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Overview of the General Service Administration: Acquisition Services and Real Property Management

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Summary

The Federal Property and Administrative Services Act of 1949 (Property Act; P.L. 81-152) established the General Services Administration (GSA) as the mandatory, government-wide source for the procurement of goods and services and the acquisition, management, and disposal of real property. GSA comprises two service offices: the Federal Acquisition Service (FAS), which administers its purchasing programs, and the Public Buildings Service (PBS), which administers its real property programs.

FAS facilitates the government-wide acquisition of goods and services via programs that generally fall into two categories: (1) programs to acquire goods that are made available for use by other federal agencies; and (2) programs to pre-negotiate contracts, contract vehicles, and agreements with vendors that federal agencies may leverage to expedite or simplify the acquisition process. An overarching goal of these acquisition programs is to use the federal government's purchasing power to generate economies of scale and decrease duplication across agencies. GSA's purchasing programs have changed in both name and composition over time. FAS programs currently fall within the following portfolio areas:

- FAS-wide programs and initiatives,
- The Office of Assisted Acquisition Services (AAS),
- The Office of General Supplies and Services Categories (GS&S),
- The Office of Information Technology Category (ITC),
- The Office of Professional Services and Human Capital Categories (PSHC),
- Technology Transformation Services (TTS), and
- Travel, Transportation and Logistics Categories (TTL).

The mission of PBS is to provide safe and effective workspace for federal employees at the best value for taxpayers. To fulfill its mission, PBS acquires, manages, and disposes of space on behalf of more than 100 federal agencies. PBS charges rent to tenant agencies and deposits it into the Federal Buildings Fund (FBF). PBS also deposits into the FBF proceeds resulting from the sale of surplus property it owns and any appropriations provided. PBS uses the funds in the FBF to pay for its real property activities. PBS also provides an array of management services to its tenant agencies, including for the operation and maintenance of space and repairs and alterations to space owned or leased by PBS. Agencies are required to continually survey property under their control to identify any property that they no longer need to carry out their missions—*excess property*—and to “promptly” report that property as excess to PBS.

This report provides an overview of the above and concludes with issues facing Congress, which include (1) GSA's post-pandemic space planning given changing agency workspace needs, (2) the implementation of the Federal Assets Sale and Transfer Act of 2016 (FASTA; P.L. 114-287), (3) the proposed construction of a new headquarters for the Federal Bureau of Investigation (FBI), and (4) TTS management of 18F and Login.gov. Agency telework policies and occupancy plans—which determine the amount of space needed for federal employees—have been the subject of hearings and legislation in the 118th Congress. Congress also continues to monitor implementation of FASTA—which has been viewed to have experienced significant setbacks—and many Members have expressed interest in the process through which a site for the new FBI headquarters facility is to be selected. Additionally, GSA was the subject of an oversight hearing in March 2023 due to a report on misrepresentations made by TTS about the identity authentication standards offered by Login.gov.

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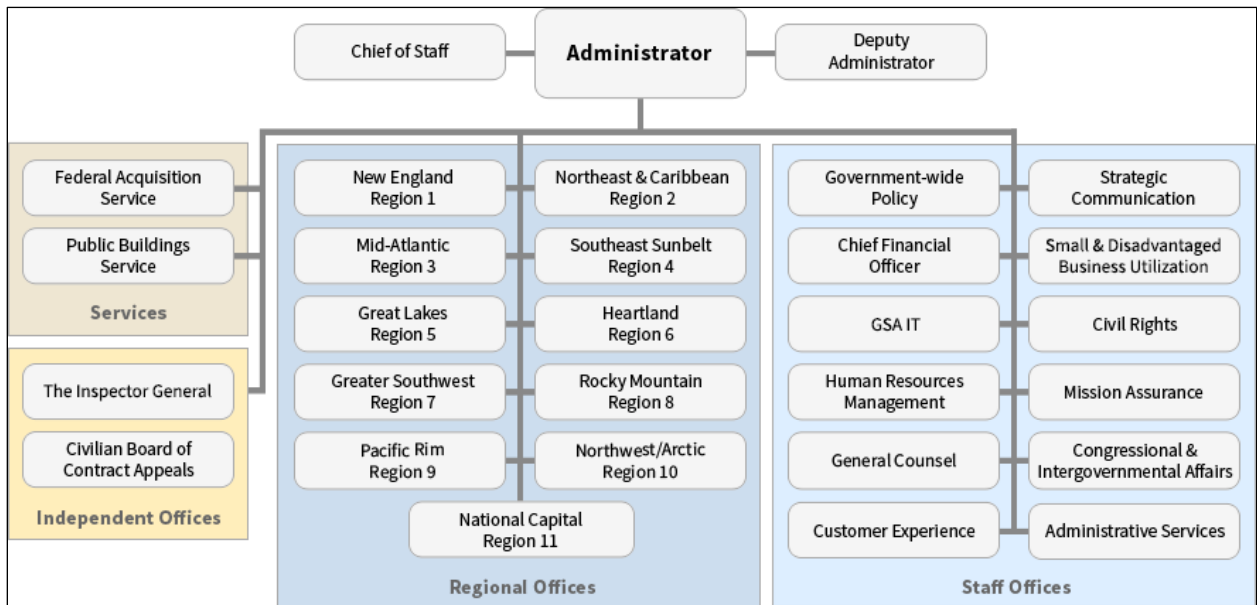
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Introduction

The Federal Property and Administrative Services Act of 1949 (Property Act)¹ established the General Services Administration (GSA) as the mandatory, government-wide source for the procurement of goods and services and the acquisition, management, and disposal of real property.² It employs approximately 12,600 people and has a budget of approximately \$16 billion.³ As depicted in **Figure 1**, GSA groups its offices into four categories: (1) services, (2) independent offices, (3) regional offices, and (4) staff offices.

Figure 1. GSA Organizational Chart



Source: GSA, “GSA Organization,” <https://www.gsa.gov/about-us/gsa-organization>.

GSA’s two service offices are the focus of this report: the Federal Acquisition Service (FAS), which administers its purchasing programs, and the Public Buildings Service (PBS), which administers its real property programs.

There are two independent offices at GSA: the Office of Inspector General (OIG), which investigates GSA’s programs and activities to recommend corrections to management and administrative deficiencies, and the Civilian Board of Contract Appeals, a tribunal that resolves disputes between government contractors and federal agencies.

GSA’s 11 regional offices assist federal agencies located around the country with the procurement of goods and services and the acquisition and management of real property. GSA’s 12 staff offices generally handle internal administrative duties, although the Office of Government-wide Policy, in consultation with FAS and PBS, promulgates procurement and real property policies that apply to other federal agencies.

¹ The Federal Property and Administrative Services Act of 1949 (P.L. 81-152), July 1, 1949 (63 Stat. 377).

² 40 U.S.C. §101. Some agencies possess the independent statutory authority to perform specific real property functions themselves rather than work through GSA.

³ GSA, “Office of the Administrator Overview,” <https://www.gsa.gov/about-us/organization/office-of-the-administrator-overview>.

Federal Acquisition Service⁴

FAS facilitates the government-wide acquisition of goods and services via programs that generally fall into two categories: (1) programs to acquire goods that are made available for use by other federal agencies and (2) programs to pre-negotiate contracts, contract vehicles, and agreements with vendors that federal agencies may leverage to expedite or simplify the acquisition process.⁵ An overarching goal of these acquisition programs is to use the federal government's purchasing power to generate economies of scale and decrease duplication across agencies.⁶

Federal Acquisition Regulation (FAR) Definition of Acquisition

"Acquisition means the acquiring by contract with appropriated funds of supplies or services (including construction) by and for the use of the Federal Government through purchase or lease, whether the supplies or services are already in existence or must be created, developed, demonstrated, and evaluated. Acquisition begins at the point when agency needs are established and includes the description of requirements to satisfy agency needs, solicitation and selection of sources, award of contracts, contract financing, contract performance, contract administration, and those technical and management functions directly related to the process of fulfilling agency needs by contract."⁷

According to GSA, FAS seeks to deliver "products and services across government at the best value possible."⁸ FAS does this by establishing programs and services that (1) assist agencies in their acquisition activities and (2) achieve administrative cost savings throughout the federal government. Furthermore, FAS's purchasing programs seek to increase competition for federal contracts and reduce duplication of acquisition programs across federal agencies.⁹ The majority of FAS's operations are supported by the Acquisition Services Fund (ASF). The ASF is funded via fees charged to federal agencies for services rendered and goods provided.¹⁰

Table 1 aligns each purchasing program listed on GSA's website to its associated FAS portfolio. Some FAS portfolios do not directly support GSA's purchasing programs and were excluded from the table. Additionally, three of the purchasing programs are supported by FAS but are not tied to a single portfolio. For this reason, CRS has labeled them as "FAS-wide." The FAS portfolios and programs listed in the table serve as an organizational framework for this report.

