

[[§ 3315 to 3324. Repealed. Pub. L. 113-187, § 7(a), Nov. 26, 2014, 128 Stat. 2011]]

Section 3315, added Pub. L. 93-526, title II, § 202, Dec. 19, 1974, 88 Stat. 1698, related to definitions of certain terms used in sections 3315 to 3324.

Section 3316, added Pub. L. 93-526, title II, § 202, Dec. 19, 1974, 88 Stat. 1699, related to the establishment of the National Study Commission on Records and Documents of Federal Officials.

Section 3317, added Pub. L. 93-526, title II, § 202, Dec. 19, 1974, 88 Stat. 1699, related to the duties of the Commission.

Section 3318, added Pub. L. 93-526, title II, § 202, Dec. 19, 1974, 88 Stat. 1699; amended Pub. L. 94-261, § 1(a), Apr. 11, 1976, 90 Stat. 326, related to membership of the Commission.

Section 3319, added Pub. L. 93-526, title II, § 202, Dec. 19, 1974, 88 Stat. 1701, related to director, staff, experts, and consultants.

Section 3320, added Pub. L. 93-526, title II, § 202, Dec. 19, 1974, 88 Stat. 1701, related to the powers of the Commission.

Section 3321, added Pub. L. 93-526, title II, § 202, Dec. 19, 1974, 88 Stat. 1701, related to support services provided to the Commission by the Administrator of General Services and the Archivist of the United States.

Section 3322, added Pub. L. 93-526, title II, § 202, Dec. 19, 1974, 88 Stat. 1701; amended Pub. L. 94-261, § 1(b), Apr. 11, 1976, 90 Stat. 326, related to the report of the Commission.

Section 3323, added Pub. L. 93-526, title II, § 202, Dec. 19, 1974, 88 Stat. 1701, related to termination of the Commission.

Section 3324, added Pub. L. 93-526, title II, § 202, Dec. 19, 1974, 88 Stat. 1701, related to authorization of appropriations.

CHAPTER 35—COORDINATION OF FEDERAL INFORMATION POLICY

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AMENDMENTS

2014—Pub. L. 113-283, § 2(e)(1), Dec. 18, 2014, 128 Stat. 3086, added heading for subchapter II and items 3551 to 3558 and struck out heading for former subchapter II and items 3531 to 3538 and heading for subchapter III and items 3541 to 3549. Prior to amendment, headings for both subchapters II and III read “INFORMATION SECURITY” and items under each subchapter were substantially similar to items 3551 to 3558.

2002—Pub. L. 107-347, title III, § 301(b)(2), Dec. 17, 2002, 116 Stat. 2955, added heading for subchapter III and items 3541 to 3549.

Pub. L. 107-296, title X, § 1001(b)(2), Nov. 25, 2002, 116 Stat. 2267, reenacted items 3531 to 3535 without change, substituted “National security systems” for “Expiration” in item 3536, and added items 3537 and 3538.

Pub. L. 107-198, § 3(b), June 28, 2002, 116 Stat. 732, added item 3520 and renumbered former item 3520 as 3521.

2000—Pub. L. 106-398, § 1 [[div. A], title X, § 1064(a)(1)], Oct. 30, 2000, 114 Stat. 1654, 1654A-275, inserted subchapters I and II headings and added items 3531 to 3536.

1995—Pub. L. 104-13, § 2, May 22, 1995, 109 Stat. 163, amended chapter heading and analysis generally.

1980—Pub. L. 96-511, § 2(a), Dec. 11, 1980, 94 Stat. 2812, substituted in chapter heading “INFORMATION POLICY” for “REPORTING SERVICES”, and amended analysis generally.

SUBCHAPTER I—FEDERAL INFORMATION POLICY

AMENDMENTS

2000—Pub. L. 106-398, § 1 [[div. A], title X, § 1064(a)(2)], Oct. 30, 2000, 114 Stat. 1654, 1654A-275, inserted subchapter heading.

§ 3501. Purposes

The purposes of this subchapter are to—

(1) minimize the paperwork burden for individuals, small businesses, educational and nonprofit institutions, Federal contractors, State, local and tribal governments, and other persons resulting from the collection of information by or for the Federal Government;

(2) ensure the greatest possible public benefit from and maximize the utility of information created, collected, maintained, used, shared and disseminated by or for the Federal Government;

(3) coordinate, integrate, and to the extent practicable and appropriate, make uniform Federal information resources management policies and practices as a means to improve the productivity, efficiency, and effectiveness of Government programs, including the reduction of information collection burdens on the public and the improvement of service delivery to the public;

(4) improve the quality and use of Federal information to strengthen decisionmaking, accountability, and openness in Government and society;

(5) minimize the cost to the Federal Government of the creation, collection, maintenance,

use, dissemination, and disposition of information;

(6) strengthen the partnership between the Federal Government and State, local, and tribal governments by minimizing the burden and maximizing the utility of information created, collected, maintained, used, disseminated, and retained by or for the Federal Government;

(7) provide for the dissemination of public information on a timely basis, on equitable terms, and in a manner that promotes the utility of the information to the public and makes effective use of information technology;

(8) ensure that the creation, collection, maintenance, use, dissemination, and disposition of information by or for the Federal Government is consistent with applicable laws, including laws relating to—

(A) privacy and confidentiality, including section 552a of title 5;

(B) security of information, including section 11332 of title 40¹; and

(C) access to information, including section 552 of title 5;

(9) ensure the integrity, quality, and utility of the Federal statistical system;

(10) ensure that information technology is acquired, used, and managed to improve performance of agency missions, including the reduction of information collection burdens on the public; and

(11) improve the responsibility and accountability of the Office of Management and Budget and all other Federal agencies to Congress and to the public for implementing the information collection review process, information resources management, and related policies and guidelines established under this subchapter.

(Added Pub. L. 104-13, §2, May 22, 1995, 109 Stat. 163; amended Pub. L. 106-398, §1 [[div. A], title X, §1064(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-275; Pub. L. 107-217, §3(l)(3), Aug. 21, 2002, 116 Stat. 1301.)

REFERENCES IN TEXT

Section 11332 of title 40, referred to in par. (8)(B), was repealed by Pub. L. 107-296, title X, §1005(a)(1), Nov. 25, 2002, 116 Stat. 2272, and Pub. L. 107-347, title III, §305(a), Dec. 17, 2002, 116 Stat. 2960.

PRIOR PROVISIONS

A prior section 3501, added Pub. L. 96-511, §2(a), Dec. 11, 1980, 94 Stat. 2812; amended Pub. L. 99-500, §101(m) [title VIII, §811], Oct. 18, 1986, 100 Stat. 1783-308, 1783-335, and Pub. L. 99-591, §101(m) [title VIII, §811], Oct. 30, 1986, 100 Stat. 3341-308, 3341-335, related to purposes of this chapter prior to the general amendment of this chapter by Pub. L. 104-13.

Another prior section 3501, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1302, related to information for Federal agencies, prior to the general amendment of this chapter by Pub. L. 96-511.

AMENDMENTS

2002—Par. (8)(B). Pub. L. 107-217 substituted “section 11332 of title 40” for “the Computer Security Act of 1987 (Public Law 100-235)”.

2000—Pub. L. 106-398 substituted “subchapter” for “chapter” in introductory provisions and in par. (11).

EFFECTIVE DATE OF 2000 AMENDMENT

Amendment by Pub. L. 106-398 effective 30 days after Oct. 30, 2000, see section 1 [[div. A], title X, §1065] of Pub. L. 106-398, Oct. 30, 2000, 114 Stat. 1654, formerly set out as an Effective Date note under former section 3531 of this title.

EFFECTIVE DATE

Pub. L. 104-13, §4, May 22, 1995, 109 Stat. 185, provided that:

“(a) IN GENERAL.—Except as otherwise provided in this section, this Act [enacting this chapter, amending section 91 of Title 13, Census, and enacting provisions set out as a note under section 101 of this title] and the amendments made by this Act shall take effect on October 1, 1995.

