
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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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:]
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, 2002
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 are 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 (OBRA) is responsible for overseeing Federal agency information activities, including information technology (IT) management. There have been many complaints about OBRA and agency information resources management. S. 803, however, does not address OBRA’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 the 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.
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. TUCKER, (for himself, Mr. HARMAN, Mr. SANDLIN, Mrs. McCARTHY of New York, Mrs. TAUSCHEK, 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. ETHEIDGE, Mr. ROSSWELL, Mr. BOYD, Mr. BENSON, Mr. EDWARDS, Mr. WU, Ms. HOOLEY of Oregon, Mr. HILL, Mr. LAMPSON, Mr. PRICE of North Carolina, Mr. DOUGETT, 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
Be it enacted by the Senate and House of Representa-
tives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “E-
Government Act of 2001”.

(b) TABLE OF CONTENTS.—The table of contents for
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 Regu-

datory 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 tech-

nology.
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. 2. FINDINGS AND PURPOSES.

(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, and increase access to Government information and 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.

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

(5) To take full advantage of the improved Government performance that can be achieved through
the use of Internet-based technology requires new 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 are the following:

(1) To provide effective leadership of Federal Government efforts to develop and promote electronic Government services and processes by establishing a Federal Chief Information Officer within the Office of Management and Budget.

(2) To establish measures that require using Internet-based information technology to enhance citizen access to Government information and services, improve Government efficiency and reduce Government operating costs, and increase 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 function.

(4) To promote interagency collaboration in the 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,
United States Code, is amended by striking "and statistical policy" and inserting "collection review".

(d) **Office of Information Policy.**—

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

"§507. Office of Information Policy

"The Office of Information Policy, established under section 3503 of title 44, is an office in the Office of Management and Budget.".

(2) Technical and conforming amendment.—The table of sections for chapter 5 of title 31, United States Code, is amended by inserting after the item relating to section 506 the following:

"507. Office of Information Policy."

(e) **Privacy Act Functions.**—

Section 552a(v) of title 5, United States Code (commonly referred to as the Privacy Act) is amended to read as follows:

"(v) Office of Management and Budget Responsibilities.—The Director of the Office of Management and Budget shall—

"(1) develop and, after notice and opportunity for public comment, prescribe guidelines and regulations for the use of agencies in implementing the provisions of this section;"
“(2) provide continuing assistance to and over-
sight of the implementation of this section by agen-
cies; and

“(3) delegate all of the functions to be per-
formed by the Director under this section to the
Federal Chief Information Officer.”.

(f) ACQUISITIONS OF INFORMATION TECHNOLOGY.—

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

(A) by inserting “(a) IN GENERAL.—” be-
fore “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 Infor-
mation Officer.”.

(2) INFORMATION TECHNOLOGY ACQUISITION
PILOT PROGRAMS.—Section 5301(a)(1) of the
is amended by striking “Administrator for the Office
of Information and Regulatory Affairs” and insert-
ing “Federal Chief Information Officer”.

(g) FEDERAL COMPUTER SYSTEMS STANDARDS AND
GUIDELINES.—
8

(1) PROMULGATION.—Section 5131 of the
Clinger-Cohen Act of 1996 (40 U.S.C. 1441) is
amended—

(A) by striking “Secretary of Commerce”
each place it appears and inserting “Federal
Chief Information Officer” in each such place;
and

(B) by striking “Secretary” each place it
appears and inserting “Federal Chief Informa-
tion Officer” in each such place.

(2) SUBMISSION.—Section 20(a)(4) of the Na-
tional Institute of Standards and Technology Act
(15 U.S.C. 278g–3(a)(4)) is amended by striking
“Secretary of Commerce” and inserting “Federal
Chief Information Officer”.

(h) INFORMATION TECHNOLOGY FUND.—Section
110(a) of the Federal Property and Administrative Serv-
ices Act of 1949 (40 U.S.C. 757(a)) is amended by adding
at the end the following:

“(3) The Administrator’s decisions with regard
to obligations of and expenditures from the Fund
shall be made after consultation with the Federal
Chief Information Officer, with respect to those pro-
gram 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.”.
(j) Government Paperwork Elimination.—The Government Paperwork Elimination Act (44 U.S.C. 3504 note) is amended—

(1) by redesignating sections 1709 and 1710 as sections 1710 and 1711, respectively; and

(2) by inserting after section 1708 the following:

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

"The Director of the Office of Management and Budget shall delegate all of the functions to be performed by the Director under this title to the Federal Chief Information Officer.".

SEC. 102. OFFICE OF INFORMATION POLICY AND OFFICE OF INFORMATION AND REGULATORY AFFAIRS.

(a) Establishment.—

(1) In general.—Section 3503 of title 44, United States Code, is amended to read as follows:

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

(a)(1) There is established in the Office of Management and Budget an office to be known as the Office of Information Policy."
“(2) The Office shall be administered by the Federal Chief Information Officer established under section 502(d) of title 31. The Director shall delegate to the Federal Chief Information Officer the authority to administer all functions under this chapter, except those delegated to the Administrator of the Office of Information and Regulatory Affairs under subsection (b)(2). Any such delegation shall not relieve the Director of responsibility for the administration of such function.

“(b)(1) There is established in the Office of Management and Budget an office to be known as the Office of Information and Regulatory Affairs.

“(2) There shall be at the head of the Office an Administrator who shall be appointed by the President, by and with the advice and consent of the Senate. The Director shall delegate to the Administrator the authority to administer all functions under this chapter explicitly relating to information collection review. Any such delegation shall not relieve the Director of responsibility for the administration of such functions.”.

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by striking the item relating to section 3503 and inserting the following:

*HR 2458 IH*
(b) Promotion of Information Technology.—
Section 3504(h)(5) of title 44, United States Code, is
amended by inserting “direct the Federal Chief Informa-
tion Officer and the Administrator of the Office of Infor-
mation and Regulatory Affairs, acting jointly, to” after
“(5)”.
(c) Coordination of Information Collection
Reviews.—
(1) Information collection review.—Section
3502 of title 44, United States Code is
amended—
(A) by redesignating paragraphs (6)
through (14) as paragraphs (7) through (15),
respectively; and
(B) by inserting after paragraph (5) the
following:
“(6) the term ‘information collection review’
means those functions described under section
3504(c) and related functions.”.
(2) Coordination.—Section 3504 of title 44,
United States Code, is amended—
(A) by redesignating paragraph (2) as
paragraph (3); and
(B) by inserting after paragraph (1) the following:

"(2) The Director shall ensure that the Office of Information Policy and the Office of Information and Regulatory Affairs coordinate their efforts in applying the principles developed and implemented under this section to information collection reviews.",

(d) REFERENCES.—Reference in any Federal law, Executive order, rule, regulation, or delegation of authority, or any document of or relating to the Office of Information and Regulatory Affairs or the Administrator of the Office of Information and Regulatory Affairs, respectively, shall be deemed a reference to—

(1) the Office of Information Policy or the Federal Chief Information Officer, respectively, with respect to functions described under section 3503(a) of title 44, United States Code (as amended by section 103 of this Act); and

(2) the Office of Information and Regulatory Affairs or the Administrator of the Office of Information and Regulatory Affairs, respectively, with respect to functions described under section 3503(b) of such title (as amended by section 103 of this 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."
“§ 3601. Definitions

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

“(1) ‘Council’ means the Chief Information Officers Council established under section 3603;

“(2) ‘Cross-Sector Forum’ means the Cross-Sector Forum on Information Resources Management established under section 3602(a)(10);

“(3) ‘Fund’ means the E-Government Fund established under section 3604;

“(4) ‘interoperability’ means the ability of different software systems, applications, and services to communicate and exchange data in an accurate, effective, and consistent manner; and

“(5) ‘integrated service delivery’ means the provision of Internet-based Federal Government information or services integrated according to function rather than separated according to the boundaries of agency jurisdiction.

“§ 3602. Federal Chief Information Officer functions

“(a) Subject to the direction and approval of the Director of the Office of Management Budget, and subject to requirements of this chapter, the Federal Chief Information Officer shall perform information resources management functions as follows:
“(1) Perform all functions of the Director, including all functions delegated by the President to the Director, relating to information resources management.

“(2) Perform the following functions with respect to information resources management:


“(B) Under section 5113 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1413), evaluate the investments referred to under subparagraph (A) with respect to performance and results.

“(C) Review legislative proposals related to information technology capital planning and investment.

“(D) Advise the Director on the resources required to develop and effectively operate and maintain Federal Government information systems.

“(E) Recommend to the Director changes relating to Governmentwide strategies and priorities for information resources management.
“(3) Provide overall leadership and direction to the executive branch on information policy by establishing information resources management policies and requirements, and by reviewing each agency’s performance in acquiring, using, and managing information resources.

“(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) Administer the distribution of funds from the E-Government Fund established under section 3604.

“(6) Consult with the Administrator of General Services regarding the use of the Information Technology Fund established under section 110 of the Federal Property and Administrative Coordinate Services Act of 1949 (40 U.S.C. 757), and 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) Chair the Chief Information Officers Council established under section 3603.

“(8) Establish and promulgate information technology standards for the Federal Government under section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441) based on the recommendations of the National Institute of Standards and Technology, 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, as follows:

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

“(B) Standards and guidelines for categorizing and electronically labeling Federal Government electronic information, to enhance electronic search capabilities.

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

“(9) Establish a regular forum for consulting and communicating with leaders in information resources management in the legislative and judicial
branches to encourage collaboration and enhance un-
derstanding of best practices and innovative ap-
proaches in acquiring, using, and managing informa-
tion resources.

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

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

“(12) Establish a Cross-Sector Forum on Infor-
mation Resources Management, subject to the Fed-
eral Advisory Committee Act (5 U.S.C. App.), as a
periodic colloquium with representatives from Fed-
eral agencies (including Federal employees who are
not supervisors or management officials as such
terms are defined under section 7103(a) (10) and
(11), respectively) and the private, nonprofit, and
academic sectors, to encourage collaboration and en-
hance understanding of best practices and innovative
approaches in acquiring, using, and managing infor-
mation resources. The Cross-Sector Forum shall be
used for the following:

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

“(B) To identify opportunities for perfor-
ance-based shared-savings contracts as a means
of increasing the quantity and quality of Gov-
ernment information and services available
through the Internet.

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

“(D) To identify mechanisms for providing
incentives to program managers and other Gov-
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government employees to develop and implement
innovative uses of information technologies.

"(E) To identify opportunities for public-
private collaboration in addressing the dispari-
ties in access to the Internet and information
technology.

"(F) To develop guidance to advise agen-
cies and private companies on any relevant legal
and ethical restrictions.

"(13) Direct the establishment, maintenance,
and promotion of an integrated Internet-based sys-
tem of delivering Government information and serv-
ices to the public. To the extent practicable, the in-
tegrated system shall be designed and operated ac-
cording to the following criteria:

"(A) The provision of Internet-based Gov-
ernment information and services integrated ac-
cording to function rather than separated ac-
cording to the boundaries of agency jurisdic-
tion.

"(B) An ongoing effort to ensure that all
Internet-based Government services relevant to
a given citizen activity are available from a sin-
gle point.
“(C) Standardized methods for navigating Internet-based Government information and services.

“(D) The consolidation of Federal Government information and services with Internet-based information and services provided by State, local, and tribal governments.

“(14) Coordinate with the Administrator of the Office of Federal Procurement Policy to ensure effective implementation of electronic procurement initiatives.

“(15) Assist Federal agencies, the United States Access Board, the General Services Administration, and the Attorney General in—

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

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

“(16) Administer the Office of Information Policy established under section 3503.

“(b) The Director of the Office of Management and Budget shall consult with the Federal Chief Information
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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 $15,000,000 for the establishment, maintenance, and pro-
10 motion of the integrated Internet-based system established
11 under subsection (a)(13) for fiscal year 2002, and such
12 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-
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tion resources management policies and require-
ments.

"(2) Assist the Federal Chief Information Offi-
cer in developing and maintaining the Government-
wide strategic information resources management
plan required under section 3506.

"(3) Share experiences, ideas, best practices,
and innovative approaches related to information re-
sources management.

"(4) Assist the Federal Chief Information Offi-
cer in the identification, development, and coordina-
tion of multiagency projects and other innovative ini-
tiatives to improve Government performance through
the use of information technology.

"(5) Provide recommendations to the Federal
Chief Information Officer regarding the distribution
of funds from the E-Government Fund established
under section 3604.

"(6) Coordinate the development and use of
common performance measures for agency informa-
tion resources management under section 5123 of

"(7) Work as appropriate with the National In-
institute of Standards and Technology to develop rec-
ommendations for the Federal Chief Information Of-
ficer on information technology standards developed
under section 20 of the National Institute of Stand-
ards and Technology Act (15 U.S.C. 278g–3) and
promulgated under section 5131 of the Clinger-
Cohen Act of 1996 (40 U.S.C. 1441), as follows:

“(A) Standards and guidelines for
interconnectivity and interoperability as de-
scribed under section 3504.

“(B) Standards and guidelines for catego-
rizing and electronically labeling Government
electronic information, to enhance electronic
search capabilities.

“(C) Standards and guidelines for Federal
Government computer system efficiency and se-
curity.

“(8) Work with the Office of Personnel Man-
agement to assess and address the hiring, training,
classification, and professional development needs of
the Government related to information resources
management.

§ 3604. E-Government Fund

“(a) There is established in the Treasury of the
United States an E-Government Fund, which shall be
available without fiscal year limitation.
“(b) The Fund shall be used to fund interagency information technology projects, and other innovative uses of information technology. The Fund shall be operated as follows:

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

“(2) On a regular basis, an appropriate committee within the Council shall review candidate projects for funding eligibility, and make recommendations to the Federal Chief Information Officer on which projects should be funded from the Fund. The review committee shall consider the following:

“(A) The relevance of this project in supporting the missions of the affected agencies and other statutory provisions.

“(B) The usefulness of interagency collaboration on this project in supporting integrated service delivery.

