randum of President of the United States, Apr. 21, 2005, 70 F.R. 23925, set out as a note under section 401 of Title 50, War and National Defense.

Amendment by Pub. L. 108–458 effective not later than six months after Dec. 17, 2004, except as otherwise expressly provided, see section 1097(a) of Pub. L. 108–458, set out as an Effective Date of 2004 Amendment; Transition Provisions note under section 401 of Title 50, War and National Defense.

SUBCHAPTER III—ADMINISTRATIVE AND GENERAL

§ 121. Administrative

(a) POLICIES PRESCRIBED BY THE PRESIDENT.—The President may prescribe policies and directives that the President considers necessary to carry out this subtitle. The policies must be consistent with this subtitle.

(b) ACCOUNTING PRINCIPLES AND STANDARDS.—

(1) PRESCRIPTION.—The Comptroller General, after considering the needs and requirements of executive agencies, shall prescribe principles and standards of accounting for property.

(2) PROPERTY ACCOUNTING SYSTEMS.—The Comptroller General shall cooperate with the Administrator of General Services and with executive agencies in the development of property accounting systems and approve the systems when they are adequate and in conformity with prescribed principles and standards.

(3) COMPLIANCE REVIEW.—From time to time the Comptroller General shall examine the property accounting systems established by executive agencies to determine the extent of compliance with prescribed principles and standards and approved systems. The Comptroller General shall report to Congress any failure to comply with the principles and standards or to adequately account for property.

(c) REGULATIONS BY ADMINISTRATOR.—

(1) GENERAL AUTHORITY.—The Administrator may prescribe regulations to carry out this subtitle.

(2) REQUIRED REGULATIONS AND ORDERS.—The Administrator shall prescribe regulations that the Administrator considers necessary to carry out the Administrator's functions under this subtitle and the head of each executive agency shall issue orders and directives that the agency head considers necessary to carry out the regulations.

(d) DELEGATION OF AUTHORITY BY ADMINISTRATOR.—

(1) IN GENERAL.—Except as provided in paragraph (2), the Administrator may delegate authority conferred on the Administrator by this subtitle to an official in the General Services Administration or to the head of another federal agency. The Administrator may authorize successive redelegation of authority conferred by this subtitle.

(2) EXCEPTIONS.—The Administrator may not delegate—

(A) the authority to prescribe regulations on matters of policy applying to executive agencies;

(B) the authority to transfer functions and related allocated amounts from one component of the Administration to another under paragraphs (1)(C) and (2)(A) of subsection (e); or

(C) other authority for which delegation is prohibited by this subtitle.

(3) RETENTION AND USE OF RENTAL PAYMENTS.—A department or agency to which the Administrator has delegated authority to operate, maintain or repair a building or facility under this subsection shall retain the portion of the rental payment that the Administrator determines is available to operate, maintain or repair the building or facility. The department or agency shall directly expend the retained amounts to operate, maintain, or repair the building or facility. Any amounts retained under this paragraph shall remain available until expended for these purposes.

(e) ASSIGNMENT OF FUNCTIONS BY ADMINISTRATOR.—

(1) IN GENERAL.—The Administrator may provide for the performance of a function assigned under this subtitle by any of the following methods:

(A) The Administrator may direct the Administration to perform the function.

(B) The Administrator may designate or establish a component of the Administration and direct the component to perform the function.

(C) The Administrator may transfer the function from one component of the Administration to another.

(D) The Administrator may direct an executive agency to perform the function for itself, with the consent of the agency or by direction of the President.

(E) The Administrator may direct one executive agency to perform the function for another executive agency, with the consent of the agencies concerned or by direction of the President.

(F) The Administrator may provide for performance of a function by a combination of the methods described in this paragraph.

(2) TRANSFER OF RESOURCES.—

(A) WITHIN ADMINISTRATION.—If the Administrator transfers a function from one component of the Administration to another, the Administrator may also provide for the transfer of appropriate allocated amounts from the component that previously carried out the function to the component being directed to carry out the function. A transfer under this subparagraph must be reported to the Director of the Office of Management and Budget.

(B) BETWEEN AGENCIES.—If the Administrator transfers a function from one executive agency to another (including a transfer to or from the Administration), the Administrator may also provide for the transfer of appropriate personnel, records, property, and allocated amounts from the executive agency that previously carried out the function to the executive agency being directed to carry out the function. A transfer under this subparagraph is subject to approval by the Director.

(f) ADVISORY COMMITTEES.—The Administrator may establish advisory committees to provide

advice on any function of the Administrator under this subtitle. Members of the advisory committees shall serve without compensation but are entitled to transportation and not more than $25 a day instead of expenses under section 5703 of title 5.

(g) CONSULTATION WITH FEDERAL AGENCIES.—The Administrator shall advise and consult with interested federal agencies and seek their advice and assistance to accomplish the purposes of this subtitle.

