

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 1734
OFFERED BY MR. DENHAM OF CALIFORNIA**

Strike all after the enacting clause and insert the
following:

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 costly leased
11 space;

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

15 (5) to reduce the operating and maintenance
16 costs of Federal civilian real properties through the
17 realignment of other real properties through consoli-

1 dating, co-locating, and reconfiguring space, and
2 other operational efficiencies;

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

5 (7) to create incentives for Federal agencies to
6 achieve greater efficiency in their inventories of civil-
7 ian real property by enabling agencies to retain and
8 reinvest savings and sale proceeds;

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

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

15 **SEC. 3. DEFINITIONS.**

16 In this Act, unless otherwise expressly stated, the fol-
17 lowing definitions apply:

18 (1) FEDERAL CIVILIAN REAL PROPERTY AND
19 CIVILIAN REAL PROPERTY.—

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

1 structures under the custody and control of any
2 Federal agency.

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

6 (i) Military installations as defined in
7 Section 2910 of the Defense Base Closure
8 and Realignment Act of 1990.

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

13 (iii) Properties that are excepted from
14 the definition of “property” under section
15 102(9) of title 40, United States Code.

16 (2) FEDERAL AGENCY.—The term “Federal
17 agency” means an executive department or inde-
18 pendent establishment in the executive branch of the
19 Government, and a wholly owned Government cor-
20 poration.

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

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

4 (5) HUD.—The term “HUD” means the De-
5 partment of Housing and Urban Development.

6 (6) OMB.—The term “OMB” means the Office
7 of Management and Budget.

8 **SEC. 4. COMMISSION.**

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

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

15 (c) MEMBERSHIP.—

16 (1) IN GENERAL.—The Commission shall be
17 composed of nine members appointed by the Presi-
18 dent, by and with the advice and consent of the Sen-
19 ate.

20 (2) APPOINTMENTS.—In selecting individuals
21 for nominations for appointments to the Commis-
22 sion, the President shall consult with—

23 (A) the Speaker of the House of Rep-
24 resentatives concerning the appointment of 2
25 members;

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

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

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

8 (3) CHAIRPERSON.—The President shall des-
9 ignate one such individual to serve as chairperson of
10 the Commission.

11 (4) TERMS.—The term for each member of the
12 Commission shall be 6 years.

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

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

19 (A) Commercial real estate and redevelop-
20 ment.

21 (B) Government management or oper-
22 ations.

23 (C) Community development.

1 **SEC. 5. COMMISSION MEETINGS.**

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

10 (b) TRANSPARENCY OF INFORMATION.—All the pro-
11 ceedings, information, and deliberations of the Commis-
12 sion shall be open, upon request, to the chairperson and
13 the ranking minority party member, and their respective
14 subcommittee chairperson and ranking minority party
15 member, of—

16 (1) the Committee on Transportation and In-
17 frastructure of the House of Representatives;

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

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

22 (4) the Committee on Environmental and Pub-
23 lic Works of the Senate.

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

1 Commission shall be open, upon request, to the Comp-
2 troller General of the United States.

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

4 (a) COMPENSATION.—

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

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

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

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

2 (a) APPOINTMENT.—The Commission shall appoint
3 an Executive Director.

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

8 **SEC. 8. STAFF.**

9 (a) ADDITIONAL PERSONNEL.—Subject to subsection
10 (b), the Executive Director, with the approval of the Com-
11 mission, may appoint and fix the pay of additional per-
12 sonnel.

13 (b) PAYMENT OF STAFF.—The Executive Director
14 may make such appointments without regarding to the
15 provisions of title 5, United States Code, governing ap-
16 pointments in the competitive service, and any personnel
17 so appointed may be paid without regard to the provisions
18 of chapter 51 and subchapter III of chapter 53 of that
19 title relating to classification and General Schedule pay
20 rates, except that an individual so appointed may not re-
21 ceive pay in excess of GS-15 of the General Schedule.

