy notice include a description
10 of—
11 (i) information collected about visitors
12 to the agency's website;
13 (ii) the intended uses of the informa-
14 tion collected;
15 (iii) the choices that an individual
16 may have in controlling collection or disclo-
17 sure of information relating to that indi-
18 vidual;
19 (iv) the means by which an individual
20 may be able to—
21 (I) access personally identifiable
22 information relating to that individual
23 that is held by the agency; and
24 (II) correct any inaccuracy in
25 that information;

1 (v) security procedures to protect in-
2 formation collected online;
3 (vi) the period for which information
4 will be retained; and
5 (vii) the rights of an individual under
6 statutes and regulations relating to the
7 protection of individual privacy, including
8 section 552a of title 5, United States Code
9 (commonly referred to as the Privacy Act
10 of 1974) and section 552 of that title
11 (commonly referred to as the Freedom of
12 Information Act).
13 (2) PRIVACY POLICIES IN MACHINE-READABLE
14 FORMATS.—
15 (A) IN GENERAL.—The Federal Chief In-
16 formation Officer shall promulgate guidelines
17 and standards requiring agencies to translate
18 privacy policies into a standardized machine-
19 readable format.
20 (B) WAIVER OR MODIFICATION.—The Fed-
21 eral Chief Information Officer may waive or
22 modify the application of subparagraph (A), if
23 the Federal Chief Information Officer deter-
24 mines that—

1 (i) such application is impracticable;
2 or
3 (ii) a more practicable alternative
4 shall be implemented.
5 (C) NOTIFICATION.—Not later than 30
6 days after granting a waiver or modification
7 under subparagraph (B), the Federal Chief In-
8 formation Officer shall notify the Committee on
9 Governmental Affairs of the Senate and the
10 Committee on Government Reform of the
11 House of Representatives of the reasons for the
12 waiver or modification.

13 **SEC. 219. ACCESSIBILITY TO PEOPLE WITH DISABILITIES.**

14 All actions taken by Federal departments and agen-
15 cies under this Act shall be in compliance with section 508
16 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

17 **SEC. 220. NOTIFICATION OF OBSOLETE OR COUNTER-**
18 **PRODUCTIVE PROVISIONS.**

19 If the Federal Chief Information Officer makes a de-
20 termination that any provision of this Act (including any
21 amendment made by this Act) is obsolete or counter-
22 productive to the purposes of this Act, as a result of
23 changes in technology or any other reason, the Federal
24 Chief Information Officer shall submit notification of that
25 determination to—

(1) the Committee on Governmental Affairs of the Senate; and

(2) the Committee on Government Reform of the House of Representatives.

TITLE III—AUTHORIZATION OF APPROPRIATIONS AND EFFECTIVE DATE

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Except for those purposes for which an authorization of appropriations is specifically provided in this Act, including the amendments made by this Act, there are authorized to be appropriated such sums as may be necessary to carry out this Act for each of fiscal years 2002 through 2006.

SEC. 302. EFFECTIVE DATE.

This Act and the amendments made by this Act shall take effect 120 days after the date of enactment of this Act.

○

I

107TH CONGRESS
2D SESSION

S. 803

IN THE HOUSE OF REPRESENTATIVES

JULY 8, 2002

Referred to the Committee on Government Reform

AN ACT

To enhance the management and promotion of electronic Government services and processes by establishing an Office of Electronic Government within the Office of Management and Budget, and by establishing a broad framework of measures that require using Internet-based information technology to enhance citizen access to Government information and services, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the "E-
5 Government Act of 2002".

1 (b) TABLE OF CONTENTS.—The table of contents for
2 this Act is as follows:

Sec. 1. Short title; table of contents.
Sec. 2. Findings and purposes.

TITLE I—OFFICE OF MANAGEMENT AND BUDGET ELECTRONIC GOVERNMENT SERVICES

Sec. 101. Management and promotion of electronic Government services.
Sec. 102. Conforming amendments.

TITLE II—FEDERAL MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES

Sec. 201. Definitions.
Sec. 202. Federal agency responsibilities.
Sec. 203. Compatibility of Executive agency methods for use and acceptance of electronic signatures.
Sec. 204. Federal Internet portal.
Sec. 205. Federal courts.
Sec. 206. Regulatory agencies.
Sec. 207. Accessibility, usability, and preservation of Government information.
Sec. 208. Privacy provisions.
Sec. 209. Federal Information Technology workforce development.
Sec. 210. Common protocols for geographic information systems.
Sec. 211. Share-in-savings program improvements.
Sec. 212. Integrated reporting study and pilot projects.
Sec. 213. Community technology centers.
Sec. 214. Enhancing crisis management through advanced information technology.
Sec. 215. Disparities in access to the Internet.
Sec. 216. Notification of obsolete or counterproductive provisions.

TITLE III—GOVERNMENT INFORMATION SECURITY

Sec. 301. Information security.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS AND EFFECTIVE DATES

Sec. 401. Authorization of appropriations.
Sec. 402. Effective dates.

3 **SEC. 2. FINDINGS AND PURPOSES.**

4 (a) FINDINGS.—Congress finds the following:

5 (1) The use of computers and the Internet is
6 rapidly transforming societal interactions and the re-
7 lationships among citizens, private businesses, and
8 the Government.

1 (2) The Federal Government has had uneven
2 success in applying advances in information tech-
3 nology to enhance governmental functions and serv-
4 ices, achieve more efficient performance, increase ac-
5 cess to Government information, and increase citizen
6 participation in Government.
7 (3) Most Internet-based services of the Federal
8 Government are developed and presented separately,
9 according to the jurisdictional boundaries of an indi-
10 vidual department or agency, rather than being inte-
11 grated cooperatively according to function or topic.
12 (4) Internet-based Government services involv-
13 ing interagency cooperation are especially difficult to
14 develop and promote, in part because of a lack of
15 sufficient funding mechanisms to support such inter-
16 agency cooperation.
17 (5) Electronic Government has its impact
18 through improved Government performance and out-
19 comes within and across agencies.
20 (6) Electronic Government is a critical element
21 in the management of Government, to be imple-
22 mented as part of a management framework that
23 also addresses finance, procurement, human capital,
24 and other challenges to improve the performance of
25 Government.

1 (7) To take full advantage of the improved Gov-
2 ernment performance that can be achieved through
3 the use of Internet-based technology requires strong
4 leadership, better organization, improved interagency
5 collaboration, and more focused oversight of agency
6 compliance with statutes related to information re-
7 source management.
8 (b) PURPOSES.—The purposes of this Act are the fol-
9 lowing:
10 (1) To provide effective leadership of Federal
11 Government efforts to develop and promote elec-
12 tronic Government services and processes by estab-
13 lishing an Administrator of a new Office of Elec-
14 tronic Government within the Office of Management
15 and Budget.
16 (2) To promote use of the Internet and other
17 information technologies to provide increased oppor-
18 tunities for citizen participation in Government.
19 (3) To promote interagency collaboration in
20 providing electronic Government services, where this
21 collaboration would improve the service to citizens by
22 integrating related functions, and in the use of inter-
23 nal electronic Government processes, where this col-
24 laboration would improve the efficiency and effec-
25 tiveness of the processes.

1 (4) To improve the ability of the Government to
2 achieve agency missions and program performance
3 goals.
4 (5) To promote the use of the Internet and
5 emerging technologies within and across Government
6 agencies to provide citizen-centric Government infor-
7 mation and services.
8 (6) To reduce costs and burdens for businesses
9 and other Government entities.
10 (7) To promote better informed decisionmaking
11 by policy makers.
12 (8) To promote access to high quality Govern-
13 ment information and services across multiple chan-
14 nels.
15 (9) To make the Federal Government more
16 transparent and accountable.
17 (10) To transform agency operations by uti-
18 lizing, where appropriate, best practices from public
19 and private sector organizations.
20 (11) To provide enhanced access to Government
21 information and services in a manner consistent with
22 laws regarding protection of personal privacy, na-
23 tional security, records retention, access for persons
24 with disabilities, and other relevant laws.

TITLE I—OFFICE OF MANAGEMENT AND BUDGET ELECTRONIC GOVERNMENT SERVICES

SEC. 101. MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES.

(a) IN GENERAL.—Title 44, United States Code, is amended by inserting after chapter 35 the following:

"CHAPTER 36—MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES

"Sec.
"3601. Definitions.
"3602. Office of Electronic Government.
"3603. Chief Information Officers Council.
"3604. E-Government Fund.
"3605. E-Government report.

"§ 3601. Definitions

"In this chapter, the definitions under section 3502 shall apply, and the term—

"(1) 'Administrator' means the Administrator of the Office of Electronic Government established under section 3602;

"(2) 'Council' means the Chief Information Officers Council established under section 3603;

"(3) 'electronic Government' means the use by the Government of web-based Internet applications

1 and other information technologies, combined with
2 processes that implement these technologies, to—
3 "(A) enhance the access to and delivery of
4 Government information and services to the
5 public, other agencies, and other Government
6 entities; or
7 "(B) bring about improvements in Govern-
8 ment operations that may include effectiveness,
9 efficiency, service quality, or transformation;
10 "(4) 'enterprise architecture'—
11 "(A) means—
12 "(i) a strategic information asset
13 base, which defines the mission;
14 "(ii) the information necessary to per-
15 form the mission;
16 "(iii) the technologies necessary to
17 perform the mission; and
18 "(iv) the transitional processes for im-
19 plementing new technologies in response to
20 changing mission needs; and
21 "(B) includes—
22 "(i) a baseline architecture;
23 "(ii) a target architecture; and
24 "(iii) a sequencing plan;

1 "(5) 'Fund' means the E-Government Fund es-
2 tablished under section 3604;
3 "(6) 'interoperability' means the ability of dif-
4 ferent operating and software systems, applications,
5 and services to communicate and exchange data in
6 an accurate, effective, and consistent manner;
7 "(7) 'integrated service delivery' means the pro-
8 vision of Internet-based Federal Government infor-
9 mation or services integrated according to function
10 or topic rather than separated according to the
11 boundaries of agency jurisdiction; and
12 "(8) 'tribal government' means the governing
13 body of any Indian tribe, band, nation, or other or-
14 ganized group or community, including any Alaska
15 Native village or regional or village corporation as
16 defined in or established pursuant to the Alaska Na-
17 tive Claims Settlement Act (43 U.S.C. 1601 et seq.),
18 which is recognized as eligible for the special pro-
19 grams and services provided by the United States to
20 Indians because of their status as Indians.
21 **"§ 3602. Office of Electronic Government**
22 "(a) There is established in the Office of Manage-
23 ment and Budget an Office of Electronic Government.

1 "(b) There shall be at the head of the Office an Ad-
2 ministrator who shall be appointed by the President, by
3 and with the advice and consent of the Senate.
4 "(c) The Administrator shall assist the Director in
5 carrying out—
6 "(1) all functions under this chapter;
7 "(2) all of the functions assigned to the Direc-
8 tor under title II of the E-Government Act of 2002;
9 and
10 "(3) other electronic government initiatives,
11 consistent with other statutes.
12 "(d) The Administrator shall assist the Director and
13 the Deputy Director for Management and work with the
14 Administrator of the Office of Information and Regulatory
15 Affairs in setting strategic direction for implementing elec-
16 tronic Government, under relevant statutes, including—
17 "(1) chapter 35;
18 "(2) division E of the Clinger-Cohen Act of
19 1996 (division E of Public Law 104–106; 40 U.S.C.
20 1401 et seq.);
21 "(3) section 552a of title 5 (commonly referred
22 to as the Privacy Act);
23 "(4) the Government Paperwork Elimination
24 Act (44 U.S.C. 3504 note);

1 "(5) the Government Information Security Re-
2 form Act; and
3 "(6) the Computer Security Act of 1987 (40
4 U.S.C. 759 note).
5 "(e) The Administrator shall work with the Adminis-
6 trator of the Office of Information and Regulatory Affairs
7 and with other offices within the Office of Management
8 and Budget to oversee implementation of electronic Gov-
9 ernment under this chapter, chapter 35, the E-Govern-
10 ment Act of 2002, and other relevant statutes, in a man-
11 ner consistent with law, relating to—
12 "(1) capital planning and investment control for
13 information technology;
14 "(2) the development of enterprise architec-
15 tures;
16 "(3) information security;
17 "(4) privacy;
18 "(5) access to, dissemination of, and preserva-
19 tion of Government information;
20 "(6) accessibility of information technology for
21 persons with disabilities; and
22 "(7) other areas of electronic Government.
23 "(f) Subject to requirements of this chapter, the Ad-
24 ministrator shall assist the Director by performing elec-
25 tronic Government functions as follows:

1 "(1) Advise the Director on the resources re-
2 quired to develop and effectively operate and main-
3 tain Federal Government information systems.
4 "(2) Recommend to the Director changes relat-
5 ing to Governmentwide strategies and priorities for
6 electronic Government.
7 "(3) Provide overall leadership and direction to
8 the executive branch on electronic Government by
9 working with authorized officials to establish infor-
10 mation resources management policies and require-
11 ments, and by reviewing performance of each agency
12 in acquiring, using, and managing information re-
13 sources.
14 "(4) Promote innovative uses of information
15 technology by agencies, particularly initiatives in-
16 volving multiagency collaboration, through support
17 of pilot projects, research, experimentation, and the
18 use of innovative technologies.
19 "(5) Oversee the distribution of funds from,
20 and ensure appropriate administration and coordina-
21 tion of, the E-Government Fund established under
22 section 3604.
23 "(6) Coordinate with the Administrator of Gen-
24 eral Services regarding programs undertaken by the
25 General Services Administration to promote elec-

1 tronic government and the efficient use of informa-
2 tion technologies by agencies.
3 "(7) Lead the activities of the Chief Informa-
4 tion Officers Council established under section 3603
5 on behalf of the Deputy Director for Management,
6 who shall chair the council.
7 "(8) Assist the Director in establishing policies
8 which shall set the framework for information tech-
9 nology standards for the Federal Government under
10 section 5131 of the Clinger-Cohen Act of 1996 (40
11 U.S.C. 1441), to be developed by the National Insti-
12 tute of Standards and Technology and promulgated
13 by the Secretary of Commerce, taking into account,
14 if appropriate, recommendations of the Chief Infor-
15 mation Officers Council, experts, and interested par-
16 ties from the private and nonprofit sectors and
17 State, local, and tribal governments, and maximizing
18 the use of commercial standards as appropriate, as
19 follows:
20 "(A) Standards and guidelines for
21 interconnectivity and interoperability as de-
22 scribed under section 3504.
23 "(B) Consistent with the process under
24 section 207(d) of the E-Government Act of
25 2002, standards and guidelines for categorizing

1 Federal Government electronic information to
2 enable efficient use of technologies, such as
3 through the use of extensible markup language.
4 "(C) Standards and guidelines for Federal
5 Government computer system efficiency and se-
6 curity.
7 "(9) Sponsor ongoing dialogue that—
8 "(A) shall be conducted among Federal,
9 State, local, and tribal government leaders on
10 electronic Government in the executive, legisla-
11 tive, and judicial branches, as well as leaders in
12 the private and nonprofit sectors, to encourage
13 collaboration and enhance understanding of
14 best practices and innovative approaches in ac-
15 quiring, using, and managing information re-
16 sources;
17 "(B) is intended to improve the perform-
18 ance of governments in collaborating on the use
19 of information technology to improve the deliv-
20 ery of Government information and services;
21 and
22 "(C) may include—
23 "(i) development of innovative
24 models—

1 "(I) for electronic Government
2 management and Government infor-
3 mation technology contracts; and
4 "(II) that may be developed
5 through focused discussions or using
6 separately sponsored research;
7 "(ii) identification of opportunities for
8 public-private collaboration in using Inter-
9 net-based technology to increase the effi-
10 ciency of Government-to-business trans-
11 actions;
12 "(iii) identification of mechanisms for
13 providing incentives to program managers
14 and other Government employees to de-
15 velop and implement innovative uses of in-
16 formation technologies; and
17 "(iv) identification of opportunities for
18 public, private, and intergovernmental col-
19 laboration in addressing the disparities in
20 access to the Internet and information
21 technology.
22 "(10) Sponsor activities to engage the general
23 public in the development and implementation of
24 policies and programs, particularly activities aimed
25 at fulfilling the goal of using the most effective cit-

1 izen-centered strategies and those activities which
2 engage multiple agencies providing similar or related
3 information and services.

4 "(11) Oversee the work of the General Services
5 Administration and other agencies in developing the
6 integrated Internet-based system under section 204
7 of the E-Government Act of 2002.

8 "(12) Coordinate with the Administrator of the
9 Office of Federal Procurement Policy to ensure ef-
10 fective implementation of electronic procurement ini-
11 tiatives.

12 "(13) Assist Federal agencies, including the
13 General Services Administration, the Department of
14 Justice, and the United States Access Board in—

15 "(A) implementing accessibility standards
16 under section 508 of the Rehabilitation Act of
17 1973 (29 U.S.C. 794d); and

18 "(B) ensuring compliance with those
19 standards through the budget review process
20 and other means.

21 "(14) Oversee the development of enterprise ar-
22 chitectures within and across agencies.

23 "(15) Assist the Director and the Deputy Di-
24 rector for Management in overseeing agency efforts
25 to ensure that electronic Government activities incor-

1 porate adequate, risk-based, and cost-effective secu-
2 rity compatible with business processes.
3 "(16) Administer the Office of Electronic Gov-
4 ernment established under section 3602.
5 "(17) Assist the Director in preparing the E-
6 Government report established under section 3605.
7 "(g) The Director shall ensure that the Office of
8 Management and Budget, including the Office of Elec-
9 tronic Government, the Office of Information and Regu-
10 latory Affairs, and other relevant offices, have adequate
11 staff and resources to properly fulfill all functions under
12 the E-Government Act of 2002.
13 **"§ 3603. Chief Information Officers Council**
14 "(a) There is established in the executive branch a
15 Chief Information Officers Council.
16 "(b) The members of the Council shall be as follows:
17 "(1) The Deputy Director for Management of
18 the Office of Management and Budget, who shall act
19 as chairperson of the Council.
20 "(2) The Administrator of the Office of Elec-
21 tronic Government.
22 "(3) The Administrator of the Office of Infor-
23 mation and Regulatory Affairs.
24 "(4) The chief information officer of each agen-
25 cy described under section 901(b) of title 31.

1 "(5) The chief information officer of the Cen-
2 tral Intelligence Agency.
3 "(6) The chief information officer of the De-
4 partment of the Army, the Department of the Navy,
5 and the Department of the Air Force, if chief infor-
6 mation officers have been designated for such de-
7 partments under section 3506(a)(2)(B).
8 "(7) Any other officer or employee of the
9 United States designated by the chairperson.
10 "(c)(1) The Administrator of the Office of Electronic
11 Government shall lead the activities of the Council on be-
12 half of the Deputy Director for Management.
13 "(2)(A) The Vice Chairman of the Council shall be
14 selected by the Council from among its members.
15 "(B) The Vice Chairman shall serve a 1-year term,
16 and may serve multiple terms.
17 "(3) The Administrator of General Services shall pro-
18 vide administrative and other support for the Council.
19 "(d) The Council is designated the principal inter-
20 agency forum for improving agency practices related to
21 the design, acquisition, development, modernization, use,
22 operation, sharing, and performance of Federal Govern-
23 ment information resources.

1 "(e) In performing its duties, the Council shall con-
2 sult regularly with representatives of State, local, and trib-
3 al governments.
4 "(f) The Council shall perform functions that include
5 the following:
6 "(1) Develop recommendations for the Director
7 on Government information resources management
8 policies and requirements.
9 "(2) Share experiences, ideas, best practices,
10 and innovative approaches related to information re-
11 sources management.
12 "(3) Assist the Administrator in the identifica-
13 tion, development, and coordination of multiagency
14 projects and other innovative initiatives to improve
15 Government performance through the use of infor-
16 mation technology.
17 "(4) Promote the development and use of com-
18 mon performance measures for agency information
19 resources management under this chapter and title
20 II of the E-Government Act of 2002.
21 "(5) Work as appropriate with the National In-
22 stitute of Standards and Technology and the Admin-
23 istrator to develop recommendations on information
24 technology standards developed under section 20 of
25 the National Institute of Standards and Technology

1 Act (15 U.S.C. 278g–3) and promulgated under sec-
2 tion 5131 of the Clinger-Cohen Act of 1996 (40
3 U.S.C. 1441), as follows:
4 "(A) Standards and guidelines for
5 interconnectivity and interoperability as de-
6 scribed under section 3504.
7 "(B) Consistent with the process under
8 section 207(d) of the E-Government Act of
9 2002, standards and guidelines for categorizing
10 Federal Government electronic information to
11 enable efficient use of technologies, such as
12 through the use of extensible markup language.
13 "(C) Standards and guidelines for Federal
14 Government computer system efficiency and se-
15 curity.
16 "(6) Work with the Office of Personnel Man-
17 agement to assess and address the hiring, training,
18 classification, and professional development needs of
19 the Government related to information resources
20 management.
21 "(7) Work with the Archivist of the United
22 States to assess how the Federal Records Act can be
23 addressed effectively by Federal information re-
24 sources management activities.

1 **"§ 3604. E-Government Fund**

2 "(a)(1) There is established in the Treasury of the
3 United States the E-Government Fund.

4 "(2) The Fund shall be administered by the Adminis-
5 trator of the General Services Administration to support
6 projects approved by the Director, assisted by the Admin-
7 istrator of the Office of Electronic Government, that en-
8 able the Federal Government to expand its ability, through
9 the development and implementation of innovative uses of
10 the Internet or other electronic methods, to conduct activi-
11 ties electronically.

12 "(3) Projects under this subsection may include ef-
13 forts to—

14 "(A) make Federal Government information
15 and services more readily available to members of
16 the public (including individuals, businesses, grant-
17 ees, and State and local governments);

18 "(B) make it easier for the public to apply for
19 benefits, receive services, pursue business opportuni-
20 ties, submit information, and otherwise conduct
21 transactions with the Federal Government; and

22 "(C) enable Federal agencies to take advantage
23 of information technology in sharing information
24 and conducting transactions with each other and
25 with State and local governments.

26 "(b)(1) The Administrator shall—

1 "(A) establish procedures for accepting and re-
2 viewing proposals for funding;
3 "(B) consult with interagency councils, includ-
4 ing the Chief Information Officers Council, the Chief
5 Financial Officers Council, and other interagency
6 management councils, in establishing procedures and
7 reviewing proposals; and
8 "(C) assist the Director in coordinating re-
9 sources that agencies receive from the Fund with
10 other resources available to agencies for similar pur-
11 poses.
12 "(2) When reviewing proposals and managing the
13 Fund, the Administrator shall observe and incorporate the
14 following procedures:
15 "(A) A project requiring substantial involve-
16 ment or funding from an agency shall be approved
17 by a senior official with agencywide authority on be-
18 half of the head of the agency, who shall report di-
19 rectly to the head of the agency.
20 "(B) Projects shall adhere to fundamental cap-
21 ital planning and investment control processes.
22 "(C) Agencies shall identify in their proposals
23 resource commitments from the agencies involved
24 and how these resources would be coordinated with
25 support from the Fund, and include plans for poten-

1 tial continuation of projects after all funds made
2 available from the Fund are expended.
3 "(D) After considering the recommendations of
4 the interagency councils, the Director, assisted by
5 the Administrator, shall have final authority to de-
6 termine which of the candidate projects shall be
7 funded from the Fund.
8 "(E) Agencies shall assess the results of funded
9 projects.
10 "(c) In determining which proposals to recommend
11 for funding, the Administrator—
12 "(1) shall consider criteria that include whether
13 a proposal—
14 "(A) identifies the group to be served, in-
15 cluding citizens, businesses, the Federal Gov-
16 ernment, or other governments;
17 "(B) indicates what service or information
18 the project will provide that meets needs of
19 groups identified under subparagraph (A);
20 "(C) ensures proper security and protects
21 privacy;
22 "(D) is interagency in scope, including
23 projects implemented by a primary or single
24 agency that—

1 "(i) could confer benefits on multiple
2 agencies; and
3 "(ii) have the support of other agen-
4 cies; and
5 "(E) has performance objectives that tie to
6 agency missions and strategic goals, and in-
7 terim results that relate to the objectives; and
8 "(2) may also rank proposals based on criteria
9 that include whether a proposal—
10 "(A) has Governmentwide application or
11 implications;
12 "(B) has demonstrated support by the
13 public to be served;
14 "(C) integrates Federal with State, local,
15 or tribal approaches to service delivery;
16 "(D) identifies resource commitments from
17 nongovernmental sectors;
18 "(E) identifies resource commitments from
19 the agencies involved;
20 "(F) uses web-based technologies to
21 achieve objectives;
22 "(G) identifies records management and
23 records access strategies;
24 "(H) supports more effective citizen par-
25 ticipation in and interaction with agency activi-

1 ties that further progress toward a more cit-
2 izen-centered Government;
3 "(I) directly delivers Government informa-
4 tion and services to the public or provides the
5 infrastructure for delivery;
6 "(J) supports integrated service delivery;
7 "(K) describes how business processes
8 across agencies will reflect appropriate trans-
9 formation simultaneous to technology imple-
10 mentation; and
11 "(L) is new or innovative and does not
12 supplant existing funding streams within agen-
13 cies.
14 "(d) The Fund may be used to fund the integrated
15 Internet-based system under section 204 of the E-Govern-
16 ment Act of 2002.
17 "(e) None of the funds provided from the Fund may
18 be transferred to any agency until 15 days after the Ad-
19 ministrator of the General Services Administration has
20 submitted to the Committees on Appropriations of the
21 Senate and the House of Representatives, the Committee
22 on Governmental Affairs of the Senate, the Committee on
23 Government Reform of the House of Representatives, and
24 the appropriate authorizing committees of the Senate and
25 the House of Representatives, a notification and descrip-

1 tion of how the funds are to be allocated and how the ex-
2 penditure will further the purposes of this chapter.
3 "(f)(1) The Director shall report annually to Con-
4 gress on the operation of the Fund, through the report
5 established under section 3605.
6 "(2) The report under paragraph (1) shall describe—
7 "(A) all projects which the Director has ap-
8 proved for funding from the Fund; and
9 "(B) the results that have been achieved to date
10 for these funded projects.
11 "(g)(1) There are authorized to be appropriated to
12 the Fund—
13 "(A) $45,000,000 for fiscal year 2003;
14 "(B) $50,000,000 for fiscal year 2004;
15 "(C) $100,000,000 for fiscal year 2005;
16 "(D) $150,000,000 for fiscal year 2006; and
17 "(E) such sums as are necessary for fiscal year
18 2007.
19 "(2) Funds appropriated under this subsection shall
20 remain available until expended.
21 **"§ 3605. E-Government report**
22 "(a) Not later than March 1 of each year, the Direc-
23 tor shall submit an E-Government status report to the
24 Committee on Governmental Affairs of the Senate and the

1 Committee on Government Reform of the House of Rep-
2 resentatives.
3 "(b) The report under subsection (a) shall contain—
4 "(1) a summary of the information reported by
5 agencies under section 202(f) of the E-Government
6 Act of 2002;
7 "(2) the information required to be reported by
8 section 3604(f); and
9 "(3) a description of compliance by the Federal
10 Government with other goals and provisions of the
11 E-Government Act of 2002.".
12 (b) TECHNICAL AND CONFORMING AMENDMENT.—
13 The table of chapters for title 44, United States Code,
14 is amended by inserting after the item relating to chapter
15 35 the following:

"36. Management and Promotion of Electronic Government Services ..... 3601".