“(C) The usefulness of this project in illustrating a particular use of information technology that could have broader applicability within the Government.
“(D) The extent to which privacy and information security will be provided in the implementation of the project.

“(E) The willingness of the agencies affected by this project to provide matching funds.

“(F) The availability of funds from other sources for this project.

“(3) After considering the recommendations of the Council, the Federal Chief Information Officer shall have final authority to determine which of the candidate projects shall be funded from the Fund.

“(c) The Fund may be used to fund the integrated Internet-based system under section 3602(a)(13).

“(d) None of the funds provided from the Fund may be transferred to any agency until 15 days after the Federal Chief Information Officer has submitted to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and the appropriate authorizing committees of the Senate and the House of Representatives, a notification and description of how the funds are to be allocated and how the expenditure will further the purposes of this chapter.
“(e) The Federal Chief Information Officer shall submit an annual report to the President and Congress on the operation of the Fund. The report shall describe—

“(1) all projects which the Federal Chief Information Officer has approved for funding from the Fund;

“(2) the results that have been achieved to date for these funded projects; and

“(3) any recommendations for changes to the amount of capital appropriated annually for the Fund, with a description of the basis for any such recommended change.

“(f) There are authorized to be appropriated to the Fund $200,000,000 in each of the fiscal years 2002 through 2004, and such sums as may be necessary for fiscal years 2005 and 2006.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of chapters for title 44, United States Code, is amended by inserting after the item relating to chapter 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 35 of title 44, United States Code (as added by section 103 of this Act).
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(b) CHIEF INFORMATION OFFICERS.—The Chief Information Officer of each of the agencies designated under chapter 36 of title 44, United States Code (as added by section 103 of this Act), shall be responsible for—

(1) participating in the functions of the Chief Information Officers Council; and

(2) monitoring the implementation, within their respective agencies, of information technology standards established by the Federal Chief Information Officer, including common standards for interoperability, categorization and labeling of Federal Government electronic information, and computer system efficiency and security.

(c) E-GOVERNMENT STATUS REPORT.—

(1) IN GENERAL.—Each agency shall compile and submit to the Federal Chief Information Officer an E-Government Status Report on the current status of agency information and agency services available online.

(2) CONTENT.—Each report under this subsection shall contain—

(A) a list and brief description of the agency services available online;

(B) a list, by number and title, of the 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 M ETH-ODS FOR USE AND ACCEPTANCE OF ELECTRONIC SIGNATURES.

(a) Electronic Signatures.—In order to fulfill the objectives of the Government Paperwork Elimination
Act (Public Law 105–277; 112 Stat. 2681–749 through 2681–751), each Executive agency (as defined under section 105 of title 5, United States Code) shall ensure that its methods for use and acceptance of electronic signatures are compatible with the relevant procedures and standards promulgated by the Director of the Office of Management and Budget.

(b) BRIDGE AUTHORITY FOR DIGITAL SIGNATURES.—The Administrator of the General Services Administration shall support the Director of the Office of Management and Budget by establishing the Federal bridge certification authority which shall provide a central authority to allow efficient interoperability among Executive agencies when certifying digital signatures.

(c) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the General Services Administration, to ensure the development and operation of a Federal bridge certification authority for digital signature compatibility, $7,000,000 in fiscal year 2002, and such sums as may be necessary for each fiscal year thereafter.

SEC. 203. ONLINE FEDERAL TELEPHONE DIRECTORY.

(a) IN GENERAL.—

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

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with the Chief Information Officers Council, shall
develop and promulgate an online Federal telephone
directory.

(2) ORGANIZATION.—Information in the online
Federal telephone directory shall be organized and
retrievable both by function and by agency name.

(3) TELEPHONE DIRECTORIES.—Information
compiled for publication in the online Federal tele-
phone directory shall be provided to local telephone
book publishers, to encourage publication and dis-
semination of functionally arranged directories in
local Federal blue pages.

(b) EXECUTIVE AGENCIES.—

(1) IN GENERAL.—Each Executive agency (as
defined under section 105 of title 5, United States
Code) shall publish an online agency directory, ac-
cessible by electronic link from the online Federal
telephone directory.

(2) CONTENT.—Each directory—

(A) shall include telephone numbers and
electronic mail addresses for principal depart-
ments and principal employees, subject to secu-

(B) shall be electronically searchable.
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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,
science, technology, liberal arts, fine arts, and humanities.

(c) Authorization of Appropriations.—For the purposes of developing, expanding, and maintaining this Online National Library, there are authorized to be appropriated—

(1) to the National Science Foundation $5,000,000 in fiscal year 2002, and such sums as may be necessary for each fiscal year thereafter; and

(2) to the Library of Congress $5,000,000 in fiscal year 2002, and such sums as may be necessary for each fiscal year thereafter.

SEC. 205. FEDERAL COURTS.

(a) Individual Court Websites.—The Chief Justice of the United States and the chief judge of each circuit and district shall establish with respect to the Supreme Court or the respective court of appeal or district (including the bankruptcy court of that district) a website, that contains the following information or links to websites with the following information:

(1) Location and contact information for the courthouse, including the telephone numbers and contact names for the clerk’s office and justices’ or judges’ chambers.
(2) Local rules and standing or general orders of the court.

(3) Individual rules, if in existence, of each justice or judge in that court.

(4) Access to docket information for each case.

(5) Access to the substance of all written opinions issued by the court, regardless of whether such opinions are to be published in the official court reporter, in a text searchable format.

(6) Access to all documents filed with the courthouse in electronic form, described under subsection (e)(2).

(7) Any other information (including forms in a format that can be downloaded) that the court determines useful to the public.

(b) MAINTENANCE OF DATA ONLINE.—

(1) UPDATE OF INFORMATION.—The information and rules on each website shall be updated regularly and kept reasonably current.

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

(1) IN GENERAL.—Each court shall make any document that is filed electronically publicly available online. A court may convert any document that is filed in paper form to electronic form. To the extent such conversions are made, all such electronic versions of the document shall be made available online.

(2) EXCEPTIONS.—

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

(B) LIMITATION.—

(i) IN GENERAL.—A party, witness, or other person with an interest may file a motion with the court to redact any document that would be made available online under this section.

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

(I) the electronic form of the document made available online; and

(II) the extent necessary to protect important privacy concerns.
(C) Privacy Concerns.—The Judicial Conference of the United States may promulgate rules under this subsection to protect important privacy concerns.

(d) Dockets with Links to Documents.—The Judicial Conference of the United States, in consultation with the Federal Chief Information Officer, shall explore the feasibility of technology to post online dockets with links allowing all filings, decisions, and rulings in each case to be obtained from the docket sheet of that case.

(e) Cost of Providing Electronic Docketing Information.—Section 503(a) of the Judiciary Appropriations Act, 1992 (28 U.S.C. 1913 note) is amended in the first sentence by striking “shall hereafter” and inserting “may, only to the extent necessary,”.

(f) Time Requirements.—Not later than 2 years after the effective date of this Act, the websites under subsection (a) shall be established, except that access to documents filed in electronic form shall be established not later than 4 years after that effective date.

(g) Opt Out.—

(1) In General.—

(A) Election.—

(i) Notification.—The Chief Justice of the United States or a chief judge may
submit a notification to the Administrative Office of the United States Courts to elect not to comply with any requirement of this section with respect to the Supreme Court, a court of appeals, or district (including the bankruptcy court of that district).

(ii) CONTENTS.—A notification submitted under this subparagraph shall state—

(I) the reasons for the non-compliance; and

(II) the online methods, if any, or any alternative methods, such court or district is using to provide greater public access to information.

(B) EXCEPTION.—To the extent that the Supreme Court, a court of appeals, or district maintains a website under subsection (a), the Supreme Court or that court of appeals or district shall comply with subsection (b)(1).

(2) REPORT.—Not later than 1 year after the effective date of this Act, the Judicial Conference of the United States shall submit a report to the Committees on Governmental Affairs and the Judiciary of the Senate and the Committees on Government
Reform and the Judiciary of the House of Representatives that—
(A) contains all notifications submitted to the Administrative Office of the United States Courts under this subsection; and
(B) summarizes and evaluates all notifications.

SEC. 206. REGULATORY AGENCIES.

(a) Information Provided by Agencies Online.—To the extent practicable, each agency (as defined under section 551 of title 5, United States Code) shall—
(1) establish a website with information about that agency; and
(2) post on the website all information—
(A) required to be published in the Federal Register under section 552(a)(1) of title 5, United States Code; and
(B) made available for public inspection and copying under section 552(a) (2) and (5) of title 5, United States Code, after the effective date of this section.

(b) Compliance.—An agency may comply with subsection (a)(2) by providing hypertext links on a website directing users to other websites where such information may be found. To the extent that an agency provides
hypertext links, the agency shall provide clear instructions
to users on how to access the information sought within
the external website to which the links direct users.

(c) Submissions by Electronic Means.—To the
extent practicable, agencies shall accept submissions under
section 553(c) of title 5, United States Code, by electronic
means, including e-mail and telefacsimile.

(d) Electronic Docketing.—

(1) In General.—To the extent practicable,
agencies shall, in consultation with the Federal Chief
Information Officer, and in connection with the
forum established under section 3602(a)(10) of title
44, United States Code (as added by section 103 of
this Act), establish and maintain on their websites
electronic docket for rulemakings under section 553
of title 5, United States Code.

(2) Information Available.—Agency elec-
tronic dockets shall make publicly available online—
(A) all agency notices, publications, or
statements in connection with each rulemaking;
and
(B) to the extent practicable, all submis-
sions under section 553(c) of title 5, United
States Code, whether or not submitted ele-
tronically.
(e) **Opt Out.—**

(1) **In General.—**

(A) **Notification.—** An agency may submit a notification to the Federal Chief Information Officer to elect to not comply with any requirement of subsection (d).

(B) **Contents.—** A notification submitted under this paragraph shall state—

(i) the reasons for the noncompliance; and

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

(2) **Report.—** Not later than October 1, of each year, the Federal Chief Information Officer shall submit a report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives that—

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

(B) summarizes and evaluates all notifications.
(f) **TIME LIMITATION.**—To the extent practicable, agencies shall implement subsections (a) and (b) not later than 2 years after the effective date of this Act, and subsection (c) not later than 4 years after that effective date.

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

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

(1) enhance the interoperability of Federal information systems;

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

(3) enable any person to integrate and obtain similar information held by 1 or more agencies under 1 or more Federal requirements without violating the privacy rights of an individual.

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

(1) "agency" means an Executive agency as defined under section 105 of title 5, United States Code; and

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

(c) Report.—

(1) In general.—Not later than 3 years after the date of enactment of this Act, the Federal Chief Information Officer shall conduct a study and submit a report to the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives on the feasibility of integrating Federal information systems across agencies.

(2) Content.—The report under this section shall—

(A) address the feasibility of integrating data elements used in the electronic collection of information within databases established under Federal statute without reducing the quality, accessibility, scope, or utility of the information contained in each database;

(B) address the feasibility of developing, or enabling the development of, software, including Internet-based tools, for use by reporting persons in assembling, documenting, and validating
the accuracy of information electronically submitted to agencies under nonvoluntary, statutory, and regulatory requirements; and

(C) address the feasibility of developing a distributed information system involving, on a voluntary basis, at least 2 agencies, that—

(i) provides consistent, dependable, and timely public access to the information holdings of 1 or more agencies, or some portion of such holdings, including the underlying raw data, without requiring public users to know which agency holds the information;

(ii) provides methods for input on improving the quality and integrity of the data, including correcting errors in submission, consistent with the need to archive changes made to the data; and

(iii) allows any person to integrate public information held by the participating agencies;

(D) address the feasibility of incorporating other elements related to the purposes of this section at the discretion of the Federal Chief Information Officer; and
(E) make recommendations that Congress or the executive branch can implement, through the use of integrated reporting and information systems, to reduce the burden on reporting and strengthen public access to databases within and across agencies.

(d) Pilot Projects To Encourage Integrated Collection and Management of Data and Interoperability of Federal Information Systems.—

(1) In General.—In order to provide input to the study under subsection (c) the Federal Chief Information Officer shall implement a series of no more than 5 pilot projects that integrate data elements. The Federal Chief Information Officer shall consult with agencies, the regulated community, public interest organizations, and the public on the implementation.

(2) Goals of Pilot Projects.—

(A) In General.—Each goal described under subparagraph (B) shall be addressed by at least 1 pilot project each.

(B) Goals.—The goals under this paragraph are to—

(i) reduce information collection burdens by eliminating duplicative data ele-
ments within 2 or more reporting require-
ments;

(ii) create interoperability between or
among public databases managed by 2 or
more agencies using technologies and tech-
niques that facilitate public access; and

(iii) develop, or enable the develop-
ment, of software to reduce errors in ele-
tronically submitted information.

(3) INPUT.—Each pilot project shall seek input
from users on the utility of the pilot project and
areas for improvement.

(e) CONSULTATION IN PREPARING THE REPORT AND
PILOT PROJECT.—The Federal Chief Information Officer
shall coordinate with the Office of Information and Regu-
latory Affairs, and to the extent practicable, shall work
with relevant agencies, and State, tribal, and local govern-
ments in carrying out the report and pilot projects under
this section.

(f) PRIVACY PROTECTIONS.—The activities author-
ized in this section shall afford protections for confidential
business information consistent with section 552(b)(4) of
title 5, United States Code and personal privacy informa-
tion under section 552a of title 5, United States Code and
other relevant law.
SEC. 208. ONLINE ACCESS TO FEDERALLY FUNDED RESEARCH AND DEVELOPMENT.

(a) DEFINITIONS.—In this section, the term—

(1) "essential information" shall include—

(A) information identifying any person performing research and development under an agreement and the agency providing the funding;

(B) an abstract describing the research;

(C) references to published results; and

(D) other information determined appropriate by the interagency task force convened under this section; and

(2) "federally funded research and development"—

(A) shall be defined by the interagency task force, with reference to applicable Office of Management and Budget circulars and Department of Defense regulations; and

(B) shall include funds provided to—

(i) institutions other than the Federal Government; and

(ii) Federal research and development centers.

