

112TH CONGRESS
2^D SESSION

H. R. 1734

AN ACT

To decrease the deficit by realigning, consolidating, selling, disposing, and improving the efficiency of Federal buildings and other civilian real property, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Civilian Property Re-
3 alignment Act” or “CPRA”.

4 **SEC. 2. PURPOSES.**

5 The purposes of this Act are—

6 (1) to consolidate the footprint of Federal
7 buildings and facilities;

8 (2) to maximize the utilization rate of Federal
9 buildings and facilities;

10 (3) to reduce the reliance on leased space;

11 (4) to sell or redevelop high value assets that
12 are underutilized to obtain the highest and best
13 value for the taxpayer and maximize the return to
14 the taxpayer;

15 (5) to reduce the operating and maintenance
16 costs of Federal civilian real properties through the
17 realignment of real properties by consolidating, co-
18 locating, and reconfiguring space, and other oper-
19 ational efficiencies;

20 (6) to reduce redundancy, overlap, and costs as-
21 sociated with field offices;

22 (7) to create incentives for Federal agencies to
23 achieve greater efficiency in their inventories of civil-
24 ian real property;

25 (8) to facilitate and expedite the sale or dis-
26 posal of unneeded civilian properties; and

1 (9) to assist Federal agencies in achieving the
2 Government’s sustainability goals by reducing excess
3 space, inventory, and energy consumption, as well as
4 by leveraging new technologies.

5 **SEC. 3. DEFINITIONS.**

6 In this Act, unless otherwise expressly stated, the fol-
7 lowing definitions apply:

8 (1) FEDERAL CIVILIAN REAL PROPERTY AND
9 CIVILIAN REAL PROPERTY.—

10 (A) PROPERTY.—The terms “Federal civil-
11 ian real property” and “civilian real property”
12 refer to Federal real property assets, including
13 public buildings as defined in section 3301 of
14 title 40, United States Code, occupied and im-
15 proved grounds, leased space, or other physical
16 structures under the custody and control of any
17 Federal agency.

18 (B) FURTHER EXCLUSIONS.—Subpara-
19 graph (A) shall not be construed as including
20 any of the following types of property:

21 (i) A base, camp, post, station, yard,
22 center, homeport facility for any ship, or
23 any activity under the jurisdiction of the
24 Department of Defense or Coast Guard.

1 (ii) Properties that are excluded for
2 reasons of national security by the Direc-
3 tor of the Office of Management and
4 Budget.

5 (iii) Properties that are excepted from
6 the definition of “property” under section
7 102(9) of title 40, United States Code.

8 (iv) Indian and Native Alaskan prop-
9 erties including—

10 (I) any property within the limits
11 of any Indian reservation to which the
12 United States owns title for the ben-
13 efit of an Indian tribe; and

14 (II) any property title which is
15 held in trust by the United States for
16 the benefit of any Indian tribe or indi-
17 vidual or held by an Indian tribe or
18 individual subject to restriction by the
19 United States against alienation.

20 (v) Properties operated and main-
21 tained by the Tennessee Valley Authority
22 pursuant to the Tennessee Valley Author-
23 ity Act of 1933 (16 U.S.C. 831 et seq.).

24 (vi) Postal properties owned by the
25 United States Postal Service.

1 (vii) Properties used in connection
2 with Federal programs for agricultural,
3 recreational, and conservation purposes, in-
4 cluding research in connection with the
5 programs.

6 (viii) Properties used in connection
7 with river, harbor, flood control, reclama-
8 tion, or power projects.

9 (ix) Properties located outside the
10 United States operated or maintained by
11 the Department of State or the United
12 States Agency for International Develop-
13 ment.

14 (2) FEDERAL AGENCY.—The term “Federal
15 agency” means an executive department or inde-
16 pendent establishment in the executive branch of the
17 Government, and a wholly owned Government cor-
18 poration.

19 (3) ADMINISTRATOR.—The term “Adminis-
20 trator” means the Administrator of General Serv-
21 ices.

22 (4) COMMISSION.—The term “Commission”
23 means the Civilian Property Realignment Commis-
24 sion.

1 (5) OMB.—The term “OMB” means the Office
2 of Management and Budget.

3 (6) FIELD OFFICE.—The term “field office”
4 means any Federal office that is not the Head-
5 quarters office location for the Federal agency.

6 **SEC. 4. COMMISSION.**

7 (a) ESTABLISHMENT.—There is established an inde-
8 pendent commission to be known as the Civilian Property
9 Realignment Commission, referred to in this Act as the
10 “Commission”.

11 (b) DUTIES.—The Commission shall carry out the
12 duties as specified in this Act.

13 (c) MEMBERSHIP.—

14 (1) IN GENERAL.—The Commission shall be
15 composed of a Chairperson appointed by the Presi-
16 dent, by and with the advice and consent of the Sen-
17 ate, and eight members appointed by the President.

18 (2) APPOINTMENTS.—In selecting individuals
19 for appointments to the Commission, the President
20 shall consult with—

21 (A) the Speaker of the House of Rep-
22 resentatives concerning the appointment of two
23 members;

24 (B) the majority leader of the Senate con-
25 cerning the appointment of two members;

1 (C) the minority leader of the House of
2 Representatives concerning the appointment of
3 one member; and

4 (D) the minority leader of the Senate con-
5 cerning the appointment of one member.

6 (3) TERMS.—The term for each member of the
7 Commission shall be 6 years.

