

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

Strike all after the enacting clause and insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Civilian Property Re-
3 alignment Act” or “CPRA”.

4 SEC. 2. PURPOSES.

5 The purposes of this Act are—

6 (1) to consolidate the footprint of Federal
7 buildings and facilities;

8 (2) to maximize the utilization rate of Federal
9 buildings and facilities;

10 (3) to reduce the reliance on leased space;

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

15 (5) to reduce the operating and maintenance
16 costs of Federal civilian real properties through the
17 realignment of real properties by consolidating, co-

1 locating, and reconfiguring space, and other oper-
2 ational efficiencies;

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

5 (7) to create incentives for Federal agencies to
6 achieve greater efficiency in their inventories of civil-
7 ian real property;

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

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

14 **SEC. 3. DEFINITIONS.**

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

17 (1) **FEDERAL CIVILIAN REAL PROPERTY AND**
18 **CIVILIAN REAL PROPERTY.**—

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

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

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

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

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

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

16 (iv) Indian and Native Eskimo prop-
17 erties including—

18 (I) any property within the limits
19 of any Indian reservation to which the
20 United States owns title for the ben-
21 efit of an Indian tribe; and

22 (II) any property title which is
23 held in trust by the United States for
24 the benefit of any Indian tribe or indi-
25 vidual or held by an Indian tribe or

1 individual subject to restriction by the
2 United States against alienation.

3 (v) Properties operated and main-
4 tained by the Tennessee Valley Authority
5 pursuant to the Tennessee Valley Author-
6 ity Act of 1933 (16 U.S.C. 831, et seq.).

7 (vi) Postal properties owned by the
8 United States Postal Service, except that
9 the United State Postal Service shall sub-
10 mit to the Commission and the Commis-
11 sion shall consider, pursuant to section 11,
12 postal properties suitable for co-location
13 with other Federal agency field offices.

14 (vii) Properties used in connection
15 with Federal programs for agricultural,
16 recreational, and conservation purposes, in-
17 cluding research in connection with the
18 programs.

19 (viii) Properties used in connection
20 with river, harbor, flood control, reclama-
21 tion, or power projects.

22 (2) FEDERAL AGENCY.—The term “Federal
23 agency” means an executive department or inde-
24 pendent establishment in the executive branch of the

1 Government, and a wholly owned Government cor-
2 poration.

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

6 (4) COMMISSION.—The term “Commission”
7 means the Civilian Property Realignment Commis-
8 sion.

9 (5) OMB.—The term “OMB” means the Office
10 of Management and Budget.

11 (6) FIELD OFFICE.—the term “field office”
12 means any Federal office that is not the Head-
13 quarters office location for the Federal agency.

14 **SEC. 4. COMMISSION.**

15 (a) ESTABLISHMENT.—There is established an inde-
16 pendent commission to be known as the Civilian Property
17 Realignment Commission, referred to in this Act as the
18 “Commission”.

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

21 (c) MEMBERSHIP.—

22 (1) IN GENERAL.—The Commission shall be
23 composed of a chairman appointed by the President,
24 by and with the advice and consent of the Senate,
25 and 8 members appointed by the President.

1 (2) APPOINTMENTS.—In selecting individuals
2 for appointments to the Commission, the President
3 shall consult with—

4 (A) the Speaker of the House of Rep-
5 resentatives concerning the appointment of 2
6 members;

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

9 (C) the minority leader of the House of
10 Representatives concerning the appointment of
11 1 member; and

12 (D) the minority leader of the Senate con-
13 cerning the appointment of 1 member.

14 (3) TERMS.—The term for each member of the
15 Commission shall be 6 years.

16 (4) VACANCIES.—Vacancies shall be filled in
17 the same manner as the original appointment.

18 (5) QUALIFICATIONS.—In selecting individuals
19 for appointment to the Commission, the President
20 shall ensure the Commission contains individuals
21 with expertise representative of the following:

22 (A) Commercial real estate and redevelop-
23 ment.

24 (B) Government management or oper-
25 ations.

1 (C) Community development, including
2 transportation and planning.

3 (D) Historic preservation.

4 **SEC. 5. COMMISSION MEETINGS.**

5 (a) OPEN MEETINGS.—Each meeting of the Commis-
6 sion, other than meetings in which classified information
7 is to be discussed, shall be open to the public. Any open
8 meeting shall be announced in the Federal Register and
9 the Federal website established by the Commission at least
10 14 calendar days in advance of a meeting. For all public
11 meetings, the Commission shall release an agenda and a
12 listing of materials relevant to the topics to be discussed.

13 (b) QUORUM AND MEETINGS.—Seven Commission
14 members shall constitute a quorum for the purposes of
15 conducting business and 3 or more Commission members
16 shall constitute a meeting of the Commission.

17 (c) TRANSPARENCY OF INFORMATION.—All the pro-
18 ceedings, information, and deliberations of the Commis-
19 sion shall be open, upon request, to the chairperson and
20 the ranking minority party member, and their respective
21 subcommittee chairperson and ranking minority party
22 member, of—

23 (1) the Committee on Transportation and In-
24 frastructure of the House of Representatives;

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

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

5 (4) the Committee on Environmental and Pub-
6 lic Works of the Senate; and

7 (5) the committees on Appropriations of the
8 House of Representatives and the Senate.

9 (d) GOVERNMENT ACCOUNTABILITY OFFICE.—All
10 proceedings, information, and deliberations of the Com-
11 mission shall be open, upon request, to the Comptroller
12 General of the United States.

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

14 (a) COMPENSATION.—

15 (1) RATE OF PAY FOR MEMBERS.—Each mem-
16 ber, other than the Chairperson, shall be paid at a
17 rate equal to the daily equivalent of the minimum
18 annual rate of basic pay payable for level IV of the
19 Executive Schedule under section 5315 of title 5,
20 United States Code, for each day (including travel
21 time) during which the member is engaged in the ac-
22 tual performance of duties vested in the Commis-
23 sion.