22 (c) DETAIL EMPLOYEES FROM OTHER AGENCIES.—
23 Upon request of the Executive Director, the head of any
24 Federal agency may detail any of the personnel of that
25 agency to the Commission to assist the Commission in car-
26 rying out its duties under this Act.

1 **SEC. 9. CONTRACTING AUTHORITY.**

2 (a) EXPERTS AND CONSULTANTS.—The Commission
3 may procure by contract, to the extent funds are available,
4 the temporary or intermittent services of experts and con-
5 sultants pursuant to section 3109 of title 5, United States
6 Code.

7 (b) LEASE SPACE AND PERSONAL PROPERTY.—The
8 Commission may lease space and acquire personal prop-
9 erty to the extent funds are available.

10 **SEC. 10. TERMINATION.**

11 The Commission shall cease operations and terminate
12 6 years from the date of enactment of this Act.

13 **SEC. 11. DEVELOPMENT OF RECOMMENDATIONS TO THE**
14 **COMMISSION.**

15 (a) SUBMISSIONS OF AGENCY INFORMATION AND
16 RECOMMENDATIONS.—Not later than 120 days after the
17 date of enactment of this Act and 120 days after the be-
18 ginning of each fiscal year thereafter, the head of each
19 Federal agency shall submit to the Administrator and the
20 Director of the Office of Management and Budget the fol-
21 lowing:

22 (1) CURRENT DATA.—Current data of all Fed-
23 eral civilian real properties owned, leased or con-
24 trolled by the respective agency, including all rel-
25 evant information prescribed by the Administrator

1 and the Director of the Office of Management and
2 Budget.

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

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

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

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

1 (1) The extent to which a Federal building or
2 facility aligns with the current mission of the Fed-
3 eral agency.

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

7 (3) The extent and timing of potential costs
8 and savings, including the number of years, begin-
9 ning with the date of completion of the proposed rec-
10 ommendation.

11 (4) The economic impact on existing commu-
12 nities in the vicinity of the Federal building or facil-
13 ity.

14 (5) The extent to which the utilization rate is
15 being maximized and is consistent with non-govern-
16 mental industry standards for the given function or
17 operation.

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

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

23 (8) The extent to which the operating and
24 maintenance costs are reduced through consoli-

1 dating, co-locating, and reconfiguring space, and
2 through realizing other operational efficiencies.

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

5 (e) SUBMISSION TO THE COMMISSION.—

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

11 (2) PUBLICATION.—The standards, criteria,
12 and recommendations shall be published in the Fed-
13 eral Register and transmitted to the committees des-
14 ignated in section 5(b) and to the Comptroller Gen-
15 eral of the United States.

16 (3) ACCESS TO INFORMATION.—The Commis-
17 sion shall also have access to all information per-
18 taining to the recommendations, including sup-
19 porting information, data, analyses, and documenta-
20 tion submitted pursuant to subsection (a).

21 **SEC. 12. COMMISSION DUTIES.**

22 (a) IDENTIFICATION OF PROPERTY REDUCTION OP-
23 PORTUNITIES.—The Commission shall identify opportuni-
24 ties for the Government to reduce significantly its inven-

1 tory of civilian real property and reduce costs to the Gov-
2 ernment.

3 (b) ANALYSIS OF INVENTORY.—The Commission
4 shall perform an independent analysis of the inventory of
5 Federal civilian real property and the recommendations
6 submitted pursuant to section 11. The Commission shall
7 not be bound or limited by the recommendations sub-
8 mitted pursuant to section 11.

9 (c) PUBLIC HEARING.—After performing an inde-
10 pendent analysis and reviewing the recommendations, the
11 Commission shall conduct public hearings. All testimony
12 before the Commission at a public hearing under this
13 paragraph shall be presented under oath.