⁴ This report does not contain a comprehensive list of all GSA programs and activities related to the acquisition of goods and services. GSA contains many programs and mission support offices that may directly or indirectly support federal agencies in their acquisition activities. This report focuses on GSA's purchasing programs within FAS, which more directly support agency acquisition activities.

⁵ In addition to executive branch agencies, other federal agencies, government corporations, tribal governments, and other organizations are authorized to use GSA sources of supply and services. See GSA, Directives Library, "4800.2I OGP Eligibility to Use GSA Sources of Supply and Services," <https://www.gsa.gov/directive/eligibility-to-use-gsa-sources-of-supply-and-services>.

⁶ GSA, *FY2024 Congressional Justification*, March 13, 2023, p. GSA-6, https://www.gsa.gov/system/files/GSA_FY_2024_Congressional_Justification_Final-1.pdf.

⁷ 48 C.F.R. §2.101. Generally, it is common practice to refer to the *Federal Acquisition Regulation* (FAR) (e.g., "FAR 6.302," or "Subpart 15.3 of the FAR") in conversation and text yet cite the *Code of Federal Regulations* (e.g., 48 C.F.R. §42.302) when identifying the FAR as the source of material. The FAR is available at <https://www.acquisition.gov/sites/default/files/current/far/pdf/FAR.pdf>.

⁸ GSA, "Federal Acquisition Service," <https://www.gsa.gov/about-us/organization/federal-acquisition-service>.

⁹ GSA, *FY2024 Congressional Justification*, p. ASF-3.

¹⁰ GSA, *FY2024 Congressional Justification*, p. ASF-2. The ASF is authorized by Title 40, Section 321, of the *U.S. Code*, which requires GSA to establish rates to be charged to agencies receiving services that (1) recover costs and (2) provide for the cost and capital requirements of the ASF.

Table I. Selected GSA Purchasing Programs and Initiatives
FAS Portfolio Area and Associated Programs

FAS Portfolio	Purchasing Program(s) and Initiatives
FAS-Wide	Federal Supply Schedule Program Emergency Acquisition Basic Ordering Agreements Federal Strategic Supply Initiative
Office of Assisted Acquisition Services	Assisted Acquisition Services
Office of General Supplies and Services Categories	Commercial Platforms Initiative Personal Property Management Requisition Services
Office of Information Technology Category	Technology Programs
Office of Professional Services and Human Capital Categories	HCaTS and HCaTS B OASIS and OASIS SB SmartPay
Technology Transformation Services	Office of I8F Presidential Innovation Fellows TTS Solutions Made in America Office Centers of Excellence Office of Integrated Award Management
Travel, Transportation and Logistics Categories	Fleet Purchasing and Leasing Fleet Electrification

Source: CRS analysis of GSA website and GSA Congressional Budget Justification. See GSA, *FY2024 Congressional Justification*, March 13, 2023, https://www.gsa.gov/system/files/GSA_FY_2024_Congressional_Justification_Final-1.pdf.

Notes: This table does not represent a comprehensive list of all FAS portfolio areas or GSA purchasing programs.

FAS-Wide Programs and Initiatives

The following acquisition programs and initiatives are managed within FAS but are not aligned with a single portfolio.

Federal Supply Schedule Program

GSA maintains a supply schedule, which is a list of goods and/or services provided by multiple GSA-selected vendors at varying prices. This schedule is known as either the Federal Supply Schedule or a multiple award schedule. Using competitive procedures, GSA awards indefinite-delivery-indefinite-quantity (IDIQ) contracts to firms that are to provide goods or services through the schedule.¹¹ Agencies may acquire commercial goods and services listed on the schedule in varying quantities at the price stated on the schedule.¹² The Federal Supply Schedule, therefore, provides a simplified process for agencies to acquire goods and services while also obtaining volume discounts. When an agency pays a vendor for goods or services listed on the

¹¹ IDIQ contracts provide for an indefinite quantity of supplies or services during a fixed period.

¹² 48 C.F.R. §38.101(a).

schedule, the vendor remits a percentage of the sale, currently 0.75%, to GSA.¹³ This fee, known as the Industrial Funding Fee, reimburses GSA for the costs of operating the Federal Supply Schedule Program.¹⁴

The process for getting on a schedule is similar to that for obtaining a government contract: GSA issues a solicitation for goods or services, companies submit offers in response, and then GSA evaluates the offers and awards contracts to multiple vendors. GSA provides information about its schedule, including guidance for how to get on a schedule, on its website.¹⁵ Schedule solicitations are posted on the System for Award Management (SAM.gov).¹⁶ SAM.gov is a website, administered by GSA, used for several procurement-related functions, including by:

- entities seeking to compete for government contracts,
- agencies posting contract opportunities, and
- agency personnel and others using contract award data in SAM for analysis.¹⁷

Emergency Acquisition Basic Ordering Agreements

GSA has entered into agreements with agencies, such as the Federal Emergency Management Agency, to assist in the procurement of goods and services in preparation for emergencies.¹⁸ To support these agencies, GSA has established Basic Ordering Agreements (BOAs) with qualified vendors offering emergency supplies and services. BOAs are not contracts but written understandings between contracting officers and vendors. BOAs contain terms and clauses applying to future contracts, descriptions of goods or services to be provided, and pricing methods.¹⁹ By establishing BOAs, GSA may facilitate the expedited procurement of needed services and supplies by agencies during an emergency.

Federal Strategic Sourcing Initiative

The goal of the Federal Strategic Sourcing Initiative (FSSI) is to strategically source goods and services used across federal agencies to achieve economies of scale.²⁰ Currently, GSA has two FSSI solutions that support agency acquisitions:

¹³ GSA, “General Services Administration Acquisition Regulation; Information Collection; Industrial Funding Fee and Sales Reporting,” 83 *Federal Register* 4337-4339, January 13, 2017.

¹⁴ 48 C.F.R. §552.238-80.

¹⁵ An overview of GSA’s schedules and links to other detailed information is available at GSA, “GSA Schedules,” <https://www.gsa.gov/buying-selling/purchasing-programs/gsa-schedules>. Guidance for getting on a GSA schedule is available at GSA, “Selling to the Government,” <https://www.gsa.gov/buying-selling/purchasing-programs/gsa-schedules/selling-to-the-government>.

¹⁶ GSA’s solicitation is available at GSA, “Multiple Award Schedule,” <https://sam.gov/opp/7beca3dcd7c5460b882303175c93e767/view>.

¹⁷ GSA, “About SAM.gov,” <https://www.gsa.gov/about-us/organization/federal-acquisition-service/office-of-systems-management/integrated-award-environment-iae/about-samgov>.

¹⁸ GSA, Purchasing Programs, “Emergency Acquisition Basic Ordering Agreements,” <https://www.gsa.gov/governmentwide-initiatives/emergency-response/emergency-acquisition-basic-ordering-agreements>. *Emergency* is defined in the FAR at Title 48, Section 2.101, of the *Code of Federal Regulations*.

¹⁹ 48 C.F.R. §16.703.

²⁰ GSA, Purchasing Programs, “Federal Strategic Sourcing Initiative (FSSI),” <https://www.gsa.gov/buy-through-us/purchasing-programs/federal-strategic-sourcing-initiative-fssi>.