24 (2) RATE OF PAY FOR CHAIRPERSON.—The
25 chairperson shall be paid for each day referred to in

1 paragraph (1) at a rate equal to the daily equivalent
2 of the minimum annual rate of basic pay payable for
3 level III of the Executive Schedule under section
4 5314, of title 5, United States Code.

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

9 **SEC. 7. EXECUTIVE DIRECTOR.**

10 (a) APPOINTMENT.—The Commission shall appoint
11 an Executive Director and may disregard the provisions
12 of title 5, United States Code, governing appointments in
13 the competitive service.

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

18 **SEC. 8. STAFF.**

19 (a) ADDITIONAL PERSONNEL.—Subject to subsection
20 (b), the Executive Director, with the approval of the Com-
21 mission, may appoint and fix the pay of additional per-
22 sonnel.

23 (b) DETAIL EMPLOYEES FROM OTHER AGENCIES.—
24 Upon request of the Executive Director, the head of any
25 Federal agency may detail any of the personnel of that

1 agency to the Commission to assist the Commission in car-
2 rying out its duties under this Act.

3 (d) **QUALIFICATIONS.**—Appointments shall be made
4 with consideration of a balance of expertise consistent with
5 the qualifications of representatives described in section
6 4(c)(5).

7 **SEC. 9. CONTRACTING AUTHORITY.**

8 (a) **EXPERTS AND CONSULTANTS.**—The Commission
9 may procure by contract, to the extent funds are available,
10 the temporary or intermittent services of experts and con-
11 sultants pursuant to section 3109 of title 5, United States
12 Code.

13 (b) **SPACE.**—The Administrator, in consultation with
14 the Commission, shall identify suitable excess space within
15 the Federal space inventory to house the operations of the
16 Commission. If no such space is available, the Commission
17 may, notwithstanding section 20, lease space to the extent
18 funds are available.

19 (c) **PERSONAL PROPERTY.**—The Commission may
20 acquire personal property to the extent funds are avail-
21 able.

22 (d) **RECEIPT AND SALE OF PROPERTY.**—The Com-
23 mission may take custody, control, and administrative ju-
24 risdiction over Federal property pursuant to section 12(b)

1 and is authorized to sell such property for no less than
2 fair market value.

3 (e) USE OF SMALL BUSINESSES.—In exercising its
4 authorities under this section and section 12, the Commis-
5 sion shall use, to the greatest extent practicable, small
6 businesses as defined by section 3 of the Small Business
7 Act (15 U.S.C. 632).

8 **SEC. 10. TERMINATION.**

9 The Commission shall cease operations and terminate
10 6 years from the date of enactment of this Act.

11 **SEC. 11. DEVELOPMENT OF RECOMMENDATIONS TO THE**
12 **COMMISSION.**

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

20 (1) CURRENT DATA.—Current data of all Fed-
21 eral civilian real properties owned, leased or con-
22 trolled by the respective agency, including all rel-
23 evant information prescribed by the Administrator
24 and the Director of the Office of Management and
25 Budget, including data related to the age and condi-

1 tion of the property, operating costs, history of cap-
2 ital expenditures, sustainability metrics, number of
3 Federal employees and functions housed in the re-
4 spective property, square footage (including gross,
5 rentable, and usable).

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

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

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

18 (b) STANDARDS AND CRITERIA.—Not later than 60
19 days after the date specified in subsection (a), the Director
20 of OMB, in consultation with the Administrator, shall re-
21 view agency recommendations submitted pursuant to sub-
22 section (a), and develop consistent standards and criteria
23 against which agency recommendations will be reviewed.
24 The Director of OMB and the Administrator shall develop
25 recommendations to the Commission based on those

1 standards and criteria. In developing the standards and
2 criteria, the Director of OMB, in consultation with the Ad-
3 ministrator, shall incorporate the following:

4 (1) The extent to which the Federal building or
5 facility could be sold, redeveloped, or otherwise used
6 to produce the highest and best value and return for
7 the taxpayer.

8 (2) The extent to which the operating and
9 maintenance costs are reduced through consoli-
10 dating, co-locating, and reconfiguring space, and
11 through realizing other operational efficiencies.

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

16 (4) The extent and timing of potential costs
17 and savings, including the number of years, begin-
18 ning with the date of completion of the proposed rec-
19 ommendation.

20 (5) The extent to which reliance on leasing for
21 long-term space needs is reduced.

22 (6) The extent to which a Federal building or
23 facility aligns with the current mission of the Fed-
24 eral agency.

1 (7) The extent to which there are opportunities
2 to consolidate similar operations across multiple
3 agencies or within agencies.

4 (8) The economic impact on existing commu-
5 nities in the vicinity of the Federal building or facil-
6 ity.

7 (9) The extent to which energy consumption is
8 reduced.

9 (c) SPECIAL RULE FOR UTILIZATION RATES.—
10 Standards developed by the Director of OMB must incor-
11 porate and apply clear standard utilization rates con-
12 sistent throughout each category of space and with non-
13 government space utilization rates. To the extent utiliza-
14 tion rates are exceeded by a given agency, the Director
15 shall recommend realignment, co-location, consolidation,
16 or other type of action to improve space utilization.

17 (d) SUBMISSION TO THE COMMISSION.—

18 (1) IN GENERAL.—The standards, criteria, and
19 recommendations developed pursuant to subsection
20 (b) shall be submitted to the Commission with all
21 supporting information, data, analyses, and docu-
22 mentation.