(b) INTERAGENCY TASK FORCE.—The Federal Chief Information Officer shall—
(1) convene an interagency task force to—

(A) review databases, owned by the Federal Government and other entities, that collect and maintain data on federally funded research and development to—

(i) determine areas of duplication; and

(ii) identify data that is needed but is not being collected or efficiently disseminated to the public or throughout the Government;

(B) develop recommendations for the Federal Chief Information Officer on standards for the collection and electronic dissemination of essential information about federally funded research and development that addresses public availability and agency coordination and collaboration; and

(C) make recommendations to the Federal Chief Information Officer on—

(i) which agency or agencies should develop and maintain databases and a website containing data on federally funded research and development;
(ii) whether to continue using existing
databases, to use modified versions of
databases, or to develop another database;

(iii) the appropriate system architecture
to minimize duplication and use
emerging technologies;

(iv) criteria specifying what federally
funded research and development projects
should be included in the databases; and

(v) standards for security of and public
access to the data; and

(2) not later than 1 year of the date of enactment of this Act, after offering an opportunity for
public comment, promulgate standards and regulations based on the recommendations, including a determination as to which agency or agencies should
develop and maintain databases and a website containing data on federally funded research and development.

(c) MEMBERSHIPS.—The interagency task force shall consist of the Federal Chief Information Officer and representatives from—

(1) the Department of Commerce;

(2) the Department of Defense;

(3) the Department of Energy;

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(4) the Department of Health and Human Services;
(5) the National Aeronautics and Space Administration;
(6) the National Archives and Records Administration;
(7) the National Science Foundation;
(8) the National Institute of Standards and Technology; and
(9) any other agency determined by the Federal Chief Information Officer.

(d) CONSULTATION.—The task force shall consult with—

(1) Federal agencies supporting research and development;
(2) members of the scientific community;
(3) scientific publishers; and
(4) interested persons in the private and non-profit sectors.

(e) DEVELOPMENT AND MAINTENANCE OF DATABASE AND WEBSITE.—

(1) IN GENERAL.—

(A) DATABASE AND WEBSITE.—The agency or agencies determined under subsection (b)(2), with the assistance of any other agency
designated by the Federal Chief Information Officer, shall develop—

(i) a database if determined to be necessary by the Federal Chief Information Officer; and

(ii) a centralized, searchable website for the electronic dissemination of information reported under this section, with respect to information made available to the public and for agency coordination and collaboration.

(B) CONFORMANCE TO STANDARDS.—The website and any necessary database shall conform to the standards promulgated by the Federal Chief Information Officer.

(2) LINKS.—Where the results of the federally funded research have been published, the website shall contain links to the servers of the publishers if possible. The website may include links to other relevant websites containing information about the research.

(3) OTHER RESEARCH.—The website may include information about published research not funded by the Federal Government, and links to the servers of the publishers.
(4) Development and Operation.—The Federal Chief Information Officer shall oversee the development and operation of the website. The website shall be operational not later than 2 years after the date of enactment of this Act.

(f) Provision of Information.—Any agency that funds research and development meeting the criteria promulgated by the Federal Chief Information Officer shall provide the required information in the manner prescribed by the Federal Chief Information Officer. An agency may impose reporting requirements necessary for the implementation of this section on recipients of Federal funding as a condition of the funding.

(g) Authorization of Appropriations.—There are authorized to be appropriated for the development and maintenance of the centralized website and any necessary database under this section, $1,000,000 in fiscal year 2002, $5,000,000 in fiscal year 2003, and such sums as may be necessary for fiscal years 2004 through 2006.

SEC. 209. COMMON PROTOCOLS FOR GEOGRAPHIC INFORMATION SYSTEMS.

(a) In General.—The Secretary of the Interior, in consultation with the National Institute of Standards and Technology and other agencies, private sector experts, commercial and international standards groups, and other
interested parties, shall facilitate the development of com-
mon protocols for the development, acquisition, mainte-
nance, distribution, and application of geographic informa-
tion.

(b) **Federal Chief Information Officer.**—The Federal Chief Information Officer shall—

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

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

(3) promulgate the standards relating to the protocols.

(c) **Common Protocols.**—The common protocols shall be designed to—

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

(2) promote the development of interoperable geographic information systems technologies that will allow widespread, low-cost use and sharing of geographic data by Federal agencies, State, local, and tribal governments, and the public.
SEC. 210. SHARE-IN-SAVINGS PROGRAM IMPROVEMENTS.


(1) in subsection (a)—

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

(B) by striking "and" at the end of paragraph (1);

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

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

(3) encouraging the use of the contracting and sharing approach described in paragraphs (1) and (2) by allowing the head of the executive agency conducting a project under the pilot program—

"(A) to retain, out of the appropriation accounts of the executive agency in which savings computed under paragraph (2) are realized as a result of the project, up to the amount equal to half of the excess of—

"(i) the total amount of the savings;

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”;

(3) by striking subsection (e) 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

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“(B) issues guidance for the exercise of that
authority.
“(2) For the purposes of paragraph (1), a share-in-
savings contracting approach provides for contracting as
described in paragraph (1) of subsection (a) together with
the sharing and retention of amounts saved as described
in paragraphs (2) and (3) of that subsection.
“(3) In exercising the authority provided to the Ad-
ministrator in paragraph (1), the Administrator shall con-
sult with the Federal Chief Information Officer.
“(d) Availability of Retained Savings.—(1) Amounts
retained by the head of an executive agency
under subsection (a)(3) or (c) shall, without further ap-
propriation, remain available until expended and may be
used by the executive agency for any of the following pur-
poses:
“(A) The acquisition of information technology.
“(B) Support for share-in-savings contracting
approaches throughout the agency including—
“(i) education and training programs for
share-in-savings contracting;
“(ii) any administrative costs associated
with the share-in-savings contract from which
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-
nologies, management of information technology
research initiatives, and incorporation of re-
search advances into the information and com-
munications systems of—

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

(ii) other Federal, State, and local
agencies responsible for crisis response and
consequence management; and

(B) opportunities for research and develop-
ment on enhanced technologies for—

(i) improving communications with
citizens at risk before and during a crisis;

(ii) enhancing the use of remote sen-
sor data and other information sources for
planning, mitigation, response, and ad-
vance warning;

(iii) building more robust and trust-
worthy systems for communications in cri-
ses;

(iv) facilitating coordinated actions
among responders through more interopera-
table communications and information sys-
tems; and
(v) other areas of potential improvement as determined during the course of the study.

(3) REPORT.—Not later than 2 years after the date on which a contract is entered into under paragraph (1), the National Research Council shall submit a report on the study, including findings and recommendations to—

(A) the Committee on Governmental Affairs of the Senate;

(B) the Committee on Government Reform of the House of Representatives; and

(C) the Federal Emergency Management Agency.

(4) INTERAGENCY COOPERATION.—The Federal Emergency Management Agency and other Federal departments and agencies with responsibility for disaster relief and emergency assistance shall fully cooperate with the National Research Council in carrying out this section.

(5) EXPEDITED PROCESSING OF SECURITY CLEARANCES.—For the purpose of facilitating the commencement of the study under this section, the Federal Emergency Management Agency and other relevant agencies shall expedite to the fullest extent
possible the processing of security clearances that
are necessary for the National Research Council.

(6) Authorization of Appropriations.—
There are authorized to be appropriated to the Fed-
eral Emergency Management Agency for research
under this subsection, $800,000 for fiscal year 2002.

(b) Pilot Projects.—Based on the results of the
research conducted under subsection (a), the Federal
Chief Information Officer shall initiate pilot projects with
the goal of maximizing the utility of information tech-
nology in disaster management. The Federal Chief Infor-
mation Officer shall cooperate with the Federal Emer-
gency Management Agency, other relevant agencies, and,
if appropriate, State, local, and tribal governments, in ini-
tiating such pilot projects.

SEC. 212. FEDERAL INFORMATION TECHNOLOGY TRAINING
CENTER.

(a) In General.—In consultation with the Federal
Chief Information Officer, the Chief Information Officers
Council, and the Administrator of General Services, the
Director of the Office of Personnel Management shall es-
tablish and operate a Federal Information Technology
Training Center (in this section referred to as the “Train-
ing Center”).

(b) Functions.—The Training Center shall—
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(1) analyze, on an ongoing basis, the personnel needs of the Federal Government related to information technology and information resource management;

(2) design curricula, training methods, and training schedules that correspond to the projected personnel needs of the Federal Government related to information technology and information resource management; and

(3) recruit and train Federal employees in information technology disciplines, as necessary, at a rate that ensures that the Federal Government's information resource management needs are met.

(c) CURRICULA.—The curricula of the Training Center—

(1) shall cover a broad range of information technology disciplines corresponding to the specific needs of Federal agencies;

(2) shall be adaptable to achieve varying levels of expertise, ranging from basic nonoccupational computer training to expert occupational proficiency in specific information technology disciplines, depending on the specific information resource management needs of Federal agencies;
(3) shall be developed and applied according to rigorous academic standards; and

(4) shall be designed to maximize efficiency through the use of self-paced courses, online courses, on-the-job training, and the use of remote instructors, wherever such features can be applied without reducing training effectiveness or negatively impacting academic standards.

(d) **Employee Participation.**—Subject to information resource management needs and the limitations imposed by resource needs in other occupational areas, agencies shall encourage their employees to participate in the occupational information technology curricula of the Training Center.

(e) **Agreements for Service.**—Employees who participate in full-time training at the Training Center for a period of 6 months or longer shall be subject to an agreement for service after training under section 4108 of title 5, United States Code.

(f) **Authorization of Appropriations.**—There are authorized to be appropriated to the Office of Personnel Management for developing and operating the Training Center, $7,000,000 in fiscal year 2002, and such sums as may be necessary for each fiscal year thereafter.

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SEC. 213. COMMUNITY TECHNOLOGY CENTERS.

(a) STUDY AND REPORT.—Not later than 2 years after the effective date of this Act, the Secretary of Education, in consultation with the Secretary of Agriculture, the Secretary of Housing and Urban Development, the National Telecommunications and Information Administration, and the Federal Chief Information Officer, shall—

(1) conduct a study to evaluate the best practices of community technology centers that receive Federal funds; and

(2) submit a report on the study to—

(A) the Committee on Governmental Affairs of the Senate;

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

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

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

(b) CONTENT.—The report shall include—

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

(2) a strategy for—

(A) continuing the evaluation of best practices used by community technology centers; and
(B) establishing a network to share information and resources as community technology centers evolve;

(3) the identification of methods to expand the use of best practices to assist community technology centers, public libraries, and other institutions that provide computer and Internet access to the public;

(4) a database of all community technology centers receiving Federal funds, including—

(A) each center’s name, location, services provided, director, other points of contact, number of individuals served; and

(B) other relevant information;

(5) an analysis of whether community technology centers have been deployed effectively in urban and rural areas throughout the Nation; and

(6) recommendations of how to—

(A) enhance the development of community technology centers; and

(B) establish a network to share information and resources.

c) COOPERATION.—All agencies that fund community technology centers shall provide to the Department of Education any information and assistance necessary for
the completion of the study and the report under this section.

(d) Assistance.—

(1) IN GENERAL.—The Federal Chief Information Officer shall work with the Department of Education, other relevant Federal agencies, and other interested persons in the private and nonprofit sectors to—

(A) assist in the implementation of recommendations; and

(B) identify other ways to assist community technology centers, public libraries, and other institutions that provide computer and Internet access to the public.

(2) TYPES OF ASSISTANCE.—Assistance under this paragraph may include—

(A) contribution of funds;

(B) donations of equipment, and training in the use and maintenance of the equipment; and

(C) the provision of basic instruction or training material in computer skills and Internet usage.

(e) Training Center.—The Federal Information Technology Training Center established under section 212
of this Act shall make applicable information technology
curricula available to members of the public through the
community technology centers.

(f) Online Tutorial.—

(1) In general.—The Secretary of Education,
in consultation with the Federal Chief Information
Officer, the National Science Foundation, and other
interested persons, shall develop an online tutorial
that—

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

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

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

(g) Promotion of Community Technology Cen-
ters.—In consultation with other agencies and organiza-
tions, the Department of Education shall promote the
availability of community technology centers to raise
awareness within each community where such a center is
located.
(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Department of Education for the study of best practices at community technology centers, for the development and dissemination of the online tutorial, and for the promotion of community technology centers under this section $2,000,000 in fiscal year 2002, $2,000,000 in fiscal year 2003, and such sums as are necessary in fiscal years 2004 through 2006.

SEC. 214. DISPARITIES IN ACCESS TO THE INTERNET.

(a) STUDY AND REPORT.—Not later than 1 year after the effective date of this Act—

(1) the Federal Chief Information Officer shall enter into an agreement with a nonprofit, nonpartisan organization to conduct a study on disparities in Internet access across various demographic distributions; and

(2) the nonprofit, nonpartisan organization shall conduct the study and submit a report to—

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

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

(b) CONTENT.—The report shall include a study of—

(1) how disparities in Internet access influence the effectiveness of online Government services;

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(2) how the increase in online Government services is influencing the disparities in Internet access;

and

(3) any related societal effects arising from the interplay of disparities in Internet access and the increase in online Government services.

(c) Recommendations.—The report shall include recommendations on actions to ensure that online Government initiatives shall not have the unintended result of increasing any deficiency in public access to Government services.

(d) Policy Considerations.—When promulgating policies and implementing programs regarding the provision of services over the Internet, the Federal Chief Information Officer and agency heads shall—

(1) consider the impact on persons without access to the Internet; and

(2) ensure that the availability of Government services has not been diminished for individuals who lack access to the Internet.

(e) Technology Considerations.—To the extent feasible, the Federal Chief Information Officer and agency heads shall pursue technologies that make Government services and information more accessible to individuals who do not own computers or have access to the Internet.
(f) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated $950,000 in fiscal year 2002 to carry out this section.

