
A BILL

To expedite disposal of unneeded civilian properties and realize savings.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SEC. 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE. - This Act may be cited as the "Civilian Property Realignment Act".

(b) TABLE OF CONTENTS. - The table of contents of this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Purpose.
- Sec. 3. Definitions.
- Sec. 4. Establishment of Civilian Property Realignment Board.
- Sec. 5. Board Meetings.
- Sec. 6. Board Duties and OMB Review Process.
- Sec. 7. Co-location among Postal Service Properties.
- Sec. 8. Realignment of Real Property owned or managed by the Bureau of Overseas Building Operations.
- Sec. 9. Congressional Consideration of Board Recommendations.
- Sec. 10. Implementation of Board Recommendations by Executive Agencies.
- Sec. 11. Authorization of Appropriation and Funding.
- Sec. 12. Pay and Travel Expenses.
- Sec. 13. Executive Director.
- Sec. 14. Staff.
- Sec. 15. Contracting Authority.
- Sec. 16. Termination.
- Sec. 17. Preclusion of Judicial Review.
- Sec. 18. Report by the Board to OMB within Two Years.

SEC. 2. PURPOSE.

PURPOSE. The purpose of this Act is to expedite the disposal of unneeded Federal civilian property and realize savings by taking steps to:

- (a) create a fair process that will result in the timely disposal and realignment of Federal civilian real property;

- (b) streamline the current legal framework to accelerate the disposal and realignment of civilian real property in the Federal government's inventory;
- (c) facilitate the disposal of unneeded Federal civilian real properties that are currently subject to legal restrictions that prevent their disposal.
- (d) reduce the operating and maintenance costs of Federal civilian real properties through the disposal of unneeded properties and realignment of other real properties by consolidating, co-locating, and reconfiguring space, and through the realization of other operational efficiencies;
- (e) create incentives for Federal agencies to achieve greater efficiency in their inventories of civilian real property by enabling agencies to benefit from the sale proceeds; and
- (f) assist Federal agencies and the United States Postal Service in achieving the government's sustainability goals by reducing excess space, inventory, and energy consumption, as well as by leveraging new technologies.

SEC.3. DEFINITIONS.

(a) Federal Civilian Real Property.

(1) For the purpose of this Act, the terms "Federal civilian real property" and "civilian real property" refer to all Federal real property assets, including, but not limited to, buildings, land, warehouses, facilities, or other physical structures, under the custody and control of any executive agency, that are used for civilian purposes.

(2) This definition shall not be construed as including any of the following types of property:

(A) military installations;

(B) those properties that are excluded for reasons of national security or homeland security by the Director of the Office of Management and Budget (OMB);

(C) those properties that are excepted from the definition of "property" at 40 U.S.C. 102(9), except it does include constructed assets that may reside upon these properties;

(D) designated wilderness areas or land managed as part of the national wildlife refuge system, except it does include constructed assets within or on the land;

(E) Indian lands, as defined by section 203 of the Public Lands Corps Act of 1993 (16 U.S.C. 1722), except it does include constructed assets within or on the land;

(F) those properties operated or maintained by the Tennessee Valley Authority pursuant to the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831, et seq).

(b) Executive Agency. For the purpose of this act, the term "executive agency" means an executive department or independent establishment in the executive branch of the Government, or a wholly owned Government corporation as defined by 5 U.S.C. 105, 101, 104, and 103. For the purposes of this act, unless otherwise specified, this definition also applies to the term "agency."

(c) Postal property. For the purpose of this act, the term "postal property" or "real property owned by the United States Postal Service" means all real property owned by the United States Postal Service, consistent with 39 U.S.C. 201.

(d) Field Office. For the purpose of this act, the term "field office" means any Federal office that is not the Headquarters office location for the Federal agency.

(e) Disposal. For the purpose of this act, the term "disposal" means any action that constitutes the removal of a property from the Federal inventory or that produces revenue for the Federal government from its inventory, including, but not limited to, sale, deed, demolition, or exchange.

(f) Military installations. For the purpose of this act, the term "military installations" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the Department of Defense, including any leased facility. Such term does not include any facility used primarily for civil works, rivers and harbors projects, or flood control.

SEC.4. ESTABLISHMENT OF CIVILIAN PROPERTY REALIGNMENT BOARD.

(a) There is established an independent board to be known as the Civilian Property Realignment Board (Board). The Board shall be considered an independent entity of the Federal government as defined by 5 U.S.C. 104.

(b) The Board shall carry out the duties specified for it in this Act.

(c) The Board shall be composed of seven members appointed by the President. The Board shall have at least two members with experience in the private sector and at least two members with experience in the public sector.

(d) The President shall designate one member of the Board to serve as Chair of the

Board. The Chair shall preside over meetings of the Board and be responsible for establishing the agenda of Board meetings and hearings.

