

SUBTITLE III—INFORMATION TECHNOLOGY MANAGEMENT

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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

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§ 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