

(2) “Council” means the Chief Information Officers Council established under section 3603;

(3) “electronic Government” means the use by the Government of web-based Internet applications and other information technologies, combined with processes that implement these technologies, to—

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

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

(4) “enterprise architecture”—

(A) means—

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

(ii) the information necessary to perform the mission;

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

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

(B) includes—

(i) a baseline architecture;

(ii) a target architecture; and

(iii) a sequencing plan;

(5) “Fund” means the E-Government Fund established under section 3604;

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

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

(8) “tribal government” means—

(A) the governing body of any Indian tribe, band, nation, or other organized group or community located in the continental United States (excluding the State of Alaska) that is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians, and

(B) any Alaska Native regional or village corporation established pursuant to the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.).

(Added Pub. L. 107-347, title I, §101(a), Dec. 17, 2002, 116 Stat. 2901.)

#### REFERENCES IN TEXT

The Alaska Native Claims Settlement Act, referred to in par. (8)(B), is Pub. L. 92-203, Dec. 18, 1971, 85 Stat. 688, as amended, which is classified generally to chapter 33 (§1601 et seq.) of Title 43, Public Lands. For complete classification of this Act to the Code, see Short Title note set out under section 1601 of Title 43 and Tables.

#### EFFECTIVE DATE

Pub. L. 107-347, title IV, § 402(a), Dec. 17, 2002, 116 Stat. 2961, provided that:

“(1) IN GENERAL.—Except as provided under paragraph (2), titles I [enacting this chapter, section 507 of Title 31, Money and Finance, and section 305 of Title 40, Public Buildings, Property, and Works, and amending section 503 of Title 31] and II [enacting chapter 37 of Title 5, Government Organization and Employees, section 2332 of Title 10, Armed Forces, and section 266a of Title 41, Public Contracts, amending sections 3111, 4108, and 7353 of Title 5, sections 207, 209, and 1905 of Title 18, Crimes and Criminal Procedure, sections 502, 11501 to 11505 of Title 40, and section 423 of Title 41, repealing section 11521 of Title 40, directing the renumbering of section 11522 of Title 40 as section 11521, enacting provisions set out as notes under section 3501 of this title, and amending provisions set out as notes under section 8432 of Title 5 and section 1913 of Title 28, Judiciary and Judicial Procedure] and the amendments made by such titles shall take effect 120 days after the date of enactment of this Act [Dec. 17, 2002].

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

#### FINDINGS AND PURPOSES

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

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

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

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

“(3) Most Internet-based services of the Federal Government are developed and presented separately, according to the jurisdictional boundaries of an individual department or agency, rather than being integrated cooperatively according to function or topic.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

### § 3602. Office of Electronic Government

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

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

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

(1) all functions under this chapter;

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

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

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

(1) chapter 35;

(2) subtitle III of title 40, United States Code;

(3) section 552a of title 5 (commonly referred to as the “Privacy Act”);

(4) the Government Paperwork Elimination Act (44 U.S.C. 3504 note); and

(5) the Federal Information Security Management Act of 2002.

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

(1) capital planning and investment control for information technology;

(2) the development of enterprise architectures;

(3) information security;

(4) privacy;

(5) access to, dissemination of, and preservation of Government information;

(6) accessibility of information technology for persons with disabilities; and

(7) other areas of electronic Government.

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

(1) Advise the Director on the resources required to develop and effectively administer electronic Government initiatives.

(2) Recommend to the Director changes relating to Governmentwide strategies and priorities for electronic Government.

(3) Provide overall leadership and direction to the executive branch on electronic Government.

(4) Promote innovative uses of information technology by agencies, particularly initiatives involving multiagency collaboration, through support of pilot projects, research, experimentation, and the use of innovative technologies.

(5) Oversee the distribution of funds from, and ensure appropriate administration and coordination of, the E-Government Fund established under section 3604.

(6) Coordinate with the Administrator of General Services regarding programs undertaken by the General Services Administration to promote electronic government and the efficient use of information technologies by agencies.

(7) Lead the activities of the Chief Information Officers Council established under section 3603 on behalf of the Deputy Director for Management, who shall chair the council.

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

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

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

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

(9) Sponsor ongoing dialogue that—

(A) shall be conducted among Federal, State, local, and tribal government leaders on electronic Government in the executive, legislative, and judicial branches, as well as leaders in the private and nonprofit sectors, to encourage collaboration and enhance understanding of best practices and innovative approaches in acquiring, using, and managing information resources;