Appendix B: Memorandum for the Heads of Executive Departments and Agencies on Electronic Government

THE WHITE HOUSE

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MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Electronic Government

My Administration has put a wealth of information on-line. However, when it comes to most Federal services, it can still take a paper form and weeks of processing for something as simple as a change of address.

While Government agencies have created "one-stop-shopping" access to information on their agency web sites, these efforts have not uniformally been as helpful as they could be to the average citizen, who first has to know which agency provides the service he or she needs. There has not been sufficient effort to provide Government information by category of information and service - rather than by agency - in a way that meets people's needs.

Moreover, as public awareness and Internet usage increase, the demand for on-line Government interaction and simplified, standardized ways to access Government information and services becomes increasingly

important. At the same time, the public must have confidence that their on-line communications with the Government are secure and their privacy protected.

Therefore, to help our citizens gain one-stop access to existing Government information and services, and to provide better, more efficient, Government services and increased Government accountability to its citizens, I hereby direct the officials in this memorandum, in conjunction with the private sector as appropriate, to take the following actions:

1. The Administrator of General Services, in coordination with the National Partnership for Reinventing Government, the Chief Information Officers' Council, the Government Information Technology Services Board, and other appropriate agencies shall promote access to Government information organized not by agency, but by the type of service or information that people may be seeking; the data should be identified and organized in a way that makes it easier for the public to find the information it seeks.

2. The heads of executive departments and agencies (agencies) shall, to the maximum extent possible, make available on-line, by December 2000, the forms needed for the top 500 Government services used by the public. Under the Government Paperwork Elimination Act, where appropriate, by October 2003, transactions with the Federal Government should be available on-line for on-line processing of services. To achieve this goal, the Director of the Office of Management and Budget shall oversee agency development of

responsible strategies to make transactions available on-line.

3. The heads of agencies shall promote the use of electronic commerce, where appropriate, for faster, cheaper ordering on Federal procurements that will result in savings to the taxpayer.

4. The heads of agencies shall continue to build good privacy practices into their web sites by posting privacy policies as directed by the Director of the Office of Management and Budget and by adopting and implementing information policies to protect children's information on web sites that are directed at children.

5. The head of each agency shall permit greater access to its officials by creating a public electronic mail address through which citizens can contact the agency with questions, comments, or concerns. The heads of each agency shall also provide disability access on Federal web sites.

6. The Director of the National Science Foundation, working with appropriate Federal agencies, shall conduct a 1-year study examining the feasibility of on-line voting.

7. The Secretaries of Health and Human Services, Education, Veterans Affairs, and Agriculture, the Commissioner of Social Security, and the Director of the Federal Emergency Management Agency, working closely with other Federal agencies that provide benefit assistance to citizens, shall make a broad range of benefits and services available though private and secure electronic use of the Internet.

8. The Administrator of General Services, in coordination with the Secretary of the Treasury, the Secretary of Commerce, the Government Information Technology Services Board, the National Partnership for Reinventing Government, and other appropriate agencies and organizations, shall assist agencies in the development of private, secure, and effective communication across agencies and with the public, through the use of public key technology. In light of this goal, agencies are encouraged to issue, in coordination with the General Services Administration, a Government-wide minimum of 100,000 digital signature certificates by December 2000.

9. The heads of agencies shall develop a strategy for upgrading their respective agency's capacity for using the Internet to become more open, efficient, and responsive, and to more effectively carry out the agency's mission. At a minimum, this strategy should involve:

(a) expanded training of Federal employees, including employees with policy and senior management responsibility;

(b) identification and adoption of "best practices" implemented by leading public and private sector organizations;

(c) recognition for Federal employees who suggest new and innovative agency applications of the Internet;

(d) partnerships with the research community for experimentation

with advanced applications; and

(e) mechanisms for collecting input from the agency's stakeholders regarding agency use of the Internet.

10. Items 1-8 of this memorandum and my July 1, 1997, and November 30, 1998, memoranda shall be conducted subject to the availability of appropriations and consistent with agencies' priorities and my budget, and to the extent permitted by law.

