

section 11521 of Title 40, directing the renumbering of section 11522 of Title 40 as section 11521, enacting provisions set out as notes under section 3501 of this title, and amending provisions set out as notes under section 8432 of Title 5 and section 1913 of Title 28, Judiciary and Judicial Procedure] and the amendments made by such titles shall take effect 120 days after the date of enactment of this Act [Dec. 17, 2002].

“(2) IMMEDIATE ENACTMENT.—Sections 207, 214, and 215 [set out in a note under section 3501 of this title] shall take effect on the date of enactment of this Act [Dec. 17, 2002].”

E-GOVERNMENT INITIATIVES FUNDING

Pub. L. 110-161, div. D, title VII, §737, Dec. 26, 2007, 121 Stat. 2028, provided that:

“(a) For fiscal year 2008, no funds shall be available for transfers or reimbursements to the E-Government initiatives sponsored by the Office of Management and Budget prior to 15 days following submission of a report to the Committees on Appropriations by the Director of the Office of Management and Budget and receipt of approval to transfer funds by the House and Senate Committees on Appropriations.

“(b) Hereafter, any funding request for a new or ongoing E-Government initiative by any agency or agencies managing the development of an initiative shall include in justification materials submitted to the House and Senate Committees on Appropriations the information in subsection (d).

“(c) Hereafter, any funding request by any agency or agencies participating in the development of an E-Government initiative and contributing funding for the initiative shall include in justification materials submitted to the House and Senate Committees on Appropriations—

“(1) the amount of funding contributed to each initiative by program office, bureau, or activity, as appropriate; and

“(2) the relevance of that use to that department or agency and each bureau or office within, which is contributing funds.

“(d) The report in (a) and justification materials in (b) shall include at a minimum—

“(1) a description of each initiative including but not limited to its objectives, benefits, development status, risks, cost effectiveness (including estimated net costs or savings to the government), and the estimated date of full operational capability;

“(2) the total development cost of each initiative by fiscal year including costs to date, the estimated costs to complete its development to full operational capability, and estimated annual operations and maintenance costs; and

“(3) the sources and distribution of funding by fiscal year and by agency and bureau for each initiative including agency contributions to date and estimated future contributions by agency.

“(e) No funds shall be available for obligation or expenditure for new E-Government initiatives without the explicit approval of the House and Senate Committees on Appropriations.”

FINDINGS AND PURPOSES

Pub. L. 107-347, §2, Dec. 17, 2002, 116 Stat. 2900, provided that:

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

“(1) The use of computers and the Internet is rapidly transforming societal interactions and the relationships among citizens, private businesses, and the Government.

“(2) The Federal Government has had uneven success in applying advances in information technology to enhance governmental functions and services, achieve more efficient performance, increase access to Government information, and increase citizen participation in Government.

“(3) Most Internet-based services of the Federal Government are developed and presented separately,

according to the jurisdictional boundaries of an individual department or agency, rather than being integrated cooperatively according to function or topic.

“(4) Internet-based Government services involving interagency cooperation are especially difficult to develop and promote, in part because of a lack of sufficient funding mechanisms to support such interagency cooperation.

“(5) Electronic Government has its impact through improved Government performance and outcomes within and across agencies.

“(6) Electronic Government is a critical element in the management of Government, to be implemented as part of a management framework that also addresses finance, procurement, human capital, and other challenges to improve the performance of Government.

“(7) To take full advantage of the improved Government performance that can be achieved through the use of Internet-based technology requires strong leadership, better organization, improved interagency collaboration, and more focused oversight of agency compliance with statutes related to information resource management.

“(b) PURPOSES.—The purposes of this Act [see Tables for classification] are the following:

“(1) To provide effective leadership of Federal Government efforts to develop and promote electronic Government services and processes by establishing an Administrator of a new Office of Electronic Government within the Office of Management and Budget.

“(2) To promote use of the Internet and other information technologies to provide increased opportunities for citizen participation in Government.

“(3) To promote interagency collaboration in providing electronic Government services, where this collaboration would improve the service to citizens by integrating related functions, and in the use of internal electronic Government processes, where this collaboration would improve the efficiency and effectiveness of the processes.

“(4) To improve the ability of the Government to achieve agency missions and program performance goals.

“(5) To promote the use of the Internet and emerging technologies within and across Government agencies to provide citizen-centric Government information and services.