8 (4) VACANCIES.—Vacancies shall be filled in
9 the same manner as the original appointment.

10 (5) QUALIFICATIONS.—In selecting individuals
11 for appointment to the Commission, the President
12 shall ensure the Commission contains individuals
13 with expertise representative of the following:

14 (A) Commercial real estate and redevelop-
15 ment.

16 (B) Government management or oper-
17 ations.

18 (C) Community development, including
19 transportation and planning.

20 (D) Historic preservation.

21 **SEC. 5. COMMISSION MEETINGS.**

22 (a) OPEN MEETINGS.—Each meeting of the Commis-
23 sion, other than meetings in which classified information
24 is to be discussed, shall be open to the public. Any open
25 meeting shall be announced in the Federal Register and

1 the Federal website established by the Commission at least
2 14 calendar days in advance of a meeting. For all public
3 meetings, the Commission shall release an agenda and a
4 listing of materials relevant to the topics to be discussed.

5 (b) QUORUM AND MEETINGS.—Seven Commission
6 members shall constitute a quorum for the purposes of
7 conducting business and three or more Commission mem-
8 bers shall constitute a meeting of the Commission.

9 (c) TRANSPARENCY OF INFORMATION.—All the pro-
10 ceedings, information, and deliberations of the Commis-
11 sion shall be open, upon request, to the Chairperson and
12 the ranking minority party member, and their respective
13 subcommittee Chairperson and ranking minority party
14 member, of—

15 (1) the Committee on Transportation and In-
16 frastructure of the House of Representatives;

17 (2) the Committee on Oversight and Govern-
18 ment Reform of the House of Representatives;

19 (3) the Committee on Homeland Security and
20 Governmental Affairs of the Senate;

21 (4) the Committee on Environmental and Pub-
22 lic Works of the Senate; and

23 (5) the committees on Appropriations of the
24 House of Representatives and the Senate.

1 (d) GOVERNMENT ACCOUNTABILITY OFFICE.—All
2 proceedings, information, and deliberations of the Com-
3 mission shall be open, upon request, to the Comptroller
4 General of the United States.

5 **SEC. 6. COMPENSATION AND TRAVEL EXPENSES.**

6 (a) COMPENSATION.—

7 (1) RATE OF PAY FOR MEMBERS.—Each mem-
8 ber, other than the Chairperson, shall be paid at a
9 rate equal to the daily equivalent of the minimum
10 annual rate of basic pay payable for level IV of the
11 Executive Schedule under section 5315 of title 5,
12 United States Code, for each day (including travel
13 time) during which the member is engaged in the ac-
14 tual performance of duties vested in the Commis-
15 sion.

16 (2) RATE OF PAY FOR CHAIRPERSON.—The
17 Chairperson shall be paid for each day referred to
18 in paragraph (1) at a rate equal to the daily equiva-
19 lent of the minimum annual rate of basic pay pay-
20 able for level III of the Executive Schedule under
21 section 5314, of title 5, United States Code.

22 (b) TRAVEL.—Members shall receive travel expenses,
23 including per diem in lieu of subsistence, in accordance
24 with sections 5702 and 5703 of title 5, United States
25 Code.

1 SEC. 7. EXECUTIVE DIRECTOR.

2 (a) APPOINTMENT.—The Commission shall appoint
3 an Executive Director and may disregard the provisions
4 of title 5, United States Code, governing appointments in
5 the competitive service.

6 (b) RATE OF PAY FOR DIRECTOR.—The Executive
7 Director shall be paid at the rate of basic pay payable
8 for level IV of the Executive Schedule under section 5315
9 of title 5, United States Code.

10 SEC. 8. STAFF.

11 (a) ADDITIONAL PERSONNEL.—Subject to subsection
12 (b), the Executive Director, with the approval of the Com-
13 mission, may appoint and fix the pay of additional per-
14 sonnel.

15 (b) DETAIL EMPLOYEES FROM OTHER AGENCIES.—
16 Upon request of the Executive Director, the head of any
17 Federal agency may detail any of the personnel of that
18 agency to the Commission to assist the Commission in car-
19 rying out its duties under this Act.

20 (c) QUALIFICATIONS.—Appointments shall be made
21 with consideration of a balance of expertise consistent with
22 the qualifications of representatives described in section
23 4(c)(5).

24 SEC. 9. CONTRACTING AUTHORITY.

25 (a) EXPERTS AND CONSULTANTS.—The Commission,
26 to the extent practicable and subject to appropriations

1 made by law, shall use existing contracts entered into by
2 the Administrator for services necessary to carry out the
3 duties of the Commission.

4 (b) SPACE.—The Administrator, in consultation with
5 the Commission, shall identify suitable excess space within
6 the Federal space inventory to house the operations of the
7 Commission.

8 (c) PERSONAL PROPERTY.—The Commission shall
9 use personal property already in the custody and control
10 of the Administrator.

11 (d) USE OF SMALL BUSINESSES.—In exercising its
12 authorities under this section and section 12, the Commis-
13 sion shall use, to the greatest extent practicable, small
14 businesses as defined by section 3 of the Small Business
15 Act (15 U.S.C. 632).

