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112TH CONGRESS
1ST SESSION

H. R. 1734

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.

IN THE HOUSE OF REPRESENTATIVES

MAY 4, 2011

Mr. DENHAM introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committees on Oversight and Government Reform and Rules, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

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A BILL

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.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Civilian Property Realignment Act'' or ''CPRA''.

SEC. 2. PURPOSE.

The purposes of this Act are to—

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

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

(3) reduce the reliance on costly leased space;

(4) sell or redevelop high value assets that are underutilized to obtain the highest and best value for the taxpayer;

(5) reduce the operating and maintenance costs of Federal civilian real properties through the realignment of other real properties through consolidating, co-locating, and reconfiguring space, and other operational efficiencies;

(6) reduce redundancy, overlap, and costs associated with field offices;

(7) create incentives for federal agencies to achieve greater efficiency in their inventories of civilian real property by enabling agencies to retain and reinvest savings and sale proceeds;

(8) facilitate and expedite the sale or disposal of unneeded civilian properties; and

(9) assist federal agencies in achieving the Government's sustainability goals by reducing excess

space, inventory, and energy consumption, as well as by leveraging new technologies.

SEC. 3. DEFINITIONS.

As used in this Act—

(a) FEDERAL CIVILIAN REAL PROPERTY AND CIVILIAN REAL PROPERTY.—

(1) PROPERTY.—The terms ''Federal civilian real property'' and ''civilian real property'' refer to Federal real property assets, including Federal buildings as defined in section 3301 of title 40, United States Code, occupied and improved grounds, leased space, or other physical structures under the custody and control of any federal agency.

(2) FURTHER EXCLUSIONS.—Subsection (a)(1) shall not be construed as including any of the following types of property:

(A) Military installations as defined in Section 2910 of the Defense Base Closure and Realignment Act of 1990.

(B) Properties that are excluded for reasons of national security by the Director of the Office of Management and Budget.

(C) Properties that are excepted from the definition of ''property'' under section 102(9) of title 40, United States Code.

(b) FEDERAL AGENCY.—The term ''federal agency'' means an executive department or independent establishment in the executive branch of the Government, and a wholly owned Government corporation.

(c) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of General Services.

(d) COMMISSION.—The term ''Commission'' means the Civilian Property Realignment Commission.

SEC. 4. COMMISSION.

(a) ESTABLISHMENT.—There is established an independent commission to be known as the Civilian Property Realignment Commission, referred to in this Act as the ''Commission''.

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

(c) MEMBERSHIP.—

(1) The Commission shall be composed of nine members appointed by the President, by and with the advice and consent of the Senate.

(2) In selecting individuals for nominations for appointments to the Commission, the President shall consult with—

(A) the Speaker of the House of Representatives concerning the appointment of two members;

(B) the majority leader of the Senate concerning the appointment of two members;

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

(D) the minority leader of the Senate concerning the appointment of one member.

(3) CHAIRPERSON.—The President shall designate one such individual to serve as chairperson of the Commission.

(4) TERMS.—The term for each member of the Commission shall be six years.

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

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

(A) Commercial real estate and redevelopment.

(B) Government management or operations.

(C) Community development.

SEC. 5. COMMISSION MEETINGS.

(a) OPEN MEETINGS.—Each meeting of the Commission, other than meetings in which classified information is to be discussed, shall be open to the public. Any open meeting shall be announced in the Federal Register and the Federal website established by the Commission at least 14 calendar days in advance. For all public meetings, the Commission shall release an agenda and a listing of materials relevant to the topics discussed.

(b) TRANSPARENCY OF INFORMATION.—All the proceedings, information, and deliberations of the Commission shall be open, upon request, to the chairman and the ranking minority party member, and their respective subcommittee chairman and ranking minority party member, of—

(1) the Committee on Transportation and Infrastructure of the House of Representatives;

(2) the Committee on Oversight and Government Reform of the House of Representatives;

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

(4) the Committee on Environmental and Public Works of the Senate.

(c) GOVERNMENT ACCOUNTABILITY OFFICE.—All the proceedings, information, and deliberations of the

Commission shall be open, upon request, to the Comptroller General of the United States.

SEC. 6. COMPENSATION AND TRAVEL EXPENSES.

(a) COMPENSATION.—

(1) Each member, other than the Chairperson, shall be paid at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Commission.

