

# Proposed Rules

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This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

## OFFICE OF PERSONNEL MANAGEMENT

### 5 CFR Part 930

RIN 3206-AJ84

#### Employees Responsible for the Management or Use of Federal Computer Systems

**AGENCY:** Office of Personnel Management.

**ACTION:** Proposed rule.

**SUMMARY:** The Office of Personnel Management (OPM) is proposing a revision of its regulations concerning computer security awareness and training for employees who are responsible for the management or use of Federal computer systems. The purpose of the revisions is to streamline the regulations and make it clearer for expert and novice readers. This proposal will also facilitate timely access to changes in computer security training guidelines and supplementary information technology (IT) training and standards resources. Use of the National Institute for Standards and Technology (NIST) Web site accomplishes this and better supports the larger role that NIST provides in establishing computer security policy.

**DATES:** Comments must be received on or before October 6, 2003.

**ADDRESSES:** Send, deliver or fax written comments to Ms. Ellen E. Tunstall, Deputy Associate Director for Talent and Capacity Policy, U.S. Office of Personnel Management, Room 6551, 1900 E Street, NW., Washington, DC 20415-9700; e-mail [employ@opm.gov](mailto:employ@opm.gov); fax: (202) 606-2329.

**FOR FURTHER INFORMATION CONTACT:** LaVeen Ponds by TTY at (202) 418-3134, by fax at (202) 606-2329, phone at 202-606-1394 or e-mail at [lmponds@opm.gov](mailto:lmponds@opm.gov).

**SUPPLEMENTARY INFORMATION:** OPM is issuing proposed regulations to revise the rules that govern the training of employees responsible for the management or use of Federal computer

systems. The proposal refers the user to the National Institute of Standards and Technology (NIST) Web site, which will have the most current information on computer security awareness and training guidelines and removes text that is included on the NIST Web site, thus, streamlining the regulation where appropriate. Including the NIST Web site and removal of text such as definitions are not substantive changes. Therefore, we are using a shorter comment period of 30 days. The proposal actually provides users more timely access to the most current applicable definitions and guidelines. By including a Web site and removing text that is redundant, these regulations afford agencies the opportunity to be immediately aware of and come into timely compliance with changing computer security guidelines and requisite employee training for computer security. In light of current threats to national security through information technology systems, this immediate flexibility promotes the protection of Government computer security systems and ensures that the employees who use those systems are knowledgeable and vigilant in protecting them. This proposal will be effective immediately upon final publication.

#### E.O. 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with E.O. 12866.

#### Regulatory Flexibility Act

I certify that these regulations would not have a significant economic impact on a substantial number of small entities because they would apply only to Federal agencies and employees.

#### List of Subjects in 5 CFR Part 930

Administrative practice and procedures; Computer technology; Government employees; Motor vehicles.

U.S. Office of Personnel Management.  
**Kay Coles James,**  
*Director.*

Accordingly, OPM proposes to revise subpart C of part 930 of 5 CFR as follows:

#### PART 930—PROGRAMS FOR SPECIFIC POSITIONS AND EXAMINATIONS (MISCELLANEOUS)

1. Subpart C is revised to read as follows:

##### Subpart C—Employees Responsible for the Management or Use of Federal Computer Systems

Sec.

930.301 Computer security training program.

**Authority:** Computer Security Act of 1987, Public Law 100-235, January 8, 1988.

##### Subpart C—Employees Responsible for the Management or Use of Federal Computer Systems

#### § 930.301 Computer security training program.

An Executive Agency head shall develop a plan for computer security awareness and training and

(a) Identify employees with significant security responsibilities and provide role-specific training in accordance with National Institute of Standards and Technology (NIST) guidance on computer security awareness and training available on NIST Web site, <http://csrc.nist.gov/publications/nistpubs/>, as follows:

(1) All users of information technology (IT) shall be exposed to security awareness materials at least annually. Users of IT include employees, contractors, students, guest researchers, visitors and others who may need access to IT systems and applications.

(2) Executives shall receive training in computer security basics and policy level training in security planning and management.

(3) Program and functional managers shall receive training in computer security basics; management and implementation level training in security planning and system/application security management; and management and implementation level training in system/application life cycle management, risk management, and contingency planning.

(4) Chief Information Officers (CIOs), IT security program managers, auditors and other security-oriented personnel (e.g., system and network administrators, and system/application security officers) shall receive training in computer security basics; and broad training in security planning, system

and application security management, system/application life cycle management, risk management, and contingency planning.

(5) IT function management and operations personnel shall receive training in computer security basics; management and implementation level training in security planning and system/application security management; and management and implementation level training in system/application life cycle management, risk management, and contingency planning.

(b) Provide the computer awareness material/exposure outlined in NIST guidance on computer security awareness and training to all new employees within 60 days of their appointment.

(c) Provide computer security refresher training for agency employees as frequently as determined necessary by the agency, based on the sensitivity of the information that the employees use or process.

