

S. 803, E-Government Act of 2002, as amended

SECTION BY SECTION DESCRIPTION

TITLE I: OFFICE OF MANAGEMENT AND BUDGET E-GOVERNMENT SERVICES

Sec. 101: Management and Promotion of Electronic Government Services

Creates a new Chapter 36 in Title 44 of the United States Code.

Section 3601 defines “electronic government” and other terms. The definitions used in Title 44, Chapter 35 (the Paperwork Reduction Act) apply to Title I .

Section 3602 establishes an Administrator of a new office of Electronic Government within the Office of Management and Budget. The Administrator is appointed by the President and confirmed by the Senate. The Administrator assists the OMB Director by implementing electronic government initiatives generally, including new programs and initiatives provided for in the Act. The Administrator also works with other offices within OMB to set strategic direction and oversee implementation of electronic government pursuant to other information statutes.

The Administrator’s specified functions with respect to electronic government implementation include:

- advising the OMB Director on the resources required to effectively operate information systems;
- recommending to the Director changes in government-wide strategies and priorities for electronic government;
- helping to establish information resource management (IRM) policies and requirements for executive branch agencies, and reviewing agencies’ performance;
- promoting innovative uses of information technology (IT), especially initiatives involving multi-agency collaboration;
- overseeing the distribution of funds from an “E-Government Fund”, established in Section 3604;
- coordinating with the GSA Administrator on the GSA’s electronic government initiatives;
- leading the CIO Council, on behalf of the OMB Deputy Director for Management;
- helping to establish policies which set the framework for IT standards and guidelines for interconnectivity and interoperability, categorizing government electronic information to enhance search capabilities, and computer system efficiency and security;
- sponsoring dialogue with leaders on electronic government in the executive branch agencies, and legislative and judicial branches; in state, local, and tribal governments; and with representatives from the private, nonprofit, and academic sectors to encourage collaboration and share best practices;
- oversee the development of an integrated, standardized, Internet-based system (a portal) for providing government information and services to the public from a single point, organized by function, as provided for in Section 204 of the Act;
- coordinating with the Office of Federal Procurement Policy in implementing electronic procurement initiatives;
- assisting federal entities in implementing accessibility standards, and ensuring compliance with those standards;
- overseeing the development of enterprise architectures within and across agencies;

- assisting the Director in preparing the E-Government Report established in Section 3605; and
- administering the Office of Electronic Government.

This section also requires the Director of OMB to ensure that the OMB, including the Office of Electronic Government and other relevant offices, have adequate staff and resources to fulfill all functions under the Act.

Section 3602 establishes a Chief Information Officers' (CIO) Council, consisting of representation from CIO's of all major federal agencies. The OMB Deputy Director for Management (DDM) chairs the Council, and the Administrator of the Office of Electronic Government (the Administrator) leads the Council on behalf of the DDM. The Council will receive administrative and other support from GSA. The Council is designated the principal interagency forum for improving agency practices related to all aspects of federal government information resources. Its responsibilities include:

- developing recommendations on information resources management (IRM) policies and requirements;
- sharing experiences and best practices related to IRM;
- assisting the Administrator in developing multi-agency projects to improve performance through the use of IT;
- promoting the development of common performance measures for agency IRM;
- working with NIST and the Administrator to develop recommendations on IT standards; and
- working with the OPM to address the hiring, training and professional development needs of the government with respect to IRM.

Section 3604 establishes an E-Government Fund within the GSA to fund innovative interagency electronic government projects. Proposed projects are reviewed by the Administrator, and approved by the OMB Director according to specified procedures and criteria. The procedures ensure that the projects will be well managed by agencies and that results will be assessed. The criteria ensure that projects meet customer needs, take account of security and privacy, and have performance objectives tied to agency missions. Appropriators and relevant authorizing committees are notified in advance of the intended uses of the funds, and OMB reports annually to Congress on the operation of the fund. The Act authorizes for the Fund \$45,000,000 in fiscal year 2003, \$50,000,000 in fiscal year 2004, \$100,000,000 in fiscal year 2005, and \$150,000,000 in fiscal year 2006.