(2) The chairperson shall be paid for each day referred to in paragraph (1) at a rate equal to the daily equivalent of the minimum annual rate of basic pay payable for level III of the Executive Schedule under section 5314, of title 5, United States Code.

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

SEC. 7. EXECUTIVE DIRECTOR.

(a) The Commission shall appoint an Executive Director.

(b) The Executive Director shall be paid at the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 8. STAFF.

(a) Subject to subsection (b), the Executive Director, with the approval of the Commission, may appoint and fix the pay of additional personnel.

(b) The Executive Director may make such appointments without regarding to the provisions of title 5, United States Code, governing appointments in the competitive service, and any personnel so appointed may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of GS–15 of the General Schedule.

(c) Upon request of the Executive Director, the head of any Federal department or agency may detail any of the personnel of that department or agency to the Commission to assist the Commission in carrying out its duties under this Act.

(d) The Comptroller General of the United States may provide assistance, including the detailing of employees, to the Commission in accordance with an agreement entered into with the Commission.

SEC. 9. CONTRACTING AUTHORITY.

(a) The Commission may procure by contract, to the extent funds are available, the temporary or intermittent services of experts and consultants pursuant to section 3109 of title 5, United States Code.

(b) The Commission may lease space and acquire personal property to the extent funds are available.

SEC. 10. TERMINATION.

The Commission shall cease operations and terminate six years from the date of enactment of this Act.

SEC. 11. DEVELOPMENT OF RECOMMENDATIONS TO THE COMMISSION.

(a) Not later than 120 days of enactment of this Act and 120 days following the beginning of each fiscal year thereafter, federal agencies shall submit to the Administrator and the chairperson of the Federal Real Property Council, established pursuant to Executive Order 13327:

(1) Current data of all Federal civilian real properties owned, leased or controlled by the respective agency, included all relevant information prescribed by the Administrator and the chairperson of the Federal Real Property Council.

(2) Recommendations which shall include:

(A) Federal civilian properties that can be sold for proceeds and otherwise disposed of, transferred, exchanged, consolidated, co-located,

reconfigured, or redeveloped, so as to reduce the civilian real property inventory, reduce the operating costs of the Federal Government, and create the highest value for the taxpayer.

(B) Operational efficiencies that the Federal Government can realize in its operation and maintenance of Federal civilian real properties.

(b) The Administrator, in consultation with the chairperson of the Federal Real Property Council shall, not later than 60 days following the date specified in subsection (a), review recommendations submitted pursuant to subsection (a), develop standards and criteria and develop recommendations based on those standards and criteria. In developing the standards and criteria, the Administrator, in consultation with the chairperson of the Federal Real Property Council shall incorporate the following principles:

(1) The extent to which a Federal building or facility aligns with the current mission of the federal agency.

(2) The extent to which there are opportunities to consolidate similar operations across multiple agencies or within agencies.

(3) The extent and timing of potential costs and savings, including the number of years, beginning with the date of completion of the proposed recommendation.

(4) The economic impact on existing communities in the vicinity of the Federal building or facility.

(5) The extent to which the utilization rate is being maximized and is consistent with non-governmental industry standards for the given function or operation.

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

(7) The extent to which the Federal building or facility could be redeveloped or otherwise used to produce the highest and best value for the taxpayer.

(8) The extent to which the operating and maintenance costs are reduced through consolidating, co-locating, and reconfiguring space, and through realizing other operational efficiencies.

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

(c) SUBMISSION TO THE COMMISSION.—

(1) The standards, criteria, and recommendations developed pursuant to subsection (b) shall be

submitted to the Commission with all supporting information, data, analyses, and documentation.

(2) The standards, criteria, and recommendations shall be published in the Federal Register and transmitted to the committees designated in section 5(b) of this Act and to the Comptroller General of the United States.

(3) The Commission shall also have access to all information pertaining to the recommendations, including supporting information, data, analyses, and documentation submitted pursuant to subsection (a).

SEC. 12. COMMISSION DUTIES.

(a) IDENTIFICATION OF PROPERTY REDUCTION OPPORTUNITIES.—The Commission shall identify opportunities for the Government to reduce significantly its inventory of civilian real property and reduce costs to the Federal Government.

(b) ANALYSIS OF INVENTORY.—The Commission shall perform an independent analysis of the inventory of Federal civilian real property and the recommendations submitted pursuant to section 11.

(c) PUBLIC HEARING.—After performing an independent analysis and reviewing the recommendations, the Commission shall conduct public hearings. All testimony

before the Commission at a public hearing under this paragraph shall be presented under oath.