16 **SEC. 10. TERMINATION.**

17 The Commission shall cease operations and terminate
18 6 years after the date of enactment of this Act.

19 **SEC. 11. DEVELOPMENT OF RECOMMENDATIONS TO THE**
20 **COMMISSION.**

21 (a) SUBMISSIONS OF AGENCY INFORMATION AND
22 RECOMMENDATIONS.—Not later than 120 days after the
23 date of enactment of this Act and 120 days after the be-
24 ginning of each fiscal year thereafter, the head of each

1 Federal agency shall submit to the Administrator and the
2 Director of OMB the following:

3 (1) CURRENT DATA.—Current data of all Fed-
4 eral civilian real properties owned, leased, or con-
5 trolled by the respective agency, including all rel-
6 evant information prescribed by the Administrator
7 and the Director of OMB, including data related to
8 the age and condition of the property, operating
9 costs, history of capital expenditures, sustainability
10 metrics, number of Federal employees and functions
11 housed in the respective property, and square foot-
12 age (including gross, rentable, and usable).

13 (2) AGENCY RECOMMENDATIONS.—Rec-
14 ommendations which shall include the following:

15 (A) Federal civilian properties that can be
16 sold for proceeds and otherwise disposed of, re-
17 ported as excess, declared surplus, or otherwise
18 no longer meeting the needs of the agency, ex-
19 cluding leasebacks or other such exchange
20 agreements where the property continues to be
21 used by the agency.

22 (B) Federal civilian properties that can be
23 transferred, exchanged, consolidated, co-located,
24 reconfigured, or redeveloped, so as to reduce
25 the civilian real property inventory, reduce the

1 operating costs of the Government, and create
2 the highest value and return for the taxpayer.

3 (C) Operational efficiencies that the Gov-
4 ernment can realize in its operation and main-
5 tenance of Federal civilian real properties.

6 (b) STANDARDS AND CRITERIA.—Not later than 60
7 days after the date specified in subsection (a), the Director
8 of OMB, in consultation with the Administrator, shall re-
9 view agency recommendations submitted pursuant to sub-
10 section (a), and develop consistent standards and criteria
11 against which agency recommendations will be reviewed.
12 The Director of OMB and the Administrator shall develop
13 recommendations to the Commission based on those
14 standards and criteria. In developing the standards and
15 criteria, the Director of OMB, in consultation with the Ad-
16 ministrator, shall incorporate the following:

17 (1) The extent to which the Federal building or
18 facility could be sold (including property that is no
19 longer meeting the needs of the Federal Govern-
20 ment), redeveloped, or otherwise used to produce the
21 highest and best value and return for the taxpayer.

22 (2) The extent to which the operating and
23 maintenance costs are reduced through consoli-
24 dating, co-locating, and reconfiguring space, and
25 through realizing other operational efficiencies.

1 (3) The extent to which the utilization rate is
2 being maximized and is consistent with non-govern-
3 mental industry standards for the given function or
4 operation.

5 (4) The extent and timing of potential costs
6 and savings, including the number of years, begin-
7 ning with the date of completion of the proposed rec-
8 ommendation.

9 (5) The extent to which reliance on leasing for
10 long-term space needs is reduced.

11 (6) The extent to which a Federal building or
12 facility aligns with the current mission of the Fed-
13 eral agency.

14 (7) The extent to which there are opportunities
15 to consolidate similar operations across multiple
16 agencies or within agencies.

17 (8) The economic impact on existing commu-
18 nities in the vicinity of the Federal building or facil-
19 ity.

20 (9) The extent to which energy consumption is
21 reduced.

22 (c) SPECIAL RULE FOR UTILIZATION RATES.—
23 Standards developed by the Director of OMB must incor-
24 porate and apply clear standard utilization rates con-
25 sistent throughout each category of space and with non-

1 government space utilization rates. To the extent the
2 space utilization rates of a given agency fall below the uti-
3 lization rates to be applied under this subsection, the Di-
4 rector may recommend realignment, co-location, consolida-
5 tion, or other type of action to improve space utilization.

6 (d) SUBMISSION TO THE COMMISSION.—

7 (1) IN GENERAL.—The standards, criteria, and
8 recommendations developed pursuant to subsection
9 (b) shall be submitted to the Commission with all
10 supporting information, data, analyses, and docu-
11 mentation.

12 (2) PUBLICATION.—The standards, criteria,
13 and recommendations shall be published in the Fed-
14 eral Register and transmitted to the committees des-
15 igned in section 5(c) and to the Comptroller Gen-
16 eral of the United States.

17 (3) ACCESS TO INFORMATION.—The Commis-
18 sion shall also have access to all information per-
19 taining to the recommendations, including sup-
20 porting information, data, analyses, and documenta-
21 tion submitted pursuant to subsection (a). Upon re-
22 quest, Federal agencies shall provide, the Commis-
23 sion any additional information pertaining to its
24 properties.

1 **SEC. 12. COMMISSION DUTIES.**

2 (a) IDENTIFICATION OF PROPERTY REDUCTION OP-
3 PORTUNITIES.—The Commission shall identify opportuni-
4 ties for the Government to reduce significantly its inven-
5 tory of civilian real property and reduce costs to the Gov-
6 ernment.

7 (b) IDENTIFICATION OF HIGH VALUE ASSETS.—

8 (1) IDENTIFICATION OF CERTAIN PROP-
9 erties.—Not later than 180 days after Commission
10 members are appointed pursuant to section 4, the
11 Commission shall identify not less than 5 Federal
12 properties that are not on the list of surplus or ex-
13 cess as of such date with a total fair market value
14 of not less than \$500,000,000 and transmit the list
15 to the President and Congress as Commission rec-
16 ommendations and subject to the approval process
17 described in sections 13 and 14.

