

NB: This unofficial compilation of the U.S. Code is current as of Jan. 4, 2012 (see <http://www.law.cornell.edu/uscode/uscprint.html>).

“(1) Inapplicability.—Except as provided under paragraph (2), this title does not apply to national security systems as defined in section 11103 of title 40, United States Code.

“(2) Applicability.—This section, section 203, and section 214 do apply to national security systems to the extent practicable and consistent with law.

**“SEC. 203. COMPATIBILITY OF EXECUTIVE AGENCY METHODS FOR USE AND ACCEPTANCE OF ELECTRONIC SIGNATURES.**

“(a) Purpose.—The purpose of this section is to achieve interoperable implementation of electronic signatures for appropriately secure electronic transactions with Government.

“(b) Electronic Signatures.—In order to fulfill the objectives of the Government Paperwork Elimination Act (Public Law 105–277; 112 Stat. 2681–749 through 2681–751) [44 U.S.C. 3504 note ], each Executive agency (as defined under section 105 of title 5, United States Code) shall ensure that its methods for use and acceptance of electronic signatures are compatible with the relevant policies and procedures issued by the Director.

“(c) Authority for Electronic Signatures.—The Administrator of General Services shall support the Director by establishing a framework to allow efficient interoperability among Executive agencies when using electronic signatures, including processing of digital signatures.

“(d) Authorization of Appropriations.—There are authorized to be appropriated to the General Services Administration, to ensure the development and operation of a Federal bridge certification authority for digital signature compatibility, and for other activities consistent with this section, \$8,000,000 or such sums as are necessary in fiscal year 2003, and such sums as are necessary for each fiscal year thereafter.

**“SEC. 204. FEDERAL INTERNET PORTAL.**

“(a) In General.—

“(1) Public access.—The Director shall work with the Administrator of the General Services Administration and other agencies to maintain and promote an integrated Internet-based system of providing the public with access to Government information and services.

“(2) Criteria.—To the extent practicable, the integrated system shall be designed and operated according to the following criteria:

“(A) The provision of Internet-based Government information and services directed to key groups, including citizens, business, and other governments, and integrated according to function or topic rather than separated according to the boundaries of agency jurisdiction.

“(B) An ongoing effort to ensure that Internet-based Government services relevant to a given citizen activity are available from a single point.

“(C) Access to Federal Government information and services consolidated, as appropriate, with Internet-based information and services provided by State, local, and tribal governments.

“(D) Access to Federal Government information held by 1 or more agencies shall be made available in a manner that protects privacy, consistent with law.

“(b) Authorization of Appropriations.—There are authorized to be appropriated to the General Services Administration \$15,000,000 for the maintenance, improvement, and promotion of the integrated Internet-based system for fiscal year 2003, and such sums as are necessary for fiscal years 2004 through 2007.

**“SEC. 205. FEDERAL COURTS.**

“(a) Individual Court Websites.—The Chief Justice of the United States, the chief judge of each circuit and district and of the Court of Federal Claims, and the chief bankruptcy judge of each district shall cause to be established and maintained, for the court of which the judge is chief justice or judge, a website that contains the following information or links to websites with the following information:

“(1) Location and contact information for the courthouse, including the telephone numbers and contact names for the clerk’s office and justices’ or judges’ chambers.

“(2) Local rules and standing or general orders of the court.

“(3) Individual rules, if in existence, of each justice or judge in that court.

“(4) Access to docket information for each case.

“(5) Access to the substance of all written opinions issued by the court, regardless of whether such opinions are to be published in the official court reporter, in a text searchable format.

“(6) Access to documents filed with the courthouse in electronic form, to the extent provided under subsection (c).

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“(7) Any other information (including forms in a format that can be downloaded) that the court determines useful to the public.

“(b) Maintenance of Data Online.—

“(1) Update of information.—The information and rules on each website shall be updated regularly and kept reasonably current.

“(2) Closed cases.—Electronic files and docket information for cases closed for more than 1 year are not required to be made available online, except all written opinions with a date of issuance after the effective date of this section [see Effective Date note set out under section 3601 of this title] shall remain available online.

“(c) Electronic Filings.—

“(1) In general.—Except as provided under paragraph (2) or in the rules prescribed under paragraph (3), each court shall make any document that is filed electronically publicly available online. A court may convert any document that is filed in paper form to electronic form. To the extent such conversions are made, all such electronic versions of the document shall be made available online.

“(2) Exceptions.—Documents that are filed that are not otherwise available to the public, such as documents filed under seal, shall not be made available online.

“(3) Privacy and security concerns.—

“(A)(i) The Supreme Court shall prescribe rules, in accordance with sections 2072 and 2075 of title 28, United States Code, to protect privacy and security concerns relating to electronic filing of documents and the public availability under this subsection of documents filed electronically or converted to electronic form.

“(ii) Such rules shall provide to the extent practicable for uniform treatment of privacy and security issues throughout the Federal courts.

“(iii) Such rules shall take into consideration best practices in Federal and State courts to protect private information or otherwise maintain necessary information security.

“(iv) Except as provided in clause (v), to the extent that such rules provide for the redaction of certain categories of information in order to protect privacy and security concerns, such rules shall provide that a party that wishes to file an otherwise proper document containing such protected information may file an unredacted document under seal, which shall be retained by the court as part of the record, and which, at the discretion of the court and subject to any applicable rules issued in accordance with chapter 131 of title 28, United States Code, shall be either in lieu of, or in addition to, a redacted copy in the public file.

