

106TH CONGRESS
2D SESSION

H. R. 5024

To provide for the coordination of Federal information policy through the establishment of a Federal Chief Information Officer and an Office of Information Policy in the Executive Office of the President, and to otherwise strengthen Federal information resources management.

IN THE HOUSE OF REPRESENTATIVES

JULY 27, 2000

Mr. DAVIS of Virginia introduced the following bill; which was referred to the Committee on Government Reform

A BILL

To provide for the coordination of Federal information policy through the establishment of a Federal Chief Information Officer and an Office of Information Policy in the Executive Office of the President, and to otherwise strengthen Federal information resources management.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Information
5 Policy Act of 2000”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—The Congress finds—

1 (1) the use of computers and the Internet are
2 fundamentally changing the way in which the Fed-
3 eral Government operates;

4 (2) Government service to the public is signifi-
5 cantly harmed by the failure of the Federal Govern-
6 ment to efficiently and effectively develop, use, and
7 manage information resources, particularly informa-
8 tion technology;

9 (3) Government agency information activities
10 are poorly coordinated and implemented;

11 (4) the current statutory framework for the
12 management of Federal Government information re-
13 sources is fundamentally flawed by its reliance on di-
14 rection and oversight by the Office of Management
15 and Budget;

16 (5) new leadership, and a new oversight frame-
17 work, is required to provide efficient and effective
18 management of Federal Government information re-
19 sources; and

20 (6) the executive branch agencies do not have
21 an effective framework for establishing essential re-
22 quirements to ensure adequate control and protec-
23 tion of information resources that support Federal
24 operations and assets, and thus cannot provide effec-

1 tive management and oversight of the related infor-
2 mation security risks.

3 (b) The purposes of this Act are to—

4 (1) establish a Chief Information Officer for the
5 Federal Government who can assert leadership, di-
6 rection, and oversight of Federal agency manage-
7 ment of information resources to efficiently and ef-
8 fectively perform governmental functions;

9 (2) harmonize existing information resources
10 management laws in order to coordinate and im-
11 prove the Federal Government’s development, use,
12 and management of information resources, particu-
13 larly information technology;

14 (3) create opportunities for innovation in the
15 development, use, and management of information
16 resources, including information technology, by the
17 Federal Government; and

18 (4) create effective management and oversight
19 of related information security risks, including the
20 coordination of information security standards and
21 efforts throughout the executive branch.

22 **SEC. 3. COORDINATION OF FEDERAL INFORMATION POL-**
23 **ICY.**

24 Chapter 35 of title 44, United States Code, is amend-
25 ed to read as follows:

1 **“CHAPTER 35—COORDINATION OF FEDERAL**
 2 **INFORMATION POLICY**

“Sec.

“3501. Purposes.

“3502. Definitions.

“3503. Office of Information Policy.

“3504. Authority and functions of the Chief Information Officer.

“3505. Assignment of tasks and deadlines.

“3506. Federal agency responsibilities.

“3507. Federal agency chief information officers.

“3508. Chief Information Officers Council.

“3509. Establishment and operation of Government Information Locator Service.

“3510. Chief Information Officer review of agency activities; reporting; agency response.

“3511. Report to Congress.

“3512. Rules and regulations.

“3513. Effect on existing laws and regulations.

“3514. Access to information.

“3515. Application to national security systems.

“3516. Authorization of appropriations.

3 **“CHAPTER 35—COORDINATION OF**
 4 **FEDERAL INFORMATION POLICY**

5 **“§ 3501. Purposes**

6 “The purposes of this chapter are to—

7 “(1) establish a central focal point to provide
 8 effective leadership to improve Federal Government
 9 information resources management, particularly with
 10 regard to efforts to use information technology to
 11 more efficiently and effectively perform govern-
 12 mental functions;

13 “(2) provide a mechanism for improved coordi-
 14 nation among Federal agencies for the development,
 15 use, and management of information technology and

1 related information resources by the Federal Gov-
2 ernment;

3 “(3) create opportunities for innovation in the
4 development, use, and management of information
5 technology and related information resources by the
6 Federal Government;

7 “(4) ensure the greatest possible public benefit
8 from and maximize the utility of information cre-
9 ated, collected, maintained, used, shared and dis-
10 seminated by or for the Federal Government, while
11 minimizing burdens on the public;

12 “(5) coordinate, integrate, and to the extent
13 practicable and appropriate, make uniform Federal
14 information resources management policies and
15 practices as a means to improve the productivity, ef-
16 ficiency, and effectiveness of Government programs,
17 including the reduction of information collection bur-
18 dens on the public and the improvement of service
19 delivery to the public;

20 “(6) improve the quality and use of Federal in-
21 formation to strengthen decisionmaking, account-
22 ability, and openness in Government and society;

23 “(7) minimize the cost to the Federal Govern-
24 ment of the creation, collection, maintenance, use,
25 dissemination, and disposition of information;

1 “(8) strengthen the partnership between the
2 Federal Government and State, local, and tribal gov-
3 ernments by minimizing the burden and maximizing
4 the utility of information created, collected, main-
5 tained, used, disseminated, and retained by or for
6 the Federal Government;

7 “(9) provide for the dissemination of public in-
8 formation on a timely basis, on equitable terms, and
9 in a manner that promotes the utility of the infor-
10 mation to the public and makes effective use of in-
11 formation technology;

12 “(10) ensure that the creation, collection, main-
13 tenance, use, dissemination, and disposition of infor-
14 mation by or for the Federal Government is con-
15 sistent with applicable laws, including laws relating
16 to—

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

19 “(B) security of information, including the
20 Computer Security Act of 1987 (Public Law
21 100–235); and

22 “(C) access to information, including sec-
23 tion 552 of title 5;

24 “(11) ensure the integrity, quality, and utility
25 of the Federal statistical system;

1 “(12) ensure that information technology is ac-
2 quired, used, and managed to improve performance
3 of agency missions, including the reduction of infor-
4 mation collection burdens on the public; and

5 “(13) improve the responsibility and account-
6 ability of the President and all agencies of the Fed-
7 eral Government to Congress and to the public for
8 complying with information resources management,
9 and related policies and guidelines established under
10 this chapter.

11 **“§ 3502. Definitions**

12 “As used in this chapter—

13 “(1) the term ‘agency’ means any executive de-
14 partment, military department, Government corpora-
15 tion, Government controlled corporation, or other es-
16 tablishment in the executive branch of the Govern-
17 ment (including the Executive Office of the Presi-
18 dent), or any independent regulatory agency, but
19 does not include—

20 “(A) the Federal Election Commission;

21 “(B) the governments of the District of
22 Columbia and of the territories and possessions
23 of the United States, and their various subdivi-
24 sions; or

1 “(C) Government-owned contractor-oper-
2 ated facilities, including laboratories engaged in
3 national defense research and production activi-
4 ties;

5 “(2) the term ‘Director’ means the Director of
6 the Office of Management and Budget;

7 “(3) the term ‘independent regulatory agency’
8 means the Board of Governors of the Federal Re-
9 serve System, the Commodity Futures Trading Com-
10 mission, the Consumer Product Safety Commission,
11 the Federal Communications Commission, the Fed-
12 eral Deposit Insurance Corporation, the Federal En-
13 ergy Regulatory Commission, the Federal Housing
14 Finance Board, the Federal Maritime Commission,
15 the Federal Trade Commission, the Interstate Com-
16 merce Commission, the Mine Enforcement Safety
17 and Health Review Commission, the National Labor
18 Relations Board, the Nuclear Regulatory Commis-
19 sion, the Occupational Safety and Health Review
20 Commission, the Postal Rate Commission, the Secu-
21 rities and Exchange Commission, and any other
22 similar agency designated by statute as a Federal
23 independent regulatory agency or commission;

1 “(4) the term ‘information resources’ means in-
2 formation and related resources, such as personnel,
3 equipment, funds, and information technology;

4 “(5) the term ‘information resources manage-
5 ment’ means the process of managing information
6 resources to accomplish agency missions and to im-
7 prove agency performance, including through the re-
8 duction of information collection burdens on the
9 public;

10 “(6) the term ‘information system’ means a dis-
11 crete set of information resources organized for the
12 collection, processing, maintenance, use, sharing,
13 dissemination, or disposition of information;

14 “(7) the term ‘information technology’—

15 “(A) means any equipment or inter-
16 connected system or subsystem of equipment,
17 that is used in the automatic acquisition, stor-
18 age, manipulation, management, movement,
19 control, display, switching, interchange, trans-
20 mission, or reception of data or information by
21 an agency. For purposes of the preceding sen-
22 tence, equipment is used by an agency if the
23 equipment is used by the agency directly or is
24 used by a contractor under a contract with the
25 agency which (i) requires the use of such equip-

1 ment, or (ii) requires the use, to a significant
2 extent, of such equipment in the performance of
3 a service or the furnishing of a product;

4 “(B) includes computers, ancillary equip-
5 ment, software, firmware and similar proce-
6 dures, services (including support services), and
7 related resources; and

8 “(C) notwithstanding subparagraphs (A)
9 and (B), does not include—

10 “(i) any equipment that is acquired by
11 a Federal contractor incidental to a Fed-
12 eral contract; or

13 “(ii) any national security system;

14 “(8) the term ‘information technology architec-
15 ture’ means an integrated framework for evolving or
16 maintaining existing information technology and ac-
17 quiring new information technology to achieve the
18 agency’s strategic goals and information resources
19 management goals;

20 “(9) the term ‘national security system’ means
21 any telecommunications or information system oper-
22 ated by the United States Government, the function,
23 operation, or use of which—

24 “(A) involves intelligence activities;

1 “(B) involves cryptologic activities related
2 to national security;

3 “(C) involves command and control of mili-
4 tary forces;

5 “(D) involves equipment that is an integral
6 part of a weapon or weapons system; or

7 “(E) is critical to the direct fulfillment of
8 military or intelligence missions, provided that
9 this exclusion does not apply to a system that
10 is used for routine administrative and business
11 applications (including payroll, finance, logis-
12 tics, and personnel management applications);

13 “(10) the term ‘person’ means an individual,
14 partnership, association, corporation, business trust,
15 or legal representative, an organized group of indi-
16 viduals, a State, territorial, tribal, or local govern-
17 ment or branch thereof, or a political subdivision of
18 a State, territory, tribal, or local government or a
19 branch of a political subdivision; and

20 “(11) the term ‘public information’ means any
21 information, regardless of form or format, that an
22 agency discloses, disseminates, or makes available to
23 the public.

1 **“§ 3503. Office of Information Policy**

2 “(a) ESTABLISHMENT.—There is established in the
3 Executive Office of the President an Office of Information
4 Policy (hereinafter in this chapter referred to as the ‘Of-
5 fice’). The purpose of the Office shall be to serve as a
6 source of advice for the President and to direct and over-
7 see agencies with respect to the development, use, and
8 management of information resources.

9 “(b) CHIEF INFORMATION OFFICER OF THE UNITED
10 STATES.—There shall be at the head of the Office a Chief
11 Information Officer of the United States (hereinafter in
12 this chapter referred to as the ‘Chief Information Offi-
13 cer’), who shall serve as a special assistant to, and report
14 directly to, the President. The Chief Information Officer
15 is appointed by the President, by and with the advice and
16 consent of the Senate, from among persons who have dem-
17 onstrated through practical experience in the public or pri-
18 vate sectors knowledge, skills, and leadership abilities in
19 the management and use of information resources nec-
20 essary for the performance of the functions required under
21 this chapter.

22 “(c) DEPUTY CHIEF INFORMATION OFFICER OF THE
23 UNITED STATES.—There shall be a Deputy Chief Infor-
24 mation Officer of the United States (hereinafter in this
25 chapter referred to as the ‘Deputy Chief Information Offi-
26 cer’), who shall carry out the duties and powers prescribed

1 by the Chief Information Officer, and acts as the Chief
2 Information Officer when the Chief Information Officer
3 is absent or unable to serve or when the office of Chief
4 Information Officer is vacant. The Deputy Chief Informa-
5 tion Officer is appointed by the President, by and with
6 the advice and consent of the Senate, from among persons
7 who have demonstrated through practical experience in
8 the public or private sectors knowledge, skills, and leader-
9 ship abilities in the management and use of information
10 resources necessary for the performance of the functions
11 required under this chapter.

12 “(d) ACTING CHIEF INFORMATION OFFICER.—When
13 the Chief Information Officer and Deputy Chief Informa-
14 tion Officer are absent or unable to serve or when the of-
15 fices of Chief Information Officer and Deputy Chief Infor-
16 mation Officer are vacant, the President may designate
17 an officer of the Office to act as the Chief Information
18 Officer.

19 “(e) EMPLOYEES.—The Chief Information Officer
20 shall appoint and fix the pay of employees of the Office
21 under regulations prescribed by the President.

22 “(f) NECESSARY EXPENDITURES.—The Chief Infor-
23 mation Officer may make necessary expenditures for the
24 Office under regulations prescribed by the President.

1 management policies, principles, standards, and
2 guidelines;

3 “(2) provide direction and oversee activities of
4 agencies with regard to—

5 “(A) dissemination of and public access to
6 information;

7 “(B) statistical activities;

8 “(C) records management activities;

9 “(D) privacy, confidentiality, security, dis-
10 closure, and sharing of information; and

11 “(E) the acquisition and use of informa-
12 tion technology;

13 “(3) provide advice and assistance to agencies
14 and to the Director with respect to the collection of
15 information and control of paperwork burdens on
16 the public, consistent with the requirements of chap-
17 ter 36;

18 “(4) review and recommend to the President
19 and the Director changes to the budget and legisla-
20 tive proposals of agencies to provide more efficient
21 and effective use of information resources;

22 “(5) serve as the chairperson of the Chief Infor-
23 mation Officers Council established under section
24 3508;

1 “(6) notwithstanding any other provision of
2 law, direct and oversee all actions by the Adminis-
3 trator of General Services with regard to the provi-
4 sion of any information resources related services for
5 or on behalf of agencies, including the acquisition or
6 management of telecommunications or other infor-
7 mation technology or services;

8 “(7) direct, at his discretion, the use by the Ad-
9 ministrator of General Services of available budget
10 authority in the Information Technology Fund es-
11 tablished by section 110 of the Federal Property and
12 Administrative Services Act of 1949 (40 U.S.C.
13 757);

14 “(8) foster greater sharing, dissemination, and
15 access to public information, including through—

16 “(A) the use of the Government Informa-
17 tion Locator Service; and

18 “(B) the development and utilization of
19 common standards for information collection,
20 storage, processing, and communication, includ-
21 ing standards for security, interconnectivity,
22 and interoperability;

23 “(9) oversee the development and implementa-
24 tion of best practices in information resources man-
25 agement, including training;

1 “(10) oversee agency integration of program
2 and management functions with information re-
3 sources management functions; and

4 “(11)(i) with selected agencies and non-Federal
5 entities on a voluntary basis, conduct pilot projects
6 to test alternative policies, practices, regulations,
7 and procedures to fulfill the purposes of this chap-
8 ter; and

9 “(ii) for purposes of any pilot project conducted
10 under clause (i), in his discretion, after consultation
11 with the agency head, waive the application of any
12 administrative directive issued by an agency with
13 which the project is conducted, after giving timely
14 notice to the public and the Congress regarding the
15 need for such waiver.

16 “(c) INFORMATION COLLECTION.—With respect to
17 the collection of information and the control of paperwork,
18 the Chief Information Officer shall provide advice and as-
19 sistance to agencies and to the Director to promote effi-
20 cient and effective management of the collection of infor-
21 mation and the reduction of paperwork burdens on the
22 public, consistent with the requirements of chapter 36.