(h) ADMINISTERING OATHS.—In carrying out investigative duties, an officer or employee of the Administration, if authorized by the Administrator, may administer an oath to an individual.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1068.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
121(a), (b) ...	40:486(a), (b).	June 30, 1949, ch. 288, title II, §205, 63 Stat. 389; Sept. 5, 1950, ch. 849, §9, 64 Stat. 591; Pub. L. 87–619, Aug. 31, 1962, 76 Stat. 414.
121(c)(1)	40:751(f).	June 30, 1949, ch. 288, title I, §101(f), as added Pub. L. 99–500, §101(m) [title VIII, §832], Oct. 18, 1986, 100 Stat. 1783–345; Pub. L. 99–591, §101(m) [title VIII, §832], Oct. 30, 1986, 100 Stat. 3341–345.
121(c)(2)	40:486(c).	
121(d)(1), (2)	40:486(d).	
121(d)(3)	40:486a.	Pub. L. 104–208, div. A, title I, §101(f) [title VI, §611], Sept. 30, 1996, 110 Stat. 3009–355.
121(e)(1)	40:486(e).	
	40:754 (1st sentence).	June 30, 1949, ch. 288, title I, §106, 63 Stat. 381.
121(e)(2)(A)	40:754 (last sentence).	
121(e)(2)(B)	40:486(f).	
121(f)	40:486(g).	
121(g)	40:486(h).	
121(h)	40:486(i).	

In subsection (b)(3), the words ''Comptroller General'' are substituted for ''General Accounting Office'' because of 31:702 and for consistency in the revised title.

In subsection (d)(3), the words ''For the fiscal year ending September 30, 1997, and thereafter'' are omitted as unnecessary.

In subsection (e)(1)(C), the words ''transfer the function from one component of the Administration to another'' are substituted for ''from time to time, to regroup, transfer, and distribute any such functions within the General Services Administration'' (in 40:754 (1st sentence)) for clarity and to eliminate unnecessary words.

In subsection (e)(2), subparagraph (A) is substituted for 40:754 (last sentence) and subparagraph (B) is substituted for 40:486(f) to use more consistent terminology and to clarify the requirements and applicability of each provision. The words ''Director of the Office of Management and Budget'' are substituted for ''Director of the Bureau of the Budget'' in sections 106 (last sentence) and 205(f) of the Federal Property and Administrative Services Act of 1949 because the office of Director of the Bureau of the Budget was redesignated the Director of the Office of Management and Budget by section 102(b) of Reorganization Plan No. 2 of 1970 (84 Stat. 2085). Section 102 of Reorganization Plan No. 2 of 1970, was repealed by section 5(b) of the Act of September 13, 1982 (Public Law 97–258, 96 Stat. 1085), the first section of which enacted Title 31, United States Code, but the successor provision, 31:502, continued the designation as Director of the Office of Management and Budget.

In subsection (f), the words ''expenses under'' are substituted for ''subsistence, as authorized by'' for consistency in the revised title. The words ''section 5703 of title 5'' are substituted for ''section 5 of the Act of August 2, 1946 (5 U.S.C. 73b–2)'' in section 205(g) of the Federal Property and Administrative Services Act of 1949 because of section 7(b) of the Act of September 6, 1966 (Public Law 89–554, 80 Stat. 631), the first section of which enacted Title 5, United States Code.

TERMINATION OF ADVISORY COMMITTEES

Advisory committees established after Jan. 5, 1973, to terminate not later than the expiration of the 2-year period beginning on the date of their establishment, unless, in the case of a committee established by the President or an officer of the Federal Government, such committee is renewed by appropriate action prior to the expiration of such 2-year period, or in the case of a committee established by the Congress, its duration is otherwise provided by law. See section 14 of Pub. L. 92–463, Oct. 6, 1972, 86 Stat. 776, set out in the Appendix to Title 5, Government Organization and Employees.

EX. ORD. NO. 12072. FEDERAL SPACE MANAGEMENT

Ex. Ord. No. 12072, Aug. 16, 1978, 43 F.R. 36869, provided:

By the authority vested in me as President of the United States of America by Section 205(a) of the Federal Property and Administrative Services Act of 1949, as amended (40 U.S.C. 486(a)) [now 40 U.S.C. 121(a)], and in order to prescribe appropriate policies and directives, not inconsistent with that Act [now chapters 1 to 11 of this title and title III of the Act of June 30, 1949 (41 U.S.C. 251 et seq.)] and other applicable provisions of law, for the planning, acquisition, utilization, and management of Federal space facilities, it is hereby ordered as follows:

1–1. SPACE ACQUISITION

1–101. Federal facilities and Federal use of space in urban areas shall serve to strengthen the Nation's cities and to make them attractive places to live and work. Such Federal space shall conserve existing urban resources and encourage the development and redevelopment of cities.

1–102. Procedures for meeting space needs in urban areas shall give serious consideration to the impact a site selection will have on improving the social, economic, environmental, and cultural conditions of the communities in the urban area.

1–103. Except where such selection is otherwise prohibited, the process for meeting Federal space needs in urban areas shall give first consideration to a centralized community business area and adjacent areas of similar character, including other specific areas which may be recommended by local officials.

1–104. The process of meeting Federal space needs in urban areas shall be consistent with the policies of this Order and shall include consideration of the following criteria:

(a) Compatability [sic] of the site with State, regional, or local development, redevelopment, or conservation objectives.

(b) Conformity with the activities and programs of other Federal agencies.

(c) Impact on economic development and employment opportunities in the urban area, including the utilization of human, natural, cultural, and community resources.

(d) Availability of adequate low and moderate income housing for Federal employees and their families on a nondiscriminatory basis.

(e) Availability of adequate public transportation and parking and accessibility to the public.

1–105. Procedures for meeting space needs in urban areas shall be consistent with the policies of this Order and shall include consideration of the following alternatives:

(a) Availability of existing Federally controlled facilities.

(b) Utilization of buildings of historic, architectural, or cultural significance within the meaning of section

105 of the Public Buildings Cooperative Use Act of 1976 (90 Stat. 2507, 40 U.S.C. 612a) [now 40 U.S.C. 3306].

