

Appendix A. Legal Regulatory Authorities

The Federal Government must effectively manage its portfolio of capital assets to ensure scarce public resources are wisely invested. Capital programming integrates the planning, acquisition, and management of capital assets into the Budget decision-making process. It is intended to assist Agencies in improving asset management and in complying with the results-oriented requirements of:

- The Federal Information Technology Acquisition Reform (FITARA) is Title VIII Subtitle D Sections 831-837 of H.R.3979 - Carl Levin and Howard P. "Buck" McKeon National Defense Authorization Act for Fiscal Year 2015 available at <https://www.congress.gov/bill/113th-congress/house-bill/3979/text> (P.L. 113-291).
- The Clinger-Cohen Act of 1996, which requires Agencies to use a disciplined CPIC process to acquire, use, maintain, and dispose of IT in alignment with the Agency's EA planning processes. OMB policy for the management of Federal information resources is detailed in [Circular No. A-130 \(P.L. 104-106\)](#), Management of Federal Information Resources.
- The Government Performance and Results Act (GPRA) of 1993, which establishes the foundation for Budget decision making to achieve strategic objectives in order to meet Agency mission objectives. Instructions for preparing strategic plans, annual performance plans, and annual program performance reports are provided in Part 6 of [OMB Circular No. A-11, Section 220 \(P.L. 103-62\)](#).
- The [GPRA Modernization Act of 2010 \(P.L. 111-352\)](#), which requires quarterly performance assessments of Federal Government priorities and establishes Agency Performance Improvement Officers and the Performance Improvement Council.
- The Federal Managers Financial Integrity Act of 1982 (P.L. 97-255), Chief Financial Officers Act of 1990 (CFO Act) (P.L. 101-576), and Federal Financial Management Improvement Act of 1996 (P.L. 104-208), which require accountability of financial and program managers for financial results of actions taken, control over the Federal Government's financial resources, and protection of Federal assets. OMB policies and standards for developing, operating, evaluating, and reporting on financial management systems are contained in [Circular No. A-127, Financial Management Systems](#) and [OMB Circular No. A-11, Section 52](#).
- The Paperwork Reduction Act of 1995 (P.L. 96-511), which requires Agencies to perform their information resources management activities in an efficient, effective, and economical manner.
- The [Federal Information Security Management Act \(FISMA\) of 2002 \(P.L. 107-347\)](#), which requires Agencies to integrate IT security into their capital planning and EA processes, conduct annual IT security reviews of all programs and systems, and report the results of those reviews to OMB.
- The [E-Government Act of 2002 \(P.L. 107-347\)](#), which requires Agencies to support Government-wide E-Government (E-Gov) initiatives and to leverage cross-Agency opportunities to further E-Gov. The Act also requires Agencies to establish a process for determining which government information the Agency intends to make available and accessible to the public on the Internet and by other means. In addition, the Act requires Agencies to conduct and make publicly available privacy impact assessments (PIAs) for all new IT Investments, administering information in an identifiable form collected from or about members of the public.

- The National Technology Transfer and Advancement Act of 1995 (P.L. 104-113) and [OMB Circular No. A-119](#), which state that voluntary consensus standards are the preferred type of standards for Federal Government use. When it would be inconsistent with law or otherwise impractical to use a voluntary consensus standard, Agencies must submit a report to OMB through NIST describing the reason(s) for the Agency's use of government-unique standards in lieu of voluntary consensus standards.
- The Federal Records Act (44 U.S.C. Chapters 21, 29, 31, and 33), which requires Agencies to establish standards and procedures to ensure efficient and effective records management. The National Archives and Records Administration (NARA) issues policies and guidance for Agencies to meet their records management goals and requirements. NARA also provides policies and guidance for planning and evaluating Investments in electronic records management.
- The Privacy Act of 1974 (5 U.S.C. § 552a), which is an omnibus "code of fair information practices" that attempts to regulate the collection, maintenance, use, and dissemination of personal information by Federal executive branch Agencies.
- [NIST Special Publication 800-146](#) concepts and definitions regarding cloud computing.
- Recent OMB IT policies and guidance, including:
 - [Federal Information Technology Shared Services Strategy](#)
 - [The Common Approach to Federal Enterprise Architecture](#)
 - [Contracting Guidance to Support Modular Development](#)
 - [The Federal Cloud Computing Strategy](#)
 - [Digital Government Strategy: Building a 21st Century Platform to Better Serve the American People](#)
 - [Security Authorization of Information Systems in Cloud Computing Environments \(FedRAMP\)](#)
 - [National Strategy for Information Sharing and Safeguarding](#)
 - [OMB memo M-11-29 – Chief Information Officer Authorities](#)
 - [OMB memo M-13-08 – Improving Financial Systems Through Shared Services](#)
 - [OMB memo M-13-09 – Fiscal Year 2013 PortfolioStat Guidance: Strengthening Federal IT Portfolio Management](#)
 - [OMB memo M-13-13 – Open Data Policy-Managing Information as an Asset](#)
 - [OMB memo M-13-14 – Fiscal Year 2016 Budget Guidance](#)
 - [OMB memo M-14-03 – Enhancing the Security of Federal Information and Information Systems](#)
 - [OMB memo M-14-08 – Fiscal Year 2015 PortfolioStat](#)
 - [OMB memo M-15-14 – Management and Oversight of Federal Information Technology](#)
 - [OMB memo M-16-11 – Improving Administrative Functions Through Shared Services](#)
- [Executive Order 13514, Federal Leadership in Environmental, Energy, and Economic Performance](#)

- [Executive Order 13423, Strengthening Federal Environmental, Energy, and Transportation Management](#)
- [Executive Order 13642, Making Open and Machine Readable the New Default for Government Information, May 9, 2013](#)
- [Executive Order 13587, Structural Reforms to Improve the Security of Classified Networks and the Responsible Sharing and Safeguarding of Classified Information](#)
- Federal Acquisition Regulation, including subchapter B, parts 5 through 12 and part 23
- Federal Management Regulation, including subchapters B and C
- Energy Independence and Security Act of 2007 (P.L. 110-140), including sections 431 through 435 and 523 through 525
- Energy and Policy Act of 2005 (P.L. 109-58), including sections 103, 104, 109, and 203