11. The Vice President shall continue his leadership in coordinating the United States Government's electronic commerce strategy. Further, I direct that the heads of executive departments and agencies report to the Vice President and to me on their progress in meeting the terms of this memorandum, through the Electronic Commerce Working Group in its annual report.

WILLIAM J. CLINTON

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Appendix C: Circular A-130

MEMORANDUM FOR HEADS OF EXECUTIVE DEPARTMENTS AND ESTABLISHMENTS

SUBJECT: Management of Federal Information Resources

1. Purpose
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1. Purpose: This Circular establishes policy for the management of Federal information resources. Procedural and analytic guidelines for implementing specific aspects of these policies are included as appendices.

2. Rescissions: This Circular rescinds OMB Circulars No. A-3, A-71, A-90, A-108, A-114, and A-121, and all Transmittal Memoranda to those circulars.

3. Authorities: This Circular is issued pursuant to the Paperwork Reduction Act (PRA) of 1980, as amended by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35); the Privacy Act, as amended (5 U.S.C. 552a); the Chief Financial Officers Act (31 U.S.C. 3512 et seq.); the Federal Property and Administrative Services Act, as amended (40 U.S.C. 759 and 487); the Computer Security Act (40 U.S.C. 759 note); the Budget and Accounting Act, as amended (31 U.S.C. Chapter 11); Executive Order No. 12046 of March 27, 1978; and Executive Order No. 12472 of April 3, 1984.

4. Applicability and Scope:

a. The policies in this Circular apply to the information activities of all agencies of the executive branch of the Federal government.

b. Information classified for national security purposes should also be handled in accordance with the appropriate national security directives. National security emergency preparedness activities should be conducted in accordance with Executive Order No. 12472.

5. Background: The Paperwork Reduction Act establishes a broad mandate for agencies to perform their information resources management activities in an efficient, effective, and economical manner. To assist agencies in an integrated approach to information resources

management, the Act requires that the Director of OMB develop and implement uniform and consistent information resources management policies; oversee the development and promote the use of information management principles, standards, and guidelines; evaluate agency information resources management practices in order to determine their adequacy and efficiency; and determine compliance of such practices with the policies, principles, standards, and guidelines promulgated by the Director.

6. Definitions:

a. The term "agency" means any executive department, military department, government corporation, government controlled corporation, or other establishment in the executive branch of the Federal government, or any independent regulatory agency. Within the Executive Office of the President, the term includes only OMB and the Office of Administration.

b. The term "audiovisual production" means a unified presentation, developed according to a plan or script, containing visual imagery, sound or both, and used to convey information.

c. The term "dissemination" means the government initiated distribution of information to the public. Not considered dissemination within the meaning of this Circular is distribution limited to government employees or agency contractors or grantees, intra- or inter-agency use or sharing of government information, and responses to requests for agency records under the Freedom of Information Act (5 U.S.C. 552) or Privacy Act.

d. The term "full costs," when applied to the expenses incurred in the operation of an information processing service organization (IPSO), is comprised of all direct, indirect, general, and administrative costs incurred in the operation of an IPSO. These costs include, but are not limited to, personnel, equipment, software, supplies, contracted services from private sector providers, space occupancy, intra-agency services from within the agency, inter-agency services from other Federal agencies, other services that are provided by State and local governments, and Judicial and Legislative branch organizations.

e. The term "government information" means information created, collected, processed, disseminated, or disposed of by or for the Federal Government.

f. The term "government publication" means information which is published as an individual document at government expense, or as required by law. (44 U.S.C. 1901)

g. The term "information" means any communication or representation of knowledge such as facts, data, or opinions in any medium or form, including textual, numerical, graphic, cartographic, narrative, or audiovisual forms.

h. The term "information dissemination product" means any book, paper, map, machine-readable material, audiovisual production, or other documentary material, regardless of physical form or characteristic, disseminated by an agency to the public.

i. The term "information life cycle" means the stages through which information passes, typically characterized as creation or collection, processing, dissemination, use, storage, and disposition.

j. The term "information management" means the planning, budgeting, manipulating, and controlling of information throughout its life cycle.

k. The term "information resources" includes both government information and information technology.

l. The term "information processing services organization" (IPSO) means a discrete set of personnel, information technology, and support equipment with the primary function of providing services to more than one agency on a reimbursable basis.