18 (2) INFORMATION AND DATA.—In order to
19 meet the goal established under paragraph (1), Fed-
20 eral agencies shall provide, upon receipt, any and all
21 information and data regarding its properties to the
22 Commission. The Commission shall notify the com-
23 mittees listed under section 5(c) of any failure by
24 any agency to comply with a request of the Commis-
25 sion.

1 (c) ANALYSIS OF INVENTORY.—The Commission
2 shall perform an independent analysis of the inventory of
3 Federal civilian real property and the recommendations
4 submitted pursuant to section 11. The Commission shall
5 not be bound or limited by the recommendations sub-
6 mitted pursuant to section 11. If, in the opinion of the
7 Commission, an agency fails to provide needed informa-
8 tion, data or adequate recommendations that meet the
9 standards and criteria, the Commission shall develop such
10 recommendations as it considers appropriate based on ex-
11 isting data contained in the Federal Real Property Profile
12 or other relevant information.

13 (d) RECEIPT OF INFORMATION AND PROPOSALS.—
14 Notwithstanding any other provision of law, the Commis-
15 sion may receive and consider proposals, information, and
16 other data submitted by State and local officials and the
17 private sector. Such information shall be made publically
18 available.

19 (e) ACCOUNTING SYSTEM.—Not later than 120 days
20 after the date of enactment of this Act, the Commission
21 shall identify or develop and implement a system of ac-
22 counting to be used to independently evaluate the costs
23 of and returns on the recommendations. Such accounting
24 system shall be applied in developing the Commission’s
25 recommendations and determining the highest return to

1 the taxpayer. In applying the accounting system, the Com-
2 mission shall set a standard performance period.

3 (f) PUBLIC HEARING.—The Commission shall con-
4 duct public hearings. All testimony before the Commission
5 at a public hearing under this paragraph shall be pre-
6 sented under oath.

7 (g) REPORTING OF INFORMATION AND REC-
8 OMMENDATIONS.—

9 (1) IN GENERAL.—Not later than 120 days
10 after the receipt of recommendations pursuant to
11 section 11, and annually thereafter, the Commission
12 shall transmit to the President, and publicly post on
13 a Federal website maintained by the Commission a
14 report containing the Commission’s findings, conclu-
15 sions, and recommendations for the consolidation,
16 exchange, co-location, reconfiguration, lease reduc-
17 tions, sale, and redevelopment of Federal civilian
18 real properties and for other operational efficiencies
19 that can be realized in the Government’s operation
20 and maintenance of such properties.

21 (2) RECOMMENDATIONS FOR SALE OR DIS-
22 POSAL OF PROPERTY.—To the extent the Commis-
23 sion recommendations include the sale or disposal of
24 real property, these properties may be reported as
25 excess, declared surplus, or determined as no longer

1 meeting the needs of the Federal Government, ex-
2 cluding leasebacks or other such exchange agree-
3 ments where the property continues to be used by
4 the Federal Government.

5 (3) CONSENSUS IN MAJORITY.—The Commis-
6 sion shall seek to develop consensus recommenda-
7 tions, but if a consensus cannot be obtained, the
8 Commission may include in its report recommenda-
9 tions that are supported by a majority of the Com-
10 mission.

11 (h) FEDERAL WEBSITE.—The Commission shall es-
12 tablish and maintain a Federal website for the purposes
13 of making relevant information publically available.

14 (i) REVIEW BY GAO.—The Comptroller General of
15 the United States shall transmit to the Congress and to
16 the Commission a report containing a detailed analysis of
17 the recommendations and selection process.

18 **SEC. 13. REVIEW BY THE PRESIDENT.**

19 (a) REVIEW OF RECOMMENDATIONS.—Upon receipt
20 of the Commission's recommendations, the President shall
21 conduct a review of such recommendations.

22 (b) REPORT TO COMMISSION AND CONGRESS.—Not
23 later than 30 days after receipt of the Commission's rec-
24 ommendations, the President shall transmit to the Com-
25 mission and Congress a report that sets forth the Presi-

1 dent's approval or disapproval of the Commission's rec-
2 ommendations.

3 (c) APPROVAL OR DISAPPROVAL.—If the President—

4 (1) approves of the Commission's recommenda-
5 tions, the President shall transmit a copy of the rec-
6 ommendations to Congress, together with a certifi-
7 cation of such approval;

8 (2) disapproves of the Commission's rec-
9 ommendations, in whole or in part, the President
10 shall also transmit to the Commission and Congress
11 the reasons for such disapproval. The Commission
12 shall then transmit to the President, not later than
13 30 days following the disapproval, a revised list of
14 recommendations;

15 (3) approves all of the revised recommendations
16 of the Commission, the President shall transmit a
17 copy of such revised recommendations to Congress,
18 together with a certification of such approval; or

19 (4) does not transmit to the Congress an ap-
20 proval and certification described in paragraphs (1)
21 or (3) within 30 days of receipt of the Commission's
22 recommendations or revised recommendations, as
23 the case may be, the process shall terminate until
24 the following year.

1 **SEC. 14. CONGRESSIONAL CONSIDERATION OF THE REC-**
2 **COMMENDATIONS.**

3 (a) **JOINT RESOLUTION OF APPROVAL.**—If a House
4 of Congress has not taken a vote on final passage of a
5 joint resolution as described in subsection (c) within 45
6 days after the President’s transmission to that House of
7 the approved recommendations pursuant to section 13,
8 then such vote shall be taken on the next day of session
9 following the expiration of the 45-day period.