(c) Acquisition or utilization of existing privately owned facilities.

(d) Construction of new facilities.

(e) Opportunities for locating cultural, educational, recreational, or commercial activities within the proposed facility.

1–106. Site selection and space assignments shall take into account the management needs for consolidation of agencies or activities in common or adjacent space in order to improve administration and management and effect economies.

1–2. ADMINISTRATOR OF GENERAL SERVICES

1–201. The Administrator of General Services shall develop programs to implement the policies of this Order through the efficient acquisition and utilization of Federally owned and leased space. In particular, the Administrator shall:

(a) Select, acquire, and manage Federal space in a manner which will foster the policies and programs of the Federal government and improve the management and administration of government activities.

(b) Issue regulations, standards, and criteria for the selection, acquisition, and management of Federally owned and leased space.

(c) Periodically undertake surveys of space requirements and space utilization in the executive agencies.

(d) Ensure, in cooperation with the heads of Executive agencies, that their essential space requirements are met in a manner that is economically feasible and prudent.

(e) Make maximum use of existing Federally controlled facilities which, in his judgment, are adequate or economically adaptable to meeting the space needs of executive agencies.

(f) Annually submit long–range plans and programs for the acquisition, modernization, and use of space for approval by the President.

1–202. The Administrator is authorized to request from any Executive agency such information and assistance deemed necessary to carry out his functions under this Order. Each agency shall, to the extent not prohibited by law, furnish such information and assistance to the Administrator.

1–203. In the process of meeting Federal space needs in urban areas and implementing the policies of this Order, the Administrator shall:

(a) Consider the efficient performance of the missions and programs of the agencies, the nature and function of the facilities involved, the convenience of the public served, and the maintenance and improvement of safe and healthful working conditions for employees.

(b) Coordinate proposed programs and plans for facilities and space with the Director of the Office of Management and Budget.

(c) Consult with appropriate Federal, State, regional, and local government officials and consider their recommendations for and objections to a proposed selection site or space acquisition.

(d) Coordinate proposed programs and plans for facilities and space in a manner designed to implement the purposes of this Order.

(e) Prior to making a final determination concerning the location of Federal facilities, notify the concerned Executive agency of an intended course of action and take into account any additional information provided.

1–204. In ascertaining the social, economic, environmental and other impacts which site selection would have on a community, the Administrator shall, when appropriate, obtain the advice of interested agencies.

1–3. GENERAL PROVISIONS

1–301. The heads of Executive agencies shall cooperate with the Administrator in implementing the policies of this Order and shall economize on their use of space. They shall ensure that the Administrator is given early notice of new or changing missions or organizational realignments which affect space requirements.

1–302. Executive agencies which acquire or utilize Federally owned or leased space under authority other than the Federal Property and Administrative Services Act of 1949, as amended [now chapters 1 to 11 of this title and title III of the Act of June 30, 1949 (41 U.S.C. 251 et seq.)], shall conform to the provisions of this Order to the extent they have the authority to do so.

1–303. Executive Order No. 11512 of February 27, 1970, is revoked.

JIMMY CARTER.

EXECUTIVE ORDER NO. 12512

Ex. Ord. No. 12512, Apr. 29, 1985, 50 F.R. 18453, which related to Federal real property management, was revoked by Ex. Ord. No. 13327, §8, Feb. 4, 2004, 69 F.R. 5897, set out below.

EX. ORD. NO. 12954. ENSURING THE ECONOMICAL AND EFFICIENT ADMINISTRATION AND COMPLETION OF FEDERAL GOVERNMENT CONTRACTS

Ex. Ord. No. 12954, Mar. 8, 1995, 60 F.R. 13023, provided:

Efficient economic performance and productivity are directly related to the existence of cooperative working relationships between employers and employees. When Federal contractors become involved in prolonged labor disputes with their employees, the Federal Government's economy, efficiency, and cost of operations are adversely affected. In order to operate as effectively as possible, by receiving timely goods and quality services, the Federal Government must assist the entities with which it has contractual relations to develop stable relationships with their employees.

An important aspect of a stable collective bargaining relationship is the balance between allowing businesses to operate during a strike and preserving worker rights. This balance is disrupted when permanent replacement employees are hired. It has been found that strikes involving permanent replacement workers are longer in duration than other strikes. In addition, the use of permanent replacements can change a limited dispute into a broader, more contentious struggle, thereby exacerbating the problems that initially led to the strike. By permanently replacing its workers, an employer loses the accumulated knowledge, experience, skill, and expertise of its incumbent employees. These circumstances then adversely affect the businesses and entities, such as the Federal Government, which rely on that employer to provide high quality and reliable goods or services.

NOW, THEREFORE, to ensure the economical and efficient administration and completion of Federal Government contracts, and by the authority vested in me as President by the Constitution and the laws of the United States of America, including 40 U.S.C. 486(a) [now 40 U.S.C. 121(a)] and 3 U.S.C. 301, it is hereby ordered as follows:

SECTION 1. It is the policy of the executive branch in procuring goods and services that, to ensure the economical and efficient administration and completion of Federal Government contracts, contracting agencies shall not contract with employers that permanently replace lawfully striking employees. All discretion under this Executive order shall be exercised consistent with this policy.

