

eral agencies authority to waive those standards to the extent the Secretary determines that action to be necessary and desirable to allow for timely and effective implementation of federal computer system standards. The head of the agency may redelegate that authority only to a chief information officer designated pursuant to section 3506 of title 44.

“(3) NOTICE.—Notice of each waiver and delegation shall be transmitted promptly to Congress and published promptly in the Federal Register.”

EFFECTIVE DATE OF 2002 AMENDMENTS

Amendment by Pub. L. 107-347 effective Dec. 17, 2002, see section 402(b) of Pub. L. 107-347, set out as an Effective Date note under section 3541 of Title 44, Public Printing and Documents.

Amendment by Pub. L. 107-296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

[§ 11332. Repealed. Pub. L. 107-296, title X, § 1005(a)(1), Nov. 25, 2002, 116 Stat. 2272; Pub. L. 107-347, title III, § 305(a), Dec. 17, 2002, 116 Stat. 2960]

Section, Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1244, related to Federal computer system security training and plan.

EFFECTIVE DATE OF REPEAL

Repeal effective Dec. 17, 2002, see section 402(b) of Pub. L. 107-347, set out as an Effective Date note under section 3541 of Title 44, Public Printing and Documents.

Repeal by Pub. L. 107-296 effective 60 days after Nov. 25, 2002, see section 4 of Pub. L. 107-296, set out as an Effective Date note under section 101 of Title 6, Domestic Security.

CHAPTER 115—INFORMATION TECHNOLOGY ACQUISITION PILOT PROGRAM

SUBCHAPTER I—CONDUCT OF PILOT PROGRAM

Sec.

- 11501. Authority to conduct pilot program.
11502. Evaluation criteria and plans.
11503. Report.
11504. Recommended legislation.
11505. Rule of construction.

SUBCHAPTER II—SPECIFIC PILOT PROGRAM

[11521, 11522. Repealed.]

AMENDMENTS

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

Pub. L. 107-314, div. A, title VIII, §825(b)(3)(C), (D), Dec. 2, 2002, 116 Stat. 2616, and Pub. L. 107-347, title II, §210(h)(3)(D), (E), Dec. 17, 2002, 116 Stat. 2938, amended items for subchapters I and II identically, substituting “PROGRAM” for “PROGRAMS”.

Pub. L. 107-314, div. A, title VIII, §825(b)(3)(E), Dec. 2, 2002, 116 Stat. 2616, and Pub. L. 107-347, title II, §210(h)(3)(F), Dec. 17, 2002, 116 Stat. 2938, amended item 11501 identically, substituting “program” for “programs”.

Pub. L. 107-347, title II, §210(h)(3)(G), Dec. 17, 2002, 116 Stat. 2939, struck out item 11521 “Share-in-savings pilot program”, and directed redesignation of item 11522 as item 11521, which could not be executed because of repeal of item 11522 by Pub. L. 107-314, §825(b)(3)(F). See below.

Pub. L. 107-314, div. A, title VIII, §825(b)(3)(F), Dec. 2, 2002, 116 Stat. 2616, struck out item 11522 “Solutions-based contracting pilot program”.

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<sup>1</sup> 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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 11501, 40:1471, Pub. L. 104-106, div. E, title LIII, §5301, Feb. 10, 1996, 110 Stat. 691.

<sup>1</sup> 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 “sub-section.” 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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 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 subsections. (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

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 1: 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 trans-

mit 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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.

§ 11522. Repealed. Pub. L. 107–314, div. A, title VIII, § 825(b)(1), Dec. 2, 2002, 116 Stat. 2615]

Section, Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1247, related to a pilot program to test the feasibility of using solutions-based contracting for the acquisition of information technology. Subsequent to repeal, Pub. L. 107–347, title II, §210(h)(3)(A), Dec. 17, 2002, 116 Stat. 2938, directed that this section be renumbered section 11521 of this title.

CHAPTER 117—ADDITIONAL INFORMATION RESOURCES MANAGEMENT MATTERS

Sec.

- 11701. Identification of excess and surplus computer equipment.
- 11702. Index of certain information in information systems included in directory established under section 4101 of title 44.
- 11703. Procurement procedures.
- [11704. Renumbered.]

AMENDMENTS

2002—Pub. L. 107–314, div. A, title VIII, §825(c)(3), Dec. 2, 2002, 116 Stat. 2616, struck out item 11701 “On-line multiple award schedule contracting” and redesignated items 11702 to 11704 as 11701 to 11703, respectively.

§ 11701. Identification of excess and surplus computer equipment

In accordance with chapter 5 of this title, the head of an executive agency shall maintain an inventory of all computer equipment under the control of that official that is excess or surplus property.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1252, §11702; renumbered §11701, Pub. L. 107–314, div. A, title VIII, §825(c)(2), Dec. 2, 2002, 116 Stat. 2616.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
11702 .....	40:1502.	Pub. L. 104–106, div. E, title LIV, §5402, Feb. 10, 1996, 110 Stat. 697.

The words “Not later than six months after February 10, 1996, the head of the an executive agency shall inventory all computer equipment under the control of that official. After completion of the inventory” are omitted as executed. The words “all computer equipment” are substituted for “any such equipment” for clarity.

PRIOR PROVISIONS

A prior section 11701, Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1250, related to on-line multiple award schedule contracting, prior to repeal by Pub. L. 107–314, div. A, title VIII, §825(c)(1), Dec. 2, 2002, 116 Stat. 2616.

AMENDMENTS

2002—Pub. L. 107–314 renumbered section 11702 of this title as this section.

§ 11702. Index of certain information in information systems included in directory established under section 4101 of title 44

If in designing an information technology system pursuant to this subtitle, the head of an executive agency determines that a purpose of the system is to disseminate information to the public, then the head of that executive agency shall reasonably ensure that an index of infor-