16 **SEC. 102. CONFORMING AMENDMENTS.**
17 (a) ELECTRONIC GOVERNMENT AND INFORMATION
18 TECHNOLOGIES.—
19 (1) IN GENERAL.—The Federal Property and
20 Administrative Services Act of 1949 (40 U.S.C. 471
21 et seq.) is amended by inserting after section 112
22 the following:

1 **"SEC. 113. ELECTRONIC GOVERNMENT AND INFORMATION**
2 **TECHNOLOGIES.**

3 "The Administrator of General Services shall consult
4 with the Administrator of the Office of Electronic Govern-
5 ment on programs undertaken by the General Services Ad-
6 ministration to promote electronic Government and the ef-
7 ficient use of information technologies by Federal agen-
8 cies.".

9 (2) TECHNICAL AND CONFORMING AMEND-
10 MENT.—The table of sections for the Federal Prop-
11 erty and Administrative Services Act of 1949 is
12 amended by inserting after the item relating to sec-
13 tion 112 the following:

"Sec. 113. Electronic Government and information technologies.".

14 (b) MODIFICATION OF DEPUTY DIRECTOR FOR MAN-
15 AGEMENT FUNCTIONS.—Section 503(b) of title 31, United
16 States Code, is amended—

17 (1) by redesignating paragraphs (5), (6), (7),
18 (8), and (9), as paragraphs (6), (7), (8), (9), and
19 (10), respectively; and

20 (2) by inserting after paragraph (4) the fol-
21 lowing:

22 "(5) Chair the Chief Information Officers
23 Council established under section 3603 of title 44.".

24 (c) OFFICE OF ELECTRONIC GOVERNMENT.—

1 (1) IN GENERAL.—Chapter 5 of title 31, United
2 States Code, is amended by inserting after section
3 506 the following:

4 **"§ 507. Office of Electronic Government**

5 "The Office of Electronic Government, established
6 under section 3602 of title 44, is an office in the Office
7 of Management and Budget.".

8 (2) TECHNICAL AND CONFORMING AMEND-
9 MENT.—The table of sections for chapter 5 of title
10 31, United States Code, is amended by inserting
11 after the item relating to section 506 the following:
"507. Office of Electronic Government.".

12 TITLE II—FEDERAL MANAGE-
13 MENT AND PROMOTION OF
14 ELECTRONIC GOVERNMENT
15 SERVICES

16 **SEC. 201. DEFINITIONS.**

17 Except as otherwise provided, in this title the defini-
18 tions under sections 3502 and 3601 of title 44, United
19 States Code, shall apply.

20 **SEC. 202. FEDERAL AGENCY RESPONSIBILITIES.**

21 (a) IN GENERAL.—The head of each agency shall be
22 responsible for—

23 (1) complying with the requirements of this Act
24 (including the amendments made by this Act), the
25 related information resource management policies

1 and guidance established by the Director of the Of-
2 fice of Management and Budget, and the related in-
3 formation technology standards promulgated by the
4 Secretary of Commerce;
5 (2) ensuring that the information resource
6 management policies and guidance established under
7 this Act by the Director, and the information tech-
8 nology standards promulgated under this Act by the
9 Secretary of Commerce are communicated promptly
10 and effectively to all relevant officials within their
11 agency; and
12 (3) supporting the efforts of the Director and
13 the Administrator of the General Services Adminis-
14 tration to develop, maintain, and promote an inte-
15 grated Internet-based system of delivering Federal
16 Government information and services to the public
17 under section 204.
18 (b) PERFORMANCE INTEGRATION.—
19 (1) Agencies shall develop performance meas-
20 ures that demonstrate how electronic government en-
21 ables progress toward agency objectives, strategic
22 goals, and statutory mandates.
23 (2) In measuring performance under this sec-
24 tion, agencies shall rely on existing data collections
25 to the extent practicable.

1 (3) Areas of performance measurement that
2 agencies should consider include—
3 (A) customer service;
4 (B) agency productivity; and
5 (C) adoption of innovative information
6 technology, including the appropriate use of
7 commercial best practices.
8 (4) Agencies shall link their performance goals
9 to key groups, including citizens, businesses, and
10 other governments, and to internal Federal Govern-
11 ment operations.
12 (5) As appropriate, agencies shall work collec-
13 tively in linking their performance goals to groups
14 identified under paragraph (4) and shall use infor-
15 mation technology in delivering Government infor-
16 mation and services to those groups.
17 (c) AVOIDING DIMINISHED ACCESS.—When promul-
18 gating policies and implementing programs regarding the
19 provision of Government information and services over the
20 Internet, agency heads shall consider the impact on per-
21 sons without access to the Internet, and shall, to the ex-
22 tent practicable—
23 (1) ensure that the availability of Government
24 information and services has not been diminished for
25 individuals who lack access to the Internet; and

1 (2) pursue alternate modes of delivery that
2 make Government information and services more ac-
3 cessible to individuals who do not own computers or
4 lack access to the Internet.
5 (d) ACCESSIBILITY TO PEOPLE WITH DISABIL-
6 ITIES.—All actions taken by Federal departments and
7 agencies under this Act shall be in compliance with section
8 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).
9 (e) SPONSORED ACTIVITIES.—Agencies shall sponsor
10 activities that use information technology to engage the
11 public in the development and implementation of policies
12 and programs.
13 (f) CHIEF INFORMATION OFFICERS.—The Chief In-
14 formation Officer of each of the agencies designated under
15 chapter 36 of title 44, United States Code (as added by
16 this Act) shall be responsible for—
17 (1) participating in the functions of the Chief
18 Information Officers Council; and
19 (2) monitoring the implementation, within their
20 respective agencies, of information technology stand-
21 ards promulgated under this Act by the Secretary of
22 Commerce, including common standards for
23 interconnectivity and interoperability, categorization
24 of Federal Government electronic information, and
25 computer system efficiency and security.

1 (g) E-GOVERNMENT STATUS REPORT.—

2 (1) IN GENERAL.—Each agency shall compile
3 and submit to the Director an annual E-Government
4 Status Report on—

5 (A) the status of the implementation by
6 the agency of electronic government initiatives;

7 (B) compliance by the agency with this
8 Act; and

9 (C) how electronic Government initiatives
10 of the agency improve performance in delivering
11 programs to constituencies.

12 (2) SUBMISSION.—Each agency shall submit an
13 annual report under this subsection—

14 (A) to the Director at such time and in
15 such manner as the Director requires;

16 (B) consistent with related reporting re-
17 quirements; and

18 (C) which addresses any section in this
19 title relevant to that agency.

20 (h) USE OF TECHNOLOGY.—Nothing in this Act su-
21 persedes the responsibility of an agency to use or manage
22 information technology to deliver Government information
23 and services that fulfill the statutory mission and pro-
24 grams of the agency.

25 (i) NATIONAL SECURITY SYSTEMS.—

1 (1) INAPPLICABILITY.—Except as provided
2 under paragraph (2), this title does not apply to na-
3 tional security systems as defined in section 5142 of
4 the Clinger-Cohen Act of 1996 (40 U.S.C. 1452).
5 (2) APPLICABILITY.—Sections 202, 203, 210,
6 and 214 of this title do apply to national security
7 systems to the extent practicable and consistent with
8 law.

9 **SEC. 203. COMPATIBILITY OF EXECUTIVE AGENCY METH-**
10 **ODS FOR USE AND ACCEPTANCE OF ELEC-**
11 **TRONIC SIGNATURES.**

12 (a) PURPOSE.—The purpose of this section is to
13 achieve interoperable implementation of electronic signa-
14 tures for appropriately secure electronic transactions with
15 Government.
16 (b) ELECTRONIC SIGNATURES.—In order to fulfill
17 the objectives of the Government Paperwork Elimination
18 Act (Public Law 105–277; 112 Stat. 2681–749 through
19 2681–751), each Executive agency (as defined under sec-
20 tion 105 of title 5, United States Code) shall ensure that
21 its methods for use and acceptance of electronic signatures
22 are compatible with the relevant policies and procedures
23 issued by the Director.
24 (c) AUTHORITY FOR ELECTRONIC SIGNATURES.—
25 The Administrator of General Services shall support the

1 Director by establishing a framework to allow efficient
2 interoperability among Executive agencies when using
3 electronic signatures, including processing of digital signa-
4 tures.

5 (d) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to the General Services
7 Administration, to ensure the development and operation
8 of a Federal bridge certification authority for digital sig-
9 nature compatibility, or for other activities consistent with
10 this section, $8,000,000 in fiscal year 2003, and such
11 sums as are necessary for each fiscal year thereafter.

12 **SEC. 204. FEDERAL INTERNET PORTAL.**

13 (a) IN GENERAL.—

14 (1) PUBLIC ACCESS.—The Director shall work
15 with the Administrator of the General Services Ad-
16 ministration and other agencies to maintain and pro-
17 mote an integrated Internet-based system of pro-
18 viding the public with access to Government infor-
19 mation and services.

20 (2) CRITERIA.—To the extent practicable, the
21 integrated system shall be designed and operated ac-
22 cording to the following criteria:

23 (A) The provision of Internet-based Gov-
24 ernment information and services directed to
25 key groups, including citizens, business, and

1 other governments, and integrated according to
2 function or topic rather than separated accord-
3 ing to the boundaries of agency jurisdiction.
4 (B) An ongoing effort to ensure that Inter-
5 net-based Government services relevant to a
6 given citizen activity are available from a single
7 point.
8 (C) Access to Federal Government infor-
9 mation and services consolidated, as appro-
10 priate, with Internet-based information and
11 services provided by State, local, and tribal gov-
12 ernments.
13 (D) Access to Federal Government infor-
14 mation held by 1 or more agencies shall be
15 made available in a manner that protects pri-
16 vacy, consistent with law.
17 (b) AUTHORIZATION OF APPROPRIATIONS.—There
18 are authorized to be appropriated to the General Services
19 Administration $15,000,000 for the maintenance, im-
20 provement, and promotion of the integrated Internet-
21 based system for fiscal year 2003, and such sums as are
22 necessary for fiscal years 2004 through 2007.
23 **SEC. 205. FEDERAL COURTS.**
24 (a) INDIVIDUAL COURT WEBSITES.—The Chief Jus-
25 tice of the United States, the chief judge of each circuit

1 and district, and the chief bankruptcy judge of each dis-
2 trict shall establish with respect to the Supreme Court or
3 the respective court of appeals, district, or bankruptcy
4 court of a district, a website that contains the following
5 information or links to websites with the following infor-
6 mation:

7 (1) Location and contact information for the
8 courthouse, including the telephone numbers and
9 contact names for the clerk's office and justices' or
10 judges' chambers.

11 (2) Local rules and standing or general orders
12 of the court.

13 (3) Individual rules, if in existence, of each jus-
14 tice or judge in that court.

15 (4) Access to docket information for each case.

16 (5) Access to the substance of all written opin-
17 ions issued by the court, regardless of whether such
18 opinions are to be published in the official court re-
19 porter, in a text searchable format.

20 (6) Access to all documents filed with the court-
21 house in electronic form, described under subsection
22 (c).

23 (7) Any other information (including forms in
24 a format that can be downloaded) that the court de-
25 termines useful to the public.

1 (b) MAINTENANCE OF DATA ONLINE.—

2 (1) UPDATE OF INFORMATION.—The informa-
3 tion and rules on each website shall be updated reg-
4 ularly and kept reasonably current.

5 (2) CLOSED CASES.—Electronic files and docket
6 information for cases closed for more than 1 year
7 are not required to be made available online, except
8 all written opinions with a date of issuance after the
9 effective date of this section shall remain available
10 online.

11 (c) ELECTRONIC FILINGS.—

12 (1) IN GENERAL.—Except as provided under
13 paragraph (2), each court shall make any document
14 that is filed electronically publicly available online. A
15 court may convert any document that is filed in
16 paper form to electronic form. To the extent such
17 conversions are made, all such electronic versions of
18 the document shall be made available online.

19 (2) EXCEPTIONS.—Documents that are filed
20 that are not otherwise available to the public, such
21 as documents filed under seal, shall not be made
22 available online.

23 (3) PRIVACY AND SECURITY CONCERNS.—The
24 Judicial Conference of the United States may pro-

1 mulgate rules under this subsection to protect im-
2 portant privacy and security concerns.
3 (d) DOCKETS WITH LINKS TO DOCUMENTS.—The
4 Judicial Conference of the United States shall explore the
5 feasibility of technology to post online dockets with links
6 allowing all filings, decisions, and rulings in each case to
7 be obtained from the docket sheet of that case.
8 (e) COST OF PROVIDING ELECTRONIC DOCKETING
9 INFORMATION.—Section 303(a) of the Judiciary Appro-
10 priations Act, 1992 (28 U.S.C. 1913 note) is amended in
11 the first sentence by striking "shall hereafter" and insert-
12 ing "may, only to the extent necessary,".
13 (f) TIME REQUIREMENTS.—Not later than 2 years
14 after the effective date of this title, the websites under
15 subsection (a) shall be established, except that access to
16 documents filed in electronic form shall be established not
17 later than 4 years after that effective date.
18 (g) DEFERRAL.—
19 (1) IN GENERAL.—
20 (A) ELECTION.—
21 (i) NOTIFICATION.—The Chief Justice
22 of the United States, a chief judge, or
23 chief bankruptcy judge may submit a noti-
24 fication to the Administrative Office of the
25 United States Courts to defer compliance

1 with any requirement of this section with
2 respect to the Supreme Court, a court of
3 appeals, district, or the bankruptcy court
4 of a district.
5 (ii) CONTENTS.—A notification sub-
6 mitted under this subparagraph shall
7 state—
8 (I) the reasons for the deferral;
9 and
10 (II) the online methods, if any,
11 or any alternative methods, such court
12 or district is using to provide greater
13 public access to information.
14 (B) EXCEPTION.—To the extent that the
15 Supreme Court, a court of appeals, district, or
16 bankruptcy court of a district maintains a
17 website under subsection (a), the Supreme
18 Court or that court of appeals or district shall
19 comply with subsection (b)(1).
20 (2) REPORT.—Not later than 1 year after the
21 effective date of this title, and every year thereafter,
22 the Judicial Conference of the United States shall
23 submit a report to the Committees on Governmental
24 Affairs and the Judiciary of the Senate and the

1 Committees on Government Reform and the Judici-
2 ary of the House of Representatives that—
3 (A) contains all notifications submitted to
4 the Administrative Office of the United States
5 Courts under this subsection; and
6 (B) summarizes and evaluates all notifica-
7 tions.

8 **SEC. 206. REGULATORY AGENCIES.**

9 (a) PURPOSES.—The purposes of this section are
10 to—
11 (1) improve performance in the development
12 and issuance of agency regulations by using infor-
13 mation technology to increase access, accountability,
14 and transparency; and
15 (2) enhance public participation in Government
16 by electronic means, consistent with requirements
17 under subchapter II of chapter 5 of title 5, United
18 States Code, (commonly referred to as the Adminis-
19 trative Procedures Act).
20 (b) INFORMATION PROVIDED BY AGENCIES ON-
21 LINE.—To the extent practicable as determined by the
22 agency in consultation with the Director, each agency (as
23 defined under section 551 of title 5, United States Code)
24 shall ensure that a publicly accessible Federal Government
25 website includes all information about that agency re-

1 quired to be published in the Federal Register under sec-
2 tion 552(a)(1) of title 5, United States Code.
3 (c) SUBMISSIONS BY ELECTRONIC MEANS.—To the
4 extent practicable, agencies shall accept submissions under
5 section 553(c) of title 5, United States Code, by electronic
6 means.
7 (d) ELECTRONIC DOCKETING.—
8 (1) IN GENERAL.—To the extent practicable, as
9 determined by the agency in consultation with the
10 Director, agencies shall ensure that a publicly acces-
11 sible Federal Government website contains electronic
12 dockets for rulemakings under section 553 of title 5,
13 United States Code.
14 (2) INFORMATION AVAILABLE.—Agency elec-
15 tronic dockets shall make publicly available online to
16 the extent practicable, as determined by the agency
17 in consultation with the Director—
18 (A) all submissions under section 553(c) of
19 title 5, United States Code; and
20 (B) other materials that by agency rule or
21 practice are included in the rulemaking docket
22 under section 553(c) of title 5, United States
23 Code, whether or not submitted electronically.
24 (e) TIME LIMITATION.—Agencies shall implement the
25 requirements of this section consistent with a timetable

1 established by the Director and reported to Congress in
2 the first annual report under section 3605 of title 44 (as
3 added by this Act).

4 **SEC. 207. ACCESSIBILITY, USABILITY, AND PRESERVATION**
5 **OF GOVERNMENT INFORMATION.**

6 (a) PURPOSE.—The purpose of this section is to im-
7 prove the methods by which Government information, in-
8 cluding information on the Internet, is organized, pre-
9 served, and made accessible to the public.

10 (b) DEFINITIONS.—In this section, the term—

11 (1) "Committee" means the Interagency Com-
12 mittee on Government Information established under
13 subsection (c); and

14 (2) "directory" means a taxonomy of subjects
15 linked to websites that—

16 (A) organizes Government information on
17 the Internet according to subject matter; and

18 (B) may be created with the participation
19 of human editors.

20 (c) INTERAGENCY COMMITTEE.—

21 (1) ESTABLISHMENT.—Not later than 90 days
22 after the date of enactment of this title, the Director
23 shall establish the Interagency Committee on Gov-
24 ernment Information.

1 (2) MEMBERSHIP.—The Committee shall be
2 chaired by the Director or the designee of the Direc-
3 tor and—
4 (A) shall include representatives from—
5 (i) the National Archives and Records
6 Administration;
7 (ii) the offices of the Chief Informa-
8 tion Officers from Federal agencies; and
9 (iii) other relevant officers from the
10 executive branch; and
11 (B) may include representatives from the
12 Federal legislative and judicial branches.
13 (3) FUNCTIONS.—The Committee shall—
14 (A) engage in public consultation to the
15 maximum extent feasible, including consultation
16 with interested communities such as public ad-
17 vocacy organizations;
18 (B) conduct studies and submit rec-
19 ommendations, as provided under this section,
20 to the Director and Congress; and
21 (C) share effective practices for access to,
22 dissemination of, and retention of Federal in-
23 formation.
24 (4) TERMINATION.—The Committee may be
25 terminated on a date determined by the Director, ex-

1 cept the Committee may not terminate before the
2 Committee submits all recommendations required
3 under this section.
4 (d) CATEGORIZING OF INFORMATION.—
5 (1) COMMITTEE FUNCTIONS.—Not later than 1
6 year after the date of enactment of this Act, the
7 Committee shall submit recommendations to the Di-
8 rector on—
9 (A) the adoption of standards, which are
10 open to the maximum extent feasible, to enable
11 the organization and categorization of Govern-
12 ment information—
13 (i) in a way that is searchable elec-
14 tronically, including by searchable identi-
15 fiers; and
16 (iii) in ways that are interoperable
17 across agencies;
18 (B) the definition of categories of Govern-
19 ment information which should be classified
20 under the standards; and
21 (C) determining priorities and developing
22 schedules for the initial implementation of the
23 standards by agencies.
24 (2) FUNCTIONS OF THE DIRECTOR.—Not later
25 than 180 days after the submission of recommenda-

1 tions under paragraph (1), the Director shall issue
2 policies—
3 (A) requiring that agencies use standards,
4 which are open to the maximum extent feasible,
5 to enable the organization and categorization of
6 Government information—
7 (i) in a way that is searchable elec-
8 tronically, including by searchable identi-
9 fiers;
10 (ii) in ways that are interoperable
11 across agencies; and
12 (iii) that are, as appropriate, con-
13 sistent with the standards promulgated by
14 the Secretary of Commerce under section
15 3602(f)(8) of title 44, United States Code;
16 (B) defining categories of Government in-
17 formation which shall be required to be classi-
18 fied under the standards; and
19 (C) determining priorities and developing
20 schedules for the initial implementation of the
21 standards by agencies.
22 (3) MODIFICATION OF POLICIES.—After the
23 submission of agency reports under paragraph (4),
24 the Director shall modify the policies, as needed, in

1 consultation with the Committee and interested par-
2 ties.
3 (4) AGENCY FUNCTIONS.—Each agency shall
4 report annually to the Director, in the report estab-
5 lished under section 202(g), on compliance of that
6 agency with the policies issued under paragraph
7 (2)(A).
8 (e) PUBLIC ACCESS TO ELECTRONIC INFORMA-
9 TION.—
10 (1) COMMITTEE FUNCTIONS.—Not later than 1
11 year after the date of enactment of this Act, the
12 Committee shall submit recommendations to the Di-
13 rector and the Archivist of the United States on—
14 (A) the adoption by agencies of policies
15 and procedures to ensure that chapters 21, 25,
16 27, 29, and 31 of title 44, United States Code,
17 are applied effectively and comprehensively to
18 Government information on the Internet and to
19 other electronic records; and
20 (B) the imposition of timetables for the
21 implementation of the policies and procedures
22 by agencies.
23 (2) FUNCTIONS OF THE ARCHIVIST.—Not later
24 than 180 days after the submission of recommenda-

1 tions by the Committee under paragraph (1), the
2 Archivist of the United States shall issue policies—
3 (A) requiring the adoption by agencies of
4 policies and procedures to ensure that chapters
5 21, 25, 27, 29, and 31 of title 44, United
6 States Code, are applied effectively and com-
7 prehensively to Government information on the
8 Internet and to other electronic records; and
9 (B) imposing timetables for the implemen-
10 tation of the policies, procedures, and tech-
11 nologies by agencies.
12 (3) MODIFICATION OF POLICIES.—After the
13 submission of agency reports under paragraph (4),
14 the Archivist of the United States shall modify the
15 policies, as needed, in consultation with the Com-
16 mittee and interested parties.
17 (4) AGENCY FUNCTIONS.—Each agency shall
18 report annually to the Director, in the report estab-
19 lished under section 202(g), on compliance of that
20 agency with the policies issued under paragraph
21 (2)(A).
22 (f) AVAILABILITY OF GOVERNMENT INFORMATION
23 ON THE INTERNET.—

1 (1) IN GENERAL.—Not later than 1 year after
2 the date of enactment of this Act, each agency
3 shall—
4 (A) consult with the Committee and solicit
5 public comment;
6 (B) determine which Government informa-
7 tion the agency intends to make available and
8 accessible to the public on the Internet and by
9 other means;
10 (C) develop priorities and schedules for
11 making that Government information available
12 and accessible;
13 (D) make such final determinations, prior-
14 ities, and schedules available for public com-
15 ment;
16 (E) post such final determinations, prior-
17 ities, and schedules on the Internet; and
18 (F) submit such final determinations, pri-
19 orities, and schedules to the Director, in the re-
20 port established under section 202(g).
21 (2) UPDATE.—Each agency shall update deter-
22 minations, priorities, and schedules of the agency, as
23 needed, after consulting with the Committee and so-
24 liciting public comment, if appropriate.

1 (g) ACCESS TO FEDERALLY FUNDED RESEARCH AND
2 DEVELOPMENT.—
3 (1) DEVELOPMENT AND MAINTENANCE OF GOV-
4 ERNMENTWIDE REPOSITORY AND WEBSITE.—
5 (A) REPOSITORY AND WEBSITE.—The Di-
6 rector of the National Science Foundation,
7 working with the Director of the Office of
8 Science and Technology Policy and other rel-
9 evant agencies, shall ensure the development
10 and maintenance of—
11 (i) a repository that fully integrates,
12 to the maximum extent feasible, informa-
13 tion about research and development fund-
14 ed by the Federal Government, and the re-
15 pository shall—
16 (I) include information about re-
17 search and development funded by the
18 Federal Government and performed
19 by—
20 (aa) institutions not a part
21 of the Federal Government, in-
22 cluding State, local, and foreign
23 governments; industrial firms;
24 educational institutions; not-for-
25 profit organizations; federally

1 funded research and development
2 center; and private individuals;
3 and
4 (bb) entities of the Federal
5 Government, including research
6 and development laboratories,
7 centers, and offices; and
8 (II) integrate information about each
9 separate research and development task or
10 award, including—
11 (aa) the dates upon which
12 the task or award is expected to
13 start and end;
14 (bb) a brief summary de-
15 scribing the objective and the sci-
16 entific and technical focus of the
17 task or award;
18 (cc) the entity or institution
19 performing the task or award
20 and its contact information;
21 (dd) the total amount of
22 Federal funds expected to be pro-
23 vided to the task or award over
24 its lifetime and the amount of
25 funds expected to be provided in

1 each fiscal year in which the
2 work of the task or award is on-
3 going;
4 (ee) any restrictions at-
5 tached to the task or award that
6 would prevent the sharing with
7 the general public of any or all of
8 the information required by this
9 subsection, and the reasons for
10 such restrictions; and
11 (ff) such other information
12 as may be determined to be ap-
13 propriate; and
14 (ii) 1 or more websites upon which all
15 or part of the repository of Federal re-
16 search and development shall be made
17 available to and searchable by Federal
18 agencies and non-Federal entities, includ-
19 ing the general public, to facilitate—
20 (I) the coordination of Federal
21 research and development activities;
22 (II) collaboration among those
23 conducting Federal research and de-
24 velopment;

1 (III) the transfer of technology
2 among Federal agencies and between
3 Federal agencies and non-Federal en-
4 tities; and
5 (IV) access by policymakers and
6 the public to information concerning
7 Federal research and development ac-
8 tivities.
9 (B) OVERSIGHT.—The Director of the Of-
10 fice of Management and Budget shall issue any
11 guidance determined necessary to ensure that
12 agencies provide all information requested
13 under this subsection.
14 (2) AGENCY FUNCTIONS.—Any agency that
15 funds Federal research and development under this
16 subsection shall provide the information required to
17 populate the repository in the manner prescribed by
18 the Director of the Office of Management and Budg-
19 et.
20 (3) COMMITTEE FUNCTIONS.—Not later than
21 18 months after the date of enactment of this Act,
22 working with the Director of the Office of Science
23 and Technology Policy, and after consultation with
24 interested parties, the Committee shall submit rec-
25 ommendations to the Director on—

1 (A) policies to improve agency reporting of
2 information for the repository established under
3 this subsection; and
4 (B) policies to improve dissemination of
5 the results of research performed by Federal
6 agencies and federally funded research and de-
7 velopment centers.
8 (4) FUNCTIONS OF THE DIRECTOR.—After sub-
9 mission of recommendations by the Committee under
10 paragraph (3), the Director shall report on the rec-
11 ommendations of the Committee and Director to
12 Congress, in the E-Government report under section
13 3605 of title 44 (as added by this Act).
14 (5) AUTHORIZATION OF APPROPRIATIONS.—
15 There are authorized to be appropriated to the Na-
16 tional Science Foundation for the development,
17 maintenance, and operation of the Governmentwide
18 repository and website under this subsection—
19 (A) $2,000,000 in each of the fiscal years
20 2003 through 2005; and
21 (B) such sums as are necessary in each of
22 the fiscal years 2006 and 2007.
23 (h) PUBLIC DOMAIN DIRECTORY OF PUBLIC FED-
24 ERAL GOVERNMENT WEBSITES.—

1 (1) ESTABLISHMENT.—Not later than 2 years
2 after the effective date of this title, the Director and
3 each agency shall—
4 (A) develop and establish a public domain
5 directory of public Federal Government
6 websites; and
7 (B) post the directory on the Internet with
8 a link to the integrated Internet-based system
9 established under section 204.
10 (2) DEVELOPMENT.—With the assistance of
11 each agency, the Director shall—
12 (A) direct the development of the directory
13 through a collaborative effort, including input
14 from—
15 (i) agency librarians;
16 (ii) information technology managers;
17 (iii) program managers;
18 (iv) records managers;
19 (v) Federal depository librarians; and
20 (vi) other interested parties; and
21 (B) develop a public domain taxonomy of
22 subjects used to review and categorize public
23 Federal Government websites.