14 (d) REPORTING OF INFORMATION AND REC-
15 OMMENDATIONS.—

16 (1) IN GENERAL.—Not later than 120 days
17 after the receipt of recommendations pursuant to
18 section 11, and biannually thereafter, the Commis-
19 sion shall, at a minimum, transmit to the President,
20 and publicly post on a Federal website maintained
21 by the Commission a report containing the Commis-
22 sion's findings, conclusions, and recommendations
23 for the consolidation, exchange, co-location, reconfig-
24 uration, lease reductions, sale, and redevelopment of
25 Federal civilian real properties and for other oper-

1 ational efficiencies that can be realized in the Gov-
2 ernment's operation and maintenance of such prop-
3 erties.

4 (2) CONSENSUS IN MAJORITY.—The Commis-
5 sion shall seek to develop consensus recommenda-
6 tions, but if a consensus cannot be obtained, the
7 Commission may include in its report recommenda-
8 tions that are supported by a majority of the Com-
9 mission.

10 (e) FEDERAL WEBSITE.—The Commission shall es-
11 tablish and maintain a Federal website for the purposes
12 of making relevant information publically available.

13 (f) REVIEW BY GAO.—The Comptroller General of
14 the United States shall transmit to the Congress and to
15 the Commission a report containing a detailed analysis of
16 the recommendations and selection process.

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

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

21 (b) REPORT TO COMMISSION AND CONGRESS.—Not
22 later than 30 days after receipt of the Commission's rec-
23 ommendations, the President shall transmit to the Com-
24 mission and Congress a report that sets forth the Presi-

1 dent's approval or disapproval of the Commission's rec-
2 ommendations.

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

4 (1) approves of the Commission's recommenda-
5 tions, the President shall transmit a copy of the rec-
6 ommendations to Congress, together with a certifi-
7 cation of such approval;

8 (2) disapproves of the Commission's rec-
9 ommendations, in whole or in part, the President
10 shall also transmit to the Commission and Congress
11 the reasons for such disapproval. The Commission
12 shall then transmit to the President, not later than
13 30 days following the disapproval, a revised list of
14 recommendations;

15 (3) approves all of the revised recommendations
16 of the Commission, the President shall transmit a
17 copy of such revised recommendations to Congress,
18 together with a certification of such approval; or

19 (4) does not transmit to the Congress an ap-
20 proval and certification described in paragraphs (1)
21 or (3) within 30 days of receipt of the Commission's
22 recommendations or revised recommendations, as
23 the case may be, the process shall terminate until
24 the following year.

1 **SEC. 14. CONGRESSIONAL CONSIDERATION OF THE REC-**
2 **COMMENDATIONS.**

3 (a) **RESOLUTION OF DISAPPROVAL.**—Not later than
4 45 days after the date of the President’s transmission to
5 Congress of the approved recommendations pursuant to
6 section 13, Congress may enact a joint resolution as de-
7 scribed in subsection (c) to disapprove the Commission
8 recommendations.

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

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

19 (1) which does not have a preamble;

20 (2) the matter after the resolving clause of
21 which is as follows: “That Congress disapproves the
22 recommendations of the Civilian Property Realign-
23 ment Commission as submitted by the President on
24 _____”, the blank space being filled
25 in with the appropriate date; and

1 (3) the title of which is as follows: “Joint reso-
2 lution disapproving the recommendations of the Ci-
3 vilian Property Realignment Commission”.

4 (d) REFERRAL.—A resolution described in subsection
5 (c) that is introduced in the House of Representatives
6 shall be referred to the Committee on Transportation and
7 Infrastructure in the House of Representatives. A resolu-
8 tion described in subsection (c) introduced in the Senate
9 shall be referred to the Committee on the Environment
10 and Public Works in the Senate.

11 (e) DISCHARGE.—If the committee to which a resolu-
12 tion described in subsection (c) is referred has not re-
13 ported such a resolution (or an identical resolution) by the
14 end of the 20-day period beginning on the date on which
15 the President transmits the report to the Congress under
16 section 13, such committee shall be, at the end of such
17 period, discharged from further consideration of such reso-
18 lution, and such resolution shall be placed on the appro-
19 priate calendar of the House involved.

