

112TH CONGRESS  
2D SESSION

# S. 2232

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

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## IN THE SENATE OF THE UNITED STATES

MARCH 22, 2012

Mr. BROWN of Massachusetts (for himself and Mr. WARNER) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

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## A BILL

To decrease the deficit by realigning, consolidating, 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 of 2012” or “CPRA”.

6 **SEC. 2. PURPOSES.**

7 The purposes of this Act are—

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

1           (2) to maximize the rate of use of Federal  
2 buildings and facilities;

3           (3) to reduce the reliance of the Federal Gov-  
4 ernment on leased space;

5           (4) to sell or redevelop high-value assets that  
6 are underused to obtain the highest and best value  
7 for the taxpayer and maximize the return to the tax-  
8 payer;

9           (5) to reduce the operating and maintenance  
10 costs of Federal civilian real properties through the  
11 realignment of real properties by consolidating, co-  
12 locating, and reconfiguring space, and by imple-  
13 menting other operational efficiencies;

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

16           (7) to create incentives for Federal agencies to  
17 achieve greater efficiency in inventories of civilian  
18 real property;

19           (8) to facilitate and expedite the disposal of  
20 unneeded civilian properties; and

21           (9) to assist Federal agencies in achieving sus-  
22 tainability goals of the Federal Government by re-  
23 ducing excess space, inventory, and energy consump-  
24 tion, as well as by leveraging new technologies.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

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

6 (2) ASSET PROCEEDS AND SPACE MANAGEMENT  
7 FUND.—The term “Asset Proceeds and Space Man-  
8 agement Fund” means the Civilian Property Re-  
9 alignment Commission—Asset Proceeds and Space  
10 Management Fund established by section 18(c)(1).

11 (3) COMMISSION.—The term “Commission”  
12 means the Civilian Property Realignment Commis-  
13 sion established by section 4(a)(1).

14 (4) DIRECTOR.—The term “Director” means  
15 the Director of the Office of Management and Budg-  
16 et.

17 (5) DISPOSAL.—The term “disposal” means  
18 any action that constitutes the removal of any Fed-  
19 eral civilian real property from the Federal inven-  
20 tory, including sale, deed, demolition, or exchange.

21 (6) FEDERAL AGENCY.—The term “Federal  
22 agency” means—

23 (A) an executive department or inde-  
24 pendent establishment in the executive branch  
25 of the Government; and

1 (B) a wholly owned Government corpora-  
2 tion.

3 (7) FEDERAL CIVILIAN REAL PROPERTY; CIVIL-  
4 IAN REAL PROPERTY.—

5 (A) IN GENERAL.—The terms “Federal ci-  
6 vilian real property” and “civilian real prop-  
7 erty” mean any Federal real property asset.

8 (B) INCLUSIONS.—The terms “Federal ci-  
9 vilian real property” and “civilian real prop-  
10 erty” include—

11 (i) Federal buildings (as defined in  
12 section 3301 of title 40, United States  
13 Code); and

14 (ii) occupied and improved grounds,  
15 leased space, or other physical structures  
16 under the custody and control of any Fed-  
17 eral agency.

18 (C) EXCLUSIONS.—The terms “Federal ci-  
19 vilian real property” and “civilian real prop-  
20 erty” do not include—

21 (i) any military installation (as de-  
22 fined in section 2910 of the Defense Base  
23 Closure and Realignment Act of 1990 (10  
24 U.S.C. 2687 note; Public Law 101–510));

1 (ii) any property that is excepted from  
2 the definition of the term “property”  
3 under section 102 of title 40, United  
4 States Code;

5 (iii) a designated wilderness study  
6 area or other areas managed for wilderness  
7 characteristics;

8 (iv) Indian and native Eskimo prop-  
9 erty held in trust by the Federal Govern-  
10 ment as described in section  
11 3301(a)(5)(C)(iii) of title 40, United  
12 States Code;

13 (v) property operated and maintained  
14 by the Tennessee Valley Authority pursu-  
15 ant to the Tennessee Valley Authority Act  
16 of 1933 (16 U.S.C. 831 et seq.);

17 (vi) postal property owned by the  
18 United States Postal Service; or

19 (vii) any property the Director of the  
20 Office of Management and Budget ex-  
21 cludes for reasons of national security.

22 (8) FIELD OFFICE.—The term “field office”  
23 means any office of a Federal agency that is not the  
24 headquarters office location for the Federal agency.

1           (9) SECRETARY.—The term “Secretary” means  
2           the Secretary of Housing and Urban Development.

3           (10) SMALL BUSINESS CONCERN.—The term  
4           “small business concern” has the meaning given the  
5           term in section 3 of the Small Business Act (15  
6           U.S.C. 632).

7   **SEC. 4. CIVILIAN PROPERTY REALIGNMENT COMMISSION.**

8           (a) ESTABLISHMENT.—

9           (1) IN GENERAL.—There is established an inde-  
10          pendent commission, to be known as the “Civilian  
11          Property Realignment Commission”.

12          (2) DUTIES.—The Commission shall carry out  
13          the duties described in section 6.

14          (3) MEMBERSHIP.—

15                (A) IN GENERAL.—The Commission shall  
16          be composed of—

17                   (i) a Chairperson appointed by the  
18                   President, by and with the advice and con-  
19                   sent of the Senate;

20                   (ii) 2 members appointed by the  
21                   President;

22                   (iii) 1 member appointed by the Ma-  
23                   jority Leader of the Senate;

24                   (iv) 1 member appointed by the Mi-  
25                   nority Leader of the Senate;

1 (v) 1 member appointed by the Speak-  
 2 er of the House of Representatives; and

3 (vi) 1 member appointed by the Mi-  
 4 nority Leader of the House of Representa-  
 5 tives.

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

8 (C) VACANCIES.—Vacancies on the Com-  
 9 mission shall be filled in the same manner in  
 10 which an original appointment was made.

11 (D) QUALIFICATIONS.—In selecting indi-  
 12 viduals for appointment to the Commission, the  
 13 President shall ensure the membership of the  
 14 Commission includes individuals with expertise  
 15 representative of—

16 (i) commercial real estate and redevel-  
 17 opment;

18 (ii) government management or oper-  
 19 ations;

20 (iii) community development, includ-  
 21 ing transportation and planning; and

22 (iv) historic preservation.

23 (4) CONFLICTS OF INTEREST.—No member of  
 24 the Commission or staff of a member of the Com-  
 25 mission shall participate in developing or issuing a

1 recommendation of the Commission if the member  
2 or staff of a member has an economic interest in an  
3 entity seeking to acquire any property to be dis-  
4 posed, transferred, consolidated, colocated, reconfig-  
5 ured, or redeveloped under this Act.

6 (b) COMMISSION MEETINGS.—

7 (1) OPEN MEETINGS.—Each meeting of the  
8 Commission, other than meetings in which classified  
9 information is to be discussed, shall—

10 (A) be open to the public;

11 (B) be broadcast on the website established  
12 by the Commission under section 6(h);

13 (C) be announced in the Federal Register  
14 and the Federal website established by the  
15 Commission at least 14 calendar days in ad-  
16 vance of the meeting; and

17 (D) have released before the meeting an  
18 agenda and a listing of materials relevant to the  
19 topics to be discussed.

20 (2) QUORUM AND MEETINGS.—Of the members  
21 of the Commission—

22 (A) 5 members shall constitute a quorum  
23 for the purposes of conducting business; and

24 (B) 3 or more Commission members shall  
25 constitute a meeting of the Commission.