SEC. 215. ACCESSIBILITY, USABILITY, AND PRESERVATION OF GOVERNMENT INFORMATION.

(a) DEFINITIONS.—In this section, the term—

(1) "agency" has the meaning given under section 3502(1) of title 44, United States Code;

(2) "Board" means the Advisory Board on Government Information established under subsection (b);

(3) "Government information" means information created, collected, processed, disseminated, or disposed of by or for the Federal Government;

(4) "information" means any communication or representation of knowledge such as facts, data, or opinions, in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual forms; and

(5) "permanent public access" means the process by which applicable Government information that has been disseminated on the Internet is preserved for current, continuous, and future public access.

(b) ADVISORY BOARD.—
(1) ESTABLISHMENT.—There is established the Advisory Board on Government Information. The Board shall be subject to the Federal Advisory Committee Act (5 U.S.C. App.).

(2) MEMBERS.—The Federal Chief Information Officer shall appoint the members of the Board who shall include representatives from appropriate agencies and interested persons from the public, private, and nonprofit sectors.

(3) FUNCTIONS.—The Board shall conduct studies and submit recommendations as provided by this section to the Federal Chief Information Officer.

(4) TERMINATION.—The Board shall terminate 3 years after the effective date of this Act.

(c) CATALOGUING AND INDEXING STANDARDS.—

(1) AGENCY FUNCTIONS.—

(A) REPORTS.—Not later than 180 days after the effective date of this Act, each agency shall submit a report to the Board on all cataloguing and indexing standards used by that agency, including taxonomies being used to classify information.

(B) PRIORITIES AND SCHEDULES.—Not later than 180 days after the issuance of a cir-
cular or the promulgation of proposed regulations under paragraph (3), each agency shall consult with interested persons and develop priorities and schedules for making the agency indexing and cataloguing standards fully interoperable with other standards in use in the Federal Government.

(2) Board functions.—The Board shall—

(A) not later than 1 year after the effective date of this Act—

(i) review cataloguing and indexing standards used by agencies; and

(ii) determine whether the systems using those standards are generally recognized, in the public domain, and interoperable; and

(B) not later than 18 months after the effective date of this Act—

(i) consult interested persons;

(ii) analyze and determine agency public domain standards that are not fully interoperable with other standards; and

(iii) recommend priorities and schedules for making such standards fully interoperable.
(3) Federal chief information officer functions.—

(A) Prohibition of proprietary systems.—

(i) In general.—After the submission of recommendations by the Board under paragraph (2) and public notice and opportunity for comment, the Federal Chief Information Officer shall prohibit agencies from using any system the Federal Chief Information Officer determines to be proprietary.

(ii) Waiver.—The Federal Chief Information Officer may waive the application of clause (i), if the Federal Chief Information Officer determines there is a compelling reason to continue the use of the system.

(B) Interoperability standards.—Not later than 18 months after the effective date of this Act and after public notice and opportunity for comment, the Office of Management and Budget, acting through the Federal Chief Information Officer, shall issue a circular or promulgate proposed and final regulations requiring
the interoperability standards of cataloguing
and indexing standards used by agencies.

(d) PERMANENT PUBLIC ACCESS STANDARDS.—

(1) AGENCY FUNCTIONS.—

(A) REPORT TO BOARD.—Not later than
180 days after the effective date of this Act,
each agency shall submit a report to the Board
on any action taken by the agency to—

(i) preserve public access to informa-
tion disseminated by the Federal Govern-
ment on the Internet; and

(ii) set standards and develop policies
to ensure permanent public access to infor-
mation disseminated by the Federal Gov-
ernment on the Internet.

(B) COMPLIANCE WITH REGULATIONS.—
Not later than 1 year after the issuance of the
circular or the promulgation of final regulations
under paragraph (3), and on October 1, of each
year thereafter, each agency shall submit a re-
port on compliance of that agency with such
regulations to—

(i) the Federal Chief Information Of-

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

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

(2) Board functions.—

(A) Recommended standards.—Not later than 30 months after the effective date of this Act and after consultation with interested persons, the Board shall submit recommendations to the Federal Chief Information Officer on standards for permanent public access to information disseminated by the Federal Government on the Internet.

(B) Contents.—The recommendations under subparagraph (A) shall include—

(i) a definition of the types of information to which the standards apply; and

(ii) the process by which an agency—

(I) applies that definition to information disseminated by the agency on the Internet; and

(II) implements permanent public access.

(3) Federal Chief Information Officer functions.—
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(A) IN GENERAL.—After the submission of recommendations by the Board under paragraph (2) and public notice and opportunity for comment, the Office of Management and Budget, acting through the Federal Chief Information Officer, shall issue a circular or promulgate proposed and final regulations establishing permanent public access standards for agencies.

(B) COMPLIANCE.—The Federal Chief Information Officer shall—

(i) work with agencies to ensure timely and ongoing compliance with this subsection; and

(ii) post agency reports on a centralized searchable database, with a link to the integrated Internet-based system established under section 3602(a)(13) of title 44, United States Code, as added by this Act.

(c) INVENTORIES.—

(1) AGENCY FUNCTIONS.—

(A) IN GENERAL.—

(i) INVENTORIES.—Not later than 180 days after the effective date of this Act, each agency shall inventory agency
websites, including all directories and sub-directories of such websites established by
the agency or contractors of the agency.

(ii) INDIVIDUAL DOCUMENTS.—Nothing in this paragraph shall preclude an
agency from inventorying individual documents on a website.

(iii) ASSISTANCE.—The Federal Chief
Information Officer and the General Serv-
ices Administration shall assist agencies
with inventories under this subsection.

(B) COMPLETION OF INVENTORY.—Each
agency shall complete inventories in accordance
with the circular issued or regulations promul-
gated under paragraph (3) and post the inven-
tories on the Internet.

(2) BOARD FUNCTIONS.—Not later than 1 year
after the effective date of this Act, the Board
shall—

(A) consult with interested parties;

(B) identify for inventory purposes all
classes of Government information, except
classes of information—

(i) the existence of which is classified;
or
(ii) is of such a sensitive nature, that
disclosure would harm the public interest;
and
(C) make recommendations on—
(i) the classes of information to be
inventoried; and
(ii) how the information within those
classes should be inventoried.

(3) Federal Chief Information Officer

FUNCTIONS.—

(A) GUIDANCE.—After submission of rec-
ommendations by the Board under paragraph
(2) and public notice and opportunity for com-
ment, the Office of Management and Budget,
acting through the Chief Information Officer,
shall issue a circular or promulgate proposed
and final regulations to provide guidance and
requirements for inventorying under this sub-
section.

(B) CONTENTS.—The circular or regula-
tions under this paragraph shall include—

(i) requirements for the completion of
inventories of some portion of Government
information identified by the Board;

(ii) the scope of required inventories;
(iii) a schedule for completion; and
(iv) the classes of information required to be inventoried by law.

(C) LINKING OF INVENTORIES.—The Federal Chief Information Officer shall link inventories posted by agencies under this subsection to the integrated Internet-based system established under section 3602(a)(13) of title 44, United States Code, as added by this Act.

(f) STATUTORY AND REGULATORY REVIEW.—Not later than 180 days after the effective date of this Act, the General Accounting Office shall—

(1) conduct a review of all statutory and regulatory requirements of agencies to list and describe Government information;

(2) analyze the inconsistencies, redundancies, and inadequacies of such requirements; and

(3) submit a report on the review and analysis to—

(A) the Federal Chief Information Officer;

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

(C) the Committee on Government Reform of the House of Representatives.
(g) Cataloguing and Indexing Determinations.—

(1) Agency Functions.—

(A) Priorities and Schedules.—Not later than 180 days after the issuance of a circular or the promulgation of proposed regulations under paragraph (3), each agency shall consult with interested persons and develop priorities and schedules for cataloguing and indexing Government information. Agency priorities and schedules shall be made available for public review and comment and shall be linked on the Internet to an agency's inventories.

(B) Compliance with Regulations.—Not later than 1 year after the issuance of the circular or the promulgation of final regulations under paragraph (3), and on October 1, of each year thereafter, each agency shall submit a report on compliance of that agency with such circular or regulations to—

(i) the Federal Chief Information Officer;

(ii) the Committee on Governmental Affairs of the Senate; and
(iii) the Committee on Government Reform of the House of Representatives.

(2) BOARD FUNCTIONS.—The Board shall—

(A) not later than 1 year after the effective date of this Act—

(i) review the report submitted by the General Accounting Office under subsection (f); and

(ii) review the types of Government information not covered by cataloguing or indexing requirements; and

(B) not later than 18 months after receipt of agency inventories—

(i) consult interested persons;

(ii) review agency inventories; and

(iii) make recommendations on—

(I) which Government information should be catalogued and indexed; and

(II) the priorities for the cataloguing and indexing of that Government information, including priorities required by statute or regulation.

(3) FEDERAL CHIEF INFORMATION OFFICER FUNCTIONS.—
(A) IN GENERAL.—After the submission of recommendations by the Board under paragraph (2) and public notice and opportunity for comment, the Office of Management and Budget, acting through the Federal Chief Information Officer, shall issue a circular or promulgate proposed and final regulations that—

(i) specify which Government information is required to be catalogued and indexed; and

(ii) establish priorities for the cataloguing and indexing of that information.

(B) COMPLIANCE.—The Federal Chief Information Officer shall—

(i) work with agencies to ensure timely and ongoing compliance with this subsection; and

(ii) post agency reports and indexes and catalogues on a centralized searchable database, with a link to the integrated Internet-based system established under section 3602(a)(13) of title 44, United States Code, as added by this Act.

(h) AVAILABILITY OF GOVERNMENT INFORMATION ON THE INTERNET.—Not later than 1 year after the com-
pletion of the agency inventory referred to under sub-
section (e)(1)(B), each agency shall—

(1) consult with the Board and interested per-
sons;

(2) determine which Government information
the agency intends to make available and accessible
to the public on the Internet and by other means;

(3) develop priorities and schedules for making
that Government information available and acces-
sible;

(4) make such final determinations, priorities,
and schedules available for public comment; and

(5) post such final determinations, priorities,
and schedules on an agency website with a link to
the integrated Internet-based system established
under section 3602(a)(13) of title 44, United States
Code, as added by this Act.

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

(a) DEFINITIONS.—In this section, the term—

(1) “agency” has the meaning given under sec-
tion 3502(1) of title 44, United States Code; and

(2) “directory” means a taxonomy of subjects
linked to websites that is created with the participa-
tion of human editors.
(b) Establishment.—Not later than 2 years after
the effective date of this Act, the Federal Chief Informa-
tion Officer and each agency shall—

(1) develop and establish a public domain direc-
tory of Federal Government websites; and

(2) post the directory on the Internet with a
link to the integrated Internet-based system estab-
lished under section 3602(a)(13) of title 44, United
States Code, as added by this Act.

(c) Development.—With the assistance of each
agency, the Federal Chief Information Officer shall—

(1) direct the development of the directory
through a collaborative effort, including input
from—

(A) agency librarians;
(B) Federal depository librarians; and
(C) other interested parties; and

(2) develop a public domain taxonomy of sub-
jects used to review and categorize Federal Govern-
ment websites.

(d) Update.—With the assistance of each agency,
the Federal Chief Information Officer shall—

(1) update the directory; and

(2) solicit interested persons for improvements
to the directory.
SEC. 217. STANDARDS FOR AGENCY WEBSITES.

Not later than 1 year after the effective date of this Act, the Federal Chief Information Officer shall promulgate standards and criteria for agency websites that include—

(1) requirements that websites include direct links to—

(A) privacy statements;

(B) descriptions of the mission and statutory authority of the agency;

(C) the electronic reading rooms of the agency relating to the disclosure of information under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act);

(D) agency regulations, rules, and rulemakings;

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

(F) the strategic plan of the agency developed under section 306 of title 5, United States Code; and

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

(A) speed of retrieval of search results;
(B) the relevance of the results; and

(C) tools to aggregate and disaggregate data.

SEC. 218. PRIVACY PROVISIONS.

(a) DEFINITIONS.—In this section, the term—

(1) “agency” has the meaning given under section 551(1) of title 5, United States Code;

(2) “information system” means a discrete set of information resources organized for the collection, processing, maintenance, transmission, and dissemination of information, in accordance with defined procedures that—

(A) electronically collects or maintains personally identifiable information on 10 or more individuals; or

(B) makes personally identifiable information available to the public; and

(3) “personally identifiable information” means individually identifiable information about an individual, including—

(A) a first and last name;

(B) a home or other physical address including street name and name of a city or town;

(C) an e-mail address;

(D) a telephone number;
(E) a social security number;

(F) a credit card number;

(G) a birth date, birth certificate number,

or a place of birth; and

(H) any other identifier that the Federal
Chief Information Officer determines permits
the identification or physical or online con-
tacting of a specific individual.

(b) PRIVACY IMPACT ASSESSMENTS.—

(1) RESPONSIBILITIES OF AGENCIES.—

(A) IN GENERAL.—Before developing or
procuring an information system, or initiating a
new collection of personally identifiable infor-
mation that will be collected, processed, main-
tained, or disseminated electronically, an agency
shall—

(i) conduct a privacy impact assess-
ment;

(ii) submit the assessment to the Fed-
eral Chief Information Officer; and

(iii) after completion of any review
conducted by the Federal Chief Informa-
tion Officer, where practicable—

(I) publish the assessment in the
Federal Register; or
(II) disseminate the assessment electronically.

(B) SENSITIVE INFORMATION.—Subparagraph (A)(iii) may be modified or waived to protect classified, sensitive, or private information contained in an assessment.