“(6) To reduce costs and burdens for businesses and other Government entities.

“(7) To promote better informed decisionmaking by policy makers.

“(8) To promote access to high quality Government information and services across multiple channels.

“(9) To make the Federal Government more transparent and accountable.

“(10) To transform agency operations by utilizing, where appropriate, best practices from public and private sector organizations.

“(11) To provide enhanced access to Government information and services in a manner consistent with laws regarding protection of personal privacy, national security, records retention, access for persons with disabilities, and other relevant laws.”

§ 3602. Office of Electronic Government

(a) There is established in the Office of Management and Budget an Office of Electronic Government.

(b) There shall be at the head of the Office an Administrator who shall be appointed by the President.

(c) The Administrator shall assist the Director in carrying out—

(1) all functions under this chapter;

(2) all of the functions assigned to the Director under title II of the E-Government Act of 2002; and

(3) other electronic government initiatives, consistent with other statutes.

(d) The Administrator shall assist the Director and the Deputy Director for Management and work with the Administrator of the Office of Information and Regulatory Affairs in setting strategic direction for implementing electronic Government, under relevant statutes, including—

- (1) chapter 35;
- (2) subtitle III of title 40, United States Code;
- (3) section 552a of title 5 (commonly referred to as the “Privacy Act”);
- (4) the Government Paperwork Elimination Act (44 U.S.C. 3504 note); and
- (5) the Federal Information Security Management Act of 2002.

(e) The Administrator shall work with the Administrator of the Office of Information and Regulatory Affairs and with other offices within the Office of Management and Budget to oversee implementation of electronic Government under this chapter, chapter 35, the E-Government Act of 2002, and other relevant statutes, in a manner consistent with law, relating to—

- (1) capital planning and investment control for information technology;
- (2) the development of enterprise architectures;
- (3) information security;
- (4) privacy;
- (5) access to, dissemination of, and preservation of Government information;
- (6) accessibility of information technology for persons with disabilities; and
- (7) other areas of electronic Government.

(f) Subject to requirements of this chapter, the Administrator shall assist the Director by performing electronic Government functions as follows:

- (1) Advise the Director on the resources required to develop and effectively administer electronic Government initiatives.
- (2) Recommend to the Director changes relating to Governmentwide strategies and priorities for electronic Government.
- (3) Provide overall leadership and direction to the executive branch on electronic Government.
- (4) Promote innovative uses of information technology by agencies, particularly initiatives involving multiagency collaboration, through support of pilot projects, research, experimentation, and the use of innovative technologies.
- (5) Oversee the distribution of funds from, and ensure appropriate administration and coordination of, the E-Government Fund established under section 3604.
- (6) Coordinate with the Administrator of General Services regarding programs undertaken by the General Services Administration to promote electronic government and the efficient use of information technologies by agencies.
- (7) Lead the activities of the Chief Information Officers Council established under section 3603 on behalf of the Deputy Director for Management, who shall chair the council.

(8) Assist the Director in establishing policies which shall set the framework for information technology standards for the Federal Government developed by the National Institute of Standards and Technology and promulgated by the Secretary of Commerce under section 11331 of title 40, taking into account, if appropriate, recommendations of the Chief Information Officers Council, experts, and interested parties from the private and nonprofit sectors and State, local, and tribal governments, and maximizing the use of commercial standards as appropriate, including the following:

(A) Standards and guidelines for interconnectivity and interoperability as described under section 3504.

(B) Consistent with the process under section 207(d) of the E-Government Act of 2002, standards and guidelines for categorizing Federal Government electronic information to enable efficient use of technologies, such as through the use of extensible markup language.

(C) Standards and guidelines for Federal Government computer system efficiency and security.

(9) Sponsor ongoing dialogue that—

(A) shall be conducted among Federal, State, local, and tribal government leaders on electronic Government in the executive, legislative, and judicial branches, as well as 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;

(B) is intended to improve the performance of governments in collaborating on the use of information technology to improve the delivery of Government information and services; and

(C) may include—

(i) development of innovative models—

(I) for electronic Government management and Government information technology contracts; and

(II) that may be developed through focused discussions or using separately sponsored research;

(ii) identification of opportunities for public-private collaboration in using Internet-based technology to increase the efficiency of Government-to-business transactions;

(iii) identification of mechanisms for providing incentives to program managers and other Government employees to develop and implement innovative uses of information technologies; and

(iv) identification of opportunities for public, private, and intergovernmental collaboration in addressing the disparities in access to the Internet and information technology.