(e) The Chair of the Board shall serve for two years, and may be eligible for one reappointment at the discretion of the President. For the six members first appointed to the Board, the President shall designate two members to serve for one year, two members to serve for two years, and two members to serve for three years. Thereafter, each newly appointed member of the Board shall serve for three years starting from the date on which the President appoints the member. The President at his discretion may reappoint any member to one additional term of three years. In the event that the term of any member ends before the President has appointed a successor, the member may continue to serve for 90 more calendar days or until a successor is appointed. The President may remove a member from the Board at will.

(f) Notwithstanding the requirements under 5 U.S.C. 2105, including the required supervision under 5 U.S.C. 2105(a)(3), the members of the Board shall be deemed Federal employees.

SEC.5. BOARD HEARINGS AND MEETINGS.

(a) The Board shall conduct hearings on the properties it is taking under consideration for its next report to Congress, and those hearings, except for those in which classified information is being considered, shall be open to the public. Any hearing open to the public shall be announced in the Federal Register and on a Federal Website at least 14 calendar days in advance. For all public hearings, the Board shall release an agenda and a listing of materials relevant to the topics to be discussed. Board meetings shall not be open to members of the public, unless the Board requests a public meeting by unanimous vote.

(b) All proceedings, information, and deliberations of the Board shall be open, upon request, to the Chairman and the ranking minority party member of:

- (1) the House Subcommittee on Economic Development, Public Buildings, and Emergency Management of the Committee on Transportation and Infrastructure;
- (2) the House Subcommittee on Government Management of the Committee on Oversight and Government Reform;
- (3) the Senate Subcommittee on Federal Financial Management, Government Information, Federal Services, and International Security of the Committee on Homeland Security and Governmental Affairs; and
- (4) the Senate Subcommittee on Transportation and Infrastructure of the Committee on Environmental and Public Works.

SEC.6. BOARD DUTIES AND OMB REVIEW PROCESS.

(a) The Board shall identify opportunities for the Federal government to significantly reduce its inventory of Federal civilian real property and opportunities for Federal civilian property to co-locate into Postal property, as applicable.

(b) The Board will perform an independent analysis of the inventory of Federal civilian real properties to identify properties that can be removed from the Federal inventory and otherwise disposed of, transferred, consolidated, co-located, or reconfigured, so as to reduce the civilian real property inventory and operating costs of the Federal government and promote operational efficiencies that the Federal Government can realize in its operation and maintenance of Federal civilian real properties. Consistent with section 7 of this Act, the Board will also perform analyses of Postal property.

(c) To assist in this analysis, the Board will obtain recommendations from Federal agencies, which shall include the identification of:

(1) Federal civilian real properties that can be sold for proceeds and otherwise disposed of, transferred, consolidated, co-located, or reconfigured, so as to reduce the civilian real property inventory and operating costs of the Federal government;

(2) operational efficiencies that the Federal Government can realize in its operation and maintenance of Federal civilian real properties;

(3) the anticipated cost of disposal, transfer, consolidation, co-location, or reconfiguration of Federal civilian real properties identified in Section 6(c)(1) of this Act;

(4) properties that may be appropriate for one of the Federal no-cost conveyances authorized by a provision of law enumerated in Section 10(e) of this Act; and

(5) the environmental effects of the disposal, transfer, consolidation, co-location, or reconfiguration of the Federal civil real properties identified in Section 6(c)(1) and of any reasonable alternatives to such Federal civil real properties, and potential mitigation of any of the adverse environmental effects.

(d) The Board shall perform an independent review of the recommendations provided by Federal agencies.

(e) After performing an independent analysis and receiving the recommendations from the agencies, the Board shall conduct public hearings to give any stakeholders a chance to offer comments. The Board is required to publish a list of the properties under consideration for inclusion in its report and its analysis of those properties five days prior to the hearing. All testimony before the Board at a public hearing under this paragraph shall be presented under oath or affirmation.

(f) The Board shall, at a minimum, biannually (twice a year) transmit to the Director of OMB, and publicly post on a Federal website and in the Federal register, a report containing the Board's findings, conclusions, and recommendations for the disposal, transfer, consolidation, co-location, and reconfiguration of Federal civilian real properties and for other operational efficiencies that can be realized in the Federal government's operation and maintenance of such properties. Consistent with section 7 of this Act, the report may also contain recommendations for the co-location of Federal civilian real properties into Postal properties.

(1) The Board shall include in the report instructions for how to accomplish recommended activities.

(2) In addition the Board shall enumerate a separate list of Federal civilian properties that the Board deems most fit for conveyance under one of the public benefit programs authorized by a provision of law enumerated in section 10(e) of this Act. Consistent with section 10(f) of this Act, this separate list shall be concurrently reviewed for potential use by the homeless and for any of the other public benefit programs authorized by a provision of law enumerated in section 10(e) of this Act. The final disposition of these properties shall be governed by the requirements in section 10(f) of this Act.

(3) In deciding which properties to include in its report the Board shall evaluate and consider whether, to date, the efforts of an agency have been effective in aligning its real property inventory size with the purpose and goals of the agency.