m. The term "information resources management" means the process of managing information resources to accomplish agency missions. The term encompasses both information itself and the related resources, such as personnel, equipment, funds, and information technology.

n. The term "information system" means a discrete set of information resources organized for the collection, processing, maintenance, transmission, and dissemination of information, in accordance with defined procedures, whether automated or manual.

o. The term "information system life cycle" means the phases through which an information system passes, typically characterized as initiation, development, operation, and termination.

p. The term "information technology" means the hardware and software operated by a Federal agency or by a contractor of a Federal agency or other organization that processes information on behalf of the Federal government to accomplish a Federal function, regardless of the technology involved, whether computers, telecommunications, or others. It includes automatic data processing equipment as that term is defined in Section 111(a)(2) of the Federal Property and Administrative Services Act of 1949. For the purposes of this Circular, automatic data processing and telecommunications activities related to certain critical national security missions, as defined in 44 U.S.C. 3502(2) and 10 U.S.C. 2315, are excluded.

q. The term "major information system" means an information system that requires special management attention because of its importance to an agency mission; its high development, operating, or maintenance costs; or its significant role in the administration of agency programs, finances, property, or other resources.

r. The term "records" means all books, papers, maps, photographs, machine-readable materials, or other documentary materials, regardless of physical form or characteristics, made or received by an agency of the United States Government under Federal law or in connection with the transaction of public business and preserved or appropriate for preservation by that agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations, or other activities of the government or because of the informational value of the data in them. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included. (44 U.S.C. 3301)

s. The term "records management" means the planning, controlling, directing, organizing, training, promoting, and other managerial activities involved with respect to records creation, records maintenance and use, and records disposition in order to achieve adequate and proper documentation of the policies and transactions of the Federal Government and effective and economical management of agency operations. (44 U.S.C. 2901(2))

t. The term "service recipient" means an agency organizational unit, programmatic entity, or chargeable account that receives information processing services from an information processing service organization (IPSO). A service recipient may be either internal or external to the organization responsible for providing information resources services, but normally does not report either to the manager or director of the IPSO or to the same immediate supervisor.

7. Basic Considerations and Assumptions:

a. The Federal Government is the largest single producer, collector, consumer, and disseminator of information in the United States. Because of the extent of the government's information activities, and the dependence of those activities upon public cooperation, the management of Federal information resources is an issue of continuing importance to all Federal agencies, State and local governments, and the public.

b. Government information is a valuable national resource. It provides the public with knowledge of the government, society, and economy – past, present, and future. It is a means to ensure the accountability of government, to manage the government's operations, to maintain the healthy performance of the economy, and is itself a commodity in the marketplace.

c. The free flow of information between the government and the public is essential to a democratic society. It is also essential that the government minimize the Federal paperwork burden on the public, minimize the cost of its information activities, and maximize the usefulness of government information.

d. In order to minimize the cost and maximize the usefulness of government information, the expected public and private benefits derived from government information should exceed the public and private costs of the information, recognizing that the benefits to be derived from government information may not always be quantifiable.

e. The nation can benefit from government information disseminated both by Federal agencies and by diverse nonfederal parties, including State and local government agencies, educational and other not-for-profit institutions, and for-profit organizations.

f. Because the public disclosure of government information is essential to the operation of a democracy, the management of Federal information resources should protect the public's right of access to government information.

g. The individual's right to privacy must be protected in Federal Government information activities involving personal information.

h. Systematic attention to the management of government records is an essential component of sound public resources management which ensures public accountability. Together with records preservation, it protects the government's historical record and guards the legal and financial rights of the government and the public.

i. Agency strategic planning can improve the operation of government programs. The application of information resources should support an agency's strategic plan to fulfill its mission. The integration of IRM planning with agency strategic planning promotes the appropriate application of Federal information resources.

j. Because State and local governments are important producers of government information for many areas such as health, social welfare, labor, transportation, and education, the Federal Government must cooperate with these governments in the management of information resources.

k. The open and efficient exchange of scientific and technical government information, subject to applicable national security controls and the proprietary rights of others, fosters excellence in scientific research and effective use of Federal research and development funds.

