

# **Exhibit 5**

*Administration of Barack Obama, 2015*

**Memorandum on Establishing the Director of White House Information Technology and the Executive Committee for Presidential Information Technology**

*March 19, 2015*

*Memorandum for the Secretary of Defense, the Secretary of Homeland Security, the Director of the Office of Management and Budget, the National Security Advisor, and the Director of the Office of Administration*

*Subject:* Establishing the Director of White House Information Technology and the Executive Committee for Presidential Information Technology

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to improve the information resources and information systems provided to the President, Vice President, and Executive Office of the President (EOP), I hereby direct the following:

*Section 1. Policy.* The purposes of this memorandum are to ensure that the information resources and information systems provided to the President, Vice President, and EOP are efficient, secure, and resilient; establish a model for Government information technology management efforts; reduce operating costs through the elimination of duplication and overlapping services; and accomplish the goal of converging disparate information resources and information systems for the EOP.

This memorandum is intended to maintain the President's exclusive control of the information resources and information systems provided to the President, Vice President, and EOP. High-quality, efficient, interoperable, and safe information systems and information resources are required in order for the President to discharge the duties of his office with the support of those who advise and assist him, and with the additional assistance of all EOP components. The responsibilities that this memorandum vests in the Director of White House Information Technology, as described below, have been performed historically within the EOP, and it is the intent of this memorandum to continue this practice.

The Director of White House Information Technology, on behalf of the President, shall have the primary authority to establish and coordinate the necessary policies and procedures for operating and maintaining the information resources and information systems provided to the President, Vice President, and EOP. Nothing in this memorandum may be construed to delegate the ownership, or any rights associated with ownership, of any information resources or information systems, nor of any record, to any entity outside of the EOP.

*Sec. 2. Director of White House Information Technology.* (a) There is hereby established the Director of White House Information Technology (Director). The Director shall be the senior officer responsible for the information resources and information systems provided to the President, Vice President, and EOP by the Presidential Information Technology Community (Community). The Director shall:

- (i) be designated by the President;
  - (ii) have the rank and status of a commissioned officer in the White House Office;
- and

(iii) have sufficient seniority, education, training, and expertise to provide the necessary advice, coordination, and guidance to the Community.

(b) The Deputy Chief of Staff for Operations shall provide the Director with necessary direction and supervision.

(c) The Director shall ensure the effective use of information resources and information systems provided to the President, Vice President, and EOP in order to improve mission performance, and shall have the appropriate authority to promulgate all necessary procedures and rules governing these resources and systems. The Director shall provide policy coordination and guidance for, and periodically review, all activities relating to the information resources and information systems provided to the President, Vice President, and EOP by the Community, including expenditures for, and procurement of, information resources and information systems by the Community. Such activities shall be subject to the Director's coordination, guidance, and review in order to ensure consistency with the Director's strategy and to strengthen the quality of the Community's decisions through integrated analysis, planning, budgeting, and evaluation processes.

(d) The Director may advise and confer with appropriate executive departments and agencies, individuals, and other entities as necessary to perform the Director's duties under this memorandum.

*Sec. 3. Executive Committee for Presidential Information Technology.* There is hereby established an Executive Committee for Presidential Information Technology (Committee). The Committee consists of the following officials or their designees: the Assistant to the President for Management and Administration; the Executive Secretary of the National Security Council; the Director of the Office of Administration; the Director of the United States Secret Service; and the Director of the White House Military Office.

*Sec. 4. Administration.* (a) The President or the Deputy Chief of Staff for Operations may assign the Director and the Committee any additional functions necessary to advance the mission set forth in this memorandum.

(b) The Committee shall advise and make policy recommendations to the Deputy Chief of Staff for Operations and the Director with respect to operational and procurement decisions necessary to achieve secure, seamless, reliable, and integrated information resources and information systems for the President, Vice President, and EOP. The Director shall update the Committee on both strategy and execution, as requested, including collaboration efforts with the Federal Chief Information Officer, with other government agencies, and by participating in the Chief Information Officers Council.

(c) The Secretary of Defense shall designate or appoint a White House Technology Liaison for the White House Communications Agency and the Secretary of Homeland Security shall designate or appoint a White House Technology Liaison for the United States Secret Service. Any entity that becomes a part of the Community after the issuance of this memorandum shall designate or appoint a White House Technology Liaison for that entity. The designation or appointment of a White House Technology Liaison is subject to the review of, and shall be made in consultation with, the President or his designee. The Chief Information Officer of the Office of Administration and the Chief Information Officer of the National Security Council, and their successors in function, are designated as White House Technology Liaisons for their respective components. In coordination with the Director, the White House Technology Liaisons shall ensure that the day-to-day operation of and long-term

strategy for information resources and information systems provided to the President, Vice President, and EOP are interoperable and effectively function as a single, modern, and high-quality enterprise that reduces duplication, inefficiency, and waste.

(d) The President or his designee shall retain the authority to specify the application of operating policies and procedures, including security measures, which are used in the construction, operation, and maintenance of any information resources or information system provided to the President, Vice President, and EOP.

(e) Presidential Information Technology Community entities shall:

(i) assist and provide information to the Deputy Chief of Staff for Operations and the Director, consistent with applicable law, as may be necessary to implement this memorandum; and

(ii) as soon as practicable after the issuance of this memorandum, enter into any memoranda of understanding as necessary to give effect to the provisions of this memorandum.

(f) As soon as practicable after the issuance of this memorandum, EOP components shall take all necessary steps, either individually or collectively, to ensure the proper creation, storage, and transmission of EOP information on any information systems and information resources provided to the President, Vice President, and EOP.

*Sec. 5. Definitions.* As used in this memorandum:

(a) "Information resources," "information systems," and "information technology" have the meanings assigned by section 3502 of title 44, United States Code.

(b) "Presidential Information Technology Community" means the entities that provide information resources and information systems to the President, Vice President, and EOP, including:

(i) the National Security Council;

(ii) the Office of Administration;

(iii) the United States Secret Service;

(iv) the White House Military Office; and

(v) the White House Communications Agency.

(c) "Executive Office of the President" means:

(i) each component of the EOP as is or may hereafter be established;

(ii) any successor in function to an EOP component that has been abolished and of which the function is retained in the EOP; and

(iii) the President's Commission on White House Fellowships, the President's Intelligence Advisory Board, the Residence of the Vice President, and such other entities as the President from time to time may determine.

*Sec. 6. General Provisions.* (a) Nothing in this memorandum shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department, agency, entity, office, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This memorandum shall be implemented consistent with applicable law and appropriate protections for privacy and civil liberties, and subject to the availability of appropriations.

(c) This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

BARACK OBAMA

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