SUBCHAPTER I—CONDUCT OF PILOT PROGRAM

AMENDMENTS

2002—Pub. L. 107–314, div. A, title VIII, § 825(b)(3)(B), Dec. 2, 2002, 116 Stat. 2616, and Pub. L. 107–347, title II, § 210(h)(3)(C), Dec. 17, 2002, 116 Stat. 2938, amended subchapter heading identically, substituting ''PROGRAM'' for ''PROGRAMS''.

§ 11501. Authority to conduct pilot program

(a) IN GENERAL.—

(1) PURPOSE.—In consultation with the Administrator for the Office of Information and Regulatory Affairs, the Administrator for Federal Procurement Policy may conduct a pilot program pursuant to the requirements of section 11521 of this title[1] to test alternative approaches for the acquisition of information technology by executive agencies.

(2) MULTIAGENCY, MULTI-ACTIVITY CONDUCT OF EACH PROGRAM.—Except as otherwise provided in this chapter, the pilot program conducted under this chapter shall be carried out in not more than two procuring activities in each of the executive agencies that are designated by the Administrator for Federal Procurement Policy in accordance with this chapter to carry out the pilot program. With the approval of the Administrator for Federal Procurement Policy, the head of each designated executive agency shall select the procuring activities of the executive agency that are to participate in the test and shall designate a procurement testing official who shall be responsible for the conduct and evaluation of the pilot program within the executive agency.

(b) LIMITATION ON AMOUNT.—The total amount obligated for contracts entered into under the pilot program conducted under this chapter may not exceed $375,000,000. The Administrator for Federal Procurement Policy shall monitor those contracts and ensure that contracts are not entered into in violation of this subsection.

(c) PERIOD OF PROGRAMS.—

(1) IN GENERAL.—Subject to paragraph (2), the pilot program may be carried out under this chapter for the period, not in excess of five years, the Administrator for Federal Procurement Policy determines is sufficient to establish reliable results.

(2) CONTINUING VALIDITY OF CONTRACTS.—A contract entered into under the pilot program before the expiration of that program remains in effect according to the terms of the contract after the expiration of the program.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1245; Pub. L. 107–314, div. A, title VIII, § 825(b)(2)(A), Dec. 2, 2002, 116 Stat. 2615; Pub. L. 107–347, title II, § 210(h)(2)(A), Dec. 17, 2002, 116 Stat. 2938.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
11501	40:1471.	Pub. L. 104–106, div. E, title LIII, § 5301, Feb. 10, 1996, 110 Stat. 691.

[1] See References in Text note below.

REFERENCES IN TEXT

Section 11521 of this title, referred to in subsec. (a)(1), was repealed by Pub. L. 107–347, title II, § 210(h)(1), Dec. 17, 2002, 116 Stat. 2938. Section 210(h)(3)(A) of Pub. L. 107–347 directed the redesignation of section 11522 of this title as section 11521 of this title, but it could not be executed because of the repeal of section 11522 by Pub. L. 107–314, div. A, title VIII, § 825(b)(1), Dec. 2, 2002, 116 Stat. 2615.

AMENDMENTS

2002—Pub. L. 107–314, § 825(b)(2)(A)(i), and Pub. L. 107–347, § 210(h)(2)(A)(i), amended section catchline identically, substituting ''program'' for ''programs''.

Subsec. (a)(1). Pub. L. 107–314, § 825(b)(2)(A)(ii), and Pub. L. 107–347, § 210(h)(2)(A)(ii), amended par. (1) identically, substituting ''conduct a pilot program pursuant to the requirements of section 11521 of this title'' for ''conduct pilot programs''.

Subsec. (a)(2). Pub. L. 107–314, § 825(b)(2)(A)(iii), and Pub. L. 107–347, § 210(h)(2)(A)(iii), amended par. (2) identically, substituting ''the pilot program conducted'' for ''each pilot program conducted''.

Subsec. (b). Pub. L. 107–347, § 210(h)(2)(A)(iv), which directed amendment of subsec. (b) by substituting the heading ''LIMITATION ON AMOUNT'' and text ''The total amount obligated for contracts entered into under the pilot program conducted under this chapter may not exceed $375,000,000.'' for the heading ''LIMITATIONS'' and all that followed through ''$750,000,000.'', was executed by making the substitution for ''LIMITATION ON AMOUNT'' in the heading and ''The total amount obligated for contracts entered into under the pilot program conducted under this chapter may not exceed $750,000,000.'' in text to reflect the probable intent of Congress and the amendment by Pub. L. 107–314, § 825(b)(2)(A)(iv)(I). See below.

Pub. L. 107–314, § 825(b)(2)(A)(iv)(II), substituted ''subsection.'' for ''paragraph.''

Pub. L. 107–314, § 825(b)(2)(A)(iv)(I), substituted ''LIMITATION ON AMOUNT.—The total amount obligated for contracts entered into under the pilot program conducted'' for ''LIMITATIONS.—

''(1) NUMBER.—Not more than two pilot programs may be conducted under this chapter, including one pilot program each pursuant to the requirements of sections 11521 and 11522 of this title.

''(2) AMOUNT.—The total amount obligated for contracts entered into under the pilot programs conducted''.

Subsec. (c)(1). Pub. L. 107–314, § 825(b)(2)(A)(v), and Pub. L. 107–347, § 210(h)(2)(A)(v), amended par. (1) identically, substituting ''the pilot'' for ''a pilot''.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–347 effective 120 days after Dec. 17, 2002, see section 402(a) of Pub. L. 107–347, set out as an Effective Date note under section 3601 of Title 44, Public Printing and Documents.