1           (3) TRANSPARENCY OF INFORMATION.—All the  
 2       proceedings, information, and deliberations of the  
 3       Commission shall be open, on request, to the chair-  
 4       person and the ranking minority party member, and  
 5       the respective subcommittee chairperson and ranking  
 6       minority party member, of—

7           (A) the Committee on Transportation and  
 8       Infrastructure of the House of Representatives;

9           (B) the Committee on Oversight and Gov-  
 10      ernment Reform of the House of Representa-  
 11      tives;

12          (C) the Committee on Homeland Security  
 13      and Governmental Affairs of the Senate;

14          (D) the Committee on Environment and  
 15      Public Works of the Senate; and

16          (E) the Committees on Appropriations of  
 17      the House of Representatives and the Senate.

18       (4) GOVERNMENT ACCOUNTABILITY OFFICE.—  
 19      All proceedings, information, and deliberations of  
 20      the Commission shall be open, on request, to the  
 21      Comptroller General of the United States.

22       (c) COMPENSATION AND TRAVEL EXPENSES.—

23           (1) COMPENSATION.—

24           (A) RATE OF PAY FOR MEMBERS.—Each  
 25      member of the Commission, other than the

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

(B) RATE OF PAY FOR CHAIRPERSON.—

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

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

(d) EXECUTIVE DIRECTOR.—

(1) APPOINTMENT.—The Commission—

(A) shall appoint an Executive Director;  
and

1 (B) shall not be required to comply with  
2 title 5, United States Code, governing appoint-  
3 ments in the competitive service.

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

8 (e) STAFF.—

9 (1) ADDITIONAL PERSONNEL.—Subject to para-  
10 graph (2), the Executive Director, with the approval  
11 of the Commission, may appoint and fix the pay of  
12 additional personnel.

13 (2) DETAIL EMPLOYEES FROM OTHER AGEN-  
14 CIES.—On request of the Executive Director, the  
15 head of any Federal agency may detail any of the  
16 personnel of that agency to the Commission to assist  
17 the Commission in carrying out the duties of the  
18 Commission under this Act.

19 (3) QUALIFICATIONS.—Appointments shall be  
20 made with consideration of a balance of expertise  
21 consistent with the qualifications of representatives  
22 described in subsection (a)(3)(E).

23 (f) CONTRACTING AUTHORITY.—

24 (1) EXPERTS AND CONSULTANTS.—Subject to  
25 the availability of appropriations, the Commission

1 may procure by contract the temporary or intermit-  
2 tent services of experts and consultants pursuant to  
3 section 3109 of title 5, United States Code.

4 (2) SPACE.—

5 (A) IN GENERAL.—The Administrator, in  
6 consultation with the Commission, shall identify  
7 suitable excess space within the Federal space  
8 inventory to house the operations of the Com-  
9 mission.

10 (B) LEASING.—If no space described in  
11 subparagraph (A) is available, the Commission  
12 may, notwithstanding section 3317 of title 40,  
13 United States Code (as added by section 12(a)),  
14 and subject to the availability of appropriations,  
15 lease space to house the operations of the Com-  
16 mission.

17 (3) PERSONAL PROPERTY.—Subject to the  
18 availability of appropriations, the Commission may  
19 acquire personal property.

20 (4) USE OF SMALL BUSINESS CONCERNS.—In  
21 exercising the authority of the Commission under  
22 this section and section 5, the Commission shall use,  
23 to the maximum extent practicable, small business  
24 concerns.

1 (g) TERMINATION.—The Commission and the au-  
 2 thority of the Commission shall terminate on the date that  
 3 is 6 years after the date of enactment of this Act.

4 **SEC. 5. DEVELOPMENT OF RECOMMENDATIONS FOR 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 not later than 90 days  
 9 after the beginning of each fiscal year thereafter, the head  
 10 of each Federal agency shall submit to the Administrator  
 11 and the Director a report that includes—

12 (1) current data of all Federal civilian real  
 13 properties owned, leased, or controlled by the respec-  
 14 tive agency (including all relevant information pre-  
 15 scribed by the Administrator and the Director), in-  
 16 cluding data relating to—

17 (A) the age and condition of the property;

18 (B) operating costs;

19 (C) history of capital expenditures;

20 (D) sustainability metrics;

21 (E) number of Federal employees and  
 22 functions housed in the respective property; and

23 (F) square footage (including gross, rent-  
 24 able, and usable square footage); and

1           (2) recommendations with respect to the prop-  
2       erty that include—

3           (A) Federal civilian properties that can be  
4       disposed, transferred, consolidated, colocated,  
5       reconfigured, or redeveloped—

6           (i) to reduce the civilian real property  
7       inventory;

8           (ii) to reduce the operating costs of  
9       the Federal Government; and

10          (iii) to create the highest value and  
11       return for the taxpayer;

12          (B) operational efficiencies that may be re-  
13       alized by the Federal Government in the oper-  
14       ation and maintenance of Federal civilian real  
15       properties; and

16          (C) opportunities to pursue enhanced use  
17       leasing in underused buildings in an effort to  
18       realize highest and best use of the buildings for  
19       the taxpayers.

20       (b) STANDARDS AND CRITERIA.—Not later than 60  
21   days after each date specified in subsection (a), subject  
22   to subsection (c), the Director, in consultation with the  
23   Administrator, shall—

24           (1) review agency recommendations submitted  
25       pursuant to subsection (a);

1           (2) develop consistent standards and criteria  
2           against which agency recommendations will be re-  
3           viewed, which shall be developed taking into consid-  
4           eration—

5                   (A) the extent to which a Federal building  
6                   or facility aligns with the current mission of the  
7                   applicable Federal agency;

8                   (B) the extent to which there are opportu-  
9                   nities to consolidate similar operations across  
10                  multiple agencies or within agencies;

11                  (C) the extent and timing of potential costs  
12                  and savings, including the number of years, be-  
13                  ginning with the date of completion of the pro-  
14                  posed recommendation;

15                  (D) the economic impact on State and  
16                  local communities in the vicinity of the Federal  
17                  building or facility;

18                  (E) the extent to which the use rate is  
19                  being maximized and is consistent with non-  
20                  governmental industry standards for the given  
21                  function or operation;

22                  (F) the extent to which reliance on leasing  
23                  for long-term space needs is reduced;

24                  (G) the extent to which the Federal build-  
25                  ing or facility could be redeveloped or otherwise

1           used to produce the highest and best value and  
2           return for the taxpayer;

3           (H) the extent to which the operating and  
4           maintenance costs are reduced through consoli-  
5           dating, colocating, and reconfiguring space, and  
6           through realizing other operational efficiencies;  
7           and

8           (I) the extent to which energy consumption  
9           is reduced; and

10          (3) develop recommendations for the Commis-  
11          sion based on those standards and criteria.

12          (c) SPECIAL RULE FOR USE RATES.—

13           (1) IN GENERAL.—Standards developed by the  
14          Director under subsection (b) shall incorporate and  
15          apply clear standard use rates consistent throughout  
16          each category of space and with nongovernment  
17          space use rates.

18           (2) UNDERUTILIZATION OF RATES.—To the ex-  
19          tent use rates are underutilized by a given agency,  
20          the Director shall recommend realignment, coloca-  
21          tion, consolidation, or another type of action to im-  
22          prove space use.

23          (d) SUBMISSION TO THE COMMISSION.—



1           (1) IN GENERAL.—The standards, criteria, and  
2       recommendations developed pursuant to subsection  
3       (b) shall be—

4           (A) submitted to the Commission with all  
5       supporting information, data, analyses, and  
6       documentation;

7           (B) published in the Federal Register; and

8           (C) submitted to the committees referred  
9       to in section 4(b)(3) and the Comptroller Gen-  
10      eral of the United States.