SEC. 2. (a) The Secretary of Labor (''Secretary'') may investigate an organizational unit of a Federal contractor to determine whether the unit has permanently replaced lawfully striking workers. Such investigation shall be conducted in accordance with procedures established by the Secretary.

(b) The Secretary shall receive and may investigate complaints by employees of any entity covered under section 2(a) of this order where such complaints allege lawfully striking employees have been permanently replaced.

(c) The Secretary may hold such hearings, public or private, as he or she deems advisable, to determine whether an entity covered under section 2(a) has permanently replaced lawfully striking employees.

SEC. 3. (a) When the Secretary determines that a contractor has permanently replaced lawfully striking employees, the Secretary may make a finding that it is appropriate to terminate the contract for convenience. The Secretary shall transmit that finding to the head of any department or agency that contracts with the contractor.

(b) The head of the contracting department or agency may object to the termination for convenience of a contract or contracts of a contractor determined to have permanently replaced legally striking employees. If the head of the agency so objects, he or she shall set forth the reasons for not terminating the contract or contracts in a response in writing to the Secretary. In such case, the termination for convenience shall not be issued. The head of the contracting agency or department shall report to the Secretary those contracts that have been terminated for convenience under this section.

SEC. 4. (a) When the Secretary determines that a contractor has permanently replaced lawfully striking employees, the Secretary may debar the contractor, thereby making the contractor ineligible to receive government contracts. The Secretary shall notify the Administrator of the General Services Administration of the debarment, and the Administrator shall include the contractor on the consolidated list of debarred contractors. Departments and agencies shall not solicit offers from, award contracts to, or consent to subcontracts with these contractors unless the head of the agency or his or her designee determines, in writing, that there is a compelling reason for such action, in accordance with the Federal Acquisition Regulation.

(b) The scope of the debarment normally will be limited to those organizational units of a Federal contractor that the Secretary finds to have permanently replaced lawfully striking workers.

(c) The period of the debarment may not extend beyond the date when the labor dispute precipitating the permanent replacement of lawfully striking workers has been resolved, as determined by the Secretary.

SEC. 5. The Secretary shall publish or cause to be published, in the Federal Register, the names of contractors that have, in the judgement of the Secretary, permanently replaced lawfully striking employees and have been the subject of debarment.

SEC. 6. The Secretary shall be responsible for the administration and enforcement of this order. The Secretary, after consultation with the Secretary of Defense, the Administrator of the General Services, the Administrator of the National Aeronautics and Space Administration, and the Administrator of the Office of Federal Procurement Policy, may adopt such rules and regulations and issue such orders as may be deemed necessary and appropriate to achieve the purposes of this order.

SEC. 7. Each contracting department and agency shall cooperate with the Secretary and provide such information and assistance as the Secretary may require in the performance of the Secretary's functions under this order.

SEC. 8. The Secretary may delegate any function or duty of the Secretary under this order to any officer in the Department of Labor or to any other officer in the executive branch of the Government, with the consent of the head of the department or agency in which that officer serves.

SEC. 9. The Secretary of Defense, the Administrator of the General Services, and the Administrator of the National Aeronautics and Space Administration, after consultation with the Administrator of the Office of Federal Procurement Policy, shall take whatever action is appropriate to implement the provisions of this order and of any related rules, regulations, or orders of the Secretary issued pursuant to this order.

SEC. 10. This order is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or its employees. This order is not intended, however, to preclude judicial review of final agency decisions in accordance with the Administrative Procedure Act, 5 U.S.C. 701 *et seq*.

SEC. 11. The meaning of the term ''organizational unit of a Federal contractor'' as used in this order shall be defined in regulations that shall be issued by the Secretary of Labor, in consultation with affected agencies. This order shall apply only to contracts in excess of the Simplified Acquisition Threshold.

SEC. 12. (a) The provisions of section 3 of this order shall only apply to situations in which contractors have permanently replaced lawfully striking employees after the effective date of this order.

(b) This order is effective immediately.

WILLIAM J. CLINTON.

EX. ORD. NO. 12977. INTERAGENCY SECURITY COMMITTEE

Ex. Ord. No. 12977, Oct. 19, 1995, 60 F.R. 54411, as amended by Ex. Ord. No. 13286, § 23, Feb. 28, 2003, 68 F.R. 10624, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, and in order to enhance the quality and effectiveness of security in and protection of buildings and facilities in the United States occupied by Federal employees for nonmilitary activities (''Federal facilities''), and to provide a permanent body to address continuing government-wide security for Federal facilities, it is hereby ordered as follows:

SECTION 1. *Establishment*. There is hereby established within the executive branch the Interagency Security Committee (''Committee''). The Committee shall consist of: (a) the Secretary of Homeland Security (''Secretary'');

(b) representatives from the following agencies, appointed by the agency heads:

(1) Department of State;
(2) Department of the Treasury;
(3) Department of Defense;
(4) Department of Justice;
(5) Department of the Interior;
(6) Department of Agriculture;
(7) Department of Commerce;
(8) Department of Labor;
(9) Department of Health and Human Services;
(10) Department of Housing and Urban Development;
(11) Department of Transportation;
(12) Department of Energy;
(13) Department of Education;
(14) Department of Veterans Affairs;
(15) Environmental Protection Agency;
(16) Central Intelligence Agency;
(17) Office of Management and Budget; and
(18) General Services Administration;

(c) the following individuals or their designees:

(1) the Director, United States Marshals Service;
(2) the Assistant to the President for National Security Affairs; and
(3) the Director, Security Policy Board; and

(d) such other Federal employees as the President shall appoint.

