

tigation and either appropriate disciplinary action under section 1343, 1344, or 1349(b) of title 31 or, if appropriate, referral to the Attorney General for prosecution under section 641 of title 18. (Pub. L. 107–217, Aug. 21, 2002, 116 Stat. 1124; Pub. L. 109–284, § 6(7), Sept. 27, 2006, 120 Stat. 1212.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
611	40:491(l).	June 30, 1949, ch. 288, title II, §211(l), as added Sept. 5, 1950, ch. 849, §5(c), 64 Stat. 583; Sept. 1, 1954, ch. 1211, §2, 68 Stat. 1128.

The words “section 1343, 1344, or 1349(b) of title 31” are substituted for “section 5 of the Act of July 16, 1914, as amended (5 U.S.C. 78)” and “such section 5” in section 211(l) of the Federal Property and Administrative Services Act of 1949 because of section 4(b) of the Act of September 13, 1982 (Public Law 97–258, 96 Stat. 1067), the first section of which enacted Title 31, United States Code.

Editorial Notes

AMENDMENTS

2006—Pub. L. 109–284 inserted “of title 31” after “under section 1343, 1344, or 1349(b)” and “of title 18” after “under section 641”.

SUBCHAPTER VII—PROPERTY MANAGEMENT

§ 621. Definitions

In this subchapter:

- (1) ADMINISTRATOR.—The term “Administrator” means the Administrator of General Services.
- (2) COUNCIL.—The term “Council” means the Federal Real Property Council established by section 623(a).
- (3) DIRECTOR.—The term “Director” means the Director of the Office of Management and Budget.
- (4) FEDERAL AGENCY.—The term “Federal agency” means—
 - (A) an executive department or independent establishment in the executive branch of the Government; or
 - (B) a wholly owned Government corporation (other than the United States Postal Service).
- (5) FIELD OFFICE.—The term “field office” means any office of a Federal agency that is not the headquarters office location for the Federal agency.
- (6) POSTAL PROPERTY.—The term “postal property” means any property owned or leased by the United States Postal Service.
- (7) PUBLIC-PRIVATE PARTNERSHIP.—The term “public-private partnership” means any partnership or working relationship between a Federal agency and a corporation, individual, or nonprofit organization for the purpose of financing, constructing, operating, managing, or maintaining one or more Federal real property assets.
- (8) UNDERUTILIZED PROPERTY.—The term “underutilized property” means a portion or the entirety of any real property, including any improvements, that is used—

(A) irregularly or intermittently by the accountable Federal agency for program purposes of the Federal agency; or

(B) for program purposes that can be satisfied only with a portion of the property.

(Added Pub. L. 114–318, §3(a), Dec. 16, 2016, 130 Stat. 1608.)

Statutory Notes and Related Subsidiaries

PURPOSE

Pub. L. 114–318, §2, Dec. 16, 2016, 130 Stat. 1608, provided that: “The purpose of this Act [see section 1 of Pub. L. 114–318, set out as a Short Title of 2016 Amendment note under section 101 of this title] is to increase the efficiency and effectiveness of the Federal Government in managing property of the Federal Government by—

- “(1) requiring the United States Postal Service to take appropriate measures to better manage and account for property;
- “(2) providing for increased collocation with Postal Service facilities and guidance on Postal Service leasing practices; and
- “(3) establishing a Federal Real Property Council to develop guidance on and ensure the implementation of strategies for better managing Federal property.”

§ 622. Collocation among United States Postal Service properties

(a) IDENTIFICATION OF POSTAL PROPERTY.—Each year, the Postmaster General shall—

- (1) identify a list of postal properties with space available for use by Federal agencies; and
- (2) not later than September 30, submit the list to—
 - (A) the Committee on Homeland Security and Governmental Affairs of the Senate; and
 - (B) the Committee on Oversight and Government Reform of the House of Representatives.

(b) VOLUNTARY IDENTIFICATION OF POSTAL PROPERTY.—Each year, the Postmaster General may submit the list under subsection (a) to the Council.

(c) SUBMISSION OF LIST OF POSTAL PROPERTIES TO FEDERAL AGENCIES.—

- (1) IN GENERAL.—Not later than 30 days after the completion of a list under subsection (a), the Council shall provide the list to each Federal agency.
- (2) REVIEW BY FEDERAL AGENCIES.—Not later than 90 days after the receipt of the list submitted under paragraph (1), each Federal agency shall—
 - (A) review the list;
 - (B) review properties under the control of the Federal agency; and
 - (C) recommend collocations if appropriate.