(4) The Board's decision as to the final disposition of a property, including, but not limited to, sale, conveyance, or demolition, and whether it shall be included on the separate list of properties that should be conveyed under a public benefit conveyance program should be guided by the following criteria:

- a. the socioeconomic makeup, skills, population, economy and government of the community in which it is located;
- b. the interest in the community for using the property to support economic development; the state or local government; parks, trails, and outdoor recreation; or the public interest, including suitability and need for the property's use to assist the homeless;
- c. the highest and best use of the property;
- d. the amount of environmental remediation needed on the property;
- e. whether the property has been listed, or is eligible to be listed, in the National Register of Historic Places;

f. with respect to any constructed assets analyzed in accordance with section 6(b), whether the proposed use is consistent with the purposes of the applicable land management system, including the purposes for which that unit was established, and other applicable law;

g. other environmental effects of disposition of the property; and

h. any other factors deemed relevant to real property by OMB.

(5) The Board shall transmit its first report to OMB within 180 calendar days of the date of enactment of this Act. The Board shall seek to develop consensus recommendations, but if consensus cannot be obtained, the Board may include in its report recommendations that are supported by a majority of the Board.

(6) For any recommendation that involves any Postal property, the Board may only recommend a co-location, consistent with section 7 of this Act.

(7) For any recommendation that involves any property outside of the United States and its territories that is owned or managed by the State Department's Bureau of Overseas Building Operations, the Board may only recommend properties consistent with section 8 of this Act.

(8) For any recommendation that involves constructed assets falling within sections 3(a)(2)(C)-(E), disposal is limited to demolition of the constructed assets, and such constructed asset may only be transferred, consolidated, co-located, or reconfigured within the applicable land management system of that agency.

(g) Upon receipt of the Board's report, the OMB Director shall conduct a review of such recommendations. In conducting this review, the Director shall take into consideration the views and recommendations of the Federal agencies. Not later than 25 calendar days of receiving the Board's recommendations, and consistent with sections 7 and 8, the OMB Director shall transmit to the Board and Congress a report that sets forth the Director's approval or disapproval of the Board's recommendations.

(1) If the OMB Director approves all of the Board's recommendations, the Director shall also transmit a copy of the recommendations to the Congress.

(2) If the OMB Director disapproves of the Board's recommendations, in whole or in part, the Director shall transmit to the Board and Congress the reasons for that disapproval. After considering the Director's reasons, the Board shall then transmit to the Director another list of recommendations within 10 calendar days.

(3) If the OMB Director approves the entire subsequent list of recommendations of the Board referred to in (2), the Director shall transmit a copy of such recommendations to Congress with a report certifying approval of the revisions within 10 calendar days.

(4) If the OMB Director does not transmit an approval of the entire subsequent list to Congress within 10 calendar days, the report expires and may not be resubmitted to OMB during that fiscal year. The Director shall transmit to the Board and Congress the reasons for that disapproval.

SEC.7. CO-LOCATION AMONG POSTAL SERVICE PROPERTIES.

(a) On an annual basis the Board shall identify and create a list of civilian real property assets that are agency field offices that are suitable for co-location into another Federal civilian real property asset.

(1) On the same list, within 30 calendar days of the creation of the list in section 7(a) of this Act, the Board shall identify which of the field offices listed are within reasonable proximity to a Postal property. Reasonable proximity shall be determined by taking into account whether a field office would be able to fulfill its mission if it were located at the same location as the Postal property.

(2) Within 90 calendar days of the creation of the list in section 7(a) of this Act, the Board shall evaluate those Postal properties that are reasonably proximate to the field offices in section 7(a) of this Act, to determine whether they would be suitable for having proximate field offices co-located into them.

(b) Upon conclusion of the evaluations described in section 7(a)(2) of this Act, the Board shall compile a list of Postal properties that have been found to be suitable for having a field office described in section 7(a) of this Act co-located into them, and will provide this list to the Postmaster General of the United States Postal Service.

(c) Within 90 calendar days of the receipt of the list provided to it under section 7(b) of this Act, the United States Postal Service shall review this list and send a report to the Board. The report shall include the conclusions of this review by the United States Postal Service. The United States Postal Service and the Board may disclose any research or information each has on the potential for a co-location into any specific property owned by the United States Postal Service.

(d) Consistent with section 6 of this Act, the Board may only include recommendations of co-locations of civilian real property assets into Postal properties in its report to the OMB Director if the Postal properties considered for co-location are on the list provided to the United States Postal Service pursuant to section 7(b) of this Act and the United States Postal Service has submitted a report on the list to the Board pursuant to section 7(c) of this Act.

(e) Consistent with section 6 of this Act, no later than 20 calendar days after the submission of the Board's report to the OMB Director or no later than 7 calendar days after the Board's submission of a list of recommendations to the OMB Director pursuant to section 6(g)(2) of this Act, the Postmaster General may remove any transaction that involves a Postal

property from the Board report or list of recommendations made pursuant to section 6(g)(2) of this Act that the OMB Director is considering for transmission to Congress.

