

# Union Calendar No. 262

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 1734

**[Report No. 112-384, Part I]**

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.

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## 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

FEBRUARY 1, 2012

Additional sponsors: Mr. HUELSKAMP, Mr. CRAWFORD, Mr. KELLY, Mr. MCHENRY, Mr. MULVANEY, Mr. BUCSHON, Mr. REED, Mr. SHUSTER, Mr. STUTZMAN, Mr. NUGENT, Mr. HANNA, Mr. DUNCAN of Tennessee, Mr. BOREN, Mr. COSTA, Mr. GIBBS, Mr. HULTGREN, Mr. BARLETTA, Mr. GUINTA, Mr. LANDRY, Mr. MEEHAN, Mrs. CAPITO, Mr. SCHWEIKERT, Mr. LONG, Mr. GARY G. MILLER of California, Mr. JOHNSON of Ohio, Mrs. MYRICK, Mr. FINCHER, Mr. DUNCAN of South Carolina, Mr. WESTMORELAND, Mr. WOMACK, and Mr. HERGER

FEBRUARY 1, 2012

Reported from the Committee on Transportation and Infrastructure with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]

FEBRUARY 1, 2012

The Committees on Oversight and Government Reform and Rules discharged; committed to the Committee of the Whole House on the State of the Union and ordered to be printed

[For text of introduced bill, see copy of bill as introduced on May 4, 2011]

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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.

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

3 **SECTION 1. SHORT TITLE.**

4        *This Act may be cited as the “Civilian Property Re-*  
5 *alignment Act” or “CPRA”.*

6 **SEC. 2. PURPOSES.**

7        *The purposes of this Act are—*

8            *(1) to consolidate the footprint of Federal build-*  
9 *ings and facilities;*

10           *(2) to maximize the utilization rate of Federal*  
11 *buildings and facilities;*

12           *(3) to reduce the reliance on leased space;*

13           *(4) to sell or redevelop high value assets that are*  
14 *underutilized to obtain the highest and best value for*  
15 *the taxpayer and maximize the return to the tax-*  
16 *payer;*

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

22           *(6) to reduce redundancy, overlap, and costs as-*  
23 *sociated with field offices;*

1           (7) *to create incentives for Federal agencies to*  
2 *achieve greater efficiency in their inventories of civil-*  
3 *ian real property;*

4           (8) *to facilitate and expedite the sale or disposal*  
5 *of unneeded civilian properties; and*

6           (9) *to assist Federal agencies in achieving the*  
7 *Government’s sustainability goals by reducing excess*  
8 *space, inventory, and energy consumption, as well as*  
9 *by leveraging new technologies.*

10 **SEC. 3. DEFINITIONS.**

11       *In this Act, unless otherwise expressly stated, the fol-*  
12 *lowing definitions apply:*

13           (1) *FEDERAL CIVILIAN REAL PROPERTY AND CI-*  
14 *VILIAN REAL PROPERTY.—*

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

23           (B) *FURTHER EXCLUSIONS.—Subparagraph*  
24 *(A) shall not be construed as including any of*  
25 *the following types of property:*

1           (i) *A base, camp, post, station, yard,*  
2           *center, homeport facility for any ship, or*  
3           *any activity under the jurisdiction of the*  
4           *Department of Defense or Coast Guard.*

5           (ii) *Properties that are excluded for*  
6           *reasons of national security by the Director*  
7           *of the Office of Management and Budget.*

8           (iii) *Properties that are excepted from*  
9           *the definition of “property” under section*  
10           *102(9) of title 40, United States Code.*

11           (iv) *Indian and Native Eskimo prop-*  
12           *erties including—*

13                   (I) *any property within the limits*  
14                   *of any Indian reservation to which the*  
15                   *United States owns title for the benefit*  
16                   *of an Indian tribe; and*

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

23           (v) *Properties operated and main-*  
24           *tained by the Tennessee Valley Authority*

1           *pursuant to the Tennessee Valley Authority*  
2           *Act of 1933 (16 U.S.C. 831, et seq.).*

3           *(vi) Postal properties owned by the*  
4           *United States Postal Service, except that the*  
5           *United State Postal Service shall submit to*  
6           *the Commission and the Commission shall*  
7           *consider, pursuant to section 11, postal*  
8           *properties suitable for co-location with other*  
9           *Federal agency field offices.*

10           *(vii) Properties used in connection*  
11           *with Federal programs for agricultural, rec-*  
12           *reational, and conservation purposes, in-*  
13           *cluding research in connection with the pro-*  
14           *grams.*

15           *(viii) Properties used in connection*  
16           *with river, harbor, flood control, reclama-*  
17           *tion, or power projects.*

18           (2) *FEDERAL AGENCY.*—*The term “Federal agen-*  
19           *cy” means an executive department or independent*  
20           *establishment in the executive branch of the Govern-*  
21           *ment, and a wholly owned Government corporation.*

22           (3) *ADMINISTRATOR.*—*The term “Adminis-*  
23           *trator” means the Administrator of General Services.*

1           (4) *COMMISSION.*—*The term “Commission”*  
2           *means the Civilian Property Realignment Commis-*  
3           *sion.*

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

6           (6) *FIELD OFFICE.*—*the term “field office”*  
7           *means any Federal office that is not the Headquarters*  
8           *office location for the Federal agency.*

9 **SEC. 4. COMMISSION.**

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

14          (b) *DUTIES.*—*The Commission shall carry out the du-*  
15          *ties as specified in this Act.*

16          (c) *MEMBERSHIP.*—

17                 (1) *IN GENERAL.*—*The Commission shall be com-*  
18                 *posed of a chairman appointed by the President, by*  
19                 *and with the advice and consent of the Senate, and*  
20                 *8 members appointed by the President.*

21                 (2) *APPOINTMENTS.*—*In selecting individuals for*  
22                 *appointments to the Commission, the President shall*  
23                 *consult with—*

24                         (A) *the Speaker of the House of Representa-*  
25                         *tives concerning the appointment of 2 members;*

1           (B) the majority leader of the Senate con-  
2           cerning the appointment of 2 members;

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

6           (D) the minority leader of the Senate con-  
7           cerning the appointment of 1 member.

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

10          (4) *VACANCIES.*—Vacancies shall be filled in the  
11          same manner as the original appointment.

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

16                (A) Commercial real estate and redevelop-  
17                ment.

18                (B) Government management or operations.

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

21                (D) Historic preservation.

22 **SEC. 5. COMMISSION MEETINGS.**

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

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

6 (b) *QUORUM AND MEETINGS.*—Seven Commission  
7 members shall constitute a quorum for the purposes of con-  
8 ducting business and 3 or more Commission members shall  
9 constitute a meeting of the Commission.