20 (f) CONSIDERATION.—

21 (1) IN GENERAL.—On or after the third day
22 after the date on which the committee to which such
23 resolution is referred has reported, or has been dis-
24 charged (under subsection (e)) from further consid-
25 eration of, such a resolution, it is in order (even

1 though a previous motion to the same effect has
2 been disagreed to) for any Member of the respective
3 House to move to proceed to the consideration of the
4 resolution. A member may make the motion only on
5 the date after the calendar day on which the Mem-
6 ber announces to the House concerned the Member's
7 intention to make the motion, except that, in the
8 case of the House of Representatives, the motion
9 may be made without such prior announcement if
10 the motion is made by direction of the committee to
11 which the resolution was referred. The motion is
12 highly privileged in the House of Representatives
13 and is privileged in the Senate and is not debatable.
14 The motion is not subject to amendment, or to a
15 motion to postpone, or to a motion to proceed to the
16 consideration of other business. A motion to recon-
17 sider the vote by which the motion is agreed to or
18 disagreed to shall not be in order. If a motion to
19 proceed to consideration of the joint resolution is
20 agreed to, the respective House shall immediately
21 proceed to the consideration of the joint resolution
22 without intervening motion, order, or other business,
23 and the resolution shall remain the unfinished busi-
24 ness of the respective House until disposed of.

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

13 (3) VOTE.—Immediately following the conclu-
14 sion of the debate on a resolution described in sub-
15 section (c) and a single quorum call at the conclu-
16 sion of the debate if requested in accordance with
17 the rules of the appropriate House, the vote on final
18 passage of the resolution shall occur.

19 (4) APPEALS OF DECISIONS OF THE CHAIR.—
20 Appeals of the decisions of the Chair relating to the
21 application of the rules of the Senate or the House
22 of Representatives, as the case may be, to the proce-
23 dure relating to a resolution described in subsection
24 (c) shall be decided without debate.

25 (g) CONSIDERATION BY OTHER HOUSE.—

1 (1) IN GENERAL.—If, before the passage by one
2 House of a resolution of that House described in
3 subsection (c), that House received from the other
4 House a resolution described in subsection (c), then
5 the following procedures shall apply:

6 (A) NO COMMITTEE REFERRAL.—The res-
7 olution of the other House shall not be referred
8 to a committee and may not be considered in
9 the House receiving it except in the case of
10 final passage as provided in subparagraph (B).

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

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

22 (h) RULES OF THE SENATE AND HOUSE.—This sec-
23 tion is enacted by Congress—

24 (1) as an exercise of the rulemaking power of
25 the Senate and House of Representatives, respec-

1 tively, and as such it is deemed a part of the rules
2 of each House, respectively, but applicable only with
3 respect to the procedure to be followed in that
4 House in the case of a resolution described in this
5 section, and it supersedes other rules only to the ex-
6 tent that it is inconsistent with such rules; and

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

12 (i) FAILURE TO PASS RESOLUTION OF DIS-
13 APPROVAL.—If Congress fails to pass such a joint resolu-
14 tion within 45 calendar days after the date of the Presi-
15 dent's transmission to Congress of the Commission's rec-
16 ommendations, the recommendations immediately gain
17 legal force and shall be in effect and Federal agencies shall
18 implement and carry out all of the Commission's rec-
19 ommendations pursuant to section 15.

20 **SEC. 15. IMPLEMENTATION OF COMMISSION REC-**
21 **COMMENDATIONS.**

22 (a) CARRYING OUT RECOMMENDATIONS.—Upon the
23 date specified in section 14(i), Federal agencies shall im-
24 mediately begin preparation to carry out the Commission's
25 recommendations and shall initiate all activities no later

1 than 2 years after the date on which the President trans-
2 mits the recommendations to Congress. Federal agencies
3 shall complete all recommended actions no later than the
4 end of the 6-year period beginning on the date on which
5 the President transmits the Commission's recommenda-
6 tions to Congress. All actions shall be economically bene-
7 ficial and be cost neutral or otherwise favorable to the
8 Government. For actions that will take longer than the
9 6-year period due to extenuating circumstances, each Fed-
10 eral agency shall notify the President and Congress as
11 soon as the extenuating circumstance presents itself with
12 an estimated time to complete the relevant action.

