



## POLICY FLASH 2013-48

**DATE:** May 2, 2013

**TO:** Procurement Directors/Contracting Officers



**FROM:** Director  
Contract and Financial Assistance Policy Division  
Office of Policy  
Office of Acquisition and Project Management

**SUBJECT:** OMB memorandum M-13-10, Antideficiency Act Implications of Certain Online Terms of Service Agreements

**SUMMARY:** Attached for your information and appropriate action is OMB memorandum M-13-10, Antideficiency Act Implications of Certain Online Terms of Service Agreements. The concerns raised by the memo relate primarily to use of online social media platforms, but can also apply to newer total solution offerings such as cloud computing. DOE Program offices should be aware of the issues related to Terms of Service Agreements and ensure that all agreements are consistent with federal law and regulations. DOE Contracting Officers should ensure that their local General Counsel reviews terms of service for all software contracts and online applications. A rulemaking is being developed to formally implement this policy in the Federal Acquisition Regulation.

The Office of Public Affairs has established a social media policy and guidelines page at <http://energy.gov/about-us/web-policies/social-media> that provides information on appropriate use of social media, guidance on how to apply for a DOE social media page, and a directory of social media platforms with appropriate terms of service for federal agency use. Please ensure that all those in your office interested in using social media to

support mission requirements reference the PA policy before beginning use.

If you have any questions on the attached memorandum or the DOE social media policy, please contact the Office of the Chief Information Officer at 202-586-0166 or Rob Roberts, Office of Public Affairs, at 202-586-1176.

This Flash will be available online at the following website:  
<http://energy.gov/management/office-management/operational-management/procurement-and-acquisition/policy-flashes>.

Questions concerning this policy flash should be directed to Kevin M. Smith, of the Contract and Financial Assistance Policy Division, at [Kevin.M.Smith@hq.doe.gov](mailto:Kevin.M.Smith@hq.doe.gov), or at (202) 287-1614.

Attachment