

# Calendar No. 555

112<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# S. 2178

[Report No. 112-241]

To require the Federal Government to expedite the sale of underutilized Federal real property.

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IN THE SENATE OF THE UNITED STATES

MARCH 8, 2012

Mr. CARPER (for himself, Mr. PORTMAN, Mr. PRYOR, Mr. COBURN, and Mr. BEGICH) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

NOVEMBER 27, 2012

Reported by Mr. LIEBERMAN, with an amendment

[Strike out all after the enacting clause and insert the part printed in italic]

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## A BILL

To require the Federal Government to expedite the sale of underutilized Federal real property.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Real Property  
5 ~~Asset Management Reform Act of 2012~~”.

1 **SEC. 2. SALE OF EXCESS FEDERAL PROPERTY.**

2 (a) IN GENERAL.—Chapter 5 of subtitle I of title 40,  
3 United States Code, is amended by adding at the end the  
4 following:

5 “SUBCHAPTER VII—EXPEDITED DISPOSAL OF  
6 REAL PROPERTY

7 “§ 621. Definitions

8 “In this subchapter:

9 “(1) ADMINISTRATOR.—The term ‘Adminis-  
10 trator’ means the Administrator of General Services.

11 “(2) COUNCIL.—The term ‘Council’ means the  
12 Federal Real Property Council established by section  
13 623(a).

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

17 “(4) LANDHOLDING AGENCY.—The term ‘land-  
18 holding agency’ means a landholding agency (as de-  
19 fined in section 501(i) of the McKinney-Vento  
20 Homeless Assistance Act (42 U.S.C. 11411(i)).

21 “(5) UNDERUTILIZED PROPERTY.—

22 “(A) IN GENERAL.—The term ‘underuti-  
23 lized property’ means a parcel of property  
24 under the administrative jurisdiction of the  
25 Federal Government that is—

26 “(i) excess;

1                   “(ii) surplus;  
2                   “(iii) underperforming; or  
3                   “(iv) otherwise not meeting the needs  
4 of the Federal Government, as determined  
5 by the Director.

6                   “(B) EXCLUSION.—The term ‘underuti-  
7 lized property’ does not include—

8                   “(i) any parcel of real property, and  
9 any building or other structure located on  
10 real property, that is to be closed or re-  
11 aligned under the Defense Authorization  
12 Amendments and Base Closure and Re-  
13 alignment Act (10 U.S.C. 2687 note; Pub-  
14 lic Law 100–526);

15                   “(ii) any property that is excluded for  
16 reasons of national security by the Direc-  
17 tor or by the Secretary of Defense;

18                   “(iii) any public lands (as defined in  
19 section 203 of the Public Lands Corps Act  
20 of 1993 (16 U.S.C. 1722)) administered  
21 by—

22                   “(I) the Secretary of the Interior,  
23 acting through the Director of the  
24 Bureau of Land Management, the Di-  
25 rector of the National Park Service,

1 or the Commissioner of Reclamation;

2 or

3 “(H) the Secretary of Agri-  
4 culture, acting through the Chief of  
5 the Forest Service;

6 “(iv) any Indian lands (as defined in  
7 section 203 of the Public Lands Corps Act  
8 of 1993 (16 U.S.C. 1722));

9 “(v) any properties operated and  
10 maintained by the Tennessee Valley Au-  
11 thority;

12 “(vi) any properties located outside  
13 the United States that are operated or  
14 maintained by the Department of State or  
15 the United States Agency for International  
16 Development;

17 “(vii) any properties that are excepted  
18 from the definition of ‘property’ under sec-  
19 tion 102; or

20 “(viii) any properties under the cus-  
21 tody and control of the United States  
22 Postal Service, unless otherwise specified  
23 in this subchapter.

24 **“§ 622. Duties of landholding agencies**

25 “Each landholding agency shall—

1           “(1) maintain adequate inventory controls and  
2           accountability systems for property under the control  
3           of the agency;

4           “(2) define current and future workforce pro-  
5           jections so as to have the capacity to assess the  
6           needs of the Federal workforce regarding the use of  
7           Federal real property;

8           “(3) continuously survey property under the  
9           control of the agency to identify underutilized prop-  
10          erty;

11          “(4) promptly report underutilized property to  
12          the Administrator;

13          “(5) establish goals that lead the agency to re-  
14          duce underutilized property in the inventory of the  
15          agency;

16          “(6) reassign underutilized property to another  
17          activity within the agency if the property is no  
18          longer required for purposes of the appropriation  
19          used to make the purchase;

20          “(7) transfer underutilized property under the  
21          control of the agency to other Federal agencies and  
22          to organizations specified in section 321(c)(2);

23          “(8) obtain underutilized properties from other  
24          Federal agencies to meet mission needs before ac-  
25          quiring non-Federal property; and

1           “(9) adopt workplace practices, configurations,  
2           and management techniques that can achieve in-  
3           creased levels of productivity and decrease the need  
4           for real property assets.

5   **“§ 623. Establishment of a Federal Real Property**  
6                           **Council**

7           “(a) ESTABLISHMENT.—There is established within  
8           the Office of Management and Budget a council to be  
9           known as the ‘Federal Real Property Council’.

10          “(b) PURPOSE.—The purpose of the Council shall be  
11          to develop guidance for the asset management program  
12          of each executive agency.

13          “(c) COMPOSITION.—

14                 “(1) IN GENERAL.—The Council shall be com-  
15                 posed exclusively of—

16                         “(A) the senior real property officers of  
17                         each executive agency;

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

20                         “(C) the Controller of the Office of Man-  
21                         agement and Budget;

22                         “(D) the Administrator; and

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

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

4           “(3) ADMINISTRATIVE SUPPORT.—The Office of  
5 Management and Budget shall provide funding and  
6 administrative support for the Council, as appro-  
7 priate.

8           “(d) DUTIES.—The Council, in consultation with the  
9 Director and the Administrator, shall—

10           “(1) establish an asset management plan, to be  
11 updated annually, which shall include performance  
12 measures to determine the effectiveness of Federal  
13 real property management that are designed—

14           “(A) to enable Congress and heads of land-  
15 holding agencies to track progress in the  
16 achievement of property management objectives  
17 on a government-wide basis; and

18           “(B) allow for comparison of the perform-  
19 ance of landholding agencies against industry  
20 and other public sector agencies in terms of  
21 performance;

22           “(2) in developing and implementing the per-  
23 formance measures described in paragraph (1), use  
24 existing data sources and automated data collection  
25 tools;

1           “(3) not later than 90 days after the date of  
2           enactment of this subchapter, submit to the Com-  
3           mittees on Environment and Public Works and  
4           Homeland Security and Governmental Affairs of the  
5           Senate and the Committees on Transportation and  
6           Infrastructure and Oversight and Government Re-  
7           form of the House of Representatives a report that  
8           contains—

9                   “(A) an analysis of the existing inventory  
10                  of Federal civilian real properties and the con-  
11                  dition of those assets, including data relating  
12                  to—

13                           “(i) the age and condition of the prop-  
14                           erty;

15                           “(ii) the size in square footage and  
16                           acreage;

17                           “(iii) the geographical location, in-  
18                           cluding an address and description;

19                           “(iv) operating costs;

20                           “(v) the history of capital expendi-  
21                           tures;

22                           “(vi) sustainability metrics;