10 (b) **COMPUTATION OF TIME PERIOD.**—For the pur-
11 poses of this section, the days on which either House of
12 Congress is not in session because of adjournment of more
13 than three days shall be excluded in the computation of
14 the period of time.

15 (c) **TERMS OF THE RESOLUTION.**—For purposes of
16 this section, the term “joint resolution” means only a joint
17 resolution—

18 (1) which does not have a preamble;

19 (2) the matter after the resolving clause of
20 which is as follows: “That Congress approves the
21 recommendations of the Civilian Property Realign-
22 ment Commission as submitted by the President on
23 _____, and notwithstanding any
24 other provision of law, the Federal agencies shall im-
25 plement and carry out all of the Commission’s rec-
26 ommendations pursuant to section 15 of the Civilian

1 Property Realignment Act”, the blank space being
2 filled in with the appropriate date;

3 (3) the title of which is as follows: “Joint reso-
4 lution approving the recommendations of the Civilian
5 Property Realignment Commission”; and

6 (4) which is introduced pursuant to subsection
7 (d).

8 (d) INTRODUCTION.—After a House of Congress re-
9 ceives the President’s transmission of approved rec-
10 ommendations pursuant to section 13, the majority leader
11 of that House (or a designee) shall introduce (by request,
12 if appropriate) a joint resolution described in subsection
13 (c)—

14 (1) in the case of the House of Representatives,
15 within three legislative days; and

16 (2) in the case of the Senate, within three ses-
17 sion days.

18 (e) CONSIDERATION IN THE HOUSE OF REPRESENT-
19 ATIVES.—

20 (1) REFERRAL AND REPORTING.—Any com-
21 mittee of the House of Representatives to which a
22 joint resolution is referred shall report it to the
23 House without amendment not later than the tenth
24 legislative day after the date of its introduction. If
25 a committee fails to report the joint resolution with-

1 in that period, it shall be in order to move that the
2 House discharge the committee from further consid-
3 eration of the joint resolution. Such a motion shall
4 be in order only at a time designated by the Speaker
5 in the legislative schedule within three legislative
6 days after the day on which the proponent an-
7 nounces his intention to offer the motion. Notice
8 may not be given on an anticipatory basis. Such a
9 motion shall not be in order after the House has dis-
10 posed of a motion to discharge a joint resolution.
11 The previous question shall be considered as ordered
12 on the motion to its adoption without intervening
13 motion except twenty minutes of debate equally di-
14 vided and controlled by the proponent and an oppo-
15 nent. If such a motion is adopted, the House shall
16 proceed immediately to consider the joint resolution
17 in accordance with paragraph (3). A motion to re-
18 consider the vote by which the motion is disposed of
19 shall not be in order.

20 (2) PROCEEDING TO CONSIDERATION.—After
21 the last committee authorized to consider a joint res-
22 olution reports it to the House or has been dis-
23 charged (other than by motion) from its consider-
24 ation, it shall be in order to move to proceed to con-
25 sider the joint resolution in the House. Such a mo-

1 tion shall be in order only at a time designated by
2 the Speaker in the legislative schedule within three
3 legislative days after the day on which the proponent
4 announces his intention to offer the motion. Notice
5 may not be given on an anticipatory basis. Such a
6 motion shall not be in order after the House has dis-
7 posed of a motion to proceed with respect to that
8 transmittal of recommendations. The previous ques-
9 tion shall be considered as ordered on the motion to
10 its adoption without intervening motion. A motion to
11 reconsider the vote by which the motion is disposed
12 of shall not be in order.

13 (3) CONSIDERATION.—The joint resolution
14 shall be considered as read. All points of order
15 against a joint resolution and against its consider-
16 ation are waived. The previous question shall be con-
17 sidered as ordered on a joint resolution to its pas-
18 sage without intervening motion except five hours of
19 debate equally divided and controlled by the pro-
20 ponent and an opponent and one motion to limit de-
21 bate on the joint resolution. A motion to reconsider
22 the vote on passage of the joint resolution shall not
23 be in order.

24 (4) POST SINE DIE.—If the House has adopted
25 a concurrent resolution providing for adjournment

1 sine die at the end of a Congress, a motion to dis-
2 charge under paragraph (1) or a motion to proceed
3 under subparagraph (2) shall be in order as applica-
4 ble.

5 (f) CONSIDERATION IN THE SENATE.—

6 (g) AMENDMENTS PROHIBITED.—No amendment to,
7 or motion to strike a provision from, a joint resolution con-
8 sidered under this section shall be in order in either the
9 Senate or the House of Representatives.

10 (h) CONSIDERATION BY OTHER HOUSE.—

11 (1) IN GENERAL.—If, before the passage by one
12 House of a joint resolution of that House described
13 in subsection (c), that House received from the other
14 House a joint resolution described in subsection (c),
15 then the following procedures shall apply:

16 (A) NO COMMITTEE REFERRAL.—The joint
17 resolution of the other House shall not be re-
18 ferred to a committee and may not be consid-
19 ered in the House receiving it except in the case
20 of final passage as provided in subparagraph
21 (B).

22 (B) JOINT RESOLUTION PROCEDURE.—
23 With respect to a joint resolution described in
24 subsection (c) of the House receiving the joint
25 resolution the procedure in that House shall be

1 the same as if no joint resolution had been re-
2 ceived from the other House, but the vote on
3 final passage shall be on the joint resolution of
4 the other House.