1 (3) UPDATE.—With the assistance of each
2 agency, the Administrator of the Office of Electronic
3 Government shall—
4 (A) update the directory as necessary, but
5 not less than every 6 months; and
6 (B) solicit interested persons for improve-
7 ments to the directory.
8 (i) STANDARDS FOR AGENCY WEBSITES.—Not later
9 than 18 months after the effective date of this title, the
10 Director shall promulgate guidance for agency websites
11 that include—
12 (1) requirements that websites include direct
13 links to—
14 (A) descriptions of the mission and statu-
15 tory authority of the agency;
16 (B) the electronic reading rooms of the
17 agency relating to the disclosure of information
18 under section 552 of title 5, United States Code
19 (commonly referred to as the Freedom of Infor-
20 mation Act);
21 (C) information about the organizational
22 structure of the agency; and
23 (D) the strategic plan of the agency devel-
24 oped under section 306 of title 5, United States
25 Code; and

1 (2) minimum agency goals to assist public users
2 to navigate agency websites, including—
3 (A) speed of retrieval of search results;
4 (B) the relevance of the results;
5 (C) tools to aggregate and disaggregate
6 data; and
7 (D) security protocols to protect informa-
8 tion.

9 **SEC. 208. PRIVACY PROVISIONS.**

10 (a) PURPOSE.—The purpose of this section is to en-
11 sure sufficient protections for the privacy of personal in-
12 formation as agencies implement citizen-centered elec-
13 tronic Government.

14 (b) PRIVACY IMPACT ASSESSMENTS.—
15 (1) RESPONSIBILITIES OF AGENCIES.—
16 (A) IN GENERAL.—An agency shall take
17 actions described under subparagraph (B)
18 before—
19 (i) developing or procuring informa-
20 tion technology that collects, maintains, or
21 disseminates information that includes any
22 identifier permitting the physical or online
23 contacting of a specific individual; or
24 (ii) initiating a new collection of infor-
25 mation that—

1 (I) will be collected, maintained,
2 or disseminated using information
3 technology; and
4 (II) includes any identifier per-
5 mitting the physical or online con-
6 tacting of a specific individual, if the
7 information concerns 10 or more per-
8 sons.
9 (B) AGENCY ACTIVITIES.—To the extent
10 required under subparagraph (A), each agency
11 shall—
12 (i) conduct a privacy impact assess-
13 ment;
14 (ii) ensure the review of the privacy
15 impact assessment by the Chief Informa-
16 tion Officer, or equivalent official, as deter-
17 mined by the head of the agency; and
18 (iii) if practicable, after completion of
19 the review under clause (ii), make the pri-
20 vacy impact assessment publicly available
21 through the website of the agency, publica-
22 tion in the Federal Register, or other
23 means.
24 (C) SENSITIVE INFORMATION.—Subpara-
25 graph (B)(iii) may be modified or waived for se-

1 curity reasons, or to protect classified, sensitive,
2 or private information contained in an assess-
3 ment.
4 (D) COPY TO DIRECTOR.—Agencies shall
5 provide the Director with a copy of the privacy
6 impact assessment for each system for which
7 funding is requested.
8 (2) CONTENTS OF A PRIVACY IMPACT ASSESS-
9 MENT.—
10 (A) IN GENERAL.—The Director shall
11 issue guidance to agencies specifying the re-
12 quired contents of a privacy impact assessment.
13 (B) GUIDANCE.—The guidance shall—
14 (i) ensure that a privacy impact as-
15 sessment is commensurate with the size of
16 the information system being assessed, the
17 sensitivity of personally identifiable infor-
18 mation in that system, and the risk of
19 harm from unauthorized release of that in-
20 formation; and
21 (ii) require that a privacy impact as-
22 sessment address—
23 (I) what information is to be col-
24 lected;

1 (II) why the information is being
2 collected;
3 (III) the intended use of the
4 agency of the information;
5 (IV) with whom the information
6 will be shared;
7 (V) what notice or opportunities
8 for consent would be provided to indi-
9 viduals regarding what information is
10 collected and how that information is
11 shared;
12 (VI) how the information will be
13 secured; and
14 (VII) whether a system of
15 records is being created under section
16 552a of title 5, United States Code,
17 (commonly referred to as the Privacy
18 Act).
19 (3) RESPONSIBILITIES OF THE DIRECTOR.—
20 The Director shall—
21 (A) develop policies and guidelines for
22 agencies on the conduct of privacy impact as-
23 sessments;

1 (B) oversee the implementation of the pri-
2 vacy impact assessment process throughout the
3 Government; and
4 (C) require agencies to conduct privacy im-
5 pact assessments of existing information sys-
6 tems or ongoing collections of personally identi-
7 fiable information as the Director determines
8 appropriate.
9 (c) PRIVACY PROTECTIONS ON AGENCY
10 WEBSITES.—
11 (1) PRIVACY POLICIES ON WEBSITES.—
12 (A) GUIDELINES FOR NOTICES.—The Di-
13 rector shall develop guidance for privacy notices
14 on agency websites used by the public.
15 (B) CONTENTS.—The guidance shall re-
16 quire that a privacy notice address, consistent
17 with section 552a of title 5, United States
18 Code—
19 (i) what information is to be collected;
20 (ii) why the information is being col-
21 lected;
22 (iii) the intended use of the agency of
23 the information;
24 (iv) with whom the information will be
25 shared;

1 (v) what notice or opportunities for
2 consent would be provided to individuals
3 regarding what information is collected
4 and how that information is shared;
5 (vi) how the information will be se-
6 cured; and
7 (vii) the rights of the individual under
8 section 552a of title 5, United States Code
9 (commonly referred to as the Privacy Act),
10 and other laws relevant to the protection of
11 the privacy of an individual.
12 (2) PRIVACY POLICIES IN MACHINE-READABLE
13 FORMATS.—The Director shall issue guidance re-
14 quiring agencies to translate privacy policies into a
15 standardized machine-readable format.

16 **SEC. 209. FEDERAL INFORMATION TECHNOLOGY WORK-**
17 **FORCE DEVELOPMENT.**

18 (a) PURPOSE.—The purpose of this section is to im-
19 prove the skills of the Federal workforce in using informa-
20 tion technology to deliver Government information and
21 services.
22 (b) IN GENERAL.—In consultation with the Director,
23 the Chief Information Officers Council, and the Adminis-
24 trator of General Services, the Director of the Office of
25 Personnel Management shall—

1 (1) analyze, on an ongoing basis, the personnel
2 needs of the Federal Government related to informa-
3 tion technology and information resource manage-
4 ment;
5 (2) oversee the development of curricula, train-
6 ing methods, and training priorities that correspond
7 to the projected personnel needs of the Federal Gov-
8 ernment related to information technology and infor-
9 mation resource management; and
10 (3) assess the training of Federal employees in
11 information technology disciplines, as necessary, in
12 order to ensure that the information resource man-
13 agement needs of the Federal Government are ad-
14 dressed.
15 (c) EMPLOYEE PARTICIPATION.—Subject to informa-
16 tion resource management needs and the limitations im-
17 posed by resource needs in other occupational areas, and
18 consistent with their overall workforce development strate-
19 gies, agencies shall encourage employees to participate in
20 occupational information technology training.
21 (d) AUTHORIZATION OF APPROPRIATIONS.—There
22 are authorized to be appropriated to the Office of Per-
23 sonnel Management for the implementation of this section,
24 $7,000,000 in fiscal year 2003, and such sums as are nec-
25 essary for each fiscal year thereafter.

1 **SEC. 210. COMMON PROTOCOLS FOR GEOGRAPHIC INFOR-**
2 **MATION SYSTEMS.**

3 (a) PURPOSES.—The purposes of this section are
4 to—

5 (1) reduce redundant data collection and infor-
6 mation; and

7 (2) promote collaboration and use of standards
8 for government geographic information.

9 (b) DEFINITION.—In this section, the term "geo-
10 graphic information" means information systems that in-
11 volve locational data, such as maps or other geospatial in-
12 formation resources.

13 (c) IN GENERAL.—

14 (1) COMMON PROTOCOLS.—The Secretary of
15 the Interior, working with the Director and through
16 an interagency group, and working with private sec-
17 tor experts, State, local, and tribal governments,
18 commercial and international standards groups, and
19 other interested parties, shall facilitate the develop-
20 ment of common protocols for the development, ac-
21 quisition, maintenance, distribution, and application
22 of geographic information. If practicable, the Sec-
23 retary of the Interior shall incorporate intergovern-
24 mental and public private geographic information
25 partnerships into efforts under this subsection.

1 (2) INTERAGENCY GROUP.—The interagency
2 group referred to under paragraph (1) shall include
3 representatives of the National Institute of Stand-
4 ards and Technology and other agencies.
5 (d) DIRECTOR.—The Director shall oversee—
6 (1) the interagency initiative to develop common
7 protocols;
8 (2) the coordination with State, local, and tribal
9 governments, public private partnerships, and other
10 interested persons on effective and efficient ways to
11 align geographic information and develop common
12 protocols; and
13 (3) the adoption of common standards relating
14 to the protocols.
15 (e) COMMON PROTOCOLS.—The common protocols
16 shall be designed to—
17 (1) maximize the degree to which unclassified
18 geographic information from various sources can be
19 made electronically compatible and accessible; and
20 (2) promote the development of interoperable
21 geographic information systems technologies that
22 shall—
23 (A) allow widespread, low-cost use and
24 sharing of geographic data by Federal agencies,

1 State, local, and tribal governments, and the
2 public; and
3 (B) enable the enhancement of services
4 using geographic data.
5 (f) AUTHORIZATION OF APPROPRIATIONS.—There
6 are authorized to be appropriated to the Department of
7 the Interior such sums as are necessary to carry out this
8 section, for each of the fiscal years 2003 through 2007.
9 **SEC. 211. SHARE-IN-SAVINGS PROGRAM IMPROVEMENTS.**
10 Section 5311 of the Clinger-Cohen Act of 1996 (divi-
11 sions D and E of Public Law 104–106; 110 Stat. 692;
12 40 U.S.C. 1491) is amended—
13 (1) in subsection (a)—
14 (A) by striking "the heads of two executive
15 agencies to carry out" and inserting "heads of
16 executive agencies to carry out a total of 5
17 projects under";
18 (B) by striking "and" at the end of para-
19 graph (1);
20 (C) by striking the period at the end of
21 paragraph (2) and inserting "; and"; and
22 (D) by adding at the end the following:
23 "(3) encouraging the use of the contracting and
24 sharing approach described in paragraphs (1) and

1 (2) by allowing the head of the executive agency con-
2 ducting a project under the pilot program—
3 "(A) to retain, until expended, out of the
4 appropriation accounts of the executive agency
5 in which savings computed under paragraph (2)
6 are realized as a result of the project, up to the
7 amount equal to half of the excess of—
8 "(i) the total amount of the savings;
9 over
10 "(ii) the total amount of the portion
11 of the savings paid to the private sector
12 source for such project under paragraph
13 (2); and
14 "(B) to use the retained amount to acquire
15 additional information technology.";
16 (2) in subsection (b)—
17 (A) by inserting "a project under" after
18 "authorized to carry out"; and
19 (B) by striking "carry out one project
20 and"; and
21 (3) in subsection (c), by inserting before the pe-
22 riod "and the Administrator for the Office of Elec-
23 tronic Government"; and
24 (4) by inserting after subsection (c) the fol-
25 lowing:

1 "(d) REPORT.—

2 "(1) IN GENERAL.—After 5 pilot projects have
3 been completed, but no later than 3 years after the
4 effective date of this subsection, the Director shall
5 submit a report on the results of the projects to the
6 Committee on Governmental Affairs of the Senate
7 and the Committee on Government Reform of the
8 House of Representatives.

9 "(2) CONTENTS.—The report under paragraph
10 (1) shall include—

11 "(A) a description of the reduced costs and
12 other measurable benefits of the pilot projects;

13 "(B) a description of the ability of agen-
14 cies to determine the baseline costs of a project
15 against which savings would be measured; and

16 "(C) recommendations of the Director re-
17 lating to whether Congress should provide gen-
18 eral authority to the heads of executive agencies
19 to use a share-in-savings contracting approach
20 to the acquisition of information technology so-
21 lutions for improving mission-related or admin-
22 istrative processes of the Federal Govern-
23 ment.".

1 **SEC. 212. INTEGRATED REPORTING STUDY AND PILOT**
2 **PROJECTS.**

3 (a) PURPOSES.—The purposes of this section are
4 to—

5 (1) enhance the interoperability of Federal in-
6 formation systems;

7 (2) assist the public, including the regulated
8 community, in electronically submitting information
9 to agencies under Federal requirements, by reducing
10 the burden of duplicate collection and ensuring the
11 accuracy of submitted information; and

12 (3) enable any person to integrate and obtain
13 similar information held by 1 or more agencies
14 under 1 or more Federal requirements without vio-
15 lating the privacy rights of an individual.

16 (b) DEFINITIONS.—In this section, the term—

17 (1) "agency" means an Executive agency as de-
18 fined under section 105 of title 5, United States
19 Code; and

20 (2) "person" means any individual, trust, firm,
21 joint stock company, corporation (including a gov-
22 ernment corporation), partnership, association,
23 State, municipality, commission, political subdivision
24 of a State, interstate body, or agency or component
25 of the Federal Government.

26 (c) REPORT.—

1 (1) IN GENERAL.—Not later than 3 years after
2 the date of enactment of this Act, the Director shall
3 oversee a study, in consultation with agencies, the
4 regulated community, public interest organizations,
5 and the public, and submit a report to the Com-
6 mittee on Governmental Affairs of the Senate and
7 the Committee on Government Reform of the House
8 of Representatives on progress toward integrating
9 Federal information systems across agencies.
10 (2) CONTENTS.—The report under this section
11 shall—
12 (A) address the integration of data ele-
13 ments used in the electronic collection of infor-
14 mation within databases established under Fed-
15 eral statute without reducing the quality, acces-
16 sibility, scope, or utility of the information con-
17 tained in each database;
18 (B) address the feasibility of developing, or
19 enabling the development of, software, including
20 Internet-based tools, for use by reporting per-
21 sons in assembling, documenting, and validating
22 the accuracy of information electronically sub-
23 mitted to agencies under nonvoluntary, statu-
24 tory, and regulatory requirements;

1 (C) address the feasibility of developing a
2 distributed information system involving, on a
3 voluntary basis, at least 2 agencies, that—
4 (i) provides consistent, dependable,
5 and timely public access to the information
6 holdings of 1 or more agencies, or some
7 portion of such holdings, including the un-
8 derlying raw data, without requiring public
9 users to know which agency holds the in-
10 formation; and
11 (ii) allows the integration of public in-
12 formation held by the participating agen-
13 cies;
14 (D) address the feasibility of incorporating
15 other elements related to the purposes of this
16 section at the discretion of the Director; and
17 (E) make recommendations that Congress
18 or the executive branch can implement, through
19 the use of integrated reporting and information
20 systems, to reduce the burden on reporting and
21 strengthen public access to databases within
22 and across agencies.
23 (d) PILOT PROJECTS TO ENCOURAGE INTEGRATED
24 COLLECTION AND MANAGEMENT OF DATA AND INTER-
25 OPERABILITY OF FEDERAL INFORMATION SYSTEMS.—

1 (1) IN GENERAL.—In order to provide input to
2 the study under subsection (c), the Director shall
3 designate, in consultation with agencies, a series of
4 no more than 5 pilot projects that integrate data ele-
5 ments. The Director shall consult with agencies, the
6 regulated community, public interest organizations,
7 and the public on the implementation of the pilot
8 projects.
9 (2) GOALS OF PILOT PROJECTS.—
10 (A) IN GENERAL.—Each goal described
11 under subparagraph (B) shall be addressed by
12 at least 1 pilot project each.
13 (B) GOALS.—The goals under this para-
14 graph are to—
15 (i) reduce information collection bur-
16 dens by eliminating duplicative data ele-
17 ments within 2 or more reporting require-
18 ments;
19 (ii) create interoperability between or
20 among public databases managed by 2 or
21 more agencies using technologies and tech-
22 niques that facilitate public access; and
23 (iii) develop, or enable the develop-
24 ment of, software to reduce errors in elec-
25 tronically submitted information.

1 (3) INPUT.—Each pilot project shall seek input
2 from users on the utility of the pilot project and
3 areas for improvement. To the extent practicable,
4 the Director shall consult with relevant agencies and
5 State, tribal, and local governments in carrying out
6 the report and pilot projects under this section.
7 (e) PRIVACY PROTECTIONS.—The activities author-
8 ized under this section shall afford protections for—
9 (1) confidential business information consistent
10 with section 552(b)(4) of title 5, United States
11 Code, and other relevant law;
12 (2) personal privacy information under sections
13 552(b) (6) and (7)(C) and 552a of title 5, United
14 States Code, and other relevant law; and
15 (3) other information consistent with section
16 552(b)(3) of title 5, United States Code, and other
17 relevant law.
18 **SEC. 213. COMMUNITY TECHNOLOGY CENTERS.**
19 (a) PURPOSES.—The purposes of this section are
20 to—
21 (1) study and enhance the effectiveness of com-
22 munity technology centers, public libraries, and
23 other institutions that provide computer and Inter-
24 net access to the public; and

1 (2) promote awareness of the availability of on-
2 line government information and services, to users of
3 community technology centers, public libraries, and
4 other public facilities that provide access to com-
5 puter technology and Internet access to the public.
6 (b) STUDY AND REPORT.—Not later than 2 years
7 after the effective date of this title, the Secretary of Edu-
8 cation, in consultation with the Secretary of Housing and
9 Urban Development, the Secretary of Commerce, the Di-
10 rector of the National Science Foundation, and the Direc-
11 tor of the Institute of Museum and Library Services,
12 shall—
13 (1) conduct a study to evaluate the best prac-
14 tices of community technology centers that have re-
15 ceived Federal funds; and
16 (2) submit a report on the study to—
17 (A) the Committee on Governmental Af-
18 fairs of the Senate;
19 (B) the Committee on Health, Education,
20 Labor, and Pensions of the Senate;
21 (C) the Committee on Government Reform
22 of the House of Representatives; and
23 (D) the Committee on Education and the
24 Workforce of the House of Representatives.

1 (c) CONTENTS.—The report under subsection (b)
2 may consider—
3 (1) an evaluation of the best practices being
4 used by successful community technology centers;
5 (2) a strategy for—
6 (A) continuing the evaluation of best prac-
7 tices used by community technology centers;
8 and
9 (B) establishing a network to share infor-
10 mation and resources as community technology
11 centers evolve;
12 (3) the identification of methods to expand the
13 use of best practices to assist community technology
14 centers, public libraries, and other institutions that
15 provide computer and Internet access to the public;
16 (4) a database of all community technology cen-
17 ters that have received Federal funds, including—
18 (A) each center's name, location, services
19 provided, director, other points of contact, num-
20 ber of individuals served; and
21 (B) other relevant information;
22 (5) an analysis of whether community tech-
23 nology centers have been deployed effectively in
24 urban and rural areas throughout the Nation; and
25 (6) recommendations of how to—

1 (A) enhance the development of community
2 technology centers; and
3 (B) establish a network to share informa-
4 tion and resources.
5 (d) COOPERATION.—All agencies that fund commu-
6 nity technology centers shall provide to the Department
7 of Education any information and assistance necessary for
8 the completion of the study and the report under this sec-
9 tion.
10 (e) ASSISTANCE.—
11 (1) IN GENERAL.—The Secretary of the De-
12 partment of Education shall work with other rel-
13 evant Federal agencies, and other interested persons
14 in the private and nonprofit sectors to—
15 (A) assist in the implementation of rec-
16 ommendations; and
17 (B) identify other ways to assist commu-
18 nity technology centers, public libraries, and
19 other institutions that provide computer and
20 Internet access to the public.
21 (2) TYPES OF ASSISTANCE.—Assistance under
22 this subsection may include—
23 (A) contribution of funds;

1 (B) donations of equipment, and training
2 in the use and maintenance of the equipment;
3 and
4 (C) the provision of basic instruction or
5 training material in computer skills and Inter-
6 net usage.
7 (f) ONLINE TUTORIAL.—
8 (1) IN GENERAL.—The Secretary of Education,
9 in consultation with the Director of the Institute of
10 Museum and Library Services, the Director of the
11 National Science Foundation, other relevant agen-
12 cies, and the public, shall develop an online tutorial
13 that—
14 (A) explains how to access Government in-
15 formation and services on the Internet; and
16 (B) provides a guide to available online re-
17 sources.
18 (2) DISTRIBUTION.—The Secretary of Edu-
19 cation shall distribute information on the tutorial to
20 community technology centers, public libraries, and
21 other institutions that afford Internet access to the
22 public.
23 (g) PROMOTION OF COMMUNITY TECHNOLOGY CEN-
24 TERS.—In consultation with other agencies and organiza-
25 tions, the Department of Education shall promote the

1 availability of community technology centers to raise
2 awareness within each community where such a center is
3 located.

4 (h) AUTHORIZATION OF APPROPRIATIONS.—There
5 are authorized to be appropriated to the Department of
6 Education for the study of best practices at community
7 technology centers, for the development and dissemination
8 of the online tutorial, and for the promotion of community
9 technology centers under this section—

10 (1) $2,000,000 in fiscal year 2003;

11 (2) $2,000,000 in fiscal year 2004; and

12 (3) such sums as are necessary in fiscal years
13 2005 through 2007.

14 **SEC. 214. ENHANCING CRISIS MANAGEMENT THROUGH AD-**
15 **VANCED INFORMATION TECHNOLOGY.**

16 (a) PURPOSE.—The purpose of this section is to im-
17 prove how information technology is used in coordinating
18 and facilitating information on disaster preparedness, re-
19 sponse, and recovery, while ensuring the availability of
20 such information across multiple access channels.

21 (b) IN GENERAL.—

22 (1) STUDY ON ENHANCEMENT OF CRISIS RE-
23 SPONSE.—Not later than 90 days after the date of
24 enactment of this Act, the Federal Emergency Man-
25 agement Agency shall enter into a contract to con-

1 duct a study on using information technology to en-
2 hance crisis preparedness, response, and con-
3 sequence management of natural and manmade dis-
4 asters.

5 (2) CONTENTS.—The study under this sub-
6 section shall address—

7 (A) a research and implementation strat-
8 egy for effective use of information technology
9 in crisis response and consequence manage-
10 ment, including the more effective use of tech-
11 nologies, management of information technology
12 research initiatives, and incorporation of re-
13 search advances into the information and com-
14 munications systems of—

15 (i) the Federal Emergency Manage-
16 ment Agency; and

17 (ii) other Federal, State, and local
18 agencies responsible for crisis prepared-
19 ness, response, and consequence manage-
20 ment; and

21 (B) opportunities for research and develop-
22 ment on enhanced technologies into areas of po-
23 tential improvement as determined during the
24 course of the study.

1 (3) REPORT.—Not later than 2 years after the
2 date on which a contract is entered into under para-
3 graph (1), the Federal Emergency Management
4 Agency shall submit a report on the study, including
5 findings and recommendations to—
6 (A) the Committee on Governmental Af-
7 fairs of the Senate; and
8 (B) the Committee on Government Reform
9 of the House of Representatives.
10 (4) INTERAGENCY COOPERATION.—Other Fed-
11 eral departments and agencies with responsibility for
12 disaster relief and emergency assistance shall fully
13 cooperate with the Federal Emergency Management
14 Agency in carrying out this section.
15 (5) AUTHORIZATION OF APPROPRIATIONS.—
16 There are authorized to be appropriated to the Fed-
17 eral Emergency Management Agency for research
18 under this subsection, such sums as are necessary
19 for fiscal year 2003.
20 (c) PILOT PROJECTS.—Based on the results of the
21 research conducted under subsection (b), the Federal
22 Emergency Management Agency shall initiate pilot
23 projects or report to Congress on other activities that fur-
24 ther the goal of maximizing the utility of information tech-
25 nology in disaster management. The Federal Emergency

1 Management Agency shall cooperate with other relevant
2 agencies, and, if appropriate, State, local, and tribal gov-
3 ernments, in initiating such pilot projects.

4 **SEC. 215. DISPARITIES IN ACCESS TO THE INTERNET.**

5 (a) STUDY AND REPORT.—

6 (1) STUDY.—Not later than 90 days after the
7 date of enactment of this Act, the Director of the
8 National Science Foundation shall request that the
9 National Academy of Sciences, acting through the
10 National Research Council, enter into a contract to
11 conduct a study on disparities in Internet access for
12 online Government services.

13 (2) REPORT.—Not later than 2 years after the
14 date of enactment of this Act, the Director of the
15 National Science Foundation shall submit to the
16 Committee on Governmental Affairs of the Senate
17 and the Committee on Government Reform of the
18 House of Representatives a final report of the study
19 under this section, which shall set forth the findings,
20 conclusions, and recommendations of the National
21 Research Council.

