

Software & Information Industry Association

PROMOTING PUBLIC-PRIVATE COOPERATION IN E-GOVERNMENT, NOT COMPETITION

Introduction

As the next several years promise to be a monumental period in the federal government's transition to electronic services and interaction with the public, this is also a critical time to develop and implement policies that encourage the advancement of an electronic government (eGovernment) that is truly a positive step forward. Today, less than 1 percent of all government-to-constituent and government-to-business transactions are conducted online. In the coming years, the pace of government digitization is expected to change dramatically as individual use of the Internet becomes more routine and governments at all levels seek to meet legislated deadlines.

As the principal trade association of the software code and information content industries, representing approximately 1,000 leading high-tech companies that develop and market software and electronic content for business, government, consumers and the Internet, the Software & Information Industry Association (SIIA) member companies have been at the forefront of encouraging the digitization of government. Our members include leading technology companies that provide the backbone of the World Wide Web through the development of cutting edge search engines, software and digital services, as well as electronic publishers that provide a wide variety of information products and services covering nearly every subject matter imaginable. Therefore, we stand ready to work with policymakers to implement and promote the launch of new online initiatives that facilitate true eGovernment, including those that seek to achieve the spirit and specifics of the Government Paperwork Elimination Act (GPEA), requiring all agencies to be online by October 2003.

Extending beyond the progress already made over the last couple years, the transformation process is just getting underway. While eGovernment does provide a tremendous opportunity for both administrators and recipients, there are many challenges that must be overcome to ensure that this process is a positive step forward, rather than a step backwards. One of the primary factors in the success of the transformation will be the ability of the Government to utilize the expertise and ability of the private sector in meeting public needs, rather than duplicating existing products and services. Considerations of how to improve existing eGovernment efforts must address the growing trend of government going beyond electronic government to insert itself into shaping electronic commerce, and competing with information technology services provided by the private sector. Such competition has the ultimate effect of decreasing the incentive for superior private sector innovation.

Cooperation, Not Competition, Can Produce Effective eGovernment

SIIA supports government initiatives which utilize technology and the Internet to provide enhanced citizen access to, and communication with, government and government services. To accomplish this, government efforts should complement and support private sector efforts, rather than duplicating them. Initiatives to develop eGovernment should be focused on improving service to citizens for inherently governmental functions, rather than expanding the role of government. Under no circumstances should new e-commerce or information technology services be employed which expand beyond the mission or scope of inherent government functions, nor should public funds—an effective subsidization from tax dollars—be used to allow government to directly compete with the private sector in providing such services.

In short, the government should not create value-added services and products where public-private partnerships or independent private services and products are available, or where such services and products can efficiently and effectively provide the desired added value for the public. The competitive enterprise system, characterized by individual freedom and initiative, is a fundamental principle of this nation. In recognition of this principle, the general policy of the Government should continue to rely on commercial sources to supply the products and services the public needs. The directive of OMB Circular A-76 is crucial to allowing this principle to survive, particularly the statement that “in the process of governing, the Government should not compete with its citizens.”

Information Dissemination: Maintaining a Diversity of Sources

With respect to information dissemination, advances in information technology promise to continue increasing the ease of public access to government information, both directly and through private sector redisseminators. However, when considering new models for dissemination of public information, the government must continue to uphold the greatest commitment to the free flow of information through a diversity of information sources. The public is not served when the government is the only source of public information.

While electronic dissemination has enabled government to meet its requirement of disseminating public information, the need for tailored services has also increased with the vast information resources available online. It is important that the private sector information disseminators continue to fulfill their key role in promoting and enhancing public access to this wealth of information. There are thousands of private sector information products and services based in whole or in part on public information that help to serve the varied needs of society to obtain information, either for reasons of convenience or efficiency, from sources other than government itself. Many of these products and services complement the federal, state and local sources of this information. For example, information companies add value to government information in a variety of ways: by assembling, arranging, and organizing it in useful ways; by combining it with information from other sources; by adding indexing, cross-referencing and annotations; and by updating and expanding databases to make sure that they are comprehensive, timely and accurate. Information companies then distribute these value-added products to the public in convenient, useful and user-friendly formats—many of which are now Internet based.

Government initiatives to disseminate public information electronically should not result in expanding the role of government in providing commercial information services that

compete with the private sector. Rather, government efforts to disseminate information should take full advantage of public-private partnerships or independent private services and products to efficiently and effectively provide the desired added value for the public. Federal Government agencies are required to cooperate with the private sector with respect to information dissemination to encourage a diversity of sources. A couple examples of current policy in this area include the following:

- U.S.C Title 44, Public Printing and Documents, provides multiple guidelines for agencies to work with the private sector and encourage a diversity of sources. It requires agencies to “ensure that the public has timely and equitable access to the agency’s public information, including ensuring such access through – encouraging a diversity of public and private sources for information based on government public information.” (44 USC, Sec. 3506(d)). This section also prevents agencies from the taking the following actions “... except where specifically authorized by statute –
 - (A) establish an exclusive, restricted, or other distribution arrangement that interferes with timely and equitable availability of public information to the public;
 - (B) restrict or regulate the use, resale, or redissemination of public information by the public;
 - (C) charge fees or royalties for resale or redissemination of public information; or
 - (D) establish user fees for public information that exceed the cost of dissemination.”
- OMB Circular A-130, Management of Government Information, requires that Agencies shall “[seek] to satisfy new information needs through interagency or intergovernmental sharing of information, or through commercial sources, where appropriate, before creating or collecting new information” with respect to information management planning (Sec. 8a.).

Unfortunately, the early days of electronic/Internet dissemination have been less than ideal. There are presently several government dissemination initiatives offered Federal agencies that have neither sufficiently adhered to these policies, nor taken appropriate steps to encourage private sector involvement—sometimes completely failing to utilize existing private sector products and services already serving public and government needs. Moreover, there are a number of Federal agencies presently placing restrictions on access to government information. Increased adherence to current policies regarding dissemination of public information and the adoption of new policies to facilitate cooperation are essential next steps to maximizing public access to government information resources in the eGovernment era.

Conclusion

In addition to broad new policies regarding electronic government, reauthorization of the Paperwork Reduction Act and revisions to OMB Circulars A-130 and A-76 will provide the crucial opportunities to create an environment that enables the public sector to work in collaboration with the private sector—both for profit and not-for-profit. In this regard, SIIA looks forward to working with Congress, the President and other key policymakers in making sure that eGovernment is a positive step forward, rather than a step backward.