

reporting a violation of law or other authority delegated or assigned to OSHA in this paragraph.

(b) Deliberative Process Privilege (to withhold information which may disclose pre-decisional intra-agency or inter-agency deliberations, including the analysis and evaluation of fact, written summaries of factual evidence, and recommendations, opinions or advice on legal or policy matters in matters arising under this paragraph): A claim of privilege may be asserted where the Assistant Secretary has determined that disclosure of the privileged matter would have an inhibiting effect on the agency's decision-making processes.

(c) Privilege for Investigational Files Compiled for Law Enforcement Purposes (to withhold information which may reveal OSHA's confidential investigative techniques and procedures): The investigative file privilege may be asserted where the Assistant Secretary has determined the disclosure of the privileged matter may have an adverse impact upon OSHA's implementation of an authority delegated or assigned in this paragraph, by: (1) Disclosing investigative techniques and methodologies; (2) deterring persons from providing information to OSHA; (3) prematurely revealing the facts of OSHA's case; or (4) disclosing the identities of persons who have provided information under an express or implied promise of confidentiality.

(d) Prior to filing a formal claim of privilege, the Assistant Secretary shall personally review all documents sought to be withheld (or, in case where the volume is so large that all of them cannot be personally reviewed in a reasonable time, an adequate and representative sample of such documents), together with a description or summary of the litigation in which the disclosure is sought.

(e) In asserting a claim of governmental privilege, the Assistant Secretary may ask the Solicitor of Labor, or the Solicitor's representative, to file any necessary legal papers or documents.

(4) The Assistant Secretary for Occupational Safety and Health is also delegated authority and assigned responsibility for:

(a) Serving as Chairperson of the Federal Advisory Council on Occupational Safety and Health, as provided for by Executive Order 12196.

(b) Coordinating Agency efforts with those of other officials or agencies having responsibilities in the occupational safety and health area.

b. The Assistant Secretary for Occupational Safety and Health and the

Assistant Secretary for Employment Standards are directed to confer regularly on enforcement of the Occupational Safety and Health Act with regard to the standards on field sanitation and temporary labor camps (see subparagraph 4.a.(2) of this Order), and to enter into any memoranda of understanding which may be appropriate to clarify questions of coverage which arise in the course of such enforcement.

c. The Solicitor of Labor shall have the responsibility for providing legal advice and assistance to all officers of the Department relating to the administration of the statutory provisions and Executive Orders listed above. The bringing of legal proceedings under those authorities, the representation of the Secretary and/or other officials of the Department of Labor, and the determination of whether such proceedings or representations are appropriate in a given case, are delegated exclusively to the Solicitor.

d. The Commissioner of Labor Statistics is delegated authority and assigned responsibility for:

(1) Furthering the purpose of the Occupational Safety and Health Act by developing and maintaining an effective program of collection, compilation, analysis, and publication of occupational safety and health statistics consistent with the provisions of Secretary's Orders 4-81 and 5-95.

(2) Making grants to states or political subdivisions thereof in order to assist them in developing and administering programs dealing with occupational safety and health statistics under Sections 18, 23, and 24 of the Occupational Safety and Health Act.

(3) Coordinating the above functions with the Assistant Secretaries for Occupational Safety and Health and Employment Standards.

5. *Reservation of Authority and Responsibility.*

a. The submission of reports and recommendations to the President and the Congress concerning the administration of the statutory provisions and Executive Orders listed in subparagraph 4.a. above is reserved to the Secretary.

b. The commencement of legal proceedings under the statutory provisions listed in subparagraph 4.a. above, except proceedings before Department of Labor administrative law judges and the Administrative Review Board under the statutes identified in subparagraph 4.a.(1)(i) or subparagraphs 4.a.(1)(l-s) above, is reserved to the Secretary. The Solicitor will determine in each case whether such legal proceedings are appropriate and may

represent the Secretary in litigation as authorized by law.

c. Nothing in this Order shall limit or modify the delegation of authority and assignment of responsibility to the Administrative Review Board by Secretary's Order 2-96 (April 17, 1996).

6. *Redelegation of Authority.* The Assistant Secretary for Occupational Safety and Health, the Solicitor of Labor, and the Commissioner of Labor Statistics may redelegate authority delegated in this Order.

7. *Effective Date.* This delegation of authority and assignment of responsibility shall be effective immediately.

Dated: July 18, 2000.

Alexis M. Herman,

Secretary of Labor.