22 (b) CONTENTS.—The report under subsection (a)
23 shall include a study of—

1 (1) how disparities in Internet access influence
2 the effectiveness of online Government services, in-
3 cluding a review of—
4 (A) the nature of disparities in Internet
5 access;
6 (B) the affordability of Internet service;
7 (C) the incidence of disparities among dif-
8 ferent groups within the population; and
9 (D) changes in the nature of personal and
10 public Internet access that may alleviate or ag-
11 gravate effective access to online Government
12 services;
13 (2) how the increase in online Government serv-
14 ices is influencing the disparities in Internet access
15 and how technology development or diffusion trends
16 may offset such adverse influences; and
17 (3) related societal effects arising from the
18 interplay of disparities in Internet access and the in-
19 crease in online Government services.
20 (c) RECOMMENDATIONS.—The report shall include
21 recommendations on actions to ensure that online Govern-
22 ment initiatives shall not have the unintended result of
23 increasing any deficiency in public access to Government
24 services.

1 (d) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated to the National Science
3 Foundation $950,000 in fiscal year 2003 to carry out this
4 section.

5 **SEC. 216. NOTIFICATION OF OBSOLETE OR COUNTER-**
6 **PRODUCTIVE PROVISIONS.**

7 If the Director of the Office of Management and
8 Budget makes a determination that any provision of this
9 Act (including any amendment made by this Act) is obso-
10 lete or counterproductive to the purposes of this Act, as
11 a result of changes in technology or any other reason, the
12 Director shall submit notification of that determination
13 to—

14 (1) the Committee on Governmental Affairs of
15 the Senate; and

16 (2) the Committee on Government Reform of
17 the House of Representatives.

18 TITLE III—GOVERNMENT
19 INFORMATION SECURITY

20 **SEC. 301. INFORMATION SECURITY.**

21 (a) ADDITION OF SHORT TITLE.—Subtitle G of title
22 X of the Floyd D. Spence National Defense Authorization
23 Act for Fiscal Year 2001 (as enacted into law by Public
24 Law 106–398; 114 Stat. 1654A–266) is amended by in-

1 serting after the heading for the subtitle the following new
2 section:

3 **"SEC. 1060. SHORT TITLE.**

4 "This subtitle may be cited as the 'Government Infor-
5 mation Security Reform Act'.".

6 (b) CONTINUATION OF AUTHORITY.—

7 (1) IN GENERAL.—Section 3536 of title 44,
8 United States Code, is repealed.

9 (2) TECHNICAL AND CONFORMING AMEND-
10 MENT.—The table of sections for chapter 35 of title
11 44, United States Code, is amended by striking the
12 item relating to section 3536.

13 TITLE IV—AUTHORIZATION OF 14 APPROPRIATIONS AND EF- 15 FECTIVE DATES

16 **SEC. 401. AUTHORIZATION OF APPROPRIATIONS.**

17 Except for those purposes for which an authorization
18 of appropriations is specifically provided in title I or II,
19 including the amendments made by such titles, there are
20 authorized to be appropriated such sums as are necessary
21 to carry out titles I and II for each of fiscal years 2003
22 through 2007.

23 **SEC. 402. EFFECTIVE DATES.**

24 (a) TITLES I AND II.—

1 (1) IN GENERAL.—Except as provided under
2 paragraph (2), titles I and II and the amendments
3 made by such titles shall take effect 120 days after
4 the date of enactment of this Act.
5 (2) IMMEDIATE ENACTMENT.—Sections 207,
6 214, 215, and 216 shall take effect on the date of
7 enactment of this Act.
8 (b) TITLES III AND IV.—Title III and this title shall
9 take effect on the date of enactment of this Act.

Passed the Senate June 27, 2002.

Attest: JERI THOMSON,
Secretary.

Mr. TURNER. Thank you, Mr. Chairman. I want to thank you for holding this hearing on H.R. 2458 and S. 803. These bills are companion pieces of legislation which was introduced in the Senate by Senator Lieberman, and I introduced it in the House.

S. 803 is the result of the Senate action on the legislation which was reported unanimously out of Senate committee as I recall. And I'm very hopeful that we can move this bill along for further action. We all understand clearly the impact that information technology has had on our economy and our government, and this legislation has as its underlying purpose an effort to bring information technology to bear on the activities and functions of the Federal Government in a more effective and efficient way than we have been able to do in the past.

I want to commend Chairman Davis for his attention to the issue and his hard work on this legislation as well as other bills that we have dealt with to try to promote the better utilization of information technology in our Federal Government.

I am looking forward to hearing from our distinguished panel of witnesses today. One of our witnesses, Mark Forman, who is the Associate Director for Information Technology and e-government in the Office of Management and Budget, will find in this legislation his position created statutorily. One of the primary efforts of this bill was to elevate the stature and the status of the individual in our government who would be in charge of implementing and employing information technology. And I appreciate the work that OMB did in negotiating provisions of the bill in the Senate which is before us as S. 803.

When it comes to information technology, effective use of the Internet, and other cutting-edge information resources, the Federal Government clearly continues to play catch-up with the private sector. It seems that we have been able to implement great advances in the private sector while our government continues to lag. And as a result, we are losing money in the Federal Government, we are wasting the time of millions of citizens who could be better served with a greater utilization of information technology and the delivery of government services, and most importantly, we have failed to provide the kind of effective government that we are capable of providing if we employ information technology.

It is for those reasons that Senator Lieberman and I introduced this legislation. We are hopeful that it will move forward in the legislative process and provide great promise for improving the services of government to the American people.

Again, I thank the chairman for holding the hearing on this bill, which was joined when we introduced it in the House by 38 other cosponsors. Thank you, Mr. Chairman.

Mr. TOM DAVIS OF VIRGINIA. Thank you very much.

[The prepared statement of Hon. Jim Turner follows:]

Statement of the Honorable Jim Turner
Hearing on H.R. 2458/S. 803, the "E-Government Act of 2002"

September 18, 2002

Thank you Mr. Chairman. I want to thank you too for holding this hearing on my and Senator Lieberman's legislation. And also for agreeing to consider moving this bill further along in the legislative process. The information technology revolution of the last decade has had a profound impact on almost all aspects of our economy and government. Providing a statutory basis for applying some of the impacts of that revolution to federal government is a complicated, but necessary, step. I commend you for your attention to this topic not just with this hearing but really throughout your tenure as chairman of this subcommittee.

I look forward to hearing from our witnesses today. You are all individuals well-positioned to provide advice and policy recommendations on information technology to federal agencies and Congress. I also look forward to hearing from Mark A. Forman, Associate Director for Information Technology and E-Government in the Office of Management and Budget, whose position this legislation as reported by the Senate would seem to statutorily create. He is currently responsible for administering the e-government fund established in the President's budget to generate interagency e-government innovation, directing the activities of the CIO Council, and monitoring agency information technology efforts. I welcome

Mr. Forman's comments on this bill, and appreciate OMB's willingness to negotiate on its provisions in good faith.

When it comes to information technology, effective use of the internet, and other cutting edge information resources, the federal government is playing catch-up with the private sector, which seems to have been able to integrate the new technology into its day-to-day operations more rapidly and effectively than we in government have. And while we are playing catch-up, we're losing money through inefficiency, and we're wasting the time of millions of citizens, who deserve the modern effective government information technology can help us achieve.

That is why I, along with Senator Lieberman, introduced the E-Government Act, to help us move toward that goal by improving leadership and funding, as well as addressing other critical issues like privacy, training, and accessability. I believe the measure holds great promise for improving government and its relationship to American citizens.

I thank the chairman for holding a hearing on this critically important issue, and I look forward to working with him to help realize the promise of e-government for all our citizens.

Mr. TOM DAVIS OF VIRGINIA. Mrs. Davis, any comment?

OK. Well, we are going to proceed to our panelists at this point. I call our witnesses to testify: Ms. Koontz, Mr. Forman, Ms. McGinnis, Mr. Gann, Mr. Baker and Mr. Everson. As you know, it is the policy of this committee that all witnesses be sworn before they may testify. If you would rise with me and raise your right hand.

[Witnesses sworn.]

Mr. TOM DAVIS OF VIRGINIA. Thank you. You may be seated.

Mark, I understand you may have to leave at 3 o'clock. Is that right?

Mr. EVERSON. Yes, sir.

Mr. TOM DAVIS OF VIRGINIA. Why don't we start with you, and then we will go with Ms. Koontz and move right down. And I think I will try to get everybody in, but if you have to leave before questions we will understand, and we'll just submit them to you later.

So why don't we start with you, and then, Linda, we'll go to you, and then Mark, and go straight down. Thank you for being with us.

STATEMENTS OF MARK W. EVERSON, DEPUTY DIRECTOR FOR MANAGEMENT, OFFICE OF MANAGEMENT AND BUDGET; LINDA KOONTZ, DIRECTOR OF INFORMATION MANAGEMENT, GENERAL ACCOUNTING OFFICE; MARK FORMAN, E-GOVERNMENT ADMINISTRATOR, OFFICE OF MANAGEMENT AND BUDGET; PAT McGINNIS, PRESIDENT, COUNCIL FOR EXCELLENCE IN GOVERNMENT; THOMAS GANN, VICE PRESIDENT OF GOVERNMENT RELATIONS, SIEBEL SYSTEMS; AND ROGER BAKER, EXECUTIVE VICE PRESIDENT, CACI

Mr. EVERSON. Thank you very much, Mr. Chairman and members of the committee. I think that you have already stated quite correctly in the two opening statements the importance of this legislation. I'm happy to comment on it.

I would like to provide a little broader perspective about what we are trying to do within the administration. I think it's already covered in my statement, but as to the details of this whole area, obviously Mark is very competent to answer the questions. I am a little concerned that if we elevate his position, he will start to feel that he has to be held to an even higher standard and do even more than what he is doing today, which would be very hard, principally for me, to try to keep up with him.

But the E-Government Initiative, as you know, it's a part of our overall President's management agenda. We feel that those five areas which we have identified within the administration as being central to good management and government are closely linked with strategic management and human capital, improved financial performance, competitive sourcing, budget and performance integration, and expanded e-government. We are monitoring those centrally. They come out of my office as the Deputy Director for management at OMB. They are also very closely targeted and monitored within the President's Management Council, which I chair, which is the group of chief operating officers of the departments and major agencies.

I think the E-Gov Initiative is off to a great start, largely through Mark's leadership, but with the help of the Congress and others who have identified the very real potential—largely unmet, as has been indicated just moments ago—up until this time in government.

Some of the challenges that you are well aware of are working across agencies to eliminate redundant expenditures, to harness technology in a way that supports missions, and also to get it done, as I know the chairman knows, expeditiously through good procurement practices and other areas that help us make the government more efficient.

We do support this legislation. We think it will provide a parity, if you will, to Mark's position that is important, along with the position I used to hold, that of Controller,and also that of Administrator for Procurement Policies held by Angela Styles. We do not, however, favor the Senate confirmation element of the proposal. We think that it's time to try and make executive branch appointees able to get on the job quicker. That whole process can be overly burdensome, delay the effectiveness of getting someone on the job, particularly in an area such as e-government where people coming from the private sector are used to fast-moving changes and not 6-month-long processes. And for that reason, and also the fact that my own position is DDM, which would supervise this role if Senate confirmed. We think that we are covered on that base. That is really the principal reservation we would have about this area.

I will leave my written statement.

Mr. TOM DAVIS OF VIRGINIA. The entire statement will be made part of the record.

Mr. EVERSON. Thank you.

[The prepared statement of Mr. Everson follows:]

STATEMENT OF THE HONORABLE MARK W. EVERSON
DEPUTY DIRECTOR FOR MANAGEMENT
OFFICE OF MANAGEMENT AND BUDGET
AND
MARK A. FORMAN
ASSOCIATE DIRECTOR FOR INFORMATION TECHNOLOGY AND E- GOVERNMENT
OFFICE OF MANAGEMENT AND BUDGET
BEFORE THE
SUBCOMMITTEE ON TECHNOLOGY AND PROCUREMENT POLICY
COMMITTEE ON GOVERNMENT REFORM
UNITED STATES HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 2002

Mr. Chairman and Members of the Committee,

Thank you for the opportunity to appear before the Subcommittee to discuss the Administration's views on e-government and to comment on legislation pending before the Committee. We welcome your interest and the continued opportunity to work with you to strengthen the initiative.

Electronic Government, also known as e-government, is one of the key elements in the President's Management Agenda. The President's e-government initiative seeks to harness the potential of technology to provide high quality services at reduced cost to the American people. This Administration continues to believe that e-government must be integrated with the Administration's other management initiatives: budget and performance integration, strategic management of human capital, competitive sourcing, and improved financial performance. The potential for substantial improvement is greater if all these initiatives are pursued concurrently.

E-government is increasingly becoming the principal means by which citizens engage with their government. An April 2000 report from the Pew Foundation found that 68 million Americans have used government web sites – up from 40 million in March 2000. The Federal Register reports that it received 65 million requests to download documents from its website in 2001. And based on a poll commissioned by the Council for Excellence in Government, citizens overwhelmingly believe that e-government leads to better government. The President sees e-government as part of a larger vision for reforming government.

E-government and the President's Management Agenda

The President's vision for reforming government emphasizes that "government needs to reform its operations—how it goes about its business and how it treats the people it serves." The vision is guided by three principles:

- **Citizen-centered,** not bureaucracy-centered;
- **Results-oriented;** and
- **Market-based**, actively promoting innovation.

For the e-government initiative, the strategic question that we face is how to maximize results from the more than $50 billion we invest annually in IT.

E-Government will enable agencies to work together to improve services significantly and reduce operating costs. The e-government initiative is making government more responsive to citizens. Electronic commerce and Internet technology have made daily tasks easier and quicker; the U.S. government is now working to do the same for U.S. citizens.

The e-government initiative encourages and supports agencies to implement and use modern, secure technologies to become more productive, while responding faster and better to the needs of American citizens. The e-government initiative promotes the use of e-business tools by agencies in lessening paperwork burdens. This initiative will provide tools for all levels of government – local, state, and federal – to work together. Under the e-government initiative, U.S. government websites are already providing an easier, smarter, faster way for citizens to get the services and information they want. As e-government deploys effectively, conducting business with the government becomes easier, more private, and secure.

Our goal is that government services and information not be more than three "clicks" away when using the Internet. Achieving this vision requires agencies to integrate and simplify their operations.

Earlier this year, OMB released an e-government strategy. This strategy and expected updates to the strategy will result in significant improvements in the federal government, including:

- Simplifying delivery of services to citizens;
- Eliminating layers of government management;
- Making it possible for citizens, businesses, other levels of government and federal employees to find information and get services easily from the Federal government;
- Simplifying agencies' business processes and reducing costs through integrating and eliminating redundant systems;
- Enabling achievement of the other elements of the President's Management Agenda; and
- Streamlining government operations to guarantee rapid response to citizen needs.

The e-government strategy focuses on four citizen-centered groups, each providing opportunities to transform delivery of services.

- Individuals: We are focused on building easy to find one-stop-shops for citizens -- creating single points of easy access to high-quality government services. Citizens should be able to find what they need quickly and easily and access information in minutes or seconds, instead of days or hours. For example, our GovBenefits.gov portal is expanding to provide potential beneficiaries with instant access to information for all government benefit programs and services through a single web site.

- Businesses: The Federal government must use the Internet to reduce the burden it places on businesses. The Administration cannot continue to make businesses report the same data to multiple agencies because of the government's failure to reuse the data appropriately, and failing to take advantage of commercial electronic transaction protocols. The deployment of these technologies will help streamline the myriad of reporting requirements as well as facilitating a more efficient means for business to do business with the government. For example, the goal of the Business Compliance One Stop project is to reduce the burden of business owners by making it easy to find, understand, and comply with governmental laws and regulations.

- Intergovernmental: The Federal government must make it easier for states and localities to meet reporting requirements, while promoting performance measurement, especially for grants. State and local governments will see significant administrative savings and will be able to improve program delivery because the data necessary to measure performance will be more accurate and timely. Moreover, improving the way that information is shared among levels of government will improve the nation's ability to provide for homeland security. Many of the intergovernmental initiatives are designed to improve homeland security as identified in the President's Budget and in the National Strategy released in July. For example, one initiative is a portal that will allow us to use the Internet to improve the delivery process for disaster assistance information to serve the public and the emergency response community.

- Internal Efficiency and Effectiveness: The Federal government must use modern technology to rethink internal processes to reduce costs for federal government agency administration. By using industry best practices in areas such as supply-chain management, financial management, and knowledge management agencies will be able to improve effectiveness and efficiency, eliminating delays in processing, and improving employee satisfaction and retention. A clear model for this is our E-Training initiative, golearn.gov, which is consolidating numerous online federal training capabilities into a premier E-training portal, providing enhanced access to high quality training and competency development for federal employees.

This e-government vision was created to address the six chronic internal problems that have built up in the government over time. We are making headway but these bad habits are difficult to break. These chronic problems are:

- Paving Cowpaths -- Agencies have automated existing outdated processes, instead of fixing underlying management problems or simplifying agency procedures to take advantage of new e-business and e-government capabilities.
- Redundant Buying—Agencies have made unnecessarily duplicative information technology investments.
- Inadequate Program Management -- Many major IT projects have not met cost, schedule, and performance goals.
- Poor Modernization Blueprints – Few agencies have had plans demonstrating and documenting the linkage between IT capabilities and the business needs of the agency.
- Islands of Automation – Agencies have built individual capabilities that are not interoperable with one another. Few IT investments significantly improve mission performance.
- Poor IT Security -- Major gaps have existed in agency and government-wide information and IT-related security.

Implementing the Strategy

OMB's Associate Director for Information Technology and E-Government has led work on this strategy, focusing on how information technology is managed at an enterprise level within and across agencies, and ultimately serving citizens in a way that is linked to agency missions and performance goals. This resulted in the selection of 24 interagency e-government initiatives in the President's Budget.

The e-government projects were selected on the basis of the value they would bring to citizens, while generating cost savings or improving effectiveness of government. The 24 projects achieve these results by simplifying and unifying agency work processes and information flows, providing one-stop access to a variety of services to citizens and enabling information to be collected online once and reused, rather than being collected numerous times. Agencies have since identified additional opportunities for using e-government to work across boundaries to improve performance and reduce costs.

Significant progress has been made on the projects in the last six months, including the launch of several government portals and initiative websites. Examples of these websites and the other Administration e-government projects include:

- GovBenefits.gov provides access to the information and services of 110 government programs from 11 Federal agencies that represent more than $1 trillion in annual benefits.

- The Government Online Learning Center golearn.gov, is the first milestone of E-Training and has provided over a million training courses and e-books to federal employees since its launch in July.

- recreation.gov provides citizens a one-stop online portal to 1900 federal parks and other recreation facilities managed by eight Bureaus in four departments.

- After the E-Grants website deploys in October, there will be a simple one-stop online place for state and local governments, researchers, faith and community based organizations, citizens and businesses to easily look across 500 grant programs to see what grant may meet their needs. Then the section on grant guides at your local bookstore will no longer be larger than the section on college guides.

- The improved FirstGov.gov website, selected by Yahoo as one of the 50 "most incredibly useful websites," now provides government services within three "clicks" of your mouse, as well as easy navigation and better search capabilities.

- EZ Tax Filing recently announced a unique private-public partnership to provide citizens easier, secure, and free opportunities to prepare and file their taxes via the Internet.

- USAfreedomcorps.gov creates the largest clearinghouse ever assembled to help organizations find volunteers and people find volunteer opportunities through more than 50,000 organizations in their hometown, across the country, or across the world.

- Later this fall, a comprehensive Federal website to provide information about government services and resources for the nation's 54 million people with disabilities will be released.

- E-Clearance has deployed an integrated database that will enable significant reductions in the security clearance backlog.

- Recruitment One Stop expanded the existing capabilities of the USAJOBS.GOV web site to provide a one-stop, streamline federal employment application process, improve service delivery to job applicants, and enhance the government's position as a competitor for top talent. Indeed, the new website hosted the Virtual IT Job Fair, which was initiated in response to the Chairman's request at a hearing of this subcommittee late last year.

- Project SAFECOM has established a Program Structure with significant State and local representation to improve wireless communications interoperability among first responders at all levels of government.

- And just today, under the e-Authentication program, we announced a new capability that will facilitate using one digital signature across multiple government activities. Now, a citizen or business can engage in secure transactions without having to buy a new set of credentials for each agency.

We have attached a table of the 24 projects and their managing partner agencies for the Committee's information.

Barriers to Implementing the Strategy

In order to achieve results from the 24 projects, and to reach the promise of e-government more generally, we have to overcome a number of key barriers that may stand in the way of successful implementation. Recurring barriers include agency culture, lack of a federal architecture, trust, resources, and stakeholder resistance. Several actions we are taking are helping us overcome these barriers, and e-government legislation can increase our chances for success.

Federal Enterprise Architecture

One of the most significant findings to emerge from the e-government initiative came from a review of the federal government's enterprise architecture. An enterprise architecture (EA) describes how an organization performs its work using people, business processes, data, and technology. EAs are modernization blueprints to reform agency operations by aligning business, information, and technology systems to achieve performance objectives.

OMB is leading the development of a Federal Enterprise Architecture (FEA) with the support of the CIO Council. The purpose of this effort is to identify opportunities to simplify processes and unify work across the agencies and within the many lines of business of the Federal Government. The foundation of the FEA is the Business Reference Model (BRM), which describes the government's lines of business and its services to the citizen independent of the agencies and offices involved. This business-based foundation provides a common framework for improvement in budget allocation, horizontal and vertical information sharing, performance measurement, budget and performance integration, cross-agency collaboration, and e-government, as well as separate component architectures. The lines of business and sub-functions that comprise the BRM represent a departure from previous models of the federal government that use antiquated, stove-piped, agency-oriented frameworks. The BRM is the first layer of the Federal Enterprise Architecture and it is the main viewpoint for our analysis of data, applications and technology. The outcome of this effort will be a more citizen-centered, customer-focused government that maximizes technology investments to better achieve mission outcomes.

Overcoming Funding and Jurisdictional Barriers

Agency investment in information technology is necessary to achieve the e-government vision. The President's Budget is clear about our plans to use capital planning to improve performance, achieve outcomes from investments that match agency strategic priorities, and provide real benefits to the public. As major corporations have adapted to the digital economy, business cases, enterprise architectures, and IT capital planning have become recognized as highly effective practices. This Committee has strongly supported effective IT management practices, and OMB pledges the Administration's full support to employing these practices throughout the government.

Many have expressed specific concerns about the funding required to meet the goals and changes of e-government. As OMB's previous testimony before the Senate on S. 803 noted, we have the room to find money to start e-government projects if we simply stop funding what is not working. The FY 2002 Federal IT Budget portfolio totals approximately $50 billion; in FY 2003, we estimate that almost $52.6 billion will be spent on IT. The FY 2004 Budget process will include a framework for discontinuing IT investments that are no longer relevant, duplicate other systems or

redundant business processes, are behind schedule, over budget or not delivering results. Our process includes a review of all IT investments against the BRM.

As mentioned above, in FY 2003, we identified opportunities for cross-agency projects and have worked to leverage investments from a number of partnering agencies for specific projects. For FY 2004, OMB will recommend investments in the President's ongoing E-Government initiatives, as well as new e-government investments identified through design of the Federal business architecture. We will use an integrated budget process that compliments each agency's investment portfolio. OMB will use agency budget submissions to identify cross-agency investments. OMB will give priority to agencies that have worked collectively to present and support activities in an integrated fashion. Agency activities should be aligned with those of other agencies where such cooperation can better serve citizens, businesses, governments, and internal Federal operations. The FY 2004 Budget will appropriately reflect such interagency collaboration, and agencies will be expected to demonstrate these efforts in their own Budget submissions.

Separate agency appropriations for e-government make it difficult to budget for, fund, and manage cross-agency projects. To help overcome this barrier, the President included in his FY 2003 Budget, a proposal for a $100 million "e-government fund" for innovative interagency e-government projects. The fund supports multi-agency e-government projects that are currently too expensive for any one agency budget to bear; such cross-agency e-government projects would have to be considered by multiple authorizing and appropriations committees.

The fund the President proposes leverages cross-agency work in e-government that serves citizens and businesses, and could drastically improve citizens' ability to access federal services and federal information online. The fund provides for collaborative e-government activities, supporting missions and goals that affect multiple agencies without introducing interagency funding conflicts, and consolidating redundant information technology investments that crossed agency and committee jurisdictions and represented a poor use of taxpayer dollars. The $5 million appropriated in FY 2002 was invested in tools to integrate multiple agency investments, such as GovBenefits, that were new and not redundant with other existing agency expenditures.

Our intent for FY 2003 is to fund similar integrations and achieve consolidation of redundant IT investments, under a fund that leverages other investments in a way that is not feasible through other funding sources. Indeed, as we are successful in using the e-government fund to integrate redundant systems, we can free up those same agency resources to be spent on more productive ways to achieve the missions that appropriated dollars are intended to serve. We have made great strides in implementing this fund in FY 2002.

We are pleased that S. 803 matches both the amounts proposed by the President's budget for FY 2003 ($45 million) and FY 2004 ($50 million). Currently, however, the appropriations bill passed by the Senate Treasury-Postal Appropriations Subcommittee also provides for $45 million in FY 2003, while the companion legislation in the House stands at just $5 million. Fully funding the Administration's request as authorized by S. 803 is critical to achieving the promise of e-government. We look forward to working with both the authorizing and appropriations committees to provide for full funding of the President's initiative in this area. Moreover, the goals and criteria for the fund set out in the legislation match those of the President's e-government fund. The fund will remain a powerful tool to overcome jurisdictional barriers to e-government, making agencies

work together to provide information and services to the American people more effectively and efficiently.

E-Government Legislation -- S. 803

We worked with the Senate to revise the e-government bill so that it furthers the President's goals in this area. We look forward to working with the Committee on Government Reform, and this subcommittee in particular as well as with the Senate, on any refinements to the bill. This is just one of many important government management areas where we can be a partner with you, Mr. Chairman, and the other members of the subcommittee. I would like to take the opportunity to make some specific comments about the Senate-passed S. 803.

We believe that S. 803 as passed by the Senate Committee on Governmental Affairs is much improved over the version of the bill as originally introduced. There are many positive aspects of S. 803 to enable open access, efficient government operations, and effective decision-making -- a vision that the President shares.

Last year, OMB raised concerns with the original version of S. 803, including:

- Lack of performance standards linking e-government to improvements in agency efficiency and effectiveness.
- Statutory creation of a Federal CIO, parallel to the DDM.
- The proliferation of forums created and led by OMB.
- Many new Federal agency reporting requirements.