10 (c) *TRANSPARENCY OF INFORMATION.*—All the pro-  
11 ceedings, information, and deliberations of the Commission  
12 shall be open, upon request, to the chairperson and the  
13 ranking minority party member, and their respective sub-  
14 committee chairperson and ranking minority party mem-  
15 ber, of—

16 (1) *the Committee on Transportation and Infra-*  
17 *structure of the House of Representatives;*

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

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

22 (4) *the Committee on Environmental and Public*  
23 *Works of the Senate; and*

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

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

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

6       (a) *COMPENSATION.*—

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

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

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

1 **SEC. 7. EXECUTIVE DIRECTOR.**

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

6 (b) *RATE OF PAY FOR DIRECTOR.*—*The Executive Di-*  
7 *rector shall be paid at the rate of basic pay payable for*  
8 *level IV of the Executive Schedule under section 5315 of title*  
9 *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 *may procure by contract, to the extent funds are available,*

1 *the temporary or intermittent services of experts and con-*  
2 *sultants pursuant to section 3109 of title 5, United States*  
3 *Code.*

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. If no such space is available, the Commission*  
8 *may, notwithstanding section 20, lease space to the extent*  
9 *funds are available.*

10       **(c) PERSONAL PROPERTY.**—*The Commission may ac-*  
11 *quire personal property to the extent funds are available.*

12       **(d) RECEIPT AND SALE OF PROPERTY.**—*The Commis-*  
13 *sion may take custody, control, and administrative juris-*  
14 *isdiction over Federal property pursuant to section 12(b) and*  
15 *is authorized to sell such property for no less than fair mar-*  
16 *ket value.*

17       **(e) USE OF SMALL BUSINESSES.**—*In exercising its au-*  
18 *thorities under this section and section 12, the Commission*  
19 *shall use, to the greatest extent practicable, small businesses*  
20 *as defined by section 3 of the Small Business Act (15 U.S.C.*  
21 *632).*

22 **SEC. 10. TERMINATION.**

23       *The Commission shall cease operations and terminate*  
24 *6 years from the date of enactment of this Act.*

1 **SEC. 11. DEVELOPMENT OF RECOMMENDATIONS TO THE**  
2 **COMMISSION.**

3 (a) *SUBMISSIONS OF AGENCY INFORMATION AND REC-*  
4 *COMMENDATIONS.*—Not later than 120 days after the date  
5 of enactment of this Act and 120 days after the beginning  
6 of each fiscal year thereafter, the head of each Federal agen-  
7 cy shall submit to the Administrator and the Director of  
8 the Office of Management and Budget the following:

9 (1) *CURRENT DATA.*—Current data of all Fed-  
10 eral civilian real properties owned, leased or con-  
11 trolled by the respective agency, including all relevant  
12 information prescribed by the Administrator and the  
13 Director of the Office of Management and Budget, in-  
14 cluding data related to the age and condition of the  
15 property, operating costs, history of capital expendi-  
16 tures, sustainability metrics, number of Federal em-  
17 ployees and functions housed in the respective prop-  
18 erty, square footage (including gross, rentable, and us-  
19 able).

20 (2) *AGENCY RECOMMENDATIONS.*—*Recommendations*  
21 *which shall include the following:*

22 (A) *Federal civilian properties that can be*  
23 *sold for proceeds and otherwise disposed of,*  
24 *transferred, exchanged, consolidated, co-located,*  
25 *reconfigured, or redeveloped, so as to reduce the*  
26 *civilian real property inventory, reduce the oper-*

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

3            *(B) Operational efficiencies that the Gov-*  
4            *ernment can realize in its operation and mainte-*  
5            *nance 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 stand-*  
14           *ards and criteria. In developing the standards and criteria,*  
15           *the Director of OMB, in consultation with the Adminis-*  
16           *trator, shall incorporate the following:*

17           *(1) The extent to which the Federal building or*  
18           *facility could be sold, redeveloped, or otherwise used*  
19           *to produce the highest and best value and return for*  
20           *the taxpayer.*

21           *(2) The extent to which the operating and main-*  
22           *tenance costs are reduced through consolidating, co-lo-*  
23           *cating, and reconfiguring space, and through real-*  
24           *izing 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 and*  
6 *savings, including the number of years, beginning*  
7 *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 fa-*  
12 *cility aligns with the current mission of the Federal*  
13 *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.—Stand-*  
23 *ards developed by the Director of OMB must incorporate*  
24 *and apply clear standard utilization rates consistent*  
25 *throughout each category of space and with nongovernment*

1 *space utilization rates. To the extent utilization rates are*  
2 *exceeded by a given agency, the Director shall recommend*  
3 *realignment, co-location, consolidation, or other type of ac-*  
4 *tion to improve space utilization.*

5 *(d) SUBMISSION TO THE COMMISSION.—*

6 *(1) IN GENERAL.—The standards, criteria, and*  
7 *recommendations developed pursuant to subsection (b)*  
8 *shall be submitted to the Commission with all sup-*  
9 *porting information, data, analyses, and documenta-*  
10 *tion.*

11 *(2) PUBLICATION.—The standards, criteria, and*  
12 *recommendations shall be published in the Federal*  
13 *Register and transmitted to the committees designated*  
14 *in section 5(c) and to the Comptroller General of the*  
15 *United States.*

16 *(3) ACCESS TO INFORMATION.—The Commission*  
17 *shall also have access to all information pertaining to*  
18 *the recommendations, including supporting informa-*  
19 *tion, data, analyses, and documentation submitted*  
20 *pursuant to subsection (a). Upon request, Federal*  
21 *agencies shall provide, the Commission any addi-*  
22 *tional information pertaining to its properties.*

23 **SEC. 12. COMMISSION DUTIES.**

24 *(a) IDENTIFICATION OF PROPERTY REDUCTION OP-*  
25 *PORTUNITIES.—The Commission shall identify opportuni-*

1 *ties for the Government to reduce significantly its inventory*  
2 *of civilian real property and reduce costs to the Govern-*  
3 *ment.*

4 *(b) IDENTIFICATION OF HIGH VALUE ASSETS.—*

5 *(1) IDENTIFICATION OF CERTAIN PROPERTIES.—*

6 *Not later than 180 days after Commission members*  
7 *are appointed pursuant to section 4, the Commission*  
8 *shall identify not less than 5 Federal properties that*  
9 *are not on the list of surplus or excess as of such date*  
10 *with a total fair market value of not less than*  
11 *\$500,000,000 to be sold and transmit the list to the*  
12 *President and Congress as Commission recommenda-*  
13 *tions and subject to the approval process described in*  
14 *sections 13 and 14.*

15 *(2) LEASEBACK RESTRICTIONS.—None of the ex-*  
16 *isting improvements on properties sold under this*  
17 *subsection may be leased back to the Federal Govern-*  
18 *ment.*

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

1           (4) *TRANSFER.*—Not later than 60 days after  
2 approval of the Commission recommendations pursu-  
3 ant to paragraph (1), Federal agencies with custody,  
4 control, or administrative jurisdiction over the identi-  
5 fied properties shall transfer custody, control, and ad-  
6 ministrative jurisdiction to the Commission.

7           (5) *SALE.*—Not later than 120 days after ap-  
8 proval of Commission recommendations pursuant to  
9 paragraph (1) and notwithstanding any other provi-  
10 sion of law (except as provided in section 18), the  
11 Commission shall sell the properties described in  
12 paragraph (1) at fair market value at highest and  
13 best use.

14           (6) *PROCEEDS.*—The proceeds shall be distrib-  
15 uted in accordance with section 17.