(f) Co-locations recommended by the Board into any Postal property, shall consist of a Federal civilian real property asset owned or leased by an executive agency, entering into a lease for space within a property owned by the United States Postal Service. The initial lease term shall be determined by the two parties entering into the lease, but shall not be less than five years. The cost of the annual lease must be within five percent of the prevailing market standard leasing rate for a similarly situated space.

(g) Consistent with section 6 of this Act, when the Board recommends a co-location into assets identified in section 7(b) of this Act, the Board shall define:

- (1) the civilian agency asset that is to co-locate into the Postal property; and
- (2) the prevailing market lease rate that is to be used as a benchmark in the co-location.

(h) The Board shall set the terms of the co-location, including the lease term and the annual lease cost, if the executive agency maintaining custody or control of the civilian real property asset that is to be co-located into United States Postal Service property, consistent with section 6 and 7 of this Act, is unable to reach a leasing agreement with the United States Postal Service within 180 calendar days of the Board's recommendation of the co-location in its report.

(i) Nothing in this section shall restrict the ability of an executive agency or the United States Postal Service to request from the OMB Director or the Board funding from the Asset Proceeds and Space Management Fund to support the cost of implementing a co-location.

(j) Except for section 10(f) of this Act, transactions recommended for federal civilian properties to be co-located into Postal properties must comply with the requirements of section 10 of this Act as if they were transactions recommended by the Board for properties owned by executive agencies.

(k) For the purposes of this Act, no proceeds from the disposal of any civilian property owned by the United States Postal Service shall be deposited into any account created by this Act. Proceeds resulting from the disposal of any civilian property owned by the United States Postal Service shall be deposited into the fund authorized by 39 U.S.C. 2003.

SEC.8. REALIGNMENT OF REAL PROPERTY OWNED OR MANAGED BY THE BUREAU OF OVERSEAS BUILDING OPERATIONS.

(a) On an annual basis the Board shall identify and create a list of assets located outside of the United States of America and its territories that are owned or managed by the Department of State's Bureau of Overseas Building Operations that can:

(1) be sold for proceeds so as to reduce the civilian real property inventory and operating costs of the Federal government; or

(2) be otherwise disposed of, transferred, consolidated, co-located, or reconfigured so as to reduce the operating costs of the Federal government.

(b) The Board shall provide this list created pursuant to section 8(a) of this Act to the Secretary of State.

(c) Within 90 calendar days of the receipt of the list created pursuant to section 8(b) of this Act, the Department of State shall review this list and send a report to the Board. The report shall include the conclusions of this review by the Department of State. The Department of State and the Board may disclose property level information to each other.

(d) Consistent with section 6 of this Act, the Board may only make recommendations in its report to the OMB Director involving civilian real property assets that are located outside of the United States of America and its territories and owned or managed by the Department of State's Bureau of Overseas Building Operations if the assets are on the list provided to the Department of State pursuant to section 8(b) of this Act and the Department of State has submitted a report on the list to the Board pursuant to section 8(c) of this Act.

(e) Consistent with section 6 of this Act, no later than 20 calendar days after the submission of the Board's report to the OMB Director or no later than 7 calendar days after the Board's submission of a list of recommendations to the OMB Director pursuant to section 6(g)(2) of this Act, the Secretary of State may remove any transaction that involves a civilian real property asset that is located outside of the United States of America and its territories and owned or managed by the Department of State's Bureau of Overseas Building Operations from the Board report or list of recommendations made pursuant to section 6(g)(2) of this Act that the OMB Director is considering for transmission to Congress.

(f) Nothing in this section shall restrict the ability of the Department of State to appeal to the OMB Director or the Board for funding by the Board's Asset Proceeds and Space Management Fund to support the cost of implementing a recommendation or other real property-related activity.

(g) For the purposes of this Act, proceeds from the disposal of assets located outside of the United States of America and its territories that are owned or managed by the Department of State's Bureau of Overseas Building Operations as identified by the Board and disposed of pursuant to this Act shall be deposited into the Asset Proceeds and Space Management Fund. Proceeds from the disposal of assets by the Department of State that are not pursuant to this Act shall be retained by the Department of State.

SEC.9. CONGRESSIONAL CONSIDERATION OF BOARD RECOMMENDATIONS

(a) Within 45 calendar days from the date of the OMB Director's transmission to

Congress of the approved recommendations, Congress may enact a joint resolution to disapprove the entire list of recommendations in the report written by the Board and submitted by the OMB Director, with no changes or amendments allowed.

(b) For Congress to pass such a joint resolution disapproving the recommendations, a resolution to disapprove of the recommendations must be introduced within the 10 calendar day period beginning on the date on which the OMB Director transmits the report to the Congress.