23 (2) PUBLICATION.—The standards, criteria,
24 and recommendations shall be published in the Fed-
25 eral Register and transmitted to the committees des-

1 ignated in section 5(c) and to the Comptroller Gen-
2 eral of the United States.

3 (3) ACCESS TO INFORMATION.—The Commis-
4 sion shall also have access to all information per-
5 taining to the recommendations, including sup-
6 porting information, data, analyses, and documenta-
7 tion submitted pursuant to subsection (a). Upon re-
8 quest, Federal agencies shall provide, the Commis-
9 sion any additional information pertaining to its
10 properties.

11 **SEC. 12. COMMISSION DUTIES.**

12 (a) IDENTIFICATION OF PROPERTY REDUCTION OP-
13 PORTUNITIES.—The Commission shall identify opportuni-
14 ties for the Government to reduce significantly its inven-
15 tory of civilian real property and reduce costs to the Gov-
16 ernment.

17 (b) IDENTIFICATION OF HIGH VALUE ASSETS.—

18 (1) IDENTIFICATION OF CERTAIN PROP-
19 ERTIES.—Not later than 180 days after Commission
20 members are appointed pursuant to section 4, the
21 Commission shall identify not less than 5 Federal
22 properties that are not on the list of surplus or ex-
23 cess as of such date with a total fair market value
24 of not less than \$500,000,000 to be sold and trans-
25 mit the list to the President and Congress as Com-

1 mission recommendations and subject to the ap-
2 proval process described in sections 13 and 14.

3 (2) LEASEBACK RESTRICTIONS.—None of the
4 existing improvements on properties sold under this
5 subsection may be leased back to the Federal Gov-
6 ernment.

7 (3) INFORMATION AND DATA.—In order to
8 meet the goal established under paragraph (1), Fed-
9 eral agencies shall provide, upon receipt, any and all
10 information and data regarding its properties to the
11 Commission. The Commission shall notify the com-
12 mittees listed under section 5(c) of any failure by
13 any agency to comply with a request of the Commis-
14 sion.

15 (4) TRANSFER.—Not later than 60 days after
16 approval of the Commission recommendations pursu-
17 ant to paragraph (1), Federal agencies with custody,
18 control, or administrative jurisdiction over the iden-
19 tified properties shall transfer custody, control, and
20 administrative jurisdiction to the Commission.

21 (5) SALE.—Not later than 120 days after ap-
22 proval of Commission recommendations pursuant to
23 paragraph (1) and notwithstanding any other provi-
24 sion of law (except as provided in section 18), the
25 Commission shall sell the properties described in

1 paragraph (1) at fair market value at highest and
2 best use.

3 (6) PROCEEDS.—The proceeds shall be distrib-
4 uted in accordance with section 17.

5 (c) ANALYSIS OF INVENTORY.—The Commission
6 shall perform an independent analysis of the inventory of
7 Federal civilian real property and the recommendations
8 submitted pursuant to section 11. The Commission shall
9 not be bound or limited by the recommendations sub-
10 mitted pursuant to section 11. If, in the opinion of the
11 Commission, an agency fails to provide needed informa-
12 tion, data or adequate recommendations that meet the
13 standards and criteria, the Commission shall develop such
14 recommendations as it considers appropriate based on ex-
15 isting data contained in the Federal Real Property Profile
16 or other relevant information.

17 (d) RECEIPT OF INFORMATION AND PROPOSALS.—
18 Notwithstanding any other provision of law, the Commis-
19 sion may receive and consider proposals, information, and
20 other data submitted by State and local officials and the
21 private sector. Such information shall be made publically
22 available.

23 (e) ACCOUNTING SYSTEM.—Not later than 120 days
24 after the date of enactment of this Act, the Commission
25 shall identify or develop and implement a system of ac-

1 counting to be used to independently evaluate the costs
2 of and returns on the recommendations. Such accounting
3 system shall be applied in developing the Commission's
4 recommendations and determining the highest return to
5 the taxpayer. In applying the accounting system, the Com-
6 mission shall set a standard performance period.

7 (f) PUBLIC HEARING.—The Commission shall con-
8 duct public hearings. All testimony before the Commission
9 at a public hearing under this paragraph shall be pre-
10 sented under oath.

11 (g) REPORTING OF INFORMATION AND REC-
12 OMMENDATIONS.—

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

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

7 (h) FEDERAL WEBSITE.—The Commission shall es-
8 tablish and maintain a Federal website for the purposes
9 of making relevant information publically available.

10 (i) REVIEW BY GAO.—The Comptroller General of
11 the United States shall transmit to the Congress and to
12 the Commission a report containing a detailed analysis of
13 the recommendations and selection process.

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

15 (a) REVIEW OF RECOMMENDATIONS.—Upon receipt
16 of the Commission’s recommendations, the President shall
17 conduct a review of such recommendations.

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

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

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

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

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

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

22 **SEC. 14. CONGRESSIONAL CONSIDERATION OF THE REC-**
23 **COMMENDATIONS.**

24 (a) RESOLUTION OF DISAPPROVAL.—Not later than
25 45 days after the date of the President's transmission to

1 Congress of the approved recommendations pursuant to
2 section 13, Congress may enact a joint resolution as de-
3 scribed in subsection (c) to disapprove the Commission
4 recommendations.

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

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

15 (1) which does not have a preamble;

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

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

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

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

17 (f) CONSIDERATION.—

18 (1) IN GENERAL.—On or after the third day
19 after the date on which the committee to which such
20 resolution is referred has reported, or has been dis-
21 charged (under subsection (e)) from further consid-
22 eration of, such a resolution, it is in order (even
23 though a previous motion to the same effect has
24 been disagreed to) for any Member of the respective
25 House to move to proceed to the consideration of the

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

22 (2) DEBATE.—Debate on the resolution and on
23 all debatable motions and appeals in connection
24 therewith, shall be limited to not more than 2 hours,
25 which shall be divided equally between those favoring

1 and those opposing the resolution. An amendment to
2 the resolution is not in order. A motion further to
3 limit debate is in order and not debatable. A motion
4 to postpone, or a motion to proceed to the consider-
5 ation of other business, or a motion to recommit the
6 resolution is not in order. A motion to reconsider the
7 vote by which the resolution is agreed to or dis-
8 agreed is not in order.