16           (c) *ANALYSIS OF INVENTORY.*—The Commission shall  
17 perform an independent analysis of the inventory of Fed-  
18 eral civilian real property and the recommendations sub-  
19 mitted pursuant to section 11. The Commission shall not  
20 be bound or limited by the recommendations submitted pur-  
21 suant to section 11. If, in the opinion of the Commission,  
22 an agency fails to provide needed information, data or ade-  
23 quate recommendations that meet the standards and cri-  
24 teria, the Commission shall develop such recommendations  
25 as it considers appropriate based on existing data con-

1 *tained in the Federal Real Property Profile or other rel-*  
2 *evant information.*

3       (d) *RECEIPT OF INFORMATION AND PROPOSALS.*—Not-  
4 *withstanding any other provision of law, the Commission*  
5 *may receive and consider proposals, information, and other*  
6 *data submitted by State and local officials and the private*  
7 *sector. Such information shall be made publically available.*

8       (e) *ACCOUNTING SYSTEM.*—Not later than 120 days  
9 *after the date of enactment of this Act, the Commission shall*  
10 *identify or develop and implement a system of accounting*  
11 *to be used to independently evaluate the costs of and returns*  
12 *on the recommendations. Such accounting system shall be*  
13 *applied in developing the Commission’s recommendations*  
14 *and determining the highest return to the taxpayer. In ap-*  
15 *plying the accounting system, the Commission shall set a*  
16 *standard performance period.*

17       (f) *PUBLIC HEARING.*—The Commission shall conduct  
18 *public hearings. All testimony before the Commission at a*  
19 *public hearing under this paragraph shall be presented*  
20 *under oath.*

21       (g) *REPORTING OF INFORMATION AND RECOMMENDA-*  
22 *TIONS.*—

23             (1) *IN GENERAL.*—Not later than 120 days after  
24 *the receipt of recommendations pursuant to section*  
25 *11, and biannually thereafter, the Commission shall,*

1        *at a minimum, transmit to the President, and pub-*  
2        *licly post on a Federal website maintained by the*  
3        *Commission a report containing the Commission's*  
4        *findings, conclusions, and recommendations for the*  
5        *consolidation, exchange, co-location, reconfiguration,*  
6        *lease reductions, sale, and redevelopment of Federal*  
7        *civilian real properties and for other operational effi-*  
8        *ciencies that can be realized in the Government's op-*  
9        *eration and maintenance of such properties.*

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

15            (h) *FEDERAL WEBSITE.—The Commission shall estab-*  
16        *lish and maintain a Federal website for the purposes of*  
17        *making relevant information publically available.*

18            (i) *REVIEW BY GAO.—The Comptroller General of the*  
19        *United States shall transmit to the Congress and to the*  
20        *Commission a report containing a detailed analysis of the*  
21        *recommendations and selection process.*

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

23            (a) *REVIEW OF RECOMMENDATIONS.—Upon receipt of*  
24        *the Commission's recommendations, the President shall con-*  
25        *duct a review of such recommendations.*

1       (b) *REPORT TO COMMISSION AND CONGRESS.*—Not  
2 later than 30 days after receipt of the Commission’s rec-  
3 ommendations, the President shall transmit to the Commis-  
4 sion and Congress a report that sets forth the President’s  
5 approval or disapproval of the Commission’s recommenda-  
6 tions.

7       (c) *APPROVAL OR DISAPPROVAL.*—If the President—

8           (1) approves of the Commission’s recommenda-  
9 tions, the President shall transmit a copy of the rec-  
10 ommendations to Congress, together with a certifi-  
11 cation of such approval;

12           (2) disapproves of the Commission’s rec-  
13 ommendations, in whole or in part, the President  
14 shall also transmit to the Commission and Congress  
15 the reasons for such disapproval. The Commission  
16 shall then transmit to the President, not later than 30  
17 days following the disapproval, a revised list of rec-  
18 ommendations;

19           (3) approves all of the revised recommendations  
20 of the Commission, the President shall transmit a  
21 copy of such revised recommendations to Congress, to-  
22 gether with a certification of such approval; or

23           (4) does not transmit to the Congress an ap-  
24 proval and certification described in paragraphs (1)  
25 or (3) within 30 days of receipt of the Commission’s



1       *Commission as submitted by the President on*  
2       \_\_\_\_\_”, *the blank space being filled*  
3       *in with the appropriate date; and*

4             (3) *the title of which is as follows: “Joint resolu-*  
5       *tion disapproving the recommendations of the Civil-*  
6       *ian Property Realignment Commission”.*

7       (d) *REFERRAL.—A resolution described in subsection*  
8       *(c) that is introduced in the House of Representatives shall*  
9       *be referred to the Committee on Transportation and Infra-*  
10       *structure in the House of Representatives. A resolution de-*  
11       *scribed in subsection (c) introduced in the Senate shall be*  
12       *referred to the Committee on the Environment and Public*  
13       *Works in the Senate.*

14       (e) *DISCHARGE.—If the committee to which a resolu-*  
15       *tion described in subsection (c) is referred has not reported*  
16       *such a resolution (or an identical resolution) by the end*  
17       *of the 20-day period beginning on the date on which the*  
18       *President transmits the report to the Congress under section*  
19       *13, such committee shall be, at the end of such period, dis-*  
20       *charged from further consideration of such resolution, and*  
21       *such resolution shall be placed on the appropriate calendar*  
22       *of the House involved.*

23       (f) *CONSIDERATION.—*

24             (1) *IN GENERAL.—On or after the third day*  
25       *after the date on which the committee to which such*

1       *resolution is referred has reported, or has been dis-*  
2       *charged (under subsection (e)) from further consider-*  
3       *ation of, such a resolution, it is in order (even though*  
4       *a previous motion to the same effect has been dis-*  
5       *agreed to) for any Member of the respective House to*  
6       *move to proceed to the consideration of the resolution.*  
7       *A member may make the motion only on the date*  
8       *after the calendar day on which the Member an-*  
9       *nounces to the House concerned the Member's inten-*  
10       *tion to make the motion, except that, in the case of*  
11       *the House of Representatives, the motion may be*  
12       *made without such prior announcement if the motion*  
13       *is made by direction of the committee to which the*  
14       *resolution was referred. The motion is highly privi-*  
15       *leged in the House of Representatives and is privi-*  
16       *leged in the Senate and is not debatable. The motion*  
17       *is not subject to amendment, or to a motion to post-*  
18       *pone, or to a motion to proceed to the consideration*  
19       *of other business. A motion to reconsider the vote by*  
20       *which the motion is agreed to or disagreed to shall*  
21       *not be in order. If a motion to proceed to consider-*  
22       *ation of the joint resolution is agreed to, the respective*  
23       *House shall immediately proceed to the consideration*  
24       *of the joint resolution without intervening motion,*  
25       *order, or other business, and the resolution shall re-*

1        *main the unfinished business of the respective House*  
2        *until disposed of.*

3            (2) *DEBATE.*—*Debate on the resolution and on*  
4        *all debatable motions and appeals in connection*  
5        *therewith, shall be limited to not more than 2 hours,*  
6        *which shall be divided equally between those favoring*  
7        *and those opposing the resolution. An amendment to*  
8        *the resolution is not in order. A motion further to*  
9        *limit debate is in order and not debatable. A motion*  
10       *to postpone, or a motion to proceed to the consider-*  
11       *ation of other business, or a motion to recommit the*  
12       *resolution is not in order. A motion to reconsider the*  
13       *vote by which the resolution is agreed to or disagreed*  
14       *is not in order.*