l. Information technology is not an end in itself. It is one set of resources that can improve the effectiveness and efficiency of Federal program delivery.

m. Federal Government information resources management policies and activities can affect, and be affected by, the information policies and activities of other nations.

n. Users of Federal information resources must have skills, knowledge, and training to manage information resources, enabling the Federal government to effectively serve the public through automated means.

o. The application of up-to-date information technology presents opportunities to promote fundamental changes in agency structures, work processes, and ways of interacting with the public that improve the effectiveness and efficiency of Federal agencies.

p. The availability of government information in diverse media, including electronic formats, permits agencies and the public greater flexibility in using the information.

q. Federal managers with program delivery responsibilities should recognize the importance of information resources management to mission performance.

8. Policy:

a. Information Management Policy

1. Information Management Planning. Agencies shall plan in an integrated manner for managing information throughout its life cycle. Agencies shall:

   (a) Consider, at each stage of the information life cycle, the effects of decisions and actions on other stages of the life cycle, particularly those concerning information dissemination;

   (b) Consider the effects of their actions on members of the public and ensure consultation with the public as appropriate;

   (c) Consider the effects of their actions on State and local governments and ensure consultation with those governments as appropriate;

   (d) 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;

   (e) Integrate planning for information systems with plans for resource allocation and use, including budgeting, acquisition, and use of information technology;

(f) Train personnel in skills appropriate to management of information;

(g) Protect government information commensurate with the risk and magnitude of harm that could result from the loss, misuse, or unauthorized access to or modification of such information;

(h) Use voluntary standards and Federal Information Processing Standards where appropriate or required;

(i) Consider the effects of their actions on the privacy rights of individuals, and ensure that appropriate legal and technical safeguards are implemented;

(j) Record, preserve, and make accessible sufficient information to ensure the management and accountability of agency programs, and to protect the legal and financial rights of the Federal Government;

(k) Incorporate records management and archival functions into the design, development, and implementation of information systems;

1. Provide for public access to records where required or appropriate.

2. Information Collection. Agencies shall collect or create only that information necessary for the proper performance of agency functions and which has practical utility.

3. Electronic Information Collection. Agencies shall use electronic collection techniques where such techniques reduce burden on the public, increase efficiency of government programs, reduce costs to the government and the public, and/or provide better service to the public. Conditions favorable to electronic collection include:

   (a) The information collection seeks a large volume of data and/or reaches a large proportion of the public;

   (b) The information collection recurs frequently;

   (c) The structure, format, and/or definition of the information sought by the information collection does not change significantly over several years;

   (d) The agency routinely converts the information collected to electronic format;

   (e) A substantial number of the affected public are known to have ready access to the necessary information technology and to maintain the information in electronic form;

   (f) Conversion to electronic reporting, if mandatory, will not impose substantial costs or other adverse effects on the public, especially State and local governments and small business entities.

4. Records Management. Agencies shall:

   (a) Ensure that records management programs provide adequate and proper documentation of agency activities;

   (b) Ensure the ability to access records regardless of form or medium;

   (c) In a timely fashion, establish, and obtain the approval of the Archivist of the United States for, retention schedules for Federal records; and

   (d) Provide training and guidance as appropriate to all agency officials and employees and contractors regarding their Federal records management responsibilities.

5. Providing Information to the Public. Agencies have a responsibility to provide information to the public consistent with their missions. Agencies shall discharge this responsibility by:

   (a) Providing information, as required by law, describing agency organization, activities, programs, meetings, systems of records, and other information holdings, and how the public may gain access to agency information resources;

   (b) Providing access to agency records under provisions of the Freedom of Information Act and the Privacy Act, subject to the protections and limitations provided for in these Acts;

   (c) Providing such other information as is necessary or appropriate for the proper performance of agency functions; and

   (d) In determining whether and how to disseminate information to the public, agencies shall:

      (i) Disseminate information in a manner that achieves the best balance between the goals of maximizing the usefulness of the information and minimizing the cost to the government and the public;

      (ii) Disseminate information dissemination products on equitable and timely terms;

      (iii)Take advantage of all dissemination channels, Federal and nonfederal, including State and local governments, libraries and private sector entities, in discharging agency information dissemination responsibilities;

(iv) Help the public locate government information maintained by or for the agency.