Section 3605 requires the OMB Director to submit annually an E-Government Report to Congress. The report will contain a summary of information reported by agencies, information about the operations of the E-Government Fund and a description of the Federal Government's compliance with the Act.

Sec. 102 Conforming Amendments

Makes conforming amendments modifying the duties of the GSA Administrator (cooperation with the Administrator) and the functions OMB Deputy Director for Management (chairing the CIO Council).

TITLE II: FEDERAL MANAGEMENT AND PROMOTION OF E-GOVERNMENT SERVICES

Sec. 201: Definitions

The definitions used in Title 44, Chapters 35 (the Paperwork Reduction Act) and Chapter 36 (Title I of this Act) apply to Title II, except where otherwise noted.

Sec. 202: Federal Agency Responsibilities

Specifies that federal agency heads and CIO's are responsible for complying with the Act and policies and standards established pursuant to the Act, and for supporting the efforts to maintain the Government's Internet portal. Additional specific requirements relate to several areas:

- *Performance Measures*: Requires agencies to develop performance measures that demonstrate how electronic government enables progress towards agency objectives and strategic goals. Requires agencies to link their performance goals to key customer segments.
- *Disparities in Internet Access*: Requires agency heads, when implementing electronic government programs, to consider the impact on persons without access to the Internet, and to ensure that the availability of Government services and information has not been diminished for individuals who lack access to the Internet.
- *Reporting Requirements*: Requires each agency to submit to OMB an annual report on the status of the agency's implementation of electronic government initiatives and its compliance with the provisions of this Act.

Sec 203: Compatibility of Methods for Use and Acceptance of Electronic Signatures

Requires GSA, working with OMB, to establish a framework to allow efficient interoperability among Executive agencies when using electronic signatures. Authorizes to the General Services Administration \$8,000,000 in fiscal year 2003 to develop and operate a Federal bridge certification authority for digital signature compatibility.

Sec. 204: Federal Internet Portal

Authorizes the development of an integrated Internet-based system to provide the public with consolidated access to government information and services from a single point, organized according to function rather than agency jurisdiction. Also known as a portal, the website will continue to improve upon FirstGov.gov, which is administered by the General Services Administration. The Administrator will oversee the work of the GSA and other agencies in developing the portal. Authorizes to the GSA \$15,000,000 for the portal.

Sec. 205: Federal Courts

Requires each federal court to establish a website that would include public information such as location and contact information for courthouses, local rules, docket information for each case, and access to written opinions issued by the court, in a text searchable format. Documents filed electronically, and those converted to electronic form, shall also be made available. The Judicial Conference may promulgate rules to protect security and privacy concerns. The existing PACER electronic docketing system will no longer be required to charge fees to users. Court websites are required to be established no later than 2 years after the Act's effective date, with access to documents filed electronically no later than 4 years. Any court may elect to defer

compliance with any requirement of this section, and Congress is notified of all such deferrals and the reasons for the deferrals.

Sec. 206: Regulatory Agencies

Requires that agencies post on their websites all information about the agencies' regulatory proceedings that is required to be published in the Federal Register. Agencies must accept submissions in regulatory proceedings by electronic means (including e-mail and fax). Agencies shall also establish electronic dockets for online rulemaking. Electronic dockets shall make available all agency notices, publications, or statements related to each rulemaking, and all submissions made pursuant to the rulemaking. The OMB Director will determine deadlines for compliance by regulatory agencies.

Sec. 207: Accessibility, Usability and Preservation of Government Information

Improves the way government information is organized, preserved, and made available to the public. Establishes an Interagency Committee on Government Information, chaired by the OMB Director or the Director's designee, to make policy recommendations, after consultation with the public, on 1) categorizing of information, 2) access to and preservation of electronic information, 3) educational resource materials, and 4) dissemination of scientific research performed by the federal government. The OMB Director or the Archivist of the National Archives and Records Administration (NARA) issue policies based on the recommendations in several of these areas, which agencies are required to adopt. Also authorizes funding for a database and website to provide access to information about federally funded research scientific, and requires the development of a directory of federal government websites and the promulgation of standards for agency websites.