15           (3) *VOTE.*—*Immediately following the conclusion*  
16       *of the debate on a resolution described in subsection*  
17       *(c) and a single quorum call at the conclusion of the*  
18       *debate if requested in accordance with the rules of the*  
19       *appropriate House, the vote on final passage of the*  
20       *resolution shall occur.*

21           (4) *APPEALS OF DECISIONS OF THE CHAIR.*—*Ap-*  
22       *peals of the decisions of the Chair relating to the ap-*  
23       *plication of the rules of the Senate or the House of*  
24       *Representatives, as the case may be, to the procedure*

1 *relating to a resolution described in subsection (c)*  
2 *shall be decided without debate.*

3 *(g) CONSIDERATION BY OTHER HOUSE.—*

4 *(1) IN GENERAL.—If, before the passage by one*  
5 *House of a resolution of that House described in sub-*  
6 *section (c), that House received from the other House*  
7 *a resolution described in subsection (c), then the fol-*  
8 *lowing procedures shall apply:*

9 *(A) NO COMMITTEE REFERRAL.—The reso-*  
10 *lution of the other House shall not be referred to*  
11 *a committee and may not be considered in the*  
12 *House receiving it except in the case of final pas-*  
13 *sage as provided in subparagraph (B).*

14 *(B) RESOLUTION PROCEDURE.—With re-*  
15 *spect to a resolution described in subsection (c)*  
16 *of the House receiving the resolution the proce-*  
17 *cedure in that House shall be the same as if no*  
18 *resolution had been received from the other*  
19 *House, but the vote on final passage shall be on*  
20 *the resolution of the other House.*

21 *(2) NO CONSIDERATION.—Upon disposition of*  
22 *the resolution received from the other House, it shall*  
23 *no longer be in order to consider the resolution that*  
24 *originated in the receiving House.*

1       (h) *RULES OF THE SENATE AND HOUSE.*—*This sec-*  
2 *tion is enacted by Congress—*

3           (1) *as an exercise of the rulemaking power of the*  
4 *Senate and House of Representatives, respectively,*  
5 *and as such it is deemed a part of the rules of each*  
6 *House, respectively, but applicable only with respect*  
7 *to the procedure to be followed in that House in the*  
8 *case of a resolution described in this section, and it*  
9 *supersedes other rules only to the extent that it is in-*  
10 *consistent with such rules; and*

11          (2) *with full recognition of the constitutional*  
12 *right of either House to change the rules (so far as re-*  
13 *lating to the procedure of that House) at any time,*  
14 *in the same manner, and to the same extent as in the*  
15 *case of any other rule of that House.*

16       (i) *FAILURE TO PASS RESOLUTION OF DIS-*  
17 *APPROVAL.*—*If Congress fails to pass such a joint resolution*  
18 *within 45 calendar days after the date of the President's*  
19 *transmission to Congress of the Commission's recommenda-*  
20 *tions, the recommendations immediately gain legal force*  
21 *and shall be in effect and Federal agencies shall implement*  
22 *and carry out all of the Commission's recommendations*  
23 *pursuant to section 15.*

1 **SEC. 15. IMPLEMENTATION OF COMMISSION RECOMMENDA-**  
2 **TIONS.**

3 (a) *CARRYING OUT RECOMMENDATIONS.*—Upon the  
4 date specified in section 14(i), Federal agencies shall imme-  
5 diately begin preparation to carry out the Commission’s  
6 recommendations and shall initiate all activities no later  
7 than 2 years after the date on which the President transmits  
8 the recommendations to Congress. Federal agencies shall  
9 complete all recommended actions no later than the end of  
10 the 6-year period beginning on the date on which the Presi-  
11 dent transmits the Commission’s recommendations to Con-  
12 gress. All actions shall be economically beneficial and be  
13 cost neutral or otherwise favorable to the Government. For  
14 actions that will take longer than the 6-year period due to  
15 extenuating circumstances, each Federal agency shall notify  
16 the President and Congress as soon as the extenuating cir-  
17 cumstance presents itself with an estimated time to com-  
18 plete the relevant action.

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

23 (1) *acquiring land, constructing replacement fa-*  
24 *cilities, performing such other activities, and con-*  
25 *ducting advance planning and design as may be re-*

1        *quired to transfer functions from a Federal asset or*  
2        *property to another Federal civilian property;*

3            *(2) providing outplacement assistance to civilian*  
4        *employees employed by any Federal agency at a Fed-*  
5        *eral civilian property impacted by such actions; and*

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

8        *(c) NECESSARY AND PROPER ACTIONS.—When acting*  
9        *on a recommendation of the Commission, a Federal agency*  
10       *shall continue to act within their existing legal authorities,*  
11       *whether such authority has been delegated by the Adminis-*  
12       *trator, or must work in partnership with the Administrator*  
13       *to carry out such actions. The Administrator may take such*  
14       *necessary and proper actions, including the sale, convey-*  
15       *ance, or exchange of civilian real property, as required to*  
16       *implement the Commission recommendations in the time*  
17       *period required under subsection (a). The Administrator*  
18       *shall enter into and use commission-based contracts for real*  
19       *estate services to assist in carrying out property trans-*  
20       *actions required by the Commission’s recommendations.*

21       *(d) DISCRETION OF COMMISSION REGARDING TRANS-*  
22       *ACTIONS.—For any transaction identified, recommended,*  
23       *or commenced as a result of this Act, any otherwise required*  
24       *legal priority given to, or requirement to enter into, a*  
25       *transaction to convey a Federal civilian real property for*

1 *less than fair market value, for no consideration at all, or*  
2 *in a transaction that mandates the exclusion of other mar-*  
3 *ket participants, shall be at the discretion of the Commis-*  
4 *sion.*

5 **SEC. 16. AUTHORIZATION OF APPROPRIATIONS.**

6 (a) *IN GENERAL.*—*There is authorized a one-time ap-*  
7 *propriation to carry out this Act in the following amounts:*

8 (1) *\$20,000,000 for salaries and expenses of the*  
9 *Commission.*

10 (2) *\$62,000,000 to be deposited into the Asset*  
11 *Proceeds and Space Management Fund for activities*  
12 *related to the implementation of the Commission rec-*  
13 *ommendations.*

14 (b) *FEDERAL BUILDINGS FUND.*—*There is authorized*  
15 *to be appropriated from the Federal Buildings Fund estab-*  
16 *lished under section 592 of title 40, United States Code,*  
17 *for construction and acquisition activities \$0 for fiscal year*  
18 *2012.*

19 **SEC. 17. FUNDING.**

20 (a) *CREATION OF SALARIES AND EXPENSES AC-*  
21 *COUNT.*—*There is hereby established on the books of the*  
22 *Treasury an account to be known as the “Civilian Property*  
23 *Realignment Commission—Salaries and Expenses” ac-*  
24 *count.*

1           (1) *NECESSARY PAYMENTS.*—*There shall be de-*  
2           *posited into the account such amounts, as are pro-*  
3           *vided in appropriations Acts, for those necessary pay-*  
4           *ments for salaries and expenses to accomplish the ad-*  
5           *ministrative needs of the Commission.*

