

of July 19, 1952 (ch. 949, 66 Stat. 790). See section 8711(f) of the revised title. The words "from time to time" are omitted as unnecessary.

§ 9304. Source of appropriations

The appropriations needed for construction of suitable means of access to and on Theodore Roosevelt Island and annually for the care, maintenance, and improvement of the land and improvements may be made from amounts not otherwise appropriated from the Treasury.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1233.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 9304: 40:125 (words after semicolon), May 21, 1932, ch. 200, § 2 (words after semicolon), 47 Stat. 164.

CHAPTER 95—WASHINGTON AQUEDUCT AND OTHER PUBLIC WORKS IN THE DISTRICT OF COLUMBIA

- Sec. 9501. Chief of Engineers. 9502. Authority of Chief of Engineers. 9503. Record of property. 9504. Reports. 9505. Paying for main pipes. 9506. Civil penalty. 9507. Control of expenditures.

§ 9501. Chief of Engineers

(a) SUPERINTENDENCE DUTIES.—

(1) WASHINGTON AQUEDUCT AND OTHER PUBLIC WORKS AND IMPROVEMENTS IN THE DISTRICT OF COLUMBIA.—The Chief of Engineers has the immediate superintendence of—

(A) the Washington Aqueduct, together with all rights, appurtenances, and fixtures connected with the Aqueduct and belonging to the Federal Government; and

(B) all other public works and improvements in the District of Columbia in which the Government has an interest and which are not otherwise specially provided for by law.

(2) OBEYING REGULATIONS.—In carrying out paragraph (1), the Chief of Engineers shall obey regulations the President prescribes, through the Secretary of the Army.

(b) NO INCREASE IN COMPENSATION.—The Chief of Engineers shall not receive additional compensation for the services required under this chapter.

(c) OFFICE.—The Chief of Engineers shall be furnished an office in one of the public buildings in the District of Columbia, as the Administrator of General Services directs, and shall be supplied by the Federal Government with stationery, instruments, books, and furniture which may be required for the performance of the duties of the Chief of Engineers.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1233.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 9501(a)(1): 40:45, R.S. §1800.

HISTORICAL AND REVISION NOTES—CONTINUED

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows 9501(a)(2), 9501(b), 9501(c) with corresponding U.S. Code and R.S. references.

In subsection (a)(2), the words "pursuant to law" are omitted as unnecessary. The words "Secretary of the Army" are substituted for "Department of War" [subsequently changed to "Department of the Army" because of section 205(a) of the National Security Act of 1947 (ch. 343, 61 Stat. 501)] because of 10:3013(a)(1).

In subsection (b), the word "additional" is substituted for "other than his regular pay as an officer of the Corps of Engineers" to eliminate unnecessary words. The words "of him" are omitted as unnecessary. The words "this chapter" are substituted for "title 21 of the Revised Statutes" because the only provisions of title 21 related to the Chief of Engineers that have not been repealed are contained in the revised chapter.

In subsection (c), the words "an office" are substituted for "official apartments" for clarity. The words "District of Columbia" are substituted for "city of Washington" for consistency in the revised title and with other titles of the United States Code. The words "Administrator of General Services" are substituted for "President" [subsequently changed to "Public Buildings Commission" because of section 10 of the Act of March 1, 1919 (ch. 86, 40 Stat. 1269), "National Park Service" because of section 2 of Executive Order No. 6166 (eff. June 10, 1933) and the Act of March 2, 1934 (ch. 38, 48 Stat. 389), and "Public Buildings Administrator in the Federal Works Agency" because of sections 301 and 303 of Reorganization Plan No. I of 1939 (eff. July 1, 1939, 53 Stat. 1426, 1427)] because of section 103(a) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 380), which is restated as section 303(c) [303(b)] of the revised title.

§ 9502. Authority of Chief of Engineers

(a) IN GENERAL.—The Chief of Engineers and necessary assistants may use all lawful means to carry out their duties.

(b) SUPPLY OF WATER IN DISTRICT OF COLUMBIA.—

(1) PROVIDING WATER.—The Chief of Engineers has complete control over the Washington Aqueduct to regulate the manner in which the authorities of the District of Columbia may tap the supply of water to the inhabitants of the District of Columbia.

(2) STOPPAGE OF WATER FLOW.—The Chief of Engineers shall stop the authorities of the District of Columbia from tapping the supply of water when the supply is no more than adequate to the wants of the public buildings and grounds.

(3) APPEAL OF DECISION.—The decision of the Chief of Engineers on all questions concerning the supply of water under this subsection may be appealed only to the Secretary of the Army.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1234.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Rows 9502(a), (b)(1), (2), 9502(b)(3) with corresponding U.S. Code and R.S. references.

In subsection (b)(3), the words "Secretary of the Army" are substituted for "Department of War" [subsequently changed to "Department of the Army" be-

cause of section 205(a) of the National Security Act of 1947 (ch. 343, 61 Stat. 501)] because of 10:3013(a)(1).