23                           “(vii) the number of Federal employ-  
24                           ees and functions housed in the respective  
25                           property; and



1           “(viii) the relevance of each Federal  
2           real property to the mission of the land-  
3           holding agency;

4           “(B) an identification of properties that  
5           can be removed from the Federal inventory and  
6           sold for proceeds, transferred, or otherwise dis-  
7           posed of, so as to reduce the civilian real prop-  
8           erty inventory and operating costs of the Fed-  
9           eral Government;

10          “(C) a list of civilian real property assets  
11          that are agency field offices that are suitable  
12          for co-location into another Federal civilian real  
13          property asset;

14          “(D) an evaluation of the leasing process  
15          in effect as of the date of submission of the re-  
16          port to identify and document inefficiencies in  
17          that process;

18          “(E) a suggested strategy to reduce the re-  
19          liance of landholding agencies on leased space  
20          for long-term needs if ownership would be less  
21          costly; and

22          “(F) an assessment of domestically held,  
23          federally leased space, including—

1           “(i) a description of the overall quan-  
2           tity and type of space leased by land-  
3           holding agencies; and

4           “(ii) an identification of current con-  
5           tracts for leased office space in which the  
6           leased space is not fully used or occupied  
7           (including a plan for subletting of unoccu-  
8           pied space);

9           “(4) not later than 120 days after the date of  
10          enactment of this subchapter, and annually there-  
11          after, submit to the Director, for the year covered by  
12          the report—

13           “(A) all underutilized property under the  
14           jurisdiction of each landholding agency;

15           “(B) an asset disposal plan, or an update  
16           of an asset disposal plan, that includes an an-  
17           nual goal established under section 622(5) to be  
18           used by landholding agencies in reducing, by  
19           not later than 2 years after the date of enact-  
20           ment of this subchapter, underutilized real  
21           property in the inventory of the Federal Gov-  
22           ernment;

23           “(C) the number of real property disposals  
24           completed, including the disposal method used  
25           for each individual real property; and

1           “(D) specific milestones, measurable sav-  
2           ings, and evaluation criteria for the disposal of  
3           real property under this subchapter;

4           “(5) in accordance with subsection (e), identify  
5           and compile a list of civilian real property assets  
6           that are agency field offices that are suitable for co-  
7           location into other Federal civilian real property as-  
8           sets; and

9           “(6)(A) review contracts for leased office space  
10          that are in effect as of the date of submission of the  
11          report; and

12          “(B) work with landholding agencies to renegot-  
13          tiate leases having at least 2 years remaining in the  
14          term of the leases to recognize potential cost savings  
15          as quickly as practicable.

16          “(e) CO-LOCATION AMONG POSTAL SERVICE PROP-  
17          ERTIES.—

18           “(1) DEFINITIONS.—In this subsection:

19           “(A) AGENCY FIELD OFFICE.—The term  
20           ‘agency field office’ means the field office of a  
21           landholding agency.

22           “(B) POSTAL PROPERTY.—The term ‘Post-  
23           al property’ means real property owned by the  
24           United States Postal Service.

1           “(2) IDENTIFICATION OF REAL PROPERTY AS-  
2           SETS.—Each year, the Council shall—

3           “(A) identify and compile a list of agency  
4           field offices that are suitable for co-location  
5           with another Federal civilian real property  
6           asset; and

7           “(B) submit the list to the Director of the  
8           Office of Management and Budget and the  
9           Postmaster General.

10          “(3) POSTAL PROPERTY.—

11          “(A) IN GENERAL.—Not later than 30  
12          days after the completion of the list under para-  
13          graph (2), the Director of the Office of Man-  
14          agement and Budget, in collaboration with the  
15          Postmaster General, shall identify agency field  
16          offices on the list that are within reasonable  
17          distance of a Postal property.

18          “(B) REASONABLE DISTANCE.—For pur-  
19          poses of this paragraph, an agency field office  
20          shall be considered within reasonable distance  
21          of a Postal property if the office would be able  
22          to fulfill the mission of the office if the office  
23          is located at the Postal property.

24          “(C) REVIEW BY POSTAL SERVICE.—Not  
25          later than 90 days after the receipt of the list

1 submitted under paragraph (2)(B), the Post-  
2 master General shall—

3 “(i) review the list; and

4 “(ii) submit to the Director of the Of-  
5 fice of Management and Budget a report  
6 containing the conclusions of the review.

7 “(4) TERMS OF CO-LOCATION.—On approval of  
8 the recommendations under paragraph (3) by the  
9 Postmaster General and the applicable agency head,  
10 the co-location of a Postal property and an agency  
11 field office shall consist of the Executive agency that  
12 owns or leases the agency field office entering into  
13 a lease for space within the Postal property with  
14 United States Postal Service that has—

15 “(A) an initial lease term of not less than  
16 5 years;

17 “(B) a cost that is within 5 percent of the  
18 prevailing market lease rate for a similarly situ-  
19 ated space identified under this subsection.

20 “(f) OMB SCORECARD.—The Director shall prepare  
21 an annual scorecard measuring the success of each land-  
22 holding agency in achieving savings under this subchapter.

1 **“§ 624. Limitation on certain leasing authorities**

2 “(a) IN GENERAL.—Notwithstanding any other pro-  
3 vision of this subchapter, a landholding agency with inde-  
4 pendent leasing authority shall—

5 “(1) obtain congressional approval for all leases  
6 requiring a prospectus under section 3307;

7 “(2) acquire space at rates consistent with pre-  
8 vailing market rates for comparable facilities within  
9 the specified geographical area; and

10 “(3) not later than 180 days after the date of  
11 enactment of this subchapter and annually there-  
12 after, submit to the Administrator a report that de-  
13 scribes the use of the independent leasing authority  
14 during the period covered by the report.

15 “(b) SUBLEASING.—The head of a landholding agen-  
16 cy may by lease, permit, license, or similar instrument  
17 make available to State and local governments the unex-  
18 pired portion of any government lease for real property  
19 if the head of the landholding agency determines that the  
20 property is underutilized.

21 **“§ 625. Database**

22 “The Administrator shall—

23 “(1) not later than 1 year after the date of en-  
24 actment of this subchapter, establish and maintain  
25 a single, comprehensive, and descriptive database of  
26 all real property under the custody and control of all

1 landholding branch agencies, except when otherwise  
2 required for reasons of national security;

3 “(2) collect from each landholding agency such  
4 descriptive information (except for classified infor-  
5 mation) as the Administrator determines will best  
6 describe the nature, use, and extent of real property  
7 holdings for the Federal Government; and

8 “(3) to the extent consistent with national secu-  
9 rity, make the database established under paragraph  
10 (1) accessible to the public at no cost through the  
11 website of the General Services Administration.

12 **“§ 626. Expedited disposal program**

13 “(a) IN GENERAL.—

14 “(1) REQUIRED DISPOSAL.—

15 “(A) IN GENERAL.—On an annual basis,  
16 the Director shall require landholding agencies  
17 to dispose of, by sale, transfer, or other means  
18 of disposal, any real property determined by the  
19 Director to be underutilized property under the  
20 goal established under section 622(5).

21 “(B) FAIR MARKET VALUE REQUIRE-  
22 MENT.—Underutilized property required to be  
23 disposed of under subparagraph (A) may not be  
24 sold for less than the fair market value, as de-  
25 termined by the Administrator, in consultation

1 with the head of the applicable executive agen-  
 2 ey.