(c) If this resolution is introduced in the House of Representatives, it shall be referred to the House Committee on Oversight and Government Reform. If this resolution is introduced in the Senate, it shall be referred to the Senate Committee on Homeland Security and Governmental Affairs. Congress may invite the Board, Federal agencies, and other experts to testify in person.

(d) If the committee to which a resolution is referred has not reported such a resolution (or an identical resolution) by the end of the 20 calendar day period beginning on the date from which the OMB Director transmits the report to the Congress, such committee shall be, at the end of such period, discharged from further consideration of such resolution, and such resolution shall be placed on the appropriate calendar of the House involved where any member may move to proceed on the resolution.

(e) If Congress fails to pass such a joint resolution within 45 calendar days from the date of the OMB Director's transmission to Congress, then the recommendations immediately gain legal force, and agencies shall commence the preparation and carrying out of recommended activities pursuant to section 10(a) of this Act.

(f) This section is enacted by Congress —

(1) as an exercise of the rulemaking power of the Senate and House of Representatives, respectively, and as such it is deemed a part of the rules of each House, respectively, but applicable only with respect to the procedure to be followed in that House in the case of a resolution described in this subsection, and it supersedes other rules only to the extent that it is inconsistent with such rules; and

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

SEC.10. IMPLEMENTATION OF BOARD RECOMMENDATIONS BY EXECUTIVE AGENCIES.

(a) Subject to section 9 of this Act, the agencies shall prepare and carry out each recommendation of the Board transmitted to the Congress by the Director pursuant to section 6(g) of this Act. Preparations to implement recommendations shall begin immediately. The agencies shall commence physical implementation of all such recommendations no later than two years after the date on which the Director transmits a report to the Congress pursuant to

section 6(g) of this Act containing the recommendations and complete all such recommendations no later than the end of the six-year period beginning on the date on which the Director transmits a report to the Congress pursuant to section 6(g) of this Act containing the recommendations. For recommendations that will take longer than the six-year period due to extenuating circumstances, agencies shall notify OMB as soon as the circumstance presents itself with an estimated time to complete the recommendation. In such cases, the Director may extend the period for completion of the recommendation for a period of up to an additional two years.

(b) In carrying out any recommendations under this part, the agencies may:

- (1) acquire such land, construct such replacement facilities, and conduct such advance planning and design as may be required to transfer functions from one location to another;
- (2) provide outplacement assistance to civilian employees employed by the agency at a location subject to a recommendation;
- (3) carry out activities for the purposes of environmental restoration and mitigation at any such installation; and
- (4) reimburse other Federal agencies for actions performed at the request of the Board with respect to any such recommendation.

(c) Specific Authorities.

(1) Notwithstanding any other provisions of the laws that govern the disposal authorities of the Federal agencies, all disposals implemented as a result of a Board recommendation shall be implemented in accordance with sections 2, 3, 6, 9, 10, 11, and 12 of this Act. Where the currently existing disposal authority for an agency is inconsistent with this Act, this Act's provisions control the implementation of a disposal recommended by the Board. To the extent that the disposal authorities are otherwise consistent with this Act, an agency shall implement a recommendation in the Board's report to dispose a property by utilizing its existing disposal authorities, whether it has been delegated disposal authority by the Administrator of the General Services Administration, pursuant to the Federal Property Act, it has an independent disposal authority, or it must work in partnership with the General Services Administration.

(2) In accordance with section 10 of this Act, when implementing a recommendation to consolidate, reconfigure, co-locate, or realign a real property asset, all agencies are authorized to take such action as is necessary to implement the approved recommended actions of the Board. Consistent with sections 6 and 9 of this Act, the Board's report may instruct a Federal agency to utilize the expertise of the General Services Administration in carrying out a recommended consolidation, reconfiguration, co-location, or realignment. Any Federal agency, at its discretion, is also authorized, consistent with existing law and funding, to

contract with the General Services Administration for assistance or consultation on implementing a recommendation to consolidate, reconfigure, co-locate, or realign a real property asset.

(3) The identification of any Federal civilian real property as an asset to be disposed, consolidated, reconfigured, or otherwise realigned in a report published by the Board temporarily freezes any transaction with respect to that property that would prevent a recommendation from being carried out within the end of the statutory deadline for Congress to consider the Board's report, whether exercised by the agency maintaining custody or control of the property, or an agency acting on behalf of that custodial agency. All such transactions shall remain frozen until the recommended action on the identified property is disapproved by Congress pursuant to section 9(e) of this Act, is withheld from transmission to Congress by the OMB Director, or is not disapproved by Congress pursuant to section 9(e) of this Act. In the event of disapproval or withholding, all such transactions are unfrozen and the agency maintaining custody or control over the property may resume its management of the property unrestricted. Otherwise, consistent with sections 9 and 10 of this Act, an agency shall implement the recommended action.