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

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

21 (g) CONSIDERATION BY OTHER HOUSE.—

22 (1) IN GENERAL.—If, before the passage by one
23 House of a resolution of that House described in
24 subsection (c), that House received from the other

1 House a resolution described in subsection (c), then
2 the following procedures shall apply:

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

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

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

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

21 (1) as an exercise of the rulemaking power of
22 the Senate and House of Representatives, respec-
23 tively, and as such it is deemed a part of the rules
24 of each House, respectively, but applicable only with
25 respect to the procedure to be followed in that

1 House in the case of a resolution described in this
2 section, and it supersedes other rules only to the ex-
3 tent that it is inconsistent with such rules; and

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

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

17 **SEC. 15. IMPLEMENTATION OF COMMISSION REC-**
18 **COMMENDATIONS.**

19 (a) **CARRYING OUT RECOMMENDATIONS.**—Upon the
20 date specified in section 14(i), Federal agencies shall im-
21 mediately begin preparation to carry out the Commission’s
22 recommendations and shall initiate all activities no later
23 than 2 years after the date on which the President trans-
24 mits the recommendations to Congress. Federal agencies
25 shall complete all recommended actions no later than the

1 end of the 6-year period beginning on the date on which
2 the President transmits the Commission's recommenda-
3 tions to Congress. All actions shall be economically bene-
4 ficial and be cost neutral or otherwise favorable to the
5 Government. For actions that will take longer than the
6 6-year period due to extenuating circumstances, each Fed-
7 eral agency shall notify the President and Congress as
8 soon as the extenuating circumstance presents itself with
9 an estimated time to complete the relevant action.

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

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

19 (2) providing outplacement assistance to civilian
20 employees employed by any Federal agency at a
21 Federal civilian property impacted by such actions;
22 and

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

1 (c) NECESSARY AND PROPER ACTIONS.—When act-
2 ing on a recommendation of the Commission, a Federal
3 agency shall continue to act within their existing legal au-
4 thorities, whether such authority has been delegated by
5 the Administrator, or must work in partnership with the
6 Administrator to carry out such actions. The Adminis-
7 trator may take such necessary and proper actions, includ-
8 ing the sale, conveyance, or exchange of civilian real prop-
9 erty, as required to implement the Commission rec-
10 ommendations in the time period required under sub-
11 section (a). The Administrator shall enter into and use
12 commission-based contracts for real estate services to as-
13 sist in carrying out property transactions required by the
14 Commission’s recommendations.

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

1 **SEC. 16. AUTHORIZATION OF APPROPRIATIONS.**

2 (a) IN GENERAL.—There is authorized a one-time
3 appropriation to carry out this Act in the following
4 amounts:

5 (1) \$20,000,000 for salaries and expenses of
6 the Commission.

7 (2) \$62,000,000 to be deposited into the Asset
8 Proceeds and Space Management Fund for activities
9 related to the implementation of the Commission
10 recommendations.

11 (b) FEDERAL BUILDINGS FUND.—There is author-
12 ized to be appropriated from the Federal Buildings Fund
13 established under section 592 of title 40, United States
14 Code, for construction and acquisition activities \$0 for fis-
15 cal year 2012.

16 **SEC. 17. FUNDING.**

17 (a) CREATION OF SALARIES AND EXPENSES AC-
18 COUNT.—There is hereby established on the books of the
19 Treasury an account to be known as the “Civilian Prop-
20 erty Realignment Commission—Salaries and Expenses”
21 account.

22 (1) NECESSARY PAYMENTS.—There shall be de-
23 posited into the account such amounts, as are pro-
24 vided in appropriations Acts, for those necessary
25 payments for salaries and expenses to accomplish
26 the administrative needs of the Commission.

1 (2) NO APPROPRIATIONS.—If no amounts are
2 appropriated for the salaries and expenses of the
3 Commission for a particular fiscal year, the Director
4 of the Office of Management and Budget may sup-
5 port the Commission’s activities under this Act dur-
6 ing such year if the Director approves, in consulta-
7 tion with the Administrator, a transfer to the Com-
8 mission of amounts from the “Civilian Property Re-
9 alignment Commission—Asset Proceeds and Space
10 Management Fund” within the Federal Buildings
11 Fund established under section 592 of title 40,
12 United States Code, subject to subsection (b)(3) and
13 (4) of this section.

14 (b) CREATION OF ASSET PROCEEDS AND SPACE
15 MANAGEMENT FUND.—There is hereby established within
16 the Federal Buildings Fund established under section 592
17 of title 40, United States Code, an account to be known
18 as the “Civilian Property Realignment Commission—
19 Asset Proceeds and Space Management Fund” which shall
20 be used solely for the purposes of carrying out actions pur-
21 suant to the Commission recommendations approved
22 under section 14. Notwithstanding section 3307 of title
23 40, United States Code, the following amounts shall be
24 deposited into the account and are hereby appropriated

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

3 (1) Such amounts as are provided in appropria-
4 tions Acts, to remain available until expended, for
5 the consolidation, co-location, exchange, redevelop-
6 ment, re-configuration of space and other actions
7 recommended by the Commission for Federal agen-
8 cies.