- *Categorizing of Information:* Existing technologies and cataloging methods could allow agencies to keep better track of their own information holdings, and, where appropriate, to provide public access to information about those holdings, in a way that is searchable electronically and interoperable across agencies. The Interagency Committee will recommend the adoption of standards to accomplish this goal, and recommend which categories of information should be classified according to the standards. The OMB Director will issue policies based on the recommendations, and report to Congress on agencies' compliance.
- *Public Access to Electronic Information:* The Federal Records Act requires NARA to work with agencies to preserve federal records, either temporarily or permanently. The public has access to many of those preserved records pursuant to other laws. Agencies have had particular difficulty complying with the Federal Records Act with respect to information posted on the Internet, and other electronic records. The Interagency Committee will recommend the adoption of standards to achieve greater compliance with the Federal Records Act in this area. The Archivist of NARA will issue policies based on the recommendations, and report to Congress on agencies' compliance.
- *Educational Resource Materials:* The Interagency Committee will make recommendations, and the OMB Director will issue policies, promoting coordinated access to educational resource materials on the Internet.

- *Availability of Government Information on the Internet:* After opportunities for public comment, agencies will determine what types of Government information they intend to post on the Internet, and develop timetables and schedules for doing so. This is intended to establish a more deliberative process for agencies as they make decisions about what information should be made publicly available.
- *Access to Federally Funded Research and Development:* Authorizes funds for a database and website that will contain information about research and development funded by the federal government. The database and website will be developed and maintained by the National Science Foundation, and will provide agencies, scientists, policy makers and the public with access over the Internet to non-sensitive information about where federal funds for scientific research are spent, enhancing scientific coordination and collaboration and improving oversight. Agencies will be required to furnish information for the database. The Interagency Committee will also recommend policies to improve dissemination of the results of research performed by federal agencies. Authorizes to the National Science Foundation \$2,000,000 in each of the fiscal years 2003 through 2005 to develop and operate the database and website. The National Science Foundation currently operates a similar database and website, known as RADIUS; this section will authorize and enhance that program.
- *Public Domain Directory of Federal Government Websites:* Requires the development, through interagency collaboration, of a public domain directory of federal government websites on the Internet. The directory will be based on a taxonomy of subjects used to categorize Federal Government websites, and will be linked to the Federal Internet portal. Organizing websites according to subject matter often allows the Internet user to find the desired information more easily than with a search engine.
- *Standards for Agency Websites:* Requires the OMB Director to promulgate guidance for agency websites. This guidance will include requirements that websites to have links to (1) descriptions of an agency's mission and statutory authority, (2) an agency's electronic reading room, (3) information about the organizational structure of the agency, and (4) an agency's strategic plan. The guidance will also include minimum requirements to aid in navigating websites, such as speed of retrieval of search results, the relevance of the results, and tools to aggregate and disaggregate data.

Sec. 208: Privacy Provisions

Specifies that an agency will conduct a privacy impact assessment before developing or procuring an information system, or initiating a new collection of personally identifiable information that will be processed electronically. The assessment will include a description of:

- the information to be collected,
- the purpose for the collection,
- any notice that will be provided regarding what information will be collected and how it will be shared,
- the intended uses of the information, and
- security measures to protect the information.

Assessments will be provided to OMB and, where practicable, made public. A similar policy of requiring privacy impact assessments has already been implemented by the IRS and cited by the CIO Council as a best practice that should be adopted by other agencies.

The section also requires the OMB Director to establish guidelines mandating the posting of privacy notices on agency websites, and lists information that must be included in privacy policies. The Director will also promulgate guidelines requiring agencies to translate privacy policies into a standardized machine readable format. P3P is the accepted protocol for standardized machine readable formats. It enables an Internet user to set his or her browser to automatically retrieve and interpret a web site's privacy policy.

Sec. 209: Federal Information Technology Workforce Development

Requires the establishment of an IT training center to (1) analyze the personnel needs of the government related to IT on an ongoing basis, (2) oversee the development of curricula, training methods and training schedules, and (3) oversee the training of federal employees in IT disciplines at a rate that ensures that government's needs are met. Authorizes for the Office of Personnel Management \$7,000,000 for FY 2003 for developing and operating the training center.

