

tatives 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.

[Section 3(b)(vi) of Ex. Ord. No. 13327 was amended by Ex. Ord. No. 13423 by substituting “other executive orders” for “Executive Order 13148 of April 21, 2000” and by Ex. Ord. No. 13693 by substituting “other Executive Orders” for “Executive Order 13148 of April 21, 2000”. Text of Ex. Ord. No. 13327 set out above reflects the amendment made by Ex. Ord. No. 13693.]

DISPOSING OF UNNEEDED FEDERAL REAL ESTATE—INCREASING SALES PROCEEDS, CUTTING OPERATING COSTS, AND IMPROVING ENERGY EFFICIENCY

Memorandum of President of the United States, June 10, 2010, 75 F.R. 33987, provided:

Memorandum for the Heads of Executive Departments and Agencies

My Administration is committed to eliminating all forms of Government waste and to leading by example as our Nation transitions to a clean energy economy. For decades, the Federal Government, the largest property owner and energy user in the United States, has managed more real estate than necessary to effectively support its programs and missions. Both taxpayer dollars and energy resources are being wasted to maintain these excess assets. In addition, many of the properties necessary for the Government's work are not operated efficiently, resulting in wasted funds and excessive greenhouse gas pollution. For example, over the past decade, the private sector reduced its data center footprint by capitalizing on innovative technologies to increase efficiencies. However, during that same period, the Federal Government experienced a substantial increase in the number of data centers, leading to increased energy consumption, real property expenditures, and operations and maintenance costs. Past attempts at reducing the Federal Government's civilian real property assets produced small savings and had a minor impact on the condition and performance of mission-critical properties. These efforts were not sufficiently comprehensive in disposing of excess real estate and did not emphasize making more efficient use of existing assets.

To eliminate wasteful spending of taxpayer dollars, save energy and water, and further reduce greenhouse gas pollution, I hereby direct executive departments and agencies (agencies) to accelerate efforts to identify and eliminate excess properties. Agencies shall also take immediate steps to make better use of remaining real property assets as measured by utilization and occupancy rates, annual operating cost, energy efficiency, and sustainability. To the extent permitted by

law, agency actions shall include accelerating cycle times for identifying excess assets and disposing of surplus assets; eliminating lease arrangements that are not cost effective; pursuing consolidation opportunities within and across agencies in common asset types (such as data centers, office space, warehouses, and laboratories); increasing occupancy rates in current facilities through innovative approaches to space management and alternative workplace arrangements, such as telework; and identifying offsetting reductions in inventory when new space is acquired. Agency actions taken under this memorandum shall align with and support the actions to measure and reduce resource use and greenhouse gas emissions in Federal facilities pursuant to [former] Executive Order 13514 of October 5, 2009 (Federal Leadership in Environmental, Energy, and Economic Performance), and the Federal Data Center Consolidation Initiative, which was announced by the Office of Management and Budget (OMB) in February 2010.

In total, agency efforts required by this memorandum should produce no less than \$3 billion in cost savings by the end of fiscal year 2012, yielded from increased proceeds from the sale of assets and reduced operating, maintenance, and energy expenses from disposals or other space consolidation efforts, including leases that are ended. This is in addition to the Department of Defense's Base Realignment and Closure efforts that are expected to achieve \$9.8 billion in savings from fiscal year 2010 to fiscal year 2012, of which \$5 billion is a direct result of reduced operating and maintenance from disposals or other consolidation efforts. In addition, in order to address the growth of data centers across the Federal Government, agencies shall immediately adopt a policy against expanding data centers beyond current levels, and shall develop plans to consolidate and significantly reduce data centers within 5 years. Agencies shall submit their plans to OMB for review by August 30, 2010.

To achieve these goals, the Director of the OMB shall develop, in consultation with the Administrator of General Services and the Federal Real Property Council established pursuant to Executive Order 13327 of February 4, 2004 (Federal Real Property Asset Management), within 90 days of the date of this memorandum, guidance for actions agencies should take to carry out the requirements of this memorandum. The guidance shall include agency-specific targets to achieve \$3 billion in cost savings and shall be developed in consultation with the agencies. The Administrator of General Services, in consultation with the Director of the OMB, shall coordinate agency efforts to satisfy the requirements of this memorandum and shall submit to the President periodic reports on the results achieved.

This memorandum shall be implemented consistent with applicable law and is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

The Director of the OMB is hereby authorized and directed to publish this memorandum in the Federal Register.

BARACK OBAMA.

§ 122. Prohibition on sex discrimination

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

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

Editorial Notes

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

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