SEC. 2. *Chair*. The Committee shall be chaired by the Secretary, or the designee of the Secretary.

SEC. 3. *Working Groups*. The Committee is authorized to establish interagency working groups to perform such tasks as may be directed by the Committee.

SEC. 4. *Consultation*. The Committee may consult with other parties, including the Administrative Office of the United States Courts, to perform its responsibilities under this order, and, at the discretion of the Committee, such other parties may participate in the working groups.

SEC. 5. *Duties and Responsibilities*. (a) The Committee shall: (1) establish policies for security in and protection of Federal facilities;

(2) develop and evaluate security standards for Federal facilities, develop a strategy for ensuring compliance with such standards, and oversee the implementation of appropriate security measures in Federal facilities; and

(3) take such actions as may be necessary to enhance the quality and effectiveness of security and protection of Federal facilities, including but not limited to:

(A) encouraging agencies with security responsibilities to share security-related intelligence in a timely and cooperative manner;

(B) assessing technology and information systems as a means of providing cost-effective improvements to security in Federal facilities;

(C) developing long-term construction standards for those locations with threat levels or missions that require blast resistant structures or other specialized security requirements;

(D) evaluating standards for the location of, and special security related to, day care centers in Federal facilities; and

(E) assisting the Secretary in developing and maintaining a centralized security data base of all Federal facilities.

SEC. 6. *Agency Support and Cooperation*. (a) *Administrative Support*. To the extent permitted by law and subject to the availability of appropriations, the Secretary, acting by and through the Assistant Commissioner, shall provide the Committee such administrative services, funds, facilities, staff and other support services as may be necessary for the performance of its functions under this order.

(b) *Cooperation*. Each executive agency and department shall cooperate and comply with the policies and recommendations of the Committee issued pursuant to this order, except where the Director of Central Intelligence determines that compliance would jeopardize intelligence sources and methods. To the extent permitted by law and subject to the availability of appropriations, executive agencies and departments shall provide such support as may be necessary to enable the Committee to perform its duties and responsibilities under this order.

(c) *Compliance*. The Secretary shall be responsible for monitoring Federal agency compliance with the policies and recommendations of the Committee.

SEC. 7. *Judicial Review*. This order is intended only to improve the internal management of the Federal Government, and is not intended, and should not be construed, to create any right or benefit, substantive or procedural, enforceable at law by a party against the United States, its agencies, its officers, or its employees.

EX. ORD. NO. 13327. FEDERAL REAL PROPERTY ASSET MANAGEMENT

Ex. Ord. No. 13327, Feb. 4, 2004, 69 F.R. 5897, as amended by Ex. Ord. No. 13423, §11(c), Jan. 24, 2007, 72 F.R. 3923, provided:

By the authority vested in me as President by the Constitution and the laws of the United States of America, including section 121(a) of title 40, United States Code, and in order to promote the efficient and economical use of Federal real property resources in accordance with their value as national assets and in the best interests of the Nation, it is hereby ordered as follows:

SECTION 1. *Policy*. It is the policy of the United States to promote the efficient and economical use of America's real property assets and to assure management accountability for implementing Federal real property management reforms. Based on this policy, executive branch departments and agencies shall recognize the importance of real property resources through increased management attention, the establishment of clear goals and objectives, improved policies and levels of accountability, and other appropriate action.

SEC. 2. *Definition and Scope*. (a) For the purpose of this executive order, Federal real property is defined as any real property owned, leased, or otherwise managed by the Federal Government, both within and outside the United States, and improvements on Federal lands. For the purpose of this order, Federal real property shall exclude: interests in real property assets that have been disposed of for public benefit purposes pursuant to section 484 of title 40, United States Code [now 40 U.S.C. 541–555], and are now held in private ownership; land easements or rights-of-way held by the Federal Government; public domain land (including lands withdrawn for military purposes) or land reserved or dedicated for national forest, national park, or national wildlife refuge purposes except for improvements on those lands; land held in trust or restricted fee status for individual Indians or Indian tribes; and land and interests in land that are withheld from the scope of this order by agency heads for reasons of national security, foreign policy, or public safety.

(b) This order shall not be interpreted to supersede any existing authority under law or by executive order for real property asset management, with the exception of the revocation of Executive Order 12512 of April 29, 1985 [formerly set out as a note above], in section 8 of this order.

SEC. 3. *Establishment and Responsibilities of Agency Senior Real Property Officer*. (a) The heads of all executive branch departments and agencies cited in sections 901(b)(1) and (b)(2) of title 31, United States Code, and the Secretary of Homeland Security, shall designate among their senior management officials, a Senior Real Property Officer. Such officer shall have the education, training, and experience required to administer the necessary functions of the position for the particular agency.

(b) The Senior Real Property Officer shall develop and implement an agency asset management planning process that meets the form, content, and other requirements established by the Federal Real Property Council established in section 4 of this order. The initial agency asset management plan will be submitted to the Office of Management and Budget on a date determined by the Director of the Office of Management and Budget. In developing this plan, the Senior Real Property Officer shall:

(i) identify and categorize all real property owned, leased, or otherwise managed by the agency, including, where applicable, those properties outside the United States in which the lease agreements and arrangements reflect the host country currency or involve alternative lease plans or rental agreements;

(ii) prioritize actions to be taken to improve the operational and financial management of the agency's real property inventory;

(iii) make life-cycle cost estimations associated with the prioritized actions;

(iv) identify legislative authorities that are required to address these priorities;

(v) identify and pursue goals, with appropriate deadlines, consistent with and supportive of the agency's asset management plan and measure progress against such goals;

(vi) incorporate planning and management requirements for historic property under Executive Order 13287 of March 3, 2003 [16 U.S.C. 470h–2 note], and for environmental management under other executive orders; and

(vii) identify any other information and pursue any other actions necessary to the appropriate development and implementation of the agency asset management plan.

