

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. 403(1)).

SEC. 6. *National Security.* In the interest of national security, nothing in this order shall be construed to require the disclosure of intelligence sources or methods or to otherwise impair the authority of those agencies listed at [former] 50 U.S.[C.] 401a(4) [now 50 U.S.C. 3003(4)] to carry out intelligence activities.

SEC. 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.

SEC. 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.

SEC. 9. *Judicial Review.* This Executive order is intended only to improve the internal management of the executive branch and does not create any right or benefit, substantive or procedural, at law or equity by a party against the United States, its agencies or instrumentalities, its officers or employees, or any other person.

WILLIAM J. CLINTON.

**§ 11102. Sense of Congress**

It is the sense of Congress that, during the five-year period beginning with 1996, executive agencies should achieve each year through improvements in information resources management by the agency—

- (1) at least a five percent decrease in the cost (in constant fiscal year 1996 dollars) incurred by the agency in operating and maintaining information technology; and
- (2) a five percent increase in the efficiency of the agency operations.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1236.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
11102 .....	40:1442.	Pub. L. 104–106, div. E, title LI, §5132, Feb. 10, 1996, 110 Stat. 689.

**§ 11103. Applicability to national security systems**

(a) DEFINITION.—

(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 admin-

istrative 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).

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1236.)

HISTORICAL AND REVISION NOTES

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
11103(a) .....	40:1452.	Pub. L. 104–106, div. E, title LI, §§5141, 5142, Feb. 10, 1996, 110 Stat. 689.
11103(b) .....	40:1451(a).	
11103(c) .....	40:1451(b).	

**Statutory Notes and Related Subsidiaries**

EXEMPTION FROM REQUIREMENT FOR CAPITAL PLANNING AND INVESTMENT CONTROL FOR INFORMATION TECHNOLOGY EQUIPMENT INCLUDED AS INTEGRAL PART OF A WEAPON OR WEAPON SYSTEM

Pub. L. 114–328, div. A, title VIII, §895, Dec. 23, 2016, 130 Stat. 2326, as amended by Pub. L. 117–81, div. A, title XVII, §1702(l)(9), Dec. 27, 2021, 135 Stat. 2161, provided that:

“(a) WAIVER AUTHORITY.—Notwithstanding subsection (c)(2) of section 11103 of title 40, United States Code, a national security system described in subsection (a)(1)(D) of such section shall not be subject to the requirements of paragraphs (2) through (5) of section 11312(b) of such title unless the milestone decision authority determines in writing that application of such requirements is appropriate and in the best interests of the Department of Defense.

“(b) MILESTONE DECISION AUTHORITY DEFINED.—In this section, the term ‘milestone decision authority’ has the meaning given the term in section 4251(d)(5) of title 10, United States Code.”

**CHAPTER 113—RESPONSIBILITY FOR ACQUISITIONS OF INFORMATION TECHNOLOGY**

SUBCHAPTER I—DIRECTOR OF OFFICE OF MANAGEMENT AND BUDGET

- 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.

- Sec.
- 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.
- 11319. Resources, planning, and portfolio management.

SUBCHAPTER III—OTHER RESPONSIBILITIES

- 11331. Responsibilities for Federal information systems standards.
- [11332. Repealed.]

Editorial Notes

AMENDMENTS

2014—Pub. L. 113–291, div. A, title VIII, §831(b), Dec. 19, 2014, 128 Stat. 3440, added item 11319.

2002—Pub. L. 107–296, title X, §§1002(b), 1005(a)(2), Nov. 25, 2002, 116 Stat. 2269, 2272, and Pub. L. 107–347, title III, §§302(b), 305(a), Dec. 17, 2002, 116 Stat. 2957, 2960, amended table of sections identically, substituting “Responsibilities for Federal information systems standards” for “Responsibilities regarding efficiency, security, and privacy of federal computer systems” in item 11331 and striking out item 11332 “Federal computer system security training and plan”.

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 Budget shall comply with this chapter with respect to the specific matters covered by this chapter.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1237.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
11301 .....	40:1411.	Pub. L. 104–106, div. E, title LI, §5111, Feb. 10, 1996, 110 Stat. 680.