6           (2) *NO APPROPRIATIONS.*—*If no amounts are*  
7           *appropriated for the salaries and expenses of the*  
8           *Commission for a particular fiscal year, the Director*  
9           *of the Office of Management and Budget may support*  
10          *the Commission’s activities under this Act during*  
11          *such year if the Director approves, in consultation*  
12          *with the Administrator, a transfer to the Commission*  
13          *of amounts from the “Civilian Property Realignment*  
14          *Commission—Asset Proceeds and Space Management*  
15          *Fund” within the Federal Buildings Fund established*  
16          *under section 592 of title 40, United States Code, sub-*  
17          *ject to subsection (b)(3) and (4) of this section.*

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

1 *section 14. Notwithstanding section 3307 of title 40, United*  
2 *States Code, the following amounts shall be deposited into*  
3 *the account and are hereby appropriated and shall remain*  
4 *available until expended for the following specified pur-*  
5 *poses:*

6           (1) *Such amounts as are provided in appropri-*  
7 *ations Acts, to remain available until expended, for the*  
8 *consolidation, co-location, exchange, redevelopment,*  
9 *re-configuration of space and other actions rec-*  
10 *ommended by the Commission for Federal agencies.*

11           (2) *Gross proceeds received from the proceeds of*  
12 *any civilian real property action taken pursuant to*  
13 *a recommendation of the Commission under section*  
14 *15. The Commission, in consultation with the Admin-*  
15 *istrator, may transfer from the gross proceeds to a*  
16 *Federal agency, only amounts necessary to cover costs*  
17 *directly associated with sales transactions pursuant*  
18 *to implementing the recommendations pursuant to*  
19 *section 15.*

20           (3) *Net proceeds (which are gross proceeds re-*  
21 *ceived from the sale of any civilian real property pur-*  
22 *suant to a recommendation of the Commission, less*  
23 *the amounts transferred from this account under sub-*  
24 *section (b)(2)), shall be divided between the General*  
25 *Fund of the Treasury and the Asset Proceeds and*

1       *Space Management Fund within the Federal Build-*  
2       *ings Fund. On an annual basis, the Director of the*  
3       *Office of Management and Budget, shall determine*  
4       *how the net proceeds shall be distributed, through*  
5       *transfer, between the General Fund and the Asset Pro-*  
6       *ceeds and Space Management Fund, except that the*  
7       *General Fund shall receive—*

8               *(A) 100 percent of all net proceeds in a fis-*  
9               *cal year until the total amount of net proceeds*  
10              *in that fiscal year exceeds \$50,000,000; and*

11              *(B) at least 60 percent of the net proceeds*  
12              *thereafter in that fiscal year.*

13              *(4) The Commission, in consultation with the*  
14              *Administrator, may transfer from the net proceeds de-*  
15              *posited into the Space Management Fund pursuant to*  
16              *paragraph (3) to a Federal agency, amounts nec-*  
17              *essary to cover costs associated with implementing the*  
18              *recommendations pursuant to section 15 not nec-*  
19              *essary for the purposes of sale transactions pursuant*  
20              *to paragraph (2) of this subsection. In support of its*  
21              *duties, the Commission, in consultation with the Ad-*  
22              *ministrator, may transfer from the net proceeds of the*  
23              *Space Management Fund to a Federal agency,*  
24              *amounts—*

1           (A) to cover the necessary costs associated  
2           with—

3                   (i) consolidation, co-location, redevel-  
4                   opment, and reconfiguration actions; and

5                   (ii) other actions taken to otherwise re-  
6                   alize operational efficiencies, including such  
7                   actions as environmental restoration; and

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

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

15           (a) *IN GENERAL.*—Notwithstanding any other provi-  
16           sion of law, any recommendation or commencement of a  
17           disposal or realignment of civilian real property shall not  
18           be subject to—

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

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

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

1           (4) *sections 1 through 3 of the Act of May 19,*  
2           *1948 (Chap. 310; 62 Stat. 240; 16 U.S.C. 667b–*  
3           *667d);*

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

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

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

9           (8) *section 13(d) of the Surplus Property Act of*  
10           *1944 (50 U.S.C. App. 1622(d)); and*

11           (9) *any other provision of law authorizing the*  
12           *conveyance of real property owned by the Government*  
13           *for no consideration.*

14           (b) *ENVIRONMENTAL CONSIDERATIONS.—*

15           (1) *NEPA APPLICATION.—The provisions of the*  
16           *National Environmental Policy Act of 1969 (42*  
17           *U.S.C. 4321 et seq.) shall not apply to the actions of*  
18           *the President, the Commission, or any Federal agen-*  
19           *cy, in carrying out any of the Commission’s rec-*  
20           *ommendations except—*

21                   (A) *during the process of property disposal;*

22                   *and*

23                   (B) *during the process of relocating func-*  
24                   *tions from a property being disposed of or re-*  
25                   *aligned to another property after the receiving*

1           *property has been selected but before the func-*  
2           *tions are relocated.*

3           (2) *NEPA EXCEPTIONS.*—*In applying the provi-*  
4           *sions of the National Environmental Policy Act of*  
5           *1969 to the processes referred to in subsection (b)(1),*  
6           *the agencies do not have to consider—*

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

10                   (B) *the need for transferring functions to*  
11                   *another Federal civilian property; or*

12                   (C) *any alternative path, not associated*  
13                   *with an environmental choice, to those rec-*  
14                   *ommended or selected.*

15           (3) *CIVIL ACTION.*—*A civil action for judicial re-*  
16           *view, with respect to any requirement of the National*  
17           *Environmental Policy Act of 1969 to the extent such*  
18           *Act is applicable under subsection (b)(2), of any Act*  
19           *or failure to act by a Federal agency during the clos-*  
20           *ing, realigning, or relocating of functions referred to*  
21           *in subsection (b)(2), may not be brought more than*  
22           *60 days after the dates of such act or failure to act.*

23           (4) *DISPOSAL OF REALIGNED PROPERTY.*—*Fed-*  
24           *eral agencies may dispose or realign property without*  
25           *regard to any provision of law described in subsection*

1       (a), restricting the use of funds for disposing or re-  
2       aligning Federal civilian property included in any  
3       appropriations or authorization Act.

4               (5) *TRANSFER OF REAL PROPERTY.*—

5               (A) *IN GENERAL.*—When implementing the  
6       recommended actions pursuant to section 15 for  
7       properties that have been identified in the Com-  
8       mission’s recommendations and in compliance  
9       with the *Comprehensive Environmental Re-*  
10      *sponse, Compensation, and Liability Act of 1980*  
11      *(42 U.S.C. 9601 et seq), including section 120(h)*  
12      *thereof (42 U.S.C. 9620(h)), Federal agencies*  
13      *may enter into an agreement to transfer by deed*  
14      *real property with any person.*

15              (B) *ADDITIONAL TERMS.*—The head of the  
16      disposing agency may require any additional  
17      terms and conditions in connection with an  
18      agreement authorized by subparagraph (A) as  
19      the head of the disposing agency considers appro-  
20      priate to protect the interests of the United  
21      States. Such additional terms and conditions  
22      shall not affect or diminish any rights or obliga-  
23      tions of the federal agencies under *CERCLA* sec-  
24      tion 120(h) (including, without limitation, the

1 requirements CERCLA section 120(h)(3)(A) and  
2 CERCLA section 120(h)(3)(C)(iv)).