In discussions with the Senate, those initial concerns were addressed. Just a few of the improvements to the bill include:

- Sections have been refined and consolidated and performance goals and measures have been integrated into the activities of each section, tying into an overall performance goal section that has been added to Title II. This will help us ensure that e-government activities are not ends to themselves but means to improve agency delivery of information and services.

- The bill and its supporting report language include a definition for "enterprise architecture (EA)." This definition is consistent with industry best practices regarding EAs.

- The sections of the original bill that dealt with government information and dissemination have been consolidated into one section. It is critical to have a comprehensive and integrated approach to this important government function. This bill also makes clear that any disclosure of information, pursuant to this legislation, would be consistent with the protection of information used or held in a national security system.

We are especially supportive of the alignment of several of the activities and initiatives of the bill with the Administration's initiatives to further e-government, along with the alignment of the authorization of appropriations for those activities with the proposed amounts of the President's Budget. Some provisions that we supported in last year's testimony have been refined and

improved. These provisions include the sections authorizing our work on the government's web portal, FirstGov.gov; the development of a framework to provide for interoperability in using digital signatures for agency programs; authorization for electronic access to agency regulatory dockets; the promotion of open geospatial information standards; and access for persons with disabilities in implementing Section 508 of the Rehabilitation Act.

We also support S. 803's strong discussion on the importance of privacy for e-government in Section 208 of the bill. Privacy and protecting the privacy of the personal information of citizens is very important to the Administration.

The Senate's e-government bill also reauthorizes the Government Information Security Reform Act (Security Act). The Security Act, and OMB information and IT security policy, have established a government-wide process where agencies identify their IT security performance gaps and develop and manage corrective action plans to close those gaps. This process has led to a better and more detailed understanding by the agencies, OMB, and the Congress of the Federal government's IT security weaknesses. Since enactment of the Security Act in November 2000 and completion of the first reports to Congress under that statute in 2001, OMB has discerned a substantial increase in senior management attention to the security of information and IT. We have accomplished major improvements -- for example, we have for the first time a baseline set of data on agency security performance and agencies have developed plans of action and milestones to close their security performance gaps. Additionally, OMB has taken steps to further integrate security into the budget process by directly tying these corrective action plans to the budget request for an IT investment.

The Security Act has received wide support throughout the executive and legislative branches and OMB agrees that reauthorization is a vital step toward maintaining the progress made over the last two years. Unfortunately, without action, the Security Act will expire this November. While our work on IT security would continue without reauthorization of this important legislation, the signal that security is a diminished priority in the eyes of Congress could cause the government to lose momentum in this critical area.

Mr. Chairman, your leadership in the development of the Federal Information Security Management Act (FISMA) clearly indicates that we agree on this critical priority. Like the e-government bill, FISMA would also extend indefinitely the salient provisions of the Government Information Security Reform Act of 2000. The Administration looks forward to working with the House to address final issues with this legislation as well as to secure enactment; however, we have a concern with one element of the version of FISMA that was attached in the HR 5005, the House Homeland Security Bill and look forward to your leadership in restoring the original language.

Finally, one area that we believe important to address in an e-government bill concerns the financing of cross-agency initiatives to improve service to the citizen and reduce operating costs. As of now, it is difficult for agencies to join together IT solutions because funding streams reflect agency silos. Our early successes in e-government demonstrates that consolidating and integrating overlapping IT investments can improve service to the citizen, while freeing up more dollars to go to the mission for which they were appropriated. In simple terms, the choice for the government is whether to buy one computer as opposed to two computers to perform the same function. Congressional authorization for greater consolidation of IT investments across jurisdictions would

go a long way toward improving government efficiency and effectiveness. We look forward to working with the Congress on building such language into legislation.

Office of Electronic Government

The original S. 803 requirement for a Federal CIO has been transformed into the creation of an Office of Electronic Government in OMB, to be headed by an Administrator of Electronic Government reporting to OMB's Deputy Director for Management (DDM). Senate passage of S. 803 under this construct aligns with how OMB is currently managing its e-government initiatives. We created the office of the Associate Director for IT and E-Government to ensure that e-government and associated information technology policy objectives are fully integrated with the President's Management Agenda, and the Senate bill reflects this objective.

The Administration does not support requiring the head of this Office of Electronic Government to be confirmed by the Senate. In a period where Congress and the Administration are working together to reform the confirmation process by reducing the number of positions that are unnecessarily subject to Senate approval, we do not see how introducing another lengthy confirmation process would help this and future Administrations to find qualified candidates, and allow those individuals to begin carrying out their responsibilities quickly. Senate confirmation does not determine the importance of the position – we value the position as one of five pillars of the President's Management Agenda; the priority for this position is set by the President's priority for management reform. The Congress will properly continue to confirm the Deputy Director for Management, who is accountable for all Federal management issues, including the integration of technology with financial management, human capital, and other key priorities.

Conclusion

The Administration is gratified with the attention Congress is giving to e-government. S. 803 includes many provisions that will promote the expansion of the Administration's e-government initiatives. We are eager to work with Congress, and this subcommittee in particular, on any further refinement to the bill so as to ensure enactment of constructive e-government legislation. It is critically important for Congress to endorse a cross-agency approach to e-government. Our intent is to improve the delivery of services and access to information for the American people. We can work together to achieve these important goals.

E-Government Initiatives and Managing Partners

Government to Citizen

	Managing Partner
1. USA Service	GSA
2. EZ Tax Filing	Treas
3. Online Access for Loans	DoEd
4. Recreation One Stop	DOI
5. GovBenefits	DOL

Government to Business

	Managing Partner
1. Federal Asset Sales	GSA
2. Online Rulemaking Management	DOT
3. Expanding Electronic Tax Products for Business	Treas
4. Consolidated Health Informatics	HHS
5. EZ Tax Filing	Treas
6. International Trade Process Streamlining	DOC

E-Authentication (GSA)

Government to Government

	Managing Partner
1. E-Vital	SSA
2. E-Grants	HHS
3. Disaster Management	FEMA
4. Geospatial Information One Stop	DOI
5. SAFECOM	FEMA

Internal Effectiveness and Efficiency

	Managing Partner
1. E-Training	OPM
2. Recruitment One Stop	OPM
3. Enterprise HR Integration *Includes E-Clearance	OPM
4. E-Travel	GSA
5. Integrated Acquisition	GSA
6. E-Records Management	NARA
7. E-Payroll	OPM

Mr. TOM DAVIS OF VIRGINIA. Ms. Koontz.

Ms. KOONTZ. Mr. Chairman, members of the subcommittee, thank you for inviting us to participate in today's hearing on S. 803, E-Government Act of 2002. In my remarks today I would like to briefly comment on some of the key provisions of the bill.

As you know, the Federal Government faces many challenges in effectively managing information resources and technology, including improving the collection, use, and dissemination of government information, strengthening privacy and information security, and developing IT human capital strategies as 803 focuses on the critical goal of enhancing the management and promotion of e-government.

To accomplish this goal, the bill's provisions address many of these challenges. For example, the bill would make government information better organized and more accessible to the public through a variety of means, including establishing an interagency committee to study these issues and make recommendations to OMB. At the same time, the bill recognizes that over 40 percent of the households in America are now connected to the Internet, and includes provisions to ensure that access to government information is not diminished for these citizens.

The bill would also protect privacy by requiring agencies to perform privacy impact assessments. This requirement would provide a much-needed focus on privacy implications of collecting personal information, and could help ensure that the government collects only that personal information that it needs.

The bill would also improve information security by repealing the expiration of the Government Information Security Reform Act, which, based on first-year implementation, has proven to be a significant step in improving agencies' security programs and addressing weaknesses.

In addition, Mr. Chairman, we note that the bill you introduced, the Federal Information Security Management Act of 2002, also reauthorizes GSRA, and contains a number of changes that would further strengthen information security.

The bill would also address the critical issue of IT human capital needs by requiring OPM and others to analyze the government's personnel needs, oversee training, and assess the training of Federal employees in IT disciplines. This requirement is consistent with our prior work that has found that leading organizations identify IT skills, determine needed future skills, and determine the right skill mix.

S. 803 would also establish an Office of Electronic Government within OMB, headed by an Administrator appointed by the President with the advice and consent of the Senate. The Administrator would oversee implementation of the bill's provisions and other e-government initiatives. A strength of this approach is that it would provide the benefit of putting a high-level executive within OMB to focus full time on e-government activities. However, a complicating factor is that the Federal Government's information resources and technology management leadership would be shared between two offices, the proposed new office and OMB's Office of Information and Regulatory Affairs, which, under the Paperwork Reduction Act, has existing responsibilities for these areas.

One alternative is to create a single position devoted exclusively to the full range of information resources and technology management functions. There are various ways to accomplish this. One approach would be to establish a Federal Chief Information Officer. Such a position could help address the many challenges facing the government for effectively implementing e-government and other major IT initiatives. Nonetheless, this bill is an important step toward addressing these issues.

That concludes my statement.

Mr. TOM DAVIS OF VIRGINIA. Thank you very much.

[The prepared statement of Ms. Koontz follows:]

United States General Accounting Office

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ELECTRONIC GOVERNMENT

Proposal Addresses Critical Challenges

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Mr. Chairman and Members of the Subcommittee:

Thank you for inviting us to participate in today's hearing on legislation pertaining to e-government. This is an issue of critical importance to the government and its ability to effectively communicate with the public. Recognizing this, both the Congress and current and past administrations have emphasized the importance of e-government[1] and have put forth proposals to address the challenges associated with this issue. Moreover, earlier this year, the Senate passed by unanimous consent S. 803, the E-Government Act of 2002,[2] which was introduced by Senator Lieberman and 14 co-sponsors.[3]

As you are well aware, advances in the use of IT and the Internet are continuing to change the way that federal agencies communicate, use and disseminate information, deliver services, and conduct business. E-government has the potential to help build better relationships between government and the public by facilitating timely and efficient interaction with citizens. The government has not yet fully reached this potential, although substantial progress has been made. Specifically, federal agencies have implemented an array of e-government applications, including using the Internet to collect and disseminate information and forms, buy and pay for goods and services, submit bids and proposals, and apply for licenses, grants, and benefits.

In response to your request, in my remarks today, I will

- briefly describe the background of the federal government's current information resources and technology management framework,
- discuss the challenges facing the federal government in effectively managing information resources and technology,
- discuss the significant legislative provisions intended to address these challenges, and

[1] S. 803 defines e-government as the use of Web-based Internet applications and other information technologies, combined with processes that implement these technologies, to (1) enhance the access to and delivery of government information and services to the public, other agencies, and other government entities or (2) bring about improvements in government operations such as efficiency, effectiveness, and service quality.

[2] S. 803 was introduced in the Senate on May 1, 2001, and a companion bill, H.R. 2458, was introduced in the House of Representatives by Representative Turner on July 11, 2001.

[3] Co-sponsors of S.803 are Senators Bingaman, Burns, Carper, Cleland, Daschle, Dayton, Durbin, Fitzgerald, Johnson, Kerry, Leahy, Levin, McCain, and Stabenow.

- comment on proposed structural changes in OMB to enhance its e-government efforts.

In summary, we strongly support the goal of enhancing the management and promotion of e-government. To accomplish this goal, S. 803 addresses many of the substantive information resource and management challenges facing the federal government today. Initiatives contained in this bill represent important steps in creating a government that is more efficient, effective, and focused on citizens' needs. For example, the bill's provisions would (1) secure the transmission of sensitive information in e-government transactions by promoting the development of electronic signatures, (2) protect individuals' privacy by requiring agencies to conduct privacy impact assessments, and (3) make government information more accessible to the public.

A strength of S. 803's provision to establish an administrator of a new Office of Electronic Government is that it would provide the benefit of a high-level executive position within OMB to focus full time on promoting and implementing e-government. However, a complicating factor is that the federal government's information resources and technology management leadership would be shared between two offices: the proposed new office and OMB's Office of Information and Regulatory Affairs.

Background

The need for strong leadership and an integrated approach to information management has long been recognized as critical. The Paperwork Reduction Act of 1980 established a single policy framework for federal management of information resources and formalized information resources management (IRM) as the approach governing information activities. The Act also gave responsibility to the director of OMB for developing IRM policy and overseeing its implementation. The Clinger-Cohen Act of 1996 amended the Paperwork Reduction Act to give the OMB director significant leadership responsibilities in supporting agencies' actions to improve their IT management practices. These laws created an IRM "umbrella" to govern the management of virtually all federal information activities and to coordinate other laws governing specific information functions such as privacy, security, records management, and information access and dissemination. These other laws include: the Federal Records Act, the Privacy Act

of 1974, the Computer Security Act of 1987[4], and the Government Paperwork Elimination Act of 1998.

Under this statutory framework, OMB has important responsibilities for providing direction on managing governmentwide information resources and technology and overseeing agency activities in these areas. Among OMB's responsibilities are

- ensuring agency integration of information resources management plans, program plans, and budgets for acquisition and use of IT and the efficiency and effectiveness of interagency IT initiatives;
- developing, as part of the budget process, a mechanism for analyzing, tracking, and evaluating the risks and results of all major capital investments made by an executive agency for information systems;[5]
- directing and overseeing implementation of policy, principles, standards, and guidelines for disseminating and accessing public information;
- encouraging agency heads to develop and use best practices in IT acquisitions; and
- developing and overseeing implementation of privacy and security policies, principles, standards, and guidelines.

While OMB's director is responsible for these functions, by statute they are delegated to the Office of Information and Regulatory Affairs (OIRA), which was created by the Paperwork Reduction Act. The administrator of OIRA reports to OMB's deputy director for management, described by OMB as the federal chief information officer (CIO). A primary concern we have previously expressed about this structure is that, in addition to their responsibilities for information resources and technology management, the deputy director for management and the OIRA administrator have other significant duties,[6] which necessarily restrict the amount of attention

[4]The Computer Security Act is complemented by the Government Information Security Reform provisions of the fiscal year 2001 Defense Authorization Act.

[5]This responsibility is in addition to OMB's role in assisting the President in reviewing agency budget submissions and compiling the President's budget, as discussed in 31 U.S.C. Chapter 11.

[6]For example, OIRA's other duties include reviewing agency information collection requests under the Paperwork Reduction Act of and reviewing agency rulemaking under presidential executive order.

that they can give to information resources and technology management issues.[7]

Under this statutory framework, agencies, in turn, are accountable for the effective and efficient development, acquisition, and use of information technology in their organizations. For example, the Paperwork Reduction Act of 1995[8] and the Clinger-Cohen Act of 1996 require agency heads, acting through agency CIOs, to

- better link their information technology planning and investment decisions to program missions and goals;
- develop and implement a sound information technology architecture;
- implement and enforce information technology management policies, procedures, standards, and guidelines;
- establish policies and procedures for ensuring that information technology systems provide reliable, consistent, and timely financial or program performance data; and
- implement and enforce applicable policies, procedures, standards, and guidelines on privacy, security, disclosure, and information sharing.

In addition, in June 2001, OMB established the position of associate director for information technology and e-government. This individual is responsible for (1) working to further the administration's goal of using the Internet to create a citizen-centric government; (2) ensuring that the federal government take maximum advantage of technology and best practices to improve quality, effectiveness, and efficiency; and (3) leading the development and implementation of federal IT policy. In addition, the associate director is responsible for (1) overseeing implementation of IT throughout the federal government, (2) working with OMB's deputy director for management to perform a variety of oversight functions statutorily assigned to OMB, and (3) directing the activities of the CIO Council.

The CIO Council is another important organization in the federal information resources and technology management framework that was established by the President in July 1996. Specifically,

[7]U.S. General Accounting Office, *Electronic Government: Challenges Must Be Addressed With Effective Leadership and Management*, GAO-01-959T (Washington, D.C.: July 11, 2001).

[8]The Paperwork Reduction Act of 1995 revised the information resources management responsibilities established under the Paperwork Reduction Act of 1980, as amended in 1986.

Executive Order 13011 established the CIO Council as the principal interagency forum for improving agency practices on such matters as the design, modernization, use, sharing, and performance of agency information resources. The Council, chaired by OMB's deputy director for management with a vice chair selected from among its members, is tasked with (1) developing recommendations for overall federal IT management policy, procedures, and standards; (2) sharing experiences, ideas, and promising practices; (3) identifying opportunities, making recommendations for, and sponsoring cooperation in using information resources; (4) assessing and addressing workforce issues; (5) making recommendations and providing advice to appropriate executive agencies and organizations; and (6) seeking the views of various organizations. Because it is essentially an advisory body, the CIO Council must rely on OMB's support to see that its recommendations are implemented through federal information management policies, procedures, and standards. Regarding Council resources, according to its charter, OMB and the General Services Administration are to provide support and assistance, which can be augmented by other Council members as necessary.

Federal Government Faces Significant Challenges in Managing Information Resources and Technology

In executing these broad responsibilities for information resources and technology, the federal government faces significant challenges.[9] To the extent that the billions of dollars in planned IT expenditures can be spent more wisely and the management of such technology improved, federal programs—including e-government initiatives—will be better prepared to meet mission goals and support national priorities. These challenges include:

- *Improving the collection, use, and dissemination of government information.* Agencies are increasingly moving to an operational environment in which electronic—rather than paper—records provide comprehensive documentation of their activities and business processes. This transformation has produced a variety of

[9]U.S. General Accounting Office, *Major Management Challenges and Program Risks: A Governmentwide Perspective*, GAO-01-241 (Washington, D.C.: Jan. 2001) provides an overview of this series. The 2001 *Performance and Accountability Series* also contains separate reports on 21 agencies—covering each cabinet department, most major independent agencies, and the U.S. Postal Service.

issues related to, for example, records management, privacy, and electronic dissemination of government publications.

For example, in July 1999, we reported that the National Archives and Records Administration (NARA) and federal agencies were facing the substantial challenge of preserving electronic records in an era of rapidly changing technology.[10] More recently a 2001 NARA study found that although agencies were creating and maintaining records appropriately, the value of most electronic records had not been assessed nor their disposition determined, as required by statute. Further, records of historic value were not being identified and provided to NARA for preservation, and may be at risk of loss. Our review at four agencies confirmed the results of this study, eliciting a collective estimate that more than 90 percent of mission-critical systems were not inventoried and the electronic records in these systems had not been assessed nor their disposition determined.[11] Improving records management is particularly important in an e-government environment to ensure the appropriate handling of the potentially large number of electronic records generated by transactions between the government and the public.

In addition, the government cannot realize the full potential of the Internet until people are confident that the government will protect their privacy when they visit its Web sites. In September 2000, we reported that most principal Web sites we reviewed (67 of 70) had posted privacy policies that were clearly labeled and easily accessed.[12] However, we also found that of 31 high-impact agencies,[13] most did not post a privacy policy on all Web pages that collected personal information, as required by OMB. In addition, of 101 on-line forms that we reviewed, 44 did not have a privacy policy posted on the Web page. We have made recommendations to strengthen governmentwide privacy guidance and oversight of agency practices that OMB has not yet implemented.

Another important issue involves the use of the Internet and other IT to disseminate government information to the public. Such

[10]U.S. General Accounting Office, *National Archives: Preserving Electronic Records in an Era of Rapidly Changing Technology*, GGD-99-94 (Washington, D.C.: July 19, 1999).

[11]U.S. General Accounting Office, *Information Management: Challenges in Managing and Preserving Electronic Records*, GAO-02-586 (Washington, D.C.: June 17, 2001).

[12]U.S. General Accounting Office, *Internet Privacy: Agencies' Efforts to Implement OMB's Privacy Policy*, GAO/GGD-00-191 (Washington, D.C.: Sept. 5, 2000).

[13]The National Partnership for Reinventing Government identified 31 agencies as having high impact—that is, they have 90 percent of the federal government's contact with the public.

electronic dissemination offers the opportunity to reduce the costs of dissemination and make government information more usable and accessible—an important aspect of e-government. However, as we reported in March of last year, to move to an environment in which documents are disseminated solely in electronic format, the government would have to ensure that these documents are (1) authentic, (2) permanently maintained, and (3) equally accessible to all individuals.[14] In addition, certain cost issues—including shifting printing costs to libraries and other users—would need to be addressed.

- *Strengthening agency information security.* Dramatic increases in computer interconnectivity, especially in the use of the Internet, continue to revolutionize the way our government, our nation, and much of the world communicate and conduct business. However, this widespread connectivity also poses significant risks to our computer systems and, more important, to the critical operations and infrastructure they support, such as telecommunications, public heath, and national defense. Further, the events of September 11, 2001, underscored the need to protect America's cyberspace against potentially disastrous cyber attacks. Finally, as we reported last year, security concerns present one of the toughest challenges to extending the reach of e-government.[15] The rash of hacker attacks, Web page defacing, and credit card information being posted on electronic bulletin boards can make many federal agency officials—as well as the general public—reluctant to conduct sensitive government transactions involving personal or financial data over the Internet.

Since September 1996, we have reported that poor information security is a widespread federal problem with potentially devastating consequences.[16] Subsequently, in 1997, 1999, and 2001, we designated information security as a governmentwide high-risk area because growing evidence indicated that controls over computerized federal operations were not effective and because the related risks were escalating, in part due to increasing reliance on the Internet. Although agencies have taken steps to redesign and strengthen their information system security programs, our analyses of information security at major federal agencies have shown that

[14] U.S. General Accounting Office, *Information Management: Electronic Dissemination of Government Publications*, GAO-01-428 (Washington, D.C.: Mar. 30, 2001).

[15] GAO-01-959T.

[16] U.S. General Accounting Office, *Information Security: Opportunities for Improved OMB Oversight of Agency Practices*, GAO/AIMD-96-110 (Washington, D.C.: Sept. 24, 1996).

federal systems were not being adequately protected from computer-based threats.[17]

Effective information security is essential to the expansion of e-government. As the government moves toward providing citizens with the capability to conduct the full range of their government business—including sensitive transactions such as benefits applications—on-line, citizens must be assured that these transactions are secure. In addition, unless security features are properly implemented, electronic transactions can be more susceptible to fraud and abuse than traditional paper-based transactions.

A key piece of the solution to the Internet-based security problem will be the development and implementation of the Public Key Infrastructure or PKI technology. A PKI is a system of computers, software and data that relies on certain sophisticated cryptographic techniques to secure on-line messages by attaching so-called "digital signatures" to them. Digital signatures are a special kind of encrypted electronic signature that vouch for senders' identities and establish authenticity of the message to which they are attached. Properly implemented, PKIs can provide the level of security needed to protect the transmission of sensitive transactions, such as those involving personal, financial, and health-related data.

As we reported in February 2001, progress has been made in implementing PKI technology throughout the government.[18] However, because federal agencies are adopting different and potentially incompatible implementations of PKI technology, the development of a Federal Bridge Certification Authority is critical. The federal bridge is being developed to link disparate agency PKI systems and promote interoperability of digital signatures within and outside the federal government. Without a successfully functioning bridge, agencies will need to individually make arrangements to interoperate with other specific agencies in order to share secure information or transactions. This process could prove to be tedious and impractical and, thereby, hamper the expansion of e-government. Consequently, our recommendations for facilitating the adoption of PKI technology in the federal government included one to the Director, OMB, to prepare a

[17]For example, see U.S. General Accounting Office, *Computer Security: Improvements Needed to Reduce Risk to Critical Federal Operations and Assets*, GAO-02-231T (Washington, D.C.: Nov. 9, 2001).

[18]U.S. General Accounting Office, *Information Security: Advances and Remaining Challenges to Adoption of Public Key Infrastructure Technology*, GAO-01-277 (Washington, D.C., Feb. 26, 2001).

program plan spelling out, among other things, when the federal bridge would be implemented, what resources would be required, and what roles and responsibilities participating agencies would assume. While progress has been made in implementing the bridge, OMB has not yet developed such a plan.

- *Constructing sound enterprise architectures.* Our experience with federal agencies has shown that attempts to modernize IT environments without blueprints—models simplifying the complexities of how agencies operate today, how they want to operate in the future, and how they will get there—often result in unconstrained investment and systems that are duplicative and ineffective. Enterprise architectures offer such blueprints.

  Our February report on the federal government's use of enterprise architectures found that agencies' use of enterprise architectures was a work in progress, with much to be accomplished.[19] In addition, in our testimony before you earlier this year, we noted that the success of the Administration's e-government initiatives hinges in large part on whether they are pursued within the context of enterprise architectures.[20] However, at the time of our testimony, approved architectures for most of these initiatives did not exist. Overcoming this obstacle would be a formidable undertaking even if federal agencies were now successfully using enterprise architectures to manage their respective operational and technological environments, but unfortunately this is not the case. At stake is the ability of federal agencies to not only effectively transform their respective operations and supporting systems environments, and thus elevate their performance, but also to effectively work together in implementing integrated e-government solutions.

- *Fostering mature systems acquisition, development, and operational practices.* High-quality software is essential for agencies' information systems to provide reliable management, financial, and administrative information and to support agencies' many programs. The quality of software is governed largely by the quality of the processes involved in developing or acquiring it and in maintaining it. Using models and methods that define and determine organizations' software process maturity that were developed by

[19] U.S. General Accounting Office, *Information Technology: Enterprise Architecture Use across the Federal Government Can Be Improved*, GAO-02-6 (Washington, D.C.: Feb. 19, 2002).

[20] U.S. General Accounting Office, *Information Technology: OMB Leadership Critical to Making Needed Enterprise Architecture and E-government Progress*, GAO-02-389T (Washington, D.C.: Mar. 21, 2002).

Carnegie Mellon University's Software Engineering Institute, which is recognized for its expertise in software processes, we have evaluated several agencies' software development or acquisition processes. We have found that these agencies' processes do not meet the criteria to be considered at the "repeatable" level of process maturity, which is the second level on the Software Engineering Institute's five-level scale.[21] An organization at the repeatable level of process maturity has the necessary process discipline in place to repeat earlier successes on similar projects. Organizations that do not satisfy the requirements for the repeatable level are by default judged to be at the "initial" level of maturity. This means that their processes are immature, ad hoc, and sometimes even chaotic, with few of the processes defined and success dependent mainly on the heroic efforts of individuals.

In the government's rush to provide greater electronic service delivery, it is essential for agency executives to remember that fundamental principles and practices of good IT planning and management apply equally to effective customer-centric Web-based applications. As we noted in May 2000,[22] some of these fundamentals include

- developing a well-defined project purpose and scope and realistic, measurable expectations;
- understanding and improving business processes before applying technology;
- performing risk assessments and developing appropriate risk mitigation strategies;
- using industry standard technology and solutions, where appropriate;
- adopting and abiding by pertinent data standards;
- thoroughly training and supporting users; and
- reviewing and evaluating performance metrics.

- *Ensuring effective agency IT investment practices.* According to OMB, in fiscal year 2003, federal agencies plan to invest about

[21] For example, see U.S. General Accounting Office, *HUD Information Systems: Immature Software Acquisition Capability Increases Project Risks*, GAO-01-962 (Washington, D.C.: Sept. 14, 2001) and *Customs Service Modernization: Ineffective Software Development Processes Increase Customs System Development Risks*, GAO/AIMD-99-35 (Washington, D.C.: Feb. 11, 1999).