6. Information Dissemination Management System. Agencies shall maintain and implement a management system for all information dissemination products which shall, at a minimum:

   (a) Assure that information dissemination products are necessary for proper performance of agency functions (44 U.S.C. 1108);

   (b) Consider whether an information dissemination product available from other Federal or nonfederal sources is equivalent to an agency information dissemination product and reasonably fulfills the dissemination responsibilities of the agency;

   (c) Establish and maintain inventories of all agency information dissemination products;

   (d) Develop such other aids to locating agency information dissemination products including catalogs and directories, as may reasonably achieve agency information dissemination objectives;

   (e) Identify in information dissemination products the source of the information, if from another agency;

   (f) Ensure that members of the public with disabilities whom the agency has a responsibility to inform have a reasonable ability to access the information dissemination products;

   (g) Ensure that government publications are made available to depository libraries through the facilities of the Government Printing Office, as required by law (44 U.S.C. Part 19);

   (h) Provide electronic information dissemination products to the Government Printing Office for distribution to depository libraries;

   (i) Establish and maintain communications with members of the public and with State and local governments so that the agency creates information dissemination products that meet their respective needs;

   (j) Provide adequate notice when initiating, substantially modifying, or terminating significant information dissemination products; and

   (k) Ensure that, to the extent existing information dissemination policies or practices are inconsistent with the requirements of this Circular, a prompt and orderly transition to compliance with the requirements of this Circular is made.

7. Avoiding Improperly Restrictive Practices. Agencies shall:

(a) Avoid establishing, or permitting others to establish on their behalf, exclusive, restricted, or other distribution arrangements that interfere with the availability of information dissemination products on a timely and equitable basis;

(b) Avoid establishing restrictions or regulations, including the charging of fees or royalties, on the reuse, resale, or redissemination of Federal information dissemination products by the public; and,

(c) Set user charges for information dissemination products at a level sufficient to recover the cost of dissemination but no higher. They shall exclude from calculation of the charges costs associated with original collection and processing of the information. Exceptions to this policy are:

i. Where statutory requirements are at variance with the policy;

ii. Where the agency collects, processes, and disseminates the information for the benefit of a specific identifiable group beyond the benefit to the general public;

iii. Where the agency plans to establish user charges at less than cost of dissemination because of a determination that higher charges would constitute a significant barrier to properly performing the agency's functions, including reaching members of the public whom the agency has a responsibility to inform; or

iv. Where the Director of OMB determines an exception is warranted.

8. Electronic Information Dissemination. Agencies shall use electronic media and formats, including public networks, as appropriate and within budgetary constraints, in order to make government information more easily accessible and useful to the public. The use of electronic media and formats for information dissemination is appropriate under the following conditions:

(a) The agency develops and maintains the information electronically;

(b) Electronic media or formats are practical and cost effective ways to provide public access to a large, highly detailed volume of information;

(c) The agency disseminates the product frequently;

(d) The agency knows a substantial portion of users have ready access to the necessary information technology and training to use electronic information dissemination products;

(e) A change to electronic dissemination, as the sole means of disseminating the product, will not impose substantial acquisition or training costs on users, especially State and local governments and small business entities.

9. Safeguards. Agencies shall:

(a) Ensure that information is protected commensurate with the risk and magnitude of the harm that would result from the loss, misuse, or unauthorized access to or modification of such information;

(b) Limit the collection of information which identifies individuals to that which is legally authorized and necessary for the proper performance of agency functions;

(c) Limit the sharing of information that identifies individuals or contains proprietary information to that which is legally authorized, and impose appropriate conditions on use where a continuing obligation to ensure the confidentiality of the information exists;

(d) Provide individuals, upon request, access to records about them maintained in Privacy Act systems of records, and permit them to amend such records as are in error consistent with the provisions of the Privacy Act.

b. Information Systems and Information Technology Management

1. Evaluation and Performance Measurement. Agencies shall promote the appropriate application of Federal information resources as follows:

(a) Seek opportunities to improve the effectiveness and efficiency of government programs through work process redesign and the judicious application of information technology;