3 (6) *INFORMATION DISCLOSURE.*—As part of an  
4 agreement pursuant to this Act, the agency shall dis-  
5 close to the person to whom the property or facilities  
6 will be transferred any information of the Federal  
7 agency regarding the environmental restoration,  
8 waste management, and environmental compliance  
9 activities described in this Act that relate to the prop-  
10 erty or facilities. The agency shall provide such infor-  
11 mation before entering into the agreement.

12 (c) *CONSTRUCTION OF CERTAIN ACTS.*—Nothing in  
13 this section shall be construed to modify, alter, or amend  
14 the Comprehensive Environmental Response, Compensa-  
15 tion, and Liability Act of 1980 (42 U.S.C. 9601 et seq.)  
16 or the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

17 **SEC. 19. CONGRESSIONAL APPROVAL OF PROPOSED**  
18 **PROJECTS.**

19 Section 3307(b) of title 40, United States Code is  
20 amended—

21 (1) by striking “and” at the end of paragraph

22 (6);

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

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



1 *to enter into leases or limit the authority of the Administra-*  
2 *tion under section 3314.”.*

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

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

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

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

9 *Upon the date specified in section 14(i), the Comp-*  
10 *troller General of the United States at least annually shall*  
11 *monitor, review the implementation activities of Federal*  
12 *agencies pursuant to section 15, and report to Congress any*  
13 *findings and recommendations.*

14 **SEC. 22. REALIGNMENT OF REAL PROPERTY OWNED OR**  
15 **MANAGED BY THE BUREAU OF OVERSEAS**  
16 **BUILDING OPERATIONS.**

17 (a) *LIST OF ASSETS.*—*On an annual basis, the Com-*  
18 *mission shall identify and create a list of assets located out-*  
19 *side of the United States and its territories that are owned*  
20 *or managed by the Department of State’s Bureau of Over-*  
21 *seas Building Operations that may—*

22 (1) *be sold for proceeds so as to reduce the civil-*  
23 *ian real property inventory and operating costs of the*  
24 *Federal Government; or*

1           (2) *be otherwise disposed of, transferred, consoli-*  
2           *dated, co-located, or reconfigured so as to reduce the*  
3           *operating costs of the Federal Government.*

4           **(b) LIST TO SECRETARY OF STATE.**—*The Commission*  
5           *shall provide this list created pursuant to subsection (a) to*  
6           *the Secretary of State.*

7           **(c) REVIEW AND REPORT.**—*Not later than 90 calendar*  
8           *days after the receipt of the list created pursuant to sub-*  
9           *section (b), the Department of State shall review this list*  
10          *and send a report to the Commission. The report shall in-*  
11          *clude the conclusions of this review by the Department of*  
12          *State.*

13          **(d) RECOMMENDATIONS OF CERTAIN CIVILIAN REAL**  
14          **PROPERTY ASSETS.**—*Consistent with section 12, the Com-*  
15          *mission may only make recommendations involving civil-*  
16          *ian real property assets that are located outside of the*  
17          *United States and its territories and owned or managed*  
18          *by the Department of State’s Bureau of Overseas Building*  
19          *Operations if the assets are on the list provided to the De-*  
20          *partment of State pursuant to this section and the Depart-*  
21          *ment of State has submitted a report on the list to the Com-*  
22          *mission pursuant to subsection (c).*

23          **(e) REMOVAL OF CERTAIN CIVILIAN REAL PROPERTY**  
24          **TRANSACTION ASSETS.**—*Consistent with section 12, not*  
25          *later than 20 calendar days after the submission of the*

1 *Commission's report to the President, the Secretary of State*  
2 *may remove any transaction that involves a civilian real*  
3 *property asset that is located outside of the United States*  
4 *and its territories and owned or managed by the Depart-*  
5 *ment of State's Bureau of Overseas Building Operations*  
6 *from the Commission recommendations or list of rec-*  
7 *ommendations made pursuant to section 12.*

8       (f) *APPEAL BY SECRETARY OF STATE.*—*Nothing in*  
9 *this section shall restrict the ability of the Secretary of State*  
10 *to appeal to the Director of OMB or Commission for fund-*  
11 *ing by the Commission's Asset Proceeds and Space Manage-*  
12 *ment Fund to support the cost of implementing a rec-*  
13 *ommendation.*

14       (g) *PROCEEDS.*—*For the purposes of this Act, proceeds*  
15 *from the disposal of assets located outside of the United*  
16 *States and its territories that are owned or managed by*  
17 *the Department of State's Bureau of Overseas Building Op-*  
18 *erations as identified by the Commission and disposed of*  
19 *pursuant to this Act shall be deposited into the Asset Pro-*  
20 *ceeds and Space Management Fund. Proceeds from the dis-*  
21 *posal of assets by the Department of State that are not dis-*  
22 *posed of pursuant to this Act shall be retained by the De-*  
23 *partment of State.*

1 **SEC. 23. NATIONAL WOMEN'S HISTORY MUSEUM.**

2 (a) *DEFINITIONS.*—*In this section, the following defi-*  
3 *nitions apply:*

4 (1) *ADMINISTRATOR.*—*The term “Adminis-*  
5 *trator” means the Administrator of General Services.*

6 (2) *CERCLA.*—*The term “CERCLA” means the*  
7 *Comprehensive Environmental Response, Compensa-*  
8 *tion, and Liability Act of 1980 (42 U.S.C. 9601 et*  
9 *seq.).*

10 (3) *COMMITTEES.*—*The term “Committees”*  
11 *means the Committee on Transportation and Infra-*  
12 *structure of the House of Representatives and the*  
13 *Committee on Environment and Public Works of the*  
14 *Senate.*

15 (4) *MUSEUM.*—*The term “Museum” means the*  
16 *National Women’s History Museum, Inc., a District*  
17 *of Columbia nonprofit corporation exempt from tax-*  
18 *ation pursuant to section 501(c)(3) of the Internal*  
19 *Revenue Code of 1986.*

20 (5) *PROPERTY.*—*Except as provided in section*  
21 *25 of this Act, the term “Property” means the prop-*  
22 *erty located in the District of Columbia, subject to*  
23 *survey and as determined by the Administrator, gen-*  
24 *erally consisting of Squares 325 and 326 and a por-*  
25 *tion of Square 351. The Property is generally bound-*  
26 *ed by 12th Street, Independence Avenue, C Street,*

1       *and the James Forrestal Building, all in Southwest*  
2       *Washington, District of Columbia, and shall include*  
3       *all associated air rights, improvements thereon, and*  
4       *appurtenances thereto.*

5       **(b) CONVEYANCE OF PROPERTY.—**

6           **(1) AUTHORITY TO CONVEY.—**

7                   **(A) IN GENERAL.—***Subject to the require-*  
8                   *ments of this section, the Administrator shall*  
9                   *convey the Property to the Museum, on such*  
10                   *terms and conditions as the Administrator con-*  
11                   *siders reasonable and appropriate to protect the*  
12                   *interests of the United States and further the*  
13                   *purposes of this section.*

