



U.S. ELECTION ASSISTANCE COMMISSION
OFFICE OF INSPECTOR GENERAL
1225 New York Ave. NW - Suite 1100
Washington, DC 20005

October 2, 2006

Memorandum

To: Thomas Wilkey
Executive Director

From: Curtis Crider *Curtis W. Crider*
Inspector General

Subject: Non Compliance with the Federal Information Security Management Act
by the U.S. Election Assistance Commission (Assignment No. I-EV-EAC-
02-06)

The U.S. Election Assistance Commission (EAC) has not complied with the Federal Information Security Management Act (FISMA).

FISMA (Section 3544) requires the Head of each Federal agency to provide “information security protections commensurate with the risk and magnitude of the harm resulting from unauthorized access, use, disclosure, disruption, modification, or destruction of --

- (i) information collected or maintained by or on behalf of the agency; and
- (ii) information systems used or operated by an agency or by a contractor of an agency or other organization on behalf of an agency.”

EAC is a small Federal agency; it has an annual operating budget of approximately \$15 million and employees less than 30 people. More importantly, it does not own or operate any information technology (IT) systems. Thus, we believe, the impact of its non compliance is minor. Nonetheless, the Office of Management and Budget (OMB) advised¹ in its fiscal year 2004 reporting requirements for micro-agencies (agencies that employ fewer than 100 Federal employees) that:

All the requirements established in FISMA apply to all agencies regardless of their size. OMB has developed an abridged reporting format for micro-agencies. This abridged template for micro-agencies does not exempt them from FISMA requirements and OMB guidance . . .

¹ See OMB Memorandum M-04-25, *FY 2004 Reporting Instructions for the Federal Information Security Management Act*, dated August 23, 2004.

DISCUSSION

Congress authorized the EAC with the passage of the Help America Vote Act (HAVA) in October 2002. According to HAVA, the duties of EAC are to “serve as a national clearinghouse and resource for the compilation of information and review of procedures with respect to the administration of Federal Elections” EAC’s first full year of operation was fiscal year 2004. Since that time, it has not submitted any reports to OMB on its information security management.

The fiscal year 2006 budget for EAC, excluding funds transferred to the National Institute of Standards and Technology, was about \$14 million and included 26 full time equivalents. The major budget categories were research and development, personal compensation and benefits, and other services.

The General Services Administration (GSA) provides administrative support and related IT services for personnel management, payroll, and financial management to EAC under three reimbursable agreements. GSA also furnishes IT support by maintaining EAC’s Local Area Network and electronic mail. EAC’s website is operated by an independent contractor.

EAC has not yet established policies and procedures for information security or privacy management.

RECOMMENDATIONS

We recommend that the Executive Director:

1. Establish and implement policies and procedures for information security and privacy management.
2. Comply with the applicable provisions of FISMA and OMB implementing guidance.

RESPONSE TO MEMORANDUM

Please provide a response to this memorandum by November 3, 2006. Your reply should indicate whether you agree or disagree with the recommendations and, if applicable, include a plan of action for implementing the recommendations. The plan should include target dates and the name of the official responsible for implementing the recommendations.

The legislation creating the Office of Inspector General requires that we report to the Congress semiannually on all reports issued, actions taken to implement our recommendations, and recommendations that have not been implemented. Therefore, this report will be included in the next semiannual report.