9 (2) Gross proceeds received from the proceeds
10 of any civilian real property action taken pursuant
11 to a recommendation of the Commission under sec-
12 tion 15. The Commission, in consultation with the
13 Administrator, may transfer from the gross proceeds
14 to a Federal agency, amounts necessary to cover
15 costs associated with sales transactions pursuant to
16 implementing the recommendations pursuant to sec-
17 tion 15.

18 (3) Net proceeds (which are gross proceeds re-
19 ceived from the sale of any civilian real property
20 pursuant to a recommendation of the Commission,
21 less the amounts transferred from this account
22 under subsection (b)(2)), shall be divided between
23 the General Fund of the Treasury and the Asset
24 Proceeds and Space Management Fund within the
25 Federal Buildings Fund. On an annual basis, the

1 Director of the Office of Management and Budget,
2 shall determine how the net proceeds shall be dis-
3 tributed, through transfer, between the General
4 Fund and the Asset Proceeds and Space Manage-
5 ment Fund, except that the General Fund shall re-
6 ceive—

7 (A) 100 percent of all net proceeds in a
8 fiscal year until the total amount of net pro-
9 ceeds in that fiscal year exceeds \$50,000,000;
10 and

11 (B) at least 60 percent of the net proceeds
12 thereafter in that fiscal year.

13 (4) The Commission, in consultation with the
14 Administrator, may transfer from the net proceeds
15 to a Federal agency, amounts necessary to cover
16 costs associated with implementing the recommenda-
17 tions pursuant to section 15 not necessary for the
18 purposes of sale transactions pursuant to paragraph
19 (2) of this subsection. In support of its duties, the
20 Commission, in consultation with the Administrator,
21 may transfer from the net proceeds of the Space
22 Management Fund to a Federal agency, amounts—

23 (A) to cover the necessary costs associated
24 with—

1 (i) consolidation, co-location, redevelop-
2 opment, and reconfiguration actions; and

3 (ii) other actions taken to otherwise
4 realize operational efficiencies, including
5 such actions as environmental restoration;
6 and

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

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

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

18 (1) section 545(b)(8) of title 40, United States
19 Code;

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

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

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

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

3 (6) sections 107 and 317 of title 23, United
4 States Code;

5 (7) section 1304(b) of title 40, United States
6 Code;

7 (8) section 1622(d) of title 50, appendix,
8 United States Code Appended;

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

12 (b) ENVIRONMENTAL CONSIDERATIONS.—

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

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

21 (B) during the process of relocating func-
22 tions from a property being disposed of or re-
23 aligned to another property after the receiving
24 property has been selected but before the func-
25 tions are relocated.

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

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

8 (B) the need for transferring functions to
9 another Federal civilian property; or

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

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

22 (4) DISPOSAL OF REALIGNED PROPERTY.—Fed-
23 eral agencies may dispose or realign property with-
24 out regard to any provision of law described in sub-
25 section (a), restricting the use of funds for disposing

1 or realigning Federal civilian property included in
2 any appropriations or authorization Act.

3 (5) TRANSFER OF REAL PROPERTY.—

4 (A) IN GENERAL.—When implementing the
5 recommended actions pursuant to section 15 for
6 properties that have been identified in the Com-
7 mission’s recommendations and in compliance
8 with the Comprehensive Environmental Re-
9 sponse, Compensation, and Liability Act of
10 1980 (42 U.S.C. 9601 et seq), including section
11 120(h) thereof (42 U.S.C. 9620(h)), Federal
12 agencies may enter into an agreement to trans-
13 fer by deed real property with any person.

14 (B) ADDITIONAL TERMS.—The head of the
15 disposing agency may require any additional
16 terms and conditions in connection with an
17 agreement authorized by subparagraph (A) as
18 the head of the disposing agency considers ap-
19 propriate to protect the interests of the United
20 States. Such additional terms and conditions
21 shall not affect or diminish any rights or obliga-
22 tions of the federal agencies under CERCLA
23 section 120(h) (including, without limitation,
24 the requirements CERCLA section

1 120(h)(3)(A) and CERCLA section
2 120(h)(3)(C)(iv)).

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

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

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

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

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

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

23 (7) and inserting “; and”; and

24 (3) adding at the end the following:

1 cies to enter into leases or limit the authority of the Ad-
2 ministration under section 3314.”.

3 (b) **SMALL BUSINESSES.**—When using commercial
4 leasing services, the Administrator shall adhere to the re-
5 quirements of the Small Business Act (15 U.S.C. et seq.).

6 (c) **CLERICAL AMENDMENT.**—The analysis for such
7 chapter is amended by adding at the end:

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

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

9 Upon the date specified in section 14(i), the Comp-
10 troller General of the United States at least annually shall
11 monitor, review the implementation activities of Federal
12 agencies pursuant to section 15, and report to Congress
13 any findings and recommendations.

14 **SEC. 22. REALIGNMENT OF REAL PROPERTY OWNED OR**
15 **MANAGED BY THE BUREAU OF OVERSEAS**
16 **BUILDING OPERATIONS.**

17 (a) **LIST OF ASSETS.**—On an annual basis, the Com-
18 mission shall identify and create a list of assets located
19 outside of the United States and its territories that are
20 owned or managed by the Department of State’s Bureau
21 of Overseas Building Operations that may—

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

1 (2) be otherwise disposed of, transferred, con-
2 solidated, co-located, or reconfigured so as to reduce
3 the operating costs of the Federal Government.

4 (b) LIST TO SECRETARY OF STATE.—The Commis-
5 sion shall provide this list created pursuant to subsection
6 (a) to the Secretary of State.

7 (c) REVIEW AND REPORT.—Not later than 90 cal-
8 endar days after the receipt of the list created pursuant
9 to subsection (b), the Department of State shall review
10 this list and send a report to the Commission. The report
11 shall include the conclusions of this review by the Depart-
12 ment of State.