(2) CONTENTS OF A PRIVACY IMPACT ASSESSMENT.—A privacy impact assessment shall include—

(A) a description of—

(i) the information to be collected;

(ii) the purpose for the collection of the information and the reason each item of information is necessary and relevant;

(iii)(I) any notice that will be provided to persons from whom information is collected; and

(II) any choice that an individual who is the subject of the collection of information shall have to decline to provide information;

(iv) the intended uses of the information and proposed limits on other uses of the information;

(v) the intended recipients or users of the information and any limitations on ac-
cess to or reuse or redisclosure of the information;

(vi) the period for which the information will be retained;

(vii) whether and by what means the individual who is the subject of the collection of information—

(I) shall have access to the information about that individual; or

(II) may exercise other rights under section 552a of title 5, United States Code; and

(viii) security measures that will protect the information;

(B) an assessment of the potential impact on privacy relating to risks and mitigation of risks; and

(C) other information and analysis required under guidance issued by the Federal Chief Information Officer.

(3) Responsibilities of the Federal Chief Information Officer.—The Federal Chief Information Officer shall—

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(A)(i) develop policies and guidelines for agencies on the conduct of privacy impact assessments; and

(ii) oversee the implementation of the privacy impact assessment process throughout the Government;

(B) require agencies to conduct privacy impact assessments in—

(i) developing or procuring an information system; or

(ii) planning for the initiation of a new collection of personally identifiable information;

(C) require agencies to conduct privacy impact assessments of existing information systems or ongoing collections of personally identifiable information as the Federal Chief Information Officer determines appropriate;

(D) assist agencies in developing privacy impact assessment policies; and

(E) encourage officers and employees of an agency to consult with privacy officers of that agency in completing privacy impact assessments.
(c) Privacy Protections on Agency Websites.—

(1) Privacy policies on websites.—

(A) Guidelines for notices.—The Federal Chief Information Officer shall develop guidelines for privacy notices on agency websites.

(B) Contents.—The guidelines shall require that a privacy notice include a description of—

(i) information collected about visitors to the agency’s website;

(ii) the intended uses of the information collected;

(iii) the choices that an individual may have in controlling collection or disclosure of information relating to that individual;

(iv) the means by which an individual may be able to—

(I) access personally identifiable information relating to that individual that is held by the agency; and

(II) correct any inaccuracy in that information;
(v) security procedures to protect information collected online;

(vi) the period for which information will be retained; and

(vii) the rights of an individual under statutes and regulations relating to the protection of individual privacy, including section 552a of title 5, United States Code (commonly referred to as the Privacy Act of 1974) and section 552 of that title (commonly referred to as the Freedom of Information Act).

(2) PRIVACY POLICIES IN MACHINE-READABLE FORMATS.—

(A) IN GENERAL.—The Federal Chief Information Officer shall promulgate guidelines and standards requiring agencies to translate privacy policies into a standardized machine-readable format.

(B) WAIVER OR MODIFICATION.—The Federal Chief Information Officer may waive or modify the application of subparagraph (A), if the Federal Chief Information Officer determines that—

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(i) such application is impracticable;

or

(ii) a more practicable alternative shall be implemented.

(C) NOTIFICATION.—Not later than 30 days after granting a waiver or modification under subparagraph (B), the Federal Chief Information Officer shall notify the Committee on Governmental Affairs of the Senate and the Committee on Government Reform of the House of Representatives of the reasons for the waiver or modification.

SEC. 219. ACCESSIBILITY TO PEOPLE WITH DISABILITIES.

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

SEC. 220. NOTIFICATION OF OBsolete OR COUNTER-PRODUCTIVE PROVISIONS.

If the Federal Chief Information Officer makes a determination that any provision of this Act (including any amendment made by this Act) is obsolete or counter-productive to the purposes of this Act, as a result of changes in technology or any other reason, the Federal Chief Information Officer shall submit notification of that 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 EFFEC-
TIVE DATE

SEC. 301. AUTHORIZATION OF APPROPRIATIONS.

Except for those purposes for which an authorization
of appropriations is specifically provided in this Act, in-
cluding the amendments made by this Act, there are au-
thorized to be appropriated such sums as may be nec-
essary 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.
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.

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

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the “E-
Government Act of 2002”.


(b) TABLE OF CONTENTS.—The table of contents for 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. 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. 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.

SEC. 2. FINDINGS AND PURPOSES.

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

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

To reduce costs and burdens for businesses and other Government entities.

To promote better informed decisionmaking by policy makers.

To promote access to high quality Government information and services across multiple channels.

To make the Federal Government more transparent and accountable.

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

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.
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.
“§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
and other information technologies, combined with processes that implement these technologies, to—

“(A) enhance the access to and delivery of Government information and services to the public, other agencies, and other Government entities; or

“(B) bring about improvements in Government operations that may include effectiveness, efficiency, service quality, or transformation;

“(4) ‘enterprise architecture’—

“(A) means—

“(i) a strategic information asset base, which defines the mission;

“(ii) the information necessary to perform the mission;

“(iii) the technologies necessary to perform the mission; and

“(iv) the transitional processes for implementing new technologies in response to changing mission needs; and

“(B) includes—

“(i) a baseline architecture;

“(ii) a target architecture; and

“(iii) a sequencing plan;
“(5) ‘Fund’ means the E-Government Fund established under section 3604;

“(6) ‘interoperability’ means the ability of different operating and software systems, applications, and services to communicate and exchange data in an accurate, effective, and consistent manner;

“(7) ‘integrated service delivery’ means the provision of Internet-based Federal Government information or services integrated according to function or topic rather than separated according to the boundaries of agency jurisdiction; and

“(8) ‘tribal government’ means the governing body of any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.), which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians.

“§ 3802. 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, by
and with the advice and consent of the Senate.

"(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;


"(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);
“(5) the Government Information Security Reform Act; and


“(c) 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 operate and maintain Federal Government information systems.

“(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 by working with authorized officials to establish information resources management policies and requirements, and by reviewing performance of each agency in acquiring, using, and managing information resources.

“(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 elec-
tronic 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 under section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441), to be developed by the National Institute of Standards and Technology and promulgated by the Secretary of Commerce, 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, as follows:

“(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 se-
curity.

"(9) Sponsor ongoing dialogue that—

"(A) shall be conducted among Federal,
State, local, and tribal government leaders on
electronic Government in the executive, legisla-
tive, 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 ac-
quiring, using, and managing information re-
sources;

"(B) is intended to improve the perform-
ance of governments in collaborating on the use
of information technology to improve the deliv-
ery 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 cit-
izen-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 of the Office of 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 incor-
porate adequate, risk-based, and cost-effective secu-

"(16) Administer the Office of Electronic Gov-

ernment established under section 3602.

"(17) Assist the Director in preparing the E-

Government report established under section 3605.

"(g) The Director shall ensure that the Office of

Management and Budget, including the Office of Elec-

tronic Government, the Office of Information and Regu-

latory Affairs, and other relevant offices, have adequate

staff and resources to properly fulfill all functions under


"§ 3803. 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 Elec-

tronic Government.

"(3) The Administrator of the Office of Infor-

mation and Regulatory Affairs.

"(4) The chief information officer of each agen-

cy 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. 278g–3) and promulgated under section 5131 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1441), as follows:

“(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.

“(6) Work with the Office of Personnel Management to assess and address the hiring, training, classification, and professional development needs of the Government related to information resources management.

“(7) Work with the Archivist of the United States to assess how the Federal Records Act can be addressed effectively by Federal information resources management activities.
$§ 3604. E-Government Fund

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

(2) The Fund shall be administered by the Administrator of the General Services Administration to support projects approved by the Director, assisted by the Administrator of the Office of Electronic Government, that enable the Federal Government to expand its ability, through the development and implementation of innovative uses of the Internet or other electronic methods, to conduct activities electronically.

(3) Projects under this subsection may include efforts to—

(A) make Federal Government information and services more readily available to members of the public (including individuals, businesses, grantees, and State and local governments);

(B) make it easier for the public to apply for benefits, receive services, pursue business opportunities, submit information, and otherwise conduct transactions with the Federal Government; and

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

(b)(1) The Administrator shall—
“(A) establish procedures for accepting and reviewing proposals for funding;

“(B) consult with interagency councils, including the Chief Information Officers Council, the Chief Financial Officers Council, and other interagency management councils, in establishing procedures and reviewing proposals; and

“(C) assist the Director in coordinating resources that agencies receive from the Fund with other resources available to agencies for similar purposes.

“(2) When reviewing proposals and managing the Fund, the Administrator shall observe and incorporate the following procedures:

“(A) A project requiring substantial involvement or funding from an agency shall be approved by a senior official with agencywide authority on behalf of the head of the agency, who shall report directly to the head of the agency.

“(B) Projects shall adhere to fundamental capital planning and investment control processes.

“(C) Agencies shall identify in their proposals resource commitments from the agencies involved and how these resources would be coordinated with support from the Fund, and include plans for poten-
tial continuation of projects after all funds made available from the Fund are expended.

"(D) After considering the recommendations of the interagency councils, the Director, assisted by the Administrator, shall have final authority to determine which of the candidate projects shall be funded from the Fund.

"(E) Agencies shall assess the results of funded projects.

"(c) In determining which proposals to recommend for funding, the Administrator—

"(1) shall consider criteria that include whether a proposal—

"(A) identifies the group to be served, including citizens, businesses, the Federal Government, or other governments;

"(B) indicates what service or information the project will provide that meets needs of groups identified under subparagraph (A);

"(C) ensures proper security and protects privacy;

"(D) is interagency in scope, including projects implemented by a primary or single agency that—
“(i) could confer benefits on multiple agencies; and
“(ii) have the support of other agencies; and
“(E) has performance objectives that tie to agency missions and strategic goals, and interim results that relate to the objectives; and
“(2) may also rank proposals based on criteria that include whether a proposal—
“(A) has Governmentwide application or implications;
“(B) has demonstrated support by the public to be served;
“(C) integrates Federal with State, local, or tribal approaches to service delivery;
“(D) identifies resource commitments from nongovernmental sectors;
“(E) identifies resource commitments from the agencies involved;
“(F) uses web-based technologies to achieve objectives;
“(G) identifies records management and records access strategies;
“(H) supports more effective citizen participation in and interaction with agency activi-
ties that further progress toward a more citizen-centered Government;

"(I) directly delivers Government information and services to the public or provides the infrastructure for delivery;

"(J) supports integrated service delivery;

"(K) describes how business processes across agencies will reflect appropriate transformation simultaneous to technology implementation; and

"(L) is new or innovative and does not supplant existing funding streams within agencies.

"(d) The Fund may be used to fund the integrated Internet-based system under section 204 of the E-Government Act of 2002.

"(e) None of the funds provided from the Fund may be transferred to any agency until 15 days after the Administrator of the General Services Administration has submitted to the Committees on Appropriations of the Senate and the House of Representatives, the Committee on Governmental Affairs of the Senate, the Committee on Government Reform of the House of Representatives, and the appropriate authorizing committees of the Senate and the House of Representatives, a notification and descrip-
tion of how the funds are to be allocated and how the ex-
penditure will further the purposes of this chapter.

“(f)(1) The Director shall report annually to Con-
gress on the operation of the Fund, through the report
established under section 3605.

“(2) The report under paragraph (1) shall describe—

“(A) all projects which the Director has ap-
proved for funding from the Fund; and

“(B) the results that have been achieved to date
for these funded projects.

“(g)(1) There are authorized to be appropriated to
the Fund—

“(A) $45,000,000 for fiscal year 2003;
“(B) $50,000,000 for fiscal year 2004;
“(C) $100,000,000 for fiscal year 2005;
“(D) $150,000,000 for fiscal year 2006; and
“(E) such sums as are necessary for fiscal year
2007.

“(2) Funds appropriated under this subsection shall
remain available until expended.

“§ 3605. E-Government report

“(a) Not later than March 1 of each year, the Direc-
tor shall submit an E-Government status report to the
Committee on Governmental Affairs of the Senate and the
Committee on Government Reform of the House of Representatatives.

(b) The report under subsection (a) shall contain—

(1) a summary of the information reported by agencies under section 202(f) of the E-Government Act of 2002;

(2) the information required to be reported by section 3604(f); and

(3) a description of compliance by the Federal Government with other goals and provisions of the E-Government Act of 2002.”.

(b) TECHNICAL AND CONFORMING AMENDMENT.—
The table of chapters for title 44, United States Code, is amended by inserting after the item relating to chapter 35 the following:

“36. Management and Promotion of Electronic Government Services .................................................... 3601”.

SEC. 102. CONFORMING AMENDMENTS.

(a) 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 Administrator of the Office of Electronic Government 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."

(b) MODIFICATION OF DEPUTY DIRECTOR FOR MANAGEMENT FUNCTIONS.—Section 503(b) of title 31, United States Code, is amended—

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

(2) by inserting after paragraph (4) the following:

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

(c) OFFICE OF ELECTRONIC GOVERNMENT.—
(1) IN GENERAL.—Chapter 5 of title 31, United States Code, is amended by inserting after section 506 the following:

§ 507. Office of Electronic Government

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

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 5 of title 31, United States Code, is amended by inserting after the item relating to section 506 the following:

"507. Office of Electronic Government."

TITLE II—FEDERAL MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES

SEC. 201. DEFINITIONS.

Except as otherwise provided, in this title the definitions under sections 3502 and 3601 of title 44, United States Code, shall apply.

SEC. 202. 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), the related information resource management policies
and guidance established by the Director of the Office of Management and Budget, and the related information technology standards promulgated by the Secretary of Commerce; 

(2) ensuring that the information resource management policies and guidance established under this Act by the Director, and the information technology standards promulgated under this Act by the Secretary of Commerce are communicated promptly and effectively to all relevant officials within their agency; and

(3) supporting the efforts of the Director and the Administrator of the General Services Administration to develop, maintain, and promote an integrated Internet-based system of delivering Federal Government information and services to the public under section 204.

(b) PERFORMANCE INTEGRATION.—

(1) Agencies shall develop performance measures that demonstrate how electronic government enables progress toward agency objectives, strategic goals, and statutory mandates.