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

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

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

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

3 (c) NECESSARY AND PROPER ACTIONS.—When act-
4 ing on a recommendation of the Commission, a Federal
5 agency shall continue to act within their existing legal au-
6 thorities, whether such authority has been delegated by
7 the Administrator, or must work in partnership with the
8 Administrator to carry out such actions. The Adminis-
9 trator may, notwithstanding any other provision of law,
10 take such necessary and proper actions, including the sale,
11 conveyance, or exchange of civilian real property, as re-
12 quired to implement the Commission recommendations in
13 the time period required under subsection (a).

14 (d) DISCRETION OF COMMISSION REGARDING
15 TRANSACTIONS.—For any transaction identified, rec-
16 ommended, or commenced as a result of this Act, any oth-
17 erwise required legal priority given to, or requirement to
18 enter into, a transaction to convey a Federal civilian real
19 property for less than fair market value, for no consider-
20 ation at all, or in a transaction that mandates the exclu-
21 sion of other market participants, shall be at the discretion
22 of the Commission.

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

24 There are authorized to be appropriated to carry out
25 this Act—

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

3 (2) \$65,000,000 to be deposited into the Asset
4 Proceeds and Space Management Fund for activities
5 related to the implementation of the Commission
6 recommendations.

7 **SEC. 17. FUNDING.**

8 (a) CREATION OF SALARIES AND EXPENSES AC-
9 COUNT.—There is hereby established on the books of the
10 Treasury an account to be known as the “Civilian Prop-
11 erty Realignment Commission—Salaries and Expenses”
12 account.

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

18 (2) NO APPROPRIATIONS.—If no amounts are
19 appropriated for the salaries and expenses of the
20 Commission for a particular fiscal year, the Director
21 of the Office of Management and Budget may sup-
22 port the Commission’s activities under this Act dur-
23 ing such year if the Director of the Office of Man-
24 agement and Budget approves either or both of the
25 following actions:

1 (A) In consultation with the Administrator,
2 a transfer to the Commission of amounts from
3 the “Civilian Property Realignment Commis-
4 sion—Asset Proceeds and Space Management
5 Fund” within the Federal Buildings Fund es-
6 tablished under section 592 of title 40, United
7 States Code.

8 (B) A transfer to the Commission of not
9 more than \$8,000,000 from unobligated
10 amounts in accounts of Federal agencies hold-
11 ing Federal civilian property.

12 (b) CREATION OF ASSET PROCEEDS AND SPACE
13 MANAGEMENT FUND.—

14 (1) CREATION OF FUND.—There is hereby es-
15 tablished within the Federal Buildings Fund estab-
16 lished under section 592 of title 40, United States
17 Code, an account to be known as the “Civilian Prop-
18 erty Realignment Commission—Asset Proceeds and
19 Space Management Fund” which shall be used solely
20 for the purposes of carrying out actions pursuant to
21 the Commission recommendations approved under
22 section 14. Notwithstanding section 3307 of title 40,
23 United States Code, the following amounts shall be
24 deposited into the account and are hereby appro-

1 priated and shall remain available until expended for
2 the following specified purposes:

3 (A) Such amounts as are provided in ap-
4 propriations Acts, to remain available until ex-
5 pended, for the consolidation, co-location, ex-
6 change, redevelopment, re-configuration of
7 space and other actions recommended by the
8 Commission for Federal agencies.