11          (2) ACCESS TO INFORMATION.—The Commis-  
12      sion shall have access to—

13           (A) all information pertaining to the rec-  
14      ommendations, including supporting informa-  
15      tion, data, analyses, and documentation sub-  
16      mitted pursuant to subsection (a);

17           (B) on request of the Commission to a  
18      Federal agency, any additional information per-  
19      taining to the properties of the Federal agency;  
20      and

21           (C) all information in the Federal Real  
22      Property Profile.

1 **SEC. 6. DUTIES OF COMMISSION.**

2 (a) IDENTIFICATION OF PROPERTY REDUCTION OP-  
3 PORTUNITIES.—The Commission shall identify opportuni-  
4 ties for the Federal Government to reduce significantly—

5 (1) the Federal inventory of civilian real prop-  
6 erty; and

7 (2) the costs incurred by the Federal Govern-  
8 ment in administering that property, including oper-  
9 ations, maintenance, and security.

10 (b) IDENTIFICATION OF HIGH-VALUE ASSETS.—

11 (1) IDENTIFICATION OF CERTAIN PROP-  
12 ERTIES.—Not later than 180 days after the date of  
13 enactment of this Act, the Commission shall—

14 (A) identify for potential sale not fewer  
15 than 5 Federal properties that—

16 (i) are not on the list of surplus or ex-  
17 cess properties as of that date; and

18 (ii) each have an anticipated sale  
19 price, as determined by the Commission, of  
20 not less than \$500,000,000; and

21 (B) submit a list of the properties so iden-  
22 tified to the President and Congress, which  
23 shall be—

24 (i) treated as a recommendation for  
25 the Commission under section 5; and

1 (ii) subject to the approval process de-  
2 scribed in sections 7 and 8.

3 (2) INFORMATION AND DATA.—

4 (A) IN GENERAL.—To assist the Commis-  
5 sion in carrying out paragraph (1), each Fed-  
6 eral agency shall provide to the Commission, on  
7 request of the Commission, any information and  
8 data regarding the properties of the Federal  
9 agency.

10 (B) FAILURE TO COMPLY.—The Commis-  
11 sion shall notify the committees described in  
12 section 4(b)(3) of any failure by any Federal  
13 agency to comply with a request of the Commis-  
14 sion.

15 (3) TRANSFER.—Not later than 60 days after  
16 the date of approval of the list of properties sub-  
17 mitted under paragraph (1), each Federal agency  
18 with custody, control, or administrative jurisdiction  
19 over an identified property shall transfer custody  
20 and control of, and administrative jurisdiction over,  
21 that property to the Administrator.

22 (4) SALE.—Not later than 120 days after the  
23 date of approval of the list of properties submitted  
24 under paragraph (1), and notwithstanding any other  
25 provision of law (except as provided in section

1       10(d)), the Administrator shall sell the properties on  
2       the list at fair market value, at highest and best use,  
3       for cash at auction.

4           (5) PROCEEDS.—The proceeds of the sale under  
5       paragraph (4) shall be distributed pursuant to sub-  
6       sections (b) and (c) of section 18.

7           (6) PROHIBITION ON LEASE-BACK.—The Fed-  
8       eral Government may not lease back any property  
9       disposed or leased under this subsection.

10       (c) ANALYSIS OF INVENTORY.—The Commission—

11           (1) shall carry out an independent analysis of  
12       the inventory of Federal civilian real property and  
13       the recommendations submitted under section 5;

14           (2) shall not be bound or limited by the rec-  
15       ommendations; and

16           (3) in any case in which the Commission deter-  
17       mines that a Federal agency has failed to provide  
18       necessary information, data, or adequate rec-  
19       ommendations that meet the standards and criteria  
20       developed under section 5(b), shall develop such rec-  
21       ommendations as the Commission considers to be  
22       appropriate based on existing data contained in the  
23       Federal Real Property Profile or other relevant in-  
24       formation.

1 (d) RECEIPT OF INFORMATION AND PROPOSALS.—

2 Notwithstanding any other provision of law, the Commis-  
3 sion—

4 (1) may receive and consider proposals, infor-  
5 mation, and other data submitted by State and local  
6 officials and the private sector; and

7 (2) shall make any such information received  
8 publicly available.

9 (e) ACCOUNTING SYSTEM.—The Commission shall—

10 (1) not later than 120 days after the date of  
11 enactment of this Act, develop and implement a sys-  
12 tem of accounting, to be used to independently  
13 evaluate the costs of and returns on the rec-  
14 ommendations provided to the Commission under  
15 this Act;

16 (2) determine which of the recommendations  
17 would provide the highest return to the taxpayer;  
18 and

19 (3) establish a standard performance period for  
20 use in carrying out paragraphs (1) and (2).

21 (f) PUBLIC HEARINGS.—

22 (1) IN GENERAL.—After reviewing and per-  
23 forming independent analyses of the recommenda-  
24 tions received under section 5, the Commission shall  
25 conduct public hearings on the recommendations.

1           (2) TESTIMONY.—All testimony before the  
2       Commission at a public hearing under this sub-  
3       section shall be presented under oath.

4       (g) REPORTING OF INFORMATION AND REC-  
5       COMMENDATIONS.—

6           (1) IN GENERAL.—Not later than 120 days  
7       after the date of receipt of recommendations under  
8       section 5, and biennially thereafter, the Commission  
9       shall, at a minimum, submit to the President, and  
10      publicly post on a Federal website maintained by the  
11      Commission, a report containing the findings, con-  
12      clusions, and recommendations of the Commission  
13      for the consolidation, exchange, colocation, reconfig-  
14      uration, lease reductions, sale, and redevelopment of  
15      Federal civilian real properties, and for other oper-  
16      ational efficiencies, that may be realized in the oper-  
17      ation and maintenance of those properties by the  
18      Federal Government.

19           (2) CONSENSUS IN MAJORITY.—The Commis-  
20      sion—

21           (A) shall seek to develop consensus rec-  
22      ommendations; but

23           (B) if a consensus cannot be obtained, may  
24      include in the report under paragraph (1) rec-

1           ommendations that are supported by a majority  
2           of the Commission.

3           (h) FEDERAL WEBSITE.—The Commission shall es-  
4     tablish and maintain a Federal website for the purpose  
5     of making relevant information publically available.

6           (i) REVIEW BY GAO.—The Comptroller General of  
7     the United States shall submit to Congress and the Com-  
8     mission a report containing a detailed analysis of the rec-  
9     ommendations provided by the Commission under sub-  
10    section (g), including the process used to develop the rec-  
11    ommendations.

12   **SEC. 7. REVIEW BY THE PRESIDENT.**

13           (a) REVIEW AND REPORT.—The President shall—

14               (1) on receipt of the recommendations of the  
15     Commission under section 6, conduct a review of the  
16     recommendations; and

17               (2) not later than 30 days after the date of re-  
18     ceipt of the recommendations, submit to the Com-  
19     mission and Congress a report that describes the ap-  
20     proval or disapproval of the President of the rec-  
21     ommendations.

22           (b) APPROVAL AND DISAPPROVAL.—If the Presi-  
23     dent—

24               (1) approves the recommendations of the Com-  
25     mission, the President shall submit a copy of the

1 recommendations to Congress, together with a cer-  
2 tification of the approval;

3 (2) disapproves of the recommendations of the  
4 Commission, in whole or in part—

5 (A) the President shall submit to the Com-  
6 mission and Congress the reasons for the dis-  
7 approval; and

8 (B) not later than 30 days after the date  
9 of disapproval, the Commission shall submit to  
10 the President and Congress a revised list of rec-  
11 ommendations;

12 (3) approves the revised recommendations of  
13 the Commission submitted under paragraph (2)(B),  
14 the President shall submit a copy of the revised rec-  
15 ommendations to Congress, together with a certifi-  
16 cation of the approval; and

17 (4) does not submit to Congress an approval  
18 and certification in accordance with paragraph (1)  
19 or (3) by the date that is 30 days after the date of  
20 receipt of the recommendations or revised rec-  
21 ommendations, the review process under this section  
22 shall terminate until the following year.