§ 9503. Record of property

The Chief of Engineers shall keep in the office a complete record of all land and other property connected with or belonging to the Washington Aqueduct and other public works under the charge of the Chief of Engineers, together with accurate plans and surveys of the public grounds and reservations in the District of Columbia.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1234.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9503	40:49.	R.S. §1809.

§ 9504. Reports

As superintendent of the Washington Aqueduct, the Chief of Engineers annually shall submit to the Secretary of the Army, within nine months after the end of the fiscal year, a report of the Chief of Engineers' operations for that year and a report of the condition, progress, repairs, casualties, and expenditures of the Washington Aqueduct and other public works under the charge of the Chief of Engineers.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1234.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9504	40:50.	R.S. §1812; Pub. L. 96–470, title II, §202(a), Oct. 19, 1980, 94 Stat. 2242.

The provisions of section 1812 of the Revised Statutes which authorized the Chief of Engineers, as Superintendent of Public Buildings and Grounds, to report to the Secretary of War concerning the Chief of Engineers' operations for the preceding year, including an account of the manner in which all appropriations for public buildings and grounds had been applied, are omitted because the Office of Public Buildings and Grounds under the Chief of Engineers was abolished and the functions of the Chief of Engineers and the Secretary of War with respect to the Superintendent of Public Buildings and Grounds were transferred to the Director of Public Buildings and Public Parks of the National Capital by section 3 of the Act of February 26, 1925 (ch. 339, 43 Stat. 983). Those functions subsequently were transferred to the National Park Service by section 2 of Executive Order No. 6166 (eff. June 10, 1933) and the Act of March 2, 1934 (ch. 38, 48 Stat. 389), the Public Buildings Administrator in the Federal Works Agency by sections 301 and 303 of Reorganization Plan No. I of 1939 (eff. July 1, 1939, 53 Stat. 1426, 1427), and the Administrator of General Services by section 103(a) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 380), which is restated as section 303(c) [303(b)] of the revised title. The words "Secretary of the Army" are substituted for "Department of War" [subsequently changed to "Department of the Army" because of section 205(a) of the National Security Act of 1947 (ch. 343, 61 Stat. 501)] because of 10:3013(a)(1).

§ 9505. Paying for main pipes

(a) FEDERAL GOVERNMENT.—The Federal Government shall only pay for the number of main pipes of the Washington Aqueduct needed to furnish public buildings, offices, and grounds with the necessary supply of water.

(b) DISTRICT OF COLUMBIA.—The District of Columbia shall pay the cost of any main pipe of the Washington Aqueduct which supplies water to the inhabitants of the District of Columbia, in the manner provided by law.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1234.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9505	40:55.	R.S. §1805.

In subsection (b), the words "its inhabitants" are substituted for "inhabitants of Washington and Georgetown" in section 1805 of the Revised Statutes because of the Act of February 11, 1895 (ch. 79, 28 Stat. 650).

§ 9506. Civil penalty

A person that, without the consent of the Chief of Engineers, taps or opens the mains or pipes laid by the Federal Government is liable to the Government for a civil penalty of at least \$50 and not more than \$500.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1234.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9506	40:56.	R.S. §1803.

The words "in charge of public buildings and works" in section 1803 of the Revised Statutes are omitted because the Office of Public Buildings and Grounds under the Chief of Engineers was abolished and the functions of the Chief of Engineers with respect to public buildings and works were transferred to the Director of Public Buildings and Public Parks of the National Capital by section 3 of the Act of February 26, 1925 (ch. 339, 43 Stat. 983). Those functions subsequently were transferred to the National Park Service by section 2 of Executive Order No. 6166 (eff. June 10, 1933) and the Act of March 2, 1934 (ch. 38, 48 Stat. 389), the Public Buildings Administrator in the Federal Works Agency by sections 301 and 303 of Reorganization Plan No. I of 1939 (eff. July 1, 1939, 53 Stat. 1426, 1427), and the Administrator of General Services by section 103(a) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 380), which is restated as section 303(c) [303(b)] of the revised title. The words "or hereafter to be laid" are omitted as unnecessary. The words "is liable to the government for a civil penalty" are substituted for "under a penalty" for consistency in the revised title and with other titles of the United States Code.

§ 9507. Control of expenditures

Unless expressly provided for by law, the Secretary of the Army shall direct the expenditure of amounts appropriated for the Washington Aqueduct and for other public works in the District of Columbia.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1235.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
9507	40:54.	R.S. §1802.

The words "Secretary of the Army" are substituted for "Department of War" [subsequently changed to "Department of the Army" because of section 205(a) of the National Security Act of 1947 (ch. 343, 61 Stat. 501)] because of 10:3013(a)(1).