(d) For any transaction identified, recommended or commenced as a result of this Act, the Board shall determine whether and to what extent an agency shall implement the transaction notwithstanding any legal priorities or requirements to enter into a transaction to convey a Federal civilian real property for less than fair market value or in a transaction that mandates the exclusion of other market participants.

(e) Any recommendation or commencement of a disposal, consolidation, reconfiguration, co-location, or realignment of civilian real property shall not be subject to—

- (1) section 545(b)(8) of title 40, United States Code;
- (2) sections 550, 554, and 553 of title 40, United States Code;
- (3) section 501 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411);
- (4) any section of An Act Authorizing the Transfer of Certain Real Property for Wildlife, or other Purposes (16 U.S.C. 667b);
- (5) section 47151 of title 49, United State Code;
- (6) sections 107 and 317 of title 23, United States Code;
- (7) section 1304(b) of title 40, United States Code;
- (8) section 13(d) of the Surplus Property Act of 1944 (50 U.S.C. App. 1622(d));

(9) any other provision of law authorizing the conveyance of real property owned by the Federal Government for no consideration; and

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

(f) Public Benefit.

(1) Consistent with section 6(f) of this Act, the Board shall submit to the Secretary of Housing and Urban Development (Secretary of HUD), on the same day it submits its report to the Director of the OMB, all known information on the buildings or properties that are listed in the separate list of properties intended for conveyance under a public benefit conveyance program authorized by a provision of law enumerated in section 10(e) of this Act. Within 60 calendar days the Secretary of HUD must report to the Board on the suitability of all the properties on this list for use as a property benefitting the mission of assistance to the homeless.

(2) Within 90 calendar days of the Board's first submission of its report to the Director of the OMB, any representatives of the homeless proposing interest in the use of property that the Board has determined should be conveyed under any of the public benefits authorized by a provision of law enumerated in section 10(e) of this Act, may submit a notice of interest containing the following to the Board and to the Secretary of HUD:

- a. a description of the homeless assistance program that the representative proposes to carry out at the installation;
- b. an assessment of the need for the program;
- c. a description of the extent to which the program is or will be coordinated in the communities in the vicinity of the property with the local Continuum of Care, as defined by Section 1301 of the Helping Families Save Their Homes Act of 2009;
- d. a description of grants currently funded through the McKinney-Vento homeless assistance programs;
- e. a description of the buildings and property that are necessary in order to carry out the program;
- f. a description of the financial plan, the organization, and the organizational capacity of the representative to carry out the program;
- g. an assessment of the time required in order to commence carrying out the program; and

h. The ability of the provider to financially and clinically support a homeless use.

(3) The Secretary of HUD shall review and certify submissions from representatives of the homeless and submit to the Board an assessment of the validity and merits of the notice of interest within 120 calendar days from the date the Board submits its report to the OMB Director. In the case where more than one notice of interest is entered for a property, the Secretary shall indicate to the Board which planned use of the property for the homeless has more merit.

(4) Within 90 calendar days of the Board's submission to the Director of the OMB and public release of the Board's report, any parties proposing interest, for a use that is not homeless assistance, in the property that the Board has listed pursuant to section 6(f)(2) of this Act, may submit a notice of interest to the Board and to the Federal agency that is otherwise tasked by law to review applications for the statutory public benefit conveyance program under which the party is applying. The notice of interest must contain the information otherwise required in an application under the law creating the conveyance program and must be for a program authorized by a provision of law listed in section 10(e) of this Act.

(5) Federal agencies tasked with reviewing applications for public benefit conveyance programs, that receive notices of interest with information pertaining to the certification of the validity of a proposed public benefit conveyance that is not for homeless assistance and is authorized by a provision of law enumerated in section 10(e) of this Act, shall review and certify submissions from parties proposing such future use for the property and submit to the Board an assessment of the validity and merits of the information contained in the notice of interest within 120 calendar days from the date the Board submits its report to the OMB Director. In the case where more than one notice of interest is entered for a property, the head of the reviewing agency shall indicate to the Board which planned use of the property has more merit.

(6) To give disposing agencies instruction as to the final disposition of the properties in its inventory that have been recommended for a public benefit conveyance program, subject to section 9 of this Act, the Board shall compile all assessments resulting from submitted notices of interest, for any of the public benefit conveyance programs authorized by a provision of law enumerated in section 10(e) of this Act, that have been submitted to it on the list of properties that the Board deemed suitable for conveyance under a public benefit program, and shall forward them to the agencies that maintain custody and control over the civilian real properties to be conveyed.