1. Wireless Mobility Solutions offers agencies a selection of GSA-selected vendors providing wireless goods and services. These goods and services are available for purchase by agencies via the Federal Supply Schedule.²¹
2. Through the Office Supplies FSSI, GSA offers agencies purchasing channels that allow them to achieve cost savings when purchasing office supplies.²²

Office of Assisted Acquisition Services

The GSA Office of Assisted Acquisition Services (AAS) offers customized acquisition, project, and financial management support services to federal agencies on a fee-for-service basis.²³

Assisted Acquisition Services

Agencies may contract AAS to undertake certain acquisition management services on their behalf, allowing the agencies to focus on their mission-critical activities. AAS supports federal clients out of 12 Client Support Centers (CSCs) based in the 11 GSA regional offices as well as GSA's central office.²⁴ Additionally, two CSCs provide assisted acquisition services for Small Business Innovation Research (SBIR) Phases I and II, and four CSCs provide assistance for SBIR Phase III.²⁵ SBIR is a competitive program that encourages domestic small businesses to engage in federal research and development.²⁶

Office of General Supplies and Services Categories

The Office of General Supplies and Services Categories uses the federal government's purchasing power to realize economies of scale in the procurement of non-IT goods and services. Purchasing programs are available across the government, avoiding duplicative contract vehicles for commercially available goods and services.²⁷

Commercial Platforms

Section 846 of the FY2018 National Defense Authorization Act required GSA to establish a program to procure commercial products through commercial e-commerce portals.²⁸ The Commercial Platforms program currently provides "SmartPay" cardholders access to three online platforms: Amazon Business, Fisher Scientific, and Overstock Government.²⁹

²¹ GSA, "Wireless Mobility Solutions," <https://www.gsa.gov/technology/technology-purchasing-programs/telecommunications-and-network-services/wireless-mobility-solutions-wms>.

²² GSA, "Federal Strategic Sourcing Initiative for Office Supplies Fourth Generation (FSSI OS4)," <https://www.gsa.gov/buy-through-us/purchasing-programs/federal-strategic-sourcing-initiative/federal-strategic-sourcing-initiative-for-office-supplies-fourth-generation-fssi-os4>.

²³ GSA, Assisted Acquisition Services, "About Us," <https://aas.gsa.gov/aboutus/>.

²⁴ GSA, *FY2023 Congressional Justification*, p. ASF-24.

²⁵ GSA, *FY2023 Congressional Justification*, p. ASF-24.

²⁶ Small Business Administration, Small Business Innovation Research, "About," <https://www.sbir.gov/about>.

²⁷ GSA, *FY2023 Congressional Justification*, p. ASF-25.

²⁸ The National Defense Authorization Act for Fiscal Year 2018 (P.L. 115-91), December 12, 2017, 131 Stat. 1483.

²⁹ GSA, Purchasing Programs, "Awarded Online Platforms," <https://www.gsa.gov/buy-through-us/purchasing-programs/commercial-platforms/awarded-online-platforms>.

Personal Property Management

The Office of Personal Property Management helps agencies dispose of unneeded personal property, such as furniture, office supplies, equipment, aircraft, and passenger vehicles, among other items.³⁰

Federal law requires agencies to continually survey their personal property inventories and identify “excess” items that they no longer need.³¹ When an agency identifies excess property, it must first offer the property to other federal agencies. In an effort to maximize the use of personal property purchased with federal funds and minimize expenditures, GSA’s regulations direct federal agencies, to the extent practicable, to “fill requirements for personal property ... by obtaining excess property from other federal agencies in lieu of new procurements.”³² As discussed below, federal agencies may acquire excess federal property through a direct transfer or through the government-wide screening process.

Federal agencies have the option to transfer an item directly to another federal agency, provided the item had an acquisition cost of less than \$10,000.³³ Excess property with an acquisition cost of \$10,000 or more may be transferred directly to another federal agency with verbal approval from the appropriate GSA regional office.³⁴ Generally, direct transfers are made at no charge for the property itself, but the requesting agency is responsible for transportation and shipping costs.³⁵ Agencies may subsequently transfer excess personal property to their contractors, grantees, or cooperative agreement recipients.³⁶ Agencies may also perform direct transfers of computers or peripheral tools (e.g., modems and printers) to schools or educational nonprofits through the Computers for Learning Program.³⁷

If an agency does not perform a direct transfer of excess personal property, it must promptly report the property to GSA.³⁸ Excess property may be reported online through the GSAXcess system,³⁹ electronic batch, or hard copy.⁴⁰ Once excess property is reported to GSA, it undergoes a 21-day screening process, during which the property may be viewed online (if it was entered into GSAXcess by the reporting agency) or inspected onsite (at the agency).⁴¹ During the 21-day period, excess personal property may be transferred to other federal agencies as well as to the

³⁰ GSA, “Personal Property Management for Federal Agencies,” <https://www.gsa.gov/buy-through-us/government-property-for-sale-or-disposal/personal-property-for-reuse-sale/personal-property-management-for-federal-agencies>.

³¹ 40 U.S.C. §524(a)(2).

³² 41 C.F.R. §102-36.35.

³³ 41 C.F.R. §102-36.145.

³⁴ 41 C.F.R. §102-36.145.

³⁵ 41 C.F.R. §102-36.75(a).

³⁶ 41 C.F.R. §102-36.35.

³⁷ The Computers for Learning Program (15 U.S.C. §3710(i)) was established pursuant to Executive Order 12999, “Educational Technology: Ensuring Opportunities for All Children in the Next Century,” 61 *Federal Register* 17227, April 19, 1996, <https://www.govinfo.gov/content/pkg/WCPD-1996-04-22/pdf/WCPD-1996-04-22-Pg677.pdf>.

³⁸ 40 U.S.C. §524(a).

³⁹ GSAXcess is GSA’s online system for reporting, searching, and selecting personal property. It may be accessed at <https://gsaxcess.gov/>.

⁴⁰ GSA, “Personal Property for Sale and Reuse: Federal Screening,” at <https://www.gsa.gov/buying-selling/government-property-for-sale-or-disposal/personal-property-for-reuse-sale/for-federal-agencies/federal-screening>.

⁴¹ GSA, “Personal Property for Sale and Reuse.”

Senate, the House of Representatives, the Architect of the Capitol, the District of Columbia government, and certain mixed-ownership government corporations.⁴²

If no federal agency requests the excess property, then GSA declares it “surplus” and has five days to donate it at no charge to eligible recipients. Such recipients include state and local governments; municipal agencies; and nonprofits that provide support for education, public health, or veterans groups.⁴³ The surplus personal property is not transferred directly to the recipients. Rather, each state has a State Agency for Surplus Property,⁴⁴ which receives the property and distributes it to qualified agencies and organizations.

Surplus personal property that is not donated within the five-day period may be sold to the general public.⁴⁵ GSA makes surplus property for sale available on its public auction website⁴⁶ and may also sell property through live auctions, fixed price or negotiated sales, sealed bids, or spot bids.⁴⁷ Generally, proceeds from the sale of surplus property are deposited into the U.S. Treasury, less the cost of disposition.⁴⁸

Items that do not sell may be recycled, abandoned,⁴⁹ or destroyed if they have no value or the estimated cost of their continued care and handling exceeds the estimated proceeds from sale.⁵⁰

Requisition Programs

Requisition programs allow agencies to purchase a variety of products directly from GSA.⁵¹ GSA acquires the products in its inventory via competitive procurement, and agencies place orders with GSA for government-to-government transfers. One such requisition program, Global Supply, allows military and civilian agencies to order a variety of janitorial, maintenance, and office supplies from GSA for worldwide delivery.⁵²

⁴² 41 C.F.R. §102-36.60.

⁴³ 40 U.S.C. §549.

⁴⁴ A list of such agencies may be found at <https://www.gsa.gov/buying-selling/government-property-for-sale-or-disposal/personal-property-for-reuse-sale/for-state-agencies-and-public-orgs/state-agencies-for-surplus-property-sasp-contacts>.

⁴⁵ 41 C.F.R. §102-38.

⁴⁶ GSA Auctions, https://gsaauctions.gov/gsaauctions/gsaauctions/?gclid=EAIaIQobChMIterWi7Ww4wIVD9bACh28XQ7yEAAAYASAAEgLQpFD_BwE.

⁴⁷ GSA, *Personal Property Disposal Guide*, pp. 24-26, https://www.gsa.gov/cdnstatic/PersonalProperty_DisposalGuide_2011.pdf.

⁴⁸ U.S. Government Accountability Office (GAO), *Federal Personal Property: Opportunities Exist to Improve Identification of Unneeded Property for Disposal*, GAO-18-257, February 2018, p. 33, <https://www.gao.gov/assets/gao-18-257.pdf>.

⁴⁹ *Abandonment* typically refers to a federal agency relinquishing all rights to personal property and leaving it at a contractor’s premises as described in Section 45.603 of the FAR at <https://www.acquisition.gov/content/45603-abandonment-or-destruction-personal-property>.

⁵⁰ 41 C.F.R. §102-37.320.

⁵¹ GSA, Purchasing Programs, “Requisition Programs Overview,” <https://www.gsa.gov/buy-through-us/purchasing-programs/requisition-programs-overview?topnav=>.