(d) REPORTING OF INFORMATION AND RECOMMENDATIONS.—

(1) IN GENERAL.—Not later than 120 days after the receipt of recommendations pursuant to section 11, and biennially thereafter, the Commission shall, at a minimum, transmit to the President, and publicly post on a Federal website maintained by the Commission a report containing the Commission's findings, conclusions, and recommendations for the consolidation, exchange, co-location, reconfiguration, lease reductions, sale, and redevelopment of Federal civilian real properties and for other operational efficiencies that can be realized in the Government's operation and maintenance of such properties.

(2) CONSENSUS IN MAJORITY.—The Commission shall seek to develop consensus recommendations, but if consensus cannot be obtained, the Commission may include in its report recommendations that are supported by a majority of the Commission.

(e) FEDERAL WEBSITE.—The Commission shall establish and maintain a Federal website for the purposes of making relevant information publically available.

(f) REVIEW BY GAO.—The Comptroller General of the United States shall—

(1) assist the Commission, to the extent requested, in the Commission's review and analysis of the recommendations submitted to the Commission under section 11; and

(2) transmit to the Congress and to the Commission a report containing a detailed analysis of the recommendations and selection process.

SEC. 13. REVIEW BY THE PRESIDENT.

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

(b) REPORT TO COMMISSION AND CONGRESS.—Not later than 30 days after receipt of the Commission's recommendations, the President shall transmit to the Commission and Congress a report that sets forth the President's approval or disapproval of the Commission's recommendations:

(1) If the President approves of the Commission's recommendations, the President shall transmit a copy of the recommendations to Congress, together with a certification of such approval.

(2) If the President disapproves of the Commission's recommendations, in whole or in part, the

President shall also transmit to the Commission and Congress the reasons for such disapproval. The Commission shall then transmit to the President, not later than 30 days following the disapproval, a revised list of recommendations.

(3) If the President approves all of the revised recommendations of the Commission, the President shall transmit a copy of such revised recommendations to Congress, together with a certification of such approval.

(4) If the President does not transmit to the Congress an approval and certification described in paragraphs (1) or (3) within 30 days of receipt of the Commission's recommendations or revised recommendations, as the case may be, the process shall terminate until the following year.

SEC. 14. CONGRESSIONAL CONSIDERATION OF THE RECOMMENDATIONS.

(a) RESOLUTION OF DISAPPROVAL.—Not later than 45 days after the date of the President's transmission to Congress of the approved recommendations pursuant to section 13, Congress may enact a joint resolution as described in subsection (c) to disapprove the Commission recommendations.

(b) COMPUTATION OF TIME PERIOD.—For the purposes of this section, the days on which either House of Congress is not in session because of adjournment of more than three days to a day certain shall be excluded in the computation of the period of time.

(c) TERMS OF THE RESOLUTION.—For purposes of this section, the term ''joint resolution'' means only a joint resolution which is introduced within the 10-day period beginning on the date on which the President transmits the recommendations to Congress under section 13, and—

(1) which does not have a preamble;

(2) the matter after the resolving clause of which is as follows: ''That Congress disapproves the recommendations of the Civilian Property Realignment Commission as submitted by the President on _____'', the blank space being filled in with the appropriate date; and

(3) the title of which is as follows: ''Joint resolution disapproving the recommendations of the Civilian Property Realignment Commission''.

(d) REFERRAL.—A resolution described in subsection (c) that is introduced in the House of Representatives shall be referred to the Committee on Transportation and Infrastructure in the House of Representatives. A resolution described in subsection (c) introduced in the Senate

shall be referred to the Committee on the Environment and Public Works in the Senate.

(e) DISCHARGE.—If the committee to which a resolution described in subsection (c) is referred has not reported such a resolution (or an identical resolution) by the end of the 20-day period beginning on the date on which the President transmits the report to the Congress under section 13, such committee shall be, at the end of such period, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved.