Statutory Notes and Related Subsidiaries

AI IN GOVERNMENT

Pub. L. 116–260, div. U, title I, Dec. 27, 2020, 134 Stat. 2286, provided that:

“SEC. 101. SHORT TITLE.

“This title may be cited as the ‘AI in Government Act of 2020’.

“SEC. 102. DEFINITIONS.

“In this Act [probably means “this title”]—

“(1) the term ‘Administrator’ means the Administrator of General Services;

“(2) the term ‘agency’ has the meaning given the term in section 3502 of title 44, United States Code;

“(3) the term ‘AI CoE’ means the AI Center of Excellence described in section 103;

“(4) the term ‘artificial intelligence’ has the meaning given the term in section 238(g) of the John S. McCain National Defense Authorization Act for Fiscal Year 2019 (10 U.S.C. 2358 note);

“(5) the term ‘Director’ means the Director of the Office of Management and Budget;

“(6) the term ‘institution of higher education’ has the meaning given the term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001); and

“(7) the term ‘nonprofit organization’ means an organization described in section 501(c)(3) of the Internal Revenue Code of 1986 [26 U.S.C. 501(c)(3)] and exempt from taxation under section 501(a) of that Code [26 U.S.C. 501(a)].

“SEC. 103. AI CENTER OF EXCELLENCE.

“(a) IN GENERAL.—There is created within the General Services Administration a program to be known as the ‘AI Center of Excellence’, which shall—

“(1) facilitate the adoption of artificial intelligence technologies in the Federal Government;

“(2) improve cohesion and competency in the adoption and use of artificial intelligence within the Federal Government; and

“(3) carry out paragraphs (1) and (2) for the purposes of benefitting the public and enhancing the productivity and efficiency of Federal Government operations.

“(b) DUTIES.—The duties of the AI CoE shall include—

“(1) regularly convening individuals from agencies, industry, Federal laboratories, nonprofit organizations, institutions of higher education, and other entities to discuss recent developments in artificial intelligence, including the dissemination of information regarding programs, pilots, and other initiatives at agencies, as well as recent trends and relevant information on the understanding, adoption, and use of artificial intelligence;

“(2) collecting, aggregating, and publishing on a publicly available website information regarding programs, pilots, and other initiatives led by other agencies and any other information determined appropriate by the Administrator;

“(3) advising the Administrator, the Director, and agencies on the acquisition and use of artificial intelligence through technical insight and expertise, as needed;

“(4) assist agencies in applying Federal policies regarding the management and use of data in applications of artificial intelligence;

“(5) consulting with agencies, including the Department of Defense, the Department of Commerce, the Department of Energy, the Department of Homeland Security, the Office of Management and Budget, the Office of the Director of National Intelligence, and the National Science Foundation, that operate programs, create standards and guidelines, or otherwise fund internal projects or coordinate between the public and private sectors relating to artificial intelligence;

“(6) advising the Director on developing policy related to the use of artificial intelligence by agencies; and

“(7) advising the Director of the Office of Science and Technology Policy on developing policy related to research and national investment in artificial intelligence.

“(c) STAFF.—

“(1) IN GENERAL.—The Administrator shall provide necessary staff, resources, and administrative support for the AI CoE.

“(2) SHARED STAFF.—To the maximum extent practicable, the Administrator shall meet the requirements described under paragraph (1) by using staff of the General Services Administration, including those from other agency centers of excellence, and detailees, on a reimbursable or nonreimbursable basis, from other agencies.

“(3) FELLOWS.—The Administrator may, to the maximum extent practicable, appoint fellows to participate in the AI CoE from nonprofit organizations, think tanks, institutions of higher education, and industry.

“(d) SUNSET.—This section shall cease to be effective on the date that is 5 years after the date of enactment of this Act [Dec. 27, 2020].

“SEC. 104. GUIDANCE FOR AGENCY USE OF ARTIFICIAL INTELLIGENCE.

“(a) GUIDANCE.—Not later than 270 days after the date of enactment of this Act [Dec. 27, 2020], the Director, in