

111TH CONGRESS
1ST SESSION

H. R. 2495

To amend title 40, United States Code, to enhance authorities with regard to real property that has yet to be reported excess, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 19, 2009

Mr. MOORE of Kansas (for himself, Mr. DUNCAN, Mr. BOYD, and Mr. HILL) introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To amend title 40, United States Code, to enhance authorities with regard to real property that has yet to be reported excess, and for other purposes.

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 Disposal Enhancement Act of 2009”.

6 **SEC. 2. DUTIES OF THE GENERAL SERVICES ADMINISTRA-**
7 **TION AND EXECUTIVE AGENCIES.**

8 (a) IN GENERAL.—Section 524 of title 40, United
9 States Code, is amended to read as follows:

1 **“§ 524. Duties of the General Services Administration**
2 **and executive agencies**

3 “(a) DUTIES OF THE GENERAL SERVICES ADMINIS-
4 TRATION.—

5 “(1) GUIDANCE.—The Administrator shall
6 issue guidance for the development and implementa-
7 tion of agency real property plans. Such guidance
8 shall include recommendations on—

9 “(A) how to identify excess properties;

10 “(B) how to evaluate the costs and benefits
11 involved with disposing of real property;

12 “(C) how to prioritize disposal decisions
13 based on agency missions and anticipated fu-
14 ture need for holdings; and

15 “(D) how best to dispose of those prop-
16 erties identified as excess to the needs of the
17 agency.

18 “(2) ANNUAL REPORT.—(A) The Administrator
19 shall submit an annual report, for each of the first
20 5 years after 2009, to the congressional committees
21 listed in subparagraph (C) based on data submitted
22 from all executive agencies, detailing executive agen-
23 cy efforts to reduce their real property assets and
24 the additional information described in subpara-
25 graph (B).

1 “(B) The report shall contain the following in-
2 formation for the year covered by the report:

3 “(i) The aggregated estimated market
4 value and number of real property assets under
5 the custody and control of all executive agen-
6 cies, set forth government-wide and by agency,
7 and for each at the constructed asset level and
8 at the facility/installation level.

9 “(ii) The aggregated estimated market
10 value and number of surplus real property as-
11 sets under the custody and control of all execu-
12 tive agencies, set forth government-wide and by
13 agency, and for each at the constructed asset
14 level and at the facility/installation level.

15 “(iii)(I) The aggregated cost for maintain-
16 ing all surplus real property under the custody
17 and control of all executive agencies, set forth
18 government-wide and by agency, and for each
19 at the constructed asset level and at the facility/
20 installation level.

21 “(II) For purposes of subclause (I), costs
22 for real properties owned by the Federal Gov-
23 ernment shall include recurring maintenance
24 and repair costs, utilities, cleaning and jani-
25 torial costs, and roads and grounds expenses.

1 “(III) For purposes of subclause (I), costs
2 for real properties leased by the Federal Gov-
3 ernment shall include lease costs, including base
4 and operating rent and any other relevant costs
5 listed in subclause (II) not covered in the lease
6 contract.

7 “(iv) The aggregated estimated deferred
8 maintenance costs of all real property under the
9 custody and control of all executive agencies,
10 set forth government-wide and by agency, and
11 for each at the constructed asset level and at
12 the facility/installation level.

13 “(v) For each surplus real property facil-
14 ity/installation disposed of, an indication of—

15 “(I) its geographic location with ad-
16 dress and description;

17 “(II) its size, including square footage
18 and acreage;

19 “(III) the date and method of dis-
20 posal; and

21 “(IV) its estimated market value.

22 “(vi) Such other information as the Ad-
23 ministrator considers appropriate.

24 “(C) The congressional committees listed in
25 this subparagraph are as follows:

1 “(i) The Committee on Oversight and Gov-
2 ernment Reform and the Committee on Trans-
3 portation and Infrastructure of the House of
4 Representatives.

5 “(ii) The Committee on Homeland Secu-
6 rity and Governmental Affairs and the Com-
7 mittee on Environment and Public Works of the
8 Senate.

9 “(3) ASSISTANCE.—The Administrator shall as-
10 sist executive agencies in the identification and dis-
11 posal of excess real property.