“(v) Such rules may require the use of appropriate redacted identifiers in lieu of protected information described in clause (iv) in any pleading, motion, or other paper filed with the court (except with respect to a paper that is an exhibit or other evidentiary matter, or with respect to a reference list described in this subclause), or in any written discovery response—

“(I) by authorizing the filing under seal, and permitting the amendment as of right under seal, of a reference list that—

“(aa) identifies each item of unredacted protected information that the attorney or, if there is no attorney, the party, certifies is relevant to the case; and

“(bb) specifies an appropriate redacted identifier that uniquely corresponds to each item of unredacted protected information listed; and

“(II) by providing that all references in the case to the redacted identifiers in such reference list shall be construed, without more, to refer to the corresponding unredacted item of protected information.

“(B)(i) Subject to clause (ii), the Judicial Conference of the United States may issue interim rules, and interpretive statements relating to the application of such rules, which conform to the requirements of this paragraph and which shall cease to have effect upon the effective date of the rules required under subparagraph (A).

“(ii) Pending issuance of the rules required under subparagraph (A), any rule or order of any court, or of the Judicial Conference, providing for the redaction of certain categories of information in order to protect privacy and security concerns arising from electronic filing or electronic conversion shall comply with, and be construed in conformity with, subparagraph (A)(iv).

“(C) Not later than 1 year after the rules prescribed under subparagraph (A) take effect, and every 2 years thereafter, the Judicial Conference shall submit to Congress a report on the adequacy of those rules to protect privacy and security.

“(d) Dockets With Links to Documents.—The Judicial Conference of the United States shall explore the feasibility of technology to post online dockets with links allowing all filings, decisions, and rulings in each case to be obtained from the docket sheet of that case.

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“(e) Cost of Providing Electronic Docketing Information.—[Amended section 303(a) of Pub. L. 102–140, set out as a note under section 1913 of Title 28, Judiciary and Judicial Procedure.]

“(f) Time Requirements.—Not later than 2 years after the effective date of this title [see Effective Date note set out under section 3601 of this title], the websites under subsection (a) shall be established, except that access to documents filed in electronic form shall be established not later than 4 years after that effective date.

“(g) Deferral.—

“(1) In general.—

“(A) Election.—

“(i) Notification.—The Chief Justice of the United States, a chief judge, or chief bankruptcy judge may submit a notification to the Administrative Office of the United States Courts to defer compliance with any requirement of this section with respect to the Supreme Court, a court of appeals, district, or the bankruptcy court of a district.

“(ii) Contents.—A notification submitted under this subparagraph shall state—

“(I) the reasons for the deferral; and

“(II) the online methods, if any, or any alternative methods, such court or district is using to provide greater public access to information.

“(B) Exception.—To the extent that the Supreme Court, a court of appeals, district, or bankruptcy court of a district maintains a website under subsection (a), the Supreme Court or that court of appeals or district shall comply with subsection (b)(1).

“(2) Report.—Not later than 1 year after the effective date of this title [see Effective Date note set out under section 3601 of this title], and every year thereafter, the Judicial Conference of the United States shall submit a report to the Committees on Governmental Affairs and the Judiciary of the Senate and the Committees on Government Reform [now Oversight and Government Reform] and the Judiciary of the House of Representatives that—

“(A) contains all notifications submitted to the Administrative Office of the United States Courts under this subsection; and

“(B) summarizes and evaluates all notifications.

“SEC. 206. REGULATORY AGENCIES.

“(a) Purposes.—The purposes of this section are to—

“(1) improve performance in the development and issuance of agency regulations by using information technology to increase access, accountability, and transparency; and

“(2) enhance public participation in Government by electronic means, consistent with requirements under subchapter II of chapter 5 of title 5, United States Code, (commonly referred to as the ‘Administrative Procedures Act’).

“(b) Information Provided by Agencies Online.—To the extent practicable as determined by the agency in consultation with the Director, each agency (as defined under section 551 of title 5, United States Code) shall ensure that a publicly accessible Federal Government website includes all information about that agency required to be published in the Federal Register under paragraphs (1) and (2) of section 552 (a) of title 5, United States Code.

“(c) Submissions by Electronic Means.—To the extent practicable, agencies shall accept submissions under section 553 (c) of title 5, United States Code, by electronic means.

“(d) Electronic Docketing.—

“(1) In general.—To the extent practicable, as determined by the agency in consultation with the Director, agencies shall ensure that a publicly accessible Federal Government website contains electronic dockets for rulemakings under section 553 of title 5, United States Code.

“(2) Information available.—Agency electronic dockets shall make publicly available online to the extent practicable, as determined by the agency in consultation with the Director—

“(A) all submissions under section 553 (c) of title 5, United States Code; and

“(B) other materials that by agency rule or practice are included in the rulemaking docket under section 553 (c) of title 5, United States Code, whether or not submitted electronically.

“(e) Time Limitation.—Agencies shall implement the requirements of this section consistent with a timetable established by the Director and reported to Congress in the first annual report under section 3606 of title 44 (as added by this Act).

“SEC. 207. ACCESSIBILITY, USABILITY, AND PRESERVATION OF GOVERNMENT INFORMATION.