

JANUARY 27, 2012

RULES COMMITTEE PRINT 112-11
TEXT OF H.R. 1734, THE CIVILIAN PROPERTY
REALIGNMENT ACT

1 SECTION 1. SHORT TITLE.

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

4 SEC. 2. PURPOSES.

5 The purposes of this Act are—

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

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

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

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

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

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

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

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

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

12 **SEC. 3. DEFINITIONS.**

13 In this Act, unless otherwise expressly stated, the fol-
14 lowing definitions apply:

15 (1) FEDERAL CIVILIAN REAL PROPERTY AND
16 CIVILIAN REAL PROPERTY.—

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

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

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

8 (ii) Properties that are excluded for
9 reasons of national security by the Direc-
10 tor of the Office of Management and
11 Budget.

12 (iii) Properties that are excepted from
13 the definition of “property” under section
14 102(9) of title 40, United States Code.

15 (iv) Indian and Native Alaskan prop-
16 erties including—

17 (I) any property within the limits
18 of any Indian reservation to which the
19 United States owns title for the ben-
20 efit of an Indian tribe; and

21 (II) any property title which is
22 held in trust by the United States for
23 the benefit of any Indian tribe or indi-
24 vidual or held by an Indian tribe or

1 individual subject to restriction by the
2 United States against alienation.

3 (v) Properties operated and main-
4 tained by the Tennessee Valley Authority
5 pursuant to the Tennessee Valley Author-
6 ity Act of 1933 (16 U.S.C. 831, et seq.).

7 (vi) Postal properties owned by the
8 United States Postal Service.

9 (vii) Properties used in connection
10 with Federal programs for agricultural,
11 recreational, and conservation purposes, in-
12 cluding research in connection with the
13 programs.

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

17 (ix) Properties located outside the
18 United States operated or maintained by
19 the Department of State or the United
20 States Agency for International Develop-
21 ment.

22 (2) FEDERAL AGENCY.—The term “Federal
23 agency” means an executive department or inde-
24 pendent establishment in the executive branch of the

1 Government, and a wholly owned Government cor-
2 poration.

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

6 (4) COMMISSION.—The term “Commission”
7 means the Civilian Property Realignment Commis-
8 sion.

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

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

14 **SEC. 4. COMMISSION.**

15 (a) ESTABLISHMENT.—There is established an inde-
16 pendent commission to be known as the Civilian Property
17 Realignment Commission, referred to in this Act as the
18 “Commission”.

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

21 (c) MEMBERSHIP.—

22 (1) IN GENERAL.—The Commission shall be
23 composed of a Chairperson appointed by the Presi-
24 dent, by and with the advice and consent of the Sen-
25 ate, and 8 members appointed by the President.

1 (2) APPOINTMENTS.—In selecting individuals
2 for appointments to the Commission, the President
3 shall consult with—

4 (A) the Speaker of the House of Rep-
5 resentatives concerning the appointment of 2
6 members;

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

9 (C) the minority leader of the House of
10 Representatives concerning the appointment of
11 1 member; and

12 (D) the minority leader of the Senate con-
13 cerning the appointment of 1 member.

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

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

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

22 (A) Commercial real estate and redevelop-
23 ment.

24 (B) Government management or oper-
25 ations.

1 (C) Community development, including
2 transportation and planning.

3 (D) Historic preservation.

4 **SEC. 5. COMMISSION MEETINGS.**

5 (a) OPEN MEETINGS.—Each meeting of the Commis-
6 sion, other than meetings in which classified information
7 is to be discussed, shall be open to the public. Any open
8 meeting shall be announced in the Federal Register and
9 the Federal website established by the Commission at least
10 14 calendar days in advance of a meeting. For all public
11 meetings, the Commission shall release an agenda and a
12 listing of materials relevant to the topics to be discussed.

13 (b) QUORUM AND MEETINGS.—Seven Commission
14 members shall constitute a quorum for the purposes of
15 conducting business and 3 or more Commission members
16 shall constitute a meeting of the Commission.