1 **SEC. 8. CONGRESSIONAL CONSIDERATION OF THE REC-**  
2 **COMMENDATIONS.**

3 (a) **DEFINITION OF JOINT RESOLUTION.**—In this  
4 section, the term “joint resolution” means only a joint res-  
5 olution—

6 (1) that is introduced during the 10-day period  
7 beginning on the date on which the President sub-  
8 mits an approval and certification of recommenda-  
9 tions to Congress under paragraph (1) or (3) of sec-  
10 tion 7(b);

11 (2) that does not have a preamble;

12 (3) the matter after the resolving clause of  
13 which is as follows: “That Congress disapproves the  
14 recommendations of the Civilian Property Realign-  
15 ment Commission as submitted by the President on  
16 \_\_\_\_\_”, the blank space being filled  
17 in with the appropriate date; and

18 (4) the title of which is as follows: “A Joint  
19 Resolution disapproving the recommendations of the  
20 Civilian Property Realignment Commission”.

21 (b) **RESOLUTION OF DISAPPROVAL.**—Not later than  
22 45 days after the date on which the President submits  
23 to Congress an approval and certification of recommenda-  
24 tions under paragraph (1) or (3) of section 7(b), Congress  
25 may enact a joint resolution to disapprove the rec-  
26 ommendations of the Commission.

1       (c) COMPUTATION OF TIME PERIOD.—For the pur-  
2 poses of this section, the days on which either House of  
3 Congress is not in session because of adjournment of more  
4 than 3 days to a day certain shall be excluded in the com-  
5 putation of the period of time described in subsection  
6 (a)(1).

7       (d) REFERRAL.—

8           (1) HOUSE OF REPRESENTATIVES.—A joint  
9 resolution that is introduced in the House of Rep-  
10 resentatives shall be referred to the Committee on  
11 Transportation and Infrastructure of the House of  
12 Representatives.

13           (2) SENATE.—A joint resolution that is intro-  
14 duced in the Senate shall be referred to the Com-  
15 mittee on Environment and Public Works of the  
16 Senate.

17       (e) DISCHARGE.—If the committee to which a joint  
18 resolution is referred has not reported the joint resolution  
19 (or an identical resolution) by the end of the 20-day period  
20 beginning on the date on which the President submits the  
21 report to Congress under section 7(a)(2)—

22           (1) the committee shall be, at the end of that  
23 period, discharged from further consideration of the  
24 joint resolution; and

1           (2) the joint resolution shall be placed on the  
2           appropriate calendar of the House involved.

3           (f) CONSIDERATION.—

4           (1) IN GENERAL.—On or after the third day  
5           after the date on which the committee to which a  
6           joint resolution is referred has reported, or has been  
7           discharged (under subsection (e)) from further con-  
8           sideration of, such a joint resolution, it is in order,  
9           regardless of whether a previous motion to the same  
10          effect has been disagreed to, for any Member of the  
11          respective House to move to proceed to the consider-  
12          ation of the joint resolution.

13          (2) MOTIONS.—

14           (A) IN GENERAL.—A Member may make a  
15           motion described in paragraph (1) only on the  
16           date after the calendar day on which the Mem-  
17           ber announces to the House concerned the in-  
18           tention of the Member to make the motion, ex-  
19           cept that, in the case of the House of Rep-  
20           resentatives, the motion may be made without  
21           such a prior announcement if the motion is  
22           made by direction of the committee to which  
23           the joint resolution was referred.

24           (B) PRIVILEGE; AMENDMENT.—A motion  
25           made under paragraph (1) is—

(i) highly privileged in the House of Representatives, privileged in the Senate, and not debatable; and

(ii) not subject to amendment, a motion to postpone, or a motion to proceed to the consideration of other business.

(C) OTHER MOTIONS.—

(i) IN GENERAL.—A motion to reconsider the vote by which a motion made under paragraph (1) is agreed to or disagreed to shall not be in order.

(ii) AGREEMENT.—If a motion to proceed to consideration of the joint resolution is agreed to—

(I) the respective House shall immediately proceed to the consideration of the joint resolution without intervening motion, order, or other business; and

(II) the joint resolution shall remain the unfinished business of the respective House until disposed of.

(3) DEBATE.—

(A) IN GENERAL.—Debate on a joint resolution and on all debatable motions and appeals

1 in connection with the joint resolution shall be  
 2 limited to not more than 2 hours, divided equal-  
 3 ly between those favoring and those opposing  
 4 the joint resolution.

5 (B) AMENDMENTS.—An amendment to the  
 6 joint resolution is not in order.

7 (C) MOTION TO FURTHER LIMIT DE-  
 8 BATE.—A motion further to limit debate on the  
 9 joint resolution is in order and not debatable.

10 (D) OTHER MOTIONS.—A motion to post-  
 11 pone, to proceed to the consideration of other  
 12 business, to recommit the joint resolution, or to  
 13 reconsider the vote by which the resolution is  
 14 agreed to or disagreed to is not in order.

15 (4) VOTE.—Immediately following the conclu-  
 16 sion of the debate on a joint resolution and a single  
 17 quorum call at the conclusion of the debate, if re-  
 18 quested in accordance with the rules of the appro-  
 19 priate House, the vote on final passage of the joint  
 20 resolution shall occur.

21 (5) APPEALS OF DECISIONS OF THE CHAIR.—  
 22 Appeals of the decisions of the Chair relating to the  
 23 application of the rules of the Senate or the House  
 24 of Representatives, as the case may be, to the proce-

1       dure relating to a joint resolution shall be decided  
2       without debate.

3       (g) CONSIDERATION BY OTHER HOUSE.—

4           (1) IN GENERAL.—If, before the passage by a  
5       House of Congress of a joint resolution of that  
6       House, that House receives from the other House of  
7       Congress a joint resolution, the following procedures  
8       shall apply:

9           (A) NO COMMITTEE REFERRAL.—The joint  
10       resolution of the other House shall not be re-  
11       ferred to a committee and may not be consid-  
12       ered in the House receiving the joint resolution  
13       except in the case of final passage as provided  
14       in subparagraph (B).

15          (B) RESOLUTION PROCEDURE.—With re-  
16       spect to a joint resolution of the House receiv-  
17       ing the joint resolution, the procedure in that  
18       House shall be the same as if no joint resolu-  
19       tion had been received from the other House,  
20       but the vote on final passage shall be on the  
21       joint resolution of the other House.

22          (2) NO CONSIDERATION.—On disposition of the  
23       joint resolution received from the other House, it  
24       shall no longer be in order to consider the joint reso-  
25       lution that originated in the receiving House.

1 (h) RULES OF THE SENATE AND HOUSE OF REP-  
 2 RESENTATIVES.—This section 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—

6 (A)(i) is deemed to be a part of the rules  
 7 of each House, respectively; but

8 (ii) is applicable only with respect to the  
 9 procedure to be followed in that House in the  
 10 case of a joint resolution; and

11 (B) supersedes other rules only to the ex-  
 12 tent that this section is inconsistent with those  
 13 rules; and

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

19 (i) FAILURE TO PASS RESOLUTION OF DIS-  
 20 APPROVAL.—If Congress fails to pass a joint resolution  
 21 by the date that is 45 calendar days after the date of sub-  
 22 mission by the President to Congress of the recommenda-  
 23 tions of the Commission, each Federal agency shall be re-  
 24 quired to implement and carry out all of the recommenda-  
 25 tions of the Commission pursuant to section 9.