(c) The Senior Real Property Officer shall be responsible, on an ongoing basis, for monitoring the real property assets of the agency so that agency assets are managed in a manner that is:

(i) consistent with, and supportive of, the goals and objectives set forth in the agency's overall strategic plan under section 306 of title 5, United States Code;

(ii) consistent with the real property asset management principles developed by the Federal Real Property Council established in section 4 of this order; and

(iii) reflected in the agency asset management plan.

(d) The Senior Real Property Officer shall, on an annual basis, provide to the Director of the Office of Management and Budget and the Administrator of General Services:

(i) information that lists and describes real property assets under the jurisdiction, custody, or control of that agency, except for classified information; and

(ii) any other relevant information the Director of the Office of Management and Budget or the Administrator of General Services may request for inclusion in the Government-wide listing of all Federal real property assets and leased property.

(e) The designation of the Senior Real Property Officer shall be made by agencies within 30 days after the date of this order.

SEC. 4. *Establishment of a Federal Real Property Council*. (a) A Federal Real Property Council (Council) is established, within the Office of Management and Budget for administrative purposes, to develop guidance for, and facilitate the success of, each agency's asset management plan. The Council shall be composed exclusively of all agency Senior Real Property Officers, the Controller of the Office of Management and Budget, the Administrator of General Services, and any other full-time or permanent part-time Federal officials or employees as deemed necessary by the Chairman of the Council. The Deputy Director for Management of the Office of Management and Budget shall also be a member and shall chair the Council. The Office of Management and Budget shall provide funding and administrative support for the Council, as appropriate.

(b) The Council shall provide a venue for assisting the Senior Real Property Officers in the development and implementation of the agency asset management plans. The Council shall work with the Administrator of General Services to establish appropriate performance measures to determine the effectiveness of Federal real property management. Such performance measures shall include, but are not limited to, evaluating the costs and benefits involved with acquiring, repairing, maintaining, operating, managing, and disposing of Federal real properties at particular agencies. Specifically, the Council shall consider, as appropriate, the following performance measures:

(i) life-cycle cost estimations associated with the agency's prioritized actions;

(ii) the costs relating to the acquisition of real property assets by purchase, condemnation, exchange, lease, or otherwise;

(iii) the cost and time required to dispose of Federal real property assets and the financial recovery of the Federal investment resulting from the disposal;

(iv) the operating, maintenance, and security costs at Federal properties, including but not limited to the costs of utility services at unoccupied properties;

(v) the environmental costs associated with ownership of property, including the costs of environmental restoration and compliance activities;

(vi) changes in the amounts of vacant Federal space;

(vii) the realization of equity value in Federal real property assets;

(viii) opportunities for cooperative arrangements with the commercial real estate community; and

(ix) the enhancement of Federal agency productivity through an improved working environment. The performance measures shall be designed to enable the heads of executive branch agencies to track progress in the achievement of Government-wide property management objectives, as well as allow for comparing the performance of executive branch agencies against industry and other public sector agencies.

(c) The Council shall serve as a clearinghouse for executive agencies for best practices in evaluating actual progress in the implementation of real property enhancements. The Council shall also work in conjunction with the President's Management Council to assist the efforts of the Senior Real Property Officials and the implementation of agency asset management plans.

(d) The Council shall be organized and hold its first meeting within 60 days of the date of this order. The Council shall hold meetings not less often than once a quarter each fiscal year.

SEC. 5. *Role of the General Services Administration*. (a) The Administrator of General Services shall, to the extent permitted by law and in consultation with the Federal Real Property Council, provide policy oversight and guidance for executive agencies for Federal real property management; manage selected properties for an agency at the request of that agency and with the consent of the Administrator; delegate operational responsibilities to an agency where the Administrator determines it will promote efficiency and economy, and where the receiving agency has demonstrated the ability and willingness to assume such responsibilities; and provide necessary leadership in the development and maintenance of needed property management information systems.

(b) The Administrator of General Services shall publish common performance measures and standards adopted by the Council.

(c) The Administrator of General Services, in consultation with the Federal Real Property Council, shall establish and maintain a single, comprehensive, and descriptive database of all real property under the custody and control of all executive branch agencies, except when otherwise required for reasons of national security. The Administrator shall collect from each executive branch agency such descriptive information, except for classified information, as the Administrator considers will best describe the nature, use, and extent of the real property holdings of the Federal Government.

(d) The Administrator of General Services, in consultation with the Federal Real Property Council, may establish data and other information technology (IT) standards for use by Federal agencies in developing or upgrading Federal agency real property information systems in order to facilitate reporting on a uniform basis. Those agencies with particular IT standards and systems in place and in use shall be allowed to continue with such use to the extent that they are compatible with the standards issued by the Administrator.

SEC. 6. *General Provisions*. (a) The Director of the Office of Management and Budget shall review, through the management and budget review processes, the efforts of departments and agencies in implementing their asset management plans and achieving the Government-wide property management policies established pursuant to this order.