(7) In the event a property reviewed by HUD is found to be fit for use by the homeless and HUD has identified a representative of the homeless whose notice of interest is certified, or, in the event of more than one notice of interest on the

property, whose notice of interest is deemed to have the most merit by HUD, the agency maintaining custody or control of the property, in accordance with section 10 of this Act, shall commence conveyance of the property to that representative of the homeless, subject to section 9 of this Act. In the event a reviewed property is found to be unfit for use by the homeless, or there is no identified notice of interest on the property by a representative of the homeless, the disposing agency maintaining custody or control shall then look to whether there are any parties that have expressed interest in the property for one of those uses authorized by a provision of law enumerated in section 10(e) of this Act that are not homeless assistance and whether any Federal reviewing agency has certified one of those uses. If so, the disposing agency maintaining custody or control of the property shall commence conveyance of the property to that party that proposed the certified use, subject to section 9 of this Act. In the event that there is more than one party that has expressed interest in the property in this manner, the disposing agency maintaining custody or control shall have the discretion to choose among them, but shall look to where the property will be used for its highest and best use.

(8) In the event a property does not qualify for, or there is no interest in a property reviewed for, one of those uses authorized by a provision of law enumerated in section 10(e) of this Act, the disposing agency maintaining custody or control shall have the discretion to choose among any other remaining ways to implement a disposition of the property, subject to section 9 of this Act.

(9) An agency shall convey property under this sub-section utilizing the same disposal authorities as in section 10(c)(1) of this Act.

(g) Environmental Considerations.

(1) (A) When implementing the recommended actions for properties that have been identified in the Board's report, as specified in section 6(f), and subject to paragraph (2) of this subsection and in compliance with the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq), including section 120(h) thereof (42 U.S.C. 9620(h)), Federal agencies may enter into an agreement to transfer by deed real property with any person.

(B) The head of the disposing agency may require any additional terms and conditions in connection with an agreement authorized by subparagraph (A) as the head of the disposing agency considers appropriate to protect the interests of the United States. Such additional terms and conditions shall not affect or diminish any rights or obligations of the federal agencies under CERCLA section 120(h) (including, without limitation, the requirements of CERCLA section 120(h)(3)(A) and section CERCLA 120(h)(3)(C)(iv)).

(2) A transfer of real property or facilities may be made under paragraph (1) only if the head of the disposing agency certifies to the Board and Congress that:

(A) the costs of all environmental restoration, waste management, and environmental compliance activities otherwise to be paid by the disposing agency with respect to the property or facilities are equal to or greater than the fair market value of the property or facilities to be transferred, as determined by the head of the disposing agency; or

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

(3) In the case of property covered by a certification under paragraph 2(A), the disposing agency may pay the recipient of such property or facilities an amount equal to the lesser of:

(A) the amount by which the costs incurred by the recipient of such property or facilities for all environmental restoration, waste management, and environmental compliance activities with respect to such property or facilities exceed the fair market value of such property or facilities as specified in such certification; or

(B) the amount by which the costs (as determined by the head of the disposing agency) that would otherwise have been incurred by the Secretary for such restoration, waste management, and environmental compliance activities with respect to such property or facilities exceed the fair market value of such property or facilities as so specified.

(4) As part of an agreement under section (g) paragraph (1) of this Act, the head of the disposing agency shall, in accordance with applicable law, disclose to the person to whom the property or facilities will be transferred information possessed by the Agency regarding the environmental restoration, waste management, and environmental compliance activities described in section (1) that relate to the property or facilities. The Agency shall provide such information before entering into the agreement.

(5) For the purposes of granting time extensions under section 10(a), the Director shall give the need for significant environmental remediation to a piece of property more weight than any other factor in determining whether to grant a two-year extension to implement a Board recommendation.

(6) Nothing in this Act shall be construed to modify, alter, or amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (42 U.S.C. 9601 et seq.), the National Environmental Policy Act of 1969, or the Solid Waste Disposal Act (42 U.S.C. 6901 et seq.).

(h) No provision of law shall be construed as restricting the use of funds for disposing or realigning Federal civilian real property in accordance with an approved recommendation that gains legal force under section 9, except in the case of a provision of law which specifically refers to a particular asset of Federal civilian real property and expressly states that such restriction shall apply to such asset notwithstanding this Act.

SEC.11. AUTHORIZATION OF APPROPRIATIONS AND FUNDING.

(a) There are authorized to be appropriated, including for the activities of the Board, such funds as are necessary to carry out this section.

(b) Civilian Property Realignment Board—Salaries and Expenses. There is hereby established on the books of the Treasury an account to be known as the "Civilian Property Realignment Board—Salaries and Expenses" account.

(1) There shall be deposited into the account such amounts, as are provided in appropriations acts, for those necessary payments for salaries and expenses to accomplish the administrative needs of the Board.

(2) If no amounts are appropriated for the salaries and expenses of the Board for a particular fiscal year, then the OMB Director may support the Board's activities under this section during that fiscal year by approving either or both of the following actions:

(A) a transfer to the Board of amounts from the "Civilian Property Realignment Board—Asset Proceeds and Space Management Fund" with such transferred amounts thereby appropriated and to remain available during that fiscal year, and

(B) a transfer to the Board of not more than \$8,000,000 from unobligated amounts in accounts of Federal executive agencies.