(f) CONSIDERATION.—

(1) On or after the third day after the date on which the committee to which such resolution is referred has reported, or has been discharged (under subsection (e)) from further consideration of, such a resolution, it is in order (even though a previous motion to the same effect has been disagreed to) for any Member of the respective House to move to proceed to the consideration of the resolution. A member may make the motion only on the date after the calendar day on which the Member announces to the House concerned the Member's intention to make the motion, except that, in the case of the House of Representatives, the motion may be made without

such prior announcement if the motion is made by direction of the committee to which the resolution was referred. The motion is highly privileged in the House of Representatives and is privileged in the Senate and is not debatable. The motion is not subject to amendment, or to a motion to postpone, or to a motion to proceed to the consideration of other business. A motion to reconsider the vote by which the motion is agreed to or disagreed to shall not be in order. If a motion to proceed to consideration of the joint resolution is agreed to, the respective House shall immediately proceed to the consideration of the joint resolution without intervening motion, order, or other business, and the resolution shall remain the unfinished business of the respective House until disposed of.

(2) Debate on the resolution and on all debatable motions and appeals in connection therewith, shall be limited to not more than 2 hours, which shall be divided equally between those favoring and those opposing the resolution. An amendment to the resolution is not in order. A motion further to limit debate is in order and not debatable. A motion to postpone, or a motion to proceed to the consideration of other business, or a motion to recommit the

resolution is not in order. A motion to reconsider the vote by which the resolution is agreed to or disagreed is not in order.

(3) Immediately following the conclusion of the debate on a resolution described in subsection (c) and a single quorum call at the conclusion of the debate if requested in accordance with the rules of the appropriate House, the vote on final passage of the resolution shall occur.

(4) Appeals from the decisions of the Chair relating to the application of the rules of the Senate or the House of Representatives, as the case may be, to the procedure relating to a resolution described in subsection (c) shall be decided without debate.

(g) CONSIDERATION BY OTHER HOUSE.—

(1) If, before the passage by one House of a resolution of that House described in subsection (c), that House received from the other House a resolution described in subsection (c), then the following procedures shall apply:

(A) The resolution of the other House shall not be referred to a committee and may not be considered in the House receiving it except in the case of final passage as provided in subparagraph (B)(ii).

(B) With respect to a resolution described in subsection (c) of the House receiving the resolution—

(i) the procedure in that House shall be the same as if no resolution had been received from the other House; but

(ii) the vote on final passage shall be on the resolution of the other House.

(2) Upon disposition of the resolution received from the other House, it shall no longer be in order to consider the resolution that originated in the receiving House.

(h) RULES OF THE SENATE AND HOUSE.—This section is enacted by Congress—

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in this section, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

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

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

(i) FAILURE TO PASS RESOLUTION OF DISAPPROVAL.—If Congress fails to pass such a joint resolution within 45 calendar days from the date of the President's transmission to Congress of the Commission's recommendations, the recommendations immediately gain legal force and shall be in effect and federal agencies shall implement and carry out all of the Commission's recommendations pursuant to section 15.

SEC. 15. IMPLEMENTATION OF COMMISSION RECOMMENDATIONS.

(a) Upon the date specified in subsection 14(i), federal agencies shall immediately begin preparation to carry out the Commission's recommendations and shall initiate all activities no later than two years after the date on which the President transmits the recommendations to Congress. Agencies shall complete all recommended actions no later than the end of the six-year period beginning on the date on which the President transmits the Commission's recommendations to Congress. All actions are expected to be economically beneficial and be cost neutral or otherwise favorable to the Federal Government. For actions that will take longer than the six-year period due to extenuating circumstances, federal agencies shall notify

the President and Congress as soon as the extenuating circumstance presents itself with an estimated time to complete the relevant action.

(b) In taking actions related to any Federal building or facility under this Act, federal agencies may, pursuant to subsection (c), take all such necessary and proper actions, including—

(1) acquiring land, constructing replacement facilities, performing such other activities, and conducting advance planning and design as may be required to transfer functions from a Federal asset or property to another Federal property;

(2) providing outplacement assistance to civilian employees employed by any federal agency at a Federal property impacted by such actions; and

(3) reimbursing other federal agencies for actions performed at the request of the Commission.

(c) When acting on a recommendation of the Commission, a federal agency shall continue to act within their existing legal authorities, whether it has been delegated by the Administrator, or must work in partnership with the Administrator to carry out such actions. The Administrator may, notwithstanding any other provision of law, take such necessary and proper actions, including the sale, conveyance, or exchange of civilian real property, as re-

quired to implement the Commission recommendations in the time period required under subsection (a).

(d) For any transaction identified, recommended or commenced as a result of this Act, any otherwise required legal priority given to, or requirement to enter into, a transaction to convey a Federal civilian real property for less than fair market value, for no consideration at all, or in a transaction that mandates the exclusion of other market participants, shall be at the discretion of the Commission.