(2) In measuring performance under this section, agencies shall rely on existing data collections to the extent practicable.
(3) Areas of performance measurement that agencies should consider include—
   (A) customer service;
   (B) agency productivity; and
   (C) adoption of innovative information technology, including the appropriate use of
       commercial best practices.

(4) Agencies shall link their performance goals to key groups, including citizens, businesses, and
other governments, and to internal Federal Government operations.

(5) As appropriate, agencies shall work collectively in linking their performance goals to groups
identified under paragraph (4) and shall use information technology in delivering Government informa-
tion and services to those groups.

(c) AVOIDING DIMINISHED ACCESS.—When promul-
gating policies and implementing programs regarding the
provision of Government information and services over the
Internet, agency heads shall consider the impact on persons
without access to the Internet, and shall, to the ex-
tent practicable—

(1) ensure that the availability of Government information and services has not been diminished for
individuals who lack access to the Internet; and
(2) pursue alternate modes of delivery that make Government information and services more accessible to individuals who do not own computers or lack access to the Internet.

(d) ACCESSIBILITY TO PEOPLE WITH DISABILITIES.—All actions taken by Federal departments and agencies under this Act shall be in compliance with section 508 of the Rehabilitation Act of 1973 (29 U.S.C. 794d).

(e) SPONSORED ACTIVITIES.—Agencies shall sponsor activities that use information technology to engage the public in the development and implementation of policies and programs.

(f) CHIEF INFORMATION OFFICERS.—The Chief Information Officer of each of the agencies designated under chapter 36 of title 44, United States Code (as added by this Act) shall be responsible for—

(1) participating in the functions of the Chief Information Officers Council; and

(2) monitoring the implementation, within their respective agencies, of information technology standards promulgated under this Act by the Secretary of Commerce, including common standards for interconnectivity and interoperability, categorization of Federal Government electronic information, and computer system efficiency and security.
(g) E-GOVERNMENT STATUS REPORT.—

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

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

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

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

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

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

(B) consistent with related reporting requirements; and

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

(h) USE OF TECHNOLOGY.—Nothing in this Act supersedes the responsibility of an agency to use or manage information technology to deliver Government information and services that fulfill the statutory mission and programs of the agency.

(i) NATIONAL SECURITY SYSTEMS.—
(1) **INAPPLICABILITY.**—Except as provided under paragraph (2), this title does not apply to national security systems as defined in section 5142 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1452).

(2) **APPLICABILITY.**—Sections 202, 203, 210, and 214 of this title do apply to national security systems to the extent practicable and consistent with law.

**SEC. 203. COMPATIBILITY OF EXECUTIVE AGENCY M ETHODS FOR USE AND ACCEPTANCE OF ELECTRONIC SIGNATURES.**

(a) **PURPOSE.**—The purpose of this section is to achieve interoperable implementation of electronic signatures for appropriately secure electronic transactions with Government.

(b) **ELECTRONIC SIGNATURES.**—In order to fulfill the objectives of the Government Paperwork Elimination Act (Public Law 105–277; 112 Stat. 2681–749 through 2681–751), each Executive agency (as defined under section 105 of title 5, United States Code) shall ensure that its methods for use and acceptance of electronic signatures are compatible with the relevant policies and procedures issued by the Director.

(c) **AUTHORITY FOR ELECTRONIC SIGNATURES.**—The Administrator of General Services shall support the
Director by establishing a framework to allow efficient
interoperability among Executive agencies when using
electronic signatures, including processing of digital signa-
tures.

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

SEC. 204. FEDERAL INTERNET PORTAL.

(a) In General.—

(1) Public Access.—The Director shall work
with the Administrator of the General Services Ad-
ministration and other agencies to maintain and pro-
mote an integrated Internet-based system of pro-
viding the public with access to Government infor-
mation and services.

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

(A) The provision of Internet-based Gov-
ernment information and services directed to
key groups, including citizens, business, and
other governments, and integrated according to function or topic rather than separated according to the boundaries of agency jurisdiction.

(B) An ongoing effort to ensure that Internet-based Government services relevant to a given citizen activity are available from a single point.

(C) Access to Federal Government information and services consolidated, as appropriate, with Internet-based information and services provided by State, local, and tribal governments.

(D) Access to Federal Government information held by 1 or more agencies shall be made available in a manner that protects privacy, consistent with law.

(b) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the General Services Administration $15,000,000 for the maintenance, improvement, and promotion of the integrated Internet-based system for fiscal year 2003, and such sums as are necessary for fiscal years 2004 through 2007.

SEC. 205. FEDERAL COURTS.

(a) INDIVIDUAL COURT WEBSITES.—The Chief Justice of the United States, the chief judge of each circuit
and district, and the chief bankruptcy judge of each dis-

cit shall establish with respect to the Supreme Court or

t the respective court of appeals, district, or bankruptcy
court of a district, a website that contains the following
information or links to websites with the following infor-
mation:

1 (1) Location and contact information for the
courthouse, including the telephone numbers and
contact names for the clerk’s office and justices’ or
judges’ chambers.

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

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

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

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

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

7 (7) Any other information (including forms in
a format that can be downloaded) that the court de-
termines useful to the public.
(b) MAINTENANCE OF DATA ONLINE.—

(1) UPDATE OF INFORMATION.—The information and rules on each website shall be updated regularly and kept reasonably current.

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

(c) ELECTRONIC FILING.—

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

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

(3) PRIVACY AND SECURITY CONCERNS.—The Judicial Conference of the United States may pro-
mulgate rules under this subsection to protect im-
portant privacy and security concerns.

(d) Dockets With Links to Documents.—The
Judicial Conference of the United States shall explore the
feasibility of technology to post online dockets with links
allowing all filings, decisions, and rulings in each case to
be obtained from the docket sheet of that case.

(e) Cost of Providing Electronic Docketing
Information.—Section 303(a) of the Judiciary Appro-
priations Act, 1992 (28 U.S.C. 1913 note) is amended in
the first sentence by striking “shall hereafter” and insert-
ing “may, only to the extent necessary,”.

(f) Time Requirements.—Not later than 2 years
after the effective date of this title, the websites under
subsection (a) shall be established, except that access to
documents filed in electronic form shall be established not
later than 4 years after that effective date.

(g) Deferral.—

(1) In General.—

(A) Election.—

(i) Notification.—The Chief Justice
of the United States, a chief judge, or
chief bankruptcy judge may submit a noti-
fication to the Administrative Office of the
United States Courts to defer compliance
with any requirement of this section with respect to the Supreme Court, a court of appeals, district, or the bankruptcy court of a district.

(ii) CONTENTS.—A notification submitted under this subparagraph shall state—

(I) the reasons for the deferral; and

(II) the online methods, if any, or any alternative methods, such court or district is using to provide greater public access to information.

(B) EXCEPTION.—To the extent that the Supreme Court, a court of appeals, district, or bankruptcy court of a district maintains a website under subsection (a), the Supreme Court or that court of appeals or district shall comply with subsection (b)(1).

(2) REPORT.—Not later than 1 year after the effective date of this title, and every year thereafter, the Judicial Conference of the United States shall submit a report to the Committees on Governmental Affairs and the Judiciary of the Senate and the
Committees on Government Reform and the Judiciary of the House of Representatives that—

(A) contains all notifications submitted to the Administrative Office of the United States Courts under this subsection; and

(B) summarizes and evaluates all notifications.

8 SEC. 206. REGULATORY AGENCIES.

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

(1) improve performance in the development and issuance of agency regulations by using information technology to increase access, accountability, and transparency; and

(2) enhance public participation in Government by electronic means, consistent with requirements under subchapter II of chapter 5 of title 5, United States Code, (commonly referred to as the Administrative Procedures Act).

(b) INFORMATION PROVIDED BY AGENCIES ONLINE.—To the extent practicable as determined by the agency in consultation with the Director, each agency (as defined under section 551 of title 5, United States Code) shall ensure that a publicly accessible Federal Government website includes all information about that agency re-
required to be published in the Federal Register under section 552(a)(1) of title 5, United States Code.

(c) Submissions by Electronic Means.—To the extent practicable, agencies shall accept submissions under section 553(e) of title 5, United States Code, by electronic means.

(d) Electronic Docketing.—

(1) In general.—To the extent practicable, as determined by the agency in consultation with the Director, agencies shall ensure that a publicly accessible Federal Government website contains electronic dockets for rulemakings under section 553 of title 5, United States Code.

(2) Information Available.—Agency electronic dockets shall make publicly available online to the extent practicable, as determined by the agency in consultation with the Director—

(A) all submissions under section 553(e) of title 5, United States Code; and

(B) other materials that by agency rule or practice are included in the rulemaking docket under section 553(e) of title 5, United States Code, whether or not submitted electronically.

(e) Time Limitation.—Agencies shall implement the requirements of this section consistent with a timetable
established by the Director and reported to Congress in
the first annual report under section 3605 of title 44 (as
added by this Act).

SEC. 207. ACCESSIBILITY, USABILITY, AND PRESERVATION
OF GOVERNMENT INFORMATION.

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

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

(1) “Committee” means the Interagency Com-
mittee on Government Information established under
subsection (e); and

(2) “directory” means a taxonomy of subjects
linked to websites that—

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

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

(c) INTERAGENCY COMMITTEE.—

(1) ESTABLISHMENT.—Not later than 90 days
after the date of enactment of this title, the Director
shall establish the Interagency Committee on Gov-
ernment Information.
(2) Membership.—The Committee shall be chaired by the Director or the designee of the Director and—

(A) shall include representatives from—

(i) the National Archives and Records Administration;

(ii) the offices of the Chief Information Officers from Federal agencies; and

(iii) other relevant officers from the executive branch; and

(B) may include representatives from the Federal legislative and judicial branches.

(3) Functions.—The Committee shall—

(A) engage in public consultation to the maximum extent feasible, including consultation with interested communities such as public advocacy organizations;

(B) conduct studies and submit recommendations, as provided under this section, to the Director and Congress; and

(C) share effective practices for access to, dissemination of, and retention of Federal information.

(4) Termination.—The Committee may be terminated on a date determined by the Director, ex-
cept the Committee may not terminate before the Committee submits all recommendations required under this section.

(d) CATEGORIZING OF INFORMATION.—

(1) COMMITTEE FUNCTIONS.—Not later than 1 year after the date of enactment of this Act, the Committee shall submit recommendations to the Director on—

(A) the adoption of standards, which are open to the maximum extent feasible, to enable the organization and categorization of Government information—

(i) in a way that is searchable electronically, including by searchable identifiers; and

(iii) in ways that are interoperable across agencies;

(B) the definition of categories of Government information which should be classified under the standards; and

(C) determining priorities and developing schedules for the initial implementation of the standards by agencies.

(2) FUNCTIONS OF THE DIRECTOR.—Not later than 180 days after the submission of recommenda-
tions under paragraph (1), the Director shall issue policies—

(A) requiring that agencies use standards, which are open to the maximum extent feasible, to enable the organization and categorization of Government information—

(i) in a way that is searchable electronically, including by searchable identifiers;

(ii) in ways that are interoperable across agencies; and

(iii) that are, as appropriate, consistent with the standards promulgated by the Secretary of Commerce under section 3602(f)(8) of title 44, United States Code;

(B) defining categories of Government information which shall be required to be classified under the standards; and

(C) determining priorities and developing schedules for the initial implementation of the standards by agencies.

(3) MODIFICATION OF POLICIES.—After the submission of agency reports under paragraph (4), the Director shall modify the policies, as needed, in
consultation with the Committee and interested parties.

(4) AGENCY FUNCTIONS.—Each agency shall report annually to the Director, in the report established under section 202(g), on compliance of that agency with the policies issued under paragraph (2)(A).

(e) PUBLIC ACCESS TO ELECTRONIC INFORMATION.—

(1) COMMITTEE FUNCTIONS.—Not later than 1 year after the date of enactment of this Act, the Committee shall submit recommendations to the Director and the Archivist of the United States on—

(A) the adoption by agencies of policies and procedures to ensure that chapters 21, 25, 27, 29, and 31 of title 44, United States Code, are applied effectively and comprehensively to Government information on the Internet and to other electronic records; and

(B) the imposition of timetables for the implementation of the policies and procedures by agencies.

(2) FUNCTIONS OF THE ARCHIVIST.—Not later than 180 days after the submission of recommenda-
tions by the Committee under paragraph (1), the
Archivist of the United States shall issue policies—

(A) requiring the adoption by agencies of
policies and procedures to ensure that chapters
21, 25, 27, 29, and 31 of title 44, United
States Code, are applied effectively and com-
prehensively to Government information on the
Internet and to other electronic records; and

(B) imposing timetables for the implement-
tion of the policies, procedures, and tech-
nologies by agencies.

(3) Modification of Policies.—After the
submission of agency reports under paragraph (4),
the Archivist of the United States shall modify the
policies, as needed, in consultation with the Com-
mittee and interested parties.

(4) Agency Functions.—Each agency shall
report annually to the Director, in the report estab-
lished under section 202(g), on compliance of that
agency with the policies issued under paragraph
(2)(A).

(f) Availability of Government Information
on the Internet.—
(1) **IN GENERAL.—**Not later than 1 year after the date of enactment of this Act, each agency shall—

(A) consult with the Committee and solicit public comment;

(B) determine which Government information the agency intends to make available and accessible to the public on the Internet and by other means;

(C) develop priorities and schedules for making that Government information available and accessible;

(D) make such final determinations, priorities, and schedules available for public comment;

(E) post such final determinations, priorities, and schedules on the Internet; and

(F) submit such final determinations, priorities, and schedules to the Director, in the report established under section 202(g).