Sec. 210: Common Protocols for Geographic Information Systems (GIS)

Requires the Department of the Interior, in consultation with the National Institute of Standards and Technology, private sector experts, and other interested parties, to facilitate the development of common protocols for geographic information to maximize the electronic compatibility of geographic information from various sources and promote the development of interoperable GIS technologies for low-cost use and sharing of geographic data by government entities and the public. The OMB Director will oversee the initiative and the adoption of common standards related to the protocols. GIS allows government and the private sector to develop innovative multi-layered maps and analyses using the government's massive amounts of geographic data, and it can be a vital tool in disaster planning, crime mapping, land use planning, sustainable development, and a broad range of private sector applications.

Sec. 211: Share-In-Savings Program Improvements

Encourages the use of the share-in-savings contracting approach (in which the contractor is paid from the savings realized) for IT projects; allows agencies conducting share-in-savings pilot projects to retain a portion of the savings realized, and use those funds to acquire additional information technology. The OMB Director will submit a report to Congress on the effectiveness of the pilots.

Sec. 212: Integrated Reporting Feasibility Study and Pilot Projects

Requires the Federal CIO to conduct a study on the feasibility of integrating federal information systems across agencies, specifically with respect to data elements used in the electronic collection of information. To collect information for the study, the Federal CIO will implement no more than 5 pilot projects that integrate data elements with the goals of reducing information collection burdens by eliminating duplicative data elements, and establishing interoperability between public databases. The resulting report, which shall be submitted to Congress within three years of the date of enactment, will include recommendations that Congress or the executive branch can implement to reduce the burden on reporting and strengthen public access.

Sec. 213: Community Technology Centers

Provides for a study by the Department of Education to evaluate the best practices being used by Community Technology Centers (CTC's) that receive federal funds. The resulting report will include an evaluation of CTC's best practices, a strategy for establishing a network to share information and resources as CTC's evolve, an analysis of whether CTC's have been deployed effectively throughout the country, a database of all CTC's receiving federal funds, and recommendations for enhancing the development of CTC's. The OMB Director will work with relevant agencies and the private and non-profit sectors to provide assistance to CTC's, public libraries, and other institutions that provide computer and Internet access to the public. The Department of Education will develop an online tutorial that explains how to access government information and services on the Internet. The Department of Education will be authorized \$2,000,000 for FY2003 and \$2,000,000 for FY2004.

Sec. 214: Enhancing Crisis Management Through Advanced Information Technology

Provides for a 2-year study, overseen by FEMA, to develop a research and implementation strategy for effective use of IT in preparing for and responding to natural and manmade disasters.

Sec. 215: Disparities in Access to the Internet

Provides for the National Academy of Sciences to conduct a study of how disparities in Internet access influence the effectiveness of online government services. The study will include recommendations on how to ensure that online government initiatives will not have the unintended result of increasing any deficiency in public access to government services. Authorizes to the National Science Foundation \$950,000 in FY2003 to contract for the study.

Sec. 216: Notification of Obsolete or Counterproductive Provisions

Specifies that if the OMB Director determines that any provision of this Act is obsolete or counterproductive, as a result of changes in technology or any other reason, the Director will notify the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives.

TITLE III GOVERNMENT INFORMATION SECURITY REFORM

Sec. 301: Information Security

Lifts the sunset on the Government Information Security Reform Act, which provides a management framework for protecting the security of government computers.

TITLE IV: AUTHORIZATION OF APPROPRIATIONS AND EFFECTIVE DATE

Sec 401: Authorization of Appropriations

Except for those purposes for which the Act specifically provides an authorization, authorizes to be appropriated such sums as may be necessary to carry out Titles I and II of the Act for fiscal years 2003 through 2007.

Sec 402: Effective Date

Specifies that the Act shall take effect 120 days after the date of enactment, with the exception of sections 207, 214, 215, and 216, and Titles III and IV, which take effect on the date of enactment.