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## DEPARTMENT OF LABOR

### Office of the Secretary

[Secretary's Order 2-2000]

### U.S. Department of Labor Internet Services

1. *Purpose.* To establish policy and assign responsibilities for the development, implementation, institutionalization, and continuing support of Department of Labor public Internet services.

2. *Authority and Relationship to Other Orders a. Authority.* This Order is issued pursuant to 29 U.S.C. 551 *et seq.*; 5 U.S.C. 301; and sections 5122-5127 of the Clinger-Cohen Act [40 U.S.C. 1422-27].

b. *Relationship to Other Orders.*

(1) This Order does not affect Secretary's Order 2-82, which delegates responsibilities to the Assistant Secretary for Policy.

(2) This Order does not affect Secretary's Order 1-2000, which delegates responsibilities to the Chief Information Officer.

(3) This Order does not affect Secretary's Order 7-89, which delegates responsibilities to the Assistant Secretary for Congressional and Intergovernmental Affairs and the Assistant Secretary for Public Affairs.

(4) This Order does not affect Secretary's Order 6-83 which establishes procedures regulating departmental audiovisual activities.

3. *Background.* The Department of Labor (DOL) established a central public Internet web site in September 1995. By March 2000, thousands of documents had been published on the DOL site and

the number of visitors had reached more than 12.5 million each month. The importance of the DOL web site to the public continues to expand.

4. *Statement of Policy.* The public Internet web site has emerged as, and will continue to be, a key vehicle for the Department's communications with the public. DOL's ability to communicate and conduct business with the public will continue to require the effective use and management of Internet technology. To effectively utilize Internet services, the Department must appropriately integrate them into its daily program and administrative operations. To formally implement this process, the Department must:

a. Assure the availability of regularly updated information about DOL and its laws, regulations, programs, activities, and data to the public through the web site.

b. Provide a mechanism for DOL to improve its ability to communicate and do business with the public through the Internet.

c. Assure adequate planning and resources, including training of DOL employees, to support current and future operations of DOL web site services.

d. Ensure that Departmental use of the web site is in compliance with statutory and administrative information technology (IT) mandates.

e. Ensure that all information placed on the main DOL or individual agency web sites receives appropriate review and clearance within the Department prior to issuance, including consideration of all appropriate factors such as: the need for coordination between relevant agencies; appropriate levels of clearance; timeliness and accuracy of information; and the implications of applicable statutory and administrative requirements or guidelines.

f. Ensure that web site clearance requirements and processes are properly integrated with general Department and agency clearance requirements and processes.

g. Promote easy access to DOL public web site information through user-friendly, effective and efficient web sites and maximize the use of accessibility features to make it easier for members of the public, including those with special needs, to find the information they seek.

h. Promote secure, transactional e-government activities on the DOL web site.

5. *Definitions.* a. "Agency Public Web Site Content Clearance Processes" refers to the procedures to be developed by individual DOL agencies for purposes of

reviewing and approving documents and other substantive materials to be placed on their web sites (see paragraph 6f(4));

b. "Application and Presentation Activities" refers to activities that occur at different layers of the Open Systems Interconnect (OSI) model. The OSI model is a network model that professionals can use to develop and administer networking systems. This model was developed by the International Standards Organization (ISO).

(1) The Presentation Layer translates the sender's data to the format of the receiver.

(2) The Application Layer includes all the processes that the users directly interact with, as well as other processes that users are not necessarily aware of, and provides the services user applications need to communicate through the network.

c. "Departmental Public Web Site Content Clearance Requirements" refers to the minimum standards applicable to the Departmental Public Web Site Clearance Process and Agency Public Web Site Clearance Processes. See paragraph 6a(1)(b).

d. "Departmental Public Web Site Content Clearance Process" refers to the procedures to be developed by the Assistant Secretary for Policy (ASP) for purposes of the Department's review and approval of documents and other substantive materials to be placed on the DOL public web site and which require Department-level clearance (see paragraph 6a(1)(a)).

e. "Production Internet Environment" refers to the real or fully developed operational system that is used by the intended customer in the live, or operation environment.

f. The term "new web site" refers to a new presence on the public DOL Internet web site or a web site where DOL has shared responsibility. Examples include, but are not limited to, sites that represent a new program, statute, Departmental initiative, new type of information offered to the public, or new web sites co-sponsored by the Department and another entity, public or private.

