

DEPARTMENT OF LABOR

Office of the Secretary

Secretary's Order 3–2003; Update of Delegation of Authority and Assignment of Responsibility to the Chief Information Officer

1. Purpose

To update the delegation of authority and assignment of 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) by: (1) Updating the Chief Information Officer's (CIO) and agencies' responsibilities to reflect new laws, regulations, and directives, including the Federal Information Security Management Act of 2002 (FISMA) and other provisions of the E-Government Act of 2002; (2) amending all references to the former Management Review Council (MRC) to reflect the new title of Management Review Board (MRB) as defined in Secretary's Order 5–2001; and (3) updating the Technical Review Board (TRB) membership.

2. Background

This Order replaces Secretary's Order 1–2000, which delegated authority and assigned responsibility for implementation of the PRA and the Clinger-Cohen Act.

The PRA of 1995, as well as its predecessor Act of 1980, was enacted to reduce paperwork and enhance the economy and efficiency between the government and the private sector by improving Federal information policy making and management. The Acts 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) within the Department. In November 1998, the MRC voted to establish the 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 Secretary's Order 1–2000 replaced the CPIB. In 2001, the MRC became the MRB.

The E-Government Act of 2002, including FISMA, was enacted to, among other things:

- Promote use of the Internet, other information technologies, and interagency collaboration in providing E-Government services, to provide increased opportunities for citizen participation in Government;
- Improve the Government's ability to achieve agency missions and program performance goals;
- Reduce costs and burdens for businesses and other Government entities;
- Make the Federal Government more transparent and accountable; and
- Provide better access to Government information and services in a manner consistent with laws regarding protection of personal privacy, national security, records retention, access for persons with disabilities, and other relevant laws.

Signed into law by the President on December 17, 2002, the E-Government Act has expanded the Department's duties and responsibilities beyond those assigned by the Paperwork Reduction Act and the Clinger-Cohen Act.

This Secretary's Order updates the roles and responsibilities of the CIO and other agency heads at the Department of Labor to reflect the new responsibilities created by the E-Government Act. Additionally, this Secretary's Order reflects the CIO's responsibilities under the Department's Information Quality Guidelines, which are designed to implement Section 515 of H.R. 5658 (the Treasury and General Government Appropriations Act, 2001), as incorporated into the Consolidated Appropriations Act, 2001 (see Section 1(a)(3) of Pub. L. 106–554) and implementing Office of Management and Budget (OMB) guidelines. The Order also adopts changes made by Secretary's Order 5–2001 to establish the MRB for the Department, replacing

the MRC. Finally, the membership of the TRB has been updated to reflect those changes that have occurred since its establishment.

3. Authority, References and Directives Affected

a. *Authority.* This Order is established pursuant to the Paperwork Reduction Act (PRA) [Sections 3505 and 3506; 44 U.S.C. 3505–3506]; the Clinger-Cohen Act [Sections 5122–5127; 40 U.S.C. 11312–17]; the E-Government Act of 2002 [Sections 101 (44 U.S.C. 3603, 3606), 202–204, 206–212, 214 (5 U.S.C. 3701–7, 41 U.S.C. 266a, 44 U.S.C. 3501 note); 301–3, 305 (15 U.S.C. 278g–3, 40 U.S.C. 11331, 44 U.S.C. 3505–6, 3541–3549)]; the Electronic Freedom of Information Act Amendments (E-FOIA) [Section 11; 5 U.S.C. 552(g)]; Consolidated Appropriations Act, 2001 [Pub. L. 106–554, Section 1(a) (incorporating Section 515 of H.R. 5658, the Treasury and General Government Appropriations Act); OMB Circular A–130; 29 U.S.C. 551; 5 U.S.C. 301; Reorganization Plan Number 6 (1950).

b. *References.* Secretary's Order 2–2003 and Secretary's Order 5–2001.

c. Directives Affected:

(1) This Order does not affect the authorities and responsibilities assigned by any other Secretary's Order, unless otherwise expressly so provided in this or another Order.

(2) Secretary's Order 1–2000, which assigned responsibilities and delegated duties to the CIO under the PRA and Clinger-Cohen Act, is canceled.

(3) Except as provided in Paragraph 9, this Order does not affect Secretary's Order 4–76, which assigns procurement and contracting authority to the Assistant Secretary for Administration and Management.

(4) Except as provided in Paragraph 7, this Order does not affect Secretary's Orders 1–92, and 1–97, which establish responsibilities for implementation of the Chief Financial Officers Act of 1990.

(5) This Order amends paragraph 4(1) of Secretary's Order 5–2001 (establishing the MRB) to clarify MRB responsibilities with respect to Information Technology investment management. In addition, all references in Secretary's Order 5–2001 to "Secretary's Order 1–2000" are amended to refer to this Order.

(6) Except as provided in paragraph 14 of this Order, this Order does not affect Secretary's Order 4–2001, which establishes the responsibilities of the Assistant Secretary for Employment Standards.

(7) Except as provided in paragraph 15 of this Order, this Order does not affect the authorities or responsibilities