17 (c) TRANSPARENCY OF INFORMATION.—All the pro-
18 ceedings, information, and deliberations of the Commis-
19 sion shall be open, upon request, to the Chairperson and
20 the ranking minority party member, and their respective
21 subcommittee Chairperson and ranking minority party
22 member, of—

23 (1) the Committee on Transportation and In-
24 frastructure of the House of Representatives;

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

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

5 (4) the Committee on Environmental and Pub-
6 lic Works of the Senate; and

7 (5) the committees on Appropriations of the
8 House of Representatives and the Senate.

9 (d) GOVERNMENT ACCOUNTABILITY OFFICE.—All
10 proceedings, information, and deliberations of the Com-
11 mission shall be open, upon request, to the Comptroller
12 General of the United States.

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

14 (a) COMPENSATION.—

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

24 (2) RATE OF PAY FOR CHAIRPERSON.—The
25 Chairperson shall be paid for each day referred to

1 in paragraph (1) at a rate equal to the daily equiva-
2 lent of the minimum annual rate of basic pay pay-
3 able for level III of the Executive Schedule under
4 section 5314, of title 5, United States Code.

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

9 **SEC. 7. EXECUTIVE DIRECTOR.**

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

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

18 **SEC. 8. STAFF.**

19 (a) ADDITIONAL PERSONNEL.—Subject to subsection
20 (b), the Executive Director, with the approval of the Com-
21 mission, may appoint and fix the pay of additional per-
22 sonnel.

23 (b) DETAIL EMPLOYEES FROM OTHER AGENCIES.—
24 Upon request of the Executive Director, the head of any
25 Federal agency may detail any of the personnel of that

1 agency to the Commission to assist the Commission in car-
2 rying out its duties under this Act.

3 (c) QUALIFICATIONS.—Appointments shall be made
4 with consideration of a balance of expertise consistent with
5 the qualifications of representatives described in section
6 4(c)(5).

7 **SEC. 9. CONTRACTING AUTHORITY.**

8 (a) EXPERTS AND CONSULTANTS.—The Commission,
9 to the extent practicable and subject to appropriations
10 made by law, shall use existing contracts entered into by
11 the Administrator for services necessary to carry out the
12 duties of the Commission.

13 (b) SPACE.—The Administrator, in consultation with
14 the Commission, shall identify suitable excess space within
15 the Federal space inventory to house the operations of the
16 Commission.

17 (c) PERSONAL PROPERTY.—The Commission shall
18 use personal property already in the custody and control
19 of the Administrator.

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

1 **SEC. 10. TERMINATION.**

2 The Commission shall cease operations and terminate
3 6 years after the date of enactment of this Act.

4 **SEC. 11. DEVELOPMENT OF RECOMMENDATIONS TO THE**
5 **COMMISSION.**

6 (a) SUBMISSIONS OF AGENCY INFORMATION AND
7 RECOMMENDATIONS.—Not later than 120 days after the
8 date of enactment of this Act and 120 days after the be-
9 ginning of each fiscal year thereafter, the head of each
10 Federal agency shall submit to the Administrator and the
11 Director of OMB the following:

12 (1) CURRENT DATA.—Current data of all Fed-
13 eral civilian real properties owned, leased, or con-
14 trolled by the respective agency, including all rel-
15 evant information prescribed by the Administrator
16 and the Director of OMB, including data related to
17 the age and condition of the property, operating
18 costs, history of capital expenditures, sustainability
19 metrics, number of Federal employees and functions
20 housed in the respective property, and square foot-
21 age (including gross, rentable, and usable).

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

24 (A) Federal civilian properties that can be
25 sold for proceeds and otherwise disposed of, re-
26 ported as excess, declared surplus, or otherwise

1 no longer meeting the needs of the agency, ex-
2 cluding leasebacks or other such exchange
3 agreements where the property continues to be
4 used by the agency.

5 (B) Federal civilian properties that can be
6 transferred, exchanged, consolidated, co-located,
7 reconfigured, or redeveloped, so as to reduce
8 the civilian real property inventory, reduce the
9 operating costs of the Government, and create
10 the highest value and return for the taxpayer.