[22] U.S. General Accounting Office, *Electronic Government: Federal Initiatives Are Evolving Rapidly But They Face Significant Challenges*, GAO/T-AIMD/GGD-00-179 (Washington, D.C.: May 22, 2000).

$53 billion to build, operate, and maintain automated systems. If managed effectively, these investments can vastly improve government performance and accountability. If not, however, they can result in wasteful spending and lost opportunities for improving delivery of services to the public. The Clinger-Cohen Act of 1996 requires agency heads to implement a process for maximizing the value and assessing and managing the risks of its IT investments. In support of these requirements, in May 2000 we issued the Information Technology Investment Management maturity framework,[23] which identified critical processes for successful IT investment and organizes these processes into an assessment framework. Using this model, our evaluations of selected agencies found that while some processes have been put in place to help them effectively manage their planned and ongoing IT investments, more work remains.[24]

The importance of effective investment management practices is demonstrated by the government's longstanding problems in developing or acquiring major IT systems. For example, since 1995 we have reported three agency IT modernization efforts as high risk.[25] In some cases, we have seen improvement in the federal government's implementation of major IT investments. For example, earlier this year we reported that the Internal Revenue Service and the U.S. Customs Service had made progress in implementing our past recommendations related to their system modernization projects, although significant work remains.[26]

- *Developing IT human capital strategies.* The challenges facing the government in maintaining a high-quality IT workforce are long-standing and widely recognized. As far back as 1994, our study of leading organizations revealed that strengthening the skills of IT

[23] U.S. General Accounting Office, *Information Technology Investment Management: A Framework for Assessing and Improving Process Maturity*, Exposure Draft, GAO/AIMD-10.1.23 (Washington, D.C.: May 2000).

[24] U.S. General Accounting Office, *Information Technology: DLA Needs to Strengthen Its Investment Management Capability*, GAO-02-314 (Washington, D.C.: Mar. 15, 2002); *Information Technology Management: Social Security Administration Practices Can Be Improved*, GAO-01-961 (Washington, D.C.: Aug. 21, 2001); *Information Technology: INS Needs to Strengthen Its Investment Management Capability*, GAO-01-146, Dec. 29, 2000); and *Information Technology Management: Coast Guard Practices Can Be Improved*, GAO-01-190 (Washington, D.C.: Dec. 12, 2000).

[25] U.S. General Accounting Office, *High-Risk Series: An Update*, GAO-01-263 (Washington, D.C.: January 2001); *High-Risk Series: An Update*, GAO/HR-99-1 (Washington, D.C.: January 1999); *High-Risk Series: Information Management and Technology*, GAO/HR-97-9 (Washington, D.C.: February 1997); and *High Risk Series: An Overview*, GAO/HR-95-1 (Washington, D.C.: February 1995)

[26] U.S. General Accounting Office, *Business Systems Modernization: IRS Needs to Better Balance Management Capacity with Systems Acquisition Workload*, GAO-02-356 (Washington, D.C.: Feb. 28, 2002) and *Customs Service Modernization: Third Expenditure Plan Meets Legislative Conditions, but Cost Estimating Improvements Needed*, GAO-02-908 (Washington, D.C.: Aug. 9, 2002).

professionals is a critical aspect of strategic information management.[27] Moreover, less than a year ago, we reported that, notwithstanding the recent economic slowdown, employers from every sector, including the federal government, are still finding it difficult to meet their needs for highly skilled IT workers.[28]

Without fully developing staff capabilities, agencies stand to miss out on the potential customer service benefits presented by technology and the expansion of e-government. Employees must have the training and tools they need to do their jobs. The process of adopting a new system can be made much less difficult by offering well-designed, user-oriented training sessions that demonstrate not only how the system works, but also how it fits into the larger work picture and "citizen as customer" orientation. A significant challenge for all agencies is providing internal incentives for customer service, reducing employee complaints, and cutting the time that employees spend on non-customer-related activities.

S.803 Provisions Are Important to Addressing Challenges

Recognizing the magnitude of the information management and technology challenges facing the federal government, S. 803 seeks to address many of these challenges through its individual provisions. Next, I would like to comment on significant provisions of the bill concerning improving the collection, use, and dissemination of government information; strengthening information security; meeting IT human capital needs; and establishing the CIO Council in statute.

- *Improving the collection, use, and dissemination of government information.* S. 803 emphasizes that an important goal is using the Internet and other IT to make government information better organized and more accessible to the public. The bill seeks to accomplish this goal first by establishing an interagency committee to make recommendations to OMB on how government information can be better organized, preserved, and made available to public. In turn, OMB is required to issue policies on (1) standards for the organization and categorization of information, (2) the categories of

[27] U.S. General Accounting Office, *Executive Guide: Improving Mission Performance Through Strategic Information Management and Technology*, GAO/AIMD-94-115 (Washington, D.C.: May 1994).

[28] U.S. General Accounting Office, *Human Capital: Attracting and Retaining a High-Quality Information Technology Workforce*, GAO-02-113T (Washington, D.C.: Oct. 4, 2001).

government information to be classified, and (3) priorities and schedules for the initial agency implementation of these standards.

The proposal for an interagency committee appears to be a reasonable first step to addressing this complex issue; however, we caution that previous attempts to categorize government information have been difficult to implement across federal agencies. For example, the Senate report accompanying the bill concludes that a similar effort to develop the Government Information Locator System (GILS)—required by the Paperwork Reduction Act of 1995—never achieved its goal of facilitating public and agency access to government information. More specifically, a 1997 contractor study done for the General Services Administration reported that while the concept of GILS was sound, its implementation suffered because of many factors including (1) a lack of clarity as to the purpose and benefits of the system, (2) insufficient governmentwide leadership, oversight, and guidance; and (3) inadequate senior agency management attention and allocation of resources.[29] An important role of the interagency committee proposed by the bill would be to consider such "lessons learned" and incorporate them into its recommendations.

S. 803 also recognizes the need to make government information and services available to all citizens, including those without access to the Internet. It requires that when promulgating policies and implementing programs related to providing government information and services over the Internet, agency heads (1) ensure that the availability of government information and services not be diminished for individuals who do not have access to the Internet and (2) pursue alternative modes of delivery. We agree that an important policy consideration governments face is how to provide services and access to segments of the population with limited Internet access and ensure their participation in this new electronic environment. Although a February report by the Department of Commerce found that American's use of the Internet has been impressive—with the percentage of individuals using the Internet more than doubling in about 4 years—in September 2001, about 46 percent of the population was not using the Internet.[30] In addition, more than 60 percent of certain segments of the population were not

[29] William E. Moen and Charles R. McClure, *An Evaluation of the Federal Government's Implementation of the Government Information Locator Service (GILS)*, prepared under contract to the General Services Administration (June 30, 1997).

[30] U.S. Department of Commerce, *A Nation Online: How Americans Are Expanding Their Use of the Internet* (February 2002). This report used data from Commerce's Census Bureau's September 2001 current population survey of approximately 57,000 households.

using the Internet—including Hispanics, individuals without a high school diploma, persons over 50 years old, and those with a family income of less than $25,000. As a result, multiple access methods to government services and processes may be essential to supplement Internet use (e.g., in person, by phone, via fax, using public kiosks).

Regarding privacy, S. 803 also requires agencies to conduct privacy impact assessments before developing or procuring IT, or initiating a new collection of information, that includes any identifier permitting the physical or on-line contacting of a specific individual. Such assessments would include what information is being collected, why it is being collected, and its intended use. Many agencies across government—including the Postal Service and the Internal Revenue Service—are already using privacy impact assessments and have found them useful. This requirement should focus needed agency attention on the privacy implications of collecting personal information and ensure that the use of these assessments continues. In addition, conducting these assessments may help achieve one of the goals of the Privacy Act, to reduce the amount of information that agencies collect, by discouraging agencies from collecting unnecessary personal information and encouraging them to destroy personal information that is no longer necessary.

However, one issue with the privacy impact assessment provision is that S. 803 limits the requirement for these assessments to information systems and collections that include an "identifier permitting the physical or on-line contacting of a specific individual." We note that the Senate committee report accompanying this bill describes such identifiers broadly as including a first and last name; a home or other physical address; an e-mail address; a telephone number; a social security number; a credit card number; or a birth date, birth certificate number, or place of birth. However, without this definition in the bill itself, the requirement could be interpreted more narrowly and may result in these assessments being applied to fewer collections and systems than intended.

The act also requires OMB to develop guidance for privacy notices on agency Web sites used by the public. This is consistent with our September 2000 recommendation that OMB consider, in consultation with appropriate parties such as the CIO Council, how best to help agencies better ensure that individuals are provided

clear and adequate notice about how their personal information is treated when they visit federal Web sites.[31]

- *Strengthening agency information security.* S. 803 would repeal the November 29 expiration of the Government Information Security Reform provisions (commonly referred to as "GISRA") in the National Defense Authorization Act for Fiscal Year 2001. We support the continued authorization of GISRA. As we testified in May,[32] based on its first-year implementation, GISRA proved to be a significant step in improving federal agencies' information security programs and addressing their serious, pervasive information security weaknesses. Agencies have noted benefits from GISRA, such as increased management attention to and accountability for information security.

  Mr. Chairman, this provision of S. 803 is also consistent with one purpose of the legislation that you have introduced—H.R. 3844, the *Federal Information Security Management Act of 2002*, which seeks to reauthorize and expand GISRA information security, evaluation and reporting requirements. In our May testimony, we commented on the provisions of H.R. 3844 and supported continued authorization of information security legislation to (1) sustain agency efforts to identify and correct significant weaknesses, (2) reinforce the federal government's commitment to establishing information security as an integral part of its operations, and (3) help ensure that the administration and the Congress continue to receive the information they need to effectively manage and oversee federal information security. In addition, on the basis of our review of first-year GISRA implementation, we noted a number of additional changes proposed by H.R. 3844 that could further strengthen the implementation and oversight of information security in the federal government, such as requiring the development and promulgation of, and agency compliance with, minimum mandatory management controls for security information and information systems.

  S. 803 also includes a provision to further interoperability of electronic signatures for use in securing electronic business transactions with the government. The term "electronic signature" refers to the full range of methods for attaching personal identifiers to electronic documents, including PKI technology. We agree with

[31] GAO/GGD-00-191.

[32] U.S. General Accounting Office, *Information Security: Comments on the Proposed Federal Information Security Management Act of 2002*, GAO-02-677T (Washington, D.C.: May 2, 2002).

the bill's support for digital signatures.[33] We note that while previous versions of the bill authorized funding exclusively for the development of the Federal Bridge Certification Authority, S. 803 as enacted authorizes this funding for the bridge or other activities to promote interoperability of electronic signatures across the government.

- *Meeting IT human capital needs.* S. 803 addresses this critical issue by requiring that, for IT and information resources management, the Office of Personnel Management, in consultation with OMB, the CIO Council, and the General Services Administration, (1) analyze, on an ongoing basis, the government's personnel needs; (2) oversee the development of curricula, training methods, and training priorities that correspond to the projected personnel needs of the government; and (3) assess the training of federal employees in IT disciplines, as necessary. This requirement is consistent with our prior work, which found that leading organizations identify existing IT skills and needed future skills, as well as determine the right skill mix.[34] Accordingly, we suggested that executives should systematically identify IT skill gaps and targets and integrate skill requirements into performance evaluations. In addition, our February 2001 study of public- and private-sector efforts to build effective CIO organizations found that leading organizations develop IT human capital strategies to assess their skill bases and recruit and retain staff that can effectively implement IT to meet their business needs.[35]

- *Establishing the CIO Council in statute.* S. 803 also establishes the existing federal CIO Council in statute. Just as with the Chief Financial Officers' Council, there are important benefits associated with having a strong statutory base for the CIO Council. Legislative foundations transcend presidential administrations, fluctuating policy agendas, and the frequent turnover of senior appointees in the executive branch. Having congressional consensus and support for the Council helps ensure continuity of purpose over time and allows constructive dialogue between the two branches of government on rapidly changing management and IT issue. Moreover, as a prime user of performance and financial information, the Congress can benefit from having the Council statutorily based,

[33] Digital signatures are a special kind of encrypted electronic signature that vouch for senders' identities and establish authenticity of the message to which they are attached.

[34] GAO/AIMD-94-115.

[35] U.S. General Accounting Office, *Executive Guide: Maximizing the Success of Chief Information Officers, Learning from Leading* Organizations, GAO-01-376G (Washington, D.C.: February 2001).

thus providing it with an effective oversight tool in gauging the progress and impact of the Council on advancing effective involvement of agency CIOs in governmentwide IT initiatives.

S.803 Proposes an E-Government Position

To oversee governmentwide implementation of the bill's provisions and other e-government initiatives, S.803 would establish an Office of Electronic Government within OMB headed by an administrator appointed by the President with the advice and consent of the Senate. Under the bill, the administrator would be expected to, among other duties,

- advise OMB's director on the resources required to develop and effectively operate and maintain federal information systems;
- provide overall leadership and direction to the executive branch on e-government by working with authorized officials to establish management policies and requirements for information resources, and by reviewing the performance of each agency in acquiring, using, and managing information resources;
- promote innovative uses of IT by agencies, particularly initiatives involving multiagency collaboration; and
- sponsor ongoing dialogue among federal, state, local, and tribal government leaders on e-government in the executive, legislative, and judicial branches, as well as with leaders in the private and nonprofit sectors, to encourage collaboration and enhance understanding of best practices and innovative approaches in acquiring, using, and managing information resources.

One strength of this approach is that it establishes a high-level executive position within OMB to focus full-time on promoting and implementing e-government. However, a complicating factor is that the federal government's information resources and technology management leadership would be shared between two offices: the proposed Office of Electronic Government and OIRA. The bill addresses this issue by requiring the administrator of the proposed Office of Electronic Government to work with the administrator of OIRA on a variety of information technology and management issues. For example, the administrators of OIRA and the Office of Electronic Government would be responsible for working together

on security; privacy; access to, dissemination of, and preservation of government information; the development of enterprise architectures; and capital planning and investment control for IT.

Although a constructive working relationship between the two offices could be established, having the two organizations hold joint responsibility for many information resources and technology management areas may result in a blurring of accountability for addressing critical information management and technology challenges or in significant issues "falling through the cracks." One possible alternative that could be considered is to create a single governmentwide position devoted exclusively to information resources and technology management functions. There are various ways to accomplish this; one approach would be to establish a federal CIO whose responsibilities include both e-government and the other major IT challenges facing the government. In September 2000, we called for the Congress to consider establishing a formal CIO position for the federal government to provide central leadership and support.[36] Consensus has not been reached within the federal community on the structure and authorities of a federal CIO, or even the need for such an office.

Regardless of approach, we believe that strong and effective central management leadership for information resources and technology is needed in the federal government to address the wide range of IT challenges, which include but are not limited to e-government. Increasingly, the challenges that the government faces are multidimensional problems that cut across numerous programs, agencies, and governmental tools. Although the respective departments and agencies should have the primary responsibility and accountability to address their own issues, central leadership has the responsibility to keep all focused on the big picture by identifying the agenda of governmentwide issues needing attention and ensuring that related efforts are complementary rather than duplicative. Further, such leadership can fulfill an essential role by serving as a catalyst and strategist to prompt agencies and other critical players to come to the table and take ownership for addressing the agenda of governmentwide information resources and technology management issues.

[36]U.S. General Accounting Office, *Year 2000 Computing Challenge: Lessons Learned Can Be Applied to Other Management Challenges*, GAO/AIMD-00-290 (Washington, D.C.: Sept. 12, 2000).

Mr. Chairman, this concludes my statement. I would be pleased to answer any questions that you or other members of the subcommittee may have at this time.

Contact

If you should have any questions about this testimony, please contact me at (202) 512-6240 or via e-mail at koontzl@gao.gov.

(310351)

Mr. TOM DAVIS OF VIRGINIA. Mr. Forman.

Mr. FORMAN. Mr. Chairman, Mr. Turner, Ms. Davis, thank you for your leadership in making the Federal Government an e-government. I recognize and respect that your efforts predate my return to government last year, and I would also like to recognize Senators Thompson and Lieberman for their leadership in e-government.

We are pleased today to inform you of some of our progress in electronic government as well as comment on S. 803. Recent studies show that the Internet has become the primary channel between citizens and government. Similarly, -e-business has become the primary way organizations improve their effectiveness and efficiency. For e-government a strategic question is how do we leverage the more than $50 billion we invest each year to make government more citizen-centered and results-oriented.

The government uses modern secure technologies to make government respond faster and better to the needs of citizens. And e-government agencies use e-business tools to lessen paperwork burdens and enable all levels of government—local, State, and Federal—to work together. As e-government deploys, conducting business with government becomes easier, more private, and more secure. Citizens should need no more than three clicks of a mouse to get what they want.

Achieving this vision requires agencies to integrate and simplify their operations while addressing six chronic problems described in our written statement: paving cow paths, redundant buying, inadequate program management, poor modernization blueprints, islands of automation, and poor IT security.

As OMB's Associate Director for IT and E-Government, I've led the work to achieve the President's e-government vision. Twenty-four cross-agency e-government initiatives were selected on the basis of the value that they would bring to citizens, while generating cost savings or improving the effectiveness of government. Agencies have since identified additional opportunities for using e-government to work across boundaries, to improve performance, and reduce costs.

Significant progress has been made on e-government initiatives. I have a long list in the written testimony, but for a few examples: GovBenefits.gov provides access to information and services of 110 government programs from 11 Federal agencies representing more than $1 trillion in annual benefits. The government online learning center, golearn.gov, is the first milestone of the e-training initiative, and has provided over a million training courses and e-books to Federal employees since its launch in July. The improved FirstGov Web site selected by Yahoo is one of the 50 most incredibly useful Web sites and now provides government services within three clicks of your mouse as well as easy navigation and better search capabilities.

EZ Tax Filing recently announced a unique private/public partnership to provide citizens easy, secure, free opportunities to prepare and file their taxes via the Internet. And recruitment One Stop, expanding the existing capabilities of the USAJobs.gov Web site to provide a one-stop streamlined Federal employment application processes, improve service delivery to job applicants, and en-

hance the government's position as a competitor for top pound. Indeed, the new Web site hosted the virtual IT Job Fair, which was initiated in response to the chairman's request in that hearing of the subcommittee late last year.

One of the most significant findings to emerge from the E-Government Initiative came from a review of the Federal Government's enterprise architecture. The purpose of this effort was to identify opportunities to simplify processes and unify work across the agencies and within the many lines of business of the Federal Government. The foundation is the business reference model which describes the government's lines of business and its services to citizens, independent of the agencies and offices involved. The outcome of our efforts in the Federal enterprise architecture will be a more citizen-centered and customer-focused government that maximizes technology investments to better achieve mission outcomes.

Separate agency appropriations for e-government make it difficult to budget for, fund, and manage cross-agency projects. To help overcome this barrier, the President included in his fiscal year 2003 budget proposal a $100 million e-government fund for innovative inner-agency project. The fund the President proposes leverages cross-agency work in e-government and improves citizens' ability to access Federal services and Federal information online. We have made great strides in implementing this fund in 2002. Our intent for 2003 is to fund cross-agency initiatives that achieve consolidation of redundant IT investments.

We are pleased that S. 803 matches both the amounts proposed by the President's budget for fiscal year 2003 and 2004. Currently, however, the appropriations bill passed by the Senate Treasury-Postal Appropriations Committee also provides $45 million in fiscal year 2003, while the companion legislation in the House stands at just $5 million. Fully funding the administration's request as authorized by S. 803 is critical to achieving the promise of e-government.

We look forward to working with both the authorizing appropriations committee to provide for full funding. We believe that S. 803 as passed by the Senate Committee on Governmental Affairs is much improved, as Mark indicated. We are especially supportive of the alignment of several of the activities' initiatives of the bill with the administration to further e-government. We also support S. 803's strong discussion of the importance of privacy.

The Senate's e-government bill also reauthorizes the Government Information Security Reform Act. The first report to Congress under that statute established a baseline, and agencies have developed plans of actions and milestones to close the security performance gap. Moreover, OMB has integrated this into the budget process.

Mr. Chairman, your leadership in the development of FISMA clearly indicates that we agree on this critical priority. The administration looks forward to working with the House to address final issues and secure enactment. However, we have a concern with one element of the version of FISMA that was attached to H.R. 5005, the House homeland security bill. We have discussed this issue with the subcommittee staff and look forward to your leadership in restoring the original language.

Mr. TOM DAVIS OF VIRGINIA. Thank you very much.

Pat, we have a vote on the floor. We probably have a couple. I'll wait until the end of this one. So I'm going to recess the meeting, and we will get back as quickly as we can.

Mark, we are probably not going to be back in time to get to you, so you can probably head out. We appreciate your being here.

Look forward to hearing the testimony of you and Mr. Gann and Mr. Baker in just a few minutes. So we will recess the meeting, go over and vote and come back. Thank you.

[Recess.]

Mr. DAVIS OF VIRGINIA. The hearing will reconvene, and we will proceed with Ms. McGinnis. Thank you for being here. Thank you for your patience.

Ms. MCGINNIS. Thank you, Mr. Chairman.

I want to join Mark in commending you for your leadership in promoting E-government and also to commend the Senate committee as well.

At the Council for Excellence in Government, as you know well, we think about this ambitious mission both in terms of excellent performance and also in terms of the American people's understanding, participation and trust in government. So we chose e-government as a strategic priority because we see the potential it has to break down bureaucratic barriers and leap ahead to a level of service protection and connection that the American people want and need.

I would like to introduce you to someone I think you already know, Dave McClure, who has joined the Council as our Vice President for E-government. And so we——

Mr. DAVIS OF VIRGINIA. Is that an elected position or an appointed position?

Ms. MCGINNIS. It is not Senate confirmed, and so we were able to do this——

Mr. DAVIS OF VIRGINIA. We could put it into our legislation.

Ms. MCGINNIS [continuing]. And so we were able to do it in a much faster time.

As you know, early last year the Council released a blueprint that we call E-government: The Next American Revolution. I know you know it, Mr. Davis, because you were with us when we released that. It was developed through an initiative that involved 350 leaders from government, business, civic groups and the research community.

We put together a set of guiding principles to help frame choices; and our recommendations focused on leadership, the creation of a strategic investment fund, collaboration, insuring an adequate and well-trained work force for e-government, privacy, security, interoperability, access and education. We are very pleased that all of these issues are addressed in S. 803 which, in our view, provides a very valuable framework for building e-government. So my main message today is to urge you to complete your work on this bill so it can be enacted during this Congress.

Because we have focused so much on the perspective of the American people on the potential of e-government, we have organized over the past few years a series of public opinion polls conducted by Peter Hart and Bob Teeter to help us understand that

so that this could be citizen centered and results oriented, as Mark Forman said.

The most recent poll was released last February and provides some important insights. You can look at all of the findings, but let me just highlight a few.

First of all, e-government has gone mainstream. More than half of the American people are visiting government Web sites, 56 percent; and that number is 76 percent of all Internet users.

They are very positive about the potential for e-government, particularly as it relates to homeland security and better integrating the collection and use of the data that we need to protect us.

The—people are concerned about security and privacy, especially identity theft and hackers getting access to information. A large number of—a majority of people say they are willing to give up some privacy if it strengthens homeland security.

We have also surveyed government leaders at the Federal, State and local level and, again, a large majority are very positive about the potential of e-government and the effect it can have on how government operates. And most, 62 percent want to proceed quickly, rather than deliberately and slowly, to expand e-government.

So we think that S. 803 is a big step in the right direction in terms of creating an Office of Electronic Government, particularly, and the creation of the e-government fund for the very important cross-agency initiatives that will glue this together and create the kind of e-government platform that we need.

We have a few suggestions for strengthening the legislation which I have included in my testimony and won't go into detail because they are fairly minor suggestions.

I guess, again, the main message is, in the interest of time, we hope that you will be able to move this legislation.

One suggestion that I will highlight is that we think it would be useful in this bill to set a specific goal of universal on-line access to government within, say, 5 years, building on the NSF study that's authorized in the bill. And it may be advisable to call for that study within 1 year and involve the Census Bureau, other Federal agencies, the private sector and civic groups to determine specifically what it will take to achieve the goal of universal access within 5 years.

Another suggestion that I would like to highlight is the suggestion that we also made in the Senate, and that is that you authorize a Congressional Office of E-government. This bill calls for an Office of E-government in the executive branch.

You also suggest bringing the judicial system on-line, and we think it would be very helpful as well to bring the whole legislative process more directly to the American people with the help of a congressional resource and that would be to provide assistance to individual Members, to committees, not only to make this connection but also to advise about the use of E-government as a policy, as a tool to achieve the policy objectives that you seek.

I would also like to challenge you to give, beyond this legislation, serious attention to the more flexible appropriation of funds for e-government. Because the biggest barrier we see to realizing the potential that's there is the lack of collaboration across departments and agencies among levels of government and, frankly, across con-

gressional committees as well, perhaps joint hearings or meeting with the Appropriations Committee to look at models for flexible funding to consider how to not only encourage but perhaps even require greater collaboration across agencies in underwriting the infrastructure of e-government.

So I appreciate very much—I thank you, Mr. Turner, for introducing this bill and your leadership on this issue. Thank you for including me, and I'll look forward to the discussion.

Mr. TURNER [presiding]. Thank you, Ms. McGinnis; and thank you for your excellent suggestions.

[The prepared statement of Ms. McGinnis follows:]

Statement of
Patricia McGinnis
President and CEO, Council for Excellence in Government
Before the
Subcommittee on Technology and Procurement Policy
House Committee on Government Reform and Oversight
September 18, 2002

Thank you, Chairman Davis and members of the Subcommittee, for inviting me to participate in this important hearing on S.803, the E-Government Act of 2002, and to discuss how to make the promise of E-Government a reality. I want to commend the Subcommittee for your continued leadership in promoting information technology as a tool to transform the way government operates and the way it connects with citizens.

At the Council for Excellence in Government, we think of our ambitious mission in terms of excellent performance and results, and also in terms of the American people's understanding, participation, and trust in government. Our strategic priorities are to:

- attract and develop the best and brightest for public service;
- encourage innovation and results oriented performance in government;
- engage citizens in their government; and to,
- promote electronic government as a tool to achieve all of the above.

We chose E-Government as a strategic priority because we believe it offers tremendous potential to break down bureaucratic barriers and leap ahead to a level of service, protection, and connections that the American people want, need, and deserve not only in terms of homeland security but in every aspect of government's work.