3 “(C) MONETARY PROCEEDS REQUIRE-  
 4 MENT.—

5 “(i) IN GENERAL.—Underutilized  
 6 property may be sold under this section  
 7 only if disposal of the property will gen-  
 8 erate monetary proceeds to the Federal  
 9 Government that exceed the costs of dis-  
 10 posal of the property.

11 “(ii) PROHIBITIONS ON NONCASH  
 12 TRANSACTIONS.—A disposal of real prop-  
 13 erty under this section may not include  
 14 any exchange, trade, transfer, acquisition  
 15 of the like-kind property, or other noncash  
 16 transaction as part of the disposal.

17 “(2) WEBSITE.—

18 “(A) IN GENERAL.—Except as provided in  
 19 subparagraph (B), the Administrator shall en-  
 20 sure that all real properties selected for disposal  
 21 under this section are listed on a website that  
 22 shall—

23 “(i) be updated routinely; and

24 “(ii) include the functionality to allow  
 25 any member of the public, at the option of



1           the member, to receive updates of the list  
2           through electronic mail.

3           ~~“(B) NATIONAL SECURITY EXEMPTION.—~~

4           The Director or the Secretary of Defense may,  
5           for purposes of national security, exclude from  
6           listing on the website under subparagraph (A)  
7           any real property selected for disposal under  
8           this section.

9           ~~“(3) APPLICABILITY OF CERTAIN LAW.—Any~~  
10          expedited disposal of a real property conducted  
11          under this section shall not be subject to—

12                 ~~“(A) any section of An Act Authorizing the~~  
13                 Transfer of Certain Real Property for Wildlife,  
14                 or other Purposes (16 U.S.C. 667b);

15                 ~~“(B) sections 107 and 317 of title 23;~~

16                 ~~“(C) sections 545(b)(8), 550, 553, 554,~~  
17                 and 1304(b) of this title;

18                 ~~“(D) section 501 of the McKinney-Vento~~  
19                 Homeless Assistance Act (42 U.S.C. 11411);

20                 ~~“(E) section 47151 of title 49;~~

21                 ~~“(F) section 13(d) of the Surplus Property~~  
22                 Act of 1944 (50 U.S.C. App. 1622(d));

23                 ~~“(G) any other provision of law author-~~  
24                 izing the conveyance of real property owned by

1 the Federal Government for no consideration;  
2 or

3 “(H) any congressional notification re-  
4 quirement other than that in section 545 of this  
5 title.

6 “(b) USE OF PROCEEDS.—

7 “(1) IN GENERAL.—Of the proceeds received  
8 from the disposal of any real property under this  
9 subchapter—

10 “(A) not less than 80 percent shall be re-  
11 turned to the general fund of the Treasury for  
12 debt reduction;

13 “(B) the lesser of 18 percent or the share  
14 of proceeds otherwise authorized to be retained  
15 under law shall be retained by landholding  
16 agencies, subject to paragraphs (2) and (3);

17 “(C) not more than 2 percent shall be  
18 made available to carry out section 627, subject  
19 to annual appropriations; and

20 “(D) any remaining share of the proceeds  
21 shall be returned to the general fund of the  
22 Treasury for debt reduction.

23 “(2) LIMITATION ON USE OF PROCEEDS.—Any  
24 proceeds retained by landholding agencies under this  
25 section shall be—

1           “(A) deposited into the appropriate real  
2           property account of the agency that had cus-  
3           tody and accountability for the real property,  
4           with the funds expended only as authorized in  
5           annual appropriations Acts;

6           “(B) used—

7                   “(i) by not later than 1 year after the  
8                   date of disposal of the real property; and

9                   “(ii) only for activities relating to  
10                  Federal real property asset management  
11                  and disposal, including paying costs in-  
12                  curred by the General Services Administra-  
13                  tion for any disposal-related activity au-  
14                  thorized by this title; and

15           “(C) if not used by the date described in  
16           subparagraph (A)(i), returned to the general  
17           fund of the Treasury for debt reduction pur-  
18           poses.

19           “(3) ~~POSTAL PROPERTY PROCEEDS.~~—The pro-  
20           ceeds resulting from the disposal of any property  
21           owned by the United States Postal Service shall be  
22           deposited in the Postal Service Fund established  
23           under section 2003 of title 39.

24           “(c) ~~PUBLIC BENEFIT.~~—

1           “(1) CONVEYANCE.—If an underutilized prop-  
2           erty has not been disposed of by the date that is 3  
3           years after the date of designation of the property  
4           as underutilized, the Director, in consultation with  
5           the Administrator and the Secretary of Housing and  
6           Urban Development, may consider a request from  
7           the disposing agency that the underutilized property  
8           be conveyed to State and local governments or non-  
9           profit organizations for various public purposes or  
10          uses as permitted by applicable law.

11          “(2) PREDOMINANT USE AND SIZE STAND-  
12          ARDS.—Underutilized property the predominant use  
13          of which is other than housing, and the area of  
14          which is equal to or greater than 25,000 square feet  
15          or the fair market value of which exceeds  
16          \$2,000,000, shall be considered to be unsuitable for  
17          disposal under this subsection.

18          “(d) ENFORCEMENT.—

19          “(1) IN GENERAL.—Except as provided in para-  
20          graph (3), if a landholding agency fails to make  
21          available for public sale the underutilized properties  
22          described in subsection (a) by the date that is 18  
23          months after the date of a determination by the Di-  
24          rector under subsection (a), no landholding agency  
25          may acquire any real property not under the admin-

1        administrative jurisdiction of the Federal Government, by  
2        sale or lease, until the Director submits a certifi-  
3        cation to Congress of the disposal of all of those sur-  
4        plus real properties.

5            “(2) SEQUESTRATION AUTHORITY.—Except as  
6        provided in paragraph (3), if a landholding agency  
7        fails to dispose of, or make available for public sale,  
8        the underutilized properties described in subsection  
9        (a) by the date that is 2 years after the date of a  
10       determination by the Director under subsection  
11       (a)—

12            “(A) the Director shall order a 1-time se-  
13        questration from the annual budget of the land-  
14        holding agency equal to 80 percent of the fair  
15        market value of the underutilized property, with  
16        the sequestered funds returned to the general  
17        fund of the Treasury for debt reduction pur-  
18        poses; and

19            “(B) the Director shall submit a sequestra-  
20        tion report to Committees on Budget, Environ-  
21        ment and Public Works, and Homeland Secu-  
22        rity and Governmental Affairs of the Senate  
23        and the Committees on Budget, Transportation  
24        and Infrastructure, and Oversight and Govern-  
25        ment Reform of the House of Representatives.

1           “(3) WAIVER.—Paragraphs (1) and (2) shall  
2 not apply to a landholding agency if—

3           “(A) the landholding agency submits to the  
4 Director and the Committees on Environment  
5 and Public Works and Homeland Security and  
6 Governmental Affairs of the Senate and the  
7 Committees on Transportation and Infrastruc-  
8 ture and Oversight and Government Reform of  
9 the House of Representatives a written jus-  
10 tification describing the reasons why the sur-  
11 plus real properties described in subsection (a)  
12 under the jurisdiction of the landholding agency  
13 were not disposed of; and

14           “(B) Congress enacts a law approving the  
15 waiver.