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

14 (b) STANDARDS AND CRITERIA.—Not later than 60
15 days after the date specified in subsection (a), the Director
16 of OMB, in consultation with the Administrator, shall re-
17 view agency recommendations submitted pursuant to sub-
18 section (a), and develop consistent standards and criteria
19 against which agency recommendations will be reviewed.
20 The Director of OMB and the Administrator shall develop
21 recommendations to the Commission based on those
22 standards and criteria. In developing the standards and
23 criteria, the Director of OMB, in consultation with the Ad-
24 ministrator, shall incorporate the following:

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

6 (2) The extent to which the operating and
7 maintenance costs are reduced through consoli-
8 dating, co-locating, and reconfiguring space, and
9 through realizing other operational efficiencies.

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

14 (4) The extent and timing of potential costs
15 and savings, including the number of years, begin-
16 ning with the date of completion of the proposed rec-
17 ommendation.

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

20 (6) The extent to which a Federal building or
21 facility aligns with the current mission of the Fed-
22 eral agency.

23 (7) The extent to which there are opportunities
24 to consolidate similar operations across multiple
25 agencies or within agencies.

1 (8) The economic impact on existing commu-
2 nities in the vicinity of the Federal building or facil-
3 ity.

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

6 (c) SPECIAL RULE FOR UTILIZATION RATES.—
7 Standards developed by the Director of OMB must incor-
8 porate and apply clear standard utilization rates con-
9 sistent throughout each category of space and with non-
10 government space utilization rates. To the extent the
11 space utilization rates of a given agency fall below the uti-
12 lization rates to be applied under this subsection, the Di-
13 rector may recommend realignment, co-location, consolida-
14 tion, or other type of action to improve space utilization.

15 (d) SUBMISSION TO THE COMMISSION.—

16 (1) IN GENERAL.—The standards, criteria, and
17 recommendations developed pursuant to subsection
18 (b) shall be submitted to the Commission with all
19 supporting information, data, analyses, and docu-
20 mentation.

21 (2) PUBLICATION.—The standards, criteria,
22 and recommendations shall be published in the Fed-
23 eral Register and transmitted to the committees des-
24 ignated in section 5(c) and to the Comptroller Gen-
25 eral of the United States.

1 (3) ACCESS TO INFORMATION.—The Commis-
2 sion shall also have access to all information per-
3 taining to the recommendations, including sup-
4 porting information, data, analyses, and documenta-
5 tion submitted pursuant to subsection (a). Upon re-
6 quest, Federal agencies shall provide, the Commis-
7 sion any additional information pertaining to its
8 properties.

9 **SEC. 12. COMMISSION DUTIES.**

10 (a) IDENTIFICATION OF PROPERTY REDUCTION OP-
11 PORTUNITIES.—The Commission shall identify opportuni-
12 ties for the Government to reduce significantly its inven-
13 tory of civilian real property and reduce costs to the Gov-
14 ernment.

15 (b) IDENTIFICATION OF HIGH VALUE ASSETS.—

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

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

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

21 (d) RECEIPT OF INFORMATION AND PROPOSALS.—
22 Notwithstanding any other provision of law, the Commis-
23 sion may receive and consider proposals, information, and
24 other data submitted by State and local officials and the

1 private sector. Such information shall be made publically
2 available.

3 (e) ACCOUNTING SYSTEM.—Not later than 120 days
4 after the date of enactment of this Act, the Commission
5 shall identify or develop and implement a system of ac-
6 counting to be used to independently evaluate the costs
7 of and returns on the recommendations. Such accounting
8 system shall be applied in developing the Commission's
9 recommendations and determining the highest return to
10 the taxpayer. In applying the accounting system, the Com-
11 mission shall set a standard performance period.

12 (f) PUBLIC HEARING.—The Commission shall con-
13 duct public hearings. All testimony before the Commission
14 at a public hearing under this paragraph shall be pre-
15 sented under oath.

16 (g) REPORTING OF INFORMATION AND REC-
17 OMMENDATIONS.—

18 (1) IN GENERAL.—Not later than 120 days
19 after the receipt of recommendations pursuant to
20 section 11, and annually thereafter, the Commission
21 shall transmit to the President, and publicly post on
22 a Federal website maintained by the Commission a
23 report containing the Commission's findings, conclu-
24 sions, and recommendations for the consolidation,
25 exchange, co-location, reconfiguration, lease reduc-

1 tions, sale, and redevelopment of Federal civilian
2 real properties and for other operational efficiencies
3 that can be realized in the Government's operation
4 and maintenance of such properties.