6. *Delegation of Authority and Assignment of Responsibilities.* a. *The Assistant Secretary for Policy* is delegated authority and assigned responsibility for:

(1) Coordinating and managing the overall DOL public web site presence to ensure that web site-based information and services are cohesive, accessible, timely, accurate and authoritative. This coordination and management shall include establishing, in consultation

with the Office of the Solicitor (SOL), the Office of the Secretary (OSEC), the Office of Public Affairs (OPA), the Office of the Assistant Secretary for Administration and Management (OASAM), and other relevant agencies:

(a) A "Departmental Public Web Site Content Clearance Process," which shall be coordinated by ASP and which shall apply to Public Web Site content which requires Department-level clearance; and

(b) A "Departmental Public Web Site Content Clearance Requirements," which shall set forth minimum standards for both individual Agency Public Web Site Content Clearance Processes (see paragraph 6f(4)) and the Departmental Public Web Site Content Clearance Process established by ASP under subparagraph (a). The Departmental Public Web Site Content Clearance Requirements shall apply to all content posted on Departmental and Agency Public Web Sites [including hypertext links to non-DOL sites], and to all content provided to other web sites by the Department, and shall, at a minimum:

1. Provide for appropriate coordination with all relevant agencies and be properly integrated with general Departmental and agency clearance processes;

2. Provide criteria for determining the appropriate level of clearance for documents posted on Public Web Sites, including (at a minimum):

a. Clearance by the Office of the Secretary (and all relevant agency heads) of all material that bears the Secretary's signature, purports to be over the Secretary's signature, or purports to represent the Secretary's views;

b. Clearance by the Office of the Deputy Secretary (and all relevant agency heads) of all material that bears the Deputy Secretary's signature, purports to be over the Deputy Secretary's signature, or purports to represent the Deputy Secretary's views; and

c. Clearance by the relevant agency head (and by other agency heads if appropriate) of all material that bears that agency head's signature, purports to be over that agency head's signature, or purports to represent that agency head's views.

3. Ensure that information is accurate, timely, and regularly updated;

4. Provide for consideration of, and appropriate coordination with SOL regarding, applicable statutory and administrative requirements or guidelines, including, for example, the programmatic laws administered by the Department; the Privacy Act; the

Paperwork Reduction Act; the Unfunded Mandates Reform Act of 1995; the Freedom of Information Act; the Administrative Procedure Act; copyright, trademark and patent laws; civil rights laws; Federalism principles; ethics requirements; and Administration guidance regarding agency use of the Internet;

5. Provide for consideration of, and appropriate coordination with SOL regarding, the need for and content of disclaimers; and

6. Provide for ASP coordination of clearance by all relevant agencies (including, at a minimum, OPA, OASAM, OSEC, and SOL), of all new DOL web sites and related web pages (including new individual agency web sites and related web pages).

(2) In consultation with appropriate agencies and the Internet Management Group, developing:

(a) Cross-cutting, web-based applications; and

(b) Implementation guidelines, policies, and procedures for such web-based applications, in compliance with DOL IT architecture, in accordance with the IT capital planning and investment management process, and in conjunction with agencies.

(3) In consultation with appropriate agencies and the Internet Management Group, establishing policies and processes for the development, implementation, operation, expansion, and institutionalization of Departmental and individual agency web site content and services for application and presentation activities.

(4) Monitoring the implementation of DOL Public Web Site application and presentation services, including individual agency services, to assure the quality and timeliness of the content and adherence to DOL policies and standards; and preparing periodic status reports, including action items, for individual agency web sites.

(5) Coordinating Departmental Public Web Site application and presentation activities and functions with designated Agency Internet Coordinators and the Internet Management Group (see paragraph 6a(9)).

(6) As appropriate, providing input to the ASAM, the CIO, SOL, or other relevant agencies on Public Web Site content and services activities for the DOL Strategic Plan, the IT Strategic Plan, the DOL Performance Plan, Government Performance and Results Act reports, Congressional testimony, inquiries and other reports as necessary to ensure accuracy and consistency with Departmental goals and vision.

(7) In coordination with SOL and OSEC, reviewing Agency Public Web

Site Clearance Processes (see paragraph 6f(4)) for compliance with the Departmental Public Web Site Content Clearance Requirements established under paragraph 6a(1)(b) and, if the processes are compliant, approving them.

(8) In conjunction with OPA, and subject to the Departmental Public Web Site Content Clearance Process established under paragraph 6a(1)(a), maintaining and approving all information on the main DOL web pages;

(9) Establishing and chairing an Internet Management Group comprising designated Agency Internet Coordinators and designated policy-level representatives from SOL, OPA, and the CIO, chartered to promote Internet content coordination throughout the Department, communicate Departmental Internet policies to agencies, and explore and implement opportunities for improving the utility of the DOL Public Web Site.