23 “(d) INFORMATION DISSEMINATION.—With respect
24 to information dissemination, the Chief Information Offi-

1 cer shall develop and oversee the implementation of poli-
2 cies, principles, standards, and guidelines to—

3 “(1) apply to Federal agency dissemination of
4 public information, regardless of the form or format
5 in which such information is disseminated; and

6 “(2) promote public access to public informa-
7 tion and fulfill the purposes of this chapter, includ-
8 ing through the effective use of information tech-
9 nology.

10 “(e) STATISTICS.—With respect to statistical policy
11 and coordination, the Chief Information Officer shall—

12 “(1) coordinate the activities of the Federal sta-
13 tistical system to ensure—

14 “(A) the efficiency and effectiveness of the
15 system; and

16 “(B) the integrity, objectivity, impartiality,
17 utility, and confidentiality of information col-
18 lected for statistical purposes;

19 “(2) consult with the Director to ensure that
20 budget proposals of agencies are consistent with sys-
21 temwide priorities for maintaining and improving
22 the quality of Federal statistics and prepare an an-
23 nual report on statistical program funding;

1 “(3) develop and oversee the implementation of
2 Governmentwide policies, principles, standards, and
3 guidelines concerning—

4 “(A) statistical collection procedures and
5 methods;

6 “(B) statistical data classification;

7 “(C) statistical information presentation
8 and dissemination;

9 “(D) timely release of statistical data; and

10 “(E) such statistical data sources as may
11 be required for the administration of Federal
12 programs;

13 “(4) evaluate statistical program performance
14 and agency compliance with Governmentwide poli-
15 cies, principles, standards, and guidelines;

16 “(5) promote the sharing of information col-
17 lected for statistical purposes consistent with privacy
18 rights and confidentiality pledges;

19 “(6) coordinate the participation of the United
20 States in international statistical activities, including
21 the development of comparable statistics;

22 “(7) appoint a chief statistician who is a
23 trained and experienced professional statistician to
24 carry out the functions described under this sub-
25 section;

1 “(8) establish an Interagency Council on Statis-
2 tical Policy to advise and assist the Chief Informa-
3 tion Officer in carrying out the functions under this
4 subsection that shall—

5 “(A) be headed by the chief statistician;
6 and

7 “(B) consist of—

8 “(i) the heads of the major statistical
9 programs; and

10 “(ii) representatives of other statis-
11 tical agencies under rotating membership;
12 and

13 “(9) provide opportunities for training in statis-
14 tical policy functions to employees of the Federal
15 Government under which—

16 “(A) each trainee shall be selected at the
17 discretion of the Chief Information Officer
18 based on agency requests and shall serve under
19 the chief statistician for at least 6 months and
20 not more than 1 year; and

21 “(B) all costs of the training shall be paid
22 by the agency requesting training.

23 “(f) RECORDS MANAGEMENT.—With respect to
24 records management, the Chief Information Officer
25 shall—

1 “(1) provide advice and assistance to the Archi-
2 vist of the United States and the Administrator of
3 General Services to promote coordination in the ad-
4 ministration of chapters 29, 31, and 33 of this title
5 with the information resources management policies,
6 principles, standards, and guidelines established
7 under this chapter;

8 “(2) review compliance by agencies with—

9 “(A) the requirements of chapters 29, 31,
10 and 33 of this title; and

11 “(B) regulations promulgated by the Ar-
12 chivist of the United States and the Adminis-
13 trator of General Services; and

14 “(3) oversee the application of records manage-
15 ment policies, principles, standards, and guidelines,
16 including requirements for archiving information
17 maintained in electronic format, in the planning and
18 design of information systems.

19 “(g) PRIVACY AND SECURITY.—With respect to pri-
20 vacy and security, the Chief Information Officer shall—

21 “(1) develop and oversee the implementation of
22 policies, principles, standards, and guidelines on pri-
23 vacy, confidentiality, security, disclosure, and shar-
24 ing of information collected or maintained by or for
25 agencies;

1 “(2) oversee and coordinate compliance with
2 sections 552 and 552a of title 5, sections 20 and 21
3 of the National Institute of Standards and Tech-
4 nology Act (15 U.S.C. 278g–3 and 278g–4), sections
5 5 and 6 of the Computer Security Act of 1987 (40
6 U.S.C. 759 note), chapters 37 and 38 of this title,
7 and related information management laws; and

8 “(3) require Federal agencies, consistent with
9 the standards and guidelines promulgated under sec-
10 tion 3812 of this title, sections 5 and 6 of the Com-
11 puter Security Act of 1987 (40 U.S.C. 759 note),
12 and chapter 37 of this title, to identify and afford
13 security protections commensurate with the risk and
14 magnitude of the harm resulting from the loss, mis-
15 use, or unauthorized access to or modification of in-
16 formation collected or maintained by or on behalf of
17 an agency.

18 “(h) INFORMATION TECHNOLOGY.—With respect to
19 Federal information technology, the Chief Information Of-
20 ficer shall—

21 “(1) in consultation with the Secretary of Com-
22 merce and the Chief Information Officers Council,
23 develop and oversee the implementation of policies,
24 principles, standards, and guidelines for information
25 technology functions and activities of the Federal

1 Government, as provided in this chapter and in
2 chapters 37 and 38 of this title, including through
3 periodic evaluations of major information systems;
4 and

5 “(2) oversee the effectiveness of, and compli-
6 ance with, directives issued under section 110 of the
7 Federal Property and Administrative Services Act of
8 1949 (40 U.S.C. 757);

9 “(3) provide advice and assistance to the Ad-
10 ministrator of the Office of Federal Procurement
11 Policy in the Office of Management and Budget to
12 ensure coordination of policies associated with Fed-
13 eral procurement and acquisition of information
14 technology with policies under this chapter;

15 “(4) ensure, through the review of agency budg-
16 et proposals, information resources management
17 plans and other means—

18 “(A) agency integration of information re-
19 sources management plans, program plans, and
20 budgets for acquisition and use of information
21 technology; and

22 “(B) the efficiency and effectiveness of
23 inter-agency information technology initiatives
24 to improve agency performance and the accom-
25 plishment of agency missions;

1 “(5) promote the use of information technology
2 by the Federal Government to improve the produc-
3 tivity, efficiency, and effectiveness of Federal pro-
4 grams, including through dissemination of public in-
5 formation and the reduction of information collection
6 burdens on the public;

7 “(6) provide leadership in innovative uses of in-
8 formation technology by agencies through support of
9 experimentation, testing, and adoption of innovative
10 concepts and technologies, particularly with regard
11 to multiagency initiatives and efforts to improve
12 communication and data exchange among all levels
13 of government and with the public, including by pro-
14 viding consolidated points of public access to govern-
15 ment services; and

16 “(7) consult with the heads of agencies that op-
17 erate national security systems to ensure effective
18 communication among all agencies concerning best
19 practices experiences in the development, use, and
20 management of information technology.

21 “(i) REQUIREMENTS OF LAW.—The authority of the
22 Chief Information Officer under this chapter shall be exer-
23 cised consistent with applicable law.

1 **“§ 3505. Assignment of tasks and deadlines**

2 “(a) STRATEGIC INFORMATION RESOURCES MAN-
3 AGEMENT PLAN.—In consultation with the Director, the
4 Administrator of General Services, the Director of the Na-
5 tional Institute of Standards and Technology, the Archi-
6 vist of the United States, the Director of the Office of
7 Personnel Management, and the Chief Information Officer
8 Council, the Chief Information Officer shall develop and
9 maintain a Governmentwide strategic plan for information
10 resources management, that shall include—

11 “(1) a description of the objectives and the
12 means by which the Federal Government shall apply
13 information resources to improve agency and pro-
14 gram performance;

15 “(2) plans for—

16 “(A) reducing information burdens on the
17 public, including reducing such burdens through
18 the elimination of duplication and meeting
19 shared data needs with shared resources, in ac-
20 cordance with the purposes of chapter 36 of
21 this title;

22 “(B) enhancing public access to and dis-
23 semination of, information, using electronic and
24 other formats; and

25 “(C) meeting the information technology
26 needs of the Federal Government in accordance

1 with the purposes of this chapter and chapter
2 38 of this title; and

3 “(3) a description of progress in applying infor-
4 mation resources management to improve agency
5 performance and the accomplishment of missions.

6 “(b) GOVERNMENT PAPERWORK ELIMINATION.—

7 “(1) USE AND ACCEPTANCE OF ELECTRONIC
8 SIGNATURES BY EXECUTIVE AGENCIES.—

9 “(A) DEVELOPMENT OF PROCEDURES.—

10 The Chief Information Officer shall, in con-
11 sultation with the Director and the Adminis-
12 trator of the National Telecommunications and
13 Information Administration and not later than
14 October 1, 2000, develop and implement proce-
15 dures for the use and acceptance of electronic
16 signatures by agencies.

17 “(B) REQUIREMENTS FOR PROCEDURES.—

18 “(i) The procedures developed under
19 subparagraph (A)—

20 “(I) shall be compatible with
21 standards and technology for elec-
22 tronic signatures that are generally
23 used in commerce and industry and
24 by State governments;

1 “(II) may not inappropriately
2 favor one industry or technology;

3 “(III) shall ensure that electronic
4 signatures are as reliable as is appro-
5 priate for the purpose in question and
6 keep intact the information submitted;

7 “(IV) shall provide for the elec-
8 tronic acknowledgment of electronic
9 forms that are successfully submitted;
10 and

11 “(V) shall, to the extent feasible
12 and appropriate, require an executive
13 agency that anticipates receipt by
14 electronic means of 50,000 or more
15 submittals of a particular form to
16 take all steps necessary to ensure that
17 multiple methods of electronic signa-
18 tures are available for the submittal of
19 such form.

20 “(ii) The Director shall ensure the
21 compatibility of the procedures under
22 clause (i)(I) in consultation with appro-
23 priate private bodies and State government
24 entities that set standards for the use and
25 acceptance of electronic signatures.

1 “(C) DEADLINE FOR USE AND ACCEPT-
2 ANCE OF ELECTRONIC SIGNATURES.—The Chief
3 Information Officer shall ensure that, com-
4 mencing not later than October 1, 2003, agen-
5 cies provide—

6 “(i) for the option of the electronic
7 maintenance, submission, or disclosure of
8 information, when practicable as a sub-
9 stitute for paper; and

10 “(ii) for the use and acceptance of
11 electronic signatures, when practicable.

12 “(2) ELECTRONIC STORAGE AND FILING OF
13 EMPLOYMENT FORMS.—The Chief Information Offi-
14 cer shall, in consultation with the Director and not
15 later than October 1, 2000, develop and implement
16 procedures to permit private employers to store and
17 file electronically with agencies forms containing in-
18 formation pertaining to the employees of such em-
19 ployers.

20 “(3) STUDY ON USE OF ELECTRONIC SIGNA-
21 TURES.—The Chief Information Officer shall, in
22 consultation with the Director and the Administrator
23 of the National Telecommunications and Informa-
24 tion Administration, conduct an ongoing study of,

1 and periodically report to Congress on, the use of
2 electronic signatures under this subsection on—

3 “(A) paperwork reduction and electronic
4 commerce;

5 “(B) individual privacy; and

6 “(C) the security and authenticity of trans-
7 actions.

8 “(4) ENFORCEABILITY AND LEGAL EFFECT OF
9 ELECTRONIC RECORDS.—Electronic records sub-
10 mitted or maintained in accordance with procedures
11 developed under this subsection, or electronic signa-
12 tures or other forms of electronic authentication
13 used in accordance with such procedures, shall not
14 be denied legal effect, validity, or enforceability be-
15 cause such records are in electronic form.

16 “(5) DISCLOSURE OF INFORMATION.—Except
17 as provided by law, information collected in the pro-
18 vision of electronic signature services for commu-
19 nications with an agency, as provided by this sub-
20 section shall only be used or disclosed by persons
21 who obtain, collect, or maintain such information as
22 a business or government practice, for the purpose
23 of facilitating such communications, or with the
24 prior affirmative consent of the person about whom
25 the information pertains.

1 “(6) APPLICATION WITH INTERNAL REVENUE
2 LAWS.—No provision of this subsection shall apply
3 to the Department of the Treasury or the Internal
4 Revenue Service to the extent that such provision—

5 “(A) involves the administration of the in-
6 ternal revenue laws; or

7 “(B) conflicts with any provision of the In-
8 ternal Revenue Service Restructuring and Re-
9 form Act of 1998 or the Internal Revenue Code
10 of 1986.

11 “(7) DEFINITION.—For purposes of this sub-
12 section, the term ‘electronic signature’ means a
13 method of signing an electronic message that—

14 “(A) identifies and authenticates a par-
15 ticular person as the source of the electronic
16 message; and

17 “(B) indicates such person’s approval of
18 the information contained in the electronic mes-
19 sage.

20 “(c) ELECTRONIC GOVERNMENT.—The Chief Infor-
21 mation Officer shall, assisted by the Chief Information Of-
22 ficers Council and other interested persons as selected by
23 the Chief Information Officer, monitor the implementation
24 of the requirements of subsection (b), the Electronic Sig-

1 natures in Global and National Commerce Act, and re-
2 lated laws to ensure that the Federal Government—

3 “(1) develops and maintains an efficient and ef-
4 fective information infrastructure for undertaking
5 government operations using electronic information
6 processes;

7 “(2) provides efficient and effective means for
8 members of the public to interact with the Federal
9 Government by means other than electronic informa-
10 tion processes; and

11 “(3) manages its increasing reliance on infor-
12 mation technology in a manner consistent with the
13 purposes and requirements of this chapter.

14 “(d) STUDY OF STANDARD SETTING PROCESS.—The
15 Chief Information Officer shall, in consultation with the
16 Secretary of Commerce, review the Federal information
17 systems standards setting process, established under sec-
18 tions 20 and 21 of the National Institute of Standards
19 and Technology Act (15 U.S.C. 278g–3 and 278g–4) and
20 section 3812 of this title, and report to the President on
21 the efficiency and effectiveness of the process and any rec-
22 ommendations for improving the process.

23 “(e) EVALUATION OF INFORMATION TECHNOLOGY
24 MANAGEMENT PROCESSES.—

1 “(1) The Chief Information Officer shall, not
2 later than one year after enactment of this chapter,
3 establish minimum evaluation criteria to be used for
4 independent evaluations of—

5 “(A) agency implementation of information
6 technology management processes and capabili-
7 ties required under sections 3805 and 3806 of
8 this title;

9 “(B) cost, schedule, risk, and return status
10 of major information management and tech-
11 nology initiatives; and

12 “(C) results of major information tech-
13 nology investments and programs in achieving
14 progress toward improvements in mission per-
15 formance and programmatic outcomes.

16 “(2) The head of each agency shall, not later
17 than two years after enactment of this chapter, have
18 performed an independent evaluation of the agency’s
19 information technology management processes and
20 capabilities, using criteria required under paragraph
21 (1).

22 “(3) Results of agency assessments required
23 under paragraph (2) shall be submitted not later
24 than October 1 of each year to the Chief Informa-
25 tion Officer, the Director, and the Congress.

1 **“§ 3506. Federal agency responsibilities**

2 “(a) GENERAL RESPONSIBILITIES.—

3 “(1) The head of each agency shall be respon-
4 sible for—

5 “(A) carrying out the agency’s information
6 resources management activities to improve
7 agency productivity, efficiency, and effective-
8 ness; and

9 “(B) complying with the requirements of
10 this chapter and related policies established by
11 the Chief Information Officer.

12 “(b) INFORMATION RESOURCES MANAGEMENT.—
13 With respect to general information resources manage-
14 ment, each agency shall—

15 “(1) manage information resources to—

16 “(A) reduce information collection burdens
17 on the public;

18 “(B) increase program efficiency and effec-
19 tiveness; and

20 “(C) improve the integrity, quality, and
21 utility of information to all users within and
22 outside the agency, including capabilities for en-
23 suring dissemination of public information, pub-
24 lic access to government information, and pro-
25 tections for privacy and security;

1 “(2) in accordance with guidance by the Chief
2 Information Officer, develop and maintain a stra-
3 tegic information resources management plan that
4 shall describe how information resources manage-
5 ment activities help accomplish agency missions;

6 “(3) develop and maintain an ongoing process
7 to—

8 “(A) ensure that information resources
9 management operations and decisions are inte-
10 grated with organizational planning, budget, fi-
11 nancial management, human resources manage-
12 ment, and program decisions;

13 “(B) in cooperation with the agency Chief
14 Financial Officer (or comparable official), de-
15 velop a full and accurate accounting of informa-
16 tion technology expenditures, related expenses,
17 and results; and

18 “(C) establish goals for improving informa-
19 tion resources management’s contribution to
20 program productivity, efficiency, and effective-
21 ness, methods for measuring progress toward
22 those goals, and clear roles and responsibilities
23 for achieving those goals;

24 “(4) in consultation with the Chief Information
25 Officer, the Director, the Administrator of General

1 Services, and the Archivist of the United States,
2 maintain a current and complete inventory of the
3 agency's information resources, including directories
4 necessary to fulfill the requirements of section 3509;
5 and

6 “(5) in consultation with the Chief Information
7 Officer and the Director of the Office of Personnel
8 Management, conduct formal training programs to
9 educate agency program and management officials
10 about information resources management.

11 “(c) INFORMATION COLLECTION.—With respect to
12 information collection and the control of paperwork, each
13 agency shall comply with the requirements of chapter 36
14 and ensure that information resources are managed to
15 maximize efficiency and effectiveness while reducing pa-
16 perwork burdens on the public.

17 “(d) INFORMATION DISSEMINATION.—With respect
18 to information dissemination, each agency shall—

19 “(1) ensure that the public has timely and equi-
20 table access to the agency's public information, in-
21 cluding ensuring such access through—

22 “(A) encouraging a diversity of public and
23 private sources for information based on gov-
24 ernment public information;

1 “(B) in cases in which the agency provides
2 public information maintained in electronic for-
3 mat, providing timely and equitable access to
4 the underlying data (in whole or in part); and

5 “(C) agency dissemination of public infor-
6 mation in an efficient, effective, and economical
7 manner;

8 “(2) regularly solicit and consider public input
9 on the agency’s information dissemination activities;

10 “(3) provide adequate notice when initiating,
11 substantially modifying, or terminating significant
12 information dissemination products; and

13 “(4) not, except where specifically authorized by
14 statute—

15 “(A) establish an exclusive, restricted, or
16 other distribution arrangement that interferes
17 with timely and equitable availability of public
18 information to the public;

19 “(B) restrict or regulate the use, resale, or
20 redissemination of public information by the
21 public;

22 “(C) charge fees or royalties for resale or
23 redissemination of public information; or

24 “(D) establish user fees for public informa-
25 tion that exceed the cost of dissemination.

1 “(e) STATISTICS.—With respect to statistical policy
2 and coordination, each agency shall—

3 “(1) ensure the relevance, accuracy, timeliness,
4 integrity, and objectivity of information collected or
5 created for statistical purposes;

6 “(2) inform respondents fully and accurately
7 about the sponsors, purposes, and uses of statistical
8 surveys and studies;

9 “(3) protect respondents’ privacy and ensure
10 that disclosure policies fully honor pledges of con-
11 fidentiality;

12 “(4) observe Federal standards and practices
13 for data collection, analysis, documentation, sharing,
14 and dissemination of information;

15 “(5) ensure the timely publication of the results
16 of statistical surveys and studies, including informa-
17 tion about the quality and limitations of the surveys
18 and studies; and

19 “(6) make data available to statistical agencies
20 and readily accessible to the public.

21 “(f) RECORDS MANAGEMENT.—With respect to
22 records management, each agency shall implement and en-
23 force applicable policies and procedures, including require-
24 ments for archiving information maintained in electronic

1 format, particularly in the planning, design, and operation
2 of information systems.

3 “(g) PRIVACY AND SECURITY.—With respect to pri-
4 vacy and security, each agency shall—

5 “(1) implement and enforce applicable policies,
6 procedures, standards, and guidelines on privacy,
7 confidentiality, security, disclosure, and sharing of
8 information collected or maintained by or for the
9 agency;

10 “(2) assume responsibility and accountability
11 for compliance with and coordinated management of
12 sections 552 and 552a of title 5, the Computer Se-
13 curity Act of 1987 (40 U.S.C. 759 note), chapter 37
14 of this title, and related information management
15 laws; and

16 “(3) consistent with the Computer Security Act
17 of 1987 (40 U.S.C. 759 note) and chapter 37 of this
18 title, identify and afford security protections com-
19 mensurate with the risk and magnitude of the harm
20 resulting from the loss, misuse, or unauthorized ac-
21 cess to or modification of information collected or
22 maintained by or on behalf of an agency.

23 “(h) INFORMATION TECHNOLOGY.—With respect to
24 Federal information technology, each agency shall—

1 “(1) implement and enforce applicable Govern-
2 mentwide and agency information technology man-
3 agement policies, principles, standards, and guide-
4 lines;

5 “(2) assume responsibility and accountability
6 for information technology investments;

7 “(3) promote the use of information technology
8 by the agency to improve the productivity, efficiency,
9 and effectiveness of agency programs, including the
10 reduction of information collection burdens on the
11 public and improved dissemination of public infor-
12 mation;

13 “(4) propose changes in legislation, regulations,
14 and agency procedures to improve information tech-
15 nology practices, including changes that improve the
16 ability of the agency to use technology to reduce
17 burden;

18 “(5) assume responsibility for maximizing the
19 value and assessing and managing the risks of major
20 information systems initiatives through a process
21 that is—

22 “(A) integrated with budget, financial, and
23 program management decisions; and

1 “(B) used to select, control, and evaluate
2 the results of major information systems initia-
3 tives; and

4 “(6) comply with the requirements of chapter
5 38 of this title.

6 **“§ 3507. Agency chief information officers**

7 “(a) DESIGNATION.—(1) Except as provided under
8 paragraph (2), the head of each agency shall designate
9 a chief information officer who shall report directly to such
10 agency head to carry out the responsibilities of the agency
11 under this chapter.

12 “(2) The Secretary of the Department of Defense
13 and the Secretary of each military department may each
14 designate chief information officers who shall report di-
15 rectly to such Secretary to carry out the responsibilities
16 of the department under this chapter. If more than one
17 chief information officer is designated, the respective du-
18 ties of the chief information officers shall be clearly delin-
19 eated.

20 “(b) GENERAL RESPONSIBILITIES.—(1) The chief in-
21 formation officer designated under subsection (a) shall
22 head an office responsible for ensuring agency compliance
23 with and prompt, efficient, and effective implementation
24 of the information policies and information resources man-
25 agement responsibilities established under this chapter, in-

1 cluding the reduction of information collection burdens on
2 the public. The chief information officer and employees of
3 such office shall be selected with special attention to the
4 professional qualifications required to administer the func-
5 tions described under this chapter.

6 “(2) Each agency program official shall be respon-
7 sible and accountable for information resources assigned
8 to and supporting the programs under such official. In
9 consultation with the chief information officer designated
10 under subsection (a) and the agency chief financial officer
11 (or comparable official), each agency program official shall
12 define program information needs and develop strategies,
13 systems, and capabilities to meet those needs.

14 “(3) The chief information officer designated under
15 subsection (a) shall be responsible for—

16 “(A) providing advice and other assistance to
17 the head of the agency and other senior management
18 personnel of the agency to ensure that information
19 technology is acquired and information resources are
20 managed for the agency in a manner that imple-
21 ments the policies and procedures of this chapter,
22 chapters 36, 37, and 38 of this title, and the prior-
23 ities established by the head of the agency;

1 “(B) developing, maintaining, and facilitating
2 the implementation of a sound and integrated infor-
3 mation technology architecture for the agency; and

4 “(C) promoting the effective and efficient de-
5 sign and operation of all major information re-
6 sources management processes for the agency, in-
7 cluding improvements to work processes of the agen-
8 cy.

9 “(c) DUTIES AND QUALIFICATIONS.—The chief infor-
10 mation officer of an agency that is listed in section 901(b)
11 of title 31 shall—

12 “(1) have information resources management
13 duties as that official’s primary duty;

14 “(2) monitor the performance of information
15 technology programs of the agency, evaluate the per-
16 formance of those programs on the basis of the ap-
17 plicable performance measurements, and advise the
18 head of the agency regarding whether to continue,
19 modify, or terminate a program or project; and

20 “(3) annually, as part of the strategic planning
21 and performance evaluation process required (sub-
22 ject to section 1117 of title 31) under section 306
23 of title 5 and sections 1105(a)(29), 1115, 1116,
24 1117, and 9703 of title 31—

1 “(A) assess the requirements established
2 for agency personnel regarding knowledge and
3 skill in information resources management and
4 the adequacy of such requirements for facili-
5 tating the achievement of the performance goals
6 established for information resources manage-
7 ment;

8 “(B) assess the extent to which the posi-
9 tions and personnel at the executive level of the
10 agency and the positions and personnel at man-
11 agement level of the agency below the executive
12 level meet those requirements;

13 “(C) in order to rectify any deficiency in
14 meeting those requirements, develop strategies
15 and specific plans for hiring, training, and pro-
16 fessional development; and

17 “(D) report to the head of the agency on
18 the progress made in improving information re-
19 sources management capability.

20 **“§ 3508. Chief Information Officers Council**

21 “(a) ESTABLISHMENT.—There is established in the
22 executive branch a ‘Chief Information Officers Council.’

23 “(b) MEMBERSHIP.—The members of the Chief In-
24 formation Officers Council are as follows:

1 “(1) The chief information officer of each agen-
2 cy that is listed in section 901(b) of title 31.

3 “(2) The chief information officer of each agen-
4 cy who is designated as a member of the Council by
5 the Chief Information Officer.

6 “(3) The Administrator of the Office of Infor-
7 mation and Regulatory Affairs in the Office of Man-
8 agement and Budget.

9 “(4) Other officers or employees of the Federal
10 Government designated by the Chief Information Of-
11 ficer.

12 “(c) ADMINISTRATIVE PROVISIONS.—

13 “(1) CHAIRMAN.—The Chief Information Offi-
14 cer is the Chairman of the Chief Information Offi-
15 cers Council.

16 “(2) DEPUTY CHAIRMAN.—

17 “(A) The Deputy Chairman of the Council
18 shall be selected by the Council from among its
19 members.

20 “(B) The Deputy Chairman shall serve a
21 one year term, and may serve multiple terms.

22 “(3) SUPPORT.—The Administrator of General
23 Services shall provide administrative and other sup-
24 port for the Council, including resources provided
25 through the Information Technology Fund estab-

1 lished by section 110 of the Federal Property and
2 Administrative Services Act of 1949 (40 U.S.C.
3 757).

4 “(d) FUNCTIONS.—The Chief Information Officers
5 Council shall—

6 “(1) assist and advise in the development and
7 implementation of Federal policies and practices
8 with regard to agency development, use, and man-
9 agement of information resources;

10 “(2) assist and advise the Chief Information
11 Officer in developing and maintaining the Govern-
12 mentwide strategic information resources manage-
13 ment plan required by section 3505(a);

14 “(3) assist and advise the Chief Information
15 Officer in the selection and coordination of—

16 “(A) multiagency initiatives to improve the
17 performance of agency missions through the use
18 of information technology and other information
19 resources; and

20 “(B) pilot projects to test alternative ap-
21 proaches for agencies to plan for, acquire, and
22 manage information technology and other infor-
23 mation resources;

1 “(4) coordinate and monitor the development
2 and use of common performance measures for agen-
3 cy information resources management activities;

4 “(5) coordinate the acquisition and provision of
5 common infrastructure services to facilitate commu-
6 nication and data exchange among agencies and
7 with State, local, and tribal governments;

8 “(6) review and make recommendations to ad-
9 dress the hiring, training, classification, and profes-
10 sional development needs of agencies with regard to
11 the development, use, and management of informa-
12 tion resources;

13 “(7) review and make recommendations with
14 regard to information systems standards, including
15 those developed under section 20 of the National In-
16 stitute of Standards and Technology Act (15 U.S.C.
17 278g-3) and section 3812 of this title;

18 “(8) consult with appropriate individuals and
19 organizations at all levels of government and the pri-
20 vate sector to enhance understanding of opportuni-
21 ties to improve the development, application, and
22 management of information resources to serve public
23 needs; and

24 “(9) consult with appropriate agencies to facili-
25 tate effective participation by the Federal Govern-

1 ment in international information-related activities
2 and organizations.

3 **“§ 3509. Establishment and operation of Government**
4 **Information Locator Service**

5 “(a) In order to assist agencies and the public in lo-
6 cating information and to promote information sharing
7 and equitable access by the public, the Chief Information
8 Officer shall—

9 “(1) cause to be established and maintained a
10 distributed agency-based electronic Government In-
11 formation Locator Service (hereafter in this section
12 referred to as the ‘Service’), which shall identify the
13 major information systems, holdings, and dissemina-
14 tion products of each agency;

15 “(2) require each agency to establish and main-
16 tain an agency information locator service as a com-
17 ponent of, and to support the establishment and op-
18 eration of the Service;

19 “(3) in cooperation with the Director, the Ar-
20 chivist of the United States, the Administrator of
21 General Services, the Public Printer, and the Librar-
22 ian of Congress, establish an interagency committee
23 to advise the Secretary of Commerce on the develop-
24 ment of technical standards for the Service to ensure

1 compatibility, promote information sharing, and uni-
2 form access by the public;

3 “(4) consider public access and other user
4 needs in the establishment and operation of the
5 Service;

6 “(5) ensure the security and integrity of the
7 Service, including measures to ensure that only in-
8 formation which is intended to be disclosed to the
9 public is disclosed through the Service; and

10 “(6) periodically review the development and ef-
11 fectiveness of the Service and make recommenda-
12 tions for improvement, including other mechanisms
13 for improving public access to Federal agency public
14 information.

15 “(b) This section shall not apply to operational files
16 as defined by the Central Intelligence Agency Information
17 Act (50 U.S.C. 431 et seq.).

18 **“§ 3510. Chief Information Officer review of agency**
19 **activities; reporting; agency response**

20 “(a) In consultation with the Director, the Adminis-
21 trator of General Services, the Archivist of the United
22 States, the Director of the National Institute of Standards
23 and Technology, and the Director of the Office of Per-
24 sonnel Management, the Chief Information Officer shall
25 periodically review selected agency information resources

1 management activities to ascertain the efficiency and ef-
2 fectiveness of such activities to improve agency perform-
3 ance and the accomplishment of agency missions.

4 “(b) Each agency having an activity reviewed under
5 subsection (a) shall, within 60 days after receipt of a re-
6 port on the review, provide a written plan to the Chief
7 Information Officer describing steps (including mile-
8 stones) to—

9 “(1) be taken to address information resources
10 management problems identified in the report; and

11 “(2) improve agency performance and the ac-
12 complishment of agency missions.

13 **“§ 3511. Report to Congress**

14 The Chief Information Officer shall submit an annual
15 report to the President and the Congress describing—

16 “(1) efforts undertaken by the Chief Informa-
17 tion Officer to improve the development, application,
18 and management of information resources,
19 including—

20 “(A) the results of major information tech-
21 nology initiatives, including those funded by the
22 Information Technology Fund; and

23 “(B) recommendations to improve Federal
24 policies and practices with regard to the devel-

1 opment, use, and management of information
2 resources; and

3 “(2) the results of major activities undertaken
4 by the Chief Information Officers Council to carry
5 out the functions under section 3508.

6 **“§ 3512. Rules and regulations**

7 “(a) The Chief Information Officer shall promulgate
8 rules, regulations, or procedures necessary to exercise the
9 authority provided by this chapter.

10 “(b) In developing information resources manage-
11 ment policies, plans, rules, regulations, procedures, and
12 guidelines, the Chief Information Officer shall provide in-
13 terested agencies and persons early and meaningful oppor-
14 tunity to comment.

15 **“§ 3513. Effect on existing laws and regulations**

16 “Except as otherwise provided in this chapter, the au-
17 thority of an agency under any other law to prescribe poli-
18 cies, rules, regulations, and procedures for Federal infor-
19 mation resources management activities is subject to the
20 authority of the Chief Information Officer under this
21 chapter.

22 **“§ 3514. Access to information**

23 “Under the conditions and procedures prescribed in
24 section 716 of title 31, the Director and personnel in the
25 Office of Information and Regulatory Affairs shall furnish

1 such information as the Comptroller General may require
2 for the discharge of the responsibilities of the Comptroller
3 General. For the purpose of obtaining such information,
4 the Comptroller General or representatives thereof shall
5 have access to all books, documents, papers, and records,
6 regardless of form or format, of the Office.

7 **“§ 3515. Application to national security systems**

8 “Notwithstanding the exemption of national security
9 systems from the term ‘information technology,’ the head
10 of an agency responsible for a national security system
11 shall—

12 “(1) comply with the provisions of this chapter
13 with regard to information technology other than
14 such national security system; and

15 “(2) consult with the Chief Information Officer
16 to ensure effective communication concerning best
17 practices experiences in the development, use, and
18 management of information technology, including
19 national security systems.

20 **“§ 3516. Authorization of appropriations**

21 “There are authorized to be appropriated to carry out
22 the provisions of this chapter, to remain available until
23 expended, such sums as may be necessary for each of fis-
24 cal years 2001 through 2005.”.

1 **SEC. 4. PAPERWORK REDUCTION.**

2 Title 44, United States Code, is amended by inserting
3 after chapter 35 the following:

4 **“CHAPTER 36—PAPERWORK REDUCTION**

“Sec.

“3601. Purposes.

“3602. Definitions.

“3603. Office of Information and Regulatory Affairs.

“3604. Authority and functions of Director.

“3605. Assignment of tasks and deadlines.

“3606. Federal agency responsibilities.

“3607. Public information collection activities; submission to Director; approval
and delegation.

“3608. Determination of necessity for information; hearing.

“3609. Designation of central collection agency.

“3610. Cooperation of agencies in making information available.

“3611. Use of the Government Information Locator Service.

“3612. Public protection.

“3613. Director review of agency activities; reporting; agency response.

“3614. Responsiveness to Congress.

“3615. Administrative powers.

“3616. Rules and regulations.

“3617. Consultation with other agencies and the public.

“3618. Effect on existing laws and regulations.

“3619. Access to information.

“3620. Authorization of appropriations.

5 **“CHAPTER 36—PAPERWORK REDUCTION**

6 **“§ 3601. Purposes**

7 “The purposes of this chapter are to—

8 “(1) minimize the paperwork burden for indi-
9 viduals, small businesses, educational and nonprofit
10 institutions, Federal contractors, State, local, and
11 tribal governments, and other persons resulting from
12 the collection of information by or for the Federal
13 Government;

1 “(2) ensure the greatest possible public benefit
2 from and maximize the utility of information col-
3 lected by or for the Federal Government;

4 “(3) coordinate agency information collection
5 activities with other information resources manage-
6 ment activities as a means to improve the produc-
7 tivity, efficiency, and effectiveness of Government
8 programs, including the reduction of information col-
9 lection burdens on the public and the improvement
10 of service delivery to the public;

11 “(4) improve the quality and use of Federal in-
12 formation to strengthen decisionmaking, account-
13 ability, and openness in Government and society;

14 “(5) minimize the cost to the Federal Govern-
15 ment of the collection of information;

16 “(6) strengthen the partnership between the
17 Federal Government and State, local, and tribal gov-
18 ernments by minimizing the burden and maximizing
19 the utility of information collected and retained by
20 or for the Federal Government;

21 “(7) ensure that the collection of information
22 by or for the Federal Government is consistent with
23 applicable laws, including laws relating to—

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

1 “(B) security of information, including the
2 Computer Security Act of 1987 (Public Law
3 100–235); and

4 “(C) access to information, including sec-
5 tion 552 of title 5;

6 “(8) ensure the integrity, quality, and utility of
7 information collected for statistical purposes; and

8 “(9) improve the responsibility and account-
9 ability of the Office of Management and Budget and
10 all other Federal agencies to Congress and to the
11 public for implementing the information collection
12 review process, and related policies and guidelines
13 established under this chapter.

14 **“§ 3602. Definitions**

15 “(a) The definitions in section 3502 of this title shall
16 apply to this chapter.

17 “(b) As used in this chapter—

18 “(1) the term ‘burden’ means time, effort, or fi-
19 nancial resources expended by persons to generate,
20 maintain, or provide information to or for a Federal
21 agency, including the resources expended for—

22 “(A) reviewing instructions;

23 “(B) acquiring, installing, and utilizing
24 technology and systems;

1 “(C) adjusting the existing ways to comply
2 with any previously applicable instructions and
3 requirements;

4 “(D) searching data sources;

5 “(E) completing and reviewing the collec-
6 tion of information; and

7 “(F) transmitting, or otherwise disclosing
8 the information;

9 “(2) the term ‘collection of information’—

10 “(A) means the obtaining, causing to be
11 obtained, soliciting, or requiring the disclosure
12 to third parties or the public, of facts or opin-
13 ions by or for an agency, regardless of form or
14 format, calling for either—

15 “(i) answers to identical questions
16 posed to, or identical reporting or record-
17 keeping requirements imposed on, ten or
18 more persons, other than agencies, instru-
19 mentalities, or employees of the United
20 States; or

21 “(ii) answers to questions posed to
22 agencies, instrumentalities, or employees of
23 the United States which are to be used for
24 general statistical purposes; and

1 “(B) shall not include a collection of infor-
2 mation described under section 3618(c)(1);

3 “(3) the term ‘practical utility’ means the abil-
4 ity of an agency to use information, particularly the
5 capability to process such information in a timely
6 and useful fashion;

7 “(4) the term ‘recordkeeping requirement’
8 means a requirement imposed by or for an agency
9 on persons to maintain specified records, including a
10 requirement to—

11 “(A) retain such records;

12 “(B) notify third parties, the Federal Gov-
13 ernment, or the public of the existence of such
14 records;

15 “(C) disclose such records to third parties,
16 the Federal Government, or the public; or

17 “(D) report to third parties, the Federal
18 Government, or the public regarding such
19 records; and

20 “(5) the term ‘penalty’ includes the imposition
21 by an agency or court of a fine or other punishment;
22 a judgment for monetary damages or equitable re-
23 lief; or the revocation, suspension, reduction, or de-
24 nial of a license, privilege, right, grant, or benefit.

1 **“§ 3603. Office of Information and Regulatory Affairs**

2 “(a) There is established in the Office of Manage-
3 ment and Budget an office to be known as the Office of
4 Information and Regulatory Affairs.

5 “(b) There shall be at the head of the Office an Ad-
6 ministrator who shall be appointed by the President, by
7 and with the advice and consent of the Senate. The Direc-
8 tor shall delegate to the Administrator the authority to
9 administer all functions under this chapter, except that
10 any such delegation shall not relieve the Director of re-
11 sponsibility for the administration of such functions.

12 **“§ 3604. The authority and functions of the Director**

13 “(a) With respect to the collection of information and
14 the control of paperwork, the Director shall—

15 “(1) review and approve proposed agency collec-
16 tions of information;

17 “(2) minimize the Federal information collec-
18 tion burden, with particular emphasis on those indi-
19 viduals and entities most adversely affected;

20 “(3) maximize the practical utility of and public
21 benefit from information collected by or for the Fed-
22 eral Government;

23 “(4) establish and oversee standards and guide-
24 lines by which agencies are to estimate the burden
25 to comply with a proposed collection of information;

1 “(5) coordinate activities under this chapter
2 with the activities of the Chief Information Officer
3 under chapter 35;

4 “(6) coordinate the review of the collection of
5 information associated with Federal procurement
6 and acquisition by the Office of Information and
7 Regulatory Affairs with the Office of Federal Pro-
8 curement Policy, with particular emphasis on apply-
9 ing information technology to improve the efficiency
10 and effectiveness of Federal procurement, acquisi-
11 tion, and payment, and to reduce information collec-
12 tion burdens on the public; and

13 “(7) initiate and review proposals for changes
14 in legislation, regulations, and agency procedures to
15 improve information collection practices and reduce
16 information collection burdens on the public.

17 “(b) The authority of the Director under this chapter
18 shall be exercised consistent with applicable law.

19 **“§ 3605. Assignment of tasks and deadlines**

20 “(a) In carrying out the functions under this chapter,
21 the Director shall—

22 “(1) in consultation with agency heads, set an
23 annual Governmentwide goal for the reduction of in-
24 formation collection burdens by at least 5 percent
25 during each of fiscal years 2001, 2002, 2003, 2004,

1 and 2005, and set annual agency goals to reduce
2 information collection burdens imposed on the public
3 that—

4 “(A) represent the maximum practicable
5 opportunity in each agency; and

6 “(B) are consistent with improving agency
7 management of the process for the review of
8 collections of information established under sec-
9 tion 3606; and

10 “(2) with selected agencies and non-Federal en-
11 tities on a voluntary basis, conduct pilot projects to
12 test alternative policies, practices, regulations, and
13 procedures to fulfill the purposes of this chapter;
14 and

15 “(3) assist the Chief Information Officer to de-
16 velop and maintain a Governmentwide strategic plan
17 for information resources management, particularly
18 with regards to reducing information burdens on the
19 public, including reducing such burdens through the
20 elimination of duplication and meeting shared data
21 needs with shared resources.

22 “(b) For purposes of any pilot project conducted
23 under subsection (a)(2), the Director may, after consulta-
24 tion with the agency head, waive the application of any
25 administrative directive issued by an agency with which

1 the project is conducted, including any directive requiring
2 a collection of information, after giving timely notice to
3 the public and the Congress regarding the need for such
4 waiver.

5 **“§ 3606. Federal agency responsibilities**

6 “(a) Each agency shall establish a process within the
7 office headed by the chief information officer designated
8 under section 3507 of this title, that is sufficiently inde-
9 pendent of program responsibility to evaluate fairly wheth-
10 er proposed collections of information should be approved
11 under this chapter, to—

12 “(1) review each collection of information before
13 submission to the Director for review under this
14 chapter, including—

15 “(A) an evaluation of the need for the col-
16 lection of information;

17 “(B) a functional description of the infor-
18 mation to be collected;

19 “(C) a plan for the collection of the infor-
20 mation;

21 “(D) a specific, objectively supported esti-
22 mate of burden;

23 “(E) a test of the collection of information
24 through a pilot program, if appropriate; and

1 “(F) a plan for the efficient and effective
2 management and use of the information to be
3 collected, including necessary resources;
4 “(2) ensure that each information collection—
5 “(A) is inventoried, displays a control
6 number and, if appropriate, an expiration date;
7 “(B) indicates the collection is in accord-
8 ance with the clearance requirements of section
9 3607; and
10 “(C) informs the person receiving the col-
11 lection of information of—
12 “(i) the reasons the information is
13 being collected;
14 “(ii) the way such information is to be
15 used;
16 “(iii) an estimate, to the extent prac-
17 ticable, of the burden of the collection;
18 “(iv) whether responses to the collec-
19 tion of information are voluntary, required
20 to obtain a benefit, or mandatory; and
21 “(v) the fact that an agency may not
22 conduct or sponsor, and a person is not re-
23 quired to respond to, a collection of infor-
24 mation unless it displays a valid control
25 number; and

1 “(3) assess the information collection burden of
2 proposed legislation affecting the agency.

3 “(b) Each agency shall—

4 “(1) except as provided under paragraph (2) or
5 section 3607(j), provide a 60-day notice in the Fed-
6 eral Register, and otherwise consult with members of
7 the public and affected agencies concerning each
8 proposed collection of information, to solicit com-
9 ment to—

10 “(A) evaluate whether the proposed collec-
11 tion of information is necessary for the proper
12 performance of the functions of the agency, in-
13 cluding whether the information shall have
14 practical utility;

15 “(B) evaluate the accuracy of the agency’s
16 estimate of the burden of the proposed collec-
17 tion of information;

18 “(C) enhance the quality, utility, and clar-
19 ity of the information to be collected; and

20 “(D) minimize the burden of the collection
21 of information on those who are to respond, in-
22 cluding through the use of automated collection
23 techniques or other forms of information tech-
24 nology; and

1 “(2) for any proposed collection of information
2 contained in a proposed rule (to be reviewed by the
3 Director under section 3607(d)), provide notice and
4 comment through the notice of proposed rulemaking
5 for the proposed rule and such notice shall have the
6 same purposes specified under paragraph (1)(A) and
7 (B).

8 “(c) Each agency shall certify (and provide a record
9 supporting such certification, including public comments
10 received by the agency) that each collection of information
11 submitted to the Director for review under section 3607—

12 “(1) is necessary for the proper performance of
13 the functions of the agency, including that the infor-
14 mation has practical utility;

15 “(2) is not unnecessarily duplicative of informa-
16 tion otherwise reasonably accessible to the agency;

17 “(3) reduces to the extent practicable and ap-
18 propriate the burden on persons who shall provide
19 information to or for the agency, including with re-
20 spect to small entities, as defined under section
21 601(6) of title 5, the use of such techniques as—

22 “(A) establishing differing compliance or
23 reporting requirements or timetables that take
24 into account the resources available to those
25 who are to respond;

1 “(B) the clarification, consolidation, or
2 simplification of compliance and reporting re-
3 quirements; or

4 “(C) an exemption from coverage of the
5 collection of information, or any part thereof;

6 “(i) is written using plain, coherent,
7 and unambiguous terminology and is un-
8 derstandable to those who are to respond;

9 “(ii) is to be implemented in ways
10 consistent and compatible, to the max-
11 imum extent practicable, with the existing
12 reporting and recordkeeping practices of
13 those who are to respond;

14 “(iii) indicates for each recordkeeping
15 requirement the length of time persons are
16 required to maintain the records specified;

17 “(iv) contains the statement required
18 under subsection (a)(2)(C);

19 “(v) has been developed by an office
20 that has planned and allocated resources
21 for the efficient and effective management
22 and use of the information to be collected,
23 including the processing of the information
24 in a manner which shall enhance, where

1 appropriate, the utility of the information
2 to agencies and the public;

3 “(vi) uses effective and efficient sta-
4 tistical survey methodology appropriate to
5 the purpose for which the information is to
6 be collected; and

7 “(vii) to the maximum extent prac-
8 ticable, uses information technology to re-
9 duce burden and improve data quality,
10 agency efficiency and responsiveness to the
11 public.

12 **“§ 3607. Public information collection activities; sub-**
13 **mission to Director; approval and delega-**
14 **tion**

15 “(a) An agency shall not conduct or sponsor the col-
16 lection of information unless in advance of the adoption
17 or revision of the collection of information—

18 “(1) the agency has—

19 “(A) conducted the review established
20 under section 3606(a);

21 “(B) evaluated the public comments re-
22 ceived under section 3606(b);

23 “(C) submitted to the Director the certifi-
24 cation required under section 3606(c), the pro-
25 posed collection of information, copies of perti-

1 nent statutory authority, regulations, and other
2 related materials as the Director may specify;
3 and

4 “(D) published a notice in the Federal
5 Register—

6 “(i) stating that the agency has made
7 such submission; and

8 “(ii) setting forth—

9 “(I) a title for the collection of
10 information;

11 “(II) a summary of the collection
12 of information;

13 “(III) a brief description of the
14 need for the information and the pro-
15 posed use of the information;

16 “(IV) a description of the likely
17 respondents and proposed frequency
18 of response to the collection of infor-
19 mation;

20 “(V) an estimate of the burden
21 that shall result from the collection of
22 information; and

23 “(VI) notice that comments may
24 be submitted to the agency and the
25 Director;

1 “(2) the Director has approved the proposed
2 collection of information or approval has been in-
3 ferred, under the provisions of this section; and

4 “(3) the agency has obtained from the Director
5 a control number to be displayed upon the collection
6 of information.

7 “(b) The Director shall provide at least 30 days for
8 public comment prior to making a decision under sub-
9 section (c), (d), or (h), except as provided under sub-
10 section (j).

11 “(c)(1) For any proposed collection of information
12 not contained in a proposed rule, the Director shall notify
13 the agency involved of the decision to approve or dis-
14 approve the proposed collection of information.

15 “(2) The Director shall provide the notification under
16 paragraph (1), within 60 days after receipt or publication
17 of the notice under subsection (a)(1)(D), whichever is
18 later.

19 “(3) If the Director does not notify the agency of a
20 denial or approval within the 60-day period described
21 under paragraph (2)—

22 “(A) the approval may be inferred;

23 “(B) a control number shall be assigned with-
24 out further delay; and

1 “(C) the agency may collect the information for
2 not more than 1 year.

3 “(d)(1) For any proposed collection of information
4 contained in a proposed rule—

5 “(A) as soon as practicable, but no later than
6 the date of publication of a notice of proposed rule-
7 making in the Federal Register, each agency shall
8 forward to the Director a copy of any proposed rule
9 which contains a collection of information and any
10 information requested by the Director necessary to
11 make the determination required under this sub-
12 section; and

13 “(B) within 60 days after the notice of pro-
14 posed rulemaking is published in the Federal Reg-
15 ister, the Director may file public comments pursu-
16 ant to the standards set forth in section 3608 on the
17 collection of information contained in the proposed
18 rule.

19 “(2) When a final rule is published in the Federal
20 Register, the agency shall explain—

21 “(A) how any collection of information con-
22 tained in the final rule responds to the comments,
23 if any, filed by the Director or the public; or

24 “(B) the reasons such comments were rejected.

1 “(3) If the Director has received notice and failed to
2 comment on an agency rule within 60 days after the notice
3 of proposed rulemaking, the Director may not disapprove
4 any collection of information specifically contained in an
5 agency rule.

6 “(4) No provision in this section shall be construed
7 to prevent the Director, in the Director’s discretion—

8 “(A) from disapproving any collection of infor-
9 mation which was not specifically required by an
10 agency rule;

11 “(B) from disapproving any collection of infor-
12 mation contained in an agency rule, if the agency
13 failed to comply with the requirements of paragraph
14 (1);

15 “(C) from disapproving any collection of infor-
16 mation contained in a final agency rule, if the Direc-
17 tor finds within 60 days after the publication of the
18 final rule that the agency’s response to the Direc-
19 tor’s comments filed under paragraph (2) was un-
20 reasonable; or

21 “(D) from disapproving any collection of infor-
22 mation contained in a final rule, if—

23 “(i) the Director determines that the agen-
24 cy has substantially modified in the final rule

1 the collection of information contained in the
2 proposed rule; and

3 “(ii) the agency has not given the Director
4 the information required under paragraph (1)
5 with respect to the modified collection of infor-
6 mation, at least 60 days before the issuance of
7 the final rule.

8 “(5) This subsection shall apply only when an agency
9 publishes a notice of proposed rulemaking and requests
10 public comments.

11 “(6) The decision by the Director to approve or not
12 act upon a collection of information contained in an agen-
13 cy rule shall not be subject to judicial review.

14 “(e)(1) Any decision by the Director under subsection
15 (c), (d), (h), or (j) to disapprove a collection of informa-
16 tion, or to instruct the agency to make substantive or ma-
17 terial change to a collection of information, shall be pub-
18 licly available and include an explanation of the reasons
19 for such decision.

20 “(2) Any written communication between the Admin-
21 istrator of the Office of Information and Regulatory Af-
22 fairs, or any employee of the Office of Information and
23 Regulatory Affairs, and an agency or person not employed
24 by the Federal Government concerning a proposed collec-
25 tion of information shall be made available to the public.

1 “(3) This subsection shall not require the disclosure
2 of—

3 “(A) any information which is protected at all
4 times by procedures established for information
5 which has been specifically authorized under criteria
6 established by an Executive order or an Act of Con-
7 gress to be kept secret in the interest of national de-
8 fense or foreign policy; or

9 “(B) any communication relating to a collection
10 of information which is not approved under this
11 chapter, the disclosure of which could lead to retalia-
12 tion or discrimination against the communicator.

13 “(f)(1) An independent regulatory agency which is
14 administered by 2 or more members of a commission,
15 board, or similar body, may by majority vote void—

16 “(A) any disapproval by the Director, in whole
17 or in part, of a proposed collection of information of
18 that agency; or

19 “(B) an exercise of authority under subsection
20 (d) of section 3607 concerning that agency.

21 “(2) The agency shall certify each vote to void such
22 disapproval or exercise to the Director, and explain the
23 reasons for such vote. The Director shall without further
24 delay assign a control number to such collection of infor-

1 mation, and such vote to void the disapproval or exercise
2 shall be valid for a period of 3 years.

3 “(g) The Director may not approve a collection of in-
4 formation for a period in excess of 3 years.

5 “(h)(1) If an agency decides to seek extension of the
6 Director’s approval granted for a currently approved col-
7 lection of information, the agency shall—

8 “(A) conduct the review established under sec-
9 tion 3606(c), including the seeking of comment from
10 the public on the continued need for, and burden im-
11 posed by the collection of information; and

12 “(B) after having made a reasonable effort to
13 seek public comment, but no later than 60 days be-
14 fore the expiration date of the control number as-
15 signed by the Director for the currently approved
16 collection of information, submit the collection of in-
17 formation for review and approval under this sec-
18 tion, which shall include an explanation of how the
19 agency has used the information that it has col-
20 lected.

21 “(2) If under the provisions of this section, the Direc-
22 tor disapproves a collection of information contained in an
23 existing rule, or recommends or instructs the agency to
24 make a substantive or material change to a collection of

1 information contained in an existing rule, the Director
2 shall—

3 “(A) publish an explanation thereof in the Fed-
4 eral Register; and

5 “(B) instruct the agency to undertake a rule-
6 making within a reasonable time limited to consider-
7 ation of changes to the collection of information con-
8 tained in the rule and thereafter to submit the col-
9 lection of information for approval or disapproval
10 under this chapter.

11 “(3) An agency may not make a substantive or mate-
12 rial modification to a collection of information after such
13 collection has been approved by the Director, unless the
14 modification has been submitted to the Director for review
15 and approval under this chapter.

16 “(i)(1) If the Director finds that a chief information
17 officer of an agency designated under section 3507 is suf-
18 ficiently independent of program responsibility to evaluate
19 fairly whether proposed collections of information should
20 be approved and has sufficient resources to carry out this
21 responsibility effectively, the Director may, by rule in ac-
22 cordance with the notice and comment provisions of chap-
23 ter 5 of title 5, delegate to such official the authority to
24 approve proposed collections of information in specific pro-

1 gram areas, for specific purposes, or for all agency pur-
2 poses.

3 “(2) A delegation by the Director under this section
4 shall not preclude the Director from reviewing individual
5 collections of information if the Director determines that
6 circumstances warrant such a review. The Director shall
7 retain authority to revoke such delegations, both in gen-
8 eral and with regard to any specific matter. In acting for
9 the Director, any official to whom approval authority has
10 been delegated under this section shall comply fully with
11 the rules and regulations promulgated by the Director.

12 “(j)(1) The agency head may request the Director to
13 authorize a collection of information, if an agency head
14 determines that—

15 “(A) a collection of information—

16 “(i) is needed prior to the expiration of
17 time periods established under this chapter; and

18 “(ii) is essential to the mission of the agen-
19 cy; and

20 “(B) the agency cannot reasonably comply with
21 the provisions of this chapter because—

22 “(i) public harm is reasonably likely to re-
23 sult if normal clearance procedures are fol-
24 lowed;

1 or to submit statements in writing. To the extent, if any,
2 that the Director determines that the collection of infor-
3 mation by an agency is unnecessary for any reason, the
4 agency may not engage in the collection of information.

5 **“§ 3609. Designation of central collection agency**

6 “The Director may designate a central collection
7 agency to obtain information for two or more agencies if
8 the Director determines that the needs of such agencies
9 for information will be adequately served by a single collec-
10 tion agency, and such sharing of data is not inconsistent
11 with applicable law. In such cases the Director shall pre-
12 scribe (with reference to the collection of information) the
13 duties and functions of the collection agency so designated
14 and of the agencies for which it is to act as agent (includ-
15 ing reimbursement for costs). While the designation is in
16 effect, an agency covered by the designation may not ob-
17 tain for itself information for the agency which is the duty
18 of the collection agency to obtain. The Director may mod-
19 ify the designation from time to time as circumstances re-
20 quire. The authority to designate under this section is sub-
21 ject to the provisions of section 3607(f).

22 **“§ 3610. Cooperation of agencies in making informa-**
23 **tion available**

24 “(a) The Director may direct an agency to make
25 available to another agency, or an agency may make avail-

1 able to another agency, information obtained by a collec-
2 tion of information if the disclosure is not inconsistent
3 with applicable law.

4 “(b)(1) If information obtained by an agency is re-
5 leased by that agency to another agency, all the provisions
6 of law (including penalties) that relate to the unlawful dis-
7 closure of information apply to the officers and employees
8 of the agency to which information is released to the same
9 extent and in the same manner as the provisions apply
10 to the officers and employees of the agency which origi-
11 nally obtained the information.

12 “(2) The officers and employees of the agency to
13 which the information is released, in addition, shall be
14 subject to the same provisions of law, including penalties,
15 relating to the unlawful disclosure of information as if the
16 information had been collected directly by that agency.

17 **“§ 3611. Use of the Government Information Locator**
18 **Service**

19 “In consultation with the Chief Information Officer,
20 the Director shall encourage the use of the Government
21 Information Locator Service to provide information to
22 agencies and the public regarding agency information col-
23 lection activities and opportunities to maximize the effi-
24 ciency and effectiveness of agency collections of informa-
25 tion and the reduction of paperwork burdens on the public.

1 **“§ 3612. Public protection**

2 “(a) Notwithstanding any other provision of law, no
3 person shall be subject to any penalty for failing to comply
4 with a collection of information that is subject to this
5 chapter if—

6 “(1) the collection of information does not dis-
7 play a valid control number assigned by the Director
8 in accordance with this chapter; or

9 “(2) the agency fails to inform the person who
10 is to respond to the collection of information that
11 such person is not required to respond to the collec-
12 tion of information unless it displays a valid control
13 number.

14 “(b) The protection provided by this section may be
15 raised in the form of a complete defense, bar, or otherwise
16 at any time during the agency administrative process or
17 judicial action applicable thereto.

18 **“§ 3613. Director review of agency activities; report-**
19 **ing; agency response**

20 “(a) In consultation with the Chief Information Offi-
21 cer, the Administrator of General Services, the Archivist
22 of the United States, the Director of the National Insti-
23 tute of Standards and Technology, and the Director of the
24 Office of Personnel Management, the Director shall peri-
25 odically review selected agency information collection ac-
26 tivities to ascertain the efficiency and effectiveness of such

1 activities to improve agency performance and the accom-
2 plishment of agency missions.

3 “(b) Each agency having an activity reviewed under
4 subsection (a) shall, within 60 days after receipt of a re-
5 port on the review, provide a written plan to the Director
6 describing steps (including milestones) to—

7 “(1) be taken to address information resources
8 management problems identified in the report; and

9 “(2) improve agency performance and the ac-
10 complishment of agency missions.

11 **“§ 3614. Responsiveness to Congress**

12 “(a)(1) The Director shall—

13 “(A) keep the Congress and congressional com-
14 mittees fully and currently informed of the major ac-
15 tivities under this chapter; and

16 “(B) submit a report on such activities to the
17 President of the Senate and the Speaker of the
18 House of Representatives annually and at such other
19 times as the Director determines necessary.

20 “(2) The Director shall include in any such report
21 a description of the extent to which agencies have—

22 “(A) reduced information collection burdens on
23 the public, including—

1 “(i) a summary of accomplishments and
2 planned initiatives to reduce collection of infor-
3 mation burdens;

4 “(ii) a list of all violations of this chapter
5 and of any rules, guidelines, policies, and proce-
6 dures issued pursuant to this chapter;

7 “(iii) a list of any increase in the collection
8 of information burden, including the authority
9 for each such collection; and

10 “(iv) a list of agencies that in the pre-
11 ceding year did not reduce information collec-
12 tion burdens in accordance with section
13 3605(a)(1), a list of the programs and statu-
14 tory responsibilities of those agencies that pre-
15 cluded that reduction, and recommendations to
16 assist those agencies to reduce information col-
17 lection burdens in accordance with that section;

18 “(B) improved the quality and utility of statis-
19 tical information;

20 “(C) improved public access to Government in-
21 formation; and

22 “(D) improved program performance and the
23 accomplishment of agency missions through activi-
24 ties under this chapter.

1 maintain, provide, or disclose the information to or for the
2 agency. Unless the request is frivolous, the Director shall,
3 in coordination with the agency responsible for the collec-
4 tion of information—

5 “(1) respond to the request within 60 days
6 after receiving the request, unless such period is ex-
7 tended by the Director to a specified date and the
8 person making the request is given notice of such ex-
9 tension; and

10 “(2) take appropriate remedial action, if nec-
11 essary.

12 **“§ 3618. Effect on existing laws and regulations**

13 “(a) Except as otherwise provided in this chapter, the
14 authority of an agency under any other law to prescribe
15 policies, rules, regulations, and procedures for Federal in-
16 formation resources management activities is subject to
17 the authority of the Director under this chapter.

18 “(b) Nothing in this chapter shall be deemed to affect
19 or reduce the authority of the Secretary of Commerce or
20 the Director of the Office of Management and Budget pur-
21 suant to Reorganization Plan No. 1 of 1977 (as amended)
22 and Executive order, relating to telecommunications and
23 information policy, procurement and management of tele-
24 communications and information systems, spectrum use,
25 and related matters.

1 “(c)(1) Except as provided in paragraph (2), this
2 chapter shall not apply to the collection of information—

3 “(A) during the conduct of a Federal criminal
4 investigation or prosecution, or during the disposi-
5 tion of a particular criminal matter;

6 “(B) during the conduct of—

7 “(i) a civil action to which the United
8 States or any official or agency thereof is a
9 party; or

10 “(ii) an administrative action or investiga-
11 tion involving an agency against specific indi-
12 viduals or entities;

13 “(C) by compulsory process pursuant to the
14 Antitrust Civil Process Act and section 13 of the
15 Federal Trade Commission Improvements Act of
16 1980; or

17 “(D) during the conduct of intelligence activi-
18 ties as defined in section 3.4(e) of Executive Order
19 No. 12333, issued December 4, 1981, or successor
20 orders, or during the conduct of cryptologic activities
21 that are communications security activities.

22 “(2) This chapter applies to the collection of informa-
23 tion during the conduct of general investigations (other
24 than information collected in an antitrust investigation to
25 the extent provided in subparagraph (C) of paragraph (1))

1 undertaken with reference to a category of individuals or
2 entities such as a class of licensees or an entire industry.

3 “(d) Nothing in this chapter shall be interpreted as
4 increasing or decreasing the authority conferred by Public
5 Law 89–306 on the Administrator of General Services, the
6 Secretary of Commerce, or the Director of the Office of
7 Management and Budget.

8 “(e) Nothing in this chapter shall be interpreted as
9 increasing or decreasing the authority of the President,
10 the Office of Management and Budget or the Director
11 thereof, under the laws of the United States, with respect
12 to the substantive policies and programs of department,
13 agencies and offices, including the substantive authority
14 of any Federal agency to enforce the civil rights laws.

15 **“§ 3619. Access to information**

16 “Under the conditions and procedures prescribed in
17 section 716 of title 31, the Director and personnel in the
18 Office of Information and Regulatory Affairs shall furnish
19 such information as the Comptroller General may require
20 for the discharge of the responsibilities of the Comptroller
21 General. For the purpose of obtaining such information,
22 the Comptroller General or representatives thereof shall
23 have access to all books, documents, papers, and records,
24 regardless of form or format, of the Office.

1 **“§ 3620. Authorization of appropriations**

2 “There are authorized to be appropriated to the Of-
 3 fice of Information and Regulatory Affairs to carry out
 4 the provisions of this chapter, and for no other purpose,
 5 \$5,000,000 for each of the fiscal years 2001, 2002, 2003,
 6 2004, and 2005.”.

7 **SEC. 5. INFORMATION SECURITY.**

8 Title 44, United States Code, is amended by inserting
 9 after chapter 36 the following:

10 **“CHAPTER 37—INFORMATION SECURITY**

“Sec.

“3701. Purposes.

“3702. Definitions.

“3703. Office of Information Security and Technical Protection.

“3704. Authorities and functions of the Chief Information Officer.

“3705. Federal agency responsibilities.

“3706. Annual independent evaluation.

“3707. Authorization of appropriations.

11 **“CHAPTER 37—INFORMATION SECURITY**

12 **“§ 3701. Purposes**

13 “The purposes of this chapter are to—

14 “(1) provide a comprehensive framework for es-
 15 tablishing and ensuring the effectiveness of controls
 16 over information resources that support Federal op-
 17 erations and assets;

18 “(2)(A) recognize the highly networked nature
 19 of the Federal computing environment including the
 20 need for Federal Government interoperability and, in
 21 the implementation of improved security manage-

1 ment measures, assure that opportunities for inter-
2 operability are not adversely affected; and

3 “(B) provide effective Governmentwide manage-
4 ment and oversight of the related information secu-
5 rity risks, including coordination of information se-
6 curity efforts throughout the civilian, national secu-
7 rity, and law enforcement communities;

8 “(3) provide for development and maintenance
9 of minimum controls required to protect Federal in-
10 formation and information systems; and

11 “(4) provide a mechanism for improved over-
12 sight of Federal agency information security pro-
13 grams.

14 **“§ 3702. Definitions**

15 “(a) Except as provided under subsection (b), the
16 definitions under section 3502 shall apply to this chapter.

17 “(b) As used in this chapter, the term ‘mission crit-
18 ical system’ means any telecommunications or information
19 system used or operated by an agency or by a contractor
20 of an agency, or other organization on behalf of an agency,
21 that—

22 “(1) is defined as a national security system
23 under section 3502;

24 “(2) is protected at all times by procedures es-
25 tablished for information which has been specifically

1 authorized under criteria established by an Execu-
2 tive order or an Act of Congress to be classified in
3 the interest of national defense or foreign policy; or

4 “(3) processes any information, the loss, mis-
5 use, disclosure, or unauthorized access to or modi-
6 fication of, would have a debilitating impact on the
7 mission of an agency.

8 **“§ 3703. Office of Information Security and Technical**
9 **Protection**

10 “There is established in the Office of Information
11 Policy, established under section 3503, an Office of Infor-
12 mation Security and Technical Protection. The head of the
13 Office is the Director of Information Security and Tech-
14 nical Protection, who shall report directly to the Chief In-
15 formation Officer of the United States. The Chief Infor-
16 mation Officer shall delegate to the Director authority to
17 administer all functions under this chapter, except that
18 such delegation shall not relieve the Chief Information Of-
19 ficer of responsibility for the administration of such func-
20 tions. The Director shall serve as the principal adviser to
21 the Chief Information Officer on Federal Government in-
22 formation security.

1 **“§ 3704. Authority and functions of the Chief Infor-**
2 **mation Officer**

3 “(a)(1) The Chief Information Officer shall establish
4 Governmentwide policies for the management of programs
5 that—

6 “(A) support the cost-effective security of Fed-
7 eral information systems by promoting security as
8 an integral component of each agency’s business op-
9 erations; and

10 “(B) include information technology architec-
11 tures.

12 “(2) Policies under this subsection shall—

13 “(A) be founded on a continuing risk manage-
14 ment cycle that recognizes the need to—

15 “(i) identify, assess, and understand risk;
16 and

17 “(ii) determine security needs commensu-
18 rate with the level of risk;

19 “(B) implement controls that adequately ad-
20 dress the risk;

21 “(C) promote continuing awareness of informa-
22 tion security risk; and

23 “(D) continually monitor and evaluate policy
24 and control effectiveness of information security
25 practices.

1 “(b) The authority under subsection (a) includes the
2 authority to—

3 “(1) oversee and develop policies, principles,
4 standards, and guidelines for the handling of Fed-
5 eral information and information resources to im-
6 prove the efficiency and effectiveness of govern-
7 mental operations, including principles, policies, and
8 guidelines for the implementation of agency respon-
9 sibilities under applicable law for ensuring the pri-
10 vacy, confidentiality, and security of Federal infor-
11 mation;

12 “(2) consistent with the standards and guide-
13 lines promulgated under section 3812 of this title,
14 sections 20 and 21 of the National Institute of
15 Standards and Technology Act (15 U.S.C. 278g-3
16 and 278g-4), and sections 5 and 6 of the Computer
17 Security Act of 1987 (40 U.S.C. 1441 note; Public
18 Law 100-235; 101 Stat. 1729), require Federal
19 agencies to identify and afford security protections
20 commensurate with the risk and magnitude of the
21 harm resulting from the loss, misuse, or unauthor-
22 ized access to or modification of information col-
23 lected or maintained by or on behalf of an agency;

24 “(3) direct the heads of agencies to—

1 “(A) identify, use, and share best security
2 practices;

3 “(B) develop an agencywide information
4 security plan;

5 “(C) incorporate information security prin-
6 ciples and practices throughout the life cycles of
7 the agency’s information systems; and

8 “(D) ensure that the agency’s information
9 security plan is practiced throughout all life cy-
10 cles of the agency’s information systems;

11 “(4) oversee the development and implementa-
12 tion of standards and guidelines relating to security
13 controls for Federal computer systems by the Sec-
14 retary of Commerce through the National Institute
15 of Standards and Technology under section 3812 of
16 this title and section 20 of the National Institute of
17 Standards and Technology Act (15 U.S.C. 278g-3);

18 “(5) oversee and coordinate compliance with
19 this section in a manner consistent with—

20 “(A) sections 552 and 552a of title 5;

21 “(B) sections 20 and 21 of the National
22 Institute of Standards and Technology Act (15
23 U.S.C. 278g-3 and 278g-4);

24 “(C) chapters 35 and 38 of this title;

1 “(D) sections 5 and 6 of the Computer Se-
2 curity Act of 1987 (40 U.S.C. 1441 note; Pub-
3 lic Law 100–235; 101 Stat. 1729); and

4 “(E) related information management
5 laws; and

6 “(6) request that the Director take any author-
7 ized action under section 3803(b)(5) of this title
8 that the Chief Information Officer considers appro-
9 priate, including any action involving the budgetary
10 process or appropriations management process, to
11 enforce accountability of the head of an agency for
12 information resources management, including the re-
13 quirements of this subchapter, and for the invest-
14 ments made by the agency in information tech-
15 nology, including recommending to the Director—

16 “(A) a reduction or an increase in any
17 amount for information resources that the head
18 of the agency proposes for the budget submitted
19 to Congress under section 1105(a) of title 31;

20 “(B) a reduction or other adjustment of
21 apportionments and reapportionments of appro-
22 priations for information resources; or

23 “(C) the use of other authorized adminis-
24 trative controls over appropriations to restrict

1 the availability of funds for information re-
2 sources.

3 **“§ 3705. Federal agency responsibilities**

4 “(a) The head of each agency shall—

5 “(1) be responsible for—

6 “(A) adequately ensuring the integrity,
7 confidentiality, authenticity, availability, and
8 nonrepudiation of information and information
9 systems supporting agency operations and as-
10 sets;

11 “(B) developing and implementing infor-
12 mation security policies, procedures, and control
13 techniques sufficient to afford security protec-
14 tions commensurate with the risk and mag-
15 nitude of the harm resulting from unauthorized
16 disclosure, disruption, modification, or destruc-
17 tion of information collected or maintained by
18 or for the agency; and

19 “(C) ensuring that the agency’s informa-
20 tion security plan is practiced throughout the
21 life cycle of each agency system;

22 “(2) ensure that appropriate senior agency offi-
23 cials are responsible for—

24 “(A) assessing the information security
25 risks associated with the operations and assets

1 for programs and systems over which such offi-
2 cials have control;

3 “(B) determining the levels of information
4 security appropriate to protect such operations
5 and assets; and

6 “(C) periodically testing and evaluating in-
7 formation security controls and techniques;

8 “(3) delegate to the agency chief information
9 officer established under section 3507, or a com-
10 parable official in an agency not covered by such
11 section, the authority to administer all functions
12 under this subchapter including—

13 “(A) designating a senior agency informa-
14 tion security official who shall report to the
15 chief information officer or a comparable offi-
16 cial;

17 “(B) developing and maintaining an agen-
18 cywide information security program as re-
19 quired under subsection (b);

20 “(C) ensuring that the agency effectively
21 implements and maintains information security
22 policies, procedures, and control techniques;

23 “(D) training and overseeing personnel
24 with significant responsibilities for information

1 security with respect to such responsibilities;
2 and

3 “(E) assisting senior agency officials con-
4 cerning responsibilities under paragraph (2);

5 “(4) ensure that the agency has trained per-
6 sonnel sufficient to assist the agency in complying
7 with the requirements of this subchapter and related
8 policies, procedures, standards, and guidelines; and

9 “(5) ensure that the agency chief information
10 officer, in coordination with senior agency officials,
11 periodically—

12 “(A)(i) evaluates the effectiveness of the
13 agency information security program, including
14 testing control techniques; and

15 “(ii) implements appropriate remedial ac-
16 tions based on that evaluation; and

17 “(B) reports to the agency head on—

18 “(i) the results of such tests and eval-
19 uations; and

20 “(ii) the progress of remedial actions.

21 “(b)(1) Each agency shall develop and implement an
22 agencywide information security program to provide infor-
23 mation security for the operations and assets of the agen-
24 cy, including operations and assets provided or managed
25 by another agency.

1 “(2) Each program under this subsection shall
2 include—

3 “(A) periodic risk assessments that consider in-
4 ternal and external threats to—

5 “(i) the integrity, confidentiality, and
6 availability of systems; and

7 “(ii) data supporting critical operations
8 and assets;

9 “(B) policies and procedures that—

10 “(i) are based on the risk assessments re-
11 quired under subparagraph (A) that cost-effec-
12 tively reduce information security risks to an
13 acceptable level; and

14 “(ii) ensure compliance with—

15 “(I) the requirements of this chapter;

16 “(II) policies and procedures as may
17 be prescribed by the Chief Information Of-
18 ficer; and

19 “(III) any other applicable require-
20 ments;

21 “(C) security awareness training to inform per-
22 sonnel of—

23 “(i) information security risks associated
24 with the activities of personnel; and

1 “(ii) responsibilities of personnel in com-
2 plying with agency policies and procedures de-
3 signed to reduce such risks;

4 “(D)(i) periodic management testing and eval-
5 uation of the effectiveness of information security
6 policies and procedures; and

7 “(ii) a process for ensuring remedial action to
8 address any significant deficiencies; and

9 “(E) procedures for detecting, reporting, and
10 responding to security incidents, including—

11 “(i) mitigating risks associated with such
12 incidents before substantial damage occurs;

13 “(ii) notifying and consulting with law en-
14 forcement officials and other offices and au-
15 thorities;

16 “(iii) notifying and consulting with an of-
17 fice designated by the Administrator of General
18 Services within the General Services Adminis-
19 tration; and

20 “(iv) notifying and consulting with an of-
21 fice designated by the Secretary of Defense and
22 the Director of Central Intelligence for inci-
23 dents involving systems described under section
24 3702(b)(1) and (2).

1 “(3) Each program under this subsection is subject
2 to the approval of the Chief Information Officer and is
3 required to be reviewed at least annually by agency pro-
4 gram officials in consultation with the Chief Information
5 Officer.

6 “(c)(1) Each agency shall examine the adequacy and
7 effectiveness of information security policies, procedures,
8 and practices in plans and reports relating to—

9 “(A) annual agency budgets;

10 “(B) information resources management re-
11 quirements under chapter 35 of this title;

12 “(C) information technology performance and
13 results based management under chapter 38 of this
14 title;

15 “(D) program performance under sections 1105
16 and 1115 through 1119 of title 31, and sections
17 2801 through 2805 of title 39; and

18 “(E) financial management under—

19 “(i) chapter 9 of title 31, and the Chief Fi-
20 nancial Officers Act of 1990 (31 U.S.C. 501
21 note; Public Law 101–576) (and the amend-
22 ments made by that Act);

23 “(ii) the Federal Financial Management
24 Improvement Act of 1996 (31 U.S.C. 3512

1 note) (and the amendments made by that Act);
2 and

3 “(iii) the internal controls conducted under
4 section 3512 of title 31.

5 “(2) Any significant deficiency in a policy, procedure,
6 or practice identified under paragraph (1) shall be re-
7 ported as a material weakness in reporting required under
8 the applicable provision of law under paragraph (1).

9 “(d)(1) In addition to the requirements of subsection
10 (c), each agency, in consultation with the Chief Informa-
11 tion Officer, shall include as part of the performance plan
12 required under section 1115 of title 31 a description of—

13 “(A) the time periods; and

14 “(B) the resources, including budget, staffing,
15 and training, which are necessary to implement the
16 program required under subsection (b)(1).

17 “(2) The description under paragraph (1) shall be
18 based on the risk assessment required under subsection
19 (b)(2)(A).

20 **“§ 3706. Annual independent evaluation**

21 “(a)(1) REQUIREMENT.—Each year each agency
22 shall have performed an independent evaluation of the in-
23 formation security program and practices of that agency.

24 “(2) INFORMATION TO BE INCLUDED.—Each eval-
25 uation under this section shall include—

1 “(A) an assessment of compliance with—
2 “(i) the requirements of this Act; and
3 “(ii) related information security policies,
4 procedures, standards, and guidelines; and
5 “(B) tests of the effectiveness of information
6 security control techniques.

7 “(3) USE OF INFORMATION.—The Inspector General
8 or the independent evaluator performing an evaluation
9 under this subsection including the Comptroller General
10 may use any audit, evaluation, or report relating to pro-
11 grams or practices of the applicable agency.

12 “(4) PERSON OR ENTITY RESPONSIBLE FOR PER-
13 FORMING EVALUATION.—

14 “(A) For agencies with Inspectors General ap-
15 pointed under the Inspector General Act of 1978 (5
16 U.S.C. App.) or any other law, the annual evaluation
17 required under this section shall be performed by the
18 Inspector General or by an independent evaluator,
19 as determined by the Inspector General of the agen-
20 cy.

21 “(B) For any agency to which subparagraph
22 (A) does not apply, the head of the agency shall con-
23 tract with an independent evaluator to perform the
24 evaluation.

1 “(C) An evaluation of agency information secu-
2 rity programs and practices performed by the Comp-
3 troller General may be in lieu of the evaluation re-
4 quired under this section.

5 “(5) SUBMISSION OF RESULTS.—Not later than 1
6 year after the date of enactment of this chapter, and on
7 that date every year thereafter, the applicable agency head
8 shall submit to the Chief Information Officer the results
9 of each evaluation required under this section.

10 **“§ 3707. Authorization of appropriations**

11 “There are authorized to be appropriated to carry out
12 the provisions of this chapter such sums as may be nec-
13 essary for each of fiscal years 2001 through 2005.”.

14 **SEC. 6. INFORMATION SECURITY RESPONSIBILITIES OF**
15 **CERTAIN AGENCIES.**

16 (a) DEPARTMENT OF COMMERCE.—Notwithstanding
17 section 20 of the National Institute of Standards and
18 Technology Act (15 U.S.C. 278g–3) and except as pro-
19 vided under subsection (b), the Secretary of Commerce,
20 in consultation with the Chief Information Officer,
21 through the National Institute of Standards and Tech-
22 nology and with technical assistance from the National Se-
23 curity Agency, as required or when requested by the Chief
24 Information Officer, shall—

1 (1) develop, issue, review, and update standards
2 and guidance for the security of Federal information
3 systems, including development of methods and tech-
4 niques for security systems and validation programs;

5 (2) develop, issue, review, and update guidelines
6 for training in computer security awareness and ac-
7 cepted computer security practices, with assistance
8 from the Office of Personnel Management;

9 (3) provide agencies with guidance for security
10 planning to assist in the development of applications
11 and system security plans for such agencies;

12 (4) provide guidance and assistance to agencies
13 concerning cost-effective controls when inter-
14 connecting with other systems; and

15 (5) evaluate information technologies to assess
16 security vulnerabilities and alert Federal agencies of
17 such vulnerabilities as soon as those vulnerabilities
18 are known.

19 (b) DEPARTMENT OF DEFENSE AND THE INTEL-
20 LIGENCE COMMUNITY.—

21 (1) IN GENERAL.—Notwithstanding section
22 3704 of title 44, United States Code (as added by
23 section 5 of this Act), the Secretary of Defense, and
24 the Director of Central Intelligence, shall, consistent
25 with their respective authorities—

1 (A) develop and issue information security
2 policies, standards, and guidelines for systems
3 described under section 3702(b)(1) and (2) of
4 title 44, United States Code, that provide more
5 stringent protection than the policies, prin-
6 ciples, standards, and guidelines required under
7 section 3704 of title 44, United States Code;
8 and

9 (B) ensure the implementation of the in-
10 formation security policies, principles, stand-
11 ards, and guidelines described under subpara-
12 graph (A).

13 (2) MEASURES ADDRESSED.—The policies,
14 principles, standards, and guidelines developed by
15 the Secretary of Defense and the Director of Central
16 Intelligence under paragraph (1) shall address the
17 full range of information assurance measures needed
18 to protect and defend Federal information and infor-
19 mation systems by ensuring their integrity, confiden-
20 tiality, authenticity, availability, and nonrepudiation.

21 (c) DEPARTMENT OF JUSTICE.—The Department of
22 Justice shall review and update guidance to agencies on—

23 (1) legal remedies regarding security incidents
24 and ways to report to and work with law enforce-
25 ment agencies concerning such incidents; and

1 (2) lawful uses of security techniques and tech-
2 nologies.

3 (d) GENERAL SERVICES ADMINISTRATION.—The
4 General Services Administration shall—

5 (1) review and update General Services Admin-
6 istration guidance to agencies on addressing security
7 considerations when acquiring information tech-
8 nology; and

9 (2) assist agencies in—

10 (A) fulfilling agency responsibilities under
11 section 3705(b)(2)(E) of title 44, United States
12 Code (as added by section 5 of this Act); and

13 (B) the acquisition of cost-effective secu-
14 rity products, services, and incident response
15 capabilities.

16 (e) OFFICE OF PERSONNEL MANAGEMENT.—The Of-
17 fice of Personnel Management shall—

18 (1) review and update Office of Personnel Man-
19 agement regulations concerning computer security
20 training for Federal civilian employees;

21 (2) assist the Department of Commerce in up-
22 dating and maintaining guidelines for training in
23 computer security awareness and computer security
24 best practices; and

1 (3) work with the National Science Foundation
2 and other agencies on personnel and training initia-
3 tives (including scholarships and fellowships, as au-
4 thorized by law) as necessary to ensure that the
5 Federal Government—

6 (A) has adequate sources of continuing in-
7 formation security education and training avail-
8 able for employees; and

9 (B) has an adequate supply of qualified in-
10 formation security professionals to meet agency
11 needs.

12 (f) INFORMATION SECURITY POLICIES, PRINCIPLES,
13 STANDARDS, AND GUIDELINES.—

14 (1) IN GENERAL.—Notwithstanding any provi-
15 sion of this act (including any amendment made by
16 this Act)—

17 (A) the Secretary of Defense, the Director
18 of Central Intelligence, and other agency heads
19 as designated by the President shall develop
20 such policies, principles, standards, and guide-
21 lines for mission critical systems subject to
22 their control;

23 (B) the policies, principles, standards, and
24 guidelines developed by the Secretary of De-
25 fense, the Director of Central Intelligence, and

1 other agency heads as designated by the Presi-
2 dent may be adopted, to the extent that such
3 policies are consistent with policies and guid-
4 ance developed by the Chief Information Officer
5 and the Secretary of Commerce—

6 (i) by the Chief Information Officer,
7 as appropriate, to the mission critical sys-
8 tems of all agencies; or

9 (ii) by an agency head, as appro-
10 priate, to the mission critical systems of
11 that agency; and

12 (C) to the extent that such policies are
13 consistent with policies and guidance developed
14 by the Chief Information Officer and the Sec-
15 retary of Commerce, an agency may develop
16 and implement information security policies,
17 principles, standards, and guidelines that pro-
18 vide more stringent protection than those re-
19 quired under section 3702(b)(1) and (2) of title
20 44, United States Code (as added by section 5
21 of this Act), or subsection (a) of this section.

22 (2) MEASURES ADDRESSED.—The policies,
23 principles, standards, and guidelines developed by
24 the Secretary of Defense and the Director of Central
25 Intelligence under paragraph (1) shall address the

1 full range of information assurance measures needed
2 to protect and defend Federal information and infor-
3 mation systems by ensuring their integrity, confiden-
4 tiality, authenticity, availability, and nonrepudiation.

5 (g) ATOMIC ENERGY ACT OF 1954.—Nothing in this
6 Act shall supersede any requirement made by or under
7 the Atomic Energy Act of 1954 (42 U.S.C. 2011 et seq.).
8 Restricted Data or Formerly Restricted Data shall be han-
9 dled, protected, classified, downgraded, and declassified in
10 conformity with the Atomic Energy Act of 1954 (42
11 U.S.C. 2011 et seq.).

12 **SEC. 7. MANAGEMENT OF INFORMATION TECHNOLOGY.**

13 Title 44, United States Code, is amended by inserting
14 after chapter 37 the following:

15 **“CHAPTER 38—MANAGEMENT OF INFORMATION**
16 **TECHNOLOGY**

“Sec.

“3801. Responsibility of Chief Information Officer.

“3802. Capital planning and investment control.

“3803. Performance-based and results-based management.

“3804. Responsibilities of Federal agencies.

“3805. Agency capital planning and investment control.

“3806. Agency performance and results-based management.

“3807. Acquisitions of information technology.

“3808. Accountability.

“3809. Significant deviations.

“3810. Interagency support.

“3811. Application to national security systems.

“3812. Responsibilities for Federal information system standards.

1 **“CHAPTER 38—MANAGEMENT OF**
2 **INFORMATION TECHNOLOGY**

3 **“§ 3801. Responsibility of the Chief Information**
4 **Officer**

5 “*In fulfilling the responsibility to administer the*
6 *functions assigned under chapter 35 of this title, the Chief*
7 *Information Officer shall comply with this chapter with*
8 *respect to the specific matters covered by this chapter.*

9 **“§ 3802. Capital planning and investment control**

10 “(a) **FEDERAL INFORMATION TECHNOLOGY.**—The
11 Chief Information Officer shall perform the responsibil-
12 ities set forth in this section in fulfilling the responsibil-
13 ities under section 3504(h) of this title.

14 “(b) **USE OF INFORMATION TECHNOLOGY IN FED-**
15 **ERAL PROGRAMS.**—The Chief Information Officer shall
16 promote and be responsible for improving the acquisition,
17 use, and disposal of information technology by the Federal
18 Government to improve the productivity, efficiency, and
19 effectiveness of Federal programs, including through dis-
20 semination of public information and the reduction of in-
21 formation collection burdens on the public.

22 “(c) **USE OF BUDGET PROCESS.**—The Chief Infor-
23 mation shall advise and assist the Director to develop, as
24 part of the budget process, a process for analyzing, track-
25 ing, and evaluating the risks and results of all major cap-

1 ital investments made by an executive agency for informa-
2 tion systems. The process shall cover the life of each sys-
3 tem and shall include explicit criteria for analyzing the
4 projected and actual costs, benefits, and risks associated
5 with the investments. At the same time that the President
6 submits the budget for a fiscal year to Congress under
7 section 1105(a) of title 31, the Chief Information Officer
8 shall submit to Congress a report on the net program per-
9 formance benefits achieved as a result of major capital in-
10 vestments made by executive agencies in information sys-
11 tems and how the benefits relate to the accomplishment
12 of the goals of the executive agencies.

13 “(d) INFORMATION TECHNOLOGY STANDARDS.—The
14 Chief Information Officer shall oversee the development
15 and implementation of standards and guidelines per-
16 taining to Federal information systems, as provided under
17 section 3812.

18 “(e) DESIGNATION OF EXECUTIVE AGENTS FOR AC-
19 QUISSIONS.—The Chief Information Officer shall des-
20 ignate (as the Chief Information Officer considers appro-
21 priate) one or more heads of agencies as executive agent
22 for Governmentwide acquisitions of information tech-
23 nology.

24 “(f) USE OF BEST PRACTICES IN ACQUISITIONS.—
25 The Chief Information Officer shall encourage the heads

1 of agencies to develop and use the best practices in the
2 acquisition of information technology.

3 “(g) ASSESSMENT OF OTHER MODELS FOR MAN-
4 AGING INFORMATION TECHNOLOGY.—The Chief Informa-
5 tion Officer shall assess, on a continuing basis, the experi-
6 ences of agencies, State and local governments, inter-
7 national organizations, and the private sector in managing
8 information technology.

9 “(h) COMPARISON OF AGENCY USES OF INFORMA-
10 TION TECHNOLOGY.—The Chief Information Officer shall
11 compare the performances of agencies in using informa-
12 tion technology and shall disseminate the comparisons to
13 the heads of agencies.

14 “(i) TRAINING.—The Chief Information Officer shall
15 monitor the development and implementation of training
16 in information resources management for agency per-
17 sonnel.

18 “(j) INFORMING CONGRESS.—The Chief Information
19 Officer shall keep Congress fully informed on the extent
20 to which agencies are improving the performance of agen-
21 cy programs and the accomplishment of agency missions
22 through the use of the best practices in information re-
23 sources management.

24 “(k) PROCUREMENT POLICY AND ACQUISITIONS OF
25 INFORMATION TECHNOLOGY.—The Chief Information Of-

1 fier shall coordinate the development and review policy
2 associated with Federal acquisition of information tech-
3 nology with the Office of Federal Procurement Policy in
4 the Office of Management and Budget.

5 **“§ 3803. Performance-based and results-based man-**
6 **agement**

7 “(a) IN GENERAL.—The Chief Information Officer
8 shall encourage the use of performance-based and results-
9 based management in fulfilling the responsibilities as-
10 signed under section 3504(h) of this title.

11 “(b) EVALUATION OF AGENCY PROGRAMS AND IN-
12 VESTMENTS.—

13 “(1) REQUIREMENT.—The Chief Information
14 Officer shall evaluate the information resources
15 management practices of agencies with respect to
16 the performance and results of the investments
17 made by agencies in information technology.

18 “(2) DIRECTION FOR AGENCY ACTION.—The
19 Chief Information Officer shall issue to the head of
20 each agency clear and concise direction that the
21 head of such agency shall—

22 “(A) establish effective and efficient cap-
23 ital planning processes for selecting, managing,
24 and evaluating the results of all of its major in-
25 vestments in information systems;

1 “(B) determine, before making an invest-
2 ment in a new information system—

3 “(i) whether the function to be sup-
4 ported by the system should be performed
5 by the private sector and, if so, whether
6 any component of the agency performing
7 that function should be converted from a
8 governmental organization to a private sec-
9 tor organization; or

10 “(ii) whether the function should be
11 performed by agency and, if so, whether
12 the function should be performed by a pri-
13 vate sector source under contract or by
14 agency personnel;

15 “(C) analyze the missions of the agency
16 and, based on the analysis, revise the agency’s
17 mission-related processes and administrative
18 processes, as appropriate, before making signifi-
19 cant investments in information technology to
20 be used in support of those missions; and

21 “(D) ensure that information security poli-
22 cies, procedures, and practices are adequate.

23 “(3) GUIDANCE FOR MULTIAGENCY INVEST-
24 MENTS.—The direction issued under paragraph (2)
25 shall include guidance for undertaking efficiently

1 and effectively interagency and Governmentwide in-
2 vestments in information technology to improve the
3 accomplishment of missions that are common to
4 agencies.

5 “(4) PERIODIC REVIEWS.—The Chief Informa-
6 tion Officer shall advise and assist the Director in
7 implementing through the budget process periodic
8 reviews of information resources management activi-
9 ties of selected agencies in order to ascertain the ef-
10 ficiency and effectiveness of information technology
11 in improving agency performance and the accom-
12 plishment of agency missions.

13 “(5) ENFORCEMENT OF ACCOUNTABILITY.—

14 “(A) IN GENERAL.—The Chief Informa-
15 tion Officer may take any authorized action
16 that the Chief Information Officer considers ap-
17 propriate, including an action coordinated with
18 the Director involving the budgetary process or
19 appropriations management process, to enforce
20 accountability of the head of an agency for in-
21 formation resources management and for the
22 investments made by the agency in information
23 technology.

24 “(B) SPECIFIC ACTIONS.—Actions taken
25 by the Chief Information Officer, including

1 those coordinated with the Director where ap-
2 propriate, in the case of an agency may
3 include—

4 “(i) recommending a reduction or an
5 increase in any amount for information re-
6 sources that the head of the agency pro-
7 poses for the budget submitted to Congress
8 under section 1105(a) of title 31;

9 “(ii) recommending reducing or other-
10 wise adjusting apportionments and re-
11 apportionments of appropriations for infor-
12 mation resources;

13 “(iii) using other authorized adminis-
14 trative controls over appropriations to re-
15 strict the availability of funds for informa-
16 tion resources; and

17 “(iv) designating for the agency an
18 executive agent to contract with private
19 sector sources for the performance of infor-
20 mation resources management or the ac-
21 quisition of information technology.

22 **“§ 3804. Agency responsibilities**

23 “In fulfilling the responsibilities assigned under chap-
24 ter 35 of this title, the head of each agency shall comply

1 with this chapter with respect to the specific matters cov-
2 ered by this chapter.

3 **“§ 3805. Capital planning and investment control**

4 “(a) DESIGN OF PROCESS.—In fulfilling the respon-
5 sibilities assigned under section 3506(h) of this title, the
6 head of each agency shall design and implement in the
7 agency a process for maximizing the value and assessing
8 and managing the risks of the information technology ac-
9 quisitions of the agency.

10 “(b) CONTENT OF PROCESS.—The process of an
11 agency shall—

12 “(1) provide for the selection of information
13 technology investments to be made by the agency,
14 the management of such investments, and the eval-
15 uation of the results of such investments;

16 “(2) be integrated with the processes for mak-
17 ing budget, financial, and program management de-
18 cisions within the agency;

19 “(3) include minimum criteria to be applied in
20 considering whether to undertake a particular in-
21 vestment in information systems, including criteria
22 related to the quantitatively expressed projected net,
23 risk-adjusted return on investment and specific
24 quantitative and qualitative criteria for comparing

1 and prioritizing alternative information systems in-
2 vestment projects;

3 “(4) provide for identifying information systems
4 investments that would result in shared benefits or
5 costs for other Federal agencies or State or local
6 governments;

7 “(5) provide for identifying for a proposed in-
8 vestment quantifiable measurements for determining
9 the net benefits and risks of the investment; and

10 “(6) provide the means for senior management
11 personnel of the agency to obtain timely information
12 regarding the progress of an investment in an infor-
13 mation system, including a system of milestones for
14 measuring progress, on an independently verifiable
15 basis, in terms of cost, capability of the system to
16 meet specified requirements, timeliness, and quality.

17 **“§ 3806. Performance and results-based management**

18 “In fulfilling the responsibilities under section
19 3506(h) of this title, the head of an agency shall—

20 “(1) establish goals for improving the efficiency
21 and effectiveness of agency operations and, as ap-
22 propriate, the delivery of services to the public
23 through the effective use of information technology;

1 “(2) prepare an annual report, to be included
2 in the agency’s budget submission to Congress, on
3 the progress in achieving the goals;

4 “(3) ensure that performance measurements
5 are prescribed for information technology used by or
6 to be acquired for, the agency and that the perform-
7 ance measurements measure how well the informa-
8 tion technology supports programs of the agency;

9 “(4) where comparable processes and organiza-
10 tions in the public or private sectors exist, quan-
11 titatively benchmark agency process performance
12 against such processes in terms of cost, speed, pro-
13 ductivity, and quality of outputs and outcomes;

14 “(5) analyze the missions of the agency and,
15 based on the analysis, revise the agency’s mission-re-
16 lated processes and administrative processes as ap-
17 propriate before making significant investments in
18 information technology that is to be used in support
19 of the performance of those missions; and

20 “(6) ensure that the information security poli-
21 cies, procedures, and practices of the agency are
22 adequate.

1 **“§ 3807. Acquisitions of information technology**

2 “The authority of the head of an agency to conduct
3 an acquisition of information technology includes the fol-
4 lowing authorities:

5 “(1) To acquire information technology as au-
6 thorized by law.

7 “(2) To enter into a contract that provides for
8 multiagency acquisitions of information technology
9 in accordance with guidance issued by Chief Infor-
10 mation Officer.

11 “(3) If the Chief Information Officer finds that
12 it would be advantageous for the Federal Govern-
13 ment to do so, to enter into a multiagency contract
14 for procurement of commercial items of information
15 technology that requires each agency covered by the
16 contract, when procuring such items, either to pro-
17 cure the items under that contract or to justify an
18 alternative procurement of the items.

19 **“§ 3808. Accountability**

20 “The head of each agency, in consultation with the
21 Chief Information Officer and the chief financial officer
22 of that agency (or, in the case of an agency without a
23 chief financial officer, any comparable official), shall es-
24 tablish policies and procedures that—

25 “(1) ensure that the accounting, financial, and
26 asset management systems and other information

1 systems of the agency are designed, developed, main-
2 tained, and used effectively to provide financial or
3 program performance data for financial statements
4 of the executive agency;

5 “(2) ensure that financial and related program
6 performance data are provided on a reliable, con-
7 sistent, and timely basis to agency financial manage-
8 ment systems; and

9 “(3) ensure that financial statements support—
10 “(A) assessments and revisions of mission-
11 related processes and administrative processes
12 of the agency; and

13 “(B) performance measurement of the per-
14 formance in the case of investments made by
15 the agency in information systems.

16 **“§ 3809. Significant deviations**

17 “The head of an agency shall identify in the strategic
18 information resources management plan required under
19 section 3505(a)(2) of this title any major information
20 technology acquisition program, or any phase or increment
21 of such a program, that has significantly deviated from
22 the cost, performance, or schedule goals established for
23 the program.

1 “§ 3810. Interagency support

2 “Funds available for an agency for oversight, acquisi-
3 tion, and procurement of information technology may be
4 used by the head of the agency to support jointly with
5 other agencies the activities of interagency groups that are
6 established to advise the Chief Information Officer in car-
7 rying out the Chief Information Officer’s responsibilities
8 under this chapter. The use of such funds for that purpose
9 shall be subject to such requirements and limitations on
10 uses and amounts as the Director may prescribe, in con-
11 sultation with the Chief Information Officer. The Director
12 shall, in consultation with the Chief Information Officer,
13 prescribe any such requirements and limitations during
14 the Director’s review of the agency’s proposed budget sub-
15 mitted to the Director by the head of the agency for pur-
16 poses of section 1105 of title 31, United States Code.

17 “§ 3811. Applicability to national security systems

18 “(a) IN GENERAL.—Except as provided in subsection
19 (b), this chapter does not apply to national security sys-
20 tems.

21 “(b) EXCEPTIONS.—

22 “(1) IN GENERAL.—Sections 3806, 3808, and
23 3809 of this chapter apply to national security sys-
24 tems.

25 “(2) CAPITAL PLANNING AND INVESTMENT
26 CONTROL.—The heads of agencies shall apply sec-

1 tions 3802 and 3805 of this chapter to national se-
2 curity systems to the extent practicable.

3 “(3) PERFORMANCE AND RESULTS OF INFOR-
4 MATION TECHNOLOGY INVESTMENTS.—

5 “(A) Subject to subparagraph (B), the
6 heads of executive agencies shall apply section
7 3803 of this chapter to national security sys-
8 tems to the extent practicable.

9 “(B) National security systems shall be
10 subject to section 3803(b)(5) of this title except
11 for subparagraph (B)(iv) of that section.

12 **“§ 3812. Responsibilities for Federal information sys-**
13 **tem standards**

14 “(a) STANDARDS AND GUIDELINES.—

15 “(1) AUTHORITY.—The Chief Information Offi-
16 cer shall, on the basis of standards and guidelines
17 developed by the National Institute of Standards
18 and Technology pursuant to paragraphs (2) and (3)
19 of section 278g–3(a) of title 15 and in consultation
20 with the Secretary of Commerce, promulgate stand-
21 ards and guidelines pertaining to Federal informa-
22 tion systems. The Chief Information Officer shall
23 make such standards compulsory and binding to the
24 extent to which the Chief Information Officer Sec-
25 retary determines necessary to improve the efficiency

1 of operation or security and privacy of Federal infor-
2 mation systems. The President may disapprove or
3 modify such standards and guidelines if the Presi-
4 dent determines such action to be in the public in-
5 terest. The President’s authority to disapprove or
6 modify such standards and guidelines may not be
7 delegated. Notice of such disapproval or modification
8 shall be published promptly in the Federal Register.
9 Upon receiving notice of such disapproval or modi-
10 fication, the Chief Information Officer shall imme-
11 diately rescind or modify such standards or guide-
12 lines as directed by the President.

13 “(2) EXERCISE OF AUTHORITY.—The authority
14 conferred upon the Chief Information Officer by this
15 section shall be exercised subject to direction by the
16 President and in coordination with the Director to
17 ensure fiscal and policy consistency.

18 “(b) APPLICATION OF MORE STRINGENT STAND-
19 ARDS.—The head of an agency may employ standards for
20 the cost-effective security and privacy of sensitive informa-
21 tion in an information system within or under the super-
22 vision of that agency that are more stringent than the
23 standards promulgated by the Chief Information Officer
24 under this section, if such standards contain, at a min-

1 imum, the provisions of those applicable standards made
2 compulsory and binding by the Chief Information Officer.

3 “(c) WAIVER OF STANDARDS.—The standards deter-
4 mined under subsection (a) to be compulsory and binding
5 may be waived by the Chief Information Officer in writing
6 upon a determination that compliance would adversely af-
7 fect the accomplishment of the mission of an agency oper-
8 ating an information system, or cause a major adverse fi-
9 nancial impact on the agency which is not offset by Gov-
10 ernmentwide savings. The Chief Information Officer may
11 delegate to the head of one or more agencies authority
12 to waive such standards to the extent to which the Chief
13 Information Officer determines such action to be nec-
14 essary and desirable to allow for timely and effective im-
15 plementation of information system standards. The head
16 of such agency may redelegate such authority only to a
17 chief information officer designated pursuant to section
18 3507 of this title. Notice of each such waiver and delega-
19 tion shall be transmitted promptly to Congress and shall
20 be published promptly in the Federal Register.

21 “(d) DEFINITIONS.—In this section, the term ‘infor-
22 mation system’ has the meaning given ‘Federal computer
23 system’ in section 278g–3(d) of Title 15.”

24 **SEC. 8. TECHNICAL AND CONFORMING AMENDMENTS.**

25 (a) EXECUTIVE LEVEL POSITIONS.—

1 (1) EXECUTIVE LEVEL I.—Section 5312 of title
2 5, United States Code, is amended by adding at the
3 end the following:

4 “Chief Information Officer of the United States.”.

5 (2) EXECUTIVE LEVEL II.—Section 5313 of
6 title 5, United States Code, is amended by adding
7 at the end the following:

8 “Deputy Chief Information Officer of the United
9 States.”.

10 (3) EXECUTIVE LEVEL III.—Section 5314 of
11 title 5, United States Code, is amended by adding
12 at the end the following:

13 “Director of Information Security and Technical Pro-
14 tection.”.

15 (b) PRIVACY ACT.—Section 552a of title 5, United
16 States Code, is amended as follows—

17 (1) in section 552a(a)(8)(B)(iv), by striking
18 “Director of the Office of Management and Budget”
19 and inserting “Chief Information Officer of the
20 United States” in lieu thereof;

21 (2) in section 552a(a)(8)(B)(v)(I), by striking
22 “Director of the Office of Management and Budget”
23 and inserting “Chief Information Officer of the
24 United States” in lieu thereof;

1 (3) in section 552a(o)(1)(D), by striking “Di-
2 rector of the Office of Management and Budget”
3 and inserting “Chief Information Officer of the
4 United States” in lieu thereof;

5 (4) in section 552a(p)(1)(A)(ii), by striking
6 “Director of the Office of Management and Budget”
7 and inserting “Chief Information Officer of the
8 United States” in lieu thereof;

9 (5) in section 552a(r), by striking “Office of
10 Management and Budget” and inserting “Chief In-
11 formation Officer of the United States” in lieu
12 thereof;

13 (6) in section 552a(s)(1), by striking “Director
14 of the Office of Management and Budget” and in-
15 serting “Chief Information Officer of the United
16 States” in lieu thereof;

17 (7) in section 552a(u)(3)(D), by striking “Of-
18 fice of Management and Budget” and inserting
19 “Chief Information Officer of the United States” in
20 lieu thereof;

21 (8) in section 552a(u)(3)(D)(vi), by striking
22 “Director of the Office of Management and Budget”
23 and inserting “Chief Information Officer of the
24 United States” in lieu thereof;

1 (9) in section 552a(u)(4)(B), by striking “Di-
2 rector of the Office of Management and Budget”
3 and inserting “Chief Information Officer of the
4 United States” in lieu thereof;

5 (10) in section 552a(u)(5)(A), by striking “Di-
6 rector of the Office of Management and Budget”
7 each time it appears, and inserting “Chief Informa-
8 tion Officer of the United States” in lieu thereof;

9 (11) in section 552a(u)(5)(B), by striking “Di-
10 rector of the Office of Management and Budget”
11 and “Director” and inserting “Chief Information
12 Officer of the United States” in lieu thereof;

13 (12) in section 552a(u)(5)(C), by striking “Di-
14 rector” and inserting “Chief Information Officer of
15 the United States” in lieu thereof;

16 (13) in section 552a(u)(5)(D), by striking “Di-
17 rector of the Office of Management and Budget”
18 and inserting “Chief Information Officer of the
19 United States” in lieu thereof;

20 (14) in section 552a(u)(6), by striking “Direc-
21 tor of the Office of Management and Budget” and
22 inserting “Chief Information Officer of the United
23 States” in lieu thereof; and

24 (15) in section 552a(v)—

1 (A) by striking “OFFICE OF MANAGEMENT
2 AND BUDGET” in the heading and inserting
3 “CHIEF INFORMATION OFFICER OF THE
4 UNITED STATES” in lieu thereof; and

5 (B) by striking “Director of the Office of
6 Management and Budget” and inserting “Chief
7 Information Officer of the United States” in
8 lieu thereof.

9 (c) COMPUTER SECURITY ACT.—

10 (1) Section 20(b)(5) of the National Institute of
11 Standards and Technology Act (15 U.S.C. 278g–
12 3(b)(5)) is amended by striking “Office of Manage-
13 ment and Budget” and inserting “Chief Information
14 Officer of the United States” in lieu thereof.

15 (2) Section 21(b)(3) of the National Institute of
16 Standards and Technology Act (15 U.S.C. 278g–
17 4(b)(3)) is amended by striking “Director of the Of-
18 fice of Management and Budget” and inserting
19 “Chief Information Officer of the United States” in
20 lieu thereof.

21 (3) Section 6(b) of the Computer Security Act
22 of 1987 (40 U.S.C. 1441 note) is amended by strik-
23 ing “Director of the Office of Management and
24 Budget” and inserting “Chief Information Officer of
25 the United States” in lieu thereof.

1 (d) INFORMATION TECHNOLOGY FUND.—Section
2 757(a) of title 40, United States Code, is amended by in-
3 serting at the end the following:

4 “(3) The Administrator’s decisions with regard
5 to obligations of and expenditures from the Fund
6 shall be subject to direction by the Chief Informa-
7 tion Officer of the United States.”.

8 (e) GOVERNMENT PAPERWORK ELIMINATION ACT.—
9 Title XVII of Public Law 105–277 is repealed.

10 (f) CLINGER-COHEN ACT.—The Clinger-Cohen Act
11 (Public Law 104–106; 110 Stat. 679–703) is amended as
12 follows:

13 (1) Sections 5111, 5112, 5113, 5121, 5123,
14 5124, 5125(b), (c), and (d), 5126, 5127, 5128,
15 5131, 5132, 5141, 5142, 5201 are repealed.

16 (2) Section 5301(a)(1) is amended by striking
17 “Administrator for the Office of Information and
18 Regulatory Affairs” and inserting “Chief Informa-
19 tion Officer” in lieu thereof.

20 (3) Section 5303(a)(1) is amended by inserting
21 “and the Chief Information Officer” after “Direc-
22 tor”.

23 (4) Section 5304 is amended by striking all and
24 inserting in lieu thereof: “If the Director and the
25 Chief Information Officer determine that the results

1 and findings under a pilot program under this title
2 indicate that legislation is necessary or desirable in
3 order to improve the process for acquisition of infor-
4 mation technology, the Director and the Chief Infor-
5 mation Officer shall transmit recommendations for
6 such legislation to Congress.”.

7 (5) Section 5311(c) is amended by striking
8 “Administrator for the Office of Information and
9 Regulatory Affairs” and inserting “Chief Informa-
10 tion Officer” in lieu thereof.

11 (6) Section 5312(d)(1) is amended by striking
12 “Administrator for the Office of Information and
13 Regulatory Affairs” and inserting “Chief Informa-
14 tion Officer” in lieu thereof.

15 **SEC. 9. EFFECTIVE DATE.**

16 This Act and the amendments made by the Act shall
17 take effect 60 days after the date of the enactment of this
18 Act.

○