16           “(4) REPORT.—Not later than 1 year after the  
17 date of enactment of this subchapter and annually  
18 thereafter, the Council shall submit to the Director  
19 a report listing each landholding agency that fails to  
20 meet the applicable underutilized property reduction  
21 goal established under section 622(5), along with a  
22 list of the remaining underutilized properties of the  
23 landholding agency.

1       “(e) TERMINATION OF AUTHORITY.—The authority  
2 provided by this section terminates on the date that is 7  
3 years after the date of enactment of this subchapter.

4       **“§ 627. Homeless assistance grants**

5       “(a) DEFINITIONS.—In this section:

6               “(1) HOMELESS.—The term ‘homeless’ has the  
7 meaning given the term in section 103 of the  
8 McKinney-Vento Homeless Assistance Act (42  
9 U.S.C. 11302); except that subsection (e) of that  
10 section shall not apply.

11               “(2) PERMANENT HOUSING.—The term ‘perma-  
12 nent housing’ has the meaning given the term sec-  
13 tion 401 of the McKinney-Vento Homeless Assist-  
14 ance Act (42 U.S.C. 11360).

15               “(3) PRIVATE NONPROFIT ORGANIZATION.—  
16 The term ‘private nonprofit organization’ has the  
17 meaning given the term in section 401 of the  
18 McKinney-Vento Homeless Assistance Act (42  
19 U.S.C. 11360).

20               “(4) REPRESENTATIVE OF THE HOMELESS.—  
21 The term ‘representative of the homeless’ has the  
22 meaning given the term in section 501(i) of the  
23 McKinney-Vento Homeless Assistance Act (42  
24 U.S.C. 11411(i)).

1           “(5) SECRETARY.—The term ‘Secretary’ means  
2           the Secretary of Housing and Urban Development.

3           “(6) TRANSITIONAL HOUSING.—The term  
4           ‘transitional housing’ has the meaning given the  
5           term in section 401 of the McKinney-Vento Home-  
6           less Assistance Act (42 U.S.C. 11360).

7           “(b) GRANT AUTHORITY.—To the extent amounts  
8           are made available under section 626 for use under this  
9           section, the Secretary shall make grants to eligible private  
10          nonprofit organizations under subsection (c) through the  
11          continuum of care program established under subtitle C  
12          of title IV of the McKinney-Vento Homeless Assistance  
13          Act (42 U.S.C. 11381 et seq.); to purchase property suit-  
14          able for use to assist the homeless in accordance with sub-  
15          section (d).

16          “(c) ELIGIBLE GRANTEEES.—To be eligible to receive  
17          a grant under subsection (b), a private nonprofit organiza-  
18          tion shall be a representative of the homeless.

19          “(d) USE OF PROPERTIES FOR HOUSING OR SHEL-  
20          TER FOR THE HOMELESS.—

21                 “(1) ELIGIBLE USES.—A private nonprofit or-  
22                 ganization that receives a grant under subsection (b)  
23                 shall use the amounts received only to acquire or re-  
24                 habilitate real property for use to provide permanent



1 housing, transitional housing, or temporary shelter  
2 to the homeless.

3 “(2) TERM OF USE.—The Secretary may not  
4 make a grant under subsection (b) to a private non-  
5 profit organization unless the private nonprofit orga-  
6 nization provides to the Secretary such assurances  
7 as the Secretary determines necessary to ensure that  
8 any property acquired or rehabilitated using  
9 amounts received under a grant is used only for the  
10 uses described in paragraph (1) for a period of not  
11 less than 15 years.

12 “(c) PREFERENCE.—In awarding grants under sub-  
13 section (b), the Secretary shall give preference to private  
14 nonprofit organizations that operate within areas in which  
15 Federal real property is being sold under the disposal pro-  
16 gram authorized under section 626.

17 “(f) REGULATIONS.—The Secretary may promulgate  
18 such regulations as are necessary to carry out this sec-  
19 tion.”

20 (b) TECHNICAL AND CONFORMING AMENDMENT.—  
21 The table of sections for chapter 5 of subtitle I of title  
22 40, United States Code, is amended by inserting after the  
23 item relating to section 611 the following:

“SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

“Sec. 621. Definitions.

“Sec. 622. Duties of landholding agencies.

“Sec. 623. Establishment of a Federal Real Property Council.

“Sec. 624. Limitation on certain leasing authorities.

“Sec. 625. Database.

“Sec. 626. Expedited disposal program.

“Sec. 627. Homeless assistance grants.”.

1        ~~(c) REPORT OF THE COMPTROLLER GENERAL.~~—Not  
 2 later than 3 years after the date of enactment of this Act,  
 3 the Comptroller General of the United States shall submit  
 4 to Congress a report on the use by executive agencies of  
 5 the authorities provided by this Act and amendments  
 6 made by this Act.

7 **SECTION 1. SHORT TITLE.**

8        *This Act may be cited as the “Federal Real Property*  
 9 *Asset Management Reform Act of 2012”.*

10 **SEC. 2. TABLE OF CONTENTS.**

11        *The table of contents of this Act is as follows:*

*Sec. 1. Short title.*

*Sec. 2. Table of contents.*

*TITLE I—PROPERTY MANAGEMENT PLANS*

*Sec. 101. Expedited disposal of real property.*

*TITLE II—PROPERTY MANAGEMENT POLICY*

*Sec. 201. Property management policy.*

*Sec. 202. Consideration of life-cycle cost required.*

12                                **TITLE I—PROPERTY**  
 13                                **MANAGEMENT PLANS**

14 **SEC. 101. EXPEDITED DISPOSAL OF REAL PROPERTY.**

15        *Chapter 5 of subtitle I of title 40, United States Code,*  
 16 *is amended by adding at the end the following:*

1 “SUBCHAPTER VII—EXPEDITED DISPOSAL OF  
2 REAL PROPERTY

3 “§ 621. *Definitions*

4 “*In this subchapter:*

5 “(1) *ADMINISTRATOR.*—*The term ‘Adminis-*  
6 *trator’ means the Administrator of General Services.*

7 “(2) *COUNCIL.*—*The term ‘Council’ means the*  
8 *Federal Real Property Council established by section*  
9 *623(a).*

10 “(3) *DIRECTOR.*—*The term ‘Director’ means the*  
11 *Director of the Office of Management and Budget.*

12 “(4) *DISPOSAL.*—*The term ‘disposal’ means any*  
13 *action that constitutes the removal of any real prop-*  
14 *erty from the Federal inventory, including sale, deed,*  
15 *demolition, or exchange.*

16 “(5) *FEDERAL AGENCY.*—*The term ‘Federal*  
17 *agency’ means—*

18 “(A) *an executive department or inde-*  
19 *pendent establishment in the executive branch of*  
20 *the Government; and*

21 “(B) *a wholly owned Government corpora-*  
22 *tion.*

23 “(6) *REAL PROPERTY.*—

24 “(A) *IN GENERAL.*—*The term ‘real prop-*  
25 *erty’ means any Federal real property asset.*

1           “(B) *INCLUSIONS.*—*The term ‘real prop-*  
2 *erty’ includes—*

3           “(i) *Federal buildings (as defined in*  
4 *section 3301); and*

5           “(ii) *occupied and improved grounds,*  
6 *leased space, or other physical structures*  
7 *under the custody and control of any Fed-*  
8 *eral agency.*

9           “(C) *EXCLUSIONS.*—*The terms ‘real prop-*  
10 *erty’ does not include—*