(b) Prepare, and update as necessary throughout the information system life cycle, a benefit-cost analysis for each information system:

i. at a level of detail appropriate to the size of the investment;

ii. consistent with the methodology described in OMB Circular No. A-94, "Guidelines and Discount Rates for Benefit-Cost Analysis of Federal Programs;" and

iii. that relies on systematic measures of mission performance, including the:

(a) effectiveness of program delivery; (b) efficiency of program administration; and (c) reduction in burden, including information collection burden, imposed on the public;

(c) Conduct benefit-cost analyses to support ongoing management oversight processes that maximize return on investment and minimize financial and operational risk for investments in major information systems on an agency-wide basis; and

(d) Conduct post-implementation reviews of information systems to validate estimated benefits and document effective management practices for broader use.

2. Strategic Information Resources Management (IRM) Planning. Agencies shall establish and maintain strategic information resources management planning processes which include the following components:

(a) Strategic IRM planning that addresses how the management of information resources promotes the fulfillment of an agency's mission. This planning process should support the development and maintenance of a strategic IRM plan that reflects and anticipates changes in the agency's mission, policy direction, technological capabilities, or resource levels;

(b) Information planning that promotes the use of information throughout its life cycle to maximize the usefulness of information, minimize the burden on the public, and preserve the appropriate integrity, availability, and confidentiality of information. It shall specifically address the planning and budgeting for the information collection burden imposed on the public as defined by 5 C.F.R. 1320;

(c) Operational information technology planning that links information technology to anticipated program and mission needs, reflects budget constraints, and forms the basis for budget requests. This planning should result in the preparation and maintenance of an up-to-date five-year plan, as required by 44 U.S.C. 3506, which includes:

i. a listing of existing and planned major information systems;

ii. a listing of planned information technology acquisitions;

iii. an explanation of how the listed major information systems and planned information technology acquisitions relate to each other and support the achievement of the agency's mission; and

iv. a summary of computer security planning, as required by Section 6 of the Computer Security Act of 1987 (40 U.S.C. 759 note); and

(d) Coordination with other agency planning processes including strategic, human resources, and financial resources.

3. Information Systems Management Oversight. Agencies shall establish information system management oversight mechanisms that:

(a) Ensure that each information system meets agency mission requirements;

(b) Provide for periodic review of information systems to determine:

i. how mission requirements might have changed;

ii. whether the information system continues to fulfill ongoing and anticipated mission requirements; and

iii. what level of maintenance is needed to ensure the information system meets mission requirements cost effectively;

(c) Ensure that the official who administers a program supported by an information system is responsible and accountable for the management of that information system throughout its life cycle;

(d) Provide for the appropriate training for users of Federal information resources;

(e) Prescribe Federal information system requirements that do not unduly restrict the prerogatives of State, local, and tribal governments;

(f) Ensure that major information systems proceed in a timely fashion towards agreed-upon milestones in an information system life cycle, meet user requirements, and deliver intended benefits to the agency and affected publics through coordinated decision making about the information, human, financial, and other supporting resources; and

(g) Ensure that financial management systems conform to the requirements of OMB Circular No. A-127, "Financial Management Systems."

4. Use of Information Resources. Agencies shall create and maintain management and technical frameworks for using information resources that document linkages between mission needs, information content, and information technology capabilities. These frameworks should guide both strategic and operational IRM planning. They should also address steps necessary to create an open systems environment. Agencies shall implement the following principles:

(a) Develop information systems in a manner that facilitates necessary interoperability, application portability, and scalability of computerized applications across networks of heterogeneous hardware, software, and communications platforms;

(b) Ensure that improvements to existing information systems and the development of planned information systems do not unnecessarily duplicate information systems available within the same agency, from other agencies, or from the private sector;

(c) Share available information systems with other agencies to the extent practicable and legally permissible;

(d) Meet information technology needs through intra-agency and inter-agency sharing, when it is cost effective, before acquiring new information technology resources;

(e) For Information Processing Service Organizations (IPSOs) that have costs in excess of $5 million per year, agencies shall:

i. account for the full costs of operating all IPSOs;

ii. recover the costs incurred for providing IPSO services to all service recipients on an equitable basis commensurate with the costs required to provide those services; and

iii. document sharing agreements between service recipients and IPSOs; and

(f) Establish a level of security for all information systems that is commensurate with the risk and magnitude of the harm resulting from the loss, misuse, or unauthorized access to or modification of the information contained in these information systems.