5 (2) NO CONSIDERATION.—Upon disposition of
6 the joint resolution received from the other House,
7 it shall no longer be in order to consider the joint
8 resolution that originated in the receiving House.

9 (3) EXCEPTION.—This subsection shall not
10 apply to the House of Representatives if the joint
11 resolution received from the Senate is a revenue
12 measure.

13 (i) RULES OF THE SENATE AND HOUSE.—This sec-
14 tion is enacted by Congress—

15 (1) as an exercise of the rulemaking power of
16 the Senate and House of Representatives, respec-
17 tively, and as such it is deemed a part of the rules
18 of each House, respectively, but applicable only with
19 respect to the procedure to be followed in that
20 House in the case of a joint resolution described in
21 this section, and it supersedes other rules only to the
22 extent that it is inconsistent with such rules; and

23 (2) with full recognition of the constitutional
24 right of either House to change the rules (so far as
25 relating to the procedure of that House) at any time,

1 in the same manner, and to the same extent as in
2 the case of any other rule of that House.

3 **SEC. 15. IMPLEMENTATION OF COMMISSION REC-**
4 **COMMENDATIONS.**

5 (a) CARRYING OUT RECOMMENDATIONS.—Upon the
6 enactment of a joint resolution described in section 14(e),
7 Federal agencies shall immediately begin preparation to
8 carry out the Commission’s recommendations and shall
9 initiate all activities no later than 2 years after the date
10 on which the President transmits the recommendations to
11 Congress. Federal agencies shall complete all rec-
12 ommended actions no later than the end of the 6-year pe-
13 riod beginning on the date on which the President trans-
14 mits the Commission’s recommendations to Congress. All
15 actions shall be economically beneficial and be cost neutral
16 or otherwise favorable to the Government. For actions
17 that will take longer than the 6-year period due to extenu-
18 ating circumstances, each Federal agency shall notify the
19 President and Congress as soon as the extenuating cir-
20 cumstance presents itself with an estimated time to com-
21 plete the relevant action.

22 (b) ACTIONS OF FEDERAL AGENCIES.—In taking ac-
23 tions related to any Federal building or facility under this
24 Act, Federal agencies may, pursuant to subsection (c),
25 take all such necessary and proper actions, including—

1 (1) acquiring land, constructing replacement fa-
2 cilities, performing such other activities, and con-
3 ducting advance planning and design as may be re-
4 quired to transfer functions from a Federal asset or
5 property to another Federal civilian property; and

6 (2) reimbursing other Federal agencies for ac-
7 tions performed at the request of the Commission.

8 (c) NECESSARY AND PROPER ACTIONS.—When act-
9 ing on a recommendation of the Commission, a Federal
10 agency shall continue to act within their existing legal au-
11 thorities, whether such authority has been delegated by
12 the Administrator, or must work in partnership with the
13 Administrator to carry out such actions. The Adminis-
14 trator may take such necessary and proper actions, includ-
15 ing the sale, conveyance, or exchange of civilian real prop-
16 erty, as required to implement the Commission rec-
17 ommendations in the time period required under sub-
18 section (a).

19 (d) DISCRETION OF ADMINISTRATOR REGARDING
20 TRANSACTIONS.—For any transaction identified, rec-
21 ommended, or commenced as a result of this Act, any oth-
22 erwise required legal priority given to, or requirement to
23 enter into, a transaction to convey a Federal civilian real
24 property for less than fair market value, for no consider-
25 ation at all, or in a transaction that mandates the exclu-

1 sion of other market participants, shall be at the discretion
2 of the Administrator.

3 (e) MCKINNEY-VENTO HOMELESS ASSISTANCE ACT
4 REVIEW.—Upon the enactment of a joint resolution de-
5 scribed in section 14(c) and for not more than 90 days
6 after such enactment, the Secretary of Housing and
7 Urban Development shall apply section 501 of the McKin-
8 ney-Vento Homeless Assistance Act (42 U.S.C. 11411) to
9 the extent practicable, to any buildings identified for dis-
10 posal in the approved recommendations that are not more
11 than 25,000 square feet or valued at less than \$5,000,000.

12 **SEC. 16. AUTHORIZATION OF APPROPRIATIONS.**

13 (a) IN GENERAL.—There is authorized a one-time
14 appropriation to carry out this Act in the following
15 amounts:

16 (1) \$20,000,000 for salaries and expenses of
17 the Commission.

18 (2) \$62,000,000 to be deposited into the Asset
19 Proceeds and Space Management Fund for activities
20 related to the implementation of the Commission
21 recommendations.

22 (b) FEDERAL BUILDINGS FUND.—There is author-
23 ized to be appropriated from the Federal Buildings Fund
24 established under section 592 of title 40, United States

1 Code, for construction and acquisition activities \$0 for fis-
2 cal year 2012.

3 **SEC. 17. FUNDING.**

4 (a) CREATION OF SALARIES AND EXPENSES AC-
5 COUNT.—

6 (1) ESTABLISHMENT OF ACCOUNT.—There is
7 hereby established on the books of the Treasury an
8 account to be known as the “Civilian Property Re-
9 alignment Commission—Salaries and Expenses” ac-
10 count.

11 (2) NECESSARY PAYMENTS.—There shall be de-
12 posited into the account such amounts, as are pro-
13 vided in appropriations Acts, for those necessary
14 payments for salaries and expenses to accomplish
15 the administrative needs of the Commission.