⁵² GSA, Purchasing Programs, “GSA Global Supply FAQs,” <https://www.gsa.gov/buy-through-us/purchasing-programs/requisition-programs/gsa-global-supply/gsa-global-supply-faqs>.

Office of Information Technology Category

The Office of Information Technology Category (ITC) provides agencies with a variety of pre-competed contracts offering IT and telecommunications products and services.⁵³

Technology Programs

Within ITC, GSA offers several purchasing programs to assist agencies in procuring IT goods and services, including the following:⁵⁴

- **Government-wide acquisition contracts** are “pre-competed, multiple award, IDIQ contracts” that agencies can use to acquire IT services more cost effectively while ensuring compliance with applicable regulations.⁵⁵ GSA provides agencies access to these contracts for IT services including systems design, software engineering, information assurance, and enterprise architecture solutions.
- **Software blanket purchase agreements** are agreements between government buyers and contractors to fill repetitive needs for supplies or services.⁵⁶ They offer pre-negotiated terms and conditions for commercial off-the-shelf software to reduce agency risk and project costs.⁵⁷

Office of Professional Services and Human Capital Categories

The Office of Professional Services and Human Capital Categories manages non-IT professional and human capital services contract programs.⁵⁸ It manages Human Capital and Training Solutions, One Acquisition Solution for Integrated Services, and SmartPay.

Human Capital and Training Solutions

The Human Capital and Training Solutions (HCaTS) program consists of three IDIQ government-wide contract vehicles—HCaTS-U (Unrestricted), HCaTS-SB (Small Business Set-Aside), and HCaTS-8a (Small Disadvantaged Businesses)—to assist agencies in procuring human capital management and training services.⁵⁹ HCaTS-SB and HCaTS-8a create opportunities for agencies to meet their small business contracting goals.⁶⁰

OASIS and OASIS Small Business

One Acquisition Solution for Integrated Services (OASIS) comprises several government-wide, multiple-award IDIQ contracts for professional services, including program management

⁵³ GSA, *FY2023 Congressional Justification*, p. ASF-29.

⁵⁴ GSA, “Technology Purchasing Programs,” <https://www.gsa.gov/technology/technology-programs?topnav=buy>.

⁵⁵ GSA, “Governmentwide Acquisition Contracts,” <https://www.gsa.gov/technology/technology-purchasing-programs/governmentwide-acquisition-contracts-gwacs>.

⁵⁶ 48 C.F.R. §13.303.

⁵⁷ GSA, “SmartBuy Blanket Purchase Agreements,” <https://www.gsa.gov/technology/technology-purchasing-programs/smartbuy-blanket-purchase-agreements>. *Commercial off-the-shelf software* refers to products that are commercially available and can be used without modification or customization (e.g., Microsoft Office).

⁵⁸ GSA, *FY2023 Congressional Justification*, p. ASF-34.

⁵⁹ GSA, “Human Capital and Training Solutions (HCATS),” <https://www.gsa.gov/buy-through-us/products-services/human-capital/human-capital-and-training-solutions-hcats>.

⁶⁰ GSA, *FY2023 Congressional Justification*, p. ASF-36.

services, management consulting services, logistics services, engineering services, scientific services, and financial services.⁶¹

SmartPay

The GSA SmartPay program is a government charge card and commercial payment program that allows authorized government employees to make purchases in support of their agencies' missions.⁶² The SmartPay purchase program is the preferred method of payment for federal employees to make official government purchases for supplies, goods, and services under the micro-purchase threshold.⁶³ Additionally, federal employees use SmartPay to purchase airline, rail, and bus tickets as well as other travel-related expenses.⁶⁴

Technology Transformation Services

Technology Transformation Services (TTS) assists agencies with building, buying, and sharing technology.⁶⁵ TTS's operations are funded by appropriations, reimbursable work, the ASF, and agency contributions to the Federal Citizen Services Fund (FCSF).⁶⁶ The ASF-funded TTS initiatives assist agencies by "building, providing, and buying technology applications, platforms, processes, personnel, and software solutions."⁶⁷ FCSF-funded TTS initiatives help external users such as individuals, businesses, and other governments "interact with federal information, services, benefits, and business opportunities."⁶⁸ TTS manages the Office of 18F, the Presidential Innovation Fellows Program, TTS Solutions, the Made in America Office, Centers of Excellence, and the Office of Integrated Award Environment.

Office of 18F

The Office of 18F "collaborates with other agencies to fix technical problems, build products, and improve how government serves the public through technology."⁶⁹ Congress does not annually appropriate funds to 18F. Instead, 18F charges partner agencies for services rendered. Charges are recovered under ASF reimbursement authority and Economy Act reimbursement authority.⁷⁰

⁶¹ GSA, "OASIS and OASIS Small Business," <https://www.gsa.gov/buy-through-us/products-services/professional-services/buy-services/oasis-and-oasis-small-business>.

⁶² GSA, GSA SmartPay, "About GSA SmartPay," <https://smartpay.gsa.gov/content/about-gsa-smartpay>.

⁶³ 48 C.F.R. §13.201(b). The current micro-purchase threshold is \$10,000 but may be higher or lower for certain categories of purchases. See 48 C.F.R. §2.101.

⁶⁴ GSA, GSA SmartPay, "What Is the GSA SmartPay Travel Account?," <https://smartpay.gsa.gov/content/travel-program-overview-account-holders>.

⁶⁵ GSA, "Technology Transformation Services," <https://www.gsa.gov/about-us/organization/federal-acquisition-service/technology-transformation-services>.

⁶⁶ GSA, *FY2023 Congressional Justification*, p. ASF-30. Title 40, Section 323, of the *U.S. Code* established the FCSF within GSA "for the purpose of disseminating federal government information to the public and for other related purposes."

⁶⁷ GSA, *FY2023 Congressional Justification*, p. ASF-30.

⁶⁸ GSA, *FY2023 Congressional Justification*, p. ASF-30.

⁶⁹ 18F, "About," <https://18f.gsa.gov/about/>. The 18F name is derived from the address of GSA headquarters in Washington, DC: 1800 F Street NW.

⁷⁰ 18F, "About."

Presidential Innovation Fellows

The Presidential Innovation Fellows (PIF) program embeds private sector technologists in federal agencies.⁷¹ Fellows selected to participate in the program serve for 12 months.⁷² PIF operates under the Economy Act, whereby agencies receiving fellows enter into interagency agreements to reimburse GSA for the costs to operate the program.⁷³

TTS Solutions

TTS Solutions works to modernize citizen interactions with the federal government.⁷⁴ It uses technology and government digital services to “improve transparency, security, and the efficiency of federal operations while also increasing citizen participation.”⁷⁵ Since 2019, TTS Solutions has become responsible for maintaining several projects that were initially created by 18F, including Login.gov, Cloud.gov, and Cloud.gov Pages.⁷⁶

Login.gov

Login.gov is “a single sign-on solution for government websites that will enable citizens to access public services across agencies with the same username and password.”⁷⁷ Further, Login.gov aims to allow users to “securely sign in to participating government websites and securely verify their identity.”⁷⁸ Login.gov provides shared authentication and identity verification services for multiple federal organizations and is subject to implementation guidance from the Office of Management and Budget (OMB) and the National Institute of Standards and Technology (NIST).⁷⁹

Cloud.gov and Cloud.gov Pages

Cloud.gov is a cloud-based platform-as-a-service.⁸⁰ Cloud.gov was created to meet the needs of federal customers, complies with relevant security regulations, and maintains a FedRAMP Joint Authorization Board Provisional Authority to Operate.⁸¹ Cloud.gov Pages (originally called

⁷¹ GSA, *FY2023 Congressional Justification*, p. ASF-31.

⁷² GSA, “The Presidential Innovation Fellows,” <https://www.gsa.gov/about-us/organization/federal-acquisition-service/technology-transformation-services/the-presidential-innovation-fellows>.

⁷³ GSA, *FY2023 Congressional Justification*, p. ASF-31.

⁷⁴ GSA, TTS Handbook, “A Brief History of TTS Solutions,” <https://handbook.tts.gsa.gov/office-of-solutions/history/>.

⁷⁵ GSA, “TTS Solutions,” <https://www.gsa.gov/about-us/organization/federal-acquisition-service/technology-transformation-services/tts-solutions>.

⁷⁶ GSA, TTS Handbook, “A Brief History of TTS Solutions.”