1 **SEC. 9. IMPLEMENTATION OF RECOMMENDATIONS OF**  
2 **COMMISSION.**

3 (a) CARRYING OUT RECOMMENDATIONS.—

4 (1) IN GENERAL.—Each Federal agency shall,  
5 in consultation with the Administrator—

6 (A) on the date specified in section 8(i),  
7 immediately begin preparations to carry out the  
8 recommendations of the Commission;

9 (B) not later than 1 year after the date on  
10 which the President submits the recommenda-  
11 tions of the Commission to Congress, initiate  
12 implementation of those recommendations; and

13 (C) not later than the end of the 3-year  
14 period beginning on the date on which the  
15 President submits the recommendations of the  
16 Commission to Congress, complete implementa-  
17 tion of all recommended actions.

18 (2) ACTIONS.—Each recommended action taken  
19 by a Federal agency shall be economically beneficial  
20 and cost-neutral or otherwise favorable to the Fed-  
21 eral Government.

22 (3) NOTIFICATION.—In the case of a rec-  
23 ommended action the implementation of which re-  
24 quires longer than 3 years due to extenuating cir-  
25 cumstances, a Federal agency shall submit to the



1 President and Congress, as soon as the extenuating  
2 circumstance becomes apparent—

3 (A) a notice of a delay in implementing the  
4 recommended action; and

5 (B) an estimated time to complete the rel-  
6 evant action.

7 (b) ACTIONS OF FEDERAL AGENCIES.—In imple-  
8 menting any recommended action relating to any Federal  
9 building or facility under this Act, a Federal agency may,  
10 in consultation with the Administrator, pursuant to sub-  
11 section (c), take all such necessary and proper actions, in-  
12 cluding—

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

18 (2) providing outplacement assistance to civilian  
19 employees employed by any Federal agency at a  
20 Federal civilian property impacted by the rec-  
21 ommended action; and

22 (3) reimbursing other Federal agencies for ac-  
23 tions performed at the request of the Commission.

24 (c) NECESSARY AND PROPER ACTIONS.—

1           (1) IN GENERAL.—In acting on a recommenda-  
2           tion of the Commission, a Federal agency shall—

3                   (A) act within any authority delegated to  
4           the Federal agency; and

5                   (B) if the Federal agency has not been del-  
6           egated authority to act on the recommendation,  
7           the Federal agency shall work in partnership  
8           with the Administrator to carry out the rec-  
9           ommendation.

10          (2) ACTIONS OF ADMINISTRATOR.—The Admin-  
11        istrator—

12                   (A) may take such necessary and proper  
13           actions, including the sale, conveyance, or ex-  
14           change of civilian real property, as are required  
15           to implement the recommendations of the Com-  
16           mission in accordance with subsection (a); and

17                   (B) shall enter into and use commission-  
18           based contracts for real estate services to assist  
19           in carrying out property transactions required  
20           by the recommendations of the Commission.

21        (d) DISCRETION OF ADMINISTRATOR REGARDING  
22        TRANSACTIONS.—For any transaction identified, rec-  
23        ommended, or commenced as a result of this Act, any oth-  
24        erwise required legal priority given to, or requirement to  
25        enter into, a transaction to convey a Federal civilian real

1 property for less than fair market value, for no consider-  
2 ation at all, or in a transaction that mandates the exclu-  
3 sion of other market participants, shall be at the discretion  
4 of the Administrator.

5 **SEC. 10. DISPOSAL OF REAL PROPERTIES.**

6 (a) IN GENERAL.—Notwithstanding any other provi-  
7 sion of law, any recommendation or commencement of a  
8 disposal or realignment of civilian real property shall not  
9 be subject to—

10 (1) the first section through section 3 of the  
11 Act of May 19, 1948 (16 U.S.C. 667b et seq.);

12 (2) sections 107 and 317 of title 23, United  
13 States Code;

14 (3) section 545(b)(8) of title 40, United States  
15 Code;

16 (4) sections 550, 553, and 554 of title 40,  
17 United States Code;

18 (5) section 1304(b) of title 40, United States  
19 Code;

20 (6) section 501 of the McKinney-Vento Home-  
21 less Assistance Act (42 U.S.C. 11411);

22 (7) section 47151 of title 49, United States  
23 Code;

24 (8) section 11(d) of the Surplus Property Act  
25 of 1944 (50 U.S.C. App. 1622(d));

1           (9) any other provision of law authorizing the  
2           conveyance of real property under the administrative  
3           jurisdiction of the Federal Government for no con-  
4           sideration; or

5           (10) any congressional notification requirement  
6           (other than that under section 545(e) of title 40,  
7           United States Code).

8           (b) CONTINUATION OF CERTAIN REQUIREMENTS.—  
9           Nothing in subsection (a) modifies, alters, or amends any  
10          other required environmental or historical review, record-  
11          keeping, or notice requirement otherwise applicable to a  
12          conveyance of Federal civilian real property.

13          (c) PUBLIC BENEFIT.—

14               (1) IN GENERAL.—For those properties that  
15               the Commission determines should be reviewed for  
16               potential use for the homeless or for any other pub-  
17               lic benefit under a provision of law described in sub-  
18               section (a), the Commission shall submit to the Sec-  
19               retary, on the same date on which the report of the  
20               Commission is submitted to the President under sec-  
21               tion 6(g), any such information on the building or  
22               property that concerns the decision regarding the  
23               disposal of the civilian property.

24               (2) ACTION BY SECRETARY.—Not later than 30  
25               days after the date on which the Commission makes

1 a submission of information under subsection (a),  
2 the Secretary shall provide to the Commission a re-  
3 port summarizing a determination of the suitability  
4 of the civilian real properties recommended to be  
5 disposed as properties appropriate for use in assist-  
6 ing the homeless.

7 (3) NOTICE OF INTEREST.—Not later than 60  
8 days after the date on which the Commission sub-  
9 mits a report to the President under section 6(g)  
10 and the recommendations of the Commission are re-  
11 leased to the public, any representatives of the  
12 homeless proposing interest in the use of property  
13 that the Commission has determined should be re-  
14 viewed for potential use by the homeless or for any  
15 other public benefit under a provision of law de-  
16 scribed in subsection (a) may submit a notice of in-  
17 terest to the Commission and the Secretary that  
18 contains—

19 (A) a description of the homeless assist-  
20 ance program that the representative proposes  
21 to carry out at the installation;

22 (B) an assessment of the need for the pro-  
23 gram;

24 (C) a description of the extent to which the  
25 program is or will be coordinated with other

1 homeless assistance programs in the commu-  
 2 nities in the vicinity of the property;

3 (D) a description of the buildings and  
 4 property that are necessary in order to carry  
 5 out the program;

6 (E) a description of the financial plan, the  
 7 organization, and the organizational capacity of  
 8 the representative to carry out the program;  
 9 and

10 (F) an assessment of the time required to  
 11 commence implementation of the program.

12 (4) HUD APPROVAL.—The Secretary shall—

13 (A) not later than 60 days after the date  
 14 on which the Commission submits the report to  
 15 the President under section 6(g), review and  
 16 certify submissions under this subsection from  
 17 representatives of the homeless; and

18 (B) if more than 1 notice of interest is en-  
 19 tered for a property, indicate to the Commis-  
 20 sion which planned use of the property for the  
 21 homeless has more merit.

22 (5) INTERESTED PARTIES.—

23 (A) IN GENERAL.—Not later than 30 days  
 24 after the date on which the Commission sub-  
 25 mits the report to the President under section

1           6(g) and the recommendations of the Commis-  
2           sion are publicly released, any parties proposing  
3           interest in a property that the Commission has  
4           determined should be reviewed for any other  
5           public benefit programs described in subsection  
6           (a), for a use that is not homeless assistance,  
7           may submit a notice of interest to the Commis-  
8           sion and to the Federal agency that is otherwise  
9           tasked by law to review applications for the  
10          public benefit conveyance program under which  
11          the party is applying.

