

and Budget and the Assistant to the President for National Security Affairs a summary report describing the results of compliance under subsection 6(c) of this order.

SEC. 6. *Agency Support and Cooperation.* (a) To the extent permitted by law and subject to the availability of appropriations, the Secretary 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) Each agency shall cooperate and comply with the requirements of this order and the policies and standards of the Committee issued pursuant to this order, except in situations in which the Director of National Intelligence, or other United States Intelligence Community official within the Office of the Director of National Intelligence designated by the Director of National Intelligence, determines that compliance would jeopardize intelligence sources and methods. To the extent permitted by law and subject to the availability of appropriations, agencies shall provide such cooperation and compliance as may be necessary to enable the Committee to perform its duties and responsibilities under this order.

(i) Each agency shall designate a senior official who shall be responsible for agency implementation of, and compliance with, this order.

(ii) The senior official shall ensure that the official's agency supports Facility Security Committees, as applicable, in the performance of the official's duties.

(c) The Secretary shall monitor agency compliance with the policies and standards of the Committee. Monitoring compliance shall consist, at a minimum, of the following:

(i) maintaining compliance benchmarks to measure compliance progress;

(ii) requiring periodic compliance reporting by all relevant agencies; and

(iii) conducting risk-based compliance verification.

(d) In situations in which a Federal facility is occupied by multiple agencies for both military and non-military activities, and each such occupancy is substantial, those occupants shall coordinate on the security of the facility.

SEC. 7. *Administrative Provision.* This order supersedes Executive Order 12977 of October 19, 1995 (Interagency Security Committee) [formerly set out above], which is hereby revoked. To the extent that this order is inconsistent with any provision of any previous Executive Order or Presidential Memorandum, this order shall control. All policies and standards implemented by the Interagency Security Committee that was established pursuant to Executive Order 12977 shall remain in effect until rescinded or replaced by the Committee established pursuant to this order.

SEC. 8. *Definitions.* For purposes of this order:

(a) "Agency" means an executive agency, as defined in section 105 of title 5, United States Code.

(b) "Federal facility" means a federally owned or leased building, structure, or the land it resides on, in whole or in part, that is regularly occupied by Federal employees or Federal contractor workers for non-military activities. The term "Federal facility" also means any building or structure acquired by a contractor through ownership or leasehold interest, in whole or in part, solely for the purpose of executing a nonmilitary Federal mission or function under the direction of an agency. The term "Federal facility" does not include public domain land, including improvements thereon; withdrawn lands; or buildings or facilities outside of the United States.

(c) "Federal employee" means an employee, as defined in section 2105 of title 5, United States Code, of an agency.

(d) "Federal contractor worker" means any individual who performs work for or on behalf of any agency under a contract, subcontract, or contract-like instrument and who, in order to perform the work specified under the contract, subcontract, or contract-like instrument, requires access to space, information, in-

formation technology systems, staff, or other assets of the Federal Government in buildings and facilities of the United States. Such contracts include the following:

(i) personal service contracts;

(ii) contracts between any non-Federal entity and any agency; and

(iii) subcontracts between any non-Federal entity and another non-Federal entity to perform work related to the primary contract with an agency.

(e) "Facility Security Committee" means a committee that is established in accordance with an Interagency Security Committee standard, and that is responsible for addressing facility-specific security issues and approving the implementation of security measures and practices in multi-tenant facilities.

SEC. 9. *General Provisions.* (a) Nothing in this order shall be construed to impair or otherwise affect:

(i) the authority granted by law to an executive department or agency, or the head thereof; or

(ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(b) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(c) This order 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.

J.R. BIDEN, JR.

§ 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

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.

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. 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, com-