⁷⁷ Login.gov, “What Is Login.gov?,” <https://www.login.gov/what-is-login/>.

⁷⁸ Login.gov, “About Us,” <https://www.login.gov/about-us/>.

⁷⁹ See CRS In Focus IF12395, *Login.gov: Administration and Identity Authentication*, by Dominick A. Fiorentino, Natalie R. Ortiz, and Meghan M. Stuessy.

⁸⁰ GSA, *FY2023 Congressional Justification*, p. ASF-32. NIST defines *platform-as-a-service* as the “capability provided to the consumer is to deploy onto the cloud infrastructure consumer-created or acquired applications created using programming languages, libraries, services, and tools supported by the provider. The consumer does not manage or control the underlying cloud infrastructure including network, servers, operating systems, or storage, but has control over the deployed applications and possibly configuration settings for the application-hosting environment.” See NIST, Computer Security Resource Center, “Glossary,” https://csrc.nist.gov/glossary/term/platform_as_a_service.

⁸¹ Cloud.gov, “What Is Cloud.gov,?” <https://cloud.gov/docs/overview/what-is-cloudgov/>. FedRAMP, established in 2011, is a risk-based approach for the adoption and use of cloud services by the federal government. FedRAMP was (continued...)

Federalist) is a publishing platform for federal government websites that utilizes Cloud.gov infrastructure.⁸²

Made in America Office

Various laws and regulations require federal agencies to procure goods from American suppliers and manufacturers.⁸³ Under certain circumstances—namely if a needed product is not made in the United States in sufficient and reasonably available commercial quantities or at a reasonable cost—agencies may obtain waivers or exceptions from these requirements. The Made in America Office (MIAO) reviews these waivers to ensure that they are applied consistently across agencies. Additionally, MadeinAmerica.gov, a website maintained by the MIAO, serves as a repository of historical and current waivers to domestic content laws and regulations.⁸⁴ The goal of this repository is to provide information about opportunities for domestic manufacturers to supply goods to the federal government.⁸⁵

Centers of Excellence

GSA's Centers of Excellence is a fee-for-service consulting service that assists agencies with enterprise-wide modernization efforts.⁸⁶ The centers currently focus on six functional areas: artificial intelligence, cloud adoption, contact center, customer experience, data analytics, and infrastructure optimization.⁸⁷

Office of Integrated Award Environment

The Integrated Award Environment manages a suite of online systems that support the federal awards lifecycle, including SAM.gov.⁸⁸ Those systems are used for registering to do business with the federal government, listing contract opportunities, reporting performance, analyzing contract data, and other award-related activities.⁸⁹

Travel, Transportation and Logistics Categories

The Travel, Transportation and Logistics Categories portfolio provides agencies with a variety of travel, transportation, and relocation services; motor vehicle acquisition; and fleet management services.⁹⁰

authorized by the FedRAMP Authorization Act. The law, included at Title 44, Section 101 note, of the *U.S. Code*, comprised Subtitle C (136 Stat. 3449) of P.L. 117-263 (136 Stat. 2395).

⁸² GSA, *FY2023 Congressional Justification*, p. ASF-32.

⁸³ See CRS Report R46748, *The Buy American Act and Other Federal Procurement Domestic Content Restrictions*, by David H. Carpenter and Brandon J. Murrill.

⁸⁴ GSA, *FY2023 Congressional Justification*, p. ASF-32.

⁸⁵ MIAO, "About," <https://www.madeinamerica.gov/about/>.

⁸⁶ GSA, "The Centers of Excellence," <https://www.gsa.gov/about-us/organization/federal-acquisition-service/technology-transformation-services/the-centers-of-excellence>. The centers were established by the Information Technology Modernization Centers of Excellence Program Act (P.L. 116-194; 134 Stat. 981; 40 U.S.C. §101 note and 40 U.S.C. §11301 note).

⁸⁷ GSA, *FY2023 Congressional Justification*, p. ASF-32.

⁸⁸ GSA, *FY2023 Congressional Justification*, p. ASF-34.

⁸⁹ GSA, "Integrated Award Environment," <https://gsa.gov/about-us/organization/federal-acquisition-service/technology-transformation-services/integrated-award-environment-iae>.

⁹⁰ GSA, *FY2023 Congressional Justification*, p. ASF-42.

Fleet Purchasing and Leasing

Executive agencies are required to use GSA sources when purchasing non-tactical vehicles.⁹¹ Centralizing the purchasing of vehicles in GSA allows the federal government to negotiate lower prices than agencies could achieve separately. In FY2020, the government owned or leased 610,000 non-tactical vehicles, which traveled more than 4 billion miles and consumed 360 million gallons of gas.⁹² Federal agencies procure approximately 50,000 vehicles through the GSA fleet purchasing program annually.⁹³ An agency can place a requisition for a vehicle via the GSA's AutoChoice website.⁹⁴ GSA also provides full-service leases for more than 220,000 non-tactical vehicles to federal agencies and other eligible customers annually.⁹⁵

Fleet Electrification

Historically, federal agencies have used their discretion in determining the numbers and types of vehicles needed to meet their missions and whether to acquire the vehicles by lease or purchase.⁹⁶ In 2021, with the issuance of Executive Order (E.O.) 14057, "Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability," agencies were mandated to transition to zero-emissions fleets.⁹⁷ E.O. 14057 requires agencies to achieve 100% zero-emission vehicle acquisitions by 2035, including 100% zero-emissions light-duty vehicle acquisitions by 2027.⁹⁸ The government currently owns or leases approximately 380,000 light-duty vehicles, of which 1,579 are classified as zero-emission.⁹⁹ As these vehicles reach the end of their useful lives, agencies will need to replace them in accordance with the zero-emissions guidance from E.O. 14057.

Public Buildings Service

The mission of the Public Buildings Service (PBS) is to provide safe and effective workspace for federal employees at the best value for taxpayers.¹⁰⁰ To fulfill its mission, PBS acquires, manages, and disposes of space on behalf of more than 100 federal agencies.¹⁰¹ These buildings house more than 1 million federal employees, which is about half of the civilian workforce.¹⁰²

⁹¹ 41 C.F.R. §101-26.501.

⁹² GAO, *Federal Vehicle Fleets: Observations on the Transition to Electric Vehicles*, GAO-23-105635, October 2022, p. 2, <https://www.gao.gov/assets/gao-23-105635.pdf>.

⁹³ GSA, *FY2023 Congressional Justification*, p. ASF-43.

⁹⁴ GSA, "Vehicle Purchasing," <https://www.gsa.gov/buy-through-us/products-services/transportation-logistics-services/fleet-management/vehicle-purchasing>.

⁹⁵ GSA, *FY2023 Congressional Justification*, p. ASF-44.

⁹⁶ GAO, *Federal Vehicle Fleets*, pp. 2-4.

⁹⁷ E.O. 14057, "Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability," 86 *Federal Register* 70935, December 8, 2021, <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/12/08/executive-order-on-catalyzing-clean-energy-industries-and-jobs-through-federal-sustainability/>.

⁹⁸ E.O. 14057, §102(ii). *Light-duty vehicle* is defined as a vehicle with a gross vehicle weight rating of 8,500 pounds or less. OMB, *Catalyzing Clean Energy Industries and Jobs Through Federal Sustainability*, M-22-06, December 8, 2021, <https://www.whitehouse.gov/wp-content/uploads/2021/12/M-22-06.pdf>.

⁹⁹ GAO, *Federal Vehicle Fleets*, p. 2.

¹⁰⁰ GSA, *FY2023 Congressional Justification*, p. FBF-3.

¹⁰¹ GSA, "Realty Services Overview," <https://www.gsa.gov/real-estate/realty-services-overview>.

¹⁰² GSA, "Realty Services Overview."

Currently, PBS owns or leases 365 million square feet in more than 8,300 buildings.¹⁰³ These buildings vary in purpose, depending on the mission and immediate needs of the tenant. For example, PBS’s inventory includes courthouses for the judiciary, land ports of entry for Customs and Border Protection, laboratories for the Food and Drug Administration, and general office space for many agencies.¹⁰⁴

Federal Building Fund

PBS charges rent to tenant agencies and deposits it into the Federal Buildings Fund (FBF). PBS also deposits into the FBF proceeds resulting from the sale of surplus property it owns and any appropriations provided. PBS uses the funds in the FBF to pay for its real property activities. GSA does not have the authority to spend the FBF’s full balance each year. Congress, through the appropriations process, sets annual limits on the amount of funds that may be expended from the FBF, known as limitations on the availability of revenue, for each account within the FBF:

- **Construction and Acquisition** funds the purchase or construction of new facilities as well as major extensions to existing buildings.
- **Repairs and Alterations** funds repairs and alterations of existing buildings, including the associated design and construction services.
- **Rental of Space** funds leases with privately owned space or buildings on behalf of other federal agencies.
- **Building Operations** funds day-to-day building services, such as cleaning, utilities, and maintenance.¹⁰⁵

If Congress does not set GSA’s limitations equal to revenue—providing “zero balance authority”—then any unexpended funds are added to the FBF’s balance and carried forward to the following fiscal year and are available to be appropriated.

