DEPARTMENTAL REGULATION	Number: 3160-001
SUBJECT: Computer Software Piracy	DATE: March 29, 2007
	OPI: Office of the Chief Information Officer (OCIO)

1 PURPOSE

This Departmental Regulation (DR) establishes the policy for preventing Computer Software Piracy within the United States Department of Agriculture (USDA).

2 BACKGROUND

The United States Government is the world's largest purchaser of computer - related services and equipment, purchasing more than $60 billion annually as of fiscal year 2006. It is incumbent on the USDA to ensure that its practices as a purchaser and user of computer software are carried out effectively, efficiently, and in compliance with all applicable legislation.

3 REFERENCES

Executive Order 13103 of September 30, 1998
The Digital Millennium Copyright Act of 1998
OMB Circular NO. A-130 Appendix III, Security of Federal Automated Information Resources
National Institute of Standards and Technology (NIST) Special Publication 800-12
Copyright Law of the United States of America Title 17, United States Code (Copyright Act)

4 SCOPE/APPLICABILITY

This Directive applies to all USDA employees, contractors, and volunteers that are authorized to use USDA-supplied software in performing their functions.

5   POLICY

     a   Use of software not properly licensed to USDA is without the consent of the Agency. Employees, contractors, and volunteers who duplicate copyrighted material without authorization may be subject to disciplinary action and/or civil liability. The Department or employing agency will not defend or indemnify employees or contractors in copyright violation suits if the violation resulted from willful negligence or very high degree of culpability.

     b   USDA agencies and staff offices shall issue the following Information Technology Asset Management (ITAM) procedures and practices:

          (1)   Establish and enforce agency software standards;
          (2)   Establish centralized software acquisition whenever possible;
          (3)   Establish a software controller function;
          (4)   Establish accurate supported software inventories and maintain them;
          (5)   Establish and maintain a software library;
          (6)   Establish and enforce software disposal procedures; and
          (7)   Perform spot audits of installed software base.

     c   USDA agencies and staff offices shall ensure that policies, procedures and practices of the agency related to copyrights protecting software are appropriate, and also fully implement policies set forth in this policy directive.

     d   USDA agencies and staff offices as part of their annual third quarter computer security program review (Federal Information Security Management Act (FISMA)), shall submit copies of policies, procedures developed, and ITAM results pursuant to this directive to the USDA Chief Information Officer.

     e   Nothing in this DR shall be construed to require the disclosure of law enforcement investigative sources or methods, or to prohibit or otherwise impair a lawful investigative or protective activity undertaken by or on behalf of the USDA.

     f   This directive shall take effect immediately.

6   RESPONSIBILITIES

     a   Office of the Chief Information Officer shall:

          (1)   Maintain oversight and final approval authority of all monitoring and review activities;
          (2)   Support the Department's information technology (IT) strategic planning/performance measurement process by developing and

       codifying in a software piracy policy, performance measures related to the effectiveness of controls to prevent software piracy;

(3)   Review annual policies, procedures developed, and ITAM results provided by Agency/staff offices;

(4)   Enforce the use of shared internal and interdepartmental procedures, practices, products and services to prevent software piracy;

(5)   Expand piracy-related elements in future computer security reviews; and

(6)   Expand computer security training to include information on software piracy guidance for employees, contractors, and volunteers.

b   USDA agencies and staff offices Heads shall establish controls to ensure that their organization complies with section 5 of this directive.

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