

116TH CONGRESS
2D SESSION

H. R. 6128

To amend title 40, United States Code, to modify certain requirements for Federal agencies in the disposition of surplus real property, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 9, 2020

Mr. MURPHY of North Carolina (for himself, Mr. JOHNSON of Louisiana, Mr. BANKS, Mr. BISHOP of North Carolina, Mr. BUDD, Mr. GAETZ, Mr. GIANFORTE, Mr. GOSAR, Mr. GROTHMAN, Mr. KEVIN HERN of Oklahoma, Mr. ALLEN, Mr. KELLER, Mr. MOONEY of West Virginia, Mr. RIGGLEMAN, Mr. DAVID P. ROE of Tennessee, Mr. ROY, Mr. STEUBE, Mr. TIMMONS, Mr. TIPTON, Mr. WALKER, Mr. WILSON of South Carolina, and Mr. WRIGHT) introduced the following bill; which was referred to the Committee on Oversight and Reform

A BILL

To amend title 40, United States Code, to modify certain requirements for Federal agencies in the disposition of surplus real property, 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 “Eliminate Agency Ex-
5 cess Space Act”.

1 **SEC. 2. FINDINGS; SENSE OF CONGRESS.**

2 (a) FINDINGS.—Congress finds the following:

3 (1) Under the status quo, empty Federal agen-
4 cy office buildings cannot be sold by agencies that
5 want to be efficient. Instead, each agency must let
6 their vacant office spaces remain a purposeless and
7 excessive cost on their balance sheets.

8 (2) According to a 2017 Congressional Re-
9 search Service report, in fiscal year 2016, U.S. Fed-
10 eral agencies owned 3,120 buildings that were va-
11 cant or unutilized and owned another 7,859 build-
12 ings that were partially empty or underutilized.

13 (b) SENSE OF CONGRESS.—It is the sense of Con-
14 gress that—

15 (1) Federal agencies should not be limited when
16 placing unused or underused office space on the
17 market for sale; and

18 (2) Federal agencies should be able to sell their
19 unused offices to provide for greater fiscal responsi-
20 bility and better stewardship of taxpayer dollars.

21 **SEC. 3. REMOVAL OF GSA VERIFICATION REQUIREMENT.**

22 (a) IN GENERAL.—Section 524 of title 40, United
23 States Code, is amended—

24 (1) by striking subsection (a);

25 (2) in subsection (b)—

1 (A) in paragraph (1) by striking the semi-
2 colon and inserting “; and”;

3 (B) by striking paragraph (2); and

4 (C) by redesignating paragraph (3) as
5 paragraph (2); and

6 (3) by redesignating subsections (b) and (c) as
7 subsections (a) and (b), respectively.

8 (b) PROCEDURE FOR DISPOSAL.—Section 545 of title
9 40, United States Code, is amended—

10 (1) in subsection (b)—

11 (A) in paragraph (7) by striking the semi-
12 colon and inserting “; or”;

13 (B) by striking paragraph (8); and

14 (C) by redesignating paragraph (9) as
15 paragraph (8); and

16 (2) in subsection (d)—

17 (A) by striking “NEGOTIATED SALE AT
18 FIXED PRICE” and all that follows through
19 “The Administrator may” and inserting “NE-
20 GOTIATED SALE AT FIXED PRICE.—The Ad-
21 ministrator may”; and

22 (B) by striking paragraph (2).

23 (c) REAL PROPERTY.—Chapter 5 of title 40, United
24 States Code, is amended by inserting after section 574 the
25 following new section:

1 **“§ 575. Proceeds from sale of certain agency property**

2 “Notwithstanding any other provision of this sub-
3 chapter, proceeds from the sale of excess property or sur-
4 plus property by an agency pursuant to section 102–
5 75.255 of title 41, Code of Federal Regulations, shall be
6 deposited into the General Fund of the Treasury where
7 such amounts shall be—

8 “(1) dedicated to the sole purpose of deficit re-
9 duction; and

10 “(2) prohibited from use as an offset for other
11 spending increases or revenue reductions.”.

12 (d) CLERICAL AMENDMENT.—The analysis for chap-
13 ter 5 of title 40, United States Code, is amended by insert-
14 ing after the item relating to section 574 the following
15 new item:

“575. Proceeds from sale of certain agency property.”.

16 (e) REGULATIONS.—Not later than 180 days after
17 the date of enactment of this Act, the Administrator of
18 General Services shall issue such regulations as are nec-
19 essary to update section 102–75.255 of title 41, Code of
20 Federal Regulations, to authorize executive agencies to
21 dispose of surplus property and excess property without
22 making the property available to other executive agencies
23 or State and local governments before such disposal.

24 (f) DEFINITIONS.—In this section, the terms “excess
25 property”, “executive agency”, and “surplus property”

1 have the meaning given such terms in section 102 of title
2 40, United States Code.

3 **SEC. 4. GSA REPORTS.**

4 (a) REVIEW.—Not later than 18 months after the
5 date of enactment of this Act, and every 5 years there-
6 after, the Administrator of General Services, in coordina-
7 tion with the Congressional Research Service, shall submit
8 to Congress a report containing the information described
9 in subsection (b).

10 (b) CONTENTS OF REPORT.—The report required
11 under subsection (a) shall contain the following:

12 (1) A survey of all unused or vacant office
13 space held by each executive agency and recommen-
14 dations for reducing each agency's real property as-
15 sets, selling such assets in an efficient manner, and
16 addressing any potential safety hazards associated
17 with vacant office space.

18 (2) A survey of all the underutilized or partially
19 empty agency office space held by each executive
20 agency and recommendations for reducing each
21 agency's real property assets, selling such assets in
22 an efficient manner, and addressing any potential
23 safety hazards associated with partially empty office
24 space.

1 (3) For each excess property and surplus prop-
2 erty disposed of by an executive agency, an indica-
3 tion of—

4 (A) the date and method of disposal; and

5 (B) the proceeds obtained from the disposi-
6 tion of such disposal.

7 (4) For all excess property and surplus prop-
8 erty disposed of by all executive agencies, an indica-
9 tion of—

10 (A) the amount of time required to fully
11 dispose of excess property and surplus property
12 under the custody and control of all executive
13 agencies; and

14 (B) the cost to dispose of excess property
15 and surplus property under the custody and
16 control of all executive agencies.

17 (c) DEFINITIONS.—In this section, the terms “excess
18 property”, “executive agency”, and “surplus property”
19 have the meaning given such terms in section 102 of title
20 40, United States Code.

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