12 “(b) DUTIES OF EXECUTIVE AGENCIES.—

13 “(1) IN GENERAL.—Each executive agency
14 shall—

15 “(A) maintain adequate inventory controls
16 and accountability systems for property under
17 its control;

18 “(B) continuously survey property under
19 its control to identify excess property;

20 “(C) promptly report excess property to
21 the Administrator;

22 “(D) perform the care and handling of ex-
23 cess property; and

24 “(E) transfer or dispose of excess property
25 as promptly as possible in accordance with au-

1 thority delegated and regulations prescribed by
2 the Administrator.

3 “(2) SPECIFIC REQUIREMENTS WITH RESPECT
4 TO REAL PROPERTY.—With respect to real property,
5 each executive agency shall—

6 “(A) develop and implement a real prop-
7 erty plan in order to identify properties to de-
8 clare as excess using the guidance issued under
9 subsection (a)(1);

10 “(B) identify and categorize all real prop-
11 erty owned, leased, or otherwise managed by
12 the agency;

13 “(C) establish adequate goals and incen-
14 tives that lead the agency to reduce excess real
15 property in its inventory;

16 “(D) when appropriate, use the authorities
17 in section 572(a)(2)(B) of this title in order to
18 identify and prepare real property to be re-
19 ported as excess.

20 “(3) ADDITIONAL REQUIREMENTS.—Each execu-
21 tive agency, as far as practicable, shall—

22 “(A) reassign property to another activity
23 within the agency when the property is no
24 longer required for the purposes of the appro-
25 priation used to make the purchase;

1 “(B) transfer excess property under its
2 control to other Federal agencies and to organi-
3 zations specified in section 321(c)(2) of this
4 title; and

5 “(C) obtain excess properties from other
6 Federal agencies to meet mission needs before
7 acquiring non-Federal property.”.

8 (b) CLERICAL AMENDMENT.—The item relating to
9 section 524 in the table of sections at the beginning of
10 chapter 5 of such title is amended to read as follows:

 “524. Duties of the General Services Administration and executive agencies.”.

11 **SEC. 3. ENHANCED AUTHORITIES WITH REGARD TO PRE-**
12 **PARING PROPERTIES TO BE REPORTED AS**
13 **EXCESS.**

14 Section 572(a)(2) of title 40, United States Code, is
15 amended—

16 (1) by redesignating subparagraphs (B) and
17 (C) as subparagraphs (C) and (D), respectively; and

18 (2) by inserting after subparagraph (A) the fol-
19 lowing new subparagraph:

20 “(B) ADDITIONAL AUTHORITY.—(i) From
21 the fund described in paragraph (1), subject to
22 clause (iv), the Administrator may obligate an
23 amount to pay the direct and indirect costs re-
24 lated to identifying and preparing properties to
25 be reported excess by another agency.

1 “(ii) The General Services Administration
2 shall be reimbursed from the proceeds of the
3 sale of such properties for such costs.

4 “(iii) Net proceeds shall be dispersed pur-
5 suant to section 571 of this title.

6 “(iv) The authority under clause (i) to ob-
7 ligate funds to prepare properties to be reported
8 excess does not include the authority to convey
9 such properties by use, sale, lease, exchange, or
10 otherwise, including through leaseback arrange-
11 ments or service agreements.

12 “(v) Nothing in this subparagraph is in-
13 tended to affect subparagraph (D).”.

14 **SEC. 4. ENHANCED AUTHORITIES WITH REGARD TO RE-**
15 **VERTED REAL PROPERTY.**

16 (a) **AUTHORITY TO PAY EXPENSES RELATED TO RE-**
17 **VERTED REAL PROPERTY.**—Section 572(a)(2)(A) of title
18 40, United States Code, is amended by adding at the end
19 the following:

20 “(iv) The direct and indirect costs as-
21 sociated with the reversion, custody, and
22 disposal of reverted real property.”.

23 (b) **REQUIREMENTS RELATED TO SALES OF RE-**
24 **VERTED PROPERTY UNDER SECTION 550.**—Section
25 550(b)(1) of title 40, United States Code, is amended—

1 (1) by inserting “(A)” after “(1) IN GEN-
2 ERAL.—”; and

3 (2) by adding at the end the following: “If the
4 official, in consultation with the Administrator, rec-
5 ommends reversion of the property, the Adminis-
6 trator shall take control of such property, and, sub-
7 ject to subparagraph (B), sell it at or above ap-
8 praised fair market value for cash and not by lease,
9 exchange, leaseback arrangements, or service agree-
10 ments.