11           “(i) *any military installation (as de-*  
12 *defined in section 2910 of the Defense Base*  
13 *Closure and Realignment Act of 1990 (10*  
14 *U.S.C. 2687 note; Public Law 101–510));*

15           “(ii) *any property that is excepted*  
16 *from the definition of the term ‘property’*  
17 *under section 102;*

18           “(iii) *a designated wilderness study*  
19 *area or other areas managed for wilderness*  
20 *characteristics;*

21           “(iv) *Indian and native Eskimo prop-*  
22 *erty held in trust by the Federal Govern-*  
23 *ment as described in section*  
24 *3301(a)(5)(C)(iii);*

1                   “(v) *property operated and maintained*  
2                   *by the Tennessee Valley Authority pursuant*  
3                   *to the Tennessee Valley Authority Act of*  
4                   *1933 (16 U.S.C. 831 et seq.);*

5                   “(vi) *postal property owned by the*  
6                   *United States Postal Service; or*

7                   “(vii) *any property the Director ex-*  
8                   *cludes for reasons of national security.*

9                   “(7) *FIELD OFFICE.*—*The term ‘field office’*  
10                  *means any office of a Federal agency that is not the*  
11                  *headquarters office location for the Federal agency.*

12                  “(8) *SMALL BUSINESS CONCERN.*—*The term*  
13                  *‘small business concern’ has the meaning given the*  
14                  *term in section 3 of the Small Business Act (15*  
15                  *U.S.C. 632).*

16                  “(9) *UNDERUTILIZED PROPERTY.*—*The term*  
17                  *‘underutilized property’ means any real property that*  
18                  *is—*

19                         “(A) *excess;*

20                         “(B) *surplus;*

21                         “(C) *underperforming; or*

22                         “(D) *otherwise not meeting the needs of the*  
23                         *Federal Government, as determined by the Direc-*  
24                         *tor.*

1 **“§ 622. Duties of Federal agencies**

2 *“Each Federal agency shall—*

3 *“(1) maintain adequate inventory controls and*  
4 *accountability systems for real property under the*  
5 *control of the agency;*

6 *“(2) define current and future workforce projec-*  
7 *tions so as to have the capacity to assess the needs of*  
8 *the Federal workforce regarding the use of real prop-*  
9 *erty;*

10 *“(3) continuously survey real property under the*  
11 *control of the agency to identify underutilized prop-*  
12 *erty;*

13 *“(4) promptly report underutilized property to*  
14 *the Administrator;*

15 *“(5) establish goals that lead the agency to re-*  
16 *duce underutilized property in the inventory of the*  
17 *agency not later than December 31, 2016;*

18 *“(6) reassign underutilized property to another*  
19 *activity within the agency if the property is no longer*  
20 *required for purposes of the appropriation used to*  
21 *make the purchase;*

22 *“(7) transfer underutilized property under the*  
23 *control of the agency to other Federal agencies and to*  
24 *organizations specified in section 321(c)(2);*

1           “(8) obtain underutilized properties from other  
2       *Federal agencies to meet mission needs before acquir-*  
3       *ing non-Federal property; and*

4           “(9) adopt workplace practices, configurations,  
5       *and management techniques that can achieve in-*  
6       *creased levels of productivity and decrease the need*  
7       *for real property assets.*

8       **“§ 623. Establishment of a Federal Real Property**  
9               **Council**

10           “(a) *ESTABLISHMENT.—There is established a Federal*  
11       *Real Property Council.*

12           “(b) *PURPOSE.—The purpose of the Council shall be*  
13       *to develop guidance for the asset management program of*  
14       *each Federal agency.*

15           “(c) *COMPOSITION.—*

16           “(1) *IN GENERAL.—The Council shall be com-*  
17       *posed exclusively of—*

18           “(A) *the senior real property officers of each*  
19       *executive agency;*

20           “(B) *the Deputy Director for Management*  
21       *of the Office of Management and Budget;*

22           “(C) *the Controller of the Office of Manage-*  
23       *ment and Budget;*

24           “(D) *the Administrator; and*

1                   “(E) any other full-time or permanent part-  
2                   time Federal officials or employees, as the Chair-  
3                   person determines to be necessary.

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

7                   “(3) ADMINISTRATIVE SUPPORT.—The Office of  
8                   Management and Budget shall provide funding and  
9                   administrative support for the Council, as appro-  
10                  priate.

11                  “(d) DUTIES.—The Council, in consultation with the  
12                  Director and the Administrator, shall—

13                         “(1) establish an asset management plan, to be  
14                         updated annually, which shall include performance  
15                         measures to determine the effectiveness of real prop-  
16                         erty management that are designed—

17                                 “(A) to enable Congress and heads of Fed-  
18                                 eral agencies to track progress in the achieve-  
19                                 ment of property management objectives on a  
20                                 government-wide basis; and

21                                 “(B) allow for comparison of the perform-  
22                                 ance of Federal agencies against industry and  
23                                 other public sector agencies in terms of perform-  
24                                 ance;



1           “(2) *develop standard use rates consistent*  
2 *throughout each category of space and with non-*  
3 *governmental space use rates;*

4           “(3) *not later than 180 days after the date of en-*  
5 *actment of this subchapter, and annually for a 5-year*  
6 *period thereafter, submit to the Committees on Envi-*  
7 *ronment and Public Works and Homeland Security*  
8 *and Governmental Affairs of the Senate and the Com-*  
9 *mittees on Transportation and Infrastructure and*  
10 *Oversight and Government Reform of the House of*  
11 *Representatives a report that contains—*

12                   “(A) *an analysis of the existing inventory of*  
13 *real property and the condition of that property,*  
14 *including data relating to—*

15                           “(i) *the age and condition of the prop-*  
16 *erty;*

17                           “(ii) *the size on the property in square*  
18 *footage and acreage;*

19                           “(iii) *the geographical location of the*  
20 *property, including an address and descrip-*  
21 *tion;*

22                           “(iv) *operating costs associated with*  
23 *the property;*

24                           “(v) *the history of capital expenditures*  
25 *associated with the property;*

1                   “(vi) sustainability metrics associated  
2                   with the property;

3                   “(vii) the number of Federal employees  
4                   and functions housed in the property; and

5                   “(viii) the relevance of each property to  
6                   the mission of the Federal agency;

7                   “(B) a list of real property assets that are  
8                   field offices that are suitable for co-location into  
9                   another real property asset;

10                  “(C) an evaluation of the leasing process in  
11                  effect as of the date of submission of the report  
12                  to identify and document inefficiencies in that  
13                  process;

14                  “(D) a suggested strategy to reduce the reli-  
15                  ance of Federal agencies on leased space for long-  
16                  term needs if ownership would be less costly; and

17                  “(E) an assessment of federally leased space,  
18                  including—

19                         “(i) a description of the overall quan-  
20                         tity and type of space leased by Federal  
21                         agencies; and

22                         “(ii) an identification of current con-  
23                         tracts for leased office space in which the  
24                         leased space is not fully used or occupied

1           *(including a plan for subletting of unoccu-*  
2            *pied space if appropriate);*

3           *“(F) an analysis of all underutilized prop-*  
4           *erty under the jurisdiction of each Federal agen-*  
5           *cy that can be removed from the Federal inven-*  
6           *tory and sold for proceeds, transferred, or other-*  
7           *wise disposed of, so as to reduce the civilian real*  
8           *property inventory and associated operating*  
9           *costs of the Federal Government;*