13 (d) RECOMMENDATIONS OF CERTAIN CIVILIAN REAL
14 PROPERTY ASSETS.—Consistent with section 12, the
15 Commission may only make recommendations involving ci-
16 vilian real property assets that are located outside of the
17 United States and its territories and owned or managed
18 by the Department of State's Bureau of Overseas Building
19 Operations if the assets are on the list provided to the
20 Department of State pursuant to this section and the De-
21 partment of State has submitted a report on the list to
22 the Commission pursuant to subsection (c).

23 (e) REMOVAL OF CERTAIN CIVILIAN REAL PROP-
24 ERTY TRANSACTION ASSETS.—Consistent with section 12,
25 not later than 20 calendar days after the submission of

1 the Commission's report to the President, the Secretary
2 of State may remove any transaction that involves a civil-
3 ian real property asset that is located outside of the
4 United States and its territories and owned or managed
5 by the Department of State's Bureau of Overseas Building
6 Operations from the Commission recommendations or list
7 of recommendations made pursuant to section 12.

8 (f) APPEAL BY SECRETARY OF STATE.—Nothing in
9 this section shall restrict the ability of the Secretary of
10 State to appeal to the Director of OMB or Commission
11 for funding by the Commission's Asset Proceeds and
12 Space Management Fund to support the cost of imple-
13 menting a recommendation.

14 (g) PROCEEDS.—For the purposes of this Act, pro-
15 ceeds from the disposal of assets located outside of the
16 United States and its territories that are owned or man-
17 aged by the Department of State's Bureau of Overseas
18 Building Operations as identified by the Commission and
19 disposed of pursuant to this Act shall be deposited into
20 the Asset Proceeds and Space Management Fund. Pro-
21 ceeds from the disposal of assets by the Department of
22 State that are not disposed of pursuant to this Act shall
23 be retained by the Department of State.

1 **SEC. 23. NATIONAL WOMEN'S HISTORY MUSEUM.**

2 (a) DEFINITIONS.—In this section, the following defi-
3 nitions apply:

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

7 (2) CERCLA.—The term “CERCLA” means the
8 Comprehensive Environmental Response, Compensa-
9 tion, and Liability Act of 1980 (42 U.S.C. 9601 et
10 seq.).

11 (3) COMMITTEES.—The term “Committees”
12 means the Committee on Transportation and Infra-
13 structure of the House of Representatives and the
14 Committee on Environment and Public Works of the
15 Senate.

16 (4) MUSEUM.—The term “Museum” means the
17 National Women’s History Museum, Inc., a District
18 of Columbia nonprofit corporation exempt from tax-
19 ation pursuant to section 501(c)(3) of the Internal
20 Revenue Code of 1986.

21 (5) PROPERTY.—Except as provided in section
22 25 of this Act, the term “Property” means the prop-
23 erty located in the District of Columbia, subject to
24 survey and as determined by the Administrator, gen-
25 erally consisting of Squares 325 and 326 and a por-
26 tion of Square 351. The Property is generally

1 bounded by 12th Street, Independence Avenue, C
2 Street, and the James Forrestal Building, all in
3 Southwest Washington, District of Columbia, and
4 shall include all associated air rights, improvements
5 thereon, and appurtenances thereto.

6 (b) CONVEYANCE OF PROPERTY.—

7 (1) AUTHORITY TO CONVEY.—

8 (A) IN GENERAL.—Subject to the require-
9 ments of this section, the Administrator shall
10 convey the Property to the Museum, on such
11 terms and conditions as the Administrator con-
12 siders reasonable and appropriate to protect the
13 interests of the United States and further the
14 purposes of this section.

15 (B) AGREEMENT.—As soon as practicable,
16 but not later than 180 days after the date of
17 enactment of this Act, the Administrator shall
18 enter into an agreement with the Museum for
19 the conveyance.

20 (C) TERMS AND CONDITIONS.—The terms
21 and conditions of the agreement shall address,
22 among other things, mitigation of develop-
23 mental impacts to existing Federal buildings
24 and structures, security concerns, and oper-
25 ational protocols for development and use of the

1 property and provisions to provide for the exer-
2 cise by the Museum of its right of first refusal
3 pursuant to section 25.

4 (2) PURCHASE PRICE.—

5 (A) IN GENERAL.—The purchase price for
6 the Property shall be its fair market value
7 based on its highest and best use as determined
8 by an independent appraisal commissioned by
9 the Administrator and paid for by the Museum.

10 (B) SELECTION OF APPRAISER.—The ap-
11 praisal shall be performed by an appraiser mu-
12 tually acceptable to the Administrator and the
13 Museum.

14 (C) TERMS AND CONDITIONS FOR AP-
15 PRAISAL.—

16 (i) IN GENERAL.—Except as provided
17 in clause (ii), the assumptions, scope of
18 work, and other terms and conditions re-
19 lated to the appraisal assignment shall be
20 mutually acceptable to the Administrator
21 and the Museum.

22 (ii) REQUIRED TERMS.—The ap-
23 praisal shall assume that the Property does
24 not contain hazardous substances (as de-
25 fined in section 101 of CERCLA (42

1 U.S.C. 9601)) or any other hazardous
2 waste or pollutant that requires a response
3 action or corrective action under any appli-
4 cable environmental law.

5 (3) APPLICATION OF PROCEEDS.—The pur-
6 chase price shall be paid into an account in the Fed-
7 eral Buildings Fund established under section 592
8 of title 40, United States Code. Upon deposit, the
9 proceeds from the conveyance may only be expended
10 subject to a specific future appropriation.

11 (4) QUIT CLAIM DEED.—The Property shall be
12 conveyed pursuant to a quit claim deed.

13 (5) USE RESTRICTION.—The Property shall be
14 dedicated for use as a site for a national women’s
15 history museum for the 99-year period beginning on
16 the date of conveyance to the Museum.

