

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.

(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;

(B) is intended to improve the performance of governments in collaborating on the use of information technology to improve the delivery of Government information and services; and

(C) may include—

(i) development of innovative models—

(I) for electronic Government management and Government information technology contracts; and

(II) that may be developed through focused discussions or using separately sponsored research;

(ii) identification of opportunities for public-private collaboration in using Internet-based technology to increase the efficiency of Government-to-business transactions;

(iii) identification of mechanisms for providing incentives to program managers and other Government employees to develop and implement innovative uses of information technologies; and

(iv) identification of opportunities for public, private, and intergovernmental collaboration in addressing the disparities in access to the Internet and information technology.

(10) Sponsor activities to engage the general public in the development and implementation

of policies and programs, particularly activities aimed at fulfilling the goal of using the most effective citizen-centered strategies and those activities which engage multiple agencies providing similar or related information and services.

(11) Oversee the work of the General Services Administration and other agencies in developing the integrated Internet-based system under section 204 of the E-Government Act of 2002.

(12) Coordinate with the Administrator for Federal Procurement Policy to ensure effective implementation of electronic procurement initiatives.

(13) Assist Federal agencies, including the General Services Administration, the Department of Justice, and the United States Access Board in—

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

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

(14) Oversee the development of enterprise architectures within and across agencies.

(15) Assist the Director and the Deputy Director for Management in overseeing agency efforts to ensure that electronic Government activities incorporate adequate, risk-based, and cost-effective security compatible with business processes.

(16) Administer the Office of Electronic Government established under this section.

(17) Assist the Director in preparing the E-Government report established under section 3606.

(g) The Director shall ensure that the Office of Management and Budget, including the Office of Electronic Government, the Office of Information and Regulatory Affairs, and other relevant offices, have adequate staff and resources to properly fulfill all functions under the E-Government Act of 2002.

(Added Pub. L. 107-347, title I, §101(a), Dec. 17, 2002, 116 Stat. 2902.)

REFERENCES IN TEXT

The E-Government Act of 2002, referred to in text, is Pub. L. 107-347, Dec. 17, 2002, 116 Stat. 2899. Title II of the Act, including sections 204 and 207(d) of the Act, is set out as a note under section 3501 of this title. For complete classification of this Act to the Code, see Tables.

The Government Paperwork Elimination Act, referred to in subsec. (d)(4), is title XVII of Pub. L. 105-277, div. C, Oct. 21, 1998, 112 Stat. 2681-749, which amended section 3504 of this title and enacted provisions set out as a note under section 3504 of this title. For complete classification of this Act to the Code, see Tables.

The Federal Information Security Management Act of 2002, referred to in subsec. (d)(5), probably means title III of Pub. L. 107-347, Dec. 17, 2002, 116 Stat. 2946, which is classified principally to subchapter III of chapter 35 of this title. For complete classification of this Act to the Code, see Short Title of 2002 Amendments note set out under section 101 of this title and Tables. Another Federal Information Security Management Act of 2002 is title X of Pub. L. 107-296, Nov. 25, 116 Stat. 2259. For complete classification of this Act to the

Code, see Short Title note set out under section 101 of Title 6, Domestic Security.

§ 3603. Chief Information Officers Council

(a) There is established in the executive branch a Chief Information Officers Council.

(b) The members of the Council shall be as follows:

(1) The Deputy Director for Management of the Office of Management and Budget, who shall act as chairperson of the Council.

(2) The Administrator of the Office of Electronic Government.

(3) The Administrator of the Office of Information and Regulatory Affairs.

(4) The chief information officer of each agency described under section 901(b) of title 31.

(5) The chief information officer of the Central Intelligence Agency.

(6) The chief information officer of the Department of the Army, the Department of the Navy, and the Department of the Air Force, if chief information officers have been designated for such departments under section 3506(a)(2)(B).

(7) Any other officer or employee of the United States designated by the chairperson.

(c)(1) The Administrator of the Office of Electronic Government shall lead the activities of the Council on behalf of the Deputy Director for Management.

(2)(A) The Vice Chairman of the Council shall be selected by the Council from among its members.

(B) The Vice Chairman shall serve a 1-year term, and may serve multiple terms.

(3) The Administrator of General Services shall provide administrative and other support for the Council.

(d) The Council is designated the principal interagency forum for improving agency practices related to the design, acquisition, development, modernization, use, operation, sharing, and performance of Federal Government information resources.

(e) In performing its duties, the Council shall consult regularly with representatives of State, local, and tribal governments.

(f) The Council shall perform functions that include the following:

(1) Develop recommendations for the Director on Government information resources management policies and requirements.

(2) Share experiences, ideas, best practices, and innovative approaches related to information resources management.

(3) Assist the Administrator in the identification, development, and coordination of multiagency projects and other innovative initiatives to improve Government performance through the use of information technology.

(4) Promote the development and use of common performance measures for agency information resources management under this chapter and title II of the E-Government Act of 2002.

(5) Work as appropriate with the National Institute of Standards and Technology and the Administrator to develop recommendations on