“(b) AUTHORIZATION OF APPROPRIATIONS.—Section 3520 [now 3521] of title 44, United States Code, as amended by this Act, shall take effect on the date of enactment of this Act [May 22, 1995].

“(c) DELAYED APPLICATION.—In the case of a collection of information for which there is in effect on September 30, 1995, a control number issued by the Office of Management and Budget under chapter 35 of title 44, United States Code—

“(1) the amendments made by this Act [enacting this chapter and amending section 91 of Title 13] shall apply to the collection of information beginning on the earlier of—

“(A) the first renewal or modification of that collection of information after September 30, 1995; or

“(B) the expiration of its control number after September 30, 1995.

“(2) prior to such renewal, modification, or expiration, the collection of information shall be subject to chapter 35 of title 44, United States Code, as in effect on September 30, 1995.”

SHORT TITLE

This chapter is popularly known as the “Paperwork Reduction Act”.

FEDERAL MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES

Pub. L. 107-347, title II, Dec. 17, 2002, 116 Stat. 2910, as amended by Pub. L. 108-271, §8(b), July 7, 2004, 118 Stat. 814; Pub. L. 108-281, §1, Aug. 2, 2004, 118 Stat. 889, provided that:

“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 [see Tables for classification] (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 related information technology standards promulgated 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.

¹ See References in Text note below.

“(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, as appropriate, 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 information and services to those groups.

“(c) AVOIDING DIMINISHED ACCESS.—When promulgating 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 extent 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 [see Tables for classification] 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 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 [see Tables for classification]; 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 [see Tables for classification] 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 11103 of title 40, United States Code.

“(2) APPLICABILITY.—This section, section 203, and section 214 do apply to national security systems to the extent practicable and consistent with law.

“SEC. 203. COMPATIBILITY OF EXECUTIVE AGENCY METHODS 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) [44 U.S.C. 3504 note], 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 signatures.

“(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 signature compatibility, and for other activities consistent with this section, \$8,000,000 or such sums as are necessary 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 Administration and other agencies to maintain and promote an integrated Internet-based system of providing the public with access to Government information and services.

“(2) CRITERIA.—To the extent practicable, the integrated system shall be designed and operated according to the following criteria:

“(A) The provision of Internet-based Government 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 of the Court of Federal Claims, and the chief bankruptcy judge of each district shall cause to be established and maintained, for the court of which the judge is chief justice or judge, 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 documents filed with the courthouse in electronic form, to the extent provided under subsection (c).

“(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 [see Effective Date note set out under section 3601 of this title] shall remain available online.

“(c) ELECTRONIC FILINGS.—

“(1) IN GENERAL.—Except as provided under paragraph (2) or in the rules prescribed under paragraph (3), 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.—

“(A)(i) The Supreme Court shall prescribe rules, in accordance with sections 2072 and 2075 of title 28, United States Code, to protect privacy and security concerns relating to electronic filing of documents and the public availability under this subsection of documents filed electronically or converted to electronic form.

“(ii) Such rules shall provide to the extent practicable for uniform treatment of privacy and security issues throughout the Federal courts.

“(iii) Such rules shall take into consideration best practices in Federal and State courts to protect private information or otherwise maintain necessary information security.

“(iv) Except as provided in clause (v), to the extent that such rules provide for the redaction of certain categories of information in order to protect privacy and security concerns, such rules shall provide that a party that wishes to file an otherwise proper document containing such protected information may file an unredacted document under seal, which shall be retained by the court as part of the record, and which, at the discretion of the court and subject to any applicable rules issued in accordance with chapter 131 of title 28, United States Code, shall be either in lieu of, or in addition to, a redacted copy in the public file.

“(v) Such rules may require the use of appropriate redacted identifiers in lieu of protected information described in clause (iv) in any pleading,

motion, or other paper filed with the court (except with respect to a paper that is an exhibit or other evidentiary matter, or with respect to a reference list described in this subclause), or in any written discovery response—

“(I) by authorizing the filing under seal, and permitting the amendment as of right under seal, of a reference list that—

“(aa) identifies each item of unredacted protected information that the attorney or, if there is no attorney, the party, certifies is relevant to the case; and

“(bb) specifies an appropriate redacted identifier that uniquely corresponds to each item of unredacted protected information listed; and

“(II) by providing that all references in the case to the redacted identifiers in such reference list shall be construed, without more, to refer to the corresponding unredacted item of protected information.

“(B)(i) Subject to clause (ii), the Judicial Conference of the United States may issue interim rules, and interpretive statements relating to the application of such rules, which conform to the requirements of this paragraph and which shall cease to have effect upon the effective date of the rules required under subparagraph (A).

“(ii) Pending issuance of the rules required under subparagraph (A), any rule or order of any court, or of the Judicial Conference, providing for the redaction of certain categories of information in order to protect privacy and security concerns arising from electronic filing or electronic conversion shall comply with, and be construed in conformity with, subparagraph (A)(iv).

“(C) Not later than 1 year after the rules prescribed under subparagraph (A) take effect, and every 2 years thereafter, the Judicial Conference shall submit to Congress a report on the adequacy of those rules to protect privacy and security.

“(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.—[Amended section 303(a) of Pub. L. 102-140, set out as a note under section 1913 of Title 28, Judiciary and Judicial Procedure.]

“(f) TIME REQUIREMENTS.—Not later than 2 years after the effective date of this title [see Effective Date note set out under section 3601 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 notification 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 [see Effective Date note set out

under section 3601 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 [now Oversight and 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) 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 required to be published in the Federal Register under paragraphs (1) and (2) of section 552(a) of title 5, United States Code.

“(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.

“(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(c) 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(c) 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 3606 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 improve the methods by which Government information, including information on the Internet, is organized, preserved, and made accessible to the public.

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

“(1) ‘Committee’ means the Interagency Committee on Government Information established under subsection (c); 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 180 days after the date of enactment of this title [Dec. 17, 2002], the Director shall establish the Interagency Committee on Government 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, except 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 2 years after the date of enactment of this Act [Dec. 17, 2002], 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

“(ii) 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 1 year after the submission of recommendations 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 provisions 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 2 years after the date of enactment of this Act [Dec. 17, 2002], 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 effec-

tively 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 1 year after the submission of recommendations 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 comprehensively to Government information on the Internet and to other electronic records; and

“(B) imposing timetables for the implementation of the policies, procedures, and technologies 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 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).

“(f) AGENCY WEBSITES.—

“(1) STANDARDS FOR AGENCY WEBSITES.—Not later than 2 years after the effective date of this title [see Effective Date note set out under section 3601 of this title], the Director shall promulgate guidance for agency websites that includes—

“(A) requirements that websites include direct links to—

“(i) descriptions of the mission and statutory authority of the agency;

“(ii) information made available to the public under subsections (a)(1) and (b) of section 552 of title 5, United States Code (commonly referred to as the ‘Freedom of Information Act’);

“(iii) information about the organizational structure of the agency; and

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

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

“(i) speed of retrieval of search results;

“(ii) the relevance of the results;

“(iii) tools to aggregate and disaggregate data; and

“(iv) security protocols to protect information.

“(2) AGENCY REQUIREMENTS.—(A) Not later than 2 years after the date of enactment of this Act [Dec. 17, 2002], each agency shall—

“(i) consult with the Committee and solicit public comment;

“(ii) establish a process for determining which Government information the agency intends to make available and accessible to the public on the Internet and by other means;

“(iii) develop priorities and schedules for making Government information available and accessible;

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

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

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

“(B) Each agency shall update determinations, priorities, and schedules of the agency, as needed, after consulting with the Committee and soliciting public comment, if appropriate.

“(3) PUBLIC DOMAIN DIRECTORY OF PUBLIC FEDERAL GOVERNMENT WEBSITES.—

“(A) ESTABLISHMENT.—Not later than 2 years after the effective date of this title [see Effective

Date note set out under section 3601 of this title], the Director and each agency shall—

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

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

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

“(i) 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

“(ii) develop a public domain taxonomy of subjects used to review and categorize public Federal Government websites.