5 (2) RECOMMENDATIONS FOR SALE OR DIS-
6 POSAL OF PROPERTY.—To the extent the Commis-
7 sion recommendations include the sale or disposal of
8 real property, these properties may be reported as
9 excess, declared surplus, or determined as no longer
10 meeting the needs of the Federal Government, ex-
11 cluding leasebacks or other such exchange agree-
12 ments where the property continues to be used by
13 the Federal Government.

14 (3) CONSENSUS IN MAJORITY.—The Commis-
15 sion shall seek to develop consensus recommenda-
16 tions, but if a consensus cannot be obtained, the
17 Commission may include in its report recommenda-
18 tions that are supported by a majority of the Com-
19 mission.

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

23 (i) REVIEW BY GAO.—The Comptroller General of
24 the United States shall transmit to the Congress and to

1 the Commission a report containing a detailed analysis of
2 the recommendations and selection process.

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

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

7 (b) REPORT TO COMMISSION AND CONGRESS.—Not
8 later than 30 days after receipt of the Commission’s rec-
9 ommendations, the President shall transmit to the Com-
10 mission and Congress a report that sets forth the Presi-
11 dent’s approval or disapproval of the Commission’s rec-
12 ommendations.

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

14 (1) approves of the Commission’s recommenda-
15 tions, the President shall transmit a copy of the rec-
16 ommendations to Congress, together with a certifi-
17 cation of such approval;

18 (2) disapproves of the Commission’s rec-
19 ommendations, in whole or in part, the President
20 shall also transmit to the Commission and Congress
21 the reasons for such disapproval. The Commission
22 shall then transmit to the President, not later than
23 30 days following the disapproval, a revised list of
24 recommendations;

1 (3) approves all of the revised recommendations
2 of the Commission, the President shall transmit a
3 copy of such revised recommendations to Congress,
4 together with a certification of such approval; or

5 (4) does not transmit to the Congress an ap-
6 proval and certification described in paragraphs (1)
7 or (3) within 30 days of receipt of the Commission's
8 recommendations or revised recommendations, as
9 the case may be, the process shall terminate until
10 the following year.

11 **SEC. 14. CONGRESSIONAL CONSIDERATION OF THE REC-**
12 **COMMENDATIONS.**

13 (a) **JOINT RESOLUTION OF APPROVAL.**—If a House
14 of Congress has not taken a vote on final passage of a
15 joint resolution as described in subsection (c) within 45
16 days after the President's transmission to that House of
17 the approved recommendations pursuant to section 13,
18 then such vote shall be taken on the next day of session
19 following the expiration of the 45-day period.

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

1 (c) TERMS OF THE RESOLUTION.—For purposes of
2 this section, the term “joint resolution” means only a joint
3 resolution—

4 (1) which does not have a preamble;

5 (2) the matter after the resolving clause of
6 which is as follows: “That Congress approves the
7 recommendations of the Civilian Property Realign-
8 ment Commission as submitted by the President on
9 _____, and notwithstanding any
10 other provision of law, the Federal agencies shall im-
11 plement and carry out all of the Commission’s rec-
12 ommendations pursuant to section 15 of the Civilian
13 Property Realignment Act”, the blank space being
14 filled in with the appropriate date;

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

18 (4) which is introduced pursuant to subsection

19 (d).