16 (b) CREATION OF ASSET PROCEEDS AND SPACE
17 MANAGEMENT FUND.—There is hereby established within
18 the Federal Buildings Fund established under section 592
19 of title 40, United States Code, an account to be known
20 as the “Civilian Property Realignment Commission—
21 Asset Proceeds and Space Management Fund” which shall
22 be used solely for the purposes of carrying out actions pur-
23 suant to the Commission recommendations approved
24 under section 14. Notwithstanding section 3307 of title
25 40, United States Code, the following amounts shall be

1 deposited into the account and made available for obliga-
2 tion or expenditure only as provided in advance in appro-
3 priations Acts for the purposes specified:

4 (1) Such amounts as are provided in appropria-
5 tions Acts, to remain available until expended, for
6 the consolidation, co-location, exchange, redevelop-
7 ment, re-configuration of space, disposal, and other
8 actions recommended by the Commission for Federal
9 agencies.

10 (2) Amounts received from the sale of any civil-
11 ian real property action taken pursuant to a rec-
12 ommendation of the Commission under section 15.
13 As provided in appropriations Acts, such proceeds
14 may be made available to cover necessary costs asso-
15 ciated with implementing the recommendations pur-
16 suant to section 15, including costs associated
17 with—

18 (A) sales transactions;

19 (B) acquiring land, construction, con-
20 structing replacement facilities, conducting ad-
21 vance planning and design as may be required
22 to transfer functions from a Federal asset or
23 property to another Federal civilian property;

24 (C) co-location, redevelopment, disposal,
25 and reconfiguration of space; and

1 (D) other actions recommended by the
2 Commission for Federal agencies.

3 (c) ADDITIONAL REQUIREMENT FOR BUDGET CON-
4 TENTS.—The President’s budget submitted pursuant to
5 section 1105 of title 31, United States Code, shall include
6 an estimate of proceeds that are the result of the Commis-
7 sion’s recommendations and the obligations and expendi-
8 tures needed to support such recommendations.

9 **SEC. 18. DISPOSAL OF REAL PROPERTIES.**

10 (a) ENVIRONMENTAL CONSIDERATIONS.—

11 (1) APPLICABILITY OF OTHER LAW.—Public
12 Law 91–190, as amended, shall not apply to activi-
13 ties under section 11 of this Act.

14 (2) CIVIL ACTION.—A civil action for judicial
15 review, with respect to any requirement of Public
16 Law 91–190, as amended, to the extent such public
17 law is applicable to the actions under section 15 of
18 this Act, of any act or failure to act by a Federal
19 agency during the closing, realigning, or relocating
20 of functions under this Act, may not be brought
21 more than 60 days after the date of such act or fail-
22 ure to act.

23 (3) TRANSFER OF REAL PROPERTY.—

24 (A) IN GENERAL.—When implementing the
25 recommended actions pursuant to section 15 for

1 properties that have been identified in the Com-
2 mission's recommendations and in compliance
3 with the Comprehensive Environmental Re-
4 sponse, Compensation, and Liability Act of
5 1980 (42 U.S.C. 9601 et seq.), including sec-
6 tion 120(h) thereof (42 U.S.C. 9620(h)), Fed-
7 eral agencies may enter into an agreement to
8 transfer by deed real property with any person.

9 (B) ADDITIONAL TERMS.—The head of the
10 disposing agency may require any additional
11 terms and conditions in connection with an
12 agreement authorized by subparagraph (A) as
13 the head of the disposing agency considers ap-
14 propriate to protect the interests of the United
15 States. Such additional terms and conditions
16 shall not affect or diminish any rights or obliga-
17 tions of the federal agencies under CERCLA
18 section 120(h) (including, without limitation,
19 the requirements CERCLA section
20 120(h)(3)(A) and CERCLA section
21 120(h)(3)(C)(iv)).

22 (4) INFORMATION DISCLOSURE.—As part of an
23 agreement pursuant to this Act, the agency shall
24 disclose to the person to whom the property or facili-
25 ties will be transferred any information of the Fed-

1 eral agency regarding the environmental restoration,
2 waste management, and environmental compliance
3 activities described in this Act that relate to the
4 property or facilities. The agency shall provide such
5 information before entering into the agreement.

6 (b) CONSTRUCTION OF CERTAIN ACTS.—Nothing in
7 this section shall be construed to modify, alter, or amend
8 the Comprehensive Environmental Response, Compensa-
9 tion, and Liability Act of 1980 (42 U.S.C. 9601 et seq.)
10 or the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

11 **SEC. 19. CONGRESSIONAL APPROVAL OF PROPOSED**
12 **PROJECTS.**

13 Section 3307(b) of title 40, United States Code is
14 amended—

15 (1) by striking “and” at the end of paragraph
16 (6);

17 (2) by striking the period at the end of para-
18 graph (7) and inserting “; and”; and

19 (3) by adding at the end the following:

20 “(8) a statement of how the proposed project is
21 consistent with section 11(b) of the Civilian Prop-
22 erty Realignment Act.”.

1 **SEC. 20. LIMITATION OF CERTAIN LEASING AUTHORITIES.**

2 (a) LIMITATION ON CERTAIN LEASING AUTHORI-
3 TIES.—Chapter 33 of title 40, United States Code, is
4 amended by adding at the end the following:

5 **“§ 3317. Limitation on leasing authority of other**
6 **agencies**

7 “(a) IN GENERAL.—Notwithstanding any other pro-
8 vision of law, no executive agency may lease space for the
9 purposes of a public building as defined under section
10 3301, except as provided under section 585, and the provi-
11 sions in this chapter.