§ 11502. Evaluation criteria and plans

(a) MEASURABLE TEST CRITERIA.—To the maximum extent practicable, the head of each executive agency conducting the pilot program under section 11501 of this title shall establish measurable criteria for evaluating the effects of the procedures or techniques to be tested under the program.

(b) TEST PLAN.—Before the pilot program may be conducted under section 11501 of this title, the Administrator for Federal Procurement Policy shall submit to Congress a detailed test plan for the program, including a detailed description of the procedures to be used and a list of regulations that are to be waived.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1246; Pub. L. 107–314, div. A, title VIII, § 825(b)(2)(B)(i), (ii),

Dec. 2, 2002, 116 Stat. 2616; Pub. L. 107–347, title II, § 210(h)(2)(B)(i), (ii), Dec. 17, 2002, 116 Stat. 2938.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
11502	40:1472.	Pub. L. 104–106, div. E, title LIII, § 5302, Feb. 10, 1996, 110 Stat. 691.

AMENDMENTS

2002—Pub. L. 107–314 and Pub. L. 107–347 amended section identically, substituting ''the pilot'' for ''a pilot'' in subsecs. (a) and (b).

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–347 effective 120 days after Dec. 17, 2002, see section 402(a) of Pub. L. 107–347, set out as an Effective Date note under section 3601 of Title 44, Public Printing and Documents.

§ 11503. Report

(a) REQUIREMENT.—Not later than 180 days after the completion of the pilot program under this chapter, the Administrator for Federal Procurement Policy shall—

(1) submit to the Director of the Office of Management and Budget a report on the results and findings under the program; and

(2) provide a copy of the report to Congress.

(b) CONTENT.—The report shall include—

(1) a detailed description of the results of the program, as measured by the criteria established for the program; and

(2) a discussion of legislation that the Administrator recommends, or changes in regulations that the Administrator considers necessary, to improve overall information resources management in the Federal Government.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1246; Pub. L. 107–314, div. A, title VIII, § 825(b)(2)(B)(iii), Dec. 2, 2002, 116 Stat. 2616; Pub. L. 107–347, title II, § 210(h)(2)(B)(iii), Dec. 17, 2002, 116 Stat. 2938.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
11503	40:1473.	Pub. L. 104–106, div. E, title LIII, § 5303, Feb. 10, 1996, 110 Stat. 692.

AMENDMENTS

2002—Subsec. (a). Pub. L. 107–314 and Pub. L. 107–347 amended subsec. (a) identically, substituting ''the pilot'' for ''a pilot'' in introductory provisions.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–347 effective 120 days after Dec. 17, 2002, see section 402(a) of Pub. L. 107–347, set out as an Effective Date note under section 3601 of Title 44, Public Printing and Documents.

§ 11504. Recommended legislation

If the Director of the Office of Management and Budget determines that the results and findings under the pilot program under this chapter indicate that legislation is necessary or desirable to improve the process for acquisition of information technology, the Director shall transmit the Director's recommendations for that legislation to Congress.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1246; Pub. L. 107–314, div. A, title VIII, § 825(b)(2)(B)(iv), Dec. 2, 2002, 116 Stat. 2616; Pub. L. 107–347, title II, § 210(h)(2)(B)(iv), Dec. 17, 2002, 116 Stat. 2938.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
11504	40:1474.	Pub. L. 104–106, div. E, title LIII, § 5304, Feb. 10, 1996, 110 Stat. 692.

AMENDMENTS

2002—Pub. L. 107–314 and Pub. L. 107–347 amended section identically, substituting ''the pilot'' for ''a pilot''.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–347 effective 120 days after Dec. 17, 2002, see section 402(a) of Pub. L. 107–347, set out as an Effective Date note under section 3601 of Title 44, Public Printing and Documents.

§ 11505. Rule of construction

This chapter does not authorize the appropriation or obligation of amounts for the pilot program authorized under this chapter.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1246; Pub. L. 107–314, div. A, title VIII, § 825(b)(2)(C), Dec. 2, 2002, 116 Stat. 2616; Pub. L. 107–347, title II, § 210(h)(2)(C), Dec. 17, 2002, 116 Stat. 2938.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
11505	40:1475.	Pub. L. 104–106, div. E, title LIII, § 5305, Feb. 10, 1996, 110 Stat. 692.

AMENDMENTS

2002—Pub. L. 107–314 and Pub. L. 107–347 amended section identically, substituting ''program'' for ''programs''.

EFFECTIVE DATE OF 2002 AMENDMENT

Amendment by Pub. L. 107–347 effective 120 days after Dec. 17, 2002, see section 402(a) of Pub. L. 107–347, set out as an Effective Date note under section 3601 of Title 44, Public Printing and Documents.

SUBCHAPTER II—SPECIFIC PILOT PROGRAM

AMENDMENTS

2002—Pub. L. 107–314, div. A, title VIII, § 825(b)(3)(B), Dec. 2, 2002, 116 Stat. 2616, and Pub. L. 107–347, title II, § 210(h)(3)(C), Dec. 17, 2002, 116 Stat. 2938, amended subchapter heading identically, substituting ''PROGRAM'' for ''PROGRAMS''.

[§ 11521. Repealed. Pub. L. 107–347, title II, § 210(h)(1), Dec. 17, 2002, 116 Stat. 2938]

Section, Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1247, related to the share-in-savings pilot program.

EFFECTIVE DATE OF REPEAL

Repeal effective 120 days after Dec. 17, 2002, see section 402(a) of Pub. L. 107–347, set out as an Effective Date note under section 3601 of Title 44, Public Printing and Documents.