(d) Provide training whenever there is a significant change in the agency information security environment or procedures or when an employee enters a new position that requires additional role-specific training.

[FR Doc. 03-22487 Filed 9-3-03; 8:45 am]

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## FEDERAL ELECTION COMMISSION

### 11 CFR Part 106

[Notice 2003-16]

#### Party Committee Telephone Banks

**AGENCY:** Federal Election Commission.

**ACTION:** Notice of proposed rulemaking.

**SUMMARY:** The Federal Election Commission requests comments on proposed changes to its rules regarding the allocation of political party committee expenditures for telephone bank communications made on behalf of a presidential candidate. The proposed rules would address the proper allocation of a party committee's expenditures for such communications that refer to presidential and vice-presidential nominees when the party's other candidates are referred to generically, but not by name. The amount allocated as an expenditure on behalf of, or a contribution to, the presidential nominee would be subject to the limitations and prohibitions of the Federal Election Campaign Act of 1971. The Commission has not made any final decisions on the revisions

proposed in this Notice. Further information is provided in the supplementary information that follows.

**DATES:** Comments must be received on or before September 25, 2003. If the Commission receives sufficient requests to testify, it will hold a hearing on these proposed rules on October 1, 2003, at 9:30 a.m. Commenters wishing to testify at the hearing must so indicate in their written or electronic comments.

**ADDRESSES:** All comments should be addressed to Ms. Mai T. Dinh, Acting Assistant General Counsel, and must be submitted in either electronic or written form. Electronic mail comments should be sent to *phone2003@fec.gov* and must include the full name, electronic mail address and postal service address of the commenter. Electronic mail comments that do not contain the full name, electronic mail address and postal service address of the commenter will not be considered. If the electronic mail comments include an attachment, the attachment must be in the Adobe Acrobat (.pdf) or Microsoft Word (.doc) format. Faxed comments should be sent to (202) 219-3923, with printed copy follow-up to ensure legibility. Written comments and printed copies of faxed comments should be sent to the Federal Election Commission, 999 E Street, NW., Washington, DC 20463.

Commenters are strongly encouraged to submit comments electronically to ensure timely receipt and consideration. The Commission will make every effort to post public comments on its Web site within ten business days of the close of the comment period. The hearing will be held in the Commission's ninth floor meeting room, 999 E Street NW., Washington, DC.

**FOR FURTHER INFORMATION CONTACT:** Ms. Mai T. Dinh, Acting Assistant General Counsel, or Mr. Jonathan M. Levin, Senior Attorney, 999 E Street NW., Washington, DC 20463, (202) 694-1650 or (800) 424-9530.

**SUPPLEMENTARY INFORMATION:**

#### A. Background

In the months leading up to a presidential general election, party committees, or party committees in conjunction with a principal campaign committee of a presidential nominee, may conduct a phone bank to get out the vote ("GOTV") or otherwise promote the party and its candidates. Such phone banks may involve the reading of scripted messages that include a statement asking the person called specifically to vote, or get their family and friends out to vote, for the named presidential candidate and that then make a general promotional reference or

references to the party's other candidates. An example would be: "Please tell your family and friends to come out and vote for President John Doe and our great Party team." Given that no other Federal or non-Federal candidates are specifically mentioned, the question is whether the entire cost of the communication or only a portion of the cost should be attributed to the presidential candidate.

Current 11 CFR 106.1(a)(1) addresses the attribution of expenditures (including in-kind contributions, independent expenditures, and coordinated expenditures) for communications made on behalf of more than one clearly identified Federal candidate. It also addresses expenditures and disbursements on behalf of a combination of clearly identified Federal candidates and non-Federal candidates. In the case of communications other than fundraising communications, the expenditure is generally attributed to a candidate in accordance with the portion of the communication devoted to that candidate. For example, in a publication or broadcast communication, the attribution is determined by the space or time devoted to each candidate as compared to the space or time devoted to all candidates. Similarly, for a phone bank, the attribution is based on the number of questions or statements devoted to each candidate as compared to the total number of questions or statements devoted to all candidates.

Under one interpretation of section 106.1(a)(1), the disbursement for the political party phone bank described above would be 100 percent attributable to the presidential (and vice presidential) candidate because he or she would be the only candidate clearly identified. On the other hand, this section could be read to mandate an attribution of significantly less than fifty percent to the presidential candidate because the actual wording of the message emphasizes support for all the party's Federal and non-Federal candidates. To provide clear guidance as to the attribution of these types of phone banks, the Commission is proposing new 11 CFR 106.8, which is described below.

#### B. Proposed 11 CFR 106.8 Allocation of Political Party Committee Phone Banks That Refer to a Clearly Identified Presidential or Vice Presidential Nominee

The Commission proposes adding new section 106.8 to address phone banks conducted by national, State and local party committees on behalf of their presidential nominees. In presidential