9 (B) Gross proceeds received from the pro-
10 ceeds of any civilian real property action taken
11 pursuant to a recommendation of the Commis-
12 sion under section 15. The Commission, with
13 the consent of the Administrator, may transfer
14 from the gross proceeds to a Federal agency,
15 amounts necessary to cover costs associated
16 with implementing the recommendations pursu-
17 ant to section 15. In support of its duties, the
18 Commission, with the consent of the Adminis-
19 trator, may transfer from the Space Manage-
20 ment Fund to a Federal agency, amounts—

21 (i) to cover the necessary costs associ-
22 ated with—

23 (I) consolidation, co-location, re-
24 development, and reconfiguration ac-
25 tions; and

1 (II) other actions taken to other-
2 wise realize operational efficiencies,
3 including such actions as environ-
4 mental restoration; and

5 (ii) for outplacement assistance to
6 Federal employees who work at a Federal
7 property that is affected by actions taken
8 under this section, and whose employment
9 would be terminated as a result of such
10 disposal, consolidation, or other realign-
11 ment.

12 (C) Net proceeds (which are gross proceeds
13 received from the sale of any civilian real prop-
14 erty pursuant to a recommendation of the Com-
15 mission, less the amounts transferred from this
16 account under subsection (a)(2)(A) and
17 subparagraph (B) of this subsection), shall be di-
18 vided between the General Fund of the Treas-
19 ury, Federal agencies (for the purpose of real
20 property management reinvestment), and the
21 Asset Proceeds and Space Management Fund
22 within the Federal Buildings Fund. On an an-
23 nual basis, the Director of the Office of Man-
24 agement and Budget, shall determine how the
25 net proceeds shall be distributed, through trans-

1 fer, between the General Fund, Federal agen-
2 cies, and the Asset Proceeds and Space Man-
3 agement Fund, but in no case shall the General
4 Fund receive less than 60 percent of the net
5 proceeds, except that funds distributed to Fed-
6 eral agencies for purposes not related to a rec-
7 ommendation of the Commission shall be sub-
8 ject to appropriation.

9 (2) OBLIGATION OF AMOUNTS.—The amounts
10 transferred pursuant to paragraph (1)(C) under this
11 subsection shall be obligated by the recipient agency
12 not later than 3 years after the transfer. Any
13 amounts that are not obligated within 3 years shall
14 be transferred back to the Asset Proceeds and Space
15 Management Fund

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

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

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

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

1 (3) section 501 of the McKinney-Vento Home-
2 less Assistance Act (42 U.S.C. 11411);

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

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

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

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

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

13 (9) any other provision of law authorizing the
14 conveyance of real property owned by the Govern-
15 ment for no consideration; and

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

19 (b) CONTINUATION OF CERTAIN REQUIREMENTS.—
20 Nothing in subsection (a) shall be construed to modify,
21 alter, or amend any other required environmental or his-
22 torical review, recordkeeping, or notice requirements oth-
23 erwise implicated in a conveyance of Federal civilian real
24 property.

25 (c) PUBLIC BENEFIT.—

1 (1) IN GENERAL.—For those properties that
2 the Commission has determined should be reviewed
3 for potential use by the homeless or for any of the
4 other public benefits enumerated in subsection (a),
5 the Commission shall submit to the Secretary of
6 Housing and Urban Development (referred to in this
7 Act as the “Secretary of HUD”), on the same day
8 it submits its report to the President, any such in-
9 formation on the building or property that concerns
10 the decision regarding the civilian property’s dis-
11 posal. Not later than 30 days after such submission
12 by the Commission the Secretary of HUD must re-
13 turn to the Commission with a report summarizing
14 a determination of the suitability of the civilian real
15 properties recommended to be disposed as properties
16 fit to help the cause of homeless assistance.

17 (2) NOTICE OF INTEREST.—Not later than 30
18 days after the Commission’s submission to the Presi-
19 dent and public release of the Commission’s rec-
20 ommendations, any representatives of the homeless
21 proposing interest in the use of property that the
22 Commission has determined should be reviewed for
23 potential use by the homeless or for any of the other
24 public benefits enumerated in subsection (a), may

1 submit a notice of interest to the Commission and
2 to the Secretary of HUD that contains the following:

3 (A) A description of the homeless assist-
4 ance program that the representative proposes
5 to carry out at the installation.

6 (B) An assessment of the need for the pro-
7 gram.