20 (d) INTRODUCTION.—After a House of Congress re-
21 ceives the President’s transmission of approved rec-
22 ommendations pursuant to section 13, the majority leader
23 of that House (or a designee) shall introduce (by request,
24 if appropriate) a joint resolution described in subsection

25 (c)—

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

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

5 (e) CONSIDERATION IN THE HOUSE OF REPRESENT-
6 ATIVES.—

7 (1) REFERRAL AND REPORTING.—Any com-
8 mittee of the House of Representatives to which a
9 joint resolution is referred shall report it to the
10 House without amendment not later than the tenth
11 legislative day after the date of its introduction. If
12 a committee fails to report the joint resolution with-
13 in that period, it shall be in order to move that the
14 House discharge the committee from further consid-
15 eration of the joint resolution. Such a motion shall
16 be in order only at a time designated by the Speaker
17 in the legislative schedule within three legislative
18 days after the day on which the proponent an-
19 nounces his intention to offer the motion. Notice
20 may not be given on an anticipatory basis. Such a
21 motion shall not be in order after the House has dis-
22 posed of a motion to discharge a joint resolution.
23 The previous question shall be considered as ordered
24 on the motion to its adoption without intervening
25 motion except twenty minutes of debate equally di-

1 vided and controlled by the proponent and an oppo-
2 nent. If such a motion is adopted, the House shall
3 proceed immediately to consider the joint resolution
4 in accordance with paragraph (3). A motion to re-
5 consider the vote by which the motion is disposed of
6 shall not be in order.

7 (2) PROCEEDING TO CONSIDERATION.—After
8 the last committee authorized to consider a joint res-
9 olution reports it to the House or has been dis-
10 charged (other than by motion) from its consider-
11 ation, it shall be in order to move to proceed to con-
12 sider the joint resolution in the House. Such a mo-
13 tion shall be in order only at a time designated by
14 the Speaker in the legislative schedule within three
15 legislative days after the day on which the proponent
16 announces his intention to offer the motion. Notice
17 may not be given on an anticipatory basis. Such a
18 motion shall not be in order after the House has dis-
19 posed of a motion to proceed with respect to that
20 transmittal of recommendations. The previous ques-
21 tion shall be considered as ordered on the motion to
22 its adoption without intervening motion. A motion to
23 reconsider the vote by which the motion is disposed
24 of shall not be in order.

1 (3) CONSIDERATION.—The joint resolution
2 shall be considered as read. All points of order
3 against a joint resolution and against its consider-
4 ation are waived. The previous question shall be con-
5 sidered as ordered on a joint resolution to its pas-
6 sage without intervening motion except five hours of
7 debate equally divided and controlled by the pro-
8 ponent and an opponent and one motion to limit de-
9 bate on the joint resolution. A motion to reconsider
10 the vote on passage of the joint resolution shall not
11 be in order.

12 (4) POST SINE DIE.—If the House has adopted
13 a concurrent resolution providing for adjournment
14 sine die at the end of a Congress, a motion to dis-
15 charge under paragraph (1) or a motion to proceed
16 under subparagraph (2) shall be in order as applica-
17 ble.

18 (f) CONSIDERATION IN THE SENATE.—

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

23 (h) CONSIDERATION BY OTHER HOUSE.—

24 (1) IN GENERAL.—If, before the passage by one
25 House of a joint resolution of that House described

1 in subsection (c), that House received from the other
2 House a joint resolution described in subsection (c),
3 then the following procedures shall apply:

4 (A) NO COMMITTEE REFERRAL.—The joint
5 resolution of the other House shall not be re-
6 ferred to a committee and may not be consid-
7 ered in the House receiving it except in the case
8 of final passage as provided in subparagraph
9 (B).

10 (B) JOINT RESOLUTION PROCEDURE.—
11 With respect to a joint resolution described in
12 subsection (c) of the House receiving the joint
13 resolution the procedure in that House shall be
14 the same as if no joint resolution had been re-
15 ceived from the other House, but the vote on
16 final passage shall be on the joint resolution of
17 the other House.

18 (2) NO CONSIDERATION.—Upon disposition of
19 the joint resolution received from the other House,
20 it shall no longer be in order to consider the joint
21 resolution that originated in the receiving House.

22 (3) EXCEPTION.—This subsection shall not
23 apply to the House of Representatives if the joint
24 resolution received from the Senate is a revenue
25 measure.