5. Acquisition of Information Technology. Agencies shall:

(a) Acquire information technology in a manner that makes use of full and open competition and that maximizes return on investment;

(b) Acquire off-the-shelf software from commercial sources, unless the cost effectiveness of developing custom software to meet mission needs is clear and has been documented;

(c) Acquire information technology in accordance with OMB Circular No. A-109, "Acquisition of Major Systems," where appropriate; and

(d) Acquire information technology in a manner that considers the need for accommodations of accessibility for individuals with disabilities to the extent that needs for such access exist.

9. Assignment of Responsibilities:

a. All Federal Agencies. The head of each agency shall:

1. Have primary responsibility for managing agency information resources;

2. Ensure that the information policies, principles, standards, guidelines, rules, and regulations prescribed by OMB are implemented appropriately within the agency;

3. Develop internal agency information policies and procedures and oversee, evaluate, and otherwise periodically review agency information resources management activities for conformity with the policies set forth in this Circular;

4. Develop agency policies and procedures that provide for timely acquisition of required information technology;

5. Maintain an inventory of the agencies' major information systems, holdings and information dissemination products, as required by 44 U.S.C. 3511.

6. Implement and enforce applicable records management policies and procedures, including requirements for archiving information maintained in electronic format, particularly in the planning, design and operation of information systems.

7. Identify to the Director, OMB, statutory, regulatory, and other impediments to efficient management of Federal information resources and recommend to the Director legislation, policies, procedures, and other guidance to improve such management;

8. Assist OMB in the performance of its functions under the PRA including making services, personnel, and facilities available to OMB for this purpose to the extent practicable;

9. Appoint a senior official, as required by 44 U.S.C. 3506(a), who shall report directly to the agency head to carry out the responsibilities of the agency under the PRA. The head of the agency shall keep the Director, OMB, advised as to the name, title, authority, responsibilities, and organizational resources of the senior official. For purposes of this paragraph, military departments and the Office of the Secretary of Defense may each appoint one official.

10. Direct the senior official appointed pursuant to 44 U.S.C. 3506(a) to monitor agency compliance with the policies, procedures, and guidance in this Circular. Acting as an ombudsman, the senior official shall consider alleged instances of agency failure to comply with this Circular and recommend or take corrective action as appropriate. The senior official shall report annually, not later than February 1st of each year, to the Director those instances of alleged failure to comply with this Circular and their resolution.

b. Department of State. The Secretary of State shall:

1. Advise the Director, OMB, on the development of United States positions and policies on international information policy issues affecting Federal Government information activities and ensure that such positions and policies are consistent with Federal information resources management policy;

2. Ensure, in consultation with the Secretary of Commerce, that the United States is represented in the development of international information technology standards, and advise the Director, OMB, of such activities.

c. Department of Commerce. The Secretary of Commerce shall:

1. Develop and issue Federal Information Processing Standards and guidelines necessary to ensure the efficient and effective acquisition, management, security, and use of information technology;

2. Advise the Director, OMB, on the development of policies relating to the procurement and management of Federal telecommunications resources;

3. Provide OMB and the agencies with scientific and technical advisory services relating to the development and use of information technology;

4. Conduct studies and evaluations concerning telecommunications technology, and concerning the improvement, expansion, testing, operation, and use of Federal telecommunications systems and advise the Director, OMB, and appropriate agencies of the recommendations that result from such studies;

5. Develop, in consultation with the Secretary of State and the Director of OMB, plans, policies, and programs relating to international telecommunications issues affecting government information activities;

6. Identify needs for standardization of telecommunications and information processing technology, and develop standards, in consultation with the Secretary of Defense and the Administrator of General Services, to ensure efficient application of such technology;

7. Ensure that the Federal Government is represented in the development of national and, in consultation with the Secretary of State, international information technology standards, and advise the Director, OMB, of such activities.