10           *“(G) an asset disposal plan, or an update*  
11           *of an asset disposal plan, that includes an an-*  
12           *nual goal established under section 622(5) to be*  
13           *used by Federal agencies in reducing, by not*  
14           *later than 5 years after the date of enactment of*  
15           *this subchapter, underutilized property in the in-*  
16           *ventory of the Federal Government;*

17           *“(H) the number of real property disposals*  
18           *completed, including the disposal method used*  
19           *for each individual real property; and*

20           *“(I) specific milestones, measurable savings,*  
21           *and evaluation criteria for the disposal of real*  
22           *property under this subchapter;*

23           *“(4) in accordance with subsection (e), identify*  
24           *and compile a list of real property assets that are*

1 *field offices that are suitable for co-location into other*  
 2 *real property assets; and*

3 “(5)(A) *review contracts for leased office space*  
 4 *that are in effect as of the date of submission of the*  
 5 *report; and*

6 “(B) *work with Federal agencies to renegotiate*  
 7 *leases having at least 2 years remaining in the term*  
 8 *of the leases to recognize potential cost savings as*  
 9 *quickly as practicable.*

10 “(e) *CO-LOCATION AMONG POSTAL SERVICE PROP-*  
 11 *ERTIES.—*

12 “(1) *DEFINITION OF POSTAL PROPERTY.—In this*  
 13 *subsection, the term ‘Postal property’ means any*  
 14 *building owned by the United States Postal Service.*

15 “(2) *IDENTIFICATION OF REAL PROPERTY AS-*  
 16 *SETS.—Each year, the Council shall—*

17 “(A) *identify and compile a list of field of-*  
 18 *fices that are suitable for co-location with an-*  
 19 *other real property asset; and*

20 “(B) *submit the list to the Director of the*  
 21 *Office of Management and Budget and the Post-*  
 22 *master General.*

23 “(3) *POSTAL PROPERTY.—*

24 “(A) *IN GENERAL.—Not later than 30 days*  
 25 *after the completion of the list under paragraph*

1           (2), the Director of the Office of Management  
2           and Budget, in collaboration with the Postmaster  
3           General, shall identify field offices on the list  
4           that are within reasonable distance of a Postal  
5           property.

6           “(B) *REASONABLE DISTANCE*.—For pur-  
7           poses of this paragraph, a field office shall be  
8           considered within reasonable distance of a Postal  
9           property if the office would be able to fulfill the  
10          mission of the office if the office is located at the  
11          Postal property.

12          “(C) *REVIEW BY POSTAL SERVICE*.—Not  
13          later than 90 days after the receipt of the list  
14          submitted under paragraph (3)(B), the Post-  
15          master General shall—

16                  “(i) review the list; and

17                  “(ii) submit to the Director of the Of-  
18                  fice of Management and Budget a report  
19                  containing the conclusions of the review.

20          “(4) *TERMS OF CO-LOCATION*.—On approval of  
21          the recommendations under paragraph (4) by the  
22          Postmaster General and the applicable agency head,  
23          the co-location of a Postal property and an field office  
24          shall consist of the Executive agency that owns or  
25          leases the field office entering into a lease for space

1       *within the Postal property with United States Postal*  
 2       *Service that has—*

3               “(A) *an initial lease term of not less than*  
 4               *5 years;*

5               “(B) *a cost that is within 5 percent of the*  
 6               *prevailing market lease rate for a similarly situ-*  
 7               *ated space identified under this subsection.”.*

8                       ***TITLE II—PROPERTY***  
 9                       ***MANAGEMENT POLICY***

10 ***SEC. 201. PROPERTY MANAGEMENT POLICY.***

11       (a) *IN GENERAL.—Chapter 5 of subtitle I of title 40,*  
 12 *United States Code (as amended by title I) is amended by*  
 13 *adding at the end the following:*

14 ***“§ 624. Database***

15       *“The Administrator shall—*

16               “(1) *not later than 1 year after the date of enact-*  
 17 *ment of this subchapter, establish and maintain a*  
 18 *single, comprehensive, and descriptive database of all*  
 19 *real property under the custody and control of all*  
 20 *Federal branch agencies, except when otherwise re-*  
 21 *quired for reasons of national security;*

22               “(2) *collect from each Federal agency such de-*  
 23 *scriptive information (except for classified informa-*  
 24 *tion) as the Administrator determines will best de-*

1       *scribe the nature, use, and extent of real property*  
 2       *holdings for the Federal Government; and*

3               *“(3) to the extent consistent with national secu-*  
 4       *rity, make the database established under paragraph*  
 5       *(1) accessible to the public at no cost through the*  
 6       *website of the General Services Administration.*

7       **“§ 625. Limitation on certain leasing authorities**

8               *“Notwithstanding any other provision of this sub-*  
 9       *chapter, a Federal agency with independent leasing author-*  
 10       *ity shall—*

11               *“(1) consult with the Administrator for all leases*  
 12       *requiring a prospectus under section 3307;*

13               *“(2) acquire space at rates consistent with pre-*  
 14       *vailing market rates for comparable facilities within*  
 15       *the specified geographical area; and*

16               *“(3) not later than 180 days after the date of en-*  
 17       *actment of this subchapter and annually thereafter,*  
 18       *submit to the Administrator a report that describes*  
 19       *the use of the independent leasing authority during*  
 20       *the period covered by the report.*

21       **“§ 626. Expedited disposal program**

22               *“(a) IN GENERAL.—*

23               *“(1) REQUIRED DISPOSAL.—*

24               *“(A) IN GENERAL.—On an annual basis,*  
 25       *the Director shall require Federal agencies to dis-*

1           *pose of, by sale, transfer, or other means of dis-*  
2           *posal, any real property determined by the Di-*  
3           *rector to be underutilized property.*

4           “(B) *COSTS ASSOCIATED WITH DISPOSAL.—*

5                   “(i) *IN GENERAL.—The Administrator*  
6                   *may obligate an amount to pay any direct*  
7                   *and indirect costs under section 572 related*  
8                   *to identifying and preparing properties to*  
9                   *be reported as excess by a Federal agency.*

10                   “(ii) *REIMBURSEMENT.—An amount*  
11                   *obligated under clause (i) shall be paid from*  
12                   *the proceeds of any sale of underutilized*  
13                   *property.*

14                   “(iii) *NET PROCEEDS.—Net proceeds*  
15                   *shall be distributed under subsection (b).*

16           “(C) *MAXIMUM NET PROCEEDS.—Underuti-*  
17           *lized property required to be disposed of by sale*  
18           *of under subparagraph (A) shall be sold at an*  
19           *auction that, as determined by the Adminis-*  
20           *trator in consultation with the head of the appli-*  
21           *cable Federal agency, is structured and marketed*  
22           *to ensure the maximum amount of net proceeds.*

23           “(D) *MONETARY PROCEEDS REQUIRE-*  
24           *MENT.—*



1           “(i) *IN GENERAL.*—*Underutilized*  
2           *property may be sold under this section*  
3           *only if disposal of the property will gen-*  
4           *erate monetary proceeds to the Federal Gov-*  
5           *ernment that exceed the costs of disposal of*  
6           *the property.*