“(C) UPDATE.—With the assistance of each agency, the Administrator of the Office of Electronic Government shall—

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

“(ii) solicit interested persons for improvements to the directory.

“(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 Office of Management and Budget (or the Director’s delegate), in consultation 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, consistent with any relevant protections for the information under section 552 of title 5, United States Code, 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 centers; 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 ongoing;

“(ee) any restrictions attached 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 appropriate; and

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

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

“(II) collaboration among those conducting Federal research and 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 [Dec. 17, 2002], 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 development centers.

“(4) FUNCTIONS OF THE DIRECTOR.—After submission of recommendations by the Committee under paragraph (3), the Director shall report on the recommendations of the Committee and Director to Congress, in the E-Government report under section 3606 of title 44 (as added by this Act).

“(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated 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.

“SEC. 208. PRIVACY PROVISIONS.

“(a) PURPOSE.—The purpose of this section is to ensure sufficient protections for the privacy of personal information as agencies implement citizen-centered electronic 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 information technology that collects, maintains, or disseminates information that is in an identifiable form; or

“(ii) initiating a new collection of information that—

“(I) will be collected, maintained, or disseminated using information technology; and

“(II) includes any information in an identifiable form permitting the physical or online contacting of a specific individual, if identical reporting requirements imposed on, 10 or more persons, other than agencies, instrumentalities, or employees of the Federal Government.

“(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 security reasons, or to protect classified, sensitive, or private information contained in an assessment.

“(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 ASSESSMENT.—

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

“(B) GUIDANCE.—The guidance shall—

“(i) ensure that a privacy impact assessment is commensurate with the size of the information system being assessed, the sensitivity of information that is in an identifiable form in that system, and the risk of harm from unauthorized release of that information; and

“(ii) require that a privacy impact assessment address—

“(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) 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 information that is in an identifiable form as the Director determines appropriate.

“(c) 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.

“(d) DEFINITION.—In this section, the term ‘identifiable form’ means any representation of information that permits the identity of an individual to whom the information applies to be reasonably inferred by either direct or indirect means.

“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) WORKFORCE DEVELOPMENT.—

“(1) IN GENERAL.—In consultation with the Director of the Office of Management and Budget, the Chief Information Officers Council, and the Administrator of General Services, the Director of the Office of Personnel Management shall—

“(A) analyze, on an ongoing basis, the personnel needs of the Federal Government related to information technology and information resource management;

“(B) identify where current information technology and information resource management training do not satisfy the personnel needs described in subparagraph (A);

“(C) 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

“(D) assess the training of Federal employees in information technology disciplines in order to ensure that the information resource management needs of the Federal Government are addressed.

“(2) INFORMATION TECHNOLOGY TRAINING PROGRAMS.—The head of each Executive agency, after consultation with the Director of the Office of Personnel Management, the Chief Information Officers Council, and the Administrator of General Services, shall establish and operate information technology training programs consistent with the requirements of this subsection. Such programs shall—

“(A) have curricula covering a broad range of information technology disciplines corresponding to the specific information technology and information resource management needs of the agency involved;

“(B) be developed and applied according to rigorous standards; and

“(C) 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 the effectiveness of the training or negatively impacting academic standards.

“(3) GOVERNMENTWIDE POLICIES AND EVALUATION.—The Director of the Office of Personnel Management, in coordination with the Director of the Office of Management and Budget, shall issue policies to promote the development of performance standards for training and uniform implementation of this subsection by Executive agencies, with due regard for differences in program requirements among agencies that may be appropriate and warranted in view of the agency mission. The Director of the Office of Personnel Management shall evaluate the implementation of the provisions of this subsection by Executive agencies.

“(4) CHIEF INFORMATION OFFICER AUTHORITIES AND RESPONSIBILITIES.—Subject to the authority, direction, and control of the head of an Executive agency, the chief information officer of such agency shall carry out all powers, functions, and duties of the head of the agency with respect to implementation of this subsection. The chief information officer shall ensure that the policies of the agency head established in accordance with this subsection are implemented throughout the agency.

“(5) INFORMATION TECHNOLOGY TRAINING REPORTING.—The Director of the Office of Management and Budget shall ensure that the heads of Executive agencies collect and maintain standardized information on the information technology and information resources management workforce related to the implementation of this subsection.

“(6) AUTHORITY TO DETAIL EMPLOYEES TO NON-FEDERAL EMPLOYERS.—In carrying out the preceding provisions of this subsection, the Director of the Office of Personnel Management may provide for a program under which a Federal employee may be detailed to a non-Federal employer. The Director of the Office of Personnel Management shall prescribe regulations for such program, including the conditions for service and duties as the Director considers necessary.

“(7) COORDINATION PROVISION.—An assignment described in section 3703 of title 5, United States Code, may not be made unless a program under paragraph (6) is established, and the assignment is made in accordance with the requirements of such program.

“(8) 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.

“(9) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to the Office of Personnel Management for the implementation of this subsection, \$15,000,000 in fiscal year 2003, and such sums as are necessary for each fiscal year thereafter.

“(10) EXECUTIVE AGENCY DEFINED.—For purposes of this subsection, the term ‘Executive agency’ has the meaning given the term ‘agency’ under section 3701 of title 5, United States Code (as added by subsection (c)).

“(c) INFORMATION TECHNOLOGY EXCHANGE PROGRAM.—

“(1) IN GENERAL.—[Enacted chapter 37 of Title 5, Government Organization and Employees.]

“(2) REPORT.—Not later than 4 years after the date of the enactment of this Act [Dec. 17, 2002], the Government Accountability Office shall prepare and submit to the Committee on Government Reform [now Committee on Oversight and Government Reform] of the House of Representatives and the Committee on Governmental Affairs [now Committee on Homeland Security and Governmental Affairs] of the Senate a report on the operation of chapter 37 of title 5, United States Code (as added by this subsection). Such report shall include—

“(A) an evaluation of the effectiveness of the program established by such chapter; and

“(B) a recommendation as to whether such program should be continued (with or without modification) or allowed to lapse.

“(3) CLERICAL AMENDMENT.—[Amended analysis for part III of Title 5.]

“(d) ETHICS PROVISIONS.—

“(1) ONE-YEAR RESTRICTION ON CERTAIN COMMUNICATIONS.—[Amended section 207 of Title 18, Crimes and Criminal Procedure.]

“(2) DISCLOSURE OF CONFIDENTIAL INFORMATION.—[Amended section 1905 of Title 18.]

“(3) CONTRACT ADVICE.—[Amended section 207 of Title 18.]

“(4) RESTRICTION ON DISCLOSURE OF PROCUREMENT INFORMATION.—[Amended section 423 of Title 41, Public Contracts.]

“(e) REPORT ON EXISTING EXCHANGE PROGRAMS.—

“(1) EXCHANGE PROGRAM DEFINED.—For purposes of this subsection, the term ‘exchange program’ means an executive exchange program, the program under subchapter VI of chapter 33 of title 5, United States Code, and any other program which allows for—

“(A) the assignment of employees of the Federal Government to non-Federal employers;

“(B) the assignment of employees of non-Federal employers to the Federal Government; or

“(C) both.

“(2) REPORTING REQUIREMENT.—Not later than 1 year after the date of the enactment of this Act [Dec. 17, 2002], the Office of Personnel Management shall prepare and submit to the Committee on Government Reform [now Committee on Oversight and Government Reform] of the House of Representatives and the Committee on Governmental Affairs [now Committee on Homeland Security and Governmental Affairs] of the Senate a report identifying all existing exchange programs.

“(3) SPECIFIC INFORMATION.—The report shall, for each such program, include—

“(A) a brief description of the program, including its size, eligibility requirements, and terms or conditions for participation;

“(B) specific citation to the law or other authority under which the program is established;

“(C) the names of persons to contact for more information, and how they may be reached; and

“(D) any other information which the Office considers appropriate.

