

United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104-106) [see Short Title of 1996 Act note set out under section 101 of Title 41] and the amendments made by that Act, and the provisions of this title, the Director of the Office of Management and Budget shall ensure that, commencing not later than five years after the date of enactment of this Act [Oct. 21, 1998], Executive agencies provide—

- “(1) for the option of the electronic maintenance, submission, or disclosure of information, when practicable as a substitute for paper; and
- “(2) for the use and acceptance of electronic signatures, when practicable.

“SEC. 1705. ELECTRONIC STORAGE AND FILING OF EMPLOYMENT FORMS.

“In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104-106) [see Short Title of 1996 Amendment Act set out under section 101 of Title 41] and the amendments made by that Act, and the provisions of this title, the Director of the Office of Management and Budget shall, not later than 18 months after the date of enactment of this Act [Oct. 21, 1998], develop procedures to permit private employers to store and file electronically with Executive agencies forms containing information pertaining to the employees of such employers.

“SEC. 1706. STUDY ON USE OF ELECTRONIC SIGNATURES.

“(a) ONGOING STUDY REQUIRED.—In order to fulfill the responsibility to administer the functions assigned under chapter 35 of title 44, United States Code, the provisions of the Clinger-Cohen Act of 1996 (divisions D and E of Public Law 104-106) [see Short Title of 1996 Act note set out under section 101 of Title 41] and the amendments made by that Act, and the provisions of this title, the Director of the Office of Management and Budget shall, in cooperation with the National Telecommunications and Information Administration, conduct an ongoing study of the use of electronic signatures under this title on—

- “(1) paperwork reduction and electronic commerce;
- “(2) individual privacy; and
- “(3) the security and authenticity of transactions.

“(b) REPORTS.—The Director shall submit to Congress on a periodic basis a report describing the results of the study carried out under subsection (a).

“SEC. 1707. ENFORCEABILITY AND LEGAL EFFECT OF ELECTRONIC RECORDS.

“Electronic records submitted or maintained in accordance with procedures developed under this title, or electronic signatures or other forms of electronic authentication used in accordance with such procedures, shall not be denied legal effect, validity, or enforceability because such records are in electronic form.

“SEC. 1708. DISCLOSURE OF INFORMATION.

“Except as provided by law, information collected in the provision of electronic signature services for communications with an executive agency, as provided by this title, shall only be used or disclosed by persons who obtain, collect, or maintain such information as a business or government practice, for the purpose of facilitating such communications, or with the prior affirmative consent of the person about whom the information pertains.

“SEC. 1709. APPLICATION WITH INTERNAL REVENUE LAWS.

“No provision of this title shall apply to the Department of the Treasury or the Internal Revenue Service to the extent that such provision—

- “(1) involves the administration of the internal revenue laws; or
- “(2) conflicts with any provision of the Internal Revenue Service Restructuring and Reform Act of 1998 [Pub. L. 105-206, see Tables for classification] or the Internal Revenue Code of 1986 [26 U.S.C. 1 et seq.].

“SEC. 1710. DEFINITIONS.

“For purposes of this title:

“(1) ELECTRONIC SIGNATURE.—The term ‘electronic signature’ means a method of signing an electronic message that—

- “(A) identifies and authenticates a particular person as the source of the electronic message; and
- “(B) indicates such person’s approval of the information contained in the electronic message.

“(2) EXECUTIVE AGENCY.—The term ‘Executive agency’ has the meaning given that term in section 105 of title 5, United States Code.”

§ 3505. Assignment of tasks and deadlines

(a) In carrying out the functions under this subchapter, the Director shall—

(1) in consultation with agency heads, set an annual Governmentwide goal for the reduction of information collection burdens by at least 10 percent during each of fiscal years 1996 and 1997 and 5 percent during each of fiscal years 1998, 1999, 2000, and 2001, and set annual agency goals to—

(A) reduce information collection burdens imposed on the public that—

- (i) represent the maximum practicable opportunity in each agency; and
- (ii) are consistent with improving agency management of the process for the review of collections of information established under section 3506(c); and

(B) improve information resources management in ways that increase the productivity, efficiency and effectiveness of Federal programs, including service delivery to the public;

(2) with selected agencies and non-Federal entities on a voluntary basis, conduct pilot projects to test alternative policies, practices, regulations, and procedures to fulfill the purposes of this subchapter, particularly with regard to minimizing the Federal information collection burden; and

(3) in consultation with the Administrator of General Services, the Director of the National Institute of Standards and Technology, the Archivist of the United States, and the Director of the Office of Personnel Management, develop and maintain a Governmentwide strategic plan for information resources management, that shall include—

(A) a description of the objectives and the means by which the Federal Government shall apply information resources to improve agency and program performance;

(B) plans for—

(i) reducing information burdens on the public, including reducing such burdens through the elimination of duplication and meeting shared data needs with shared resources;

(ii) enhancing public access to and dissemination of, information, using electronic and other formats; and

(iii) meeting the information technology needs of the Federal Government in accordance with the purposes of this subchapter; and

(C) a description of progress in applying information resources management to im-

prove agency performance and the accomplishment of missions.