12                 (B) REQUIREMENTS.—A notice of interest  
13           under this paragraph shall contain the informa-  
14           tion otherwise required by the law establishing  
15           the public benefit conveyance program.

16           (6) ASSESSMENT OF VALIDITY AND MERIT.—

17                 (A) IN GENERAL.—A Federal agency that  
18           has been tasked with reviewing applications for  
19           public benefit conveyance programs, and that  
20           receives a notice of interest with information  
21           pertaining to the certification of the validity of  
22           a proposed public benefit conveyance operating  
23           under 1 of the uses under subsection (a) that  
24           are not homeless assistance, shall—

1 (i) review and certify submissions  
2 from parties proposing such future use for  
3 the property; and

4 (ii) not later than 60 days after the  
5 date on which the Commission submits the  
6 report to the President under section 6(g),  
7 submit to the Commission an assessment  
8 of the validity and merits of the informa-  
9 tion contained in the notice of interest.

10 (B) SELECTION OF USE.—If more than 1  
11 notice of interest is entered for a property, the  
12 head of the reviewing agency shall indicate to  
13 the Commission which planned use of the prop-  
14 erty has more merit.

15 (7) COMPILATION OF INFORMATION AND AS-  
16 SESSMENTS.—The Commission shall—

17 (A) compile all information and assess-  
18 ments regarding submitted notices of interest  
19 about properties; and

20 (B) as soon as practicable after the date  
21 on which the recommendations of the Commis-  
22 sion are required to be implemented by Federal  
23 agencies under section 8(i), forward the infor-  
24 mation and assessments to the Federal agencies  
25 that maintain custody and control over the civil-



1           ian real properties to be disposed for use in im-  
2           plementing the recommendations of the Com-  
3           mission.

4           (8) USE OF PROPERTY.—

5                 (A) IN GENERAL.—If a property reviewed  
6           by the Secretary is determined to be fit for use  
7           by the homeless and the Secretary has identi-  
8           fied a representative of the homeless whose no-  
9           tice of interest is certified, or, in the event of  
10          more than 1 notice of interest on the property,  
11          whose notice of interest is determined by the  
12          Secretary to have the most merit, the Federal  
13          agency maintaining custody or control of the  
14          property, in accordance with subsection (a),  
15          shall commence conveyance of the property to  
16          that representative of the homeless after the  
17          date on which the recommendations of the  
18          Commission are required to be implemented by  
19          Federal agencies under section 8(i).

20                (B) UNFIT FOR USE; NO NOTICE OF IN-  
21          TEREST.—If a property reviewed by the Sec-  
22          retary is determined to be unfit for use by the  
23          homeless, or if there is no identified notice of  
24          interest on the property by a representative of  
25          the homeless, the Federal agency maintaining

1 custody or control of the property shall deter-  
 2 mine whether—

3 (i) there are any parties that have ex-  
 4 pressed interest in the property for a use  
 5 described in subsection (a) other than  
 6 homeless assistance; and

7 (ii) any Federal reviewing agency has  
 8 certified 1 of those uses.

9 (C) CONVEYANCE.—If a Federal agency  
 10 maintaining custody or control of a property de-  
 11 termines that there is an identified notice of in-  
 12 terest in the property for a certified use under  
 13 subparagraph (B), as soon as practicable after  
 14 the date on which the recommendations of the  
 15 Commission are required to be implemented by  
 16 Federal agencies under section 8(i), the Federal  
 17 agency shall—

18 (i) commence conveyance of the prop-  
 19 erty to the party that proposed the cer-  
 20 tified use; and

21 (ii) if more than 1 party has ex-  
 22 pressed interest in the property—

23 (I) select which party shall re-  
 24 ceive the property; and

1 (II) commence conveyance of the  
2 property to the party.

3 (9) OTHER OPTIONS FOR USE OF PROPERTY.—

4 If, after the date on which the recommendations of  
5 the Commission are required to be implemented by  
6 Federal agencies under section 8(i), a property does  
7 not qualify, or there is no interest in a property re-  
8 viewed, for 1 of the uses described in subsection (a),  
9 a Federal agency may select among any other re-  
10 maining ways to implement the recommendations of  
11 the Commission with respect to the property.

12 (d) ENVIRONMENTAL CONSIDERATIONS.—

13 (1) NEPA APPLICATION.—Nothing in this Act  
14 shall be construed to modify, alter, or amend the  
15 National Environmental Policy Act of 1969 (42  
16 U.S.C. 4321 et seq.).

17 (2) DISPOSAL OR REALIGNMENT OF PROP-  
18 erty.—A Federal agency may dispose of or realign  
19 property without regard to any provision of law, as  
20 described in subsection (a), restricting the use of  
21 funds for disposal or realignment of Federal civilian  
22 property included in any appropriations or author-  
23 ization Act.

24 (3) TRANSFER OF REAL PROPERTY.—

(A) IN GENERAL.—In implementing recommendations of the Commission under section 8(i) for properties that have been identified in those recommendations and are in compliance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), including section 120(h) of that Act (42 U.S.C. 9620(h)), a Federal agency may enter into an agreement with any person to transfer real property by deed.

(B) ADDITIONAL TERMS.—

(i) IN GENERAL.—The head of the Federal agency disposing of property under this paragraph may require any additional terms and conditions in connection with an agreement authorized by subparagraph (A) as are appropriate to protect the interests of the United States.

(ii) NO EFFECT ON RIGHTS AND OBLIGATIONS.—Additional terms and conditions described in clause (i) shall not affect or diminish any right or obligation of a Federal agency under section 120(h) of the Comprehensive Environmental Response,

1 Compensation, and Liability Act of 1980  
2 (42 U.S.C. 9620(h)).

3 (4) INFORMATION DISCLOSURE.—As part of an  
4 agreement pursuant to this Act, a Federal agency  
5 shall disclose to the person to whom property or fa-  
6 cilities will be transferred, before entering into any  
7 agreement with the person, any information of the  
8 Federal agency regarding the environmental restora-  
9 tion, waste management, and environmental compli-  
10 ance activities described in this Act that relate to  
11 the property or facilities.

12 (e) CONSTRUCTION OF CERTAIN ACTS.—Nothing in  
13 this section modifies, alters, or amends—

14 (1) the Comprehensive Environmental Re-  
15 sponse, Compensation, and Liability Act of 1980 (42  
16 U.S.C. 9601 et seq.); or

17 (2) the Solid Waste Disposal Act (42 U.S.C.  
18 6901 et seq.).

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

21 Section 3307(b) of title 40, United States Code, is  
22 amended—

23 (1) in paragraph (6), by striking “and” at the  
24 end;

1           (2) in paragraph (7), by striking the period at  
2           the end and inserting a semicolon; and

3           (3) adding at the end the following:

4           “(8) a statement of how the proposed project is  
5           consistent with section 5(b) of the Civilian Property  
6           Realignment Act of 2012;

7           “(9) for all proposed leases, including operating  
8           leases, the amount of the net present value of—

9                   “(A) the total estimated legal obligations  
10           of the Federal Government over the life of the  
11           contract; and

12                   “(B) the cost of constructing new space;  
13           and

14           “(10) with respect to any prospectus for the  
15           construction, alteration, or acquisition of the build-  
16           ing or space to be leased, a statement by the Admin-  
17           istrator describing the use of life-cycle cost analysis  
18           and any increased design, construction, or acquisi-  
19           tion costs identified by the analysis that are offset  
20           by lower long-term costs.”.

21 **SEC. 12. LIMITATION OF CERTAIN LEASING AUTHORITIES.**

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

1 **“3317. LIMITATION ON LEASING AUTHORITY OF OTHER**  
 2 **AGENCIES.**

3 “(a) DEFINITION OF PUBLIC BUILDING.—In this  
 4 section, the term ‘public building’ includes leased space.