(b) The Office of Management and Budget and the General Services Administration shall, in consultation with the landholding agencies, develop legislative initiatives that seek to improve Federal real property management through the adoption of appropriate industry management techniques and the establishment of managerial accountability for implementing effective and efficient real property management practices.

(c) Nothing in this order shall be construed to impair or otherwise affect the authority of the Director of the Office of Management and Budget with respect to budget, administrative, or legislative proposals.

(d) Nothing in this order shall be construed to affect real property for the use of the President, Vice President, or, for protective purposes, the United States Secret Service.

SEC. 7. *Public Lands*. In order to ensure that Federally owned lands, other than the real property covered by this order, are managed in the most effective and economic manner, the Departments of Agriculture and the Interior shall take such steps as are appropriate to improve their management of public lands and National Forest System lands and shall develop appropriate legislative proposals necessary to facilitate that result.

SEC. 8. Executive Order 12512 of April 29, 1985, is hereby revoked.

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

GEORGE W. BUSH.

§ 122. Prohibition on sex discrimination

(a) PROHIBITION.—With respect to a program or activity carried on or receiving federal assist-

ance under this subtitle, an individual may not be excluded from participation, denied benefits, or otherwise discriminated against based on sex.

(b) ENFORCEMENT.—Subsection (a) shall be enforced through agency provisions and rules similar to those already established with respect to racial and other discrimination under title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d et seq.). However, this remedy is not exclusive and does not prejudice or remove any other legal remedies available to an individual alleging discrimination.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1070.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
122	40:476.	June 30, 1949, ch. 288, title VI, § 606, as added Pub. L. 94–519, § 8, Oct. 17, 1976, 90 Stat. 2456.

REFERENCES IN TEXT

The Civil Rights Act of 1964, referred to in subsec. (b), is Pub. L. 88–352, July 2, 1964, 78 Stat. 241, as amended. Title VI of the Act is classified generally to subchapter V (§ 2000d et seq.) of chapter 21 of Title 42, The Public Health and Welfare. For complete classification of this Act to the Code, see Short Title note set out under section 2000a of Title 42 and Tables.

§ 123. Civil remedies for fraud

(a) IN GENERAL.—In connection with the procurement, transfer or disposition of property under this subtitle, a person that uses or causes to be used, or enters into an agreement, combination, or conspiracy to use or cause to be used, a fraudulent trick, scheme, or device for the purpose of obtaining or aiding to obtain, for any person, money, property, or other benefit from the Federal Government—

(1) shall pay to the Government an amount equal to the sum of—

(A) $2,000 for each act;

(B) two times the amount of damages sustained by the Government because of each act; and

(C) the cost of suit;

(2) if the Government elects, shall pay to the Government, as liquidated damages, an amount equal to two times the consideration that the Government agreed to give to the person, or that the person agreed to give to the Government; or

(3) if the Government elects, shall restore to the Government the money or property fraudulently obtained, with the Government retaining as liquidated damages, the money, property, or other consideration given to the Government.

(b) ADDITIONAL REMEDIES AND CRIMINAL PENALTIES.—The civil remedies provided in this section are in addition to all other civil remedies and criminal penalties provided by law.

(c) IMMUNITY OF GOVERNMENT OFFICIALS.—An officer or employee of the Government is not liable (except for an individual's own fraud) or accountable for collection of a purchase price that is determined to be uncollectible by the federal agency responsible for property if the property is transferred or disposed of in accordance with this subtitle and with regulations prescribed under this subtitle.

(d) JURISDICTION AND VENUE.—

(1) DEFINITION.—In this subsection, the term ''district court'' means a district court of the United States or a district court of a territory or possession of the United States.

(2) IN GENERAL.—A district court has original jurisdiction of an action arising under this section, and venue is proper, if at least one defendant resides or may be found in the court's judicial district. Jurisdiction and venue are determined without regard to the place where acts were committed.

(3) ADDITIONAL DEFENDANT OUTSIDE JUDICIAL DISTRICT.—A defendant that does not reside and may not be found in the court's judicial district may be brought in by order of the court, to be served personally, by publication, or in another reasonable manner directed by the court.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1070.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
123(a)	40:489(b).	June 30, 1949, ch. 288, title II, § 209, 63 Stat. 392.
123(b)	40:489(d).	
123(c)	40:489(a).	
123(d)	40:489(c).	

In subsection (a), before clause (1), the words ''under this subtitle'' are substituted for ''hereunder'' because ''hereunder'' probably means under the Federal Property and Administrative Services Act of 1949 which is restated in subtitle I of the revised title (except as noted in section 111 of the revised title and the accompanying revision note). The words ''or engage in'', ''or engaged in'', ''securing or'', and ''secure or'' are omitted as unnecessary. The word ''money'' is substituted for ''payment'' for consistency in the section.

In subsection (a)(1)(B), the words ''because of each act'' are substituted for ''by reason thereof'' for clarity.

In subsection (a)(2), the words ''or any Federal agency'' and ''or any Federal agency, as the case may be'' are omitted as unnecessary.

In subsection (a)(3), the words ''fraudulently obtained'' are substituted for ''thus secured and obtained'' for clarity and to eliminate unnecessary words.

In subsection (d)(1), the word ''several'' is omitted as unnecessary. The words ''the District Court of the United States for the District of Columbia'' in section 209(c) of the Federal Property and Administrative Services Act of 1949 are omitted as included in ''a district court of the United States'' because of sections 88 and 132(a) of title 28.