As you know, early last year the Council released a blueprint entitled, "E-Government: The Next American Revolution," which was developed through an initiative that involved 350 leaders from government, business, civic groups, and the research community. We devised a set of guiding principles to help frame choices and actions. Those guiding principles relate to accessibility, ease of use, collaboration, innovation, privacy and security--all of which are essential to the success of the E-Government revolution.

Our recommendations focused on leadership, the creation of a strategic investment fund, collaboration between government and business, ensuring an adequate and well trained E-workforce, privacy, security, interoperability, access and education.

We are very pleased that S.803 addresses all of these issues and provides a valuable framework for building E-Government. We urge you to complete your work on this bill so that it can be enacted during this Congress.

Because we believe strongly that the perspective of the people served by government must be at the forefront of E-Government reform, we have organized a series of public opinion polls conducted by the bi-partisan polling team of Peter Hart and Bob Teeter.

The findings of our latest E-Government poll, released last February, tell an interesting story of public and government leaders views on the direction of electronic, on-line government, which is clearly moving into the mainstream of American life:

- Most internet users (76%) and over half of all (56%) Americans have visited a government web site;
- Over 78% believe that E-Government will improve preparedness for national emergencies, and enhance homeland security by facilitating better coordination and data sharing;
- 64% expect E-Government to have a positive effect on the way the government operates;
- Americans are putting a higher priority on investing tax dollars in making government services and information available over the internet (37% vs. 30% in the previous year), and a large number (81%) expressed the desire that these investments be used to expand systems that help government protect public health and safety;
- Citizens remain concerned about security and privacy, especially identity theft and hackers getting access to information in government systems (65%); yet a large number of Americans (57%) said they were willing to give up some privacy if it strengthens homeland security;
- More than 400 government leaders (federal, state, and local) were also polled. A large majority (78%) believes that E-Government is having a positive effect on how government operates. Most (62%) want to proceed quickly to expand E-Government.

It is clear that the American public and government leaders are expressing their sense of the potential of E-Government and the urgency of strategic leadership and adequate investment to realize that potential.

The establishment, in S.803, of an Office of Electronic Government in OMB and the creation of an E-Government Fund for cross-agency initiatives are very constructive steps to advance the public's agenda for E-Government.

S.803 does not have all of the answers to the complex challenges of access to government on line, balancing transparency with privacy protection, the security of information and systems, ubiquitous inter-operability, interagency and inter-government collaboration, and building our E-Government workforce. But, it is a big and important step in the right direction that builds upon and complements existing information management legislation.

S.803 provides a framework for executive branch leadership and the flexible funding required to meet these challenges.

The bill expands public access to government by institutionalizing an internet portal putting the federal regulatory process and federal court dockets and documents on line. It calls for standardized approaches to E-Government, including e-authentication, geospatial data, and electronic records retrieval and access.

S.803 expands the use of share-in-savings contracting, which if designed and managed well, can fuel more effective public/private partnerships and provide much needed incentives for agencies to invest in innovative approaches that will yield long term cost savings.

The bill also encourages and supports additional research and pilot projects in the areas of internet access, integrating reporting, and crisis management.

Clearly, this legislation, as approved by the Senate, is the project of a great deal of work and negotiation by Senate Governmental Affairs staff and OMB.

In the current Administration, the President's Management Agenda has established E-Government as a cornerstone for making citizen focused, cross-functional government a reality. We are seeing movement – the focus of E-Government is beginning to shift from a collection of websites to integrated customer service delivery. The 24 major crosscutting E-Government initiatives underway show how the internet can be used to transform service delivery to citizens and businesses. On-Line Rulemaking System; Recreation One-Stop; the E-Grants portal prototype are all examples of how the approach to citizen interaction with government is changing and will continue to do so.

Passage of S.803 will ensure that E-Government remains a priority and provides a framework for its continued development and improvement.

The bill could be strengthened by:

- authorizing a series of public forums across the country to ensure that the priorities and preferences of the people served, including those adversely affected by the digital divide, are reflected in its implementation;

- calling for a roadmap for the federal government's E-Government strategy that clearly outlines where we are going, what the priorities are, action steps, required resources and measures of progress and results that demonstrate "e-value" – so that we are moving beyond on-line presence to an on-line difference.

- relating performance measurement and evaluation more explicitly to GPRA;

- setting a goal of universal, on-line access to government within five years, building upon the NSF study called for in the bill, and involving the Census Bureau, other federal agencies, the private sector, and civic groups, to determine within one year what it will take to achieve that goal.

- addressing technology workforce skills shortages and needs –through exchange programs and offering specific funding mechanisms for government-wide training programs – such as those included in your Digital Technology Corps Act of 2002 and Services Acquisition Reform Act of 2002 proposals.

- strengthening and updating privacy protection through development of information privacy principles, policies, and practices that recognize the challenges of on-line data collection and dissemination.

- authorizing a Congressional Office of E-Government to help members of the House and Senate connect more effectively with the public and to advise members and committees on using E-Government to achieve policy goals.

The critical success factors for E-Government are whether leaders in the executive and legislative branches at all levels of government will collaborate among themselves, with each other, and with the people they serve, to invest adequately and flexibly in the infrastructure required to make the promise of E-Government a reality.

I would also like to challenge you to give serious attention to more flexible appropriation of funds for E-Government to encourage collaborative use of the more than $50 billion in IT spending by federal agencies.

Joint hearings with the Appropriations Committee to consider the potential benefits, risks, and costs of E-Government and to identify new funding models would be a good first step. It would also help to insure adequate funding for E-Government.

In order to have breakthrough performance, some degree of risk must be accepted. Some high value technology proposals—such as the development of biometrics--involve risks but have huge potential payoff for homeland security and other pressing needs. Forecasting precise, multi-year costs and benefits for technology projects is challenging. More flexible risk and portfolio management approaches should be integrated into congressional budget approval and control processes.

In closing, Mr. Chairman, E-Government is not just about electronic government. It must also mean efficient government, energized government, and excellent government.

Thank you Mr. Chairman for the opportunity to join in this discussion today. I look forward to continued work and collaboration with you and the Subcommittee members to make the potential of E-Government a reality.

Mr. TURNER. Next, the Chair would recognize Mr. Gann, who is with Siebel Systems, and I believe is here on behalf of the Information Technology Industry Council, if I am correct.

Mr. GANN. Right.

Mr. TURNER. Thank you.

Mr. GANN. Congressman Turner, I'd like to thank you on behalf of the Information Technology Industry Council and also Siebel Systems.

Is that better now? OK.

I'd like to thank you for welcoming us here.

The Information Technology Industry Council very much looks forward to sharing its views regarding the importance of establishing e-government as the central tenet for transforming the role of government as we move into the 21st century. We applaud the vital role being played by this committee and its members as leading advocates of e-government and look forward to working with you to help achieve a successful transformation.

A little bit about Siebel Systems. We were founded in 1993. We're a leading provider today of e-government and e-business solutions. We enable corporations and public sector institutions to sell to, market to and serve customers across multiple channels and various lines of business. Today, we're a $2 billion business.

Today, aging populations, declining government revenues and rising expectations of government performance are colliding to dramatically increase the pressure for change within government. Government institutions at every level are facing unprecedented demands to improve the quality of service they provide. Increasingly, governments have responded with initiatives to modernize government through the acquisition and deployment of information technologies. While the resulting gains in productivity have been substantial, it has become increasingly clear that the mere accumulation of high-tech tools is not sufficient to address the many challenges outlined above. Rather, the process of government itself must be transformed, as well as the way we think about government.

The business world has had to learn a similar lesson. One of the consequences—and, we believe, distinct benefits—has been a pronounced shift in the way companies are organized from a product focus to a customer focus. This development has produced many benefits including a deeper real-time understanding of what the customer needs and wants. At the same time, however, it has revealed a whole new set of challenges for management.

For example, not so long ago, if a business wanted to conduct a transaction with its financial institution, its options were unlimited, so long as it took place at a branch office Monday through Friday from 10 until about 3. Customer expectations, though, have changed greatly since then, requiring organizations to be ready to conduct business 24 hours a day, 7 days a week, across all channels. And by all channels I mean the Web, e-mail, call centers, field agents, branch offices, what have you.

This revolution in service was accomplished through the effective deployment of networked information technologies, which are enabling forward-thinking businesses to track and coordinate each interaction, each customer's interaction, recognizing and acknowl-

edging customers every point of contact while maintaining a seamless, ongoing dialog. These lessons indeed don't just apply to business. They also offer important insights for government organizations as well as a glimpse of the promise of e-government in the future.

As businesses have transformed to adapt to this new multi-channel world, four concepts have emerged as being quite fundamental in this process. We believe government would benefit from incorporating them into their own e-government blueprint.

First, effective e-government solutions have been designed around the citizen. Just as businesses have dramatically improved their performance, governments can do the same by focusing first and foremost on the citizen.

Second, solutions that have embraced the full range of information technology and communications capabilities have met with the most success. While the Internet has created many efficiencies, it is worth remembering that still today consumers and constituents communicate with organizations through a broad range of channels. So any solution should take that into account.

Third, governments are recognizing that reorganization can best be done through the use of best of breed suppliers in such a way that information flows can be enhanced.

Fourth, administrations are using e-government as a tool to train, retrain and attract the best government employees, which will in turn secure the future ability of them to continue to serve constituents in the best possible way.

Finally, I would like to say that we believe the administration's efforts in the e-government area have really been very commendable. Mark Forman's effort with regards to these 24 quicksilver projects really have been very good in that they've focused attention on pilot projects such that deep learning can be pushed through organizations to really promote the kind of change and transformation that will truly enhance e-government. And so we think it's a good effort and we think investment in those efforts are worthy.

So, to sum up, ITI and Siebel Systems would like to thank you for allowing us to share our views; and we look forward, as an association, to playing a valuable, hopefully useful role in working with the government and legislators to make the dream of e-government a reality.

Mr. DAVIS OF VIRGINIA. [presiding]. Thank you very much.

[The prepared statement of Mr. Gann follows:]

Statement of

Thomas Gann
Vice President, Government Affairs
Siebel Systems, Inc.

On behalf of the

Information Technology Industry Council

Before the

Subcommittee on Technology and Procurement Policy
Committee on Government Reform
U.S. House of Representatives

September 18, 2002

Chairman Davis, Ranking Member Turner, distinguished Members of the Subcommittee, it is my privilege to appear before you today on behalf of ITI, the Information Technology Industry Council, to share our views regarding the importance of establishing "eGovernment" as the central tenet for transforming the role of government as we move into the 21st Century. We applaud the vital role being played by this Committee and its members as leading advocates of eGovernment, and look forward to working with you to help achieve a successful transformation.

ITI is the preeminent trade association representing the top U.S. providers of information technology products and services. ITI is the leading voice of the high tech community, promoting policies that advance industry leadership in technology and innovation, open access to new and emerging markets, support e-commerce expansion, protect consumer choice, and enhance the global competitiveness of its member companies. ITI members include Agilent Technologies, Amazon.com, AOL Time Warner, Apple, Canon U.S.A., Cisco, Corning, Dell, Eastman Kodak, EMC, Hewlett-Packard, IBM, Intel, Lexmark, Microsoft, Motorola, National Semiconductor, NCR, Panasonic, Siebel Systems, Siemens, SGI, Sony Electronics, Sun Microsystems, Symbol Technologies, Tektronix and Unisys.

Founded in 1993, Siebel Systems, Inc. is a leading provider of eBusiness and eGovernment applications software, enabling corporations and public sector institutions to sell to, market to, and serve customers across multiple channels and lines of business. A $2 billion business with more than 3,500 customers worldwide, Siebel Systems provides organizations with a proven set of industry-specific best practices, CRM applications, and business processes, empowering them to consistently deliver superior customer experiences and establish more profitable customer relationships. Siebel Systems has become the fastest growing software company in history, with sales and service facilities located in more than 28 countries.

New Challenges Require New Thinking

Today, aging populations, declining government revenues and rising expectations of government performance are colliding to dramatically increase the pressure for change. Government institutions at every level are facing unprecedented demands to improve the quality of services they provide while competing with the private sector for a shrinking pool of qualified employees and resources. Increasingly, they have responded with initiatives to modernize government through the acquisition and deployment of commercial, off-the-shelf information technology (IT). While the resulting gains in productivity have been substantial, it has become increasingly clear that the mere accumulation of high-tech tools is not sufficient to address the myriad challenges outlined above. Rather, the *process* of government itself must be transformed, as well as the way we *think* about government.

The business world had to learn a similar lesson. After being buffeted for years by the latest and greatest business management fads and theories, we have come to recognize and embrace the Internet and other digital network technologies as the first genuine change agent in a generation. These incredible tools have necessitated a fundamental re-thinking of not only business practices, but business processes as well. One of the consequences – and, we believe, distinct benefits – has been a pronounced shift in the way companies are organized, from a product-focus to a customer-focus. This development has produced multiple benefits, including a deeper, real-time understanding of what the customer needs; products that are optimally tailored to the customer; and greater organizational flexibility. At the same time, however, it has revealed a new set of challenges for management.

As the number of communications channels has expanded, organizations – both public and private – face an increasingly complex problem in establishing and maintaining relationships with their customers, however that term is defined. Interactions with customers can no longer be limited to just one or two channels, as in the past. For example, not so long ago, if a business wanted to conduct a transaction with its financial institution, its options were unlimited – so long as it took place at a branch office on Monday through Friday between the hours of 10 a.m. and 3 p.m. Customer expectations have changed dramatically since then, requiring organizations to be ready to conduct business 24 hours a day, seven days a week across all channels – including the Web, email, call center, field agents, and branch offices.

This revolution in service was accomplished through the effective deployment of networked information technologies, which are enabling forward-thinking businesses to track and coordinate each interaction, recognizing and acknowledging customers at every point of contact while maintaining a seamless, ongoing dialogue. These lessons do not just apply to the business world. They also offer important insights for governmental organizations, as well as a glimpse of the promise of eGovernment.

Fundamental Concepts to Drive eGovernment

As business has transformed its business models and processes to adapt to the online world, four concepts have emerged as fundamental drivers of that process. We believe government would benefit from incorporating them into its own eGovernment blueprint:

- First, the most effective eGovernment solutions have been designed around the citizen. The public sector has much to gain from adopting a citizen-centric approach. Just as businesses around the world have dramatically improved their performance, governments, in many instances, can do the same.

- Second, solutions that have embraced the full range of information and communications technologies available have met with the most success. While the Internet has created previously unimaginable efficiencies, it is but one ingredient in an integrated solution.

- Third, governments are reorganizing to use best of breed suppliers and improve information flows. This is the only way to provide a consistent experience for citizens who approach the government using a variety of channels. Governments are increasingly playing a new role as orchestra leader to coordinate more players involved in transforming public service.

- Fourth, administrations are using eGovernment as a tool to train, retain, and attract the best government employees, which will in turn secure the future ability to continue to serve constituents at the highest level.

The Critical Role of a Professional Workforce

The ability to move beyond traditional models of government will depend on a number of key factors, including an unwavering commitment from leadership; consistent policies and implementation; and

sufficient funding levels. We cannot over-emphasize, however, the importance of the willingness and ability of the professional workforce to accept new roles and work methods.

As the federal government's eGovernment transformation proceeds, it is essential that we not ignore the integral role of employees who ultimately will be responsible for interpreting and implementing the new policies and processes. Clearly, transformation of government does imply that some responsibilities will be automated or, in some cases, delegated to private sector service providers. Even so, government will need to develop and retain core competencies within its own workforce, to ensure the successful implementation of eGovernment.

As eGovernment makes constituent self-service possible, a number of customary functions will be automated, freeing employees from routine information gathering and other administrative duties, which will allow them to more effectively manage the workflow process, as well as spend more time in service to "clients" with the most complex cases. This, in turn, will improve constituent service and satisfaction. Effective workflow management, coupled with an accurate electronic record to track all of the steps in the constituent transaction – consistent with appropriate privacy protections – is at the heart of effective eGovernment.

Status of Federal Initiatives on eGovernment

We commend the Administration's efforts to coordinate federal eGovernment initiatives through the Office of Management and Budget (OMB). The cross-agency Project Quicksilver task force, under the able leadership of Mark Forman, has already made substantial progress. This effort promises to identify the systemic barriers and redundant processes that have hampered the deployment of eGovernment advances and to deliver significant productivity and performance gains across government.

Project Quicksilver has identified 24 areas where the federal government could significantly improve customer service within a two-year time period. By adopting best practices to simplify business processes and unify government operations around citizen needs, we believe that the Quicksilver projects will serve as an effective springboard for a more comprehensive transformation of how government conducts its business. The IT industry is extremely supportive of these efforts.

Conclusion

During the last 15 years, the private sector has made a significant investment in reengineering its core business processes around IT and, most recently, the Internet. This has been achieved through centralized management of information resources, along with a corresponding high-level commitment of leadership and budget resources. The approach has helped meld information systems, management systems, corporate culture and core business processes to create new, streamlined organizations that are more responsive to markets and customer needs. It has also produced substantial increases in productivity from IT investments. We are confident that it will achieve similar results for government.

ITI appreciates the opportunity to offer our views on this timely and important subject. Our members look forward to working with the subcommittee, the Administration, and other interested parties, to continue progress toward a successful, comprehensive eGovernment transformation.

Mr. DAVIS OF VIRGINIA. I didn't mean to walk out on your testimony, Ms. McGinnis, but we had a vote down the way in Commerce, and I had to go vote.

So, Mr. Baker, thank you for being with us.

Mr. BAKER. Thank you, Mr. Chairman and Mr. Turner. Thank you for inviting me to testify before the committee today.

I would like to thank my employer, CACI International, a fine Northern Virginia company, for giving me the time to testify here today but make clear that the comments are strictly my own.

I was the Chief Information Officer for the Department of Commerce for 3 years, beginning in 1998. During that tenure, I was an outspoken proponent for the creation of a Federal CIO for the reasons that I'll discuss.

For a private sector IT executive coming into the Federal Government, the problems with government IT are readily apparent: There is no cohesive strategy, there are too many points of control, and there is a nearly complete lack of standards and processes.

These root causes lead to fundamental, long-term issues: There is tremendous duplication of effort and cost; and there is widespread, poor performance in critical areas including information security, disaster recovery, privacy protection, runaway programs, e-government progress—which we will talk about today, I'm very confident—service levels to internal customers and services to citizens and businesses.

In my view, the need for a Federal CIO with sufficient management power to drive change across all aspects of government IT is compelling.

I've already mentioned cost. I believe that at least 25 percent of agency IT funds are wasted each year due to the tremendous duplication of effort caused by the ad hoc infrastructure.

I should note that without empowered IT management the infrastructure of the Federal Government has grown in a chaotic and ad hoc fashion. In my written testimony I've included four specific examples from the Commerce Department that are representative of the issues that exist on a much larger scale across the Federal enterprise. Commerce, like the rest of the Federal Government, operates far too many data centers, networks, Web servers, help desks and a variety of other infrastructure items. Consolidation just inside of Commerce would save hundreds of millions of dollars a year, and consolidation across the Federal enterprise would save billions of dollars a year, which, frankly, could be applied to better purposes like e-government.

Second, in this ad hoc structure, many IT organizations don't have sufficient focus or expertise to adequately address critical items like information security, disaster recovery and privacy protection. Because these types of problems are often viewed as nonessential to the accomplishment of the local mission of the program office, policy issued by OMB, department CIOs and others regarding mandatory information system protections has been widely ignored for years.

Third, in the chaotic structure of government IT management, it creates most of the problems encountered in Mark's efforts and others' efforts to improve responsiveness to citizens and create cross-government solutions.

Mark Forman's success at spurring the 24 cross-agency initiative in his position at OMB is undoubtedly the best argument for the creation of a strong Federal CIO. The first technologist to hold such a position at OMB, Mark sees the issues from a governmentwide perspective and in just over 1 year has made major progress in examining duplicative efforts and getting agencies to work together. More importantly, utilizing the existing authorities of OMB, Mark has been able to compel a level of agency compliance with his programs that I would have characterized as impossible less than 2 years ago.

But addressing all of the government's IT issues would take both strong senior leadership and the creation of an effective management structure through which change can be compelled. While this legislation is a good first step, there are many steps further required from this point.

Mr. Chairman, private sector companies have established strong central CIOs for one reason, profitability. Reducing cost, avoiding risk and better serving the customer are compelling profitability issues that have forced private sector conditions to deal with their internal politics and create a strong central CIO. Though profit is not a motivation for change in the Federal Government, cost reduction, risk reduction, customer satisfaction are.

That's why we need a Federal CIO. We need somebody with the charter to look at Federal Government IT as an enterprise issue, to find the common problems and enforce common solutions, to convince all parties that change is required and to compel adherence for the good of the enterprise. We need a strong, empowered leader who can galvanize the support necessary from both the administration and the Congress to address the hard issues, to find solutions to the root causes of the Federal Government's IT malaise.

Mr. Chairman, Mr. Turner, thank you for providing me the time to present my views on this important issue; and I look forward to your questions.

Mr. DAVIS OF VIRGINIA. Thank you very much.

[The prepared statement of Mr. Baker follows:]

STATEMENT OF

ROGER W. BAKER

EXECUTIVE VICE PRESIDENT
CACI INTERNATIONAL

SUBMITTED TO

THE SUBCOMMITTEE ON TECHNOLOGY
AND PROCUREMENT POLICY

COMMITTEE ON GOVERNMENT REFORM

UNITED STATES HOUSE OF REPRESENTATIVES

SEPTEMBER 18, 2002

Mr. Chairman and members of the Committee:

Thank you for inviting me to testify before the committee today. I would like to take a brief moment to thank my employer, CACI International, for allowing me the time to prepare and present this testimony, and to make it clear that my testimony represents my views as a former CIO for the Department of Commerce, not necessarily those of CACI.

I was the Chief Information Officer for the Department of Commerce for three years, beginning in 1998. During that tenure, I was an outspoken proponent of the creation of a Federal CIO for the reasons detailed below.

For a private sector IT executive entering government service, the problems with government IT become readily apparent.

- There is no cohesive strategy.
- There are too many points of control.
- There is a nearly complete lack of standards and processes.

These root causes lead to fundamental, long-term issues.

- There is tremendous duplication of effort and cost.
- There is widespread, poor performance in critical areas including:
    - Information security;
    - Disaster recovery;
    - Privacy protection;
    - Run-away program costs;
    - E-government progress;

- Service levels to internal customers;
- Service to citizens and businesses.

In short, the need for a Federal CIO is compelling.

Senior leadership and perspective is required in order to recognize, communicate, and address the shortcomings of IT infrastructure at an enterprise level. In the case of the Federal CIO, the "enterprise" must be the entire federal government.

Substantial *authority* is required in order to break through the long-standing barriers to change erected within government offices. The lack of authority has been a primary barrier to making progress for the Clinger-Cohen CIOs.

Substantial *management skills* are required in order to communicate necessary changes, cooperate with all of the various stake-holders within the enterprise, and cause lasting, positive changes to behavior.

To attract the senior management talent required to address our IT challenges, and to drive necessary changes across federal government IT, the creation of an empowered Federal CIO position is mandatory.

Many in government have become used to the status quo. They question whether dramatic change is necessary or possible. To clearly demonstrate the compelling need for change in the federal IT infrastructure, let me be very blunt about its shortcomings.

Without empowered IT management, the IT infrastructure of the federal government has grown in a chaotic and ad hoc fashion. [By infrastructure, I mean the common components of IT, including networks, data centers, Internet web servers, administrative systems, and user help desks, as well as the fundamental processes used to produce, control, and protect all IT systems.]

Across government, there are literally thousands of individual programs and offices that view themselves as independent enterprises, and have established own independent IT capabilities. Not surprisingly, these offices make technology decisions independently of each other, creating an environment where there is little or no commonality between the thousands of IT systems supported by the government. While this structure provides the focus on program or office priorities desired by the individual program or office director, the lack of common architecture, standards, infrastructure, and applications, has caused three significant problems.

First, there is a tremendously expensive duplication of effort across these independent efforts. **Second**, in this ad hoc structure, many of these organizations do not have sufficient focus on or expertise to adequately address critical items such as information security, disaster recovery, and privacy protection. **Third**, it is this structure that creates most of the problems encountered in efforts to improve responsiveness to citizens and create cross-government solutions.

I will expand briefly on each of these three items.

1. Cost

From my experience as CIO at Commerce, I believe that at least 25% of the IT funds appropriated by Congress to agencies each year are wasted due to the tremendous duplication of effort caused by our ad hoc infrastructure. To better make this point, I have included four specific examples from the Department of Commerce that are representative of issues that exist on a much larger scale across the federal enterprise.

- Commerce operates at least 14 data centers. A study completed in FY2000 indicated that consolidating from 14 into three data centers would save the department $46 million annually, and allow us to provide disaster recovery capabilities that were missing.

- An internal survey indicated that Commerce has hundreds of separately managed networks. The right number would be in the single digits, potentially one or two. An internal estimate was that consolidating these networks would save over $20 million per year, and make it possible for Commerce agencies to also consolidate administrative tools such as HR systems, financial systems, procurement systems.

- Another internal survey indicated that Commerce has over 500 internet web servers, most independently managed. An IBM study on which I was briefed would indicate that running these servers in a consolidated facility would save Commerce $15 million each year and greatly improve their service levels.

- Finally, almost every one of the 45,000 employees at Commerce utililizes a desktop computer. These systems are supported by many different "help desks". NIST and PTO studies completed while I was at Commerce indicated an average "total cost of ownership" (TCO) for each PC to be over $7,000 per year. [Note that the remainder of Commerce agencies could not quantify their TCO for desktops, indicating their actual TCO is probably higher.] Private sector companies use an average TCO of $4,000 to support a desktop in a consolidated, managed infrastructure. If one accepts these figures, over $130 million per year can be saved just at Commerce by consolidating desktop support into a single managed infrastructure.

2. Threats

The ad hoc nature of federal IT has left the resolution of critical IT problems, such as information security, disaster recovery, and privacy protection, to individual IT offices. Because these problems are often viewed as non-essential to the accomplishment of the local mission, policy issued by OMB, departmental CIOs, and others regarding mandatory information system protections has been widely ignored for years.

In the ad hoc IT management structure, it is impossible for a CIO to state with any certainty that federal information technology assets are adequately protected from cyber (and other) threats. In fact, because the protection of many federal systems is reliant on so many different individuals with varying (and unknown) skills, training, and time to address the wide variety of possible threats, it is a certainty substantial vulnerabilities exist.

GAO report 01-751 described information security issues at the Commerce Department, providing graphic examples of these problems. A primary recommendation from that study was the implementation of a long-delayed IT management structure at Commerce, both strengthening the role of the Commerce CIO and creating a management channel through which the IT staff in the independent offices could be compelled to better adhere to central plans and policies.