11 “(B) Prior to sale, the Administrator shall
12 make such property available to State and local gov-
13 ernments and certain non-profit institutions or orga-
14 nizations pursuant to this section and sections 553
15 and 554 of this title.”.

16 (c) REQUIREMENTS RELATED TO SALES OF RE-
17 VERTED PROPERTY UNDER SECTION 553.—Section
18 553(e) of title 40, United States Code, is amended—

19 (1) by inserting “(1)” after “THIS SECTION.—
20 ”; and

21 (2) by adding at the end the following: “If the
22 Administrator determines that reversion of the prop-
23 erty is necessary to enforce compliance with the
24 terms of the conveyance, the Administrator shall
25 take control of such property and, subject to para-

1 graph (2), sell it at or above appraised fair market
2 value for cash and not by lease, exchange, leaseback
3 arrangements, or service agreements.

4 “(2) Prior to sale, the Administrator shall make such
5 property available to State and local governments and cer-
6 tain non-profit institutions or organizations pursuant to
7 this section and sections 550 and 554 of this title.”.

8 (d) REQUIREMENTS RELATED TO SALES OF RE-
9 VERTED PROPERTY UNDER SECTION 554.—Section
10 554(f) of title 40, United States Code, is amended—

11 (1) by inserting “(1)” after “THIS SECTION.—
12 ”; and

13 (2) by adding at the end the following: “If the
14 Secretary, in consultation with the Administrator,
15 recommends reversion of the property, the Adminis-
16 trator shall take control of such property and, sub-
17 ject to paragraph (2), sell it at or above appraised
18 fair market value for cash and not by lease, ex-
19 change, leaseback arrangements, or service agree-
20 ments.

21 “(b) Prior to sale, the Administrator shall make such
22 property available to State and local governments and cer-
23 tain non-profit institutions or organizations pursuant to
24 this section and sections 550 and 553 of this title.”.

1 **SEC. 5. AGENCY RETENTION OF PROCEEDS.**

2 The text of section 571 of title 40, United States
3 Code, is amended to read as follows:

4 “(a) PROCEEDS FROM TRANSFER OR SALE OF REAL
5 PROPERTY.—Net proceeds described in subsection (d)
6 shall be deposited into the appropriate real property ac-
7 count of the agency that had custody and accountability
8 for the real property at the time the real property is deter-
9 mined to be excess. Such funds shall be expended only as
10 authorized in annual appropriations Acts and only for ac-
11 tivities as described in section 524(b) of this title and dis-
12 posal activities, including paying costs incurred by the
13 General Services Administration for any disposal-related
14 activity authorized by this title. Proceeds may also be ex-
15 pended by the agency for maintenance and repairs of the
16 agency’s real property necessary for its disposal or for the
17 repair or alteration of the agency’s other real property,
18 provided that proceeds shall not be authorized for expendi-
19 ture in an appropriations Act for any repair or alteration
20 project that is subject to the requirements of section 3307
21 of this title without a prospectus submitted by the General
22 Services Administration and approved by the Committee
23 on Transportation and Infrastructure of the House of
24 Representatives and the Committee on Environment and
25 Public Works of the Senate.

1 “(b) EFFECT ON OTHER SECTIONS.—Nothing in this
2 section is intended to affect section 572(b), 573, or 574
3 of this title.

4 “(c) DISPOSAL AGENCY FOR REVERTED PROP-
5 ERTY.—For the purposes of this section, for any real
6 property that reverts to the United States under sections
7 550, 553, and 554 of this title, the General Services Ad-
8 ministration, as the disposal agency, shall be treated as
9 the agency with custody and accountability for the real
10 property at the time the real property is determined to
11 be excess.

12 “(d) NET PROCEEDS.—The net proceeds referred to
13 in subsection (a) are proceeds under this chapter, less ex-
14 penses of the transfer or disposition as provided in section
15 572(a) of this title, from a—

16 “(1) transfer of excess real property to a Fed-
17 eral agency for agency use; or

18 “(2) sale, lease, or other disposition of surplus
19 real property.

