

REFERENCES IN TEXT

The Inspector General Act of 1978, referred to in subsec. (b)(1), is Pub. L. 95-452, Oct. 12, 1978, 92 Stat. 1101, as amended, which is set out in the Appendix to Title 5, Government Organization and Employees.

AMENDMENTS

2003—Subsec. (b)(1). Pub. L. 108-177 inserted “or any other law” after “1978”.

CHANGE OF NAME

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 401 of Title 50, War and National Defense.

§ 3546. Federal information security incident center

(a) IN GENERAL.—The Director shall ensure the operation of a central Federal information security incident center to—

(1) provide timely technical assistance to operators of agency information systems regarding security incidents, including guidance on detecting and handling information security incidents;

(2) compile and analyze information about incidents that threaten information security;

(3) inform operators of agency information systems about current and potential information security threats, and vulnerabilities; and

(4) consult with the National Institute of Standards and Technology, agencies or offices operating or exercising control of national security systems (including the National Security Agency), and such other agencies or offices in accordance with law and as directed by the President regarding information security incidents and related matters.

(b) NATIONAL SECURITY SYSTEMS.—Each agency operating or exercising control of a national security system shall share information about information security incidents, threats, and vulnerabilities with the Federal information security incident center to the extent consistent with standards and guidelines for national security systems, issued in accordance with law and as directed by the President.

(Added Pub. L. 107-347, title III, §301(b)(1), Dec. 17, 2002, 116 Stat. 2954.)

§ 3547. National security systems

The head of each agency operating or exercising control of a national security system shall be responsible for ensuring that the agency—

(1) provides information security protections commensurate with the risk and magnitude of the harm resulting from the unauthorized access, use, disclosure, disruption, modification, or destruction of the information contained in such system;

(2) implements information security policies and practices as required by standards and

guidelines for national security systems, issued in accordance with law and as directed by the President; and

(3) complies with the requirements of this subchapter.

(Added Pub. L. 107-347, title III, §301(b)(1), Dec. 17, 2002, 116 Stat. 2954.)

§ 3548. Authorization of appropriations

There are authorized to be appropriated to carry out the provisions of this subchapter such sums as may be necessary for each of fiscal years 2003 through 2007.

(Added Pub. L. 107-347, title III, §301(b)(1), Dec. 17, 2002, 116 Stat. 2954.)

§ 3549. Effect on existing law

Nothing in this subchapter, section 11331 of title 40, or section 20 of the National Standards¹ and Technology Act (15 U.S.C. 278g-3) may be construed as affecting the authority of the President, the Office of Management and Budget or the Director thereof, the National Institute of Standards and Technology, or the head of any agency, with respect to the authorized use or disclosure of information, including with regard to the protection of personal privacy under section 552a of title 5, the disclosure of information under section 552 of title 5, the management and disposition of records under chapters 29, 31, or 33 of title 44, the management of information resources under subchapter I of chapter 35 of this title, or the disclosure of information to the Congress or the Comptroller General of the United States. While this subchapter is in effect, subchapter II of this chapter shall not apply.

(Added Pub. L. 107-347, title III, §301(b)(1), Dec. 17, 2002, 116 Stat. 2955.)

CHAPTER 36—MANAGEMENT AND PROMOTION OF ELECTRONIC GOVERNMENT SERVICES

Sec.	
3601.	Definitions.
3602.	Office of Electronic Government.
3603.	Chief Information Officers Council.
3604.	E-Government Fund.
3605.	Program to encourage innovative solutions to enhance electronic Government services and processes.
3606.	E-Government report.

§ 3601. Definitions

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

(1) “Administrator” means the Administrator of the Office of Electronic Government established under section 3602;

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

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

(A) enhance the access to and delivery of Government information and services to the

¹So in original. Probably should be “National Institute of Standards”.

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].”

E-GOVERNMENT INITIATIVES FUNDING

Pub. L. 110-161, div. D, title VII, §737, Dec. 26, 2007, 121 Stat. 2028, provided that:

“(a) For fiscal year 2008, no funds shall be available for transfers or reimbursements to the E-Government initiatives sponsored by the Office of Management and Budget prior to 15 days following submission of a report to the Committees on Appropriations by the Director of the Office of Management and Budget and receipt of approval to transfer funds by the House and Senate Committees on Appropriations.