(2) **UPDATE.—**Each agency shall update determinations, priorities, and schedules of the agency, as needed, after consulting with the Committee and soliciting public comment, if appropriate.
(g) Access to Federally Funded Research and Development.—

(1) Development and maintenance of governmentwide repository and website.—

(A) Repository and website.—The Director of the National Science Foundation, working with the Director of the Office of Science and Technology Policy and other relevant agencies, shall ensure the development and maintenance of—

(i) a repository that fully integrates, to the maximum extent feasible, information about research and development funded by the Federal Government, and the repository shall—

(I) include information about research and development funded by the Federal Government and performed by—

(aa) institutions not a part of the Federal Government, including State, local, and foreign governments; industrial firms; educational institutions; not-for-profit organizations; federally
funded research and development center; and private individuals; and

(bb) entities of the Federal Government, including research and development laboratories, centers, and offices; and

(II) integrate information about each separate research and development task or award, including—

(aa) the dates upon which the task or award is expected to start and end;

(bb) a brief summary describing the objective and the scientific and technical focus of the task or award;

(cc) the entity or institution performing the task or award and its contact information;

(dd) the total amount of Federal funds expected to be provided to the task or award over its lifetime and the amount of funds expected to be provided in
each fiscal year in which the
work of the task or award is on-
going;

(ee) any restrictions at-
tached to the task or award that
would prevent the sharing with
the general public of any or all of
the information required by this
subsection, and the reasons for
such restrictions; and

(ff) such other information
as may be determined to be ap-
propriate; and

(ii) 1 or more websites upon which all
or part of the repository of Federal re-
search and development shall be made
available to and searchable by Federal
agencies and non-Federal entities, includ-
ing the general public, to facilitate—

(I) the coordination of Federal
research and development activities;

(II) collaboration among those
conducting Federal research and de-
development;
(III) the transfer of technology among Federal agencies and between Federal agencies and non-Federal entities; and

(IV) access by policymakers and the public to information concerning Federal research and development activities.

(B) OVERSIGHT.—The Director of the Office of Management and Budget shall issue any guidance determined necessary to ensure that agencies provide all information requested under this subsection.

(2) AGENCY FUNCTIONS.—Any agency that funds Federal research and development under this subsection shall provide the information required to populate the repository in the manner prescribed by the Director of the Office of Management and Budget.

(3) COMMITTEE FUNCTIONS.—Not later than 18 months after the date of enactment of this Act, working with the Director of the Office of Science and Technology Policy, and after consultation with interested parties, the Committee shall submit recommendations to the Director on—
(A) policies to improve agency reporting of
information for the repository established under
this subsection; and

(B) policies to improve dissemination of
the results of research performed by Federal
agencies and federally funded research and de-
velopment centers.

(4) FUNCTIONS OF THE DIRECTOR.—After sub-
mission of recommendations by the Committee under
paragraph (3), the Director shall report on the rec-
ommendations of the Committee and Director to
Congress, in the E-Government report under section
3605 of title 44 (as added by this Act).

(5) AUTHORIZATION OF APPROPRIATIONS.—
There are authorized to be appropriated to the Na-
tional Science Foundation for the development,
maintenance, and operation of the Governmentwide
repository and website under this subsection—

(A) $2,000,000 in each of the fiscal years
2003 through 2005; and

(B) such sums as are necessary in each of
the fiscal years 2006 and 2007.

(h) PUBLIC DOMAIN DIRECTORY OF PUBLIC FED-
ERAL GOVERNMENT WEBSITES.—
(1) ESTABLISHMENT.—Not later than 2 years after the effective date of this title, the Director and each agency shall—

(A) develop and establish a public domain directory of public Federal Government websites; and

(B) post the directory on the Internet with a link to the integrated Internet-based system established under section 204.

(2) DEVELOPMENT.—With the assistance of each agency, the Director shall—

(A) direct the development of the directory through a collaborative effort, including input from—

(i) agency librarians;

(ii) information technology managers;

(iii) program managers;

(iv) records managers;

(v) Federal depository librarians; and

(vi) other interested parties; and

(B) develop a public domain taxonomy of subjects used to review and categorize public Federal Government websites.
(3) **UPDATE.**—With the assistance of each agency, the Administrator of the Office of Electronic Government shall—

(A) update the directory as necessary, but not less than every 6 months; and

(B) solicit interested persons for improvements to the directory.

(i) **STANDARDS FOR AGENCY WEBSITES.**—Not later than 18 months after the effective date of this title, the Director shall promulgate guidance for agency websites that include—

(1) requirements that websites include direct links to—

(A) descriptions of the mission and statutory authority of the agency;

(B) the electronic reading rooms of the agency relating to the disclosure of information under section 552 of title 5, United States Code (commonly referred to as the Freedom of Information Act);

(C) information about the organizational structure of the agency; and

(D) the strategic plan of the agency developed under section 306 of title 5, United States Code; and
(2) minimum agency goals to assist public users
to navigate agency websites, including—
   (A) speed of retrieval of search results;
   (B) the relevance of the results;
   (C) tools to aggregate and disaggregate
data; and
   (D) security protocols to protect informa-
tion.

SEC. 208. PRIVACY PROVISIONS.
(a) PURPOSE.—The purpose of this section is to en-
sure sufficient protections for the privacy of personal in-
formation as agencies implement citizen-centered elec-
tronic Government.
(b) PRIVACY IMPACT ASSESSMENTS.—
   (1) RESPONSIBILITIES OF AGENCIES.—
      (A) IN GENERAL.—An agency shall take
      actions described under subparagraph (B)
      before—
      (i) developing or procuring informa-
tion technology that collects, maintains, or
      disseminates information that includes any
      identifier permitting the physical or online
      contacting of a specific individual; or
      (ii) initiating a new collection of infor-
mation that—
(I) will be collected, maintained, or disseminated using information technology; and

(II) includes any identifier permitting the physical or online contacting of a specific individual, if the information concerns 10 or more persons.

(B) AGENCY ACTIVITIES.—To the extent required under subparagraph (A), each agency shall—

(i) conduct a privacy impact assessment;

(ii) ensure the review of the privacy impact assessment by the Chief Information Officer, or equivalent official, as determined by the head of the agency; and

(iii) if practicable, after completion of the review under clause (ii), make the privacy impact assessment publicly available through the website of the agency, publication in the Federal Register, or other means.

(C) SENSITIVE INFORMATION.—Subparagraph (B)(iii) may be modified or waived for se-
curity reasons, or to protect classified, sensitive,
or private information contained in an assess-
ment.

(D) COPY TO DIRECTOR.—Agencies shall
provide the Director with a copy of the privacy
impact assessment for each system for which
funding is requested.

(2) CONTENTS OF A PRIVACY IMPACT ASSESS-
MENT.—

(A) IN GENERAL.—The Director shall
issue guidance to agencies specifying the re-
quired contents of a privacy impact assessment.

(B) GUIDANCE.—The guidance shall—

(i) ensure that a privacy impact as-
essment is commensurate with the size of
the information system being assessed, the
sensitivity of personally identifiable infor-
mation in that system, and the risk of
harm from unauthorized release of that in-
formation; and

(ii) require that a privacy impact as-
essment address—

(1) what information is to be col-
lected;
(II) why the information is being collected;

(III) the intended use of the agency of the information;

(IV) with whom the information will be shared;

(V) what notice or opportunities for consent would be provided to individuals regarding what information is collected and how that information is shared;

(VI) how the information will be secured; and

(VII) whether a system of records is being created under section 552a of title 5, United States Code, (commonly referred to as the Privacy Act).

(3) RESPONSIBILITIES OF THE DIRECTOR.—

The Director shall—

(A) develop policies and guidelines for agencies on the conduct of privacy impact assessments;
(B) oversee the implementation of the privacy impact assessment process throughout the Government; and

(C) require agencies to conduct privacy impact assessments of existing information systems or ongoing collections of personally identifiable information as the Director determines appropriate.

(e) Privacy Protections on Agency Websites.—

(1) Privacy policies on websites.—

(A) Guidelines for notices.—The Director shall develop guidance for privacy notices on agency websites used by the public.

(B) Contents.—The guidance shall require that a privacy notice address, consistent with section 552a of title 5, United States Code—

(i) what information is to be collected;

(ii) why the information is being collected;

(iii) the intended use of the agency of the information;

(iv) with whom the information will be shared;
(v) what notice or opportunities for consent would be provided to individuals regarding what information is collected and how that information is shared;
(vi) how the information will be secured; and
(vii) the rights of the individual under section 552a of title 5, United States Code (commonly referred to as the Privacy Act), and other laws relevant to the protection of the privacy of an individual.

(2) Privacy policies in machine-readable formats.—The Director shall issue guidance requiring agencies to translate privacy policies into a standardized machine-readable format.

SEC. 209. FEDERAL INFORMATION TECHNOLOGY WORKFORCE DEVELOPMENT.

(a) Purpose.—The purpose of this section is to improve the skills of the Federal workforce in using information technology to deliver Government information and services.

(b) In general.—In consultation with the Director, the Chief Information Officers Council, and the Administrator of General Services, the Director of the Office of Personnel Management shall—
(1) analyze, on an ongoing basis, the personnel needs of the Federal Government related to information technology and information resource management;

(2) oversee the development of curricula, training methods, and training priorities that correspond to the projected personnel needs of the Federal Government related to information technology and information resource management; and

(3) assess the training of Federal employees in information technology disciplines, as necessary, in order to ensure that the information resource management needs of the Federal Government are addressed.

(c) Employee Participation.—Subject to information resource management needs and the limitations imposed by resource needs in other occupational areas, and consistent with their overall workforce development strategies, agencies shall encourage employees to participate in occupational information technology training.

(d) Authorization of Appropriations.—There are authorized to be appropriated to the Office of Personnel Management for the implementation of this section, $7,000,000 in fiscal year 2003, and such sums as are necessary for each fiscal year thereafter.
SEC. 210. COMMON PROTOCOLS FOR GEOGRAPHIC INFORMATION SYSTEMS.

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

(1) reduce redundant data collection and information; and

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

(b) DEFINITION.—In this section, the term "geographic information" means information systems that involve locational data, such as maps or other geospatial information resources.

(c) IN GENERAL.—

(1) COMMON PROTOCOLS.—The Secretary of the Interior, working with the Director and through an interagency group, and working with private sector experts, State, local, and tribal governments, commercial and international standards groups, and other interested parties, shall facilitate the development of common protocols for the development, acquisition, maintenance, distribution, and application of geographic information. If practicable, the Secretary of the Interior shall incorporate intergovernmental and public private geographic information partnerships into efforts under this subsection.
(2) INTERAGENCY GROUP.—The interagency group referred to under paragraph (1) shall include representatives of the National Institute of Standards and Technology and other agencies.

(d) DIRECTOR.—The Director shall oversee—

(1) the interagency initiative to develop common protocols;

(2) the coordination with State, local, and tribal governments, public private partnerships, and other interested persons on effective and efficient ways to align geographic information and develop common protocols; and

(3) the adoption of common standards relating to the protocols.

(e) COMMON PROTOCOLS.—The common protocols shall be designed to—

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

(2) promote the development of interoperable geographic information systems technologies that shall—

(A) allow widespread, low-cost use and sharing of geographic data by Federal agencies,
State, local, and tribal governments, and the public; and

(B) enable the enhancement of services using geographic data.

(f) Authorization of Appropriations.—There are authorized to be appropriated to the Department of the Interior such sums as are necessary to carry out this section, for each of the fiscal years 2003 through 2007.

SEC. 211. SHARE-IN-SAVINGS PROGRAM IMPROVEMENTS.


(1) in subsection (a)—

(A) by striking “the heads of two executive agencies to carry out” and inserting “heads of executive agencies to carry out a total of 5 projects under”;

(B) by striking “and” at the end of paragraph (1);

(C) by striking the period at the end of paragraph (2) and inserting “; and”; and

(D) by adding at the end the following:

“(3) encouraging the use of the contracting and sharing approach described in paragraphs (1) and

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(2) by allowing the head of the executive agency con-
ducting a project under the pilot program—

“(A) to retain, until expended, out of the
appropriation accounts of the executive agency
in which savings computed under paragraph (2)
are realized as a result of the project, up to the
amount equal to half of the excess of—

“(i) the total amount of the savings;
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) in subsection (e), by inserting before the pe-
riod “and the Administrator for the Office of Elec-
tronic Government”; and

(4) by inserting after subsection (e) the fol-
lowing:

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“(d) REPORT.—

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

“(2) CONTENTS.—The report under paragraph (1) shall include—

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

“(B) a description of the ability of agencies to determine the baseline costs of a project against which savings would be measured; and

“(C) recommendations of the Director relating to whether Congress should 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.”.
SEC. 212. INTEGRATED REPORTING STUDY AND PILOT PROJECTS.

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

(1) enhance the interoperability of Federal information systems;

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

(3) enable any person to integrate and obtain similar information held by 1 or more agencies under 1 or more Federal requirements without violating the privacy rights of an individual.

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

(1) “agency” means an Executive agency as defined under section 105 of title 5, United States Code; and

(2) “person” means any individual, trust, firm, joint stock company, corporation (including a government corporation), partnership, association, State, municipality, commission, political subdivision of a State, interstate body, or agency or component of the Federal Government.

(c) REPORT.—
(1) IN GENERAL.—Not later than 3 years after
the date of enactment of this Act, the Director shall
oversee a study, in consultation with agencies, the
regulated community, public interest organizations,
and the public, and submit a report to the Com-
mittee on Governmental Affairs of the Senate and
the Committee on Government Reform of the House
of Representatives on progress toward integrating
Federal information systems across agencies.

(2) CONTENTS.—The report under this section
shall—

(A) address the integration of data ele-
ments used in the electronic collection of infor-
mation within databases established under Fed-
eral statute without reducing the quality, access-
sibility, scope, or utility of the information con-
tained in each database;

(B) address the feasibility of developing, or
enabling the development of, software, including
Internet-based tools, for use by reporting per-
sons in assembling, documenting, and validating
the accuracy of information electronically sub-
mitted to agencies under nonvoluntary, statu-
tory, and regulatory requirements;
(C) address the feasibility of developing a distributed information system involving, on a voluntary basis, at least 2 agencies, that—

(i) provides consistent, dependable, and timely public access to the information holdings of 1 or more agencies, or some portion of such holdings, including the underlying raw data, without requiring public users to know which agency holds the information; and

(ii) allows the integration of public information held by the participating agencies;

(D) address the feasibility of incorporating other elements related to the purposes of this section at the discretion of the Director; and

(E) make recommendations that Congress or the executive branch can implement, through the use of integrated reporting and information systems, to reduce the burden on reporting and strengthen public access to databases within and across agencies.