“(f) REPORT ON THE ESTABLISHMENT OF A GOVERNMENTWIDE INFORMATION TECHNOLOGY TRAINING PROGRAM.—

“(1) IN GENERAL.—Not later January 1, 2003, the Office of Personnel Management, in consultation with the Chief Information Officers Council and the Administrator of General Services, shall review and submit to the Committee on Government Reform [now Committee on Oversight and Government Reform] of the House of Representatives and the Committee on Governmental Affairs [now Committee on Homeland Security and Governmental Affairs] of the Senate a written report on the following:

“(A) The adequacy of any existing information technology training programs available to Federal employees on a Governmentwide basis.

“(B)(i) If one or more such programs already exist, recommendations as to how they might be improved.

“(ii) If no such program yet exists, recommendations as to how such a program might be designed and established.

“(C) With respect to any recommendations under subparagraph (B), how the program under chapter 37 of title 5, United States Code, might be used to help carry them out.

“(2) COST ESTIMATE.—The report shall, for any recommended program (or improvements) under paragraph (1)(B), include the estimated costs associated with the implementation and operation of such program as so established (or estimated difference in costs of any such program as so improved).

“(g) TECHNICAL AND CONFORMING AMENDMENTS.—

“(1) AMENDMENTS TO TITLE 5, UNITED STATES CODE.—[Amended sections 3111, 4108, and 7353 of Title 5.]

“(2) AMENDMENT TO TITLE 18, UNITED STATES CODE.—[Amended section 209 of Title 18.]

“(3) OTHER AMENDMENTS.—[Amended section 125(c)(1) of Pub. L. 100-238, set out as a note under section 8432 of Title 5.]

“SEC. 210. SHARE-IN-SAVINGS INITIATIVES.

“(a) DEFENSE CONTRACTS.—[Enacted section 2332 of Title 10, Armed Forces.]

“(b) OTHER CONTRACTS.—[Enacted section 266a of Title 41.]

“(c) DEVELOPMENT OF INCENTIVES.—The Director of the Office of Management and Budget shall, in consultation with the Committee on Governmental Affairs [now Committee on Homeland Security and Governmental Affairs] of the Senate, the Committee on Government Reform [now Committee on Oversight and Government Reform] of the House of Representatives, and executive agencies, develop techniques to permit an executive agency to retain a portion of the savings (after payment of the contractor’s share of the savings) derived from share-in-savings contracts as funds are appropriated to the agency in future fiscal years.

“(d) REGULATIONS.—Not later than 270 days after the date of the enactment of this Act [Dec. 17, 2002], the Federal Acquisition Regulation shall be revised to implement the provisions enacted by this section. Such revisions shall—

“(1) provide for the use of competitive procedures in the selection and award of share-in-savings contracts to—

“(A) ensure the contractor’s share of savings reflects the risk involved and market conditions; and

“(B) otherwise yield greatest value to the government; and

“(2) allow appropriate regulatory flexibility to facilitate the use of share-in-savings contracts by executive agencies, including the use of innovative provisions for technology refreshment and nonstandard Federal Acquisition Regulation contract clauses.

“(e) ADDITIONAL GUIDANCE.—The Administrator of General Services shall—

“(1) identify potential opportunities for the use of share-in-savings contracts; and

“(2) in consultation with the Director of the Office of Management and Budget, provide guidance to executive agencies for determining mutually beneficial savings share ratios and baselines from which savings may be measured.

“(f) OMB REPORT TO CONGRESS.—In consultation with executive agencies, the Director of the Office of Management and Budget shall, not later than 2 years after the date of the enactment of this Act [Dec. 17, 2002], submit to Congress a report containing—

“(1) a description of the number of share-in-savings contracts entered into by each executive agency under by [sic] this section and the amendments made by this section, and, for each contract identified—

“(A) the information technology acquired;

“(B) the total amount of payments made to the contractor; and

“(C) the total amount of savings or other measurable benefits realized;

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

“(3) any recommendations, as the Director deems appropriate, regarding additional changes in law that may be necessary to ensure effective use of share-in-savings contracts by executive agencies.

“(g) GAO REPORT TO CONGRESS.—The Comptroller General shall, not later than 6 months after the report required under subsection (f) is submitted to Congress, conduct a review of that report and submit to Congress a report containing—

“(1) the results of the review;

“(2) an independent assessment by the Comptroller General of the effectiveness of the use of share-in-savings contracts in improving the mission-related and administrative processes of the executive agencies and the achievement of agency missions; and

“(3) a recommendation on whether the authority to enter into share-in-savings contracts should be continued.

“(h) REPEAL OF SHARE-IN-SAVINGS PILOT PROGRAM.—

“(1) REPEAL.—[Repealed section 11521 of Title 40, Public Buildings, Property, and Works.]

“(2) CONFORMING AMENDMENTS TO PILOT PROGRAM AUTHORITY.—[Amended sections 11501 to 11505 of Title 40.]

“(3) ADDITIONAL CONFORMING AMENDMENTS.—[Redesignated 11522 of Title 40 as 11521 and amended headings and analysis.]

“(i) DEFINITIONS.—In this section, the terms ‘contractor’, ‘savings’, and ‘share-in-savings contract’ have the meanings given those terms in section 317 of the Federal Property and Administrative Services Act of 1949 [former 41 U.S.C. 266a; now 41 U.S.C. note prec. 3901] (as added by subsection (b)).

“SEC. 211. AUTHORIZATION FOR ACQUISITION OF INFORMATION TECHNOLOGY BY STATE AND LOCAL GOVERNMENTS THROUGH FEDERAL SUPPLY SCHEDULES.

“(a) AUTHORITY TO USE CERTAIN SUPPLY SCHEDULES.—[Amended section 502 of Title 40.]

“(b) PROCEDURES.—Not later than 30 days after the date of the enactment of this Act [Dec. 17, 2002], the Administrator of General Services shall establish procedures to implement section 501(c) of title 40, United States Code (as added by subsection (a)).

“(c) REPORT.—Not later than December 31, 2004, the Administrator shall submit to the Committee on Government Reform [now Committee on Oversight and Government Reform] of the House of Representatives and the Committee on Governmental Affairs [now Committee on Homeland Security and Governmental Affairs] of the Senate a report on the implementation and effects of the amendment made by subsection (a).

“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 [Dec. 17, 2002], 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 Committee on Governmental Affairs [now Committee on Homeland Security and Governmental Affairs] of the Senate and the Committee on Government Reform [now Committee on Oversight and 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 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;

“(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, 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 any recommendations that the Director deems appropriate on the use of integrated re-

porting 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.

“(e) 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;

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

“(4) confidential statistical information collected under a confidentiality pledge, solely for statistical purposes, consistent with the Office of Management and Budget’s Federal Statistical Confidentiality Order, 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 [see Effective Date note set out under section 3601 of this title], the Administrator shall—

“(1) ensure that a study is conducted 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 [now Committee on Homeland Security and Governmental Affairs] of the Senate;

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

“(C) the Committee on Government Reform [now Committee on Oversight and Government Reform] of the House of Representatives; and

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

“(c) 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 Administrator any information and assistance necessary for the completion of the study and the report under this section.

“(e) ASSISTANCE.—

“(1) IN GENERAL.—The Administrator, in consultation with the Secretary 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 Administrator, in consultation with the Secretary of Education, the Director of the Institute of Museum and Library Services, 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 Administrator, with assistance from 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.—The Administrator, with assistance from the Department of Education and in consultation with other agencies and organizations, 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 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 [Dec. 17, 2002], the Administrator, in consultation with the Federal Emergency Management Agency, shall ensure that a study is conducted on using information technology to enhance crisis preparedness, response, and consequence management of natural and manmade disasters.

“(2) CONTENTS.—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 technologies, management of information technology research initiatives, and incorporation of research advances into the information and communications systems of—

“(i) the Federal Emergency Management Agency; and

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

“(B) opportunities for research and development on enhanced technologies into 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 Administrator shall submit a report on the study, including findings and recommendations to—

“(A) the Committee on Governmental Affairs [now Committee on Homeland Security and Governmental Affairs] of the Senate; and

“(B) the Committee on Government Reform [now Committee on Oversight and 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 Administrator in carrying out this section.