5 “(b) LEASING AUTHORITY.—

6 “(1) LIMITATION.—Notwithstanding any other  
 7 provision of law, subject to paragraph (2), no execu-  
 8 tive agency may lease space for the purposes of a  
 9 public building, except as provided in section 585  
 10 and this chapter.

11 “(2) EXCEPTION.—Paragraph (1) shall not  
 12 apply to the United States Postal Service, the De-  
 13 partment of Veterans Affairs, or any property the  
 14 President excludes for reasons of national security.

15 “(c) CONSTRUCTION.—Nothing in this section—

16 “(1) establishes any new authority for an execu-  
 17 tive agency to enter into a lease; or

18 “(2) limits the authority of the Administration  
 19 under section 3314.”.

20 (b) CLERICAL AMENDMENT.—The analysis for chap-  
 21 ter 33 of title 40, United States Code, is amended by add-  
 22 ing at the end the following:

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

23 **SEC. 13. IMPLEMENTATION REVIEW BY GAO.**

24 Not later than 1 year after the date of enactment  
 25 of this Act, and annually thereafter, the Comptroller Gen-

1 eral of the United States shall submit to Congress an an-  
 2 nual report that—

3 (1) reviews and describes the implementation  
 4 activities of Federal agencies pursuant to section 9;  
 5 and

6 (2) contains any recommendations of the Comp-  
 7 troller General for the improvement of those imple-  
 8 mentation activities.

9 **SEC. 14. REALIGNMENT OF REAL PROPERTY OWNED OR**  
 10 **MANAGED BY THE BUREAU OF OVERSEAS**  
 11 **BUILDING OPERATIONS.**

12 (a) LIST OF ASSETS.—On an annual basis, the Com-  
 13 mission shall identify and compile a list of assets located  
 14 outside of the United States and the territories of the  
 15 United States that are owned or managed by the Bureau  
 16 of Overseas Building Operations of the Department of  
 17 State that may—

18 (1) be sold for proceeds so as to reduce the ci-  
 19 vilian real property inventory and operating costs of  
 20 the Federal Government; or

21 (2) be otherwise disposed of, transferred, con-  
 22 solidated, colocated, or reconfigured so as to reduce  
 23 the operating costs of the Federal Government.



1 (b) LIST TO SECRETARY OF STATE.—The Commis-  
 2 sion shall provide each list compiled pursuant to sub-  
 3 section (a) to the Secretary of State.

4 (c) REVIEW AND REPORT.—Not later than 90 cal-  
 5 endar days after the date of receipt of a list compiled pur-  
 6 suant to subsection (b), the Department of State shall—

7 (1) review the list; and

8 (2) submit to the Commission a report that in-  
 9 cludes the conclusions of the review.

10 (d) RECOMMENDATIONS OF CERTAIN CIVILIAN REAL  
 11 PROPERTY ASSETS.—In accordance with section 6, the  
 12 Commission may make recommendations involving civilian  
 13 real property assets described in subsection (a) only if—

14 (1) the assets are on the list provided to the  
 15 Department of State pursuant to this section; and

16 (2) the Department of State has submitted a  
 17 report on the list to the Commission pursuant to  
 18 subsection (c)(2).

19 (e) REMOVAL OF CERTAIN CIVILIAN REAL PROP-  
 20 ERTY TRANSACTION ASSETS.—In accordance with section  
 21 6, not later than 20 calendar days after the date of sub-  
 22 mission of the report of the Commission to the President  
 23 under section 6(g), the Secretary of State may remove any  
 24 transaction that involves a civilian real property asset de-

1 scribed in subsection (a) from the list of recommendations  
 2 developed under section 6.

3 (f) APPEAL BY SECRETARY OF STATE.—Nothing in  
 4 this section restricts the ability of the Secretary of State  
 5 to appeal to the Director or Commission for funding by  
 6 the Asset Proceeds and Space Management Fund to sup-  
 7 port the cost of implementing a recommendation.

8 (g) PROCEEDS.—

9 (1) IN GENERAL.—For the purposes of this  
 10 Act, proceeds from the disposal of assets described  
 11 in subsection (a) shall be deposited in the Asset Pro-  
 12 ceeds and Space Management Fund established  
 13 under section 18(c).

14 (2) DISPOSAL UNDER OTHER AUTHORITY.—  
 15 Proceeds from the disposal of assets by the Depart-  
 16 ment of State that are not disposed of pursuant to  
 17 this Act shall be retained by the Department of  
 18 State.

19 **SEC. 15. FEDERAL REAL PROPERTY PROFILE.**

20 (a) CONGRESSIONAL COMMITTEES.—

21 (1) IN GENERAL.—On the request of the chair-  
 22 person and ranking member of any committee de-  
 23 scribed in paragraph (2), the Director and the Ad-  
 24 ministrator shall—

1           (A) provide access to the Federal Real  
2           Property Profile established in accordance with  
3           Executive Order 13327 (40 U.S.C. 121 note;  
4           relating to Federal real property asset manage-  
5           ment), to that committee; and

6           (B) make all information in the Federal  
7           Real Property Profile available to that com-  
8           mittee.

9           (2) COMMITTEES.—The committees referred to  
10          in paragraph (1) are—

11           (A) the Committee on Transportation and  
12           Infrastructure of the House of Representatives;

13           (B) the Committee on Oversight and Gov-  
14           ernment Reform of the House of Representa-  
15           tives;

16           (C) the Committee on Homeland Security  
17           and Governmental Affairs of the Senate;

18           (D) the Committee on Environment and  
19           Public Works of the Senate; and

20           (E) the Committees on Appropriations of  
21           the House of Representatives and the Senate.

22          (b) GOVERNMENT ACCOUNTABILITY OFFICE.—On  
23          the request of the Comptroller General, the Director and  
24          the Administrator shall—

1           (1) provide access to the Federal Real Property  
2       Profile established in accordance with Executive  
3       Order 13327 (40 U.S.C. 121 note; relating to Fed-  
4       eral real property asset management), to the Gov-  
5       ernment Accountability Office; and

6           (2) make all information in the Federal Real  
7       Property Profile available to the Government Ac-  
8       countability Office.

9       (c) CONGRESSIONAL RESEARCH SERVICE.—On re-  
10      quest of the Director of the Congressional Research Serv-  
11      ice, the Director and the Administrator shall—

12           (1) provide access to the Federal Real Property  
13       Profile established in accordance with Executive  
14       Order 13327 (40 U.S.C. 121 note; relating to Fed-  
15       eral real property asset management), to the Con-  
16       gressional Research Service; and

17           (2) make all information in the Federal Real  
18       Property Profile available to the Congressional Re-  
19       search Service.

20       (d) CONGRESSIONAL BUDGET OFFICE.—On request  
21      of the Director of the Congressional Budget Office, the  
22      Director and the Administrator shall—

23           (1) provide access to the Federal Real Property  
24       Profile established in accordance with Executive  
25       Order 13327 (40 U.S.C. 121 note; relating to Fed-

1       eral real property asset management), to the Con-  
2       gressional Budget Office; and

3           (2) make all information in the Federal Real  
4       Property Profile available to the Congressional  
5       Budget Office.

6       (e) THE COMMISSION.—On request of the Chair-  
7       person of the Commission, the Director and Administrator  
8       shall—

9           (1) provide access to the Federal Real Property  
10      Profile established in accordance with Executive  
11      Order 13327 (40 U.S.C. 121 note; relating to Fed-  
12      eral real property asset management), to the Com-  
13      mission; and

14          (2) make all information in the Federal Real  
15      Property Profile available to the Commission.