7           “(ii) *PROHIBITIONS ON NONCASH*  
8           *TRANSACTIONS.*—*A disposal of underuti-*  
9           *lized property under this section may not*  
10           *include any exchange, trade, transfer, ac-*  
11           *quisition of the like-kind property, or other*  
12           *noncash transaction as part of the disposal.*

13           “(2) *APPLICABILITY OF CERTAIN LAW.*—*Any ex-*  
14           *pedited disposal of underutilized property conducted*  
15           *under this section shall not be subject to—*

16           “(A) *any section of An Act Authorizing the*  
17           *Transfer of Certain Real Property for Wildlife,*  
18           *or other Purposes (16 U.S.C. 667b);*

19           “(B) *sections 107 and 317 of title 23;*

20           “(C) *sections 545(b)(8), 550, 553, 554, and*  
21           *1304(b) of this title;*

22           “(D) *section 501 of the McKinney-Vento*  
23           *Homeless Assistance Act (42 U.S.C. 11411);*

24           “(E) *section 47151 of title 49;*

1           “(F) section 13(d) of the Surplus Property  
2           Act of 1944 (50 U.S.C. App. 1622(d));

3           “(G) any other provision of law authorizing  
4           the conveyance of real property owned by the  
5           Federal Government for no consideration; or

6           “(H) any congressional notification require-  
7           ment other than that in section 545 of this title.

8           “(b) USE OF PROCEEDS.—

9           “(1) IN GENERAL.—Of the proceeds received from  
10          the disposal of any real property under this sub-  
11          chapter—

12           “(A) not less than 80 percent shall be re-  
13           turned to the general fund of the Treasury for  
14           debt reduction;

15           “(B) the lesser of 18 percent or the share of  
16           proceeds otherwise authorized to be retained  
17           under law shall be retained by Federal agencies,  
18           subject to paragraph (2);

19           “(C) not more than 2 percent shall be made  
20           available to carry out section 627, subject to an-  
21           nual appropriations; and

22           “(D) any remaining share of the proceeds  
23           shall be returned to the general fund of the  
24           Treasury for Federal budget deficit reduction.

1           “(2) *LIMITATION ON USE OF PROCEEDS.*—*Any*  
2           *proceeds retained by Federal agencies under this sec-*  
3           *tion shall be—*

4                   “(A) *deposited into the appropriate real*  
5                   *property account of the agency that had custody*  
6                   *and accountability for the underutilized prop-*  
7                   *erty, with the funds expended only as authorized*  
8                   *in annual appropriations Acts;*

9                   “(B) *used—*

10                           “(i) *by not later than 1 year after the*  
11                           *date of disposal of the real property; and*

12                           “(ii) *only for activities relating to Fed-*  
13                           *eral real property asset management and*  
14                           *disposal; and*

15                   “(C) *if not used by the date described in*  
16                   *subparagraph (A)(i), shall be deposited in the*  
17                   *Treasury and used for Federal budget deficit re-*  
18                   *duction.*

19           “(c) *PUBLIC BENEFIT.*—

20                   “(1) *CONVEYANCE.*—*If an underutilized property*  
21                   *has not been disposed of by the date that is 2 years*  
22                   *after the date the property is listed for sale, the Direc-*  
23                   *tor, in consultation with the Administrator and the*  
24                   *Secretary of Housing and Urban Development, may*  
25                   *consider a request from the disposing agency that the*

1        *underutilized property be conveyed to State and local*  
 2        *governments or nonprofit organizations for various*  
 3        *public purposes or uses as permitted by applicable*  
 4        *law.*

5            *“(2) PREDOMINANT USE AND SIZE STAND-*  
 6        *ARDS.—*

7            *“(A) IN GENERAL.—Underutilized property*  
 8        *the predominant use of which is other than hous-*  
 9        *ing, and the area of which is equal to or greater*  
 10       *than 25,000 square feet or the appraised fair*  
 11       *market value of which exceeds \$2,000,000, shall*  
 12       *be considered to be unsuitable for disposal under*  
 13       *this subsection.*

14           *“(B) APPRAISED FAIR MARKET VALUE.—*  
 15        *The appraised fair market value described in*  
 16        *subparagraph (A) shall be determined by the*  
 17        *Federal agency with custody or control of the*  
 18        *property, in consultation with the Administrator*  
 19        *and standard appraisal practice.*

20        *“(d) ENFORCEMENT.—*

21           *“(1) IN GENERAL.—*

22           *“(A) INCREASE IN SIZE OF INVENTORY.—*  
 23        *Except as provided in subparagraph (B) and*  
 24        *paragraph (2) and , if a Federal agency fails to*  
 25        *make available for public sale the underutilized*

1            *properties described in subsection (a) by the date*  
2            *that is 18 months after the date of a determina-*  
3            *tion by the Director under subsection (a), that*  
4            *Federal agency, except for specific exceptions*  
5            *promulgated by the Director, shall not increase*  
6            *the size of the civilian real property inventory,*  
7            *unless the square footage of the increase is offset,*  
8            *within an appropriate time as determined by the*  
9            *Director, through consolidation, colocation, or*  
10           *disposal of another building space from the in-*  
11           *ventory of that agency.*

12            *“(B) EXCEPTION.—Subparagraph (A) shall*  
13            *not apply to a Federal agency that acquires any*  
14            *real property not under the administrative juris-*  
15            *isdiction of the Federal Government, by sale or*  
16            *lease, until the Director submits a certification*  
17            *to Congress of the disposal of all of those surplus*  
18            *real properties.*

19            *“(2) WAIVER.—Paragraph (1) shall not apply to*  
20            *a Federal agency if—*

21            *“(A) the Federal agency submits to the Di-*  
22            *rector and the Committees on Environment and*  
23            *Public Works and Homeland Security and Gov-*  
24            *ernmental Affairs of the Senate and the Commit-*  
25            *tees on Transportation and Infrastructure and*

1           *Oversight and Government Reform of the House*  
2           *of Representatives a written justification describ-*  
3           *ing—*

4                   “(i) *the reasons why the surplus real*  
5                   *properties described in subsection (a) under*  
6                   *the jurisdiction of the Federal agency were*  
7                   *not disposed of; or*

8                   “(ii) *why the restriction on growth*  
9                   *without an identified offset obstructs the*  
10                  *performance of a mission-critical function;*  
11                  *and*

12                  “(B) *Congress enacts a law approving the*  
13                  *waiver.*

14                  “(3) *OMB SCORECARD.—*

15                   “(A) *IN GENERAL.—The Director shall pre-*  
16                   *pare an annual scorecard measuring the success*  
17                   *of each Federal agency in achieving savings*  
18                   *under this subchapter.*

19                   “(B) *GOVERNMENT-WIDE SAVINGS.—The*  
20                   *Director shall use the scorecard described in sub-*  
21                   *paragraph (A) to determine whether the sum of*  
22                   *the savings of each agency is at least*  
23                   *\$15,000,000,000 over a 10-year period.*

24                   “(4) *REPORT.—Not later than 1 year after the*  
25                   *date of enactment of this subchapter and once for*

1 every 5-year period thereafter, the Council shall sub-  
2 mit to the Director a report listing each Federal agen-  
3 cy that fails to meet the applicable underutilized  
4 property reduction goal established under section  
5 622(5), along with a list of the remaining underuti-  
6 lized properties of the Federal agency.