Table 2 shows the limitations on the availability of revenue for the FBF in FY2023.

Table 2. FY2023 Limitations on the Availability of Revenue

FBF Account	Amount of Limitation
Construction and Acquisition	\$807,809,000
Repairs and Alterations	\$662,280,000
Rental of Space	\$5,561,680,000
Building Operating Costs	\$2,981,381,000
Total Limitations	\$10,013,150,000
Rental Income to Fund	\$10,488,857,000
FBF Total	(475,707,000)

Source: P.L. 117-103.

As shown in **Table 2**, the FBF is scheduled to receive rental payments from agencies totaling \$10.489 billion in FY2023, and Congress provided limitations totaling \$10.013 billion. The FBF

¹⁰³ GSA, “Realty Services Overview.”

¹⁰⁴ GSA, “GSA Properties,” <https://www.gsa.gov/real-estate/gsa-properties>.

¹⁰⁵ Additional accounts may exist in some years if appropriators provide funding for non-recurring expenditures, such as emergency funding to repair buildings after a natural disaster.

therefore received \$476 million more than it was allowed to obligate. This amount is recorded as a negative but represents a net gain to the FBF.

Acquisition of Real Property

When a federal agency needs space, it contacts the appropriate GSA regional office to begin the acquisition process. GSA meets with the agency to define its requirements, such as the delineated area within which the property must be located; number of employees; amount and type of space (e.g., office, courthouse, other); parking; special security considerations; and proximity to public transportation.¹⁰⁶

GSA then develops an initial housing plan called a feasibility study.¹⁰⁷ GSA first assembles a feasibility study team consisting of GSA and agency staff to confirm the project's requirements. The team then selects a planner to help develop and evaluate housing alternatives that meet those requirements. Alternatives may include alteration, new construction, lease, purchase, and other options. From the viable alternatives, GSA recommends a preferred alternative and, with the agency's approval, further develops an acquisition plan for it. The feasibility study provides an implementation strategy for the preferred alternative, including a project schedule and a cost estimate.

When the feasibility study is complete, GSA's Office of Real Property Asset Management prepares and submits a design prospectus to Congress. As required by Title 40, Section 3307 of the *U.S. Code*, GSA must submit a prospectus to two committees—the Senate Committee on Environment and Public Works (EPW) and the House Committee on Transportation and Infrastructure (T&I)—for approval when a real property proposal exceeds a certain threshold. For FY2023 the prospectus threshold for leases and construction and alteration projects in federally owned buildings is \$3.613 million, and the threshold for alterations of leased building space is \$1.8065 million.¹⁰⁸ EPW and T&I must each pass a resolution approving the project's prospectus if the project is to be considered for appropriations.¹⁰⁹ The resolutions need to pass only at the committee level and do not proceed to the floor for consideration by the full House or Senate. Major construction projects, such as new courthouses, often require two prospectus submissions: one for the design phase (including site acquisition) and one for the build phase.¹¹⁰ If EPW and T&I each pass resolutions approving of a prospectus, the project is eligible for funding and may proceed once it receives appropriations. Congress provides funding for the FBF, including direct appropriations and limitations on the availability of revenue, through the annual Financial Services and General Government appropriations bill. Supplemental funding bills may also provide direct appropriations to the FBF.

When a prospectus has been funded, GSA may enter into a contract to build, purchase, or lease space, as described in the prospectus. Congress is not required to fund each prospectus that EPW and T&I approve. Some prospectuses never receive funding, while others receive funding in stages. For example, an approved courthouse construction prospectus may have a total project

¹⁰⁶ GSA, *Real Estate Acquisitions*, June 2019, pp. 1-12, https://www.gsa.gov/cdnstatic/Real_Estate_Acquisitions/LDG-Chapter-1_Requirements-Development_06-07-2019_final508c.pdf.

¹⁰⁷ Information about GSA's feasibility studies may be found at https://www.gsa.gov/cdnstatic/Feasibility_Study_Phase.pdf.

¹⁰⁸ GSA, "GSA Annual Prospectus Thresholds," <https://www.gsa.gov/real-estate/design-construction/gsa-annual-prospectus-thresholds>.

¹⁰⁹ 40 U.S.C. §3307.

¹¹⁰ GSA, *Site Selection Guide*, p. 26, https://www.gsa.gov/cdnstatic/GSA_Site_Selection_Guide_R2-sY2-i_0Z5RDZ-i34K-pR.pdf.

cost estimate of \$500 million, of which \$200 million is provided in one fiscal year, and the remainder is provided three fiscal years later.

Building Management

PBS provides an array of management services to its tenant agencies, including for the operation and maintenance of space and for repairs and alterations to space leased or owned by PBS.¹¹¹ These services are generally not performed by PBS employees but are instead contracted out to private businesses.

Building operation and maintenance covers a range of ongoing duties, including:

- electrical maintenance,
- elevator inspection,
- fire alarm testing,
- HVAC maintenance,
- janitorial services,
- landscaping,
- pest control,
- plumbing,
- roofing, and
- waste management.¹¹²

Repairs and alterations are project-based services that may be major or minor in scope. Major repairs or alterations are those with estimated costs that exceed PBS's current threshold of \$3.613 million in federally owned buildings or \$1.8065 million in leased buildings. Projects that exceed these thresholds are subject to the same prospectus requirements as construction and lease projects. Minor repairs and alterations are those with estimated costs below PBS's threshold.

Disposal of Excess and Surplus Real Property

Agencies are required to continually survey property under their control to identify any property that they no longer need to carry out their missions—excess property—and to “promptly” report that property as excess to PBS.¹¹³ Once PBS accepts the report of excess, it controls the property as it moves through the disposal process. PBS first offers excess properties to other federal agencies, which are generally required to pay fair market value for any properties they wish to acquire.¹¹⁴

Excess properties that federal agencies do not purchase are designated “surplus,” and PBS must then offer them to state and local governments and qualified nonprofits for use in accomplishing public purposes specified in statute.¹¹⁵ All surplus federal properties must first be screened for

¹¹¹ GSA, “Property Management Services,” <https://www.gsa.gov/about-us/regions/welcome-to-the-midatlantic-region-3/products-and-services/property-management-services>.

¹¹² GSA, “Building Maintenance and Operations,” <https://www.gsa.gov/buy-through-us/purchasing-programs/federal-strategic-sourcing-initiative/building-maintenance-and-operations>.

¹¹³ 41 C.F.R. §102-75.60.

¹¹⁴ 41 C.F.R. §102-75.190.

¹¹⁵ 41 C.F.R. §102-75.350.

potential use in providing services to the homeless.¹¹⁶ Once a surplus property has been determined unsuitable for providing homeless services, or no eligible entity has acquired it, PBS offers it for use providing other public benefits, such as a public airport, school, correctional facility, hospital, or park.¹¹⁷ Agencies may convey surplus properties for public benefit at less than fair market value—even at no cost.¹¹⁸

Surplus properties not conveyed for public benefit are then available for sale to state and local governments at fair market value.¹¹⁹ These transactions, termed “negotiated sales,” require eligible entities to pay fair market value for the properties and to use them to create public benefits other than those specified in statute.¹²⁰ For example, a city may purchase a surplus federal office building through negotiated sale for use as a municipal building or buy a surplus parcel of land for economic development, such as establishing an industrial park on it. The conveyance documents for a negotiated sale must include an excess profits clause, which usually runs for three years, to eliminate the potential for windfall profits to public agencies.¹²¹

PBS then makes available for public sale any surplus properties that are not disposed of through negotiated sale.¹²² Public sales are competitive and may be conducted by brokers or through online auction.