“(5) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated 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 Administrator, in consultation with 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 Administrator 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 [Dec. 17, 2002], the Administrator of General Services 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 Administrator of General Services shall submit to the Committee on Governmental Affairs [now Committee on Homeland Security and Governmental Affairs] of the Senate and the Committee on Government Reform [now Committee on Oversight and 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 \$950,000 in fiscal year 2003 to carry out this section.

“SEC. 216. 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 spatial information resources.

“(c) IN GENERAL.—

“(1) COMMON PROTOCOLS.—The Administrator, in consultation with 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 Administrator 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 such sums as are necessary to carry out this section, for each of the fiscal years 2003 through 2007.”

INFORMATION SECURITY RESPONSIBILITIES OF CERTAIN AGENCIES

Pub. L. 107-347, title III, §301(c)(1)(A), Dec. 17, 2002, 116 Stat. 2955, provided that: “Nothing in this Act [see Tables for classification] (including any amendment made by this Act) shall supersede any authority of the Secretary of Defense, the Director of Central Intelligence, or other agency head, as authorized by law and as directed by the President, with regard to the operation, control, or management of national security systems, as defined by [former] section 3542(b)(2) of title 44, United States Code [see now 44 U.S.C. 3552(b)(6)].”

[Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the intelligence community deemed to be a reference to the Director of National Intelligence. Reference to the Director of Central Intelligence or the Director of the Central Intelligence Agency in the Director’s capacity as the head of the Central Intelligence Agency deemed to be a reference to the Director of the Central Intelligence Agency. See section 1081(a), (b) of Pub. L. 108-458, set out as a note under section 3001 of Title 50, War and National Defense.]

ATOMIC ENERGY ACT OF 1954

Pub. L. 107-347, title III, §301(c)(2), Dec. 17, 2002, 116 Stat. 2955, provided that: “Nothing in this Act [see Tables for classification] shall supersede any requirement made by or under the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.). Restricted data or formerly restricted data shall be handled, protected, classified, downgraded, and declassified in conformity with the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).”

CONFIDENTIAL INFORMATION PROTECTION AND STATISTICAL EFFICIENCY

Pub. L. 107-347, title V, Dec. 17, 2002, 116 Stat. 2962, provided that:

“SEC. 501. SHORT TITLE.

“This title may be cited as the ‘Confidential Information Protection and Statistical Efficiency Act of 2002’.

“SEC. 502. DEFINITIONS.

“As used in this title:

“(1) The term ‘agency’ means any entity that falls within the definition of the term ‘executive agency’ as defined in section 102 of title 31, United States Code, or ‘agency’, as defined in section 3502 of title 44, United States Code.

“(2) The term ‘agent’ means an individual—

“(A)(i) who is an employee of a private organization or a researcher affiliated with an institution of higher learning (including a person granted special sworn status by the Bureau of the Census under section 23(c) of title 13, United States Code), and with whom a contract or other agreement is executed, on a temporary basis, by an executive agency to perform exclusively statistical activities under the control and supervision of an officer or employee of that agency;

“(ii) who is working under the authority of a government entity with which a contract or other

agreement is executed by an executive agency to perform exclusively statistical activities under the control of an officer or employee of that agency;

“(iii) who is a self-employed researcher, a consultant, a contractor, or an employee of a contractor, and with whom a contract or other agreement is executed by an executive agency to perform a statistical activity under the control of an officer or employee of that agency; or

“(iv) who is a contractor or an employee of a contractor, and who is engaged by the agency to design or maintain the systems for handling or storage of data received under this title; and

“(B) who agrees in writing to comply with all provisions of law that affect information acquired by that agency.

“(3) The term ‘business data’ means operating and financial data and information about businesses, tax-exempt organizations, and government entities.

“(4) The term ‘identifiable form’ means any representation of information that permits the identity of the respondent to whom the information applies to be reasonably inferred by either direct or indirect means.

“(5) The term ‘nonstatistical purpose’—

“(A) means the use of data in identifiable form for any purpose that is not a statistical purpose, including any administrative, regulatory, law enforcement, adjudicatory, or other purpose that affects the rights, privileges, or benefits of a particular identifiable respondent; and

“(B) includes the disclosure under section 552 of title 5, United States Code (popularly known as the Freedom of Information Act) of data that are acquired for exclusively statistical purposes under a pledge of confidentiality.

“(6) The term ‘respondent’ means a person who, or organization that, is requested or required to supply information to an agency, is the subject of information requested or required to be supplied to an agency, or provides that information to an agency.

“(7) The term ‘statistical activities’—

“(A) means the collection, compilation, processing, or analysis of data for the purpose of describing or making estimates concerning the whole, or relevant groups or components within, the economy, society, or the natural environment; and

“(B) includes the development of methods or resources that support those activities, such as measurement methods, models, statistical classifications, or sampling frames.

“(8) The term ‘statistical agency or unit’ means an agency or organizational unit of the executive branch whose activities are predominantly the collection, compilation, processing, or analysis of information for statistical purposes.

“(9) The term ‘statistical purpose’—

“(A) means the description, estimation, or analysis of the characteristics of groups, without identifying the individuals or organizations that comprise such groups; and

“(B) includes the development, implementation, or maintenance of methods, technical or administrative procedures, or information resources that support the purposes described in subparagraph (A).

“SEC. 503. COORDINATION AND OVERSIGHT OF POLICIES.

“(a) IN GENERAL.—The Director of the Office of Management and Budget shall coordinate and oversee the confidentiality and disclosure policies established by this title. The Director may promulgate rules or provide other guidance to ensure consistent interpretation of this title by the affected agencies.

“(b) AGENCY RULES.—Subject to subsection (c), agencies may promulgate rules to implement this title. Rules governing disclosures of information that are authorized by this title shall be promulgated by the agency that originally collected the information.

“(c) REVIEW AND APPROVAL OF RULES.—The Director shall review any rules proposed by an agency pursuant

to this title for consistency with the provisions of this title and chapter 35 of title 44, United States Code, and such rules shall be subject to the approval of the Director.

“(d) REPORTS.—

“(1) The head of each agency shall provide to the Director of the Office of Management and Budget such reports and other information as the Director requests.

“(2) Each Designated Statistical Agency referred to in section 522 shall report annually to the Director of the Office of Management and Budget, the Committee on Government Reform [now Committee on Oversight and Government Reform] of the House of Representatives, and the Committee on Governmental Affairs [now Committee on Homeland Security and Governmental Affairs] of the Senate on the actions it has taken to implement sections 523 and 524. The report shall include copies of each written agreement entered into pursuant to section 524(a) for the applicable year.

“(3) The Director of the Office of Management and Budget shall include a summary of reports submitted to the Director under paragraph (2) and actions taken by the Director to advance the purposes of this title in the annual report to the Congress on statistical programs prepared under section 3504(e)(2) of title 44, United States Code.

“SEC. 504. EFFECT ON OTHER LAWS.

“(a) TITLE 44, UNITED STATES CODE.—This title, including amendments made by this title, does not diminish the authority under section 3510 of title 44, United States Code, of the Director of the Office of Management and Budget to direct, and of an agency to make, disclosures that are not inconsistent with any applicable law.

“(b) TITLE 13 AND TITLE 44, UNITED STATES CODE.—This title, including amendments made by this title, does not diminish the authority of the Bureau of the Census to provide information in accordance with sections 8, 16, 301, and 401 of title 13, United States Code, and section 2108 of title 44, United States Code.

“(c) TITLE 13, UNITED STATES CODE.—This title, including amendments made by this title, shall not be construed as authorizing the disclosure for nonstatistical purposes of demographic data or information collected by the Census Bureau pursuant to section 9 of title 13, United States Code.