(10) Developing, in consultation with the Internet Management Group (see paragraph 6a(9)), relevant policies and guidance for content of public Departmental and Agency Internet Services not involving the Public Web Site.

(11) In coordination with the CIO, defining a Departmental Internet Vision Statement.

(12) Preparing Annual Internet Status Reports for the CIO and the Secretary highlighting progress toward, and plans for, realizing the Department's Internet vision.

b. *The Chief Information Officer (CIO)* is assigned responsibility for:

(1) Consistent with Secretary's Order 1-2000 ("Authority and Responsibilities for Implementation of the Paperwork Reduction Act of 1995 (P.L. 104-13) and the Clinger-Cohen Act of 1996 (Information Technology Management Reform Act of 1996) (Division E of P.L. 104-106)," overseeing the technical aspects of Departmental Internet activities pursuant to the Clinger-Cohen Act, the Paperwork Reduction Act, and other applicable statutory or administrative mandates; and

(2) Designating a policy-level representative to serve on the Internet Management Group (see paragraph 6a(9)).

c. *The Assistant Secretary for Administration and Management* (ASAM) is responsible for assuring, through the Department's budget review process, that agencies have appropriate plans and budgetary commitment to support the continuing development, implementation, operation, and expansion of DOL Internet services. In

addition, the ASAM is assigned responsibility for:

(1) Providing for the production Internet environment for the DOL web site in accordance with the DOL IT Architecture.

(2) Developing and maintaining interoperability and interface procedures.

(3) Designating a policy-level representative to serve on the Internet Management Group (see paragraph 6a(9)).

d. *The Assistant Secretary for Public Affairs* is assigned responsibility for:

(1) In consultation with ASP, SOL and OSEC, establishing policy and standards to appropriately integrate DOL Public Web Site services into the public affairs operations of the Department;

(2) Ensuring that agency public affairs officers address issues related to the use of the DOL Public Web Site services in public affairs operations;

(3) Monitoring the quality and timeliness of public affairs information on individual agency web pages;

(4) In conjunction with ASP, and subject to the Departmental Public Web Site Content Clearance Process established under paragraph 6a(1)(a), maintaining and approving all information on the main DOL web pages; and

(5) Designating a policy-level representative to serve on the Internet Management Group (see paragraph 6a(9)).

e. *The Solicitor of Labor* is delegated authority and assigned responsibility for:

(1) Providing legal advice and counsel to the Department and agencies on all matters arising in the administration of this Order;

(2) Consulting with ASP and individual agencies in the design and implementation of the Departmental Public Web Site Content Clearance Requirements (see paragraph 6a(1)(b)); Departmental and Agency Public Web Site Content Clearance Processes (see paragraphs 6a(1)(a) and 6f(4)); web-based applications and related implementation guidelines, policies and procedures (see paragraph 6a(2)); and policy and process for Public Web Site content and services for application and presentation activities (see paragraph 6a(3));

(3) Consulting with OPA on the integration of DOL Public Web Site services into the public affairs operations of the Department; and

(4) Designating a policy-level representative to serve on the Internet Management Group (see paragraph 6a(9)).

f. *DOL Agency Heads* are delegated authority and assigned responsibility for developing, implementing, operating, and expanding their individual agency Internet services in accordance with DOL policy and standards, including the Departmental Public Web Site Content Clearance Requirements established under paragraph 6a(1). These responsibilities include, but are not limited to, the following:

(1) Developing individual agency visions and plans for Internet services to support current and future mission needs;

(2) Providing the resources and training necessary to develop, implement, operate, and expand individual agency Internet services;

(3) Designating Agency Internet Coordinators at the policy level to serve as points of contact on any Internet-related issue, and to serve as members of the Internet Management Group (see paragraph 6a(9));

(4) Developing, implementing and maintaining Agency Public Web Site Content Clearance Processes, which shall

(a) Accord with the Departmental Public Web Site Content Clearance Requirements established under paragraph 6a(1)(b) above;

(b) Be properly integrated with general Department and agency clearance processes; and

(c) Be reviewed and approved by ASP, OSEC and SOL.

(5) Ensuring quality control and full compliance with all Departmental Internet policies and processes; and

(6) Providing input to ASP concerning the Annual Internet Status Report and other Internet reports as necessary.

(7) Obtaining approval of all new web sites before making the sites available to the public in accordance with paragraph 6a(1)(b)(6).

(8) Ensuring that all grandfathered Public Web Site content is cleared consistently with the requirements of Paragraph 10b.

(9) The requirements of this section apply to all DOL Agency Heads, including (but not limited to) ASP, OASAM, the CIO, OPA and SOL.