Issues Facing Congress

Given GSA’s role in supporting agency missions through its property management and purchasing programs, Congress may consider (1) GSA’s management of post-pandemic space planning given changing agency workspace needs, (2) the implementation of the Federal Assets Sale and Transfer Act of 2016 (FASTA; P.L. 114-287), (3) the proposed construction of a new Federal Bureau of Investigations (FBI) headquarters, and (4) TTS management of 18F and Login.gov. Agency telework policies and occupancy plans—which determine the amount of space needed for federal employees—have been the subject of hearings and legislation in the 118th Congress.¹²³ Congress also continues to monitor implementation of FASTA¹²⁴—which has been viewed to have experienced significant setbacks—and many Members have expressed interest in the process through which a new site for the new FBI headquarters facility is to be selected.¹²⁵ Additionally, GSA was the subject of an oversight hearing in March 2023 due to a

¹¹⁶ 42 U.S.C. §11411.

¹¹⁷ 41 C.F.R. §102-75.350.

¹¹⁸ 41 C.F.R. §102-75.350.

¹¹⁹ 41 C.F.R. §102-75.880.

¹²⁰ GSA, *Your Guide to Acquiring Federal Real Estate for Public Use*, p. 5, <https://disposal.gsa.gov/resource/1530028366000/AcquiringFederalRealEstateForPublicUses>.

¹²¹ 41 C.F.R. §102-75.890.

¹²² 41 C.F.R. §102-75.935.

¹²³ For example, the House Committee on Oversight and Accountability held a March 9, 2023, hearing titled “Oversight of Our Nation’s Largest Employer: Reviewing the U.S. Office of Personnel Management,” which included a discussion of agency telework policies and building occupancy rates, and it held a September 7, 2023, hearing titled “Oversight of Federal Agencies’ Post-Pandemic Telework Policies.” The House of Representatives passed the Stopping Home Office Work’s Unproductive Problems Act (H.R. 139) on February 1, 2023. The bill was received in the Senate and referred to the Senate Committee on Homeland Security and Governmental Affairs on February 2, 2023.

¹²⁴ U.S. Congress, Senate Committee on Homeland Security and Governmental Affairs, *FASTA Implementation and Optimizing the Efficient Use of Federal Property*, hearing, 118th Cong., 1st sess., June 8, 2023, at <https://www.hsgac.senate.gov/hearings/fasta-implementation-and-optimizing-the-efficient-use-of-federal-property/>.

¹²⁵ U.S. Congress, House Committee on the Judiciary, *Oversight of the Federal Bureau of Investigations*, hearing, 118th Cong., 1st sess., July 12, 2023.

report on misrepresentations made by TTS about the identity authentication standards offered by Login.gov.¹²⁶

Post-Pandemic Space Planning

In March 2020, as part of the federal government’s response to the spread of COVID-19, OMB issued guidance encouraging all executive branch agencies to maximize telework flexibilities for eligible workers.¹²⁷ As the use of telework increased, the daily occupancy rate of federal buildings fell to 29%,¹²⁸ and the total amount of unutilized space grew by 2.2 million square feet.¹²⁹ While many agencies have not finalized their post-pandemic space needs, some research suggests there may be a “significant increase” in the amount of hybrid and remote work opportunities for federal employees.¹³⁰ If so, there may be implications for real property planning and funding, as well as broader implications for cities with a relatively strong federal presence in their real estate markets.

Should agencies continue to provide expanded telework opportunities, they may reduce requests to acquire new space and increase requests for funding to renovate and consolidate space. The National Aeronautics and Space Administration, for example, has indicated that it intends to reconfigure the floorplans of some of its buildings to accommodate flexible workspaces and then consolidate employees into those locations and dispose of the excess space that was created.¹³¹ In addition, there may be an increase in requests for funding for short-term leases during the consolidation process if agencies (1) extend existing leases until the consolidated spaces are ready to move into and (2) relocate employees temporarily while their offices are being reconfigured for hybrid work. Short-term leases generally cost more than long-term leases, which may reduce the initial savings, if any, that result from consolidating space.¹³² Over time, should federal agencies dispose of the unneeded space that results from increased telework, then the government may realize savings from decreased leasing or ownership costs and generate revenue from any federally owned assets that are sold. The Office of Personnel Management estimated that in 2021, the federal government saved \$90 million in costs—ranging from reduced real estate to decreased employee absences—as a result of adopting a maximum telework posture.¹³³

A shift to a hybrid federal workforce may have repercussions for some cities through what is known as the “doughnut effect,” where demand for real estate rises in the suburbs and falls in downtown metropolitan areas, in part due to expanded work from home (WFH) or remote work

¹²⁶ U.S. Congress, House Committee on Oversight and Accountability, Subcommittee on Government Operations and the Federal Workforce, *Login.gov Doesn't Meet the Standard*, 118th Cong., 1st sess., March 29, 2023, H.Hrg. 118-17 (Washington: GPO, 2023).

¹²⁷ OMB, *Updated Guidance on Telework Flexibilities in Response to Coronavirus*, March 12, 2020, <https://www.whitehouse.gov/wp-content/uploads/2020/03/M-20-13.pdf>.

¹²⁸ GSA, *Leveraging Daily Occupancy Data*, July 2022, https://www.gsa.gov/system/files/FRPC%20Briefing_%20Leveraging%20Daily%20Occupancy%20Data%2020227.pdf.

¹²⁹ GAO, *Federal Real Property: GSA Could Further Support Agencies’ Post-Pandemic Planning for Office Space Use*, GAO-22-105105, September 2022, p. 13, <https://www.gao.gov/assets/gao-22-105105.pdf>.

¹³⁰ *Ibid.*, p. 30.

¹³¹ *Ibid.*, p. 17.

¹³² GAO, *Federal Real Property: GSA Needs to Strengthen Oversight of its Delegated Leasing Program*, GAO-19-405, June 2019, p. 13, <https://www.gao.gov/assets/gao-19-405.pdf>.

¹³³ U.S. Office of Personnel Management, *Status of Telework in the Federal Government, Fiscal Year 2021*, December 2022, p. 29, <https://www.opm.gov/telework/documents-for-telework/2021-telework-report.pdf>.

opportunities. A Stanford University study concluded that expanded WFH may have the following long-term consequences:

- More people may be willing to move farther away from downtown areas because the number of days they need to commute will be reduced;
- Small businesses that support downtown office workers, such as restaurants, will migrate to suburban-growth areas;
- Reduced economic activity in downtown areas will reduce city tax revenues; and
- Demand for urban real estate will fall while demand for public transportation to increasingly farther-out suburbs will increase.¹³⁴

The permanent expansion of these work arrangements for federal employees might contribute to the doughnut effect in cities with a relatively large federal presence, such as Washington, DC.

Implementation of the Federal Assets Sale and Transfer Act

In 2016, Congress took action to address long-standing obstacles to the timely disposal of unneeded federal buildings, land, and structures. FASTA was designed to streamline and centralize the disposal process through a six-year pilot program wherein a newly formed Public Buildings Reform Board (PBRB) recommends the disposal of unneeded real property in three rounds. In the initial round, which is largely completed, FASTA required the PBRB to recommend a set of “high-value assets” to sell. Proceeds from the sale of the high-value assets are to cover the costs associated with the disposal of properties in two subsequent rounds. OMB must approve the PBRB’s recommendations for each round before agencies may begin disposing of properties pursuant to those recommendations. FASTA disposals are subject to a more limited set of statutory requirements than are disposals made through the traditional, decentralized disposal process.

Several challenges have affected FASTA implementation. The sale of high-value assets generated \$194 million in revenue, considerably below the \$500 million to \$750 million target Congress established in the legislation.¹³⁵ The PBRB has stated that the range of future disposal recommendations it can make has been “constrained” by this funding shortfall and by the uncertainty surrounding agencies’ post-COVID telework policies and space needs.¹³⁶ The PBRB also noted that its primary source of information for developing recommendations, the Federal Real Property Profile, provides incomplete and inaccurate data to the extent that “decisions cannot be driven by data due to lack of quality.”¹³⁷ In addition, the second round of disposals was terminated after OMB rejected the PBRB’s initial submission and the PBRB subsequently lost two members, leaving it short of a quorum and therefore unable to resubmit its recommendations

¹³⁴ Stanford University, Institute for Economic Policy Research, “The Donut Effect: How COVID-19 Shapes Real Estate,” January 2021, <https://siepr.stanford.edu/publications/policy-brief/donut-effect-how-covid-19-shapes-real-estate>.