(10) Sponsor activities to engage the general public in the development and implementation of policies and programs, particularly activities aimed at fulfilling the goal of using the most effective citizen-centered strategies and

those activities which engage multiple agencies providing similar or related information and services.

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

(12) Coordinate with the Administrator for Federal Procurement Policy to ensure effective implementation of electronic procurement initiatives.

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

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

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

(14) Oversee the development of enterprise architectures within and across agencies.

(15) Assist the Director and the Deputy Director for Management in overseeing agency efforts to ensure that electronic Government activities incorporate adequate, risk-based, and cost-effective security compatible with business processes.

(16) Administer the Office of Electronic Government established under this section.

(17) Assist the Director in preparing the E-Government report established under section 3606.

(g) The Director shall ensure that the Office of Management and Budget, including the Office of Electronic Government, the Office of Information and Regulatory Affairs, and other relevant offices, have adequate staff and resources to properly fulfill all functions under the E-Government Act of 2002.

(Added Pub. L. 107-347, title I, §101(a), Dec. 17, 2002, 116 Stat. 2902.)

REFERENCES IN TEXT

The E-Government Act of 2002, referred to in text, is Pub. L. 107-347, Dec. 17, 2002, 116 Stat. 2899. Title II of the Act, including sections 204 and 207(d) of the Act, is set out as a note under section 3501 of this title. For complete classification of this Act to the Code, see Tables.

The Government Paperwork Elimination Act, referred to in subsec. (d)(4), is title XVII of Pub. L. 105-277, div. C, Oct. 21, 1998, 112 Stat. 2681-749, which amended section 3504 of this title and enacted provisions set out as a note under section 3504 of this title. For complete classification of this Act to the Code, see Tables.

The Federal Information Security Management Act of 2002, referred to in subsec. (d)(5), probably means title III of Pub. L. 107-347, Dec. 17, 2002, 116 Stat. 2946, which is classified principally to subchapter III of chapter 35 of this title. For complete classification of this Act to the Code, see Short Title of 2002 Amendments note set out under section 101 of this title and Tables. Another Federal Information Security Management Act of 2002 is title X of Pub. L. 107-296, Nov. 25, 116 Stat. 2259. For complete classification of this Act to the Code, see Short Title note set out under section 101 of Title 6, Domestic Security.

§ 3603. Chief Information Officers Council

(a) There is established in the executive branch a Chief Information Officers Council.

(b) The members of the Council shall be as follows:

(1) The Deputy Director for Management of the Office of Management and Budget, who shall act as chairperson of the Council.

(2) The Administrator of the Office of Electronic Government.

(3) The Administrator of the Office of Information and Regulatory Affairs.

(4) The chief information officer of each agency described under section 901(b) of title 31.

(5) The chief information officer of the Central Intelligence Agency.

(6) The chief information officer of the Department of the Army, the Department of the Navy, and the Department of the Air Force, if chief information officers have been designated for such departments under section 3506(a)(2)(B).

(7) Any other officer or employee of the United States designated by the chairperson.

(c)(1) The Administrator of the Office of Electronic Government shall lead the activities of the Council on behalf of the Deputy Director for Management.

(2)(A) The Vice Chairman of the Council shall be selected by the Council from among its members.

(B) The Vice Chairman shall serve a 1-year term, and may serve multiple terms.

(3) The Administrator of General Services shall provide administrative and other support for the Council.

(d) The Council is designated the principal interagency forum for improving agency practices related to the design, acquisition, development, modernization, use, operation, sharing, and performance of Federal Government information resources.

(e) In performing its duties, the Council shall consult regularly with representatives of State, local, and tribal governments.

(f) The Council shall perform functions that include the following:

(1) Develop recommendations for the Director on Government information resources management policies and requirements.

(2) Share experiences, ideas, best practices, and innovative approaches related to information resources management.

(3) Assist the Administrator in the identification, development, and coordination of multiagency projects and other innovative initiatives to improve Government performance through the use of information technology.

(4) Promote the development and use of common performance measures for agency information resources management under this chapter and title II of the E-Government Act of 2002.

(5) Work as appropriate with the National Institute of Standards and Technology and the Administrator to develop recommendations on information technology standards developed under section 20 of the National Institute of Standards and Technology Act (15 U.S.C.