7. *Reservation of Authority.* a. The submission of reports and recommendations to the President and Congress concerning the administration of statutory or administrative provisions is reserved to the Secretary.

b. This Secretary's Order does not affect the authorities or responsibilities of the Office of Inspector General under the Inspector General Act of 1978, as amended, or under Secretary's Order 2-90 (January 31, 1990).

8. *Transfer of Authority.* The Assistant Secretary for Policy may transfer the authority and responsibility set forth in paragraph 6a(10) to other agency heads, as appropriate.

9. *Effective Date.* This Order is effective immediately.

10. *Grandfather Clause.* a. Existing Departmental and Agency Public Web Site clearance requirements and processes shall continue in effect until the new requirements and processes created under paragraphs 6a(1) and 6f(4) (whichever applies) are established.

b. ASP shall provide a detailed plan, to be implemented within a timetable established by ASP, for assuring that all grandfathered Public Web Site content has been cleared consistent with the Departmental Public Web Site Content Clearance Process established under paragraph 6a(1)(a).

Dated: June 22, 2000.

**Alexis M. Herman,**  
*Secretary of Labor.*

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## DEPARTMENT OF LABOR

### Office of the Secretary

[Secretary's Order 1-2000]

#### **Authority and Responsibilities for Implementation of the Paperwork Reduction Act of 1995 (Pub. L. 104-13) and the Clinger-Cohen Act of 1996 (Information Technology Management Reform Act of 1996) (Division E of Pub. L. 104-106)**

1. *Purpose.* To delegate authority and assign responsibilities for implementation of the Paperwork Reduction Act of 1995 (PRA) and the Clinger-Cohen Act of 1996 (also known as the Information Technology (IT) Management Reform Act of 1996 (ITMRA)), and to formally establish within the Department of Labor (DOL) the position of Chief Information Officer (CIO), the Management Review Council (MRC), and a supporting Technical Review Board (TRB) of DOL Administrative Officers and Information Resource Managers.

2. *Background.* The PRA of 1995, as well as its predecessor Act of 1980, was enacted to reduce paperwork and enhance the economy and efficiency of the government and the private sector by improving Federal information policy making and management. The Act required agency heads to designate "senior officials" responsible for carrying out agency responsibilities. Section 5125 of the Clinger-Cohen Act

amended the PRA to (a) create the position of agency CIO and (b) assign all PRA duties previously assigned to agency "senior officials" to Federal agency CIOs. The Clinger-Cohen Act also requires the head of each executive agency, in fulfilling responsibilities under section 3506(h) of the PRA [44 U.S.C. 3506(h)], to "design and implement \* \* \* a process for maximizing the value and assessing and managing the risks of the information technology acquisitions of the executive agency." Under the Clinger-Cohen Act, an agency's CIO must have information resources management (IRM) duties as his or her primary duty. Consistent with the foregoing statutory requirements, this Order establishes the position of CIO and outlines the CIO's responsibilities under the Clinger-Cohen Act and the PRA.

In October, 1996, the Department established a Capital Planning and Investment Board (CPIB) as part of the Department's process under Clinger-Cohen. In April 1998, the Secretary established a Management Review Council (MRC) (also known as the Management Council) within the Department. In November, 1998, the MRC voted to establish a Technical Review Board (TRB). The initial TRB Charter was developed and approved in March 1999 with final adoption on April 12, 1999. The current charter is attached to this Order. (See Attachment 1.) The MRC, TRB, and the process established by this Order replace the CPIB.

#### 3. *Authority and Directives Affected.*

a. *Authority.* This Order is issued pursuant to sections 5122-5127 of the Clinger-Cohen Act [40 U.S.C. 1422-27]; section 3506 of the PRA [44 U.S.C. 3506]; section 11 of the Electronic Freedom of Information Act Amendments (E-FOIA) [5 U.S.C. 552(g)]; 5 U.S.C. 301; Reorganization Plan Number 6 (1950); and Executive Order 13011.

#### b. *Directives Affected.*

(1) Secretary's Order 4-81, which assigned responsibilities and delegated duties under the PRA of 1980, is hereby canceled.

(2) This Order does not affect Secretary's Order 4-76, which assigns procurement and contracting authority to the Assistant Secretary for Administration and Management.

(3) This Order does not affect Secretary's Order 9-89, which creates the Data Integrity Board.

(4) This Order does not affect Secretary's Order 1-92, and 1-97 which established responsibilities for implementation of the Chief Financial Officer's Act of 1990.