“(b) Hereafter, any funding request for a new or ongoing E-Government initiative by any agency or agencies managing the development of an initiative shall include in justification materials submitted to the House and Senate Committees on Appropriations the information in subsection (d).

“(c) Hereafter, any funding request by any agency or agencies participating in the development of an E-Government initiative and contributing funding for the initiative shall include in justification materials submitted to the House and Senate Committees on Appropriations—

“(1) the amount of funding contributed to each initiative by program office, bureau, or activity, as appropriate; and

“(2) the relevance of that use to that department or agency and each bureau or office within, which is contributing funds.

“(d) The report in (a) and justification materials in (b) shall include at a minimum—

“(1) a description of each initiative including but not limited to its objectives, benefits, development status, risks, cost effectiveness (including estimated net costs or savings to the government), and the estimated date of full operational capability;

“(2) the total development cost of each initiative by fiscal year including costs to date, the estimated costs to complete its development to full operational capability, and estimated annual operations and maintenance costs; and

“(3) the sources and distribution of funding by fiscal year and by agency and bureau for each initiative including agency contributions to date and estimated future contributions by agency.

“(e) No funds shall be available for obligation or expenditure for new E-Government initiatives without the explicit approval of the House and Senate Committees on Appropriations.”

[Provisions similar to subsecs. (a), (d), and (e) of section 737 of Pub. L. 110-161, set out above, were contained in sections of subsequent appropriations acts which are not set out in the Code.]

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.”

BUILDING A 21ST CENTURY DIGITAL GOVERNMENT

Memorandum of President of the United States, May 23, 2012, 77 F.R. 32391, provided:

Memorandum for the Heads of Executive Departments and Agencies

The innovative use of technology is fundamentally transforming how the American people do business and live their daily lives. Exponential increases in computing power, the rise of high-speed networks, and the

growing mobile revolution have put the Internet at our fingertips, encouraging innovations that are giving rise to new industries and reshaping existing ones.

Innovators in the private sector and the Federal Government have used these technological advances to fundamentally change how they serve their customers. However, it is time for the Federal Government to do more. For far too long, the American people have been forced to navigate a labyrinth of information across different Government programs in order to find the services they need. In addition, at a time when Americans increasingly pay bills and buy tickets on mobile devices, Government services often are not optimized for smartphones or tablets, assuming the services are even available online.

On April 27, 2011, I issued Executive Order 13571 (Streamlining Service Delivery and Improving Customer Service), requiring executive departments and agencies (agencies) to, among other things, identify ways to use innovative technologies to streamline their delivery of services to lower costs, decrease service delivery times, and improve the customer experience. As the next step toward modernizing the way Government works, I charged my Federal Chief Information Officer (CIO) with developing a comprehensive Government-wide strategy to build a 21st century digital Government that delivers better digital services to the American people.

Today, the CIO is releasing that strategy, entitled “Digital Government: Building a 21st Century Platform to Better Serve the American People” (Strategy), which provides agencies with a 12-month roadmap that focuses on several priority areas. The Strategy will enable more efficient and coordinated digital service delivery by requiring agencies to establish specific, measurable goals for delivering better digital services; encouraging agencies to deliver information in new ways that fully utilize the power and potential of mobile and web-based technologies; ensuring the safe and secure delivery and use of digital services to protect information and privacy; requiring agencies to establish central online resources for outside developers and to adopt new standards for making applicable Government information open and machine-readable by default; aggregating agencies’ online resource pages for developers in a centralized catalogue on www.Data.gov; and requiring agencies to use web performance analytics and customer satisfaction measurement tools on all “.gov” websites.

Ultimately, this Strategy will ensure that agencies use emerging technologies to serve the public as effectively as possible. As a Government, and as a trusted provider of services, we must never forget who our customers are—the American people.

In order to ensure that agencies make the best use of emerging technologies in serving the public, I hereby direct each agency to take the following actions:

(1) implement the requirements of the Strategy within 12 months of the date of this memorandum and comply with the timeframes for specific actions specified therein; and

(2) within 90 days of the date of this memorandum, create a page on its website, located at [www.\[agency\].gov/digitalstrategy](http://www.[agency].gov/digitalstrategy), to publicly report progress in meeting the requirements of the Strategy in a machine-readable format.

This memorandum shall be implemented consistent with applicable law and subject to the availability of appropriations, and with appropriate protections for privacy and civil liberties.

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

BARACK OBAMA.

§ 3602. Office of Electronic Government

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