12 “(b) PUBLIC BUILDING.—For the purposes of this
13 section, the term ‘public building’ shall include leased
14 space.

15 “(c) FURTHER EXCLUSIONS.—This section shall not
16 apply to—

17 “(1) properties that are excluded for reasons of
18 national security by the President; and

19 “(2) properties of the Department of Veterans
20 Affairs.

21 “(d) CONSTRUCTION.—Nothing in this section shall
22 be construed as creating new authority for executive agen-
23 cies to enter into leases or limit the authority of the Ad-
24 ministration under section 3314.”.

1 (b) SMALL BUSINESSES.—When using commercial
2 leasing services, the Administrator shall adhere to the re-
3 quirements of the Small Business Act (15 U.S.C. et seq.).

4 (c) CLERICAL AMENDMENT.—The analysis for such
5 chapter is amended by adding at the end:

“3317. Limitation on leasing authority of other agencies.”.

6 **SEC. 21. IMPLEMENTATION REVIEW BY GAO.**

7 Upon transmittal of the Commission’s recommenda-
8 tions from the President to the Congress under section
9 13, the Comptroller General of the United States at least
10 annually shall monitor, review the implementation activi-
11 ties of Federal agencies pursuant to section 15, and report
12 to Congress any findings and recommendations.

13 **SEC. 22. SENSE OF CONGRESS AND REPORTS.**

14 (a) SENSE OF CONGRESS.—It is the sense of Con-
15 gress that—

16 (1) the Civilian Property Realignment Commis-
17 sion, should take steps to provide assistance to
18 small, minority, and woman-owned businesses seek-
19 ing to be awarded contracts to redevelop federal
20 property;

21 (2) the Civilian Property Realignment Commis-
22 sion and other appropriate Federal officials should
23 conduct a public information campaign to advise
24 small, minority, and women-owned business firms

1 with respect to contracts for the sale or redevelop-
2 ment of Federal property; and

3 (3) firms that are awarded contracts pertaining
4 to the redevelopment of Federal property should, to
5 the maximum extent practicable, seek to award sub-
6 contracts for such contracts to small, minority, and
7 women-owned business firms.

8 (b) PROGRESS REPORTS.—Every 6 months, the Civil-
9 ian Property Realignment Commission shall submit to the
10 appropriate committees of Congress and the President, a
11 report regarding contracting. Each such report shall indi-
12 cate, as of the date of the submission of such report, the
13 size of all business firms awarded contracts by the Com-
14 mission and the size of all business firms awarded sub-
15 contracts under such contracts.

16 **SEC. 23. CONSIDERATION OF LIFE-CYCLE COST REQUIRED.**

17 Section 3305 of title 40, United States Code, is
18 amended by adding at the end the following new sub-
19 section:

20 “(d) CONSIDERATION OF LIFE-CYCLE COST RE-
21 QUIRED.—

22 “(1) REQUIREMENT.—The Administrator shall
23 ensure that the life-cycle cost of a public building is
24 considered in the construction or lease of a public
25 building described in paragraph (2).

1 “(2) FEDERAL BUILDINGS SUBJECT TO RE-
2 QUIREMENT.—A public building is subject to the re-
3 quirement under paragraph (1) if—

4 “(A) construction or lease of the building
5 begins after the date of the enactment of the
6 Civilian Property Realignment Act;

7 “(B) the estimated construction costs of
8 the building exceed \$1,000,000;

9 “(C) in the case of a lease, the square foot-
10 age of the property is more than 25,000 square
11 feet; and

12 “(D) Federal funding comprises more than
13 50 percent of the funding for the estimated
14 construction or lease costs of the building.

15 “(3) DEFINITIONS.—In this subsection, the fol-
16 lowing definitions apply:

17 “(A) LIFE-CYCLE COST.—The term ‘life-
18 cycle cost’ means the sum of the following
19 costs, as estimated for the lifetime of a build-
20 ing:

21 “(i) Investment costs.

22 “(ii) Capital costs.

23 “(iii) Installation costs.

24 “(iv) Energy costs.

25 “(v) Operating costs.

1 “(vi) Maintenance costs.

2 “(vii) Replacement costs.

3 “(B) LIFETIME OF A BUILDING.—The
4 term ‘lifetime of a building’ means, with respect
5 to a building, the greater of—

6 “(i) the period of time during which
7 the building is projected to be utilized; or

8 “(ii) 50 years.”.

9 **SEC. 24. LONG-TERM SAVINGS THROUGH LIFE-CYCLE COST**
10 **ANALYSIS.**

11 Section 3307(b) of title 40, United States Code, as
12 amended by section 19, is further amended—

13 (1) in paragraph (7), by striking “and” at the
14 end;

15 (2) in paragraph (8), by striking the period at
16 the end and inserting “; and”; and

17 (3) by adding at the end the following:

18 “(9) with respect to any prospectus for the con-
19 struction, alteration, or acquisition of any building
20 or space to be leased, a statement by the Adminis-
21 trator describing the use of life-cycle cost analysis
22 and any increased design, construction, or acquisi-

1 tion costs identified by such analysis that are offset
2 by lower long-term costs.”.

Passed the House of Representatives February 7,
2012.

Attest:

Clerk.

112TH CONGRESS
2^D SESSION

H. R. 1734

AN ACT

To decrease the deficit by realigning, consolidating, selling, disposing, and improving the efficiency of Federal buildings and other civilian real property, and for other purposes.