SEC. 16. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated in fiscal year 2012:

(1) $23,000,000 for salaries and expenses of the Commission; and

(2) $65,000,000 to be deposited into the Asset Proceeds and Space Management Fund for activities related to the implementation of the Commission recommendations.

SEC. 17. FUNDING.

(a) CREATION OF SALARIES AND EXPENSES ACCOUNT.—There is hereby established on the books of the Treasury an account to be known as the ''Civilian Property Realignment Commission—Salaries and Expenses'' account.

(1) NECESSARY PAYMENTS.—There shall be deposited into the account such amounts, as are provided in appropriations Acts, for those necessary payments for salaries and expenses to accomplish the administrative needs of the Commission.

(2) NO APPROPRIATIONS.—If no amounts are appropriated for the salaries and expenses of the Commission for a particular fiscal year, the Director of the Office of Management and Budget may support the Commission's activities under this Act during such year if the Director of the Office of Management and Budget approves either or both of the following actions:

(A) In consultation with the Administrator, a transfer to the Commission of amounts from the ''Civilian Property Realignment Commission—Asset Proceeds and Space Management Fund'' within the Federal Buildings Fund established under section 592 of title 40, United States Code.

(B) A transfer to the Commission of not more than $8,000,000 from unobligated amounts in accounts of Federal civilian property-holding agencies.

(b) CREATION OF ASSET PROCEEDS AND SPACE MANAGEMENT FUND.—There is hereby established within the Federal Buildings Fund established under section 592 of title 40, United States Code, an account to be known as the ''Civilian Property Realignment Commission—Asset Proceeds and Space Management Fund'' which shall be solely used for the purposes of carrying out actions pursuant to the Commission recommendations approved under section 14. There shall be deposited into the account—

(1) such amounts as are provided in appropriations Acts, to remain available until expended, for the consolidation, co-location, exchange, redevelopment, re-configuration of space and other actions recommended by the Commission for federal agencies;

(2) gross proceeds received from the proceeds of any civilian real property action taken pursuant to a recommendation of the Commission under section 15. The Commission, with the consent of the Administrator, may transfer, from the gross proceeds to a federal agency, amounts necessary to cover costs associated with implementing the recommendations pursuant to section 15; and

(3) net proceeds (which are gross proceeds received from the sale of any civilian real property pursuant to a recommendation of the Commission, less the amounts transferred from this account under section 17(a)(2)(A) and (b)(2) of this Act, shall be divided between the General Fund of the Treasury, federal agencies (for the purpose of real property management reinvestment), and the Asset Proceeds and Space Management Fund within the Federal Buildings Fund. On an annual basis, the Director of the Office of Management and Budget, shall determine how the net proceeds shall be distributed, through transfer, between the General Fund, federal agencies, and the Asset Proceeds and Space Management Fund, but in no case shall the General Fund receive less than sixty percent of the net proceeds. Such proceeds, as distributed by the Director of the Office of Management and Budget to the Asset Proceeds and Space Management Fund, shall, notwithstanding section 3307 of title 40, United States Code, remain available until expended to carry out the duties specified under this Act. In implementing the Commission recommendations, the Administrator, may, notwithstanding section 3307 of title 40, United States Code, transfer from the

Space Management Fund, to a federal agency, amounts—

(A) to cover the necessary costs associated with—

(i) consolidation, co-location, redevelopment, and reconfiguration actions; and

(ii) other actions taken to otherwise realize operational efficiencies, including such actions as environmental restoration; and

(B) for outplacement assistance to Federal employees who work at a Federal property that is affected by actions taken under this section, and whose employment would be terminated as a result of such disposal, consolidation, or other realignment.

SEC. 18. DISPOSAL OF REAL PROPERTIES.

(a) Notwithstanding any other provision of law, any recommendation or commencement of a disposal or realignment of civilian real property shall not be subject to—

(1) section 545(b)(8) of title 40, United States Code;

(2) sections 550, 554, and 553 of title 40, United States Code;

(3) section 501 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411);

(4) section 667(b)–(d) of title 16, United States Code;

(5) section 47151 of title 49, United States Code;

(6) sections 107 and 317 of title 23, United States Code;

(7) section 1304(b) of title 40, United States Code;

(8) section 1622(d) of title 50, United States Code Appended;

(9) any other provision of law authorizing the conveyance of real property owned by the Federal Government for no consideration; and

(10) any congressional notification requirement other than that in section 545 of title 40, United States Code.