17 (6) FUNDING RESTRICTION.—No Federal funds
18 shall be made available—

19 (A) to the Museum for—

20 (i) the purchase of the Property; or

21 (ii) the design and construction of any
22 facility on the Property; or

23 (B) by the Museum or any affiliate of the
24 Museum as a credit pursuant to subsection (c).

25 (7) REVERSION.—

1 (A) BASES FOR REVERSION.—The Prop-
2 erty shall revert to the United States, at the op-
3 tion of the United States, without any obliga-
4 tion for repayment by the United States of any
5 amount of the purchase price for the property,
6 if—

7 (i) the Property is not used as a site
8 for a national women’s history museum at
9 any time during the 99-year period re-
10 ferred to in subsection (e); or

11 (ii) the Museum has not commenced
12 construction of a museum facility on the
13 Property in the 5-year period beginning on
14 the date of enactment of this Act, other
15 than for reasons beyond the control of the
16 Museum as reasonably determined by the
17 Administrator.

18 (B) ENFORCEMENT.—The Administrator
19 may perform any acts necessary to enforce the
20 reversionary rights provided in this section.

21 (C) CUSTODY OF PROPERTY UPON REVER-
22 SION.—If the Property reverts to the United
23 States pursuant to this section, such property
24 shall be under the custody and control of the
25 Administrator.

1 (8) CLOSING.—The conveyance pursuant to this
2 section shall occur not later than 3 years after the
3 date of enactment of this Act. The Administrator
4 may extend that period for such time as is reason-
5 ably necessary for the Museum to perform its obliga-
6 tions under section subsection (c).

7 (c) ENVIRONMENTAL MATTERS.—

8 (1) AUTHORIZATION TO CONTRACT FOR ENVI-
9 RONMENTAL RESPONSE ACTIONS.—In fulfilling the
10 responsibility of the Administrator to address con-
11 tamination on the Property, the Administrator may
12 contract with the Museum or an affiliate of the Mu-
13 seum for the performance (on behalf of the Adminis-
14 trator) of response actions on the Property.

15 (2) CREDITING OF RESPONSE COSTS.—

16 (A) IN GENERAL.—Any costs incurred by
17 the Museum or an affiliate of the Museum
18 using non-Federal funding pursuant to para-
19 graph (1) shall be credited to the purchase
20 price for the Property.

21 (B) LIMITATION.—A credit under subpara-
22 graph (A) shall not exceed the purchase price of
23 the Property.

24 (3) NO EFFECT ON COMPLIANCE WITH ENVI-
25 RONMENTAL LAWS.—Nothing in this section, or any

1 amendment made by this section, affects or limits
2 the application of or obligation to comply with any
3 environmental law, including section 120(h) of
4 CERCLA (42 U.S.C. 9620(h)).

5 (d) INCIDENTAL COSTS.—Subject to subsection (c),
6 the Museum shall bear any and all costs associated with
7 complying with the provisions of this section, including
8 studies and reports, surveys, relocating tenants, and miti-
9 gating impacts to existing Federal buildings and struc-
10 tures resulting directly from the development of the prop-
11 erty by the Museum.

12 (e) LAND USE APPROVALS.—

13 (1) EXISTING AUTHORITIES.—Nothing in this
14 section shall be construed as limiting or affecting the
15 authority or responsibilities of the National Capital
16 Planning Commission or the Commission of Fine
17 Arts.

18 (2) COOPERATION.—

19 (A) ZONING AND LAND USE.—Subject to
20 subparagraph (B), the Administrator shall rea-
21 sonably cooperate with the Museum with re-
22 spect to any zoning or other land use matter re-
23 lating to development of the Property in accord-
24 ance with this section. Such cooperation shall
25 include consenting to applications by the Mu-

1 seum for applicable zoning and permitting with
2 respect to the Property.

3 (B) LIMITATIONS.—The Administrator
4 shall not be required to incur any costs with re-
5 spect to cooperation under this subsection and
6 any consent provided under this subsection
7 shall be premised on the Property being devel-
8 oped and operated in accordance with this sec-
9 tion.

10 (f) REPORTS.—Not later than 1 year after the date
11 of enactment of this Act, and annually thereafter until the
12 end of the 5-year period following conveyance of the Prop-
13 erty or until substantial completion of the museum facility
14 (whichever is later), the Museum shall submit annual re-
15 ports to the Administrator and the Committees detailing
16 the development and construction activities of the Museum
17 with respect to this section.

18 **SEC. 24. FACILITIES CONSOLIDATION, SAVINGS, AND EFFI-**
19 **CIENCY.**

20 (a) TRANSFER.—Notwithstanding any other provi-
21 sion of law and not later than December 31, 2012, the
22 Administrator of General Services shall transfer adminis-
23 trative jurisdiction, custody, and control of the building
24 located at 600 Pennsylvania Avenue, NW., District of Co-
25 lumbia, to the National Gallery of Art for the purpose of

1 housing and exhibiting works of art and to carry out ad-
2 ministrative functions and other activities related to the
3 mission of the National Gallery of Art.

4 (b) REMODELING, RENOVATING, OR RECON-
5 STRUCTING.—

6 (1) IN GENERAL.—The National Gallery of Art
7 shall pay for the costs of remodeling, renovating, or
8 reconstructing the building referred to in subsection
9 (a).

10 (2) FEDERAL SHARE.—No appropriated funds
11 may be used for the initial costs for the remodeling,
12 renovating, or reconstructing of the building referred
13 to in subsection (a).

14 (3) PROHIBITION.—The National Gallery of Art
15 may not use sale, lease, or exchange, including lease-
16 back arrangements, for the purposes of remodeling,
17 renovating, or reconstructing the building referred to
18 in subsection (a).

19 (c) RELOCATION OF THE FEDERAL TRADE COMMIS-
20 SION.—

21 (1) RELOCATION.—Not later than December
22 31, 2012, the Administrator of General Services
23 shall relocate the Federal Trade Commission em-
24 ployees and operations housed in the building identi-
25 fied in subsection (a) to not more than 160,000 usa-

1 ble square feet of space in the southwest quadrant
2 of the leased building known as Constitution Center
3 located at 400 7th Street, Southwest in the District
4 of Columbia.

5 (2) OCCUPANCY AGREEMENT.—Not later than
6 30 days after the date of enactment of this Act, the
7 Administrator of General Services and the Securities
8 and Exchange Commission shall execute an agree-
9 ment to assign or sublease the space (leased pursu-
10 ant to a Letter Contract entered into by the Securi-
11 ties and Exchange Commission on July 28, 2010),
12 as described in paragraph (1), for the purposes of
13 housing the Federal Trade Commission employees
14 and operations relocating from the building located
15 at 600 Pennsylvania Avenue, NW., District of Co-
16 lumbia, pursuant to paragraph (1) of this sub-
17 section.

18 (d) NATIONAL GALLERY OF ART.—Beginning on the
19 date that the National Gallery of Art occupies the building
20 referred to in subsection (a)—

21 (1) the building shall be known and designated
22 as the “North Building of the National Gallery of
23 Art”; and

24 (2) any reference in a law, map, regulation,
25 document, paper, or other record of the United

1 States to the building shall be deemed to be a ref-
2 erence to the “North Building of the National Gal-
3 lery of Art”.

4 (e) DISCRETIONARY AUTHORIZATION REDUC-
5 TIONS.—

6 (1) ENERGY AND WATER RETROFIT AND CON-
7 SERVATION.—The authorization of appropriations
8 for the energy and water retrofit and conservation
9 measures program of the General Services Adminis-
10 tration shall be reduced from \$20,000,000 to \$0 for
11 fiscal years 2012 and 2013.

12 (2) WELLNESS AND FITNESS PROGRAM.—The
13 authorization of appropriations for the wellness and
14 fitness program of the General Services Administra-
15 tion shall be reduced from \$7,000,000 to \$0 for fis-
16 cal years 2012 and 2013.

17 **SEC. 25. ADDITIONAL SALES AND SAVINGS.**

18 (a) DEFINITION.—In this section, the term “Prop-
19 erty” means the property located in the District of Colum-
20 bia, subject to survey and as determined by the Adminis-
21 trator, generally consisting of Squares 351 N, 351, 352,
22 325, 326, and the portion of Square 383 containing the
23 north building of the James Forrestal Building Complex.
24 The Property is generally bounded by Independence Ave-

1 nue, 12th Street, Maryland Avenue, and 9th Street in
2 Southwest, Washington D.C.

3 (b) SALE.—Not later than December 31, 2013, the
4 Administrator shall sell the Property at fair market value
5 at highest and best use only if the Administrator deter-
6 mines such sale would result in net proceeds, as defined
7 in subsection (d)(2), to the Federal Government exceeding
8 \$200 million.

9 (c) LEASEBACK RESTRICTION.—If the Property is
10 sold pursuant to subsection (b), none of the existing im-
11 provements on the Property may be leased back to the
12 Federal Government.

13 (d) APPLICATION OF PROCEEDS.—

14 (1) GROSS PROCEEDS.—Proceeds derived from
15 the sale of the Property shall be used by the Admin-
16 istrator to provide for not more than 320,000 square
17 feet of government-owned replacement space for the
18 federal agency functions housed on the Property.

19 (2) NET PROCEEDS.—Any net proceeds re-
20 ceived, exceeding the expenses pursuant to para-
21 graph (1) shall be paid into an account in the Fed-
22 eral Buildings Fund established under section 592
23 of title 40, United States Code. Upon deposit, the
24 net proceeds from the sale may only be expended
25 subject to a specific future appropriation.

1 (e) RIGHT OF FIRST REFUSAL.—The Administrator
2 shall provide the Museum as defined in section 23, a right
3 of first refusal to purchase, pursuant to the provisions of
4 such section, the parcel generally consisting of Squares
5 351 N and portions of 325, generally bounded by Inde-
6 pendence Avenue on the north, 12th Street on the east,
7 10th Street on the west, and through a portion of Square
8 325 on the south in Southwest, Washington, D.C.

9 (f) DETERMINATION OF PROCEEDS.—If the Adminis-
10 trator determines the net proceeds derived from the sale
11 of the Property would not exceed \$200 million, the Admin-
12 istrator shall sell at fair market value at highest and best
13 use Square 326, including the vacant building known as
14 the “Cotton Annex”, not later than 180 days following
15 the determination of the Administrator, and shall sell the
16 Property as defined in section 23 in accordance with the
17 provisions of that section.

18 (g) SALE OF PROPERTY.—If the Museum agrees not
19 to exercise its first right of refusal under this section, the
20 Administrator shall sell the Property described under sub-
21 section (a) of section 23 in accordance with the provisions
22 of such section.

23 **SEC. 26. RESTRICTION ON USE OF FUNDS.**

24 (a) RESTRICTION ON USE OF FUNDS.—Notwith-
25 standing any other provision of law, the Administrator of

1 General Services shall not use funds appropriated for con-
2 structing a new courthouse in Los Angeles, California in
3 the Federal Buildings Fund established under section 592
4 of title 40, United States Code, except as provided for in
5 a specific future appropriation.

6 (b) SALE OF CERTAIN PROPERTY.—Not later than
7 December 31, 2013, the Administrator of General Services
8 shall sell at fair market value at highest and best use any
9 property purchased or otherwise acquired for the purposes
10 of constructing a new courthouse described in subsection
11 (a).