3. Cross-Government Solutions

Gaining the cooperation of agencies across government to share the cost and control of common solutions is an incredibly difficult challenge. The early cross-government initiatives in which I participated, including FirstGov.gov and Exports.gov, continually wrestled with fundamental issues including funding and participation by agencies not designated as the lead.

Mark Forman's success at spurring the 24 cross-agency initiatives from his position at OMB is undoubtedly the best argument for the creation of a strong Federal CIO. The first technologist to hold such a position at OMB, Mark sees the issues from a government-wide perspective, and in just over one year has made major progress in examining duplicative efforts and getting agencies to work together. More importantly, utilizing the existing authorities of OMB, Mark has been able to compel a level of agency compliance with his programs that I would have characterized as impossible less than two years ago.

THE ROLE OF THE FEDERAL CIO

Addressing these issues across government will take strong senior leadership and the creation of an effective management structure through which change can be compelled. Models exist in the private sector (e.g., IBM and General Motors) of what I believe is an effective technology management structure for very large, diverse organizations. An effective structure must enforce commonality for enterprise-wide efforts, while encouraging diversity in addressing mission specific requirements.

At GM and IBM, a central CIO exists for the enterprise, and each business unit has its own IT organization and IT head. Within business units, IT management reports to both the head of the business unit as well as to the central CIO. The business unit relies on the central CIO to establish infrastructure standards (and frequently, to provide the actual services) where diversity is not required – networks, data centers, web servers, desktop systems, administrative applications, IT security, disaster recovery, and many other

items. The business units focus their IT efforts on the application requirements of their business unit – manufacturing, sales, customer service – not on common infrastructure.

Private sector companies have established a strong central CIO for one reason – profit. Reducing cost, avoiding risk, and better serving the customer are compelling profitability issues that have forced companies to deal with their internal politics and create a strong central CIO. Though profit is not a motivation for change in the federal government, cost reduction, risk reduction, and customer satisfaction are.

And that's why we need a Federal CIO. We need someone with the charter to look at federal government IT as an enterprise issue, to find the common problems and enforce common solutions, to convince all necessary parties that change is required and to compel adherence for the good of the enterprise. We need a leader who can galvanize the support necessary from both the administration and the congress to address hard issues. Many of the hardest issues are beyond the scope of agency CIOs. Senior technical leadership and authority is required.

ADDITIONAL COMMENTS RELATED TO S.803 AND H.R.2458

The CIO Council

The Department CIOs created by Clinger-Cohen are key components of any strategy to drive change within federal IT. For the Federal CIO, the department CIOs must comprise a management team responsible for implementing key strategies and priorities. Therefore, the Federal CIO must be able to hold them accountable for adherence to implementing the central strategy.

There are a variety of techniques that could be used to establish this accountability. They include the ability to hire and remove, control or input on performance ratings and bonus potential, or simply regular reports to the head of the Department on the performance of the department and its CIO in implementing the central plan.

Ideally, the CIO Council would act as an advisory group to the Federal CIO, framing issues and proposing solutions on current IT issues they face. Their recommendations could then be implemented through the management structure.

However, I strongly urge that the current Federal CIO Council structure not be codified into legislation. While useful in encouraging dialogue between CIOs, the Council is currently a volunteer organization, and its output is viewed as advisory at best.

Administrator for Electronic Government vs. Federal CIO

We must address the root causes of our IT problems, not apply superficial fixes to the problems they cause. While continued progress towards electronic government is necessary, it is only one component of the challenge facing a Federal CIO. Rationalizing

the infrastructure, instilling process and discipline, information assurance, and establishing common applications are necessary components of an effective IT strategy, but would be outside the purview of the Administrator for E-Government. A Federal CIO should have sufficient power and stature to cause change in a wide variety of areas, many of which will have a direct effect on e-government progress.

Mr. DAVIS OF VIRGINIA. Let me start with GAO and OMB.

There have been many complaints about OIRA and agency information resources management. S. 803 doesn't address OIRA's job. Instead, it carves out pieces of the information management puzzle and it identifies it as electronic government. If this bill becomes law, Congress will have created two overlapping information management structures. How do we reconcile this? Any thoughts?

Ms. KOONTZ. Well, as—our major concern with the structure that's created under S. 803 is that it does create a situation where responsibility and accountability for the information functions are shared between the E-Gov administrator and the administrator of OIRA, who already has these responsibilities under the PRA.

One alternative to doing this is to create a single position that would have responsibility for the full range of information functions and would have that as their exclusive responsibility. That could be a CIO, and I'm sure there are other models that could be followed as well.

Mr. DAVIS OF VIRGINIA. Mr. Forman.

Mr. FORMAN. When the Office of IT and E-government was created, we took a teamwork approach with it in OMB; and I think we've been tremendously successful in working the team approach between the information technology and policy issues that relate to OIRA's role and my role, directing the Office of IT and E-government.

I think you have to keep in mind some of the changes in the world associated with putting things on-line. There are information technology policy issues that are maybe little "i" and big "T", and there are some that are big "I" and little "t," but in the end we know that the Internet offers us a tremendously new way to interface with the citizens, and those won't necessarily have information policy issues. So there's got to be overlap, and I think our approach has been successfully to apply a teamwork as opposed to try and parse that up into two different groups and then have to duke it out or have to figure out how we work together as a team.

Mr. DAVIS OF VIRGINIA. OK. Section 207 of the legislation contains an information collection and dissemination management structure for the Federal Government. Do you have any thoughts on the timeframe that's put forward in the legislation for centralizing reporting on information collection by Federal agencies?

You expressed some concern about the interagency committee formulating the recommendations to an e-government administrator based on past failures in this area. In your view, what will it take to make this committee a success, or is there an alternative structure that might be considered as we review the legislation?

Ms. KOONTZ. Section 207 deals with a very important issue, and that is dealing with accessibility of government information to the public. We think it's quite reasonable that the first step that could be taken here would be to form an interagency committee and study what it would take in order to better organize and categorize government information.

The thing I would like to underscore about this particular provision is the difficulty of implementing this kind of initiative. Just as the Senate report that accompanies S. 803 talks about previous initiatives that have really provided sort of mixed results, and it will

be really important for the interagency committee to look at these lessons learned and to incorporate it into their plans for moving forward.

The complexity of this undertaking and the difficulty in getting agencies to implement something like this, I think it's very difficult to say how long it would actually take to accomplish all the things in Section 207. But, at the same time, I do understand the need to put definite timeframes on initiatives in order to get things to move forward and hold people accountable for them.

Mr. DAVIS OF VIRGINIA. OK. Mr. Forman, S. 803 largely puts into statute OMB's current IT organizational structure and the sharing of IT duties between the administrator of the Office of Electronic Government and the administrator of OIRA. What challenges have you faced in addressing this sharing of duties and how do you overcome them?

Mr. FORMAN. I really haven't faced any challenges. John Graham and I get along terrifically well. Our staffs get along terrifically well and work very closely as a team. As Mark Everson said, maybe that's a function of the personalities; and we are very sensitive of the fact that you can't run a government or an organization just based on personalities. So there may be issues and we believe it's worthwhile to discuss those as we look toward the future, what should that permanent structure be.

Mr. DAVIS OF VIRGINIA. What do you think some of those issues might be? If you didn't get along, what could you see as potentials?

Mr. FORMAN. Well, I could see potentially different issues with respect to the question of certain information policy issues related to what content should be presented at the Web site; how to reduce the paperwork burden, for example, by leveraging electronic reporting versus by leveraging the data items that are actually reported on. And today by leveraging the same staff it's very easy to work through those issues.

Mr. DAVIS OF VIRGINIA. OK. What benefits do you see in establishing the CIO Council in statute? Do you think the Council has the resources that it needs to fulfill its mission?

Mr. FORMAN. Well, we've established the CFO Council in the statute. There are four basic management councils that we're using to associate with management agenda and support the President's management council. So it does give us some parallel structure with the CFO Council.

The intent is—in the past, we've relied on kind of a pass-the-hat approach to fund the CIO Council and in the future we want to incorporate that into the actual budget request of the President. So it's consistent with that.

Mr. DAVIS OF VIRGINIA. OK. FISMA was included in H.R. 5005. You can appreciate we had to work quickly to negotiate provisions that would be acceptable to other committees with limited jurisdiction. In your testimony, you made reference to a concern that OMB has with the current version of FISMA. Could you elaborate? I mean, we still have to go through a conference on this, and we want to——

Mr. FORMAN. Sure.

Mr. DAVIS OF VIRGINIA. —we may have more flexibility in the conference than we did getting it through the House.

Mr. FORMAN. I understand.

In your original version of the bill, appropriately you recognized the policymaking responsibility has to rest at a governmentwide level. Much like the other issues that we're addressing today on why you need a governmentwide focus for e-government, we have a similar issue with security; and it would be very difficult to have one department essentially setting the policies and try to enforce that in others. We've seen even with the standards process concerns about NIST or the Secretary of Commerce trying to issue standards and get compliance from other departments.

The appropriate structure we believe is what you laid out in your original version of the bill with that resting at OMB under the Director's authority.

Mr. DAVIS OF VIRGINIA. OK. I thank you.

Pat McGinnis, let me ask a couple of questions.

A couple of years ago, the Council recommended the establishment of a Federal CIO. Is this still your position, and do you think S. 803 helps or hinders the establishment of a Federal CIO? And if you could elaborate on that.

Ms. MCGINNIS. S. 803 is really consistent with our recommendation. We recommended that the Deputy Director for Management of OMB be designated the Deputy Director for Management and Technology, to be clear that this is an overarching, strategic part of the management of the Federal Government and that an Office of Electronic Government be created which would be headed by someone who we gave in our recommendation the title Federal CIO. It's very much the concept of the office as provided in S. 803, and we did envision that the Office of Information and Regulatory Affairs would continue, but that there would be an important need for coordination there.

Mr. DAVIS OF VIRGINIA. OK. You also mentioned that the bill could be strengthened by the addition of language relating performance management and evaluation more explicitly to the Government Performance and Results Act, and you call for a road map for the Federal Government's e-government strategy that clearly outlines where we are going, what the priorities are, action steps required, etc. Could you elaborate on how the two bills can better address these two areas?

Ms. MCGINNIS. Well, I think in the case of relating to GPRA, simply making that connection explicitly in the legislation would be desirable so that when the agencies are putting together their strategic plans they are focusing on these performance measures and especially these as cross-cutting performance measures. So that's a simple change in the bill. The road map doesn't necessarily need to be required in the legislation.

It strikes us as a very important management tool to bring people together from across agencies and across sectors to go through this process, and I think Mark would welcome this and, in fact, is really engaged in it. We would just like to see it mapped out in a very explicit way: Where are we in terms of some of the problems that Roger has suggested with infrastructure and security and privacy, where do we need to go, what resources do we have, and what's the path. It's just logical.

Mr. DAVIS OF VIRGINIA. OK.

Mr. FORMAN. Mr. Chairman, if I may.

Mr. DAVIS OF VIRGINIA. Sure.

Mr. FORMAN. I think this is one of the key issues that I've seen since I've been in my job a little over 15 months, and it's one of the reasons we focused on the Federal enterprise architecture. You know, GPRA was put together to focus on program budgets—and we do. We've got several thousand or over 1,000 programs in the Federal Government. But when we look at the way we've set up agencies and organizations there are clear functions. As we've tried to lay out the functions of the agencies and departments in the business reference model, we've found that we'll have to figure out this road map or this relationship between programs and the business functions of a department.

So disaster management, for example, we've looked at having perhaps three core functions, and we call them subfunctions. We can lay out the performance measures for disaster planning, disaster response, but then you overlook or overlay that against the programs. We have grant programs, and the grant programs in some cases is supposed to help with disaster planning. But the business function that we have as a government is managing a grant program, and so that overlay or that road map has another set of performance measures.

Mr. DAVIS OF VIRGINIA. Thank you. I am going to yield to Mr. Turner for questions. I have got to cast another vote in the Commerce Committee, and I'll be right back.

Mr. TURNER [presiding]. Thank you, Mr. Chairman.

Mr. Forman, I would like to have you elaborate a little bit on the position that OMB took in the Senate regarding the Federal CIO. I mean, it appears to me that the opposition to a Federal CIO centered more on a turf battle than it did substantive objections to that position; and I would like for you to really lay out for us what the OMB position is on that and give me a clear indication of why we ended up with what we now have after negotiations in the Senate.

Mr. FORMAN. Well, the first part of the puzzle is trying to figure out what's in a name. So whether we call it an administrator, an associate director or a CIO, the key thing to focus on is what are the functions. And, indeed, when Mitch Daniels crafted my job, he took the job functions right out of a GAO report—a very good report I'd ask you to take a look at, if you haven't already done so—that says what the best practices for CIOs are and what should their responsibilities be. And that was the basis for coining my job. I think that's the basis for a lot of responsibilities certainly in our negotiations in working with the Senate side on what that administrator, associate director, CIO would do.

Now, the question I think remains, where do you put it in the executive office of the President. And my power, my ability to drive change absolutely is associated with my ability to affect the budgets, pure and simple. You hear the same thing in any large corporation. If you can get control over the budgets you can get control over the investments and the infrastructure, etc.

So it was critical for us that my position reside within OMB so that we can work the management and budget integration, the same reason that OMB was set up and structured in general in the

legislation, the Clinger-Cohen Act and other authorizing legislation for OMB. In other words, we know that we invest redundantly in lots of information technology; and we know that there are ways to fix that. It's not rocket science. It's management. But in order to make that occur you have to be able to work the resources both within a department and across departments.

I compare my situation to my counterpart in the U.K., Andrew Pinder. My daily discussions, if you will, are with different departments to get them to go along. His daily discussions are with his budget director to get his budget director to go along with a governmentwide or cross-agency approach. That's not an issue for me. So any other position, outside of being within the Office of Management and Budget, we would not be able to have that management budget decision integration. And that's how we ended up in our position, at least.

Mr. TURNER. Well, I'm not sure you have convinced me. It does seem that there are some very obvious things that are in that Senate bill that detract from the stature of the position that was created. For example, you would think that the—a Federal CIO or a person with that responsibility should clearly be designated as the Chair of the CIO Council; and yet the only way you get that, as I understand it—and I guess this is current law—is you're designated as the Chair by the Deputy Director for Management, who is actually the Chair.

It seems that when you look at the—and you're familiar, of course, with the debate that occurred in the Senate over Senate confirmation. Senate confirmation always seems to add some stature to a position. And I believe I'm correct that the—under the current law, the administrator of OIRA is a Senate-confirmed position; and yet we did not make this—I gather you're opposed to making this position Senate-confirmed in the Senate.

So it just seems that there has been a diminution in the status of the position which I think most observers, no matter what they call the individual—I mean, we say, many times, maybe it doesn't matter what the name is, it's just what your statutory responsibilities are. But, in truth, in fact, the title "Chief Information Officer" has a meaning in the private sector that gives that position status; and yet we seem reluctant to give that title to an individual within government. So I'm a little bit concerned that we have diminished the role in several particulars that I regret that has occurred in the Senate.

I know Mr. Baker is a strong adherent to a strong Federal CIO. Do you agree with me on my observations?

Mr. BAKER. Mr. Turner, I would tell you that 18 months ago I 100 percent agreed with you. I agree with Mark on one key component, and that is the ability to leverage the budget is everything inside a government. His ability to apply a carrot and a stick to programs inside the government to compel adherence has been very vital to his success.

The key—I believe you hit on the other key thing, though, which is stature. The person must be viewed as carrying a substantial amount of weight, both by the Congress and by the agencies.

You know, I haven't worked in the environment that Mark is in, but I remember the John Koskinen period.

And John did a very good job of going around to the Secretaries and making certain that they were focused on Y2 K because of his stature inside of the organization and the knowledge that he had the full attention of the President on the Y2K issue.

I think that full attention is a key thing, but I also believe the budget is important. I think if I were to tell you my thinking today on this, knowing what I know today, it would be yes probably inside of OMB, but probably at least at a par with the Deputy Director for Management, if not, as Ms. McGinnis said, actually being the Director of Management with the technology focus. It must be—in my view, it has to be someone who has managed technology before. We have had lawyers in the DDM job who have said, my job is to be the Federal CIO, and they didn't get it.

Mr. FORMAN. I would ask to think of a couple things here. First of all, the statute that we confer on my position, or for that matter any of the other management agenda elements, is how we are managing the Federal Government, and we treat the five management agenda leaders as equals, and that's important.

Also a key part, one of the reasons why I think it's important, you know, as Mark laid out, to understand, e-government in and of itself is not going to change this government. It's not going to fix the human capital issue we have. It's not going to fix the performance-based budgeting or performance management issue that we have. But, by the same token, they all go hand in hand. They're all interrelated. I think Mark understands that and has brought tremendous tools and capabilities to the administration of the government in using those five key levers to improve management.

So there is some danger in focusing on just one management agenda item and ignoring, for example, the human capital issue, you know, but by the same token I would never ask for my own department—you know, that would not be productive. And by the same token, I think it makes sense Director James heading up the human capital initiative, because that is their focus. There is a substantial body of law and authority that goes along with that.

One of the key issues I think to be sensitive to is while in government management, management issues vary with the times, with changes in society and technology. What may be right for this period may not be right 2 years from now. And so I think you also have to consider it's always easier to lock things into statute than it is to change them or take them out of statute. So how much of that you want to actually lock in in terms of titles versus authorities is a careful balancing act, and we are very willing and open to working with the committee to work through that.

Mr. TURNER. Mr. Baker, one other question for you. From your experience as the CIO at Commerce, do you have any suggestions to offer for this legislation now that we have put the CI O Council in statute? Any other improvements that we might make?

Mr. BAKER. I was almost afraid that you would ask that one. I just tell you that, from my experience, the problem with the CIO Council is that it doesn't have any authority. A good example. It was my committee—my Privacy Committee of the CIO Council that brought the privacy impact assessments out of IRS and made them a CIO Council—I guess I would call it a policy or recommended

process. We are able to give them some altitude, but in no way could we compel their use.

I think the fact that they are now in the legislation is a good example of the inability of the CIO Council to make any of their recommendations actually stick in any of the agencies. It's a volunteer organization. Following anything that it—any of its recommendations is strictly voluntary inside of the agencies.

I believe it's good to bring the CIOs together. My preference would be to have an organization that is part of the management structure for the Federal CIO, someone that both brings recommendations on how to manage, but also is to an extent beholden to the Federal C IO.

I would just tell you that one of the biggest problems with the CIO Council was getting people to show up. There are only a few CIOs that really put a lot of effort into what the CIO Council is doing, And I think it's good for them in their careers, but it's nowhere in the performance plan of a CIO in an agency.

I would like it as an organization, but as Mark said, codifying things in the statute makes them more difficult to change in the long term. I'm afraid to say I'm not sure it's productive enough to be something that you put in statute right now with the way that it operates today. I just didn't make any friends out of a lot of people I've worked with that statement, but that's what I think.

Mr. TURNER. So I gather that among the problems you mention, if we had a stronger CIO to chair the Council, the Council members might have a little more interest in attending the meeting and feel like they had somewhat greater empowerment to be able to accomplish some of their goals.

Mr. BAKER. Right. I also believe it's important somewhere along the path to give the Federal CIO some level of management control over those CIOs, whether it's hiring and firing, whether it's a yearly report to the Department head on how's your CIO performing, or whether it's 50 percent of their performance basis.

In my written testimony, I can refer you to General Motors and IBM. You know, they've wrestled with the strong central CIO and dual reporting, and I think that's a way to think about it. We also thought—we also have implemented at Commerce that same sort of thing. If you—you need to have a management structure if you really want something to change.

Mr. FORMAN. Mr. Turner, if I may. We have got, I think, some changes under way with the CIO Council. I guess the terms that I used to hear right before and when I came to government was CIO Council was a hobnobbing group. You know, it's a few—group of folks that control the whole thing. And I think there was that general sentiment among a lot of the CIOs. Attendance has always been good at the meetings we've had at either every quarter or every other month, but now there is a focus on how can we do something with the committee, and hence we restructured it into three groups, a group that works on work force, IT work force, and we have, as you know, some major, major issues there. And I think they have been doing an increasingly good job, but we are going to look at this as one of the major budget issues, and we may need to do more in terms of a leadership role on IT work force. It's one

of the things that we highlighted in our testimony that is appropriately highlighted in the bill.

Another committee is Best Practices. And one thing about technology folks, and you see this elsewhere, if they come up with good ideas, they want to share those ideas, and they want to be annointed for those ideas. And we have given them that forum, and we can take advantage of that. I like Rosabeth Moss Canter's concept: We shouldn't call it best practices; we should call it useful practices, because that's really what they are. And so getting that word out is important.

And the third is the Architecture Committee, and that's where we really are going to see some work. And we, both Norm Lorentz, our Chief Technology Officer, and I, have talked about it extensively. How do we organize that and get a process set up for agreeing to key standards?

And so we are looking at essentially at, first round, some of the key security-related components, if you will, that will standardize on. It's a little different than the standards that NIST develops. It's more adoption of standardized components. That's going to be a different role for the CIO Council, but they are all actively engaged, and that's where they want to take the organization as we would like to see that.

Mr. TURNER. Thank you, Mr. Forman.

I didn't know, perhaps our witnesses had comments on subjects we've been discussing here. I would invite your input if you have thoughts on it. Otherwise, that concludes my questions, Mr. Chairman.

Mr. TOM DAVIS OF VIRGINIA [presiding]. Thank you very much.

Ms. McGinnis, let me get back to you. I know your support for the Digital Tech Corp Act, which I think is very thoughtful. Do you think passing S. 803 absent complementary legislation for the IT Federal Government work force would diminish the overall effectiveness of this legislation?

Ms. MCGINNIS. Well, I did suggest that strengthening those work force provisions by considering perhaps adding the digital tech corp to this bill, if it were possible to do that in the time remaining. I mean, my main caution is—or message is, you know, let's get this passed in this Congress if possible, because it is a useful framework, and it does address the work force issues, although it certainly does not go as far as we need to. And I think everyone here would agree with that. So I was suggesting that perhaps this could be added to strengthen the bill.

Mr. TOM DAVIS OF VIRGINIA. Thank you.

Mr. Gann, let me ask. S. 803 as it's currently drafted doesn't contain many provisions that would improve the IT acquisition process. I would like to include provisions to expand the existing share and savings legislation, to allow for cooperative purchasing on the GSA IT schedules, to remove the Trade Agreements Act for IT products. In your view, will these additions facilitate the rapid employment of technology by government?

Mr. GANN. Right. I think you have brought a very important set of issues. Speaking on behalf of the Information Technology Industry Council, I think there is a great deal of concern in the association and its members regarding the Trade Agreements Act. There

is a view that this act has served to be a discompetitive incentive for a lot of our organizations in that it puts all kinds of burdens, paperwork burdens, compliance burdens to comply with the act, particularly at the time when information technology companies are so competitive internationally. So we think the costs of that system outweigh the benefits.

Mr. TOM DAVIS OF VIRGINIA. Thanks.

Mr. Baker, in your statement you paint a pretty dismal picture of the current Federal IT environment in which substantial waste and inefficiency is common. What actions would you suggest that the current administration take to address these problems? If you would rattle off several.

Mr. BAKER. I would think that from my testimony that you could read that I'm a very strong proponent of management. Again, if you really want something to change, I think you have to manage that change. Strengthening a Federal CIO with agency CIOs, having a reporting relationship with that. I will just tell you that a power that I think would be great for you to have to give to Mark is the ability to take the savings from some consolidations and use them for e-government and things that he views as more productive.

You know, going back to your share and savings point, there are a lot of things that the private sector would probably like to do. Let's say a good private sector company might decide that they could do networks much more cheaply in the Commerce Department than the Commerce Department does them. In the past it's been difficult for the agency to see a benefit from doing a share and savings, and I think that's a primary thing that you have to find is where are the carrots for the agencies and for others to get it done.

I would just go back to the major piece. It's a management issue. Those thousands of different organizations inside of government don't see it to be in their benefit to have a common enterprise architecture or to give up power to a more central authority on the infrastructure issues. You have to overcome that fundamental issue, and that by itself is a bit of a management challenge.

I wish I had a real solution for you, Congressman. It's a tough problem.

Mr. TOM DAVIS OF VIRGINIA. I understand.

You also recommend against making the CIO Council statutorily based.

Mr. BAKER. Right.

Mr. TOM DAVIS OF VIRGINIA. Could you please explain what problems you would foresee if the Council is established in law?

Mr. BAKER. Well, I guess a major reason for doing it, I believe, is to provide them some funding. And right now, as Mr. Forman said, it's a pass-the-hat funding for this.

It does—CIO Council does productive things. It brings good practices to light for use across government, and it is a good forum for getting together and exchanging information. But again, I see its primary use really being advising that Federal CIO and being a forum for pulling attention to certain issues.

The issue in making it statutory is I think it becomes more difficult for it to be more at that point if it's in statute as a certain

thing. And frankly, as Mark pointed out, when he came in, he saw a need for certain changes. It may well be that those changes need to continue, and if it's in legislation, it is obviously much more difficult to change.

I don't think it's such a valuable institution today that it's something that needs to be created in statute, and I'm not sure the statute really does anything more for it than give it a funding pool, and there might be other ways to do that.

Mr. TOM DAVIS OF VIRGINIA. OK. All right. I think those are my questions.

Mr. Turner, do you have any other questions?

Anything else anyone would like to add?

Mr. GANN. Mr. Chairman, on behalf of the association, I also wanted to address one other point as it relates to procurement. We felt that the work that you and your committee had done on H.R. 4629 to establish a technical innovations program was really very sound, and we think that using the same model language more broadly in any government would indeed be a very good thing.

Mr. TOM DAVIS OF VIRGINIA. Thank you. In fact, I was going to ask you what you thought of that. Anybody else agree with that? Are you alone there? You know what we are talking about?

Mr. FORMAN. No.

Mr. TOM DAVIS OF VIRGINIA. That's OK. I know what you are talking about. Go ahead. I appreciate it.

Mr. GANN. Would you like me to continue?

Mr. TOM DAVIS OF VIRGINIA. Please.

Mr. GANN. Well, I think the big issue is there are huge benefits to putting in place quick pilots such that quick learning could take place that can be pushed out throughout departments, and I think that's very helpful. I think the way you've increased the threshold for allowing slightly larger dollar procurements to be put in the fast-track process is a good thing, so we applaud you and thank you.

Mr. TOM DAVIS OF VIRGINIA. Thank you very much. Thank you all very much for being with us today. We are going to see what we can get done before the end of this Congress, and I think we have made an appropriate record here. I thank Mr. Turner for his thoughtful comments and sponsorship legislation. If you have any other thoughts you want to add, we will give you 10 days, keep the record open, if you would like to come back and reflect on anything you have said, and the briefing paper will be made part of the permanent record, and these proceedings are closed. Thank you very much.

[Whereupon, at 4:32 p.m., the subcommittee was adjourned.]

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