SUBTITLE III—INFORMATION TECHNOLOGY MANAGEMENT

Chapter		Sec.
111.	GENERAL	11101
113.	RESPONSIBILITY FOR ACQUISITIONS OF INFORMATION TECHNOLOGY	11301
115.	INFORMATION TECHNOLOGY ACQUISITION PILOT PROGRAM	11501
117.	ADDITIONAL INFORMATION RESOURCES MANAGEMENT MATTERS	11701

AMENDMENTS

2002—Pub. L. 107-314, div. A, title VIII, §825(b)(3)(G), Dec. 2, 2002, 116 Stat. 2616, and Pub. L. 107-347, title II, §210(h)(3)(H), Dec. 17, 2002, 116 Stat. 2939, amended item for chapter 115 identically, substituting “PROGRAM” for “PROGRAMS”.

CHAPTER 111—GENERAL

Sec.	
11101.	Definitions.
11102.	Sense of Congress.
11103.	Applicability to national security systems.

§ 11101. Definitions

In this subtitle, the following definitions apply:

- (1) **COMMERCIAL ITEM.**—The term “commercial item” has the meaning given that term in section 4 of the Office of Federal Procurement Policy Act (41 U.S.C. 403).
- (2) **EXECUTIVE AGENCY.**—The term “executive agency” has the meaning given that term in section 4 of the Act (41 U.S.C. 403).
- (3) **INFORMATION RESOURCES.**—The term “information resources” has the meaning given that term in section 3502 of title 44.
- (4) **INFORMATION RESOURCES MANAGEMENT.**—The term “information resources management” has the meaning given that term in section 3502 of title 44.
- (5) **INFORMATION SYSTEM.**—The term “information system” has the meaning given that term in section 3502 of title 44.
- (6) **INFORMATION TECHNOLOGY.**—The term “information technology”—

(A) with respect to an executive agency means any equipment or interconnected system or subsystem of equipment, used in the automatic acquisition, storage, analysis, evaluation, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data or information by the executive agency, if the equipment is used by the executive agency directly or is used by a contractor under a contract with the executive agency that requires the use—

- (i) of that equipment; or
- (ii) of that equipment to a significant extent in the performance of a service or the furnishing of a product;

(B) includes computers, ancillary equipment (including imaging peripherals, input, output, and storage devices necessary for security and surveillance), peripheral equipment designed to be controlled by the central processing unit of a computer, software,

firmware and similar procedures, services (including support services), and related resources; but

(C) does not include any equipment acquired by a federal contractor incidental to a federal contract.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1235; Pub. L. 108-199, div. F, title V, §535(b), Jan. 23, 2004, 118 Stat. 345.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
11101	40:1401.	Pub. L. 104-106, div. E, §5002, Feb. 10, 1996, 110 Stat. 679.

The text of 40:1401(1) is omitted as unnecessary because the complete name of the Director of the Office of Management and Budget is used the first time the term appears in a section.

AMENDMENTS

2004—Par. (6)(A). Pub. L. 108-199, §535(b)(1), inserted “analysis, evaluation,” after “storage.”

Par. (6)(B). Pub. L. 108-199, §535(b)(2), substituted “ancillary equipment (including imaging peripherals, input, output, and storage devices necessary for security and surveillance), peripheral equipment designed to be controlled by the central processing unit of a computer,” for “ancillary equipment.”

EXECUTIVE ORDER NO. 13011

Ex. Ord. No. 13011, July 16, 1996, 61 F.R. 37657, as amended by Ex. Ord. No. 13284, §16, Jan. 23, 2003, 68 F.R. 4076; Ex. Ord. No. 13286, §18, Feb. 28, 2003, 68 F.R. 10623, which related to information technology policies and reforms for Federal agencies, was revoked by Ex. Ord. No. 13403, §6, May 12, 2006, 71 F.R. 28543.

EX. ORD. NO. 13103. COMPUTER SOFTWARE PIRACY

Ex. Ord. No. 13103, Sept. 30, 1998, 63 F.R. 53273, provided:

The United States Government is the world’s largest purchaser of computer-related services and equipment, purchasing more than \$20 billion annually. At a time when a critical component in discussions with our international trading partners concerns their efforts to combat piracy of computer software and other intellectual property, it is incumbent on the United States to ensure that its own practices as a purchaser and user of computer software are beyond reproach. Accordingly, by the authority vested in me as President by the Constitution and the laws of the United States of America, it is hereby ordered as follows:

SECTION 1. Policy. It shall be the policy of the United States Government that each executive agency shall work diligently to prevent and combat computer software piracy in order to give effect to copyrights associated with computer software by observing the relevant provisions of international agreements in effect in the United States, including applicable provisions of the World Trade Organization Agreement on Trade-Related Aspects of Intellectual Property Rights, the Berne Convention for the Protection of Literary and Artistic Works, and relevant provisions of Federal law, including the Copyright Act.

(a) Each agency shall adopt procedures to ensure that the agency does not acquire, reproduce, distribute, or transmit computer software in violation of applicable copyright laws.

(b) Each agency shall establish procedures to ensure that the agency has present on its computers and uses only computer software not in violation of applicable copyright laws. These procedures may include:

- (1) preparing agency inventories of the software present on its computers;
- (2) determining what computer software the agency has the authorization to use; and