(b) Nothing in subsection (a) shall be construed to modify, alter, or amend any other required environmental or historical review, recordkeeping, or notice requirements otherwise implicated in a conveyance of Federal civilian real property.

(c) PUBLIC BENEFIT.—

(1) For those properties that the Commission has determined should be reviewed for potential use by the homeless or for any of the other public benefits enumerated in subsection (a), the Commission shall submit to the Secretary of Housing and Urban Development (Secretary of HUD), on the same day it submits its report to the President, any such information on the building or property that concerns the decision regarding the civilian property's disposal. Within 30 days the Secretary of HUD must return to the Commission with a report summarizing a determination of the suitability of the civilian real properties recommended to be disposed as properties fit to help the cause of homeless assistance.

(2) Within 30 days of the Commission's submission to the President and public release of the Commission's recommendations, any representatives of the homeless proposing interest in the use of property that the Commission has determined should be reviewed for potential use by the homeless or for any of the other public benefits enumerated in subsection (a), may submit a notice of interest containing the following to the Commission and to the Secretary of HUD:

(A) A description of the homeless assistance program that the representative proposes to carry out at the installation.

(B) An assessment of the need for the program.

(C) A description of the extent to which the program is or will be coordinated with other homeless assistance programs in the communities in the vicinity of the installation.

(D) A description of the buildings and property that are necessary in order to carry out the program.

(E) A description of the financial plan, the organization, and the organizational capacity of the representative to carry out the program.

(F) An assessment of the time required in order to commence carrying out the program.

(3) The Secretary of HUD shall review and certify submissions from representatives of the homeless and submit to the Commission an assessment of the validity and merits of the notice of interest within 60 days from the date the Commission submits its report to the President. In the case where more than one notice of interest is entered for a property, the Secretary shall indicate to the Commission which

planned use of the property for the homeless has more merit.

(4) Within 30 days of the Commission's submission to the President and public release of the Commission's recommendations, any parties proposing interest in the property that the Commission has determined should be reviewed for any other public benefit programs enumerated in subsection (a), for a use that is not homeless assistance, may submit a notice of interest to the Commission and to the federal agency that is otherwise tasked by law to review applications for the public benefit conveyance program under which the party is applying. The notice of interest must contain the information otherwise required by the law creating the conveyance program.

(5) Federal agencies that have been tasked with reviewing application for public benefit conveyance programs, that receive notices of interest with information pertaining to the certification of the validity of a proposed public benefit conveyance operating under one of the uses under subsection (a) that are not homeless assistance, shall review and certify submissions from parties proposing such future use for the property and submit to the Commission an as-

sessment of the validity and merits of the information contained in the notice of interest within 60 days from the date the Commission submits its recommendations to the President. In the case where more than one notice of interest is entered for a property, the Secretary of the reviewing agency shall indicate to the Commission which planned use of the property has more merit.

(6) The Commission shall compile all information and assessments regarding submitted notices of interest about properties and, upon the moment that the recommendations gain legal force after consideration by Congress, forward them to the agencies that maintain custody and control over the civilian real properties to be disposed for their consideration in implementing the Commission's recommendations.

(7) In the event a property reviewed by HUD is found to be fit for use by the homeless and HUD has identified a representative of the homeless whose notice of interest is certified, or, in the event of more than one notice of interest on the property, whose notice of interest is deemed to have the most merit by HUD, the agency maintaining custody or control of the property, in accordance with subsection (a), shall commence conveyance of the prop-

erty to that representative of the homeless upon the recognition that the Commission's recommended activity to convey the property for one of those uses in subsection (a) has gained legal force. In the event a reviewed property is found to be unfit for use by the homeless, or there is no identified notice of interest on the property by a representative of the homeless, the agency shall then look to whether there are any parties that have expressed interest in the property for one of those uses in subsection (a) that are not homeless assistance and whether any Federal reviewing agency has certified one of those uses. If so, the agency maintaining custody or control of the property shall commence conveyance of the property to that party that proposed the certified use upon the recognition that the Commission's recommended activity to convey the property for one of those uses in subsection (a) has gained legal force. In the event that more than one party that has expressed interest in the property in this manner exists, the agency shall have the discretion to choose among them.