7 “(e) *TERMINATION OF AUTHORITY.*—The authority  
8 provided by this section terminates on the date that is 5  
9 years after the date of enactment of this subchapter.

10 **“§ 627. Homeless assistance grants**

11 “(a) *DEFINITIONS.*—In this section:

12 “(1) *ELIGIBLE NONPROFIT ORGANIZATION.*—The  
13 term ‘eligible nonprofit organization’ means a non-  
14 profit organization that is a representative of the  
15 homeless.

16 “(2) *HOMELESS.*—The term ‘homeless’ has the  
17 meaning given the term in section 103 of the McKin-  
18 ney-Vento Homeless Assistance Act (42 U.S.C. 11302),  
19 except that subsection (c) of that section shall not  
20 apply.

21 “(3) *PERMANENT HOUSING.*—The term ‘perma-  
22 nent housing’ has the meaning given the term section  
23 401 of the McKinney-Vento Homeless Assistance Act  
24 (42 U.S.C. 11360).

1           “(4) *PRIVATE NONPROFIT ORGANIZATION.*—*The*  
2           *term ‘private nonprofit organization’ has the mean-*  
3           *ing given the term in section 401 of the McKinney-*  
4           *Vento Homeless Assistance Act (42 U.S.C. 11360).*

5           “(5) *REPRESENTATIVE OF THE HOMELESS.*—*The*  
6           *term ‘representative of the homeless’ has the meaning*  
7           *given the term in section 501(i) of the McKinney-*  
8           *Vento Homeless Assistance Act (42 U.S.C. 11411(i)).*

9           “(6) *SECRETARY.*—*The term ‘Secretary’ means*  
10          *the Secretary of Housing and Urban Development.*

11          “(7) *TRANSITIONAL HOUSING.*—*The term ‘transi-*  
12          *tional housing’ has the meaning given the term in*  
13          *section 401 of the McKinney-Vento Homeless Assist-*  
14          *ance Act (42 U.S.C. 11360).*

15          “(b) *GRANT AUTHORITY.*—

16                 “(1) *IN GENERAL.*—*To the extent amounts are*  
17                 *made available under section 626 for use under this*  
18                 *section, the Secretary shall make grants to eligible*  
19                 *private nonprofit organizations through the con-*  
20                 *tinuum of care program established under subtitle C*  
21                 *of title IV of the McKinney-Vento Homeless Assistance*  
22                 *Act (42 U.S.C. 11381 et seq.), to purchase property*  
23                 *suitable for use to assist the homeless in accordance*  
24                 *with subsection (c).*



1           “(2) *TERMS AND CONDITIONS.*—*Except as other-*  
2           *wise provided in this section, a grant under this sec-*  
3           *tion shall be subject to the same terms and conditions*  
4           *as a grant under the continuum of care program es-*  
5           *tablished under subtitle C of title IV of the McKinney-*  
6           *Vento Homeless Assistance Act (42 U.S.C. 11381 et*  
7           *seq.).*

8           “(c) *USE OF PROPERTIES FOR HOUSING OR SHELTER*  
9           *FOR THE HOMELESS.*—

10           “(1) *ELIGIBLE USES.*—*An eligible private non-*  
11           *profit organization that receives a grant under sub-*  
12           *section (b) shall use the amounts received only to pur-*  
13           *chase or rehabilitate real property for use to provide*  
14           *permanent housing, transitional housing, or tem-*  
15           *porary shelter to the homeless.*

16           “(2) *TERM OF USE.*—*The Secretary may not*  
17           *make a grant under subsection (b) to an eligible pri-*  
18           *vate nonprofit organization unless the eligible private*  
19           *nonprofit organization provides to the Secretary such*  
20           *assurances as the Secretary determines necessary to*  
21           *ensure that any property purchased or rehabilitated*  
22           *using amounts received under the grant is used only*  
23           *for the uses described in paragraph (1) for a period*  
24           *of not less than 15 years.*

1       “(d) *PREFERENCE.*—*In awarding grants under sub-*  
 2 *section (b), the Secretary shall give preference to eligible*  
 3 *private nonprofit organizations that operate within areas*  
 4 *in which Federal real property is being sold under the dis-*  
 5 *posal program authorized under section 626.*

6       “(e) *REGULATIONS.*—*The Secretary may promulgate*  
 7 *such regulations as are necessary to carry out this section.”.*

8       (b) *REPORT OF THE COMPTROLLER GENERAL.*—*Not*  
 9 *later than 5 years after the date of enactment of this Act,*  
 10 *the Comptroller General of the United States shall submit*  
 11 *to Congress a report on the use by executive agencies of the*  
 12 *authorities provided by this Act and amendments made by*  
 13 *this Act.*

14 **SEC. 202. CONSIDERATION OF LIFE-CYCLE COST REQUIRED.**

15       (a) *IN GENERAL.*—*Section 3305 of title 40, United*  
 16 *States Code, is amended by adding at the end the following:*

17       “(d) *CONSIDERATION OF LIFE-CYCLE COST RE-*  
 18 *QUIRED.*—

19               “(1) *DEFINITIONS.*—*In this subsection:*

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

23                               “(i) *Investment costs.*

24                               “(ii) *Capital costs.*

25                               “(iii) *Installation costs.*

1                   “(iv) *Energy costs.*

2                   “(v) *Operating costs.*

3                   “(vi) *Maintenance costs.*

4                   “(vii) *Replacement costs.*

5                   “(B) *LIFETIME OF A BUILDING.—The term*  
6                   *‘lifetime of a real property asset’ means, with re-*  
7                   *spect to an asset, the greater of—*

8                   “(i) *the period of time during which*  
9                   *the asset is projected to be used; or*

10                   “(ii) *50 years.*

11                   “(2) *REQUIREMENT.—The Council shall ensure*  
12                   *that the life-cycle cost of a real property asset is con-*  
13                   *sidered in the construction or lease of a real property*  
14                   *asset described in paragraph (3).*

15                   “(3) *FEDERAL PUBLIC BUILDINGS SUBJECT TO*  
16                   *REQUIREMENT.—A real property asset shall be subject*  
17                   *to the requirement under paragraph (2) if—*

18                   “(A) *construction or lease of the asset begins*  
19                   *after the date on which the Council is estab-*  
20                   *lished;*

21                   “(B) *the estimated construction costs of the*  
22                   *asset exceed \$1,000,000;*

23                   “(C) *in the case of a lease, the square foot-*  
24                   *age of the asset is more than 25,000 square feet;*  
25                   *and*

1                   “(D) Federal funding comprises more than  
2                   50 percent of the funding for the estimated con-  
3                   struction or lease costs of the asset.”.

4           (b) *TECHNICAL AND CONFORMING AMENDMENT.*—The  
5 table of sections for chapter 5 of subtitle I of title 40, United  
6 States Code, is amended by inserting after the item relating  
7 to section 611 the following:

“SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

“621. Definitions.

“622. Duties of Federal agencies.

“623. Establishment of a Federal Real Property Council.

“624. Database.

“625. Limitation on certain leasing authorities.

“626. Expedited disposal program.

“627. Homeless assistance grants.”.



Calendar No. 555

112<sup>TH</sup> CONGRESS  
2D SESSION

**S. 2178**

[Report No. 112-241]

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## **A BILL**

To require the Federal Government to expedite the sale of underutilized Federal real property.

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NOVEMBER 27, 2012

Reported with an amendment