8 (C) A description of the extent to which
9 the program is or will be coordinated with other
10 homeless assistance programs in the commu-
11 nities in the vicinity of the installation.

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

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

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

20 (3) HUD APPROVAL.—The Secretary of HUD
21 shall review and certify submissions from representa-
22 tives of the homeless and submit to the Commission
23 an assessment of the validity and merits of the no-
24 tice of interest not later than 60 days after the date
25 the Commission submits its report to the President.

1 If more than one notice of interest is entered for a
2 property, the Secretary shall indicate to the Com-
3 mission which planned use of the property for the
4 homeless has more merit.

5 (4) INTERESTED PARTIES.—Not later than 30
6 days after the Commission's submission to the Presi-
7 dent and public release of the Commission's rec-
8 ommendations, any parties proposing interest in the
9 property that the Commission has determined should
10 be reviewed for any other public benefit programs
11 enumerated in subsection (a), for a use that is not
12 homeless assistance, may submit a notice of interest
13 to the Commission and to the Federal agency that
14 is otherwise tasked by law to review applications for
15 the public benefit conveyance program under which
16 the party is applying. The notice of interest must
17 contain the information otherwise required by the
18 law creating the conveyance program.

19 (5) ASSESSMENT OF VALIDITY AND MERITS.—
20 Federal agencies that have been tasked with review-
21 ing applications for public benefit conveyance pro-
22 grams, that receive notices of interest with informa-
23 tion pertaining to the certification of the validity of
24 a proposed public benefit conveyance operating
25 under one of the uses under subsection (a) that are

1 not homeless assistance, shall review and certify sub-
2 missions from parties proposing such future use for
3 the property and submit to the Commission an as-
4 sessment of the validity and merits of the informa-
5 tion contained in the notice of interest not later than
6 60 days after the date the Commission submits its
7 recommendations to the President. If more than one
8 notice of interest is entered for a property, the Sec-
9 retary of the reviewing agency shall indicate to the
10 Commission which planned use of the property has
11 more merit.

12 (6) COMPILATION OF INFORMATION AND AS-
13 SESSMENTS.—The Commission shall compile all in-
14 formation and assessments regarding submitted no-
15 tices of interest about properties and, when that the
16 recommendations gain legal force after consideration
17 by Congress, forward them to the Federal agencies
18 that maintain custody and control over the civilian
19 real properties to be disposed for their consideration
20 in implementing the Commission's recommendations.

21 (7) USE OF PROPERTY.—In the event a prop-
22 erty reviewed by the Secretary of HUD is found to
23 be fit for use by the homeless and the Secretary has
24 identified a representative of the homeless whose no-
25 tice of interest is certified, or, in the event of more

1 than one notice of interest on the property, whose
2 notice of interest is deemed to have the most merit
3 by the Secretary, the agency maintaining custody or
4 control of the property, in accordance with sub-
5 section (a), shall commence conveyance of the prop-
6 erty to that representative of the homeless upon the
7 recognition that the Commission's recommended ac-
8 tivity to convey the property for one of those uses
9 in subsection (a) has gained legal force. In the event
10 a reviewed property is found to be unfit for use by
11 the homeless, or there is no identified notice of in-
12 terest on the property by a representative of the
13 homeless, the Federal agency shall then look to
14 whether there are any parties that have expressed
15 interest in the property for one of those uses in sub-
16 section (a) that are not homeless assistance and
17 whether any Federal reviewing agency has certified
18 one of those uses. If so, the Federal agency main-
19 taining custody or control of the property shall com-
20 mence conveyance of the property to that party that
21 proposed the certified use upon the recognition that
22 the Commission's recommended activity to convey
23 the property for one of those uses in subsection (a)
24 has gained legal force. In the event that more than
25 one party that has expressed interest in the property

1 in this manner exists, the Federal agency shall have
2 the discretion to choose among them.