(d) TERMS OF COLLOCATION.—On approval of the recommendations under subsection (c) by the Postmaster General and the applicable agency head, the Federal agency or appropriate landholding entity may work with the Postmaster General to establish appropriate terms of a lease for each postal property.

(e) RULE OF CONSTRUCTION.—Nothing in this section exceeds, modifies, or supplants any other Federal law relating to any competitive

bidding process governing the leasing of postal property.

(Added Pub. L. 114-318, §3(a), Dec. 16, 2016, 130 Stat. 1609.)

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Oversight and Government Reform of House of Representatives changed to Committee on Oversight and Reform of House of Representatives by House Resolution No. 6, One Hundred Sixteenth Congress, Jan. 9, 2019. Committee on Oversight and Reform of House of Representatives changed to Committee on Oversight and Accountability of House of Representatives by House Resolution No. 5, One Hundred Eighteenth Congress, Jan. 9, 2023.

§ 623. Establishment of a Federal Real Property Council

(a) ESTABLISHMENT.—There is established a Federal Real Property Council.

(b) PURPOSE.—The purpose of the Council shall be—

(1) to develop guidance and ensure implementation of an efficient and effective real property management strategy;

(2) to identify opportunities for the Federal Government to better manage property and assets of the Federal Government; and

(3) to reduce the costs of managing property of the Federal Government, including operations, maintenance, and security associated with Federal property.

(c) COMPOSITION.—

(1) IN GENERAL.—The Council shall be composed exclusively of—

(A) the senior real property officers of each Federal agency;

(B) the Deputy Director for Management of the Office of Management and Budget;

(C) the Controller of the Office of Management and Budget;

(D) the Administrator; and

(E) any other full-time or permanent part-time Federal officials or employees, as the Chairperson determines to be necessary.

(2) CHAIRPERSON.—The Deputy Director for Management of the Office of Management and Budget shall serve as Chairperson of the Council.

(3) EXECUTIVE DIRECTOR.—

(A) IN GENERAL.—The Chairperson shall designate an Executive Director to assist in carrying out the duties of the Council.

(B) QUALIFICATIONS.—The Executive Director shall—

(i) be appointed from among individuals who have substantial experience in the areas of commercial real estate and development, real property management, and Federal operations and management; and

(ii) hold no outside employment that may conflict with duties inherent to the position.

(d) MEETINGS.—

(1) IN GENERAL.—The Council shall meet subject to the call of the Chairperson.

(2) MINIMUM.—The Council shall meet not fewer than 4 times each year.

(e) DUTIES.—The Council, in consultation with the Director and the Administrator, shall—

(1) not later than 1 year after the date of enactment of this subchapter, establish a real property management plan template, to be updated annually, which shall include performance measures, specific milestones, measurable savings, strategies, and Government-wide goals based on the goals established under section 524(a)(7) to reduce surplus property or to achieve better utilization of underutilized property, and evaluation criteria to determine the effectiveness of real property management that are designed—

(A) to enable Congress and heads of Federal agencies to track progress in the achievement of property management objectives on a Government-wide basis;

(B) to improve the management of real property; and

(C) to allow for comparison of the performance of Federal agencies against industry and other public sector agencies;

(2) develop utilization rates consistent throughout each category of space, considering the diverse nature of the Federal portfolio and consistent with nongovernmental space use rates;

(3) develop a strategy to reduce the reliance of Federal agencies on leased space for long-term needs if ownership would be less costly;

(4) provide guidance on eliminating inefficiencies in the Federal leasing process;

(5) compile a list of field offices that are suitable for collocation with other property assets;

(6) research best practices regarding the use of public-private partnerships to manage properties and develop guidelines for the use of those partnerships in the management of Federal property; and

(7) not later than 1 year after the date of enactment of this subchapter and annually during the 4-year period beginning on the date that is 1 year after the date of enactment of this subchapter and ending on the date that is 5 years after the date of enactment of this subchapter, the Council shall submit to the Director a report that contains—

(A) a list of the remaining excess property that is real property, surplus property that is real property, and underutilized property of each Federal agency;

(B) the progress of the Council toward developing guidance for Federal agencies to ensure that the assessment required under section 524(a)(11)(B) is carried out in a uniform manner;

(C) the progress of Federal agencies toward achieving the goals established under section 524(a)(7);

(D) if necessary, recommendations for legislation or statutory reforms that would further the goals of the Council, including streamlining the disposal of excess or underutilized real property; and

(E) a list of entities that are consulted under subsection (f).

(f) CONSULTATION.—In carrying out the duties described in subsection (e), the Council shall also consult with representatives of—