14                   **(B) AGREEMENT.—***As soon as practicable,*  
15                   *but not later than 180 days after the date of en-*  
16                   *actment of this Act, the Administrator shall*  
17                   *enter into an agreement with the Museum for the*  
18                   *conveyance.*

19                   **(C) TERMS AND CONDITIONS.—***The terms*  
20                   *and conditions of the agreement shall address,*  
21                   *among other things, mitigation of developmental*  
22                   *impacts to existing Federal buildings and struc-*  
23                   *tures, security concerns, and operational proto-*  
24                   *cols for development and use of the property and*  
25                   *provisions to provide for the exercise by the Mu-*

1           *seum of its right of first refusal pursuant to sec-*  
2           *tion 25.*

3           (2) *PURCHASE PRICE.—*

4                 (A) *IN GENERAL.—The purchase price for*  
5           *the Property shall be its fair market value based*  
6           *on its highest and best use as determined by an*  
7           *independent appraisal commissioned by the Ad-*  
8           *ministrator and paid for by the Museum.*

9                 (B) *SELECTION OF APPRAISER.—The ap-*  
10           *praisal shall be performed by an appraiser mu-*  
11           *tually acceptable to the Administrator and the*  
12           *Museum.*

13                 (C) *TERMS AND CONDITIONS FOR AP-*  
14           *PRAISAL.—*

15                     (i) *IN GENERAL.—Except as provided*  
16           *in clause (ii), the assumptions, scope of*  
17           *work, and other terms and conditions re-*  
18           *lated to the appraisal assignment shall be*  
19           *mutually acceptable to the Administrator*  
20           *and the Museum.*

21                     (ii) *REQUIRED TERMS.—The appraisal*  
22           *shall assume that the Property does not con-*  
23           *tain hazardous substances (as defined in*  
24           *section 101 of CERCLA (42 U.S.C. 9601))*  
25           *or any other hazardous waste or pollutant*

1           that requires a response action or corrective  
2           action under any applicable environmental  
3           law.

4           (3) *APPLICATION OF PROCEEDS.*—The purchase  
5           price shall be paid into an account in the Federal  
6           Buildings Fund established under section 592 of title  
7           40, United States Code. Upon deposit, the proceeds  
8           from the conveyance may only be expended subject to  
9           a specific future appropriation.

10          (4) *QUIT CLAIM DEED.*—The Property shall be  
11          conveyed pursuant to a quit claim deed.

12          (5) *USE RESTRICTION.*—The Property shall be  
13          dedicated for use as a site for a national women’s his-  
14          tory museum for the 99-year period beginning on the  
15          date of conveyance to the Museum.

16          (6) *FUNDING RESTRICTION.*—No Federal funds  
17          shall be made available—

18                 (A) to the Museum for—

19                         (i) the purchase of the Property; or

20                         (ii) the design and construction of any  
21                         facility on the Property; or

22                 (B) by the Museum or any affiliate of the  
23                 Museum as a credit pursuant to subsection (c).

24          (7) *REVERSION.*—

1           (A) *BASES FOR REVERSION.*—*The Property*  
2           *shall revert to the United States, at the option*  
3           *of the United States, without any obligation for*  
4           *repayment by the United States of any amount*  
5           *of the purchase price for the property, if—*

6                     (i) *the Property is not used as a site*  
7                     *for a national women’s history museum at*  
8                     *any time during the 99-year period referred*  
9                     *to in subsection (e); or*

10                    (ii) *the Museum has not commenced*  
11                    *construction of a museum facility on the*  
12                    *Property in the 5-year period beginning on*  
13                    *the date of enactment of this Act, other than*  
14                    *for reasons beyond the control of the Mu-*  
15                    *seum as reasonably determined by the Ad-*  
16                    *ministrator.*

17           (B) *ENFORCEMENT.*—*The Administrator*  
18           *may perform any acts necessary to enforce the*  
19           *reversionary rights provided in this section.*

20           (C) *CUSTODY OF PROPERTY UPON REVER-*  
21           *SION.*—*If the Property reverts to the United*  
22           *States pursuant to this section, such property*  
23           *shall be under the custody and control of the Ad-*  
24           *ministrator.*

1           (8) *CLOSING.*—*The conveyance pursuant to this*  
2 *section shall occur not later than 3 years after the*  
3 *date of enactment of this Act. The Administrator may*  
4 *extend that period for such time as is reasonably nec-*  
5 *essary for the Museum to perform its obligations*  
6 *under section subsection (c).*

7           (c) *ENVIRONMENTAL MATTERS.*—

8           (1) *AUTHORIZATION TO CONTRACT FOR ENVIRON-*  
9 *MENTAL RESPONSE ACTIONS.*—*In fulfilling the re-*  
10 *sponsibility of the Administrator to address contami-*  
11 *nation on the Property, the Administrator may con-*  
12 *tract with the Museum or an affiliate of the Museum*  
13 *for the performance (on behalf of the Administrator)*  
14 *of response actions on the Property.*

15           (2) *CREDITING OF RESPONSE COSTS.*—

16           (A) *IN GENERAL.*—*Any costs incurred by*  
17 *the Museum or an affiliate of the Museum using*  
18 *non-Federal funding pursuant to paragraph (1)*  
19 *shall be credited to the purchase price for the*  
20 *Property.*

21           (B) *LIMITATION.*—*A credit under subpara-*  
22 *graph (A) shall not exceed the purchase price of*  
23 *the Property.*

24           (3) *NO EFFECT ON COMPLIANCE WITH ENVIRON-*  
25 *MENTAL LAWS.*—*Nothing in this section, or any*

1        *amendment made by this section, affects or limits the*  
2        *application of or obligation to comply with any envi-*  
3        *ronmental law, including section 120(h) of CERCLA*  
4        *(42 U.S.C. 9620(h)).*

5        *(d) INCIDENTAL COSTS.—Subject to subsection (c), the*  
6        *Museum shall bear any and all costs associated with com-*  
7        *plying with the provisions of this section, including studies*  
8        *and reports, surveys, relocating tenants, and mitigating im-*  
9        *pacts to existing Federal buildings and structures resulting*  
10       *directly from the development of the property by the Mu-*  
11       *seum.*

12       *(e) LAND USE APPROVALS.—*

13            *(1) EXISTING AUTHORITIES.—Nothing in this*  
14        *section shall be construed as limiting or affecting the*  
15        *authority or responsibilities of the National Capital*  
16        *Planning Commission or the Commission of Fine*  
17        *Arts.*

18            *(2) COOPERATION.—*

19            *(A) ZONING AND LAND USE.—Subject to*  
20        *subparagraph (B), the Administrator shall rea-*  
21        *sonably cooperate with the Museum with respect*  
22        *to any zoning or other land use matter relating*  
23        *to development of the Property in accordance*  
24        *with this section. Such cooperation shall include*  
25        *consenting to applications by the Museum for*



1 *functions and other activities related to the mission of the*  
2 *National Gallery of Art.*

3 (b) *REMODELING, RENOVATING, OR RECON-*  
4 *STRUCTING.—*

5 (1) *IN GENERAL.—The National Gallery of Art*  
6 *shall pay for the costs of remodeling, renovating, or*  
7 *reconstructing the building referred to in subsection*  
8 *(a).*