Subsection (d)(2) is substituted for ''[D]istrict courts . . . within whose jurisdictional limits the person, or persons, doing or committing such act, or any one of them, resides or shall be found, shall wheresoever such act may have been done or committed, have full power and jurisdiction to hear, try, and determine such suit'' for clarity and to use terminology consistent with title 28, especially 28:1331 and 1391(b).

In subsection (d)(3), the words ''A defendant that does not reside and may not be found in the court's judicial district'' are substituted for ''and such person or persons as are not inhabitants of or found within the district in which suit is brought'' for clarity and to use terminology consistent with title 28, especially 28:1331 and 1391(b).

§ 124. Agency use of amounts for property management

Amounts appropriated, allocated, or available to a federal agency for purposes similar to the

purposes in section 121 of this title or subchapter I (except section 506), II, or III of chapter 5 of this title may be used by the agency for the disposition of property under this subtitle, and for the care and handling of property pending the disposition, if the Director of the Office of Management and Budget authorizes the use.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1071.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
124	40:475(b).	June 30, 1949, ch. 288, title VI, § 603(b), formerly § 503(b), 63 Stat. 403; renumbered [§] 603(b), Sept. 5, 1950, ch. 849, § 6(a), (b), 64 Stat. 583.

The words ''heretofore or hereafter'' are omitted as unnecessary. The words ''Director of the Office of Management and Budget'' are substituted for ''Director of the Bureau of the Budget'' in section 603(b) of the Federal Property and Administrative Services Act of 1949 because the office of Director of the Bureau of the Budget was redesignated the Director of the Office of Management and Budget by section 102(b) of Reorganization Plan No. 2 of 1970 (84 Stat. 2085). Section 102 of Reorganization Plan No. 2 of 1970, was repealed by section 5(b) of the Act of September 13, 1982 (Public Law 97–258, 96 Stat. 1085), the first section of which enacted Title 31, United States Code, but the successor provision, 31:502, continued the designation as Director of the Office of Management and Budget.

§ 125. Library memberships

Amounts appropriated may be used, when authorized by the Administrator of General Services, for payment in advance for library memberships in societies whose publications are available to members only, or to members at a lower price than that charged to the general public.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1071.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
125	40:475(a).	June 30, 1949, ch. 288, title VI, § 603(a), formerly § 503(a), 63 Stat. 403; renumbered [§] 603(a), Sept. 5, 1950, ch. 849, § 6(a), (b), 64 Stat. 583; Sept. 5, 1950, ch. 849, § 7(g), 64 Stat. 590.

The words ''such sums as may be necessary to carry out the provisions of this Act'' are omitted as unnecessary.

§ 126. Reports to Congress

The Administrator of General Services, at times the Administrator considers desirable, shall submit a report to Congress on the administration of this subtitle. The report shall include any recommendation for amendment of this subtitle that the Administrator considers appropriate and shall identify any law that is obsolete because of the enactment or operation of this subtitle.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1071.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
126	40:492.	June 30, 1949, ch. 288, title II, § 212, formerly § 210, 63 Stat. 393; renumbered § 212, Sept. 5, 1950, ch. 849, § 5(a), 64 Stat. 580.

The words ''in January of each year and'' are omitted pursuant to section 3003 of the Federal Reports Elimination and Sunset Act of 1995 (31 U.S.C. 1113 note). See, also, page 174 of House Document No. 103–7.

CHAPTER 3—ORGANIZATION OF GENERAL SERVICES ADMINISTRATION

SUBCHAPTER I—GENERAL

Sec.
301. Establishment.
302. Administrator and Deputy Administrator.
303. Federal Acquisition Service.
304. Federal information centers.
305. Electronic Government and information technologies.

SUBCHAPTER II—ADMINISTRATIVE

311. Personnel.
312. Transfer and use of amounts for major equipment acquisitions.
313. Tests of materials.

SUBCHAPTER III—FUNDS

321. Acquisition Services Fund.
[322. Repealed.]
323. Consumer Information Center Fund.

AMENDMENTS

2006—Pub. L. 109–313, §§ 2(a)(2), 3(h)(3), Oct. 6, 2006, 120 Stat. 1734, 1736, substituted ''Federal Acquisition Service'' for ''Functions'' in item 303 and ''Acquisition Services Fund'' for ''General Supply Fund'' in item 321 and struck out item 322 ''Information Technology Fund''.

2002—Pub. L. 107–347, title I, § 102(a)(2), Dec. 17, 2002, 116 Stat. 2910, added item 305.

SUBCHAPTER I—GENERAL

§ 301. Establishment

The General Services Administration is an agency in the executive branch of the Federal Government.

(Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1071.)

HISTORICAL AND REVISION NOTES

Revised Section	*Source (U.S. Code)*	*Source (Statutes at Large)*
301	40:751(a).	June 30, 1949, ch. 288, title I, § 101(a), 63 Stat. 379.

TRANSFER OF FUNCTIONS

For transfer of functions, personnel, assets, and liabilities of the General Services Administration, including the functions of the Administrator of General Services relating thereto, to the Secretary of Homeland Security, and for treatment of related references, see sections 121(g)(5), 203(3), 551(d), 552(d), and 557 of Title 6, Domestic Security, and the Department of Homeland Security Reorganization Plan of November 25, 2002, as modified, set out as a note under section 542 of Title 6.

REORGANIZATION PLAN NO. 18 OF 1950

Eff. July 1, 1950, 15 F.R. 3177, 64 Stat. 1270

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress as-