(d) Pilot Projects To Encourage Integrated Collection and Management of Data and Interoperability of Federal Information Systems.—
(1) **In general.**—In order to provide input to the study under subsection (c), the Director shall designate, in consultation with agencies, a series of no more than 5 pilot projects that integrate data elements. The Director shall consult with agencies, the regulated community, public interest organizations, and the public on the implementation of the pilot projects.

(2) **Goals of pilot projects.**—

(A) **In general.**—Each goal described under subparagraph (B) shall be addressed by at least 1 pilot project each.

(B) **Goals.**—The goals under this paragraph are to—

(i) reduce information collection burdens by eliminating duplicative data elements within 2 or more reporting requirements;

(ii) create interoperability between or among public databases managed by 2 or more agencies using technologies and techniques that facilitate public access; and

(iii) develop, or enable the development of, software to reduce errors in electronically submitted information.
(3) INPUT.—Each pilot project shall seek input from users on the utility of the pilot project and areas for improvement. To the extent practicable, the Director shall consult with relevant agencies and State, tribal, and local governments in carrying out the report and pilot projects under this section.

(c) PRIVACY PROTECTIONS.—The activities authorized under this section shall afford protections for—

(1) confidential business information consistent with section 552(b)(4) of title 5, United States Code, and other relevant law;

(2) personal privacy information under sections 552(b) (6) and (7)(C) and 552a of title 5, United States Code, and other relevant law; and

(3) other information consistent with section 552(b)(3) of title 5, United States Code, and other relevant law.

SEC. 213. COMMUNITY TECHNOLOGY CENTERS.

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

(1) study and enhance the effectiveness of community technology centers, public libraries, and other institutions that provide computer and Internet access to the public; and
(2) promote awareness of the availability of on-line government information and services, to users of community technology centers, public libraries, and other public facilities that provide access to computer technology and Internet access to the public.

(b) **STUDY AND REPORT.**—Not later than 2 years after the effective date of this title, the Secretary of Education, in consultation with the Secretary of Housing and Urban Development, the Secretary of Commerce, the Director of the National Science Foundation, and the Director of the Institute of Museum and Library Services, shall—

(1) conduct a study to evaluate the best practices of community technology centers that have received Federal funds; and

(2) submit a report on the study to—

(A) the Committee on Governmental Affairs of the Senate;

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

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

(D) the Committee on Education and the Workforce of the House of Representatives.
(e) CONTENTS.—The report under subsection (b) may consider—

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

(2) a strategy for—

(A) continuing the evaluation of best practices used by community technology centers; and

(B) establishing a network to share information and resources as community technology centers evolve;

(3) the identification of methods to expand the use of best practices to assist community technology centers, public libraries, and other institutions that provide computer and Internet access to the public;

(4) a database of all community technology centers that have received Federal funds, including—

(A) each center's name, location, services provided, director, other points of contact, number of individuals served; and

(B) other relevant information;

(5) an analysis of whether community technology centers have been deployed effectively in urban and rural areas throughout the Nation; and

(6) recommendations of how to—
(A) enhance the development of community technology centers; and

(B) establish a network to share information and resources.

(d) COOPERATION.—All agencies that fund community technology centers shall provide to the Department of Education any information and assistance necessary for the completion of the study and the report under this section.

(e) ASSISTANCE.—

(1) IN GENERAL.—The Secretary of the Department of Education shall work with other relevant Federal agencies, and other interested persons in the private and nonprofit sectors to—

(A) assist in the implementation of recommendations; and

(B) identify other ways to assist community technology centers, public libraries, and other institutions that provide computer and Internet access to the public.

(2) TYPES OF ASSISTANCE.—Assistance under this subsection may include—

(A) contribution of funds;
(B) donations of equipment, and training in the use and maintenance of the equipment; and

(C) the provision of basic instruction or training material in computer skills and Internet usage.

(f) ONLINE TUTORIAL.—

(1) IN GENERAL.—The Secretary of Education, in consultation with the Director of the Institute of Museum and Library Services, the Director of the National Science Foundation, other relevant agencies, and the public, shall develop an online tutorial that—

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

(B) provides a guide to available online resources.

(2) DISTRIBUTION.—The Secretary of Education shall distribute information on the tutorial to community technology centers, public libraries, and other institutions that afford Internet access to the public.

(g) PROMOTION OF COMMUNITY TECHNOLOGY CENTERS.—In consultation with other agencies and organizations, the Department of Education shall promote the
availability of community technology centers to raise awareness within each community where such a center is located.

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

(1) $2,000,000 in fiscal year 2003;
(2) $2,000,000 in fiscal year 2004; and
(3) such sums as are necessary in fiscal years 2005 through 2007.

SEC. 214. ENHANCING CRISIS MANAGEMENT THROUGH ADVANCED INFORMATION TECHNOLOGY.

(a) PURPOSE.—The purpose of this section is to improve how information technology is used in coordinating and facilitating information on disaster preparedness, response, and recovery, while ensuring the availability of such information across multiple access channels.

(b) 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 to con-
duct a study on using information technology to en-
hance crisis preparedness, response, and con-
sequence management of natural and manmade dis-
asters.

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

(A) a research and implementation strat-
ey for effective use of information technology
in crisis response and consequence manage-
ment, including the more effective use of tech-
nologies, management of information technology
research initiatives, and incorporation of re-
search advances into the information and com-
munications systems of——

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

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

(B) opportunities for research and develop-
ment on enhanced technologies into areas of po-
tential improvement as determined during the
course of the study.
(3) REPORT.—Not later than 2 years after the date on which a contract is entered into under paragraph (1), the Federal Emergency Management Agency shall submit a report on the study, including findings and recommendations to—

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

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

(4) INTERAGENCY COOPERATION.—Other Federal departments and agencies with responsibility for disaster relief and emergency assistance shall fully cooperate with the Federal Emergency Management Agency in carrying out this section.

(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Federal Emergency Management Agency for research under this subsection, such sums as are necessary for fiscal year 2003.

c) PILOT PROJECTS.—Based on the results of the research conducted under subsection (b), the Federal Emergency Management Agency shall initiate pilot projects or report to Congress on other activities that further the goal of maximizing the utility of information technology in disaster management. The Federal Emergency
Management Agency shall cooperate with other relevant agencies, and, if appropriate, State, local, and tribal governments, in initiating such pilot projects.

SEC. 215. DISPARITIES IN ACCESS TO THE INTERNET.

(a) STUDY AND REPORT.—

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

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

(b) CONTENTS.—The report under subsection (a) shall include a study of—
(1) how disparities in Internet access influence the effectiveness of online Government services, including a review of—

(A) the nature of disparities in Internet access;

(B) the affordability of Internet service;

(C) the incidence of disparities among different groups within the population; and

(D) changes in the nature of personal and public Internet access that may alleviate or aggravate effective access to online Government services;

(2) how the increase in online Government services is influencing the disparities in Internet access and how technology development or diffusion trends may offset such adverse influences; and

(3) related societal effects arising from the interplay of disparities in Internet access and the increase in online Government services.

(c) RECOMMENDATIONS.—The report shall include recommendations on actions to ensure that online Government initiatives shall not have the unintended result of increasing any deficiency in public access to Government services.
(d) Authorization of Appropriations.—There are authorized to be appropriated to the National Science Foundation $950,000 in fiscal year 2003 to carry out this section.


If the Director of the Office of Management and Budget makes a determination that any provision of this Act (including any amendment made by this Act) is obsolete or counterproductive to the purposes of this Act, as a result of changes in technology or any other reason, the Director shall submit notification of that 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—GOVERNMENT INFORMATION SECURITY

SEC. 301. INFORMATION SECURITY.

(a) Addition of Short Title.—Subtitle G of title X of the Floyd D. Spence National Defense Authorization Act for Fiscal Year 2001 (as enacted into law by Public Law 106–398; 114 Stat. 1654A–256) is amended by in-
serting after the heading for the subtitle the following new section:

"SEC. 1060. SHORT TITLE.

"This subtitle may be cited as the ‘Government Information Security Reform Act’.”.

(b) CONTINUATION OF AUTHORITY.—

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

(2) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for chapter 35 of title 44, United States Code, is amended by striking the item relating to section 3536.

TITLE IV—AUTHORIZATION OF APPROPRIATIONS AND EFFECTIVE DATES

SEC. 401. AUTHORIZATION OF APPROPRIATIONS.

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

SEC. 402. EFFECTIVE DATES.

(a) TITLES I AND II.—
(1) IN GENERAL.—Except as provided under paragraph (2), titles I and II and the amendments made by such titles shall take effect 120 days after the date of enactment of this Act.

(2) IMMEDIATE ENACTMENT.—Sections 207, 214, 215, and 216 shall take effect on the date of enactment of this Act.

(b) TITLES III AND IV.—Title III and this title shall 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 accessibility. 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 website.

- 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 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.

• USAfreedoms.corps.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. Reoccurring 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 (EiA) 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 IT investments.

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
1. USA Service  
2. EZ Tax Filing  
3. Online Access for Loans  
4. Recreation One Stop  
5. GovBenefits

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## Government to Business
1. Federal Asset Sales  
2. Online Rulemaking  
3. Expanding Electronic Tax  
4. Consolidated Health  
5. EZ Tax Filing  
6. International Trade Process Streamlining

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## Government to Government
1. E-Vital  
2. E-Grants  
3. Disaster Management  
4. Geospatial Information One Stop  
5. SAFECOM

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## Internal Effectiveness and Efficiency
1. E-Training  
2. Recruitment One Stop  
3. Enterprise HR Integration  
4. E-Travel  
5. Integrated Acquisition  
6. E-Records Management  
7. E-Payroll

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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:]
For Release on Delivery
Expected at 3 p.m. EDT
Wednesday
September 18, 2002

ELECTRONIC
GOVERNMENT

Proposal Addresses
Critical Challenges

Statement of Linda D. Kountz
Director, Information Management Issues
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 and have put forth proposals to address the challenges associated with this issue. Moreover, earlier this year, the Senate passed by unanimous consent S. 883, the E-Government Act of 2002, which was introduced by Senator Lieberman and 14 co-sponsors.1

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 realized 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

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1. S. 883 defines e-government as the use of Web-based Internet applications and other information technologies, consistent with policies 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; (2) bring about improvements in government operations such as efficiency, effectiveness, and service quality.

2. S. 883 was introduced in the Senate on May 1, 2001, and a companion bill, H.R. 3083, was introduced in the House of Representatives by Representative Turner on July 11, 2001.


Page 1
• 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 1989 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...

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;
- 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, which necessarily restrict the amount of attention.

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2This responsibility is in addition to OMB's role in assisting the President in reviewing agency budget submissions and preparing the President's budget, as discussed in 31 U.S.C. Chapter 11.  
3For example, OIRA's other duties include reviewing agency information collection requests under the Paperwork Reduction Act and reviewing agency compliance under presidential executive order.
that they can give to information resources and technology management issues.

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 \(^\text{1}\) 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,


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. 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

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

For example, in July 1996, 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.° 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.° 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.° However, we also found that of 31 high-impact agencies, 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

°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. 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 health, 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. 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. 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

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federal systems were not being adequately protected from computer-based threats.\footnote{For example, see U.S. General Accounting Office, Computer Security: Improvements Needed to Reduce Risk to Critical Federal Operations and Assets, GAO/NSIAD-97-91 (Washington, D.C., Nov 3, 1996).}

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.\footnote{U.S. General Accounting Office, Information Security: Challenges and Remaining Challenges to Adoption of Public Key Infrastructure Technology, GAO/AIMD-01-77 (Washington, D.C., Feb. 21, 2001).} 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
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.5 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.6 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

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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. 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, 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 5

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$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 risk of its IT investments. In support of these requirements, in May 2000 we issued the Information Technology Investment Management maturity framework, 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.

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. 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.

- 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 professionals is critical to the success of IT modernization projects. Since then, we have issued numerous reports highlighting the importance of human capital management in IT investments. In 2000, we published a guide for agencies on how to develop and implement effective human capital strategies. The guide includes best practices for recruiting, training, retaining, and rewarding IT professionals. We have also worked with agencies to help them develop and implement plans to address the specific human capital challenges they face. For example, we have helped agencies develop strategies for hiring IT professionals with the skills needed to support their modernization efforts. We have also provided guidance on how to use existing IT training programs to help IT professionals acquire the skills they need. Despite these efforts, we have continued to find that many agencies have not yet fully implemented effective human capital strategies.
professionals is a critical aspect of strategic information management." 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.*

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 ITs to make government information better organized and more accessible to the public. The bill seeks to accomplish this goal 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

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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. 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.862 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 America’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. In addition, more than 60 percent of certain segments of the population were not

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9U.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 67,000 households.

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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."

- **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, 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

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5CGOV22-06-19.

the bill’s support for digital signatures. We note that while previous versions of the bill authorized funding exclusively for the development of the 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 resource management, the Office of Personnel Management, in consultation with OMB and 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. Accordingly, we suggested that executives should systematically identify IT skill gaps and target 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.

- 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 issues.

Moreover, as a prime user of performance and financial information, the Congress can benefit from having the Council statutorily based.

1 Digital signatures are a special kind of encrypted electronic signature that verify an signer’s identity and establish authenticity of the message to which they are attached.

2 GAO/RCED-01-112.
8.803 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 multagency 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.* 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.

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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 koontzj@gao.gov.
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 (78%) 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 CMB.

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 theme 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 (ITI). 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 limited—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 ontime 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 non-essential 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;
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- 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 utilizes 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 Y2K 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 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 CIO 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 CIO.

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 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.]