9 (2) *FEDERAL SHARE.—No appropriated funds*  
10 *may be used for the initial costs for the remodeling,*  
11 *renovating, or reconstructing of the building referred*  
12 *to in subsection (a).*

13 (3) *PROHIBITION.—The National Gallery of Art*  
14 *may not use sale, lease, or exchange, including lease-*  
15 *back arrangements, for the purposes of remodeling,*  
16 *renovating, or reconstructing the building referred to*  
17 *in subsection (a).*

18 (c) *RELOCATION OF THE FEDERAL TRADE COMMIS-*  
19 *SION.—*

20 (1) *RELOCATION.—Not later than December 31,*  
21 *2012, the Administrator of General Services shall re-*  
22 *locate the Federal Trade Commission employees and*  
23 *operations housed in the building identified in sub-*  
24 *section (a) to not more than 160,000 usable square*  
25 *feet of space in the southwest quadrant of the leased*

1 *building known as Constitution Center located at 400*  
2 *7th Street, Southwest in the District of Columbia.*

3 (2) *OCCUPANCY AGREEMENT.*—*Not later than 30*  
4 *days after the date of enactment of this Act, the Ad-*  
5 *ministrator of General Services and the Securities*  
6 *and Exchange Commission shall execute an agreement*  
7 *to assign or sublease the space (leased pursuant to a*  
8 *Letter Contract entered into by the Securities and Ex-*  
9 *change Commission on July 28, 2010), as described*  
10 *in paragraph (1), for the purposes of housing the Fed-*  
11 *eral Trade Commission employees and operations re-*  
12 *locating from the building located at 600 Pennsyl-*  
13 *vania Avenue, NW., District of Columbia, pursuant*  
14 *to paragraph (1) of this subsection.*

15 (d) *NATIONAL GALLERY OF ART.*—*Beginning on the*  
16 *date that the National Gallery of Art occupies the building*  
17 *referred to in subsection (a)—*

18 (1) *the building shall be known and designated*  
19 *as the “North Building of the National Gallery of*  
20 *Art”;* *and*

21 (2) *any reference in a law, map, regulation, doc-*  
22 *ument, paper, or other record of the United States to*  
23 *the building shall be deemed to be a reference to the*  
24 *“North Building of the National Gallery of Art”.*

25 (e) *DISCRETIONARY AUTHORIZATION REDUCTIONS.*—

1           (1) *ENERGY AND WATER RETROFIT AND CON-*  
2           *SERVATION.*—*The authorization of appropriations for*  
3           *the energy and water retrofit and conservation meas-*  
4           *ures program of the General Services Administration*  
5           *shall be reduced from \$20,000,000 to \$0 for fiscal*  
6           *years 2012 and 2013.*

7           (2) *WELLNESS AND FITNESS PROGRAM.*—*The au-*  
8           *thorization of appropriations for the wellness and fit-*  
9           *ness program of the General Services Administration*  
10          *shall be reduced from \$7,000,000 to \$0 for fiscal years*  
11          *2012 and 2013.*

12 **SEC. 25. ADDITIONAL SALES AND SAVINGS.**

13          (a) *DEFINITION.*—*In this section, the term “Property”*  
14          *means the property located in the District of Columbia, sub-*  
15          *ject to survey and as determined by the Administrator, gen-*  
16          *erally consisting of Squares 351 N, 351, 352, 325, 326, and*  
17          *the portion of Square 383 containing the north building*  
18          *of the James Forrestal Building Complex. The Property is*  
19          *generally bounded by Independence Avenue, 12th Street,*  
20          *Maryland Avenue, and 9th Street in Southwest, Wash-*  
21          *ington D.C.*

22          (b) *SALE.*—*Not later than December 31, 2013, the Ad-*  
23          *ministrator shall sell the Property at fair market value at*  
24          *highest and best use only if the Administrator determines*  
25          *such sale would result in net proceeds, as defined in sub-*

1 *section (d)(2), to the Federal Government exceeding \$200*  
2 *million.*

3 *(c) LEASEBACK RESTRICTION.—If the Property is sold*  
4 *pursuant to subsection (b), none of the existing improve-*  
5 *ments on the Property may be leased back to the Federal*  
6 *Government.*

7 *(d) APPLICATION OF PROCEEDS.—*

8 *(1) GROSS PROCEEDS.—Proceeds derived from*  
9 *the sale of the Property shall be used by the Adminis-*  
10 *trator to provide for not more than 320,000 square*  
11 *feet of government-owned replacement space for the*  
12 *federal agency functions housed on the Property.*

13 *(2) NET PROCEEDS.—Any net proceeds received,*  
14 *exceeding the expenses pursuant to paragraph (1)*  
15 *shall be paid into an account in the Federal Build-*  
16 *ings Fund established under section 592 of title 40,*  
17 *United States Code. Upon deposit, the net proceeds*  
18 *from the sale may only be expended subject to a spe-*  
19 *cific future appropriation.*

20 *(e) RIGHT OF FIRST REFUSAL.—The Administrator*  
21 *shall provide the Museum as defined in section 23, a right*  
22 *of first refusal to purchase, pursuant to the provisions of*  
23 *such section, the parcel generally consisting of Squares 351*  
24 *N and portions of 325, generally bounded by Independence*  
25 *Avenue on the north, 12th Street on the west, 10th Street*

1 on the east, and through a portion of Square 325 on the  
2 south in Southwest, Washington, D.C.

3 (f) *DETERMINATION OF PROCEEDS.*—If the Adminis-  
4 trator determines the net proceeds derived from the sale of  
5 the Property would not exceed \$200 million, the Adminis-  
6 trator shall sell at fair market value at highest and best  
7 use Square 326, including the vacant building known as  
8 the “Cotton Annex”, not later than 180 days following the  
9 determination of the Administrator, and shall sell the Prop-  
10 erty as defined in section 23 in accordance with the provi-  
11 sions of that section.

12 (g) *SALE OF PROPERTY.*—If the Museum agrees not  
13 to exercise its first right of refusal under this section, the  
14 Administrator shall sell the Property described under sub-  
15 section (a) of section 23 in accordance with the provisions  
16 of such section.

17 **SEC. 26. RESTRICTION ON USE OF FUNDS.**

18 (a) *RESTRICTION ON USE OF FUNDS.*—Notwith-  
19 standing any other provision of law, the Administrator of  
20 General Services shall not use funds appropriated for con-  
21 structing a new courthouse in Los Angeles, California in  
22 the Federal Buildings Fund established under section 592  
23 of title 40, United States Code, except as provided for in  
24 a specific future appropriation.

1       **(b) SALE OF CERTAIN PROPERTY.**—*Not later than De-*  
2 *cember 31, 2013, the Administrator of General Services*  
3 *shall sell at fair market value at highest and best use any*  
4 *property purchased or otherwise acquired for the purposes*  
5 *of constructing a new courthouse described in subsection*  
6 *(a).*



Union Calendar No. 262

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

**H. R. 1734**

[Report No. 112-384, Part I]

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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.

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FEBRUARY 1, 2012

Reported from the Committee on Transportation and  
Infrastructure with an amendment

FEBRUARY 1, 2012

The Committees on Oversight and Government Reform  
and Rules discharged; committed to the Committee of  
the Whole House on the State of the Union and or-  
dered to be printed