d. Department of Defense. The Secretary of Defense shall develop, in consultation with the Administrator of General Services, uniform Federal telecommunications standards and guidelines to ensure national security, emergency preparedness, and continuity of government.

e. General Services Administration. The Administrator of General Services shall:

1. Advise the Director, OMB, and agency heads on matters affecting the procurement of information technology;

2. Coordinate and, when required, provide for the purchase, lease, and maintenance of information technology required by Federal agencies;

3. Develop criteria for timely procurement of information technology and delegate procurement authority to agencies that comply with the criteria;

4. Provide guidelines and regulations for Federal agencies, as authorized by law, on the acquisition, maintenance, and disposition of information technology, and for implementation of Federal Information Processing Standards;

5. Develop policies and guidelines that facilitate the sharing of information technology among agencies as required by this Circular;

6. Manage the Information Technology Fund in accordance with the Federal Property and Administrative Services Act as amended;

f. Office of Personnel Management. The Director, Office of Personnel Management, shall:

1. Develop and conduct training programs for Federal personnel on information resources management including end-user computing;

2. Evaluate periodically future personnel management and staffing requirements for Federal information resources management;

3. Establish personnel security policies and develop training programs for Federal personnel associated with the design, operation, or maintenance of information systems.

g. National Archives and Records Administration. The Archivist of the United States shall:

1. Administer the Federal records management program in accordance with the National Archives and Records Act;

2. Assist the Director, OMB, in developing standards and guidelines relating to the records management program.

h. Office of Management and Budget. The Director of the Office of Management and Budget shall:

1. Provide overall leadership and coordination of Federal information resources management within the executive branch;

2. Serve as the President's principal adviser on procurement and management of Federal telecommunications systems, and develop and establish policies for procurement and management of such systems;

3. Issue policies, procedures, and guidelines to assist agencies in achieving integrated, effective, and efficient information resources management;

4. Initiate and review proposals for changes in legislation, regulations, and agency procedures to improve Federal information resources management;

5. Review and approve or disapprove agency proposals for collection of information from the public, as defined by 5 CFR 1320.3;

6. Develop and maintain a Government-wide strategic plan for information resources management.

7. Evaluate agencies' information resources management and identify cross-cutting information policy issues through the review of agency information programs, information collection budgets, information technology acquisition plans, fiscal budgets, and by other means;

8. Provide policy oversight for the Federal records management function conducted by the National Archives and Records Administration, coordinate records management policies and programs with other information activities, and review compliance by agencies with records management requirements;

9. Review agencies' policies, practices, and programs pertaining to the security, protection, sharing, and disclosure of information, in order to ensure compliance, with respect to privacy and security, with the Privacy Act, the Freedom of Information Act, the Computer Security Act and related statutes;

10. Resolve information technology procurement disputes between agencies and the General Services Administration pursuant to Section 111 of the Federal Property and Administrative Services Act;

11. Review proposed U.S. Government Position and Policy statements on international issues affecting Federal Government information activities and advise the Secretary of State as to their consistency with Federal information resources management policy.

12. Coordinate the development and review by the Office of Information and Regulatory Affairs of policy associated with Federal procurement and acquisition of information technology with the Office of Federal Procurement Policy.

10. Oversight:

a. The Director, OMB, will use information technology planning reviews, fiscal budget reviews, information collection budget reviews, management reviews, and such other measures as the Director deems necessary to evaluate the adequacy and efficiency of each agency's information resources management and compliance with this Circular.

b. The Director, OMB, may, consistent with statute and upon written request of an agency, grant a waiver from particular requirements of this Circular. Requests for waivers must detail the reasons why a particular waiver is sought, identify the duration of the waiver sought, and include a plan for the prompt and orderly transition to full compliance with the requirements of this Circular. Notice of each waiver request shall be published promptly by the agency in the Federal Register, with a copy of the waiver request made available to the public on request.

11. Effectiveness: This Circular is effective upon issuance. Nothing in this Circular shall be construed to confer a private right of action on any person.

12. Inquiries: All questions or inquiries should be addressed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, D.C. 20503. Telephone: (202) 395-3785.

13. Sunset Review Date: OMB will review this Circular three years from the date of issuance to ascertain its effectiveness.