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

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

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

16 **SEC. 15. IMPLEMENTATION OF COMMISSION REC-**
17 **COMMENDATIONS.**

18 (a) CARRYING OUT RECOMMENDATIONS.—Upon the
19 enactment of a joint resolution described in section 14(c),
20 Federal agencies shall immediately begin preparation to
21 carry out the Commission's recommendations and shall
22 initiate all activities no later than 2 years after the date
23 on which the President transmits the recommendations to
24 Congress. Federal agencies shall complete all rec-
25 ommended actions no later than the end of the 6-year pe-

1 riod beginning on the date on which the President trans-
2 mits the Commission's recommendations to Congress. All
3 actions shall be economically beneficial and be cost neutral
4 or otherwise favorable to the Government. For actions
5 that will take longer than the 6-year period due to extenu-
6 ating circumstances, each Federal agency shall notify the
7 President and Congress as soon as the extenuating cir-
8 cumstance presents itself with an estimated time to com-
9 plete the relevant action.

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

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

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

21 (c) NECESSARY AND PROPER ACTIONS.—When act-
22 ing on a recommendation of the Commission, a Federal
23 agency shall continue to act within their existing legal au-
24 thorities, whether such authority has been delegated by
25 the Administrator, or must work in partnership with the

1 Administrator to carry out such actions. The Adminis-
2 trator may take such necessary and proper actions, includ-
3 ing the sale, conveyance, or exchange of civilian real prop-
4 erty, as required to implement the Commission rec-
5 ommendations in the time period required under sub-
6 section (a).

7 (d) DISCRETION OF ADMINISTRATOR REGARDING
8 TRANSACTIONS.—For any transaction identified, rec-
9 ommended, or commenced as a result of this Act, any oth-
10 erwise required legal priority given to, or requirement to
11 enter into, a transaction to convey a Federal civilian real
12 property for less than fair market value, for no consider-
13 ation at all, or in a transaction that mandates the exclu-
14 sion of other market participants, shall be at the discretion
15 of the Administrator.

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

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

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

22 (2) \$62,000,000 to be deposited into the Asset
23 Proceeds and Space Management Fund for activities
24 related to the implementation of the Commission
25 recommendations.

1 (b) FEDERAL BUILDINGS FUND.—There is author-
2 ized to be appropriated from the Federal Buildings Fund
3 established under section 592 of title 40, United States
4 Code, for construction and acquisition activities \$0 for fis-
5 cal year 2012.

6 **SEC. 17. FUNDING.**

7 (a) CREATION OF SALARIES AND EXPENSES AC-
8 COUNT.—

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

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

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

1 suant to the Commission recommendations approved
2 under section 14. Notwithstanding section 3307 of title
3 40, United States Code, the following amounts shall be
4 deposited into the account and made available for obliga-
5 tion or expenditure only as provided in advance in appro-
6 priations Acts for the purposes specified:

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

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

21 (A) sales transactions;

22 (B) acquiring land, construction, con-
23 structing replacement facilities, conducting ad-
24 vance planning and design as may be required

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

3 (C) co-location, redevelopment, disposal,
4 and reconfiguration of space; and

5 (D) other actions recommended by the
6 Commission for Federal agencies.

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

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

14 (a) **ENVIRONMENTAL CONSIDERATIONS.**—

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

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

1 more than 60 days after the date of such act or fail-
2 ure to act.

3 (3) TRANSFER OF REAL PROPERTY.—

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

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

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

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

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

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

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

8 **“§3317. Limitation on leasing authority of other agen-**
9 **cies**

10 “(a) IN GENERAL.—Notwithstanding any other pro-
11 vision of law, no executive agency may lease space for the
12 purposes of a public building as defined under section
13 3301, except as provided under section 585, and the provi-
14 sions in this chapter.

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

18 “(c) FURTHER EXCLUSIONS.—This section shall not
19 apply to—

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

22 “(2) properties of the Department of Veterans
23 Affairs.

24 “(d) CONSTRUCTION.—Nothing in this section shall
25 be construed as creating new authority for executive agen-

1 cies to enter into leases or limit the authority of the Ad-
2 ministration 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 transmittal of the Commission’s recommenda-
10 tions from the President to the Congress under section
11 13, the Comptroller General of the United States at least
12 annually shall monitor, review the implementation activi-
13 ties of Federal agencies pursuant to section 15, and report
14 to Congress any findings and recommendations.

