(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.


HISTORICAL AND REVISION NOTES

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<td>§ 9505</td>
<td>40:55.</td>
<td>R.S. § 1805.</td>
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</table>

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.


HISTORICAL AND REVISION NOTES

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The words “in charge of public buildings and works” in section 1806 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. 1 of 1939 (eff. July 1, 1939, 53 Stat. 1426, 1427), the Administrator of General Services by section 103(a) of the Federal Property and Administrative Services Act of 1949 (ch. 288, 63 Stat. 389), 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.


HISTORICAL AND REVISION NOTES

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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).
(including support services), and related resources; but
(C) does not include any equipment acquired by a federal contractor incidental to a federal contract.


HISTORICAL AND REVISION NOTES

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


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. 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

(3) developing and maintaining adequate record-keeping systems.

(c) Contractors and recipients of Federal financial assistance, including recipients of grants and loan guarantees, should establish appropriate systems and controls in place to ensure that Federal funds are not used to acquire, operate, or maintain computer software in violation of applicable copyright laws. If agencies become aware that contractors or recipients are using Federal funds to acquire, operate, or maintain computer software in violation of copyright laws and policies, the agency head may determine that such actions of the contractors or recipients may affect the integrity of the agency’s contracting and Federal financial assistance processes.

(d) Executive agencies shall cooperate fully in implementing this order and shall share information as appropriate that may be useful in combating the use of computer software in violation of applicable copyright laws.

Sec. 2. Responsibilities of Agency Heads. In connection with the acquisition and use of computer software, the head of each executive agency shall:

(a) ensure agency compliance with copyright laws protecting computer software and with the provisions of this order to ensure that only authorized computer software is acquired for and used on the agency’s computers;

(b) utilize performance measures as recommended by the Chief Information Officers Council pursuant to section 3 of this order to assess the agency’s compliance with this order;

(c) educate appropriate agency personnel regarding copyrights protecting computer software and the policies and procedures adopted by the agency to honor them; and

(d) ensure that the policies, procedures, and practices of the agency related to copyrights protecting computer software are adequate and fully implement the policies set forth in this order.

Sec. 3. Chief Information Officers Council. The Chief Information Officers Council (“Council”) established by section 3 of Executive Order No. 13011 of July 16, 1996 (set out above), shall be the principal interagency forum to improve executive agency practices regarding the acquisition and use of computer software, and monitoring and combating the use of unauthorized computer software. The Council shall provide advice and make recommendations to executive agencies and to the Office of Management and Budget regarding appropriate government-wide measures to carry out this order. The Council shall issue its initial recommendations within 6 months of the date of this order.

Sec. 4. Office of Management and Budget. The Director of the Office of Management and Budget, in carrying out responsibilities under the Clinger-Cohen Act (probably means the Clinger-Cohen Act of 1996, div. D (§§ 4401–4482) and div. E (§§ 5001–5703) of Pub. L. 104–106, see Tables for classification), shall utilize appropriate oversight mechanisms to foster agency compliance with the policies set forth in this order. In carrying out these responsibilities, the Director shall consider any recommendations made by the Council under section 3 of this order regarding practices and policies to be instituted on a government-wide basis to carry out this order.

Sec. 5. Definition. “Executive agency” and “agency” have the meaning given to that term in section 4(1) of the Office of Federal Procurement Policy Act (41 U.S.C. 4021).

Sec. 6. National Security. In the interest of national security, nothing in this order shall be construed to re-
quire the disclosure of intelligence sources or methods or to otherwise impair the authority of those agencies listed at 50 U.S.C.[C.] 401a(4) to carry out intelligence activities.

Sect. 7. Law Enforcement Activities. Nothing in this order shall be construed to require the disclosure of law enforcement investigative sources or methods or to prohibit or otherwise impair any lawful investigative or protective activity undertaken for or by any officer, agent, or employee of the United States or any person acting pursuant to a contract or other agreement with such entities.

Sect. 8. Scope. Nothing in this order shall be construed to limit or otherwise affect the interpretation, application, or operation of 28 U.S.C. 1498.

§ 11103. Applicability to national security systems.

(a) Definitions.—

(1) NATIONAL SECURITY SYSTEM.—In this section, the term “national security system” means a telecommunications or information system operated by the Federal Government, the function, operation, or use of which—

(A) involves intelligence activities;

(B) involves cryptologic activities related to national security;

(C) involves command and control of military forces;

(D) involves equipment that is an integral part of a weapon or weapons system; or

(E) subject to paragraph (2), is critical to the direct fulfillment of military or intelligence missions.

(2) Limitation.—Paragraph (1)(E) does not include a system to be used for routine administrative and business applications (including payroll, finance, logistics, and personnel management applications).

(b) In General.—Except as provided in subsection (c), chapter 113 of this title does not apply to national security systems.

(c) Exceptions.—

(1) In General.—Sections 11313, 11315, and 11316 of this title apply to national security systems.

(2) Capital Planning and Investment Control.—The heads of executive agencies shall apply sections 11302 and 11312 of this title to national security systems to the extent practicable.

(3) Applicability of Performance-Based and Results-Based Management to National Security Systems.—

(A) In General.—Subject to subparagraph (B), the heads of executive agencies shall apply section 11303 of this title to national security systems to the extent practicable.

(B) Exception.—National security systems are subject to section 11303(b)(5) of this title, except for subparagraph (B)(iv).


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CHAPTER 113—RESPONSIBILITY FOR ACQUISITIONS OF INFORMATION TECHNOLOGY

SUBCHAPTER I—DIRECTOR OF OFFICE OF ACQUISITIONS OF INFORMATION TECHNOLOGY

Sec. 11301. Responsibility of Director.

11302. Capital planning and investment control.

11303. Performance-based and results-based management.

SUBCHAPTER II—EXECUTIVE AGENCIES

11311. Responsibilities.

11312. Capital planning and investment control.

11313. Performance and results-based management.

11314. Authority to acquire and manage information technology.

11315. Agency Chief Information Officer.

11316. Accountability.

11317. Significant deviations.

11318. Interagency support.

SUBCHAPTER III—OTHER RESPONSIBILITIES

11331. Responsibilities for Federal information systems standards.

11332. Repealed.

AMENDMENTS


SUBCHAPTER I—DIRECTOR OF OFFICE OF MANAGEMENT AND BUDGET

§ 11301. Responsibility of Director

In fulfilling the responsibility to administer the functions assigned under chapter 35 of title 44, the Director of the Office of Management and

WILLIAM J. CLINTON.