“(d) VARIOUS ENERGY STATUTES.—Data or information acquired by the Energy Information Administration under a pledge of confidentiality and designated by the Energy Information Administration to be used for exclusively statistical purposes shall not be disclosed in identifiable form for nonstatistical purposes under—

“(1) section 12, 20, or 59 of the Federal Energy Administration Act of 1974 (15 U.S.C. 771, 779, 790h);

“(2) section 11 of the Energy Supply and Environmental Coordination Act of 1974 (15 U.S.C. 796); or

“(3) section 205 or 407 of the Department of the Energy Organization Act of 1977 (42 U.S.C. 7135, 7177).

“(e) SECTION 201 OF CONGRESSIONAL BUDGET ACT OF 1974 [2 U.S.C. 601].—This title, including amendments made by this title, shall not be construed to limit any authorities of the Congressional Budget Office to work (consistent with laws governing the confidentiality of information the disclosure of which would be a violation of law) with databases of Designated Statistical Agencies (as defined in section 522), either separately or, for data that may be shared pursuant to section 524 of this title or other authority, jointly in order to improve the general utility of these databases for the statistical purpose of analyzing pension and health care financing issues.

“(f) PREEMPTION OF STATE LAW.—Nothing in this title shall preempt applicable State law regarding the confidentiality of data collected by the States.

“(g) STATUTES REGARDING FALSE STATEMENTS.—Notwithstanding section 512, information collected by an

agency for exclusively statistical purposes under a pledge of confidentiality may be provided by the collecting agency to a law enforcement agency for the prosecution of submissions to the collecting agency of false statistical information under statutes that authorize criminal penalties (such as section 221 of title 13, United States Code) or civil penalties for the provision of false statistical information, unless such disclosure or use would otherwise be prohibited under Federal law.

“(h) CONSTRUCTION.—Nothing in this title shall be construed as restricting or diminishing any confidentiality protections or penalties for unauthorized disclosure that otherwise apply to data or information collected for statistical purposes or nonstatistical purposes, including, but not limited to, section 6103 of the Internal Revenue Code of 1986 (26 U.S.C. 6103).

“(i) AUTHORITY OF CONGRESS.—Nothing in this title shall be construed to affect the authority of the Congress, including its committees, members, or agents, to obtain data or information for a statistical purpose, including for oversight of an agency’s statistical activities.

“SUBTITLE A—CONFIDENTIAL INFORMATION PROTECTION
“SEC. 511. FINDINGS AND PURPOSES.

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

“(1) Individuals, businesses, and other organizations have varying degrees of legal protection when providing information to the agencies for strictly statistical purposes.

“(2) Pledges of confidentiality by agencies provide assurances to the public that information about individuals or organizations or provided by individuals or organizations for exclusively statistical purposes will be held in confidence and will not be used against such individuals or organizations in any agency action.

“(3) Protecting the confidentiality interests of individuals or organizations who provide information under a pledge of confidentiality for Federal statistical programs serves both the interests of the public and the needs of society.

“(4) Declining trust of the public in the protection of information provided under a pledge of confidentiality to the agencies adversely affects both the accuracy and completeness of statistical analyses.

“(5) Ensuring that information provided under a pledge of confidentiality for statistical purposes receives protection is essential in continuing public cooperation in statistical programs.

“(b) PURPOSES.—The purposes of this subtitle are the following:

“(1) To ensure that information supplied by individuals or organizations to an agency for statistical purposes under a pledge of confidentiality is used exclusively for statistical purposes.

“(2) To ensure that individuals or organizations who supply information under a pledge of confidentiality to agencies for statistical purposes will neither have that information disclosed in identifiable form to anyone not authorized by this title nor have that information used for any purpose other than a statistical purpose.

“(3) To safeguard the confidentiality of individually identifiable information acquired under a pledge of confidentiality for statistical purposes by controlling access to, and uses made of, such information.

“SEC. 512. LIMITATIONS ON USE AND DISCLOSURE OF DATA AND INFORMATION.

“(a) USE OF STATISTICAL DATA OR INFORMATION.—Data or information acquired by an agency under a pledge of confidentiality and for exclusively statistical purposes shall be used by officers, employees, or agents of the agency exclusively for statistical purposes.

“(b) DISCLOSURE OF STATISTICAL DATA OR INFORMATION.—

“(1) Data or information acquired by an agency under a pledge of confidentiality for exclusively sta-

tistical purposes shall not be disclosed by an agency in identifiable form, for any use other than an exclusively statistical purpose, except with the informed consent of the respondent.

“(2) A disclosure pursuant to paragraph (1) is authorized only when the head of the agency approves such disclosure and the disclosure is not prohibited by any other law.

“(3) This section does not restrict or diminish any confidentiality protections in law that otherwise apply to data or information acquired by an agency under a pledge of confidentiality for exclusively statistical purposes.

“(c) RULE FOR USE OF DATA OR INFORMATION FOR NON-STATISTICAL PURPOSES.—A statistical agency or unit shall clearly distinguish any data or information it collects for nonstatistical purposes (as authorized by law) and provide notice to the public, before the data or information is collected, that the data or information could be used for nonstatistical purposes.

“(d) DESIGNATION OF AGENTS.—A statistical agency or unit may designate agents, by contract or by entering into a special agreement containing the provisions required under section 502(2) for treatment as an agent under that section, who may perform exclusively statistical activities, subject to the limitations and penalties described in this title.

“SEC. 513. FINES AND PENALTIES.

“Whoever, being an officer, employee, or agent of an agency acquiring information for exclusively statistical purposes, having taken and subscribed the oath of office, or having sworn to observe the limitations imposed by section 512, comes into possession of such information by reason of his or her being an officer, employee, or agent and, knowing that the disclosure of the specific information is prohibited under the provisions of this title, willfully discloses the information in any manner to a person or agency not entitled to receive it, shall be guilty of a class E felony and imprisoned for not more than 5 years, or fined not more than \$250,000, or both.

“SUBTITLE B—STATISTICAL EFFICIENCY

“SEC. 521. FINDINGS AND PURPOSES.

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

“(1) Federal statistics are an important source of information for public and private decision-makers such as policymakers, consumers, businesses, investors, and workers.

“(2) Federal statistical agencies should continuously seek to improve their efficiency. Statutory constraints limit the ability of these agencies to share data and thus to achieve higher efficiency for Federal statistical programs.

“(3) The quality of Federal statistics depends on the willingness of businesses to respond to statistical surveys. Reducing reporting burdens will increase response rates, and therefore lead to more accurate characterizations of the economy.

“(4) Enhanced sharing of business data among the Bureau of the Census, the Bureau of Economic Analysis, and the Bureau of Labor Statistics for exclusively statistical purposes will improve their ability to track more accurately the large and rapidly changing nature of United States business. In particular, the statistical agencies will be able to better ensure that businesses are consistently classified in appropriate industries, resolve data anomalies, produce statistical samples that are consistently adjusted for the entry and exit of new businesses in a timely manner, and correct faulty reporting errors quickly and efficiently.

“(5) The Congress enacted the International Investment and Trade in Services Act of 1990 [probably means the International Investment and Trade in Services Survey Act, Pub. L. 94-472, as amended by Pub. L. 101-533, which is classified to 22 U.S.C. 3101 et seq.] that allowed the Bureau of the Census, the Bureau of Economic Analysis, and the Bureau of Labor

Statistics to share data on foreign-owned companies. The Act not only expanded detailed industry coverage from 135 industries to over 800 industries with no increase in the data collected from respondents but also demonstrated how data sharing can result in the creation of valuable data products.

“(6) With subtitle A of this title, the sharing of business data among the Bureau of the Census, the Bureau of Economic Analysis, and the Bureau of Labor Statistics continues to ensure the highest level of confidentiality for respondents to statistical surveys.

“(b) PURPOSES.—The purposes of this subtitle are the following:

“(1) To authorize the sharing of business data among the Bureau of the Census, the Bureau of Economic Analysis, and the Bureau of Labor Statistics for exclusively statistical purposes.

“(2) To reduce the paperwork burdens imposed on businesses that provide requested information to the Federal Government.

