

111TH CONGRESS
2^D SESSION

H. R. 5535

To establish a pilot program for the expedited disposal of Federal real property.

IN THE HOUSE OF REPRESENTATIVES

JUNE 16, 2010

Mr. CHAFFETZ introduced the following bill; which was referred to the Committee on Oversight and Government Reform

A BILL

To establish a pilot program for the expedited disposal of 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. FEDERAL REAL PROPERTY DISPOSAL PILOT**

4 **PROGRAM.**

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

1 “SUBCHAPTER VII—EXPEDITED DISPOSAL OF
2 REAL PROPERTY

3 **“§ 621. Pilot program**

4 “(a) The Director of the Office of Management and
5 Budget (in this subchapter referred to as the ‘Director’)
6 shall conduct a pilot program, to be known as the ‘Federal
7 Real Property Disposal Pilot Program’, under which real
8 property that is not meeting Federal Government needs
9 may be disposed of in accordance with this subchapter.

10 “(b) For purposes of this subchapter, the Director
11 shall identify criteria for determining whether real prop-
12 erty is not meeting Federal Government needs.

13 “(c) For the fiscal years 2010 through 2019, the Di-
14 rector shall dispose of real property generating proceeds
15 of not less \$19,000,000,000 under the Federal Real Prop-
16 erty Disposal Pilot Program.

17 “(d) The Director shall not include for purposes of
18 the Federal Real Property Pilot Program any parcel of
19 real property, building, or other structure located on such
20 real property that is to be closed or realigned under the
21 Defense Base Closure and Realignment Act of 1990 (10
22 U.S.C. 2687 note).

23 “(e) The Federal Real Property Disposal Pilot Pro-
24 gram shall terminate on September 30, 2019.

1 **“§ 622. Selection of real properties**

2 “Agencies will recommend candidate disposition
3 properties to the Director for participation in the pilot
4 program. The Director, with the concurrence of the head
5 of the executive agency concerned and consistent with the
6 criteria established in section 621, may then select such
7 candidate properties for participation in the pilot program
8 and notify the recommending agency accordingly.

9 **“§ 623. Expedited disposal requirements**

10 “(a) For purposes of the pilot program, an ‘expedited
11 disposal of a real property’ is a sale of real property for
12 cash that is conducted pursuant to the requirements of
13 section 545 of this title.

14 “(b) Real property sold under the pilot program must
15 be sold at not less than the fair market value as deter-
16 mined by the Director in consultation with the head of
17 the executive agency. Costs associated with disposal may
18 not exceed the fair market value of the property unless
19 the Director approves incurring such costs.

20 “(c) A real property may be sold under the pilot pro-
21 gram only if the property will generate monetary proceeds
22 to the Federal Government, as provided in subsection (b).
23 A disposal of real property under the pilot program may
24 not include any exchange, trade, transfer, acquisition of
25 like-kind property, or other non-cash transaction as part
26 of the disposal.

1 “(d) Nothing in this subchapter shall be construed
2 as terminating or in any way limiting authorities that are
3 otherwise available to agencies under other provisions of
4 law to dispose of Federal real property, except as provided
5 in subsection (e).

6 “(e) Any expedited disposal of a real property con-
7 ducted under this section shall not be subject to—

8 “(1) subchapter IV of this chapter;

9 “(2) sections 550 and 553 of title 40, United
10 States Code;

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

13 “(4) any other provision of law authorizing the
14 no-cost conveyance of real property owned by the
15 Federal Government; or

16 “(5) any congressional notification requirement
17 other than that in section 545 of this title.

18 **“§ 624. Special rules for deposit and use of proceeds**
19 **from expedited disposals**

20 “(a) Agencies that conduct expedited disposals of real
21 properties under this subchapter shall be reimbursed from
22 the proceeds for the administrative expenses associated
23 with the disposal of such properties. Such amounts will
24 be credited as offsetting collections to the account that in-

1 curred such expenses, to remain available until expended
2 without further appropriations.

3 “(b) After payment of such administrative costs, the
4 balance of the proceeds shall be distributed as follows:

5 “(1) Eighty percent shall be deposited into the
6 Treasury as miscellaneous receipts.

7 “(2) Twenty percent shall be deposited into the
8 account of the agency that owned the real property
9 and initiated the disposal action. Such funds shall be
10 available without further appropriation, to remain
11 available for the period of the pilot program, for ac-
12 tivities related to Federal real property capital im-
13 provements and disposal activities. Upon termination
14 of the pilot program, any unobligated amounts shall
15 be transferred to the general fund of the Treasury.”.

16 (b) CLERICAL AMENDMENT.—The table of sections
17 at the beginning of chapter 5 of subtitle I of title 40,
18 United States Code, is amended by inserting after the
19 item relating to section 611 the following:

“SUBCHAPTER VII—EXPEDITED DISPOSAL OF REAL PROPERTY

“Sec. 621. Pilot program.

“Sec. 622. Selection of real properties.

“Sec. 623. Expedited disposal requirements.

“Sec. 624. Special rules for deposit and use of proceeds from expedited dis-
posals.”.

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