(8) In the event a property does not qualify for, or there is no interest in a property reviewed for one of those uses in subsection (a) upon the recognition

that the Commission's recommended activity to convey the property for one of those uses in subsection (a) has gained legal force, the agency shall have the discretion to choose among any other remaining ways to implement the recommendation regarding the property.

(d) ENVIRONMENTAL CONSIDERATIONS.—

(1) The provisions of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 et seq.) shall not apply to the actions of the President, the Commission, or any agency, in carrying out any of the Commission's recommendations except—

(A) during the process of property disposal; and

(B) during the process of relocating functions from a property being disposed of or realigned to another property after the receiving property has been selected but before the functions are relocated.

(2) In applying the provisions of the National Environmental Policy Act of 1969 to the processes referred to in subsection (d)(1), the agencies do not have to consider—

(A) the need for closing or realigning the property which has been recommended for closure or realignment by the Commission;

(B) the need for transferring functions to another Federal property; or

(C) any alternative path, not associated with an environmental choice, to those recommended or selected.

(3) A civil action for judicial review, with respect to any requirement of the National Environmental Policy Act of 1969 to the extent such Act is applicable under subsection (d)(2), of any Act or failure to act by a federal agency during the closing, realigning, or relocating of functions referred to in subsection (d)(2), may not be brought more than 60 days after the dates of such act or failure to act.

(4) Agencies may dispose or realign property without regard to any provision of law restricting the use of funds for disposing or realigning Federal property included in any appropriations or authorization Act.

(5) Notwithstanding Section 120(h) of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9620(h)), federal agencies may enter into an agreement to

transfer the deed real property with any person who agrees to perform all environmental restoration, waste management, and environmental compliance activities that are required for the property or facilities under Federal and State laws, administrative decisions, agreements (including schedules and milestones), and concurrences. This type of transfer may only happen if the head of the transferring agency can certify to Congress that—

(A) the costs of all environmental restoration, waste management, and environmental compliance activities otherwise to be paid by the Secretary with respect to the property or facilities are equal to or greater than the fair market value of the property or facilities to be transferred, as determined by the Secretary; or

(B) if such costs are lower than the fair market value of the property or facilities, the recipient of the property or facilities agrees to pay the difference between the fair market value and such costs.

(6) In the case of property that may be transferred pursuant to this Act, the Agency may pay the recipient of such property or facilities an amount equal to the lesser of—

(A) the amount by which the costs incurred by the recipient of such property or facilities for all environmental restoration, waste management, and environmental compliance activities with respect to such property or facilities exceed the fair market value of such property or facilities as specified in such certification; or

(B) the amount by which the costs (as determined by the Secretary) that would otherwise have been incurred by the Secretary for such restoration, management, and activities with respect to such property or facilities exceed the fair market value of such property or facilities as so specified.

(7) As part of an agreement pursuant to this Act, the Secretary shall disclose to the person to whom the property or facilities will be transferred any information of the Agency regarding the environmental restoration, waste management, and environmental compliance activities described in this Act that relate to the property or facilities. The Agency shall provide such information before entering into the agreement.

(e) Nothing in this subsection shall be construed to modify, alter, or amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.) or the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

SEC. 19. CONGRESSIONAL APPROVAL OF PROPOSED PROJECTS.

(a) Section 3307(b) of title 40, United States Code is amended by:

(1) striking ''and'' at the end of paragraph (6) and inserting '';'';

(2) striking ''.'' at the end of paragraph (7) and inserting '';''; and

(3) adding at the end the following new paragraph:

''(8) a statement of how the proposed project is consistent with section 11(b) of the Civilian Property Realignment Act.''.

SEC. 20. LIMITATION OF CERTAIN LEASING AUTHORITIES.

Chapter 33 of title 40, United States Code, is amended by adding at the end the following new section:

''3317. LIMITATION ON LEASING AUTHORITY OF OTHER AGENCIES.

''(a) IN GENERAL.—Notwithstanding any other provision of law, no executive agency may lease space for the

purposes of a public building as defined under section 3301, except as provided under section 585 and the provisions of in this chapter.

''(b) CONSTRUCTION.—Nothing in this section shall be construed as creating new authority for executive agencies to enter into leases.''.

SEC. 21. IMPLEMENTATION REVIEW BY GAO.

Upon the date specified in section 14(i), the Comptroller General of the United States shall at least annually monitor, review the implementation activities of federal agencies pursuant to section 15, and report to Congress any findings and recommendations.

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