“(3) To improve the comparability and accuracy of Federal economic statistics by allowing the Bureau of the Census, the Bureau of Economic Analysis, and the Bureau of Labor Statistics to update sample frames, develop consistent classifications of establishments and companies into industries, improve coverage, and reconcile significant differences in data produced by the three agencies.

“(4) To increase understanding of the United States economy, especially for key industry and regional statistics, to develop more accurate measures of the impact of technology on productivity growth, and to enhance the reliability of the Nation’s most important economic indicators, such as the National Income and Product Accounts.

“SEC. 522. DESIGNATION OF STATISTICAL AGENCIES.

“For purposes of this subtitle, the term ‘Designated Statistical Agency’ means each of the following:

“(1) The Bureau of the Census of the Department of Commerce.

“(2) The Bureau of Economic Analysis of the Department of Commerce.

“(3) The Bureau of Labor Statistics of the Department of Labor.

“SEC. 523. RESPONSIBILITIES OF DESIGNATED STATISTICAL AGENCIES.

“The head of each of the Designated Statistical Agencies shall—

“(1) identify opportunities to eliminate duplication and otherwise reduce reporting burden and cost imposed on the public in providing information for statistical purposes;

“(2) enter into joint statistical projects to improve the quality and reduce the cost of statistical programs; and

“(3) protect the confidentiality of individually identifiable information acquired for statistical purposes by adhering to safeguard principles, including—

“(A) emphasizing to their officers, employees, and agents the importance of protecting the confidentiality of information in cases where the identity of individual respondents can reasonably be inferred by either direct or indirect means;

“(B) training their officers, employees, and agents in their legal obligations to protect the confidentiality of individually identifiable information and in the procedures that must be followed to provide access to such information;

“(C) implementing appropriate measures to assure the physical and electronic security of confidential data;

“(D) establishing a system of records that identifies individuals accessing confidential data and the project for which the data were required; and

“(E) being prepared to document their compliance with safeguard principles to other agencies authorized by law to monitor such compliance.

“SEC. 524. SHARING OF BUSINESS DATA AMONG DESIGNATED STATISTICAL AGENCIES.

“(a) IN GENERAL.—A Designated Statistical Agency may provide business data in an identifiable form to another Designated Statistical Agency under the terms of a written agreement among the agencies sharing the business data that specifies—

“(1) the business data to be shared;

“(2) the statistical purposes for which the business data are to be used;

“(3) the officers, employees, and agents authorized to examine the business data to be shared; and

“(4) appropriate security procedures to safeguard the confidentiality of the business data.

“(b) RESPONSIBILITIES OF AGENCIES UNDER OTHER LAWS.—The provision of business data by an agency to a Designated Statistical Agency under this subtitle shall in no way alter the responsibility of the agency providing the data under other statutes (including section 552 of title 5, United States Code (popularly known as the Freedom of Information Act), and section 552b of title 5, United States Code (popularly known as the Privacy Act of 1974 [Pub. L. 93-579, see Short Title note set out under section 552a of Title 5, Government Organization and Employees])) with respect to the provision or withholding of such information by the agency providing the data.

“(c) RESPONSIBILITIES OF OFFICERS, EMPLOYEES, AND AGENTS.—Examination of business data in identifiable form shall be limited to the officers, employees, and agents authorized to examine the individual reports in accordance with written agreements pursuant to this section. Officers, employees, and agents of a Designated Statistical Agency who receive data pursuant to this subtitle shall be subject to all provisions of law, including penalties, that relate—

“(1) to the unlawful provision of the business data that would apply to the officers, employees, and agents of the agency that originally obtained the information; and

“(2) to the unlawful disclosure of the business data that would apply to officers, employees, and agents of the agency that originally obtained the information.

“(d) NOTICE.—Whenever a written agreement concerns data that respondents were required by law to report and the respondents were not informed that the data could be shared among the Designated Statistical Agencies, for exclusively statistical purposes, the terms of such agreement shall be described in a public notice issued by the agency that intends to provide the data. Such notice shall allow a minimum of 60 days for public comment.

“SEC. 525. LIMITATIONS ON USE OF BUSINESS DATA PROVIDED BY DESIGNATED STATISTICAL AGENCIES.

“(a) USE, GENERALLY.—Business data provided by a Designated Statistical Agency pursuant to this subtitle shall be used exclusively for statistical purposes.

“(b) PUBLICATION.—Publication of business data acquired by a Designated Statistical Agency shall occur in a manner whereby the data furnished by any particular respondent are not in identifiable form.

“SEC. 526. CONFORMING AMENDMENTS.

“(a) DEPARTMENT OF COMMERCE.—[Amended section 176a of Title 15, Commerce and Trade.]

“(b) TITLE 13.—[Enacted section 402 of Title 13, Census.]”

WAIVER OF PAPERWORK REDUCTION

Pub. L. 101-508, title IV, §4711(f), Nov. 5, 1990, 104 Stat. 1388-187, provided that: “Chapter 35 of title 44, United States Code, and Executive Order 12291 [formerly set out as a note under section 601 of Title 5, Government Organization and Employees] shall not apply to information and regulations required for purposes of carrying out this Act [see Tables for classification] and implementing the amendments made by this Act.”

EX. ORD. NO. 13556. CONTROLLED UNCLASSIFIED INFORMATION

Ex. Ord. No. 13556, Nov. 4, 2010, 75 F.R. 68675, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

SECTION 1. Purpose. This order establishes an open and uniform program for managing information that requires safeguarding or dissemination controls pursuant to and consistent with law, regulations, and Government-wide policies, excluding information that is classified under Executive Order 13526 of December 29, 2009, or the Atomic Energy Act, as amended.

At present, executive departments and agencies (agencies) employ ad hoc, agency-specific policies, procedures, and markings to safeguard and control this information, such as information that involves privacy, security, proprietary business interests, and law enforcement investigations. This inefficient, confusing patchwork has resulted in inconsistent marking and safeguarding of documents, led to unclear or unnecessarily restrictive dissemination policies, and created impediments to authorized information sharing. The fact that these agency-specific policies are often hidden from public view has only aggravated these issues.

To address these problems, this order establishes a program for managing this information, hereinafter described as Controlled Unclassified Information, that emphasizes the openness and uniformity of Government-wide practice.

SEC. 2. Controlled Unclassified Information (CUI).

(a) The CUI categories and subcategories shall serve as exclusive designations for identifying unclassified information throughout the executive branch that requires safeguarding or dissemination controls, pursuant to and consistent with applicable law, regulations, and Government-wide policies.

(b) The mere fact that information is designated as CUI shall not have a bearing on determinations pursuant to any law requiring the disclosure of information or permitting disclosure as a matter of discretion, including disclosures to the legislative or judicial branches.

(c) The National Archives and Records Administration shall serve as the Executive Agent to implement this order and oversee agency actions to ensure compliance with this order.

SEC. 3. Review of Current Designations.

(a) Each agency head shall, within 180 days of the date of this order:

(1) review all categories, subcategories, and markings used by the agency to designate unclassified information for safeguarding or dissemination controls; and

(2) submit to the Executive Agent a catalogue of proposed categories and subcategories of CUI, and proposed associated markings for information designated as CUI under section 2(a) of this order. This submission shall provide definitions for each proposed category and subcategory and identify the basis in law, regulation, or Government-wide policy for safeguarding or dissemination controls.

(b) If there is significant doubt about whether information should be designated as CUI, it shall not be so designated.

SEC. 4. Development of CUI Categories and Policies.

(a) On the basis of the submissions under section 3 of this order or future proposals, and in consultation with affected agencies, the Executive Agent shall, in a timely manner, approve categories and subcategories of CUI and associated markings to be applied uniformly throughout the executive branch and to become effective upon publication in the registry established under subsection (d) of this section. No unclassified information meeting the requirements of section 2(a) of this order shall be disapproved for inclusion as CUI, but the Executive Agent may resolve conflicts among categories and subcategories of CUI to achieve uniformity and may determine the markings to be used.

