

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

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, 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 fraud-

ulently 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

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

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

<i>Revised Section</i>	<i>Source (U.S. Code)</i>	<i>Source (Statutes at Large)</i>
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.<sup>1</sup>  
313. Tests of materials.

#### SUBCHAPTER III—FUNDS

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 Repealed.]  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

#### Editorial Notes

##### 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

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

<sup>1</sup> Section repealed by Pub. L. 111–8 without corresponding amendment of chapter analysis.