¹³⁵ GAO, Federal Real Property: Lessons Learned from Setbacks in New Sale and Transfer Process Could Benefit Future Disposal Efforts, GAO-23-106848, June 2023, p. 7, <https://www.gao.gov/assets/830/826495.pdf>.

¹³⁶ PBRB, *First Round Report: Recommendations Pursuant to the Federal Assets Sale and Transfer Act of 2016 (FASTA)*, December 27, 2021, pp. 13-14, https://www.pbrb.gov/files/2021/12/PUBLIC-VERSION-PBRB-First-Round-Recommendations-to-OMB-12_27_2021-1-1.pdf.

¹³⁷ PBRB, *High Value Assets Report: Key Findings and Recommendations Pursuant to the Federal Assets Sale and Transfer Act of 2016*, December 27, 2019, p. 15, <https://www.pbrb.gov/pbrb/files/2021/01/20191227-High-Value-Assets-Report-as-Required-by-FASTA.pdf>.

within the time frame required by FASTA.¹³⁸ The sale of properties during the second round was to have provided up to \$2.5 billion in revenue for the final round of FASTA disposals.

Given that FASTA has generated less revenue than anticipated, the PBRB may be limited in its ability to dispose of unneeded space in the third and final round. For example, the PBRB may not be able to recommend “challenging and costly” consolidation projects to OMB, despite the potential of consolidation projects to yield significant space reduction and savings.¹³⁹

One option for facilitating the disposal of additional properties under FASTA, including consolidations, might be for Congress to provide appropriations to the Asset Proceeds and Space Management Fund, which is used to pay for FASTA implementation costs. Additionally, Congress may consider amending FASTA to extend the statutory deadline for submission of the final list of recommendations, which is currently set for December 2024. Extending the deadline may permit some agencies sufficient time to finalize their post-pandemic space needs and identify properties that could be sold or consolidated.

FBI Headquarters

On February 8, 2016, GSA submitted a prospectus to Congress for the construction of a new headquarters facility for the FBI.¹⁴⁰ The new headquarters would allow for the consolidation of more than 11,000 FBI employees currently located in the J. Edgar Hoover Building and 13 other leased properties in the National Capital Region.¹⁴¹ The prospectus identified three potential sites for the facility: Greenbelt, MD; Landover, MD; and Springfield, VA. In July 2017, GSA cancelled the project, citing insufficient funding.¹⁴² No further action was taken until the enactment of the FY2022 Consolidated Appropriations Act (P.L. 117-103). Section 530 of the law required GSA to select one of the three sites “in as expeditious manner as possible.”

In September 2022, GSA published a document outlining the process by which the new FBI headquarters site is to be chosen from the three previously identified locations.¹⁴³ This plan was modified in November 2022¹⁴⁴ and again in July 2023.¹⁴⁵ The September 2022 and November 2022 plans were substantively the same, and for clarity only the November 2022 plan is referred to in the remainder of this section.

Under both the November 2022 and July 2023 plans, a selection panel of three government employees—two from GSA and one from the FBI—is to assess each site based on five weighted criteria and make a recommendation to the site selection authority, a full-time federal employee

¹³⁸ GAO, *Federal Real Property: Lessons Learned from Setbacks*, p. 20.

¹³⁹ GAO, *Federal Real Property: Lessons Learned from Setbacks*, pp. 2, 26.

¹⁴⁰ GSA, *Prospectus—FBI Headquarters Consolidation*, February 2016, https://www.gsa.gov/system/files/FY2017_National_Capital_Region_FBI_Headquarters_Consolidation.pdf.

¹⁴¹ GSA, *Prospectus—FBI Headquarters Consolidation*.

¹⁴² GSA, “GSA Releases Statement on FBI Headquarters,” press release, July 11, 2017, <https://www.gsa.gov/about-us/newsroom/news-releases/gsa-releases-statement-on-fbi-headquarters-07112017>.

¹⁴³ GSA, *Site Selection Plan: Federal Bureau of Investigation Suburban Headquarters*, September 2022, https://www.gsa.gov/system/files/2022-09-22-FINAL-FBI%20HQ%20Site%20Selection%20Plan%20%28Signed%20and%20Redacted%29_0.pdf.

¹⁴⁴ GSA, *Site Selection Plan: Federal Bureau of Investigations Suburban Headquarters*, November 2022, https://www.gsa.gov/system/files/2022-11-18-FINAL-FBI_HQ_Site_Selection_Plan_Amendment_1_REDACTED_508_complete.pdf.

¹⁴⁵ GSA, *Site Selection Plan (Amendment 2): Federal Bureau of Investigations Suburban Headquarters*, July 2023, https://www.gsa.gov/system/files/Site%20Selection%20Plan_FINAL_Amendment%20%232_7_14_2023_REDACTED%20%281%29.pdf.

who is a member of the Senior Executive Service. The authority makes the final decision on the site for the new headquarters and may reject the panel’s recommendation.

The July 2023 site selection criteria, below, are very similar to those set forth in the November 2022 plan. The language from the November 2022 plan is provided in the footnotes when it differs from the language in the July 2023 plan.

1. FBI Mission Requirements
 - a. Proximity to the FBI Academy in Quantico, VA
 - b. Proximity to operationally significant FBI real estate assets in the region
 - c. Proximity to the Department of Justice, U.S. Capitol, and White House¹⁴⁶
2. Transportation Access
 - a. Walking distance to a Metro station
 - b. Walking distance to a Virginia Railway Express or a Maryland Area Regional Commuter station
 - c. Accessibility to a major bus line stop
 - d. Proximity to a commercial airport
3. Site Development Flexibility
 - a. Site area and geometry
 - b. Schedule risk¹⁴⁷
4. Promoting sustainable siting and advancing equity
 - a. Advancing racial equity and support for underserved communities
 - b. Promoting sustainable locations and strengthening the vitality and livability of communities in which federal facilities are located
5. Cost
 - a. Cost to acquire site plus cost to prepare site plus cost of off-site improvements plus relative cost difference of expected construction start dates¹⁴⁸

The two plans differ materially in one aspect: The July 2023 plan changed the weight assigned to four of the five selection criteria. **Table 3**, below, shows the weight assigned to each criterion under the November 2022 and July 2023 site selection plans.

Table 3. Weight Assigned to Site Selection Criteria, Out of 100 Points
Comparison of November 2022 and July 2023 Plans

Criteria	November 2022 Weight	July 2023 Weight
FBI Mission Requirements	35	25

¹⁴⁶ The September 2022 and November 2022 site selection language for criteria 1c read, “Proximity to the Site of the Headquarters of the U.S. Department of Justice.”

¹⁴⁷ The September 2022 and November 2022 site selection plan for criteria 3b read, “Earliest Time the Government Could Commence Construction Activities.”

¹⁴⁸ The September 2022 and November 2022 site selection plan for Criteria 5 read, “5a: Cost to Acquire Site; 5b: Cost to Prepare Site.”

Criteria	November 2022 Weight	July 2023 Weight
Transportation Access	25	20
Site Development Flexibility	15	15
Supporting Sustainable Siting and Advancing Equity	15	20
Cost	10	20

Source: GSA FBI Headquarters Site Selection Plan, November 2022; GSA FBI Headquarters Site Selection Plan, July 2023.

Congress may consider holding hearings on the current site selection plan. Among the questions a hearing might address are:

- What are potential advantages and disadvantages of a single individual, the Site Selection Authority, being the sole decision-maker on a new location, as opposed to a panel of stakeholders?
- What factors did GSA consider when it reduced the weight given to the FBI Mission Requirements and Transportation Access criteria in the July 2023 site selection plan?
- What factors did GSA consider when it increased the weight given to the Supporting Sustainable Siting and Advancing Equity, and Cost criteria in the July 2023 site selection plan?
- What are the implications of the revised criteria weights for the FBI, taxpayers, and the communities surrounding the three locations?

Oversight of TTS Management of 18F and Login.gov

In 2016, 18F, PIF, and TTS Solutions (then called the Office of Products and Programs) were placed within the newly created Technology Transformation Services.¹⁴⁹ Since that time, the GSA OIG has issued three reports identifying deficiencies in TTS components, specifically 18F and Login.gov. On October 24, 2016, the GSA OIG issued a report in response to concerns from GSA senior officials about the management of 18F.¹⁵⁰ The report found numerous deficiencies in 18F’s business operations, including that 18F had unsuccessfully achieved full cost recovery in the services it offered to agencies due to “inaccurate financial projections, increased staffing levels, and the amount of staff time spent on non-billