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Electronic Government: Major Proposals and Initiatives

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Electronic Government: Major Proposals and Initiatives

Summary

Electronic government—the performance of various government responsibilities, such as communication, information access, and service delivery, through the use of information technology (IT) with a view to improving the efficiency and economy of government operations—essentially began during the Administration of President William J. Clinton. Major proposals to further, refine, and improve electronic government (e-gov) are being offered for consideration and action by President George W. Bush and the 107th Congress. The preponderance of these proposals and recommendations would affect executive branch structure and operations; some of these and others have implications for the legislative and/or judicial branches. They are reviewed here in terms of the performance of fundamental governmental responsibilities through IT applications, as well as realizing the effective management of these technologies and the systems they serve, their protection from physical harm, and the security and privacy of their information. This report will be updated as events warrant. For related CRS products, see CRS Report RL30745, *Electronic Government: A Conceptual Overview* and CRS Report RL31057, *A Primer on E-Government: Sectors, Stages, Opportunities, and Challenges of Online Governance*.

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Electronic Government: Major Proposals and Initiatives

Electronic government—the performance of various government responsibilities, such as communication, information access, and service delivery, through the use of information technology (IT) with a view to improving the efficiency and economy of government operations—essentially began during the Administration of President William J. Clinton.[1] A joint report of the National Performance Review and the Government Information Technology Services Board, *Access America: Reengineering Through Information Technology*, issued February 3, 1997, introduced the new term.[2] Almost 3 years later, in a December 17, 1999, memorandum to the heads of executive departments and agencies, President Clinton directed these officials to take certain actions in furtherance of "electronic government."[3]

Major proposals to further, refine, and improve electronic government (e-gov) are being offered for consideration and action by President George W. Bush and the 107th Congress. The preponderance of these proposals and recommendations would affect executive branch structure and operations; some of these and others have implications for the legislative or judicial branches or both. They are reviewed here in terms of the performance of fundamental governmental responsibilities through IT applications, as well as realizing the effective management of these technologies and the systems they serve, their protection from physical harm, and the security and privacy of their information.

Council for Excellence in Government Plan

Shortly after the inauguration of President George W. Bush, the Council for Excellence in Government, a nonpartisan, nonprofit organization seeking to improve the performance of government at all levels, issued *E-Government: The Next American Revolution*. The report "proposes the fundamental challenge of bringing e-

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[1]See CRS Report RL30745, *Electronic Government: A Conceptual Overview*, by Harold C. Relyea (updated regularly); CRS Report RL31057, *A Primer on E-Government: Sectors, Stages, Opportunities, and Challenges of Online Governance*, by Jeffrey W. Seifert (updated regularly).

[2]Office of the Vice President, *Access America: Reengineering Through Information Technology; Report of the National Performance Review and the Government Information Technology Services Board* (Washington: GPO, 1997).

[3]The White House, Memorandum for the Heads of Executive Departments and Agencies, *Electronic Government* (Washington: December 17, 1999).

government into being, sets out specific principles and proposals to meet it, and identifies the resources required."[4] Indeed, the report provides something of an overview of current proposals which have been offered from various quarters for realizing e-gov. Among its specific recommendations are the following.

Presidential Initiatives

- Establish an Assistant to the President for Electronic Government within the White House staff, with Cabinet rank, to confirm the President's personal leadership role.

- Create a Council on Electronic Government, chaired by the President's new electronic government assistant and including members representative of federal, state, local, and tribal governments, Congress, and relevant private sector and research community interests.

- Designate the Office of Management and Budget (OMB) Deputy Director for Management as Deputy Director for Management and Technology, with responsibility for supporting the development of e-government through the President's budget and management processes.

- Through the OMB Deputy Director for Management and Technology, create an Office of Electronic Government and Information Policy within OMB, headed by a presidentially-appointed and Senate-confirmed Federal Chief Information Officer, who would chair an interagency Chief Information Officers Council.

- Insist that nominees to top-level executive branch positions "make a commitment to the strategic development of e-government in their departments and agencies."

Congressional Initiatives

- Create a Congressional Office of E-Government to "guide congressional action" on using e-gov to achieve policy goals and to provide the public "maximum electronic opportunity to receive information from and interact with all members, committees, and agencies of the Congress," with the head of such office serving on the President's Council on Electronic Government and providing liaison with state and local government legislatures on e-gov.

- Ascertain, during Senate confirmation proceedings, nominees' commitment to e-gov; insist, during oversight and appropriations hearings, "that agencies demonstrate their actions to implement e-government."

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[4]Council for Excellence in Government, *E-Government: The Next American Revolution* (Washington: February 2001), p. 6; the report is available at [http://www.excelgov.org/].

Judiciary Initiatives

- Through Web sites, make "[c]ourt calendars, rules, case assignments, sentencing guidelines, decisions, and an easy-to-use guide to the judicial process ... available to and searchable by the public," and enable citizens "to ask and get answers to questions online."

- Both the Administrative Office of the United States Courts and the National Center for State Courts should appoint a liaison to the President's Council on Electronic Government.[5]

Among other innovations recommended by the report was the creation of a $3 billion Strategic Investment Fund to support, though collaborative ventures with the private sector and other levels of government where possible, "e-government program and service delivery initiatives that are both cross-sector and multi-agency, as well as research and development for solutions to enterprise-wide problems of privacy, security, and interoperability."[6] The report also offered various recommendations regarding collaborative efforts by government at all levels and the private sector in furtherance of e-gov; building an e-gov workforce, largely among civil servants rather than contracted personnel; and improving privacy, security, and interoperability.[7] The report concluded with the results of a public opinion poll regarding various aspects of e-gov.

Electronic Government Fund

In advance of his proposed budget for FY2002, President George W. Bush, through OMB released, on February 28, 2001, *A Blueprint for New Beginnings: A Responsible Budget for America's Priorities*. Intended as a 10-year budget plan, the *Blueprint*, among other innovations, proposed the establishment of an electronic government account, seeded with "$10 million in 2002 as the first installment of a fund that will grow to a total of $100 million over 3 years to support interagency electronic Government (e-gov) initiatives." Managed by OMB, the fund was foreseen as:

- supporting "projects that operate across agency boundaries" and build upon FirstGov, "the online information portal that provides 24 hours a day/seven days a week access to all Government online information";

- facilitating "the development of a Public Key Infrastructure to implement digital signatures that are accepted across agencies for secure online communications"; and

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[5]Ibid., pp. 7-10.

[6]Ibid., pp. 10-11.

[7]Ibid., pp. 11-14.

- furthering "the Administration's ability to implement the Government Paperwork Elimination Act of 1998, which calls upon agencies to provide the public with optional use and acceptance of electronic information, services and signatures, when practicable, by October 2003."[8]

About one month later, on March 22, OMB Deputy Director Sean O'Keefe announced that the Bush Administration had decided to double the amount to be allocated to the e-gov fund, bringing it to $20 million, and outlined some standards for the types of projects that would qualify for the fund. Being an interagency endeavor was mandatory; supporting FirstGov was desirable. Having a capital planning element that spelled out costs, benefits, and future projections was another requirement for funded projects, and having available budgeted funds for a project, which monies from the e-gov fund would supplement, was also highly desirable.[9]

As included in the President's budget submitted to Congress on April 9, the fund was established as an account within the General Services Administration, to be administered by the Administrator of General Services "to support interagency projects, approved by the Director of the Office of Management and Budget, that enable the Federal Government to expand its ability to conduct activities electronically, through the development and implementation of innovative uses of the Internet and other electronic methods." The initial request for the fund was $20 million, to remain available until September 30, 2004.[10]

As reported from committee and subsequently adopted by the House on July 25, 2001, the Treasury, Postal Service, and General Government Appropriations bill (H.R. 2590) allocated only $5 million to the fund, to remain available until expended. The committee report accompanying the bill "recommends the Administration work with the House Committee on Government Reform to clarify its authorization."[11] The bill, as adopted by the House, stipulates that transfers of monies from the fund to federal agencies may not be made until 10 days after a proposed spending plan and justification for each project to be undertaken using such monies has been submitted to the House Committee on Appropriations.[12]

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[8]U.S. Office of Management and Budget, *A Blueprint for New Beginnings: A Responsible Budget for America's Priorities* (Washington: GPO, 2001), pp. 179-180; available at [http://www.gpo.gov/usbudget/index.html].

[9]William Matthews, "Bush E-gov Fund to Double," *Federal Computer Week*, vol. 15, March 26, 2001, p. 8.

[10]U.S. Office of Management and Budget, *Budget of the United States Government, Fiscal Year 2002: Appendix* (Washington: GPO, 2001), p. 994.

[11]U.S. Congress, House Committee on Appropriations, *Treasury, Postal Service, and General Government Appropriations Bill, 2002*, a report to accompany H.R. 2590, 107th Congress, 1st session, H.Rept. 107-152 (Washington: GPO, 2001), pp. 74-75.

[12]H.R. 2590, 107th Congress, 1st session, p. 50 (House engrossed version).

E-Government Act of 2001

Described by proponents as "a bipartisan effort to maximize the organization, efficiency, accessibility, and quality of the federal government's online resources, while reducing overall cost," the E-Government Act of 2001 was initially introduced in the Senate (S. 803) by Senator Joseph Lieberman (D-CT) for himself and 11 cosponsors on May 1, 2001.[13] An identical version of the bill was offered in the House (H.R. 2458) by Representative Jim Turner (D-TX) for himself and 36 cosponsors on July 11. Designated "a work in progress" by Senator Lieberman at the time of introduction, the initial version of the bill offers several innovations.

- Establish a Federal Chief Information Officer (FCIO) within OMB to head a new Office of Information Policy and to promote e-gov and implement governmentwide information policy set by the Paperwork Reduction Act, the Clinger-Cohen Act, and the Government Paperwork Elimination Act, among other laws; foster inter-organizational dialogue (interagency, cross-branch, federal-state-local, and public-private sector) concerning IT applications for e-gov; and pursue improved standards, protocols, and procurement regarding IT.

- Statutorily mandate a federal Chief Information Officer (CIO) Council, chaired by the FCIO, to assist with the development of information policies and multi-agency IT initiatives; coordination with the National Institute of Standards and Technology (NIST) on the development of IT standards; and partnering with the Office of Personnel Management to address the shortage of IT professionals in the federal executive branch.

- Create an E-Government Fund, authorized to receive $200 million annually during FY2002-FY2004 and under the management of the FCIO, to support interagency IT projects and other innovative uses of IT with broader application, as recommended by the Federal CIO Council.

- Under the direction of the FCIO and building on FirstGov, establish, maintain, and promote a centralized online government portal allowing Internet users to access all online federal government information and services through a single, functionally arranged Web page.

- Institute an online national library by building upon initiatives already underway with the National Science Foundation, Smithsonian Institution, National Park Service, Institute for Museum and Library Services, and the Library of Congress; involving private, nonprofit, and other organizations in the undertaking; requiring such a national library to provide public access to a continually expanding database of educational resource material; and allocating $10 million for the endeavor for FY2002.

- Authorize the Office of Personnel Management (OPM) to develop and operate a Federal Information Technology Training Center to analyze the IT personnel

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[13] *Congressional Record*, daily edition, Vol. 147, May 1, 2001, pp. S4101-S4116.

needs of the federal government; design training curricula covering varying levels of expertise, and including self-paced courses, online courses, on-the-job training, and the use of remote instructors; and recruit and train federal employees in IT disciplines, with $7 million authorized for FY2002 for this undertaking.

- Build upon the potential of the Community Technology Centers funded by the Department of Education, the Department of Housing and Urban Development, and the National Science Foundation by adopting a coordinated approach to evaluating and disseminating best practices to ensure that the centers are most useful to the communities where they are located; and specifically develop their use in addressing the so-called digital divide by improving the computer training opportunities and educational resources available through the centers and promoting greater coordination with the private and nonprofit sectors in supporting the centers, with $2 million per year authorized for FY2002 and FY2003 for these endeavors.

- Authorize the Department of the Interior, NIST, and the FCIO to work with private sector experts to develop and promulgate common protocols for the use of unclassified geospatial information systems, such protocols being designed to facilitate the development of software allowing for the widespread, low-cost use of geospatial information, with $2 million authorized for FY2002 for such activities.

- Establish an advisory board to review existing government standards and practices regarding the inventorying, cataloging, and preservation of government information in electronic form and formats, and to make recommendations regarding same, such recommendations being used by the FCIO to develop and promulgate regulations designed to provide greater public access to government information as well as the preservation of electronic government information.

- Upgrade regulatory activities by posting on agency Web sites the same information published in the *Federal Register* related to an administrative proceeding; require agencies to accept submissions related to administrative proceedings by electronic means, including e-mail and fax; and mandate the FCIO to work with the regulatory agencies to establish electronic dockets for administrative rulemaking.

- Require federal courts to establish Web sites containing opinions, docketing information, and other specified information about the courts and individual cases, unless they elect to opt out of some of these arrangements.

- Prescribe other refinements and innovations regarding privacy and security practices, electronic signatures compatibility, agency Web site management, online access to federally-funded research and development activities, online crisis management, and disparities in access to the Internet.

A hearing on the Senate bill was held on July 11 by the Committee on Governmental Affairs, where OMB Deputy Director Sean O'Keefe reiterated the

position of the Bush Administration that the OMB Deputy Director for Management should be the governmentwide CIO, and took issue, as well, with some other aspects of the bill. The House companion measure (H.R. 2458) was referred to the Committee on Government Reform.

Bush Administration Action Plan

In a July 18, 2001, memorandum to executive department and agency heads, OMB Director Mitchell E. Daniels, Jr., on behalf of President Bush, apprised executive department and agency heads of administration efforts to develop an electronic government action plan using an interagency task force under the leadership of OMB Associate Director Mark Forman. The latter, a former Unisys vice president for e-business, joined OMB on June 25 where he was given primary responsibilities for IT and e-gov. In a July 27 interview with *GovExec.com*, Forman was highly critical of current government efforts at implementing e-gov. He indicated that a lack of communication between IT specialists and agency senior program officials is the principal reason that bigger e-gov gains have not occurred. Consequently, his e-gov action plan task force will scrutinize agency performance plans with a view to better realizing the goals and objectives of those plans through IT and e-business applications modeled after best practices in the private sector. "The key is to align a lot of buzzword-type technologies with where they provide the greatest strategic improvement," said Forman.[14]

In his interview, Forman also indicated that, in the next 18 months, a steering committee of representatives from the President's Management Council would provide 20-60 project ideas for improving and facilitating e-gov implementation. Originally created by President Clinton in October 1993, the council was reconstituted by President Bush on July 11, 2001, with OMB Deputy Director O'Keefe designated as chair, and the panel held its first meeting that same day.[15] The presidential memorandum rechartering the council continued the panel's oversight of the federal management role, but also created Chief Operating Officers in the federal departments and agencies to facilitate implementation and oversight of management initiatives and other performance, resource allocation, and mission responsibilities.[16]

Related CRS products following legislation pertaining to various aspects of e-gov discussed above are identified in the reading list at the end of this report.

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[14]Shane Harris, "OMB Official Outlines His Plan for Overhauling E-Government," *GovExec.com* daily briefing, July 27, 2001, available on the GovExec.com Web site at [http://govexec.com/dailyfed/0701/072701h1.htm].

[15]The original mandate of the President's Management Council may be found in 3 C.F.R., 1993 Comp., pp. 788-791.

[16]The presidential memorandum reconstituting the President's Management Council may be found in *Federal Register*, Vol. 66, July 17, 2001, pp. 37105-37107.

For Further Reading

CRS Report RL30153. *Critical Infrastructures: Background and Early Implementation of PDD-63*, by John D. Moteff.

CRS Report RS20426. *Electronic Commerce: An Introduction*, by Glenn J. McLoughlin.

CRS Report RL30745. *Electronic Government: A Conceptual Overview*, by Harold C. Relyea.

CRS Report RS20344. *Electronic Signatures: Technology Developments and Legislative Issues*, by Richard M. Nunno.

CRS Report RL30914. *Federal Chief Information Officer (CIO): Opportunities and Challenges*, by Jeffrey W. Seifert.

CRS Report RL30661. *Government Information Technology Management: Past and Future Issues (The Clinger-Cohen Act)*, by Jeffrey W. Seifert.

CRS Report RL30719. *Internet Access—Broadband and the Digital Divide: Federal Assistance Programs*, by Lennard G. Kruger.

CRS Report 98-67. *Internet: An Overview of Key Technology Policy Issues Affecting Its Use and Growth*, by Marcia S. Smith, Richard M. Nunno, John D. Moteff, and Lennard G. Kruger.

CRS Report RL30784. *Internet Privacy: An Analysis of Technology and Policy Issues*, by Marcia S. Smith.

CRS Report RS20035. *Internet Privacy—Protecting Personal Information: Overview and Pending Legislation*, by Marcia S. Smith.

CRS Report RL30322. *Online Privacy Protection: Issues and Developments*, by Gina Marie Stevens.

CRS Report RL30590. *Paperwork Reduction Act Reauthorization and Government Information Management Issues*, by Harold C. Relyea.

CRS Report RL30671. *Personal Privacy Protection: The Legislative Response*, by Harold C. Relyea.

CRS Report RL31057. *A Primer on E-Government: Sectors, Stages, Opportunities, and Challenges of Online Governance*, by Jeffrey W. Seifert.

CRS Report RL30824. *The Privacy Act: Emerging Issues and Related Legislation*, by Harold C. Relyea.

CRS Report 98-649. *Spinning the Web: The History and Infrastructure of the Internet*, by Rita Tehan.