(b) For purposes of any pilot project conducted under subsection (a)(2), the Director may, after consultation with the agency head, waive the application of any administrative directive issued by an agency with which the project is conducted, including any directive requiring a collection of information, after giving timely notice to the public and the Congress regarding the need for such waiver.

(c)¹ INVENTORY OF MAJOR INFORMATION SYSTEMS.—(1) The head of each agency shall develop and maintain an inventory of major information systems (including major national security systems) operated by or under the control of such agency.

(2) The identification of information systems in an inventory under this subsection shall include an identification of the interfaces between each such system and all other systems or networks, including those not operated by or under the control of the agency.

(3) Such inventory shall be—

(A) updated at least annually;

(B) made available to the Comptroller General; and

(C) used to support information resources management, including—

(i) preparation and maintenance of the inventory of information resources under section 3506(b)(4);

(ii) information technology planning, budgeting, acquisition, and management under section 3506(h), subtitle III of title 40, and related laws and guidance;

(iii) monitoring, testing, and evaluation of information security controls under subchapter II;

(iv) preparation of the index of major information systems required under section 552(g) of title 5, United States Code; and

(v) preparation of information system inventories required for records management under chapters 21, 29, 31, and 33.

(4) The Director shall issue guidance for and oversee the implementation of the requirements of this subsection.

(c)¹ INVENTORY OF INFORMATION SYSTEMS.—(1) The head of each agency shall develop and maintain an inventory of the information systems (including national security systems) operated by or under the control of such agency;

(2) The identification of information systems in an inventory under this subsection shall include an identification of the interfaces between each such system and all other systems or networks, including those not operated by or under the control of the agency;

(3) Such inventory shall be—

(A) updated at least annually;

(B) made available to the Comptroller General; and

(C) used to support information resources management, including—

(i) preparation and maintenance of the inventory of information resources under section 3506(b)(4);

(ii) information technology planning, budgeting, acquisition, and management under section 3506(h), subtitle III of title 40, and related laws and guidance;

(iii) monitoring, testing, and evaluation of information security controls under subchapter II;

(iv) preparation of the index of major information systems required under section 552(g) of title 5, United States Code; and

(v) preparation of information system inventories required for records management under chapters 21, 29, 31, and 33.

(4) The Director shall issue guidance for and oversee the implementation of the requirements of this subsection.

(Added Pub. L. 104-13, § 2, May 22, 1995, 109 Stat. 170; amended Pub. L. 106-398, § 1 [[div. A], title X, § 1064(b)], Oct. 30, 2000, 114 Stat. 1654, 1654A-275; Pub. L. 107-296, title X, § 1005(c)(2), Nov. 25, 2002, 116 Stat. 2272; Pub. L. 107-347, title III, § 305(c)(2), Dec. 17, 2002, 116 Stat. 2961.)

PRIOR PROVISIONS

A prior section 3505, added Pub. L. 96-511, § 2(a), Dec. 11, 1980, 94 Stat. 2818; amended Pub. L. 99-500, § 101(m) [title VIII, § 815], Oct. 18, 1986, 100 Stat. 1783-308, 1783-337, and Pub. L. 99-591, § 101(m) [title VIII, § 815], Oct. 30, 1986, 100 Stat. 3341-308, 3341-337, related to assignment of tasks and deadlines prior to the general amendment of this chapter by Pub. L. 104-13.

Another prior section 3505, Pub. L. 90-620, Oct. 22, 1968, 82 Stat. 1303, prohibited independent collection by an agency, prior to the general amendment of this chapter by Pub. L. 96-511. See section 3509 of this title.

AMENDMENTS

2002—Subsec. (c). Pub. L. 107-347, added subsec. (c) relating to inventory of major information systems.

Pub. L. 107-296 added subsec. (c) relating to inventory of information systems.

2000—Subsec. (a). Pub. L. 106-398 substituted “subchapter” for “chapter” in introductory provisions and pars. (2) and (3)(B)(iii).

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107-296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

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, set out as an Effective Date note under section 3531 of this title.

§ 3506. Federal agency responsibilities

(a)(1) The head of each agency shall be responsible for—

(A) carrying out the agency’s information resources management activities to improve agency productivity, efficiency, and effectiveness; and

(B) complying with the requirements of this subchapter and related policies established by the Director.

(2)(A) Except as provided under subparagraph (B), the head of each agency shall designate a Chief Information Officer who shall report directly to such agency head to carry out the responsibilities of the agency under this subchapter.

¹ So in original. Two subsecs. (c) have been enacted.