(c) Civilian Property Realignment Board—Asset Proceeds and Space Management Fund. There is hereby established on the books of the Treasury an account to be known as the "Civilian Property Realignment Board—Asset Proceeds and Space Management Fund." The following amounts shall be deposited into the account and are hereby appropriated and shall remain available until expended for the specified purposes:

(1) Such amounts as are provided in appropriations acts, to remain available until expended, for the disposal, space consolidation, co-location, and re-configuration actions of Federal agencies consistent with the provisions of this Act and with the consent of the OMB Director; and

(2) Gross proceeds received from the disposal of any civilian real property pursuant to a recommendation of the Board that is implemented pursuant to section 9 of this Act. The Board, with the consent of the OMB Director, may

transfer, from the gross proceeds to an executive agency, amounts to cover the necessary costs associated with the disposal of property.

(3) Net proceeds (which are gross proceeds received from the disposal of any civilian real property pursuant to a recommendation of the Board, less the amounts transferred from this account under section 11(b)(2)(A) and (c)(2) of this Act), shall be divided between the General Fund of the Treasury, Federal executive agencies (for the purpose of real property management reinvestment), and the Asset Proceeds and Space Management Fund. On an annual basis, the OMB Director shall determine how the net proceeds shall be distributed, through transfer, between the General Fund, Federal agencies, and the Asset Proceeds and Space Management Fund, but in no case shall the General Fund receive less than sixty percent of the net proceeds. In support of these duties, the Board, with the consent of the OMB Director, may transfer, from the Space Management Fund, to a Federal agency or the U.S. Postal Service, amounts:

(A) to cover the necessary costs associated with—

(i) consolidation, co-location, and reconfiguration actions;

(ii) other actions taken to otherwise realize operational efficiencies, including but not limited to such actions as environmental restoration; and

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

(4) The amounts transferred pursuant to section 11(c)(3)(A)-(B) under this subsection must be obligated by the recipient agency within three years of the transfer. Any amounts that are not obligated within three years shall be transferred back to the Asset Proceeds and Space Management Fund.

SEC.12. PAY AND TRAVEL EXPENSES.

(a) Pay.

(1) Each member, other than the Chair of the Board, 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 Board.

(2) The Chair of the Board shall be paid 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, for each day (including travel time) during which the member is engaged in the actual performance of duties vested in the Board.

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

SEC.13. EXECUTIVE DIRECTOR

(a) The Board shall appoint an Executive Director.

(b) For the purposes of this Act, the Board may appoint an Executive Director without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

(c) Consistent with 5 U.S.C. 3132(a)(2), the Executive Director shall be paid at the rate of basic pay payable for level IV of the Executive Schedule under section 5315 of title 5, United States Code, except that an individual so appointed may not receive pay outside of the pay range of the Senior Executive Service.

SEC.14. STAFF

(a) Subject to paragraph (b), the Executive Director, with the approval of the Board, may appoint and fix the pay of additional personnel.

(b) The Executive Director may make such appointments without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and any personnel so appointed may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of that title relating to classification and General Schedule pay rates, except that an individual so appointed may not receive pay in excess of the maximum rate of basic pay for GS-15 under section 5332 of title 5, United States Code.

(c) Upon request of the Executive Director, the head of any Federal department or agency may detail any of the personnel of that department or agency to the Board to assist the Board in carrying out its duties under this part. The Executive Director, with the approval of the Board, is authorized to request both reimbursable and non-reimbursable detailees.

SEC.15. CONTRACTING AUTHORITY.

(a) The Board may procure by contract, to the extent funds are available, the temporary or intermittent services of experts or consultants pursuant to section 3109 of title 5, United States Code.

(b) The Board may lease space and acquire personal property.

SEC.16. TERMINATION.

The Board shall cease operations and terminate 12 years from the date of the enactment of this Act. This Act shall expire 180 calendar days after that date.

SEC. 17. PRECLUSION OF JUDICIAL REVIEW.

The following actions shall not be subject to judicial review:

- (a) Actions of the Board under Section 6 of this Act.
- (b) Actions of the Director of OMB under Section 6(g) of this Act.
- (c) Actions of the Board, the Secretary of HUD, and Federal agencies under Section 10(f) of this Act.

SEC. 18. REPORT BY THE BOARD TO OMB WITHIN TWO YEARS.

The Board shall submit a report to OMB within two years from the date of enactment of this Act that contains the Board's conclusions and recommendations on ways that the process created by this Act could be more efficient consistent with the purposes of this Act. This report shall at a minimum include conclusions and recommendations regarding:

- (a) whether postal property should be treated by this Act in the same manner as Federal civilian real property or through the process outlined in section 7 of this Act;
- (b) whether civilian real property assets that are located outside of the United States of America and its territories and owned or managed by the Department of State's Bureau of Overseas Building Operations should be treated by this Act in the same manner as other Federal civilian real property or through the process outlined in section 8 of this Act; and
- (c) the implementation and effectiveness of the process outlined in section 10 of this Act.