16   **SEC. 16. EXCESS PROPERTY.**

17      (a) IN GENERAL.—Except as provided in subsection  
18   (b), not later than 3 years after the date of enactment  
19   of this Act, each Federal agency shall dispose, transfer,  
20   exchange, consolidate, colocate, reconfigure, or redevelop  
21   any property that, on the date of enactment of this Act,  
22   is—

23          (1) excess property (as defined in section 102  
24      of title 40, United States Code); and

25          (2) under the control of that Federal agency.

1 (b) EXCEPTIONS.—

2 (1) IN GENERAL.—Subsection (a) shall not  
3 apply to any property, if the Federal agency in con-  
4 trol of the property submits a report to each com-  
5 mittee described in paragraph (2) that—

6 (A) identifies the property; and

7 (B) states the reasons the Federal agency  
8 is not able to carry out subsection (a) with re-  
9 spect to that property.

10 (2) COMMITTEES.—The committees referred to  
11 under paragraph (1) are—

12 (A) the Committee on Transportation and  
13 Infrastructure of the House of Representatives;

14 (B) the Committee on Oversight and Gov-  
15 ernment Reform of the House of Representa-  
16 tives;

17 (C) the Committee on Homeland Security  
18 and Governmental Affairs of the Senate;

19 (D) the Committee on Environment and  
20 Public Works of the Senate; and

21 (E) the Committees on Appropriations of  
22 the House of Representatives and the Senate.

23 **SEC. 17. PRECLUSION OF JUDICIAL REVIEW.**

24 The following actions shall not be subject to judicial  
25 review:

1           (1) An action of the Commission under section  
2       6.

3           (2) An action of the President under section 7.

4           (3) An action of the Commission, the Secretary,  
5       or a Federal agency under section 10(c).

6 **SEC. 18. FUNDING.**

7       (a) AUTHORIZATION OF APPROPRIATIONS.—There  
8       are authorized to be appropriated to carry out this Act—

9           (1) \$20,000,000 for salaries and expenses of  
10       the Commission; and

11          (2) \$62,000,000, which shall be deposited in  
12       the Asset Proceeds and Space Management Fund,  
13       for use in carrying out activities relating to the im-  
14       plementation of the recommendations of the Com-  
15       mission.

16       (b) SALARIES AND EXPENSES ACCOUNT.—

17          (1) ESTABLISHMENT.—There is established in  
18       the Treasury an account, to be known as the “Civil-  
19       ian Property Realignment Commission—Salaries  
20       and Expenses” account, consisting of such amounts  
21       as are provided in appropriations Acts for those nec-  
22       essary payments for salaries and other administra-  
23       tive expenses of the Commission.

24          (2) NO APPROPRIATIONS.—If no amounts are  
25       appropriated for the salaries and expenses of the

1 Commission for a fiscal year, the Director may sup-  
2 port the activities of the Commission under this Act  
3 for the fiscal year if the Director, in consultation  
4 with the Administrator, approves a transfer to the  
5 Commission of amounts from the Asset Proceeds  
6 and Space Management Fund.

7 (c) ASSET PROCEEDS AND SPACE MANAGEMENT  
8 FUND.—

9 (1) ESTABLISHMENT.—There is established  
10 within the Federal Buildings Fund established by  
11 section 592 of title 40, United States Code, a fund  
12 to be known as the “Civilian Property Realignment  
13 Commission—Asset Proceeds and Space Manage-  
14 ment Fund”, which shall be used solely for the pur-  
15 poses of carrying out actions pursuant to rec-  
16 ommendations of the Commission approved under  
17 section 8.

18 (2) TYPES OF FUNDS DEPOSITED.—Notwith-  
19 standing section 3307 of title 40, United States  
20 Code, the fund established under paragraph (1) shall  
21 consist of—

22 (A) such amounts as are provided in ap-  
23 propriations Acts, to remain available until ex-  
24 pended, for the consolidation, colocation, ex-  
25 change, redevelopment, reconfiguration of space



1 and other actions recommended by the Commis-  
 2 sion for Federal agencies;

3 (B) the proceeds received from each civil-  
 4 ian real property action taken pursuant to a  
 5 recommendation of the Commission under sec-  
 6 tion 9; and

7 (C) any funds made available to a Federal  
 8 agency in an appropriations Act for the costs of  
 9 administering civilian real property, including  
 10 operations, maintenance, and security not ex-  
 11 pended because of any savings in those costs re-  
 12 sulting from implementing a recommendation of  
 13 the Commission under section 9.

14 (3) AVAILABILITY OF AMOUNTS.—The amounts  
 15 deposited in the fund established under paragraph  
 16 (1) shall remain available until expended.

17 (4) TRANSFER OF PROCEEDS.—

18 (A) IN GENERAL.—The Commission, in  
 19 carrying out the duties of the Commission and  
 20 with the consent of the Administrator, may  
 21 transfer from the fund established under para-  
 22 graph (1) to a Federal agency such amounts as  
 23 are necessary from the proceeds described in  
 24 paragraph (2)(B) to cover costs associated with

1 implementing the recommendations of the Com-  
2 mission under section 9.

3 (B) TYPES OF COSTS.—The costs de-  
4 scribed in subparagraph (A) shall include any  
5 costs associated with—

6 (i) sales transactions;

7 (ii) transferring functions from a Fed-  
8 eral asset or property to another Federal  
9 civilian property, including acquiring land,  
10 construction, constructing replacement fa-  
11 cilities, conducting advance planning, and  
12 design;

13 (iii) colocation, redevelopment, dis-  
14 posal, and reconfiguration of space; and

15 (iv) other action recommended by the  
16 Commission for a Federal agency.

17 (5) NET PROCEEDS.—

18 (A) DEFINITION OF NET PROCEEDS.—In  
19 this paragraph, the term “net proceeds” means  
20 difference between—

21 (i) the proceeds described in para-  
22 graph (2)(B); and

23 (ii) the amounts transferred under  
24 paragraph (4).

(B) DEPOSIT.—The Director shall determine the proportion of the net proceeds that are deposited in the general fund of the Treasury and the Asset Proceeds and Space Management Fund for a fiscal year, except that, of the total amount of net proceeds for a fiscal year, the general fund of the Treasury shall receive—

(i) 100 percent of all proceeds described in paragraph (2)(B) for the fiscal year until such date as the total amount of those proceeds for the fiscal year exceeds \$50,000,000; and

(ii) not less than 80 percent of the net proceeds thereafter for the fiscal year.

**SEC. 19. CONSIDERATION OF LIFE-CYCLE COST REQUIRED.**

Section 3305 of title 40, United States Code, is amended by adding at the end the following:

“(d) CONSIDERATION OF LIFE-CYCLE COST REQUIRED.—

“(1) DEFINITIONS.—In this subsection:

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

“(i) Investment costs.

1 “(ii) Capital costs.

2 “(iii) Installation costs.

3 “(iv) Energy costs.

4 “(v) Operating costs.

5 “(vi) Maintenance costs.

6 “(vii) Replacement costs.

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

10 “(i) the period of time during which  
11 the building is projected to be used; or

12 “(ii) 50 years.

13 “(2) REQUIREMENT.—The Administrator shall  
14 ensure that the life-cycle cost of a public building is  
15 considered in the construction or lease of a public  
16 building described in paragraph (3).

17 “(3) FEDERAL PUBLIC BUILDINGS SUBJECT TO  
18 REQUIREMENT.—A public building is subject to the  
19 requirement under paragraph (2) if—

20 “(A) construction or lease of the building  
21 begins after the date of the enactment of the  
22 Civilian Property Realignment Act of 2012;

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

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

4           “(D) Federal funding comprises more than  
5           50 percent of the funding for the estimated  
6           construction or lease costs of the building.”.

○