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

4 In the event a property does not qualify for, or there
5 is no interest in a property reviewed for one of those
6 uses described in subsection (a) upon the recognition
7 that the Commission's recommended activity to con-
8 vey the property for one of those uses in subsection
9 (a) has gained legal force, the Federal agency shall
10 have the discretion to choose among any other re-
11 maining ways to implement the recommendation re-
12 garding the property.

13 (d) ENVIRONMENTAL CONSIDERATIONS.—

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

20 (A) during the process of property dis-
21 posal; and

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

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

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

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

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

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

15 (3) CIVIL ACTION.—A civil action for judicial
16 review, with respect to any requirement of the Na-
17 tional Environmental Policy Act of 1969 to the ex-
18 tent such Act is applicable under subsection (d)(2),
19 of any Act or failure to act by a Federal agency dur-
20 ing the closing, realigning, or relocating of functions
21 referred to in subsection (d)(2), may not be brought
22 more than 60 days after the dates of such act or
23 failure to act.

24 (4) DISPOSAL ON REALIGNED PROPERTY.—
25 Federal agencies may dispose or realign property

1 without regard to any provision of law restricting
2 the use of funds for disposing or realigning Federal
3 civilian property included in any appropriations or
4 authorization Act.

5 (5) CERTAIN AGREEMENTS.—Notwithstanding
6 section 120(h) of the Comprehensive Environmental
7 Response, Compensation, and Liability Act of 1980
8 (42 U.S.C. 9620(h)), Federal agencies may enter
9 into an agreement to transfer the real property deed
10 with any person who agrees to perform all environ-
11 mental restoration, waste management, and environ-
12 mental compliance activities that are required for
13 the property or facilities under Federal and State
14 laws, administrative decisions, agreements (including
15 schedules and milestones), and concurrences. This
16 type of transfer may happen only if the head of the
17 transferring agency can certify to Congress that—

18 (A) the costs of all environmental restora-
19 tion, waste management, and environmental
20 compliance activities otherwise to be paid by the
21 agency with respect to the property or facilities
22 are equal to or greater than the fair market
23 value of the property or facilities to be trans-
24 ferred, as determined by the agency; or

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

6 (6) PAYMENT OF CERTAIN AMOUNTS.—In the
7 case of property that may be transferred pursuant
8 to this Act, the Federal agency may pay the recipi-
9 ent of such property or facilities an amount equal to
10 the lesser of—

11 (A) the amount by which the costs in-
12 curred by the recipient of such property or fa-
13 cilities for all environmental restoration, waste
14 management, and environmental compliance ac-
15 tivities with respect to such property or facili-
16 ties exceed the fair market value of such prop-
17 erty or facilities as specified in such certifi-
18 cation; or

19 (B) the amount by which the costs (as de-
20 termined by the agency) that would otherwise
21 have been incurred by the agency for such res-
22 toration, management, and activities with re-
23 spect to such property or facilities exceed the
24 fair market value of such property or facilities
25 as so specified.

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

10 (e) CONSTRUCTION OF CERTAIN ACTS.—Nothing in
11 this subsection shall be construed to modify, alter, or
12 amend the Comprehensive Environmental Response, Com-
13 pensation, and Liability Act of 1980 (42 U.S.C. 9601 et
14 seq.) or the Solid Waste Disposal Act (42 U.S.C. 6901
15 et seq.).

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

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

20 (1) striking “and” at the end of paragraph (6);

21 (2) striking the period at the end of paragraph

22 (7) and inserting “; and”; and

23 (3) 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**
9 **AGENCIES.**

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 of 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) CONSTRUCTION.—Nothing in this section shall
19 be construed as creating new authority for executive agen-
20 cies to enter into leases.”.

21 (b) CLERICAL AMENDMENT.—The analysis for such
22 chapter is amended by adding at the end:

“3317. Limitation on Leasing Authority of Other Agencies.”.

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

24 Upon the date specified in section 14(i), the Comp-
25 troller General of the United States at least annually shall

- 1 monitor, review the implementation activities of Federal
- 2 agencies pursuant to section 15, and report to Congress
- 3 any findings and recommendations.