(b) The Executive Agent, in consultation with affected agencies, shall develop and issue such directives as are necessary to implement this order. Such directives shall be made available to the public and shall provide policies and procedures concerning marking,

safeguarding, dissemination, and decontrol of CUI that, to the extent practicable and permitted by law, regulation, and Government-wide policies, shall remain consistent across categories and subcategories of CUI and throughout the executive branch. In developing such directives, appropriate consideration should be given to the report of the interagency Task Force on Controlled Unclassified Information published in August 2009. The Executive Agent shall issue initial directives for the implementation of this order within 180 days of the date of this order.

(c) The Executive Agent shall convene and chair interagency meetings to discuss matters pertaining to the program established by this order.

(d) Within 1 year of the date of this order, the Executive Agent shall establish and maintain a public CUI registry reflecting authorized CUI categories and subcategories, associated markings, and applicable safeguarding, dissemination, and decontrol procedures.

(e) If the Executive Agent and an agency cannot reach agreement on an issue related to the implementation of this order, that issue may be appealed to the President through the Director of the Office of Management and Budget.

(f) In performing its functions under this order, the Executive Agent, in accordance with applicable law, shall consult with representatives of the public and State, local, tribal, and private sector partners on matters related to approving categories and subcategories of CUI and developing implementing directives issued by the Executive Agent pursuant to this order.

SEC. 5. Implementation.

(a) Within 180 days of the issuance of initial policies and procedures by the Executive Agent in accordance with section 4(b) of this order, each agency that originates or handles CUI shall provide the Executive Agent with a proposed plan for compliance with the requirements of this order, including the establishment of interim target dates.

(b) After a review of agency plans, and in consultation with affected agencies and the Office of Management and Budget, the Executive Agent shall establish deadlines for phased implementation by agencies.

(c) In each of the first 5 years following the date of this order and biennially thereafter, the Executive Agent shall publish a report on the status of agency implementation of this order.

SEC. 6. General Provisions.

(a) This order shall be implemented in a manner consistent with:

(1) applicable law, including protections of confidentiality and privacy rights;

(2) the statutory authority of the heads of agencies, including authorities related to the protection of information provided by the private sector to the Federal Government; and

(3) applicable Government-wide standards and guidelines issued by the National Institute of Standards and Technology, and applicable policies established by the Office of Management and Budget.

(b) The Director of National Intelligence (Director), with respect to the Intelligence Community and after consultation with the heads of affected agencies, may issue such policy directives and guidelines as the Director deems necessary to implement this order with respect to intelligence and intelligence-related information. Procedures or other guidance issued by Intelligence Community element heads shall be in accordance with such policy directives or guidelines issued by the Director. Any such policy directives or guidelines issued by the Director shall be in accordance with this order and directives issued by the Executive Agent.

(c) This order shall not be construed to impair or otherwise affect the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, and legislative proposals.

(d) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(e) This order shall be implemented subject to the availability of appropriations.

(f) The Attorney General, upon request by the head of an agency or the Executive Agent, shall render an interpretation of this order with respect to any question arising in the course of its administration.

(g) The Presidential Memorandum of May 7, 2008, entitled “Designation and Sharing of Controlled Unclassified Information (CUI)” is hereby rescinded.

BARACK OBAMA.

MAKING IT EASIER FOR AMERICA’S SMALL BUSINESSES AND AMERICA’S EXPORTERS TO ACCESS GOVERNMENT SERVICES TO HELP THEM GROW AND HIRE

Memorandum of President of the United States, Oct. 28, 2011, 76 F.R. 68049, provided:

Memorandum for the Heads of Executive Departments and Agencies

As I outlined in my State of the Union address to the Congress on January 25, 2011, winning the future in the global economy will require a Government that wisely allocates its scarce resources to maximize efficiency and effectiveness so that it can best support American competitiveness, innovation, and job growth. If we are to thrive in the global economy, and make America the best place on Earth to do business, we need to equip our Government with the tools necessary to support innovation and job growth in the 21st century.

Accordingly, we must make it easier for businesses to access the full range of Government programs and services without having to waste effort navigating their way through the Federal bureaucracy. At the same time, we must further streamline and coordinate Federal programs to reduce costs and provide customer-oriented service.

Businesses looking for assistance from the Federal Government should feel like they are interacting with one entity, rather than a number of separate, albeit linked, components. This means adopting a “No Wrong Door” policy that uses technology to quickly connect businesses to the services and information relevant to them, regardless of which agency’s website, call center, or office they go to for help.

In addition, a business’s interactions with the Federal Government should be individualized and efficient. If the private sector can allow consumers to customize interactions so that they receive only the information they want, in the form they want it, so can the Federal Government.

Today, I am directing a first wave of changes focused on both small businesses and businesses of all sizes that want to begin or increase exporting (exporters), because those businesses help drive economic growth and have the most to gain from Federal assistance. We plan to use the resulting improvements as a model for future reforms so that, in time, all businesses and all citizens receive the highest level of customer service when they interact with the Federal Government.

Accordingly, I direct the following:

(1) All executive departments and agencies (agencies) shall work with a Steering Committee co-chaired by the Federal Chief Information Officer, Assistant to the President and Chief Technology Officer, and Chief Performance Officer (the Co-Chairs) to carry out the directives in this memorandum within 90 days of the date of this memorandum, unless a provision of this memorandum expressly states otherwise. The Steering Committee shall include senior policy and technical representatives, appointed by the heads of their respective agencies, from the Departments of State, Defense, Agriculture, Commerce, and Veterans Affairs, the Small Business Administration (SBA), the General Services Administration (GSA), the Export-Import Bank, and other agencies designated by the Co-Chairs. The Co-Chairs and representatives from the Department of Commerce and SBA shall serve as the Executive Committee of the Steering Committee, which shall coordinate the strategy, design, development, launch, and operation of BusinessUSA, a common, open, online plat-

form and web service with dedicated resources that will, as a first step, disseminate core information regarding the Federal Government’s programs and services relevant to small businesses and exporters.

(2) Agencies shall work with the Steering Committee to develop and launch an introductory version of BusinessUSA. BusinessUSA shall be designed, tested, and built with the active feedback of U.S. businesses and relevant online communities. To the extent appropriate, practicable, and permitted by law, the BusinessUSA platform shall integrate related State and local government services as well as those of private sector partners.

(3) Agencies shall make information regarding their small business and export programs and services accessible through BusinessUSA. To accomplish this in a uniform fashion, the Steering Committee shall develop a common set of standards for content available through BusinessUSA, which shall identify the types of programs and services to be included initially on BusinessUSA and a structure for organizing and presenting such information. These standards shall be used by all agencies in the creation, presentation, and delivery of information regarding their programs and services, to the extent practicable and permitted by law.

(4) Agencies shall also work with the Steering Committee to develop new content for BusinessUSA that synthesizes information available across agencies to better serve small businesses and exporters. Among other things, agencies shall work together to aggregate on the BusinessUSA platform statistical, demographic, and other raw Government datasets of particular interest to small businesses and exporters, making Government data more easily accessible and spurring innovative uses of the data through business-oriented web or mobile applications.

(5) Agencies shall integrate BusinessUSA, including ready access to the BusinessUSA website, into their current websites, call centers, and field offices to ensure that small businesses and exporters have access to the wide range of Government programs and services at each entry point into the Federal Government. During the year following the date of this memorandum, agencies shall work with GSA and the Office of Management and Budget to enhance the centralized call center for responding to public questions about Federal programs and services (1-800-FED-INFO) to add expertise with Government programs and services for small businesses and exporters.

(6) (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) authority granted by law or Executive Order to an agency, or the head thereof; or

(ii) functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) BusinessUSA shall be operated by a single hosting agency under the Executive Committee’s coordination. To the extent permitted by law, agencies shall reimburse the hosting agency for the cost of establishing, maintaining, and operating BusinessUSA.

(c) This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations.

(d) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

(7) The Director of the Office of Management and Budget is authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

§ 3502. Definitions

As used in this subchapter—

(1) the term “agency” means any executive department, military department, Govern-