20 “(e) PROCEEDS FROM TRANSFER OR SALE OF PER-
21 SONAL PROPERTY.—(1) Except as otherwise provided in
22 this subchapter, proceeds described in paragraph (2) shall
23 be deposited in the Treasury as miscellaneous receipts.

24 “(2) The proceeds described in this paragraph are
25 proceeds under this chapter from—

1 “(A) a transfer of excess personal property to
2 a Federal agency for agency use; or

3 “(B) a sale, lease, or other disposition of sur-
4 plus personal property.

5 “(3) Subject to regulations under this subtitle, the
6 expenses of the sale of personal property may be paid from
7 the proceeds of sale so that only the net proceeds are de-
8 posited in the Treasury. This paragraph applies whether
9 proceeds are deposited as miscellaneous receipts or to the
10 credit of an appropriation as authorized by law.”.

11 **SEC. 6. DEMONSTRATION AUTHORITY.**

12 (a) IN GENERAL.—Subchapter II of chapter 5 of title
13 40, United States Code, is amended by adding at the end
14 the following new section:

15 **“§ 530. Demonstration program of inapplicability of**
16 **certain requirements of law**

17 “(a) AUTHORITY.—Effective for fiscal years 2009
18 and 2010, the requirements of section 501(a) of the
19 McKinney Vento Homeless Assistance Act (42 U.S.C.
20 11411(a)) shall not apply to eligible properties.

21 “(b) ELIGIBLE PROPERTIES.—A property is eligible
22 for purposes of subsection (a) if it meets both of the fol-
23 lowing requirements:

24 “(1) The property is selected for demolition by
25 an agency and is a Federal building or other Federal

1 real property located on land not determined to be
2 excess, for which there is an ongoing Federal need,
3 and not to be used in any lease, exchange, leaseback
4 arrangement, or service agreement.

5 “(2) The property is—

6 “(A) located in an area to which the gen-
7 eral public is denied access in the interest of
8 national security and where alternative access
9 cannot be provided for the public without com-
10 promising national security; or

11 “(B) the property is—

12 “(i) uninhabitable;

13 “(ii) not a housing unit; and

14 “(iii) selected for demolition by an
15 agency because either—

16 “(I) the demolition is necessary
17 to further an identified Federal need
18 for which funds have been authorized
19 and appropriated; or

20 “(II) the property poses risk to
21 human health and safety or has be-
22 come an attractive nuisance.

23 “(c) LIMITATIONS.—

1 “(1) No property of the Department of Vet-
2 erans Affairs may be considered an eligible property
3 for purposes of subsection (a).

4 “(2) With respect to an eligible property de-
5 scribed in subsection (b), the land underlying the
6 property remains subject to all public benefit re-
7 quirements and notifications for disposal.

8 “(d) NOTIFICATION TO CONGRESS.—(1) A list of
9 each eligible property described in subsection (b) that is
10 demolished or scheduled for demolition, by date of demoli-
11 tion or projected demolition date, shall be sent to the con-
12 gressional committees listed in paragraph (2) and pub-
13 lished on the Web site of the General Services Administra-
14 tion biannually beginning 6 months after the date of the
15 enactment of this section.

16 “(2) The congressional committees listed in this para-
17 graph are as follows:

18 “(A) The Committee on Oversight and Govern-
19 ment Reform and the Committee on Transportation
20 and Infrastructure of the House of Representatives.

21 “(B) The Committee on Homeland Security
22 and Governmental Affairs and the Committee on
23 Environment and Public Works of the Senate.

24 “(e) RELATIONSHIP TO OTHER PROVISIONS OF
25 LAW.—Nothing in this section may be construed as inter-

1 fering with the requirement for the submission of a pro-
2 spectus to Congress as established by section 3307 of this
3 title or for all demolitions to be carried out pursuant to
4 section 527 of this title.”.

5 (b) CLERICAL AMENDMENT.—The table of sections
6 at the beginning of chapter 5 of title 40, United States
7 Code, is amended by inserting after the item relating to
8 section 529 the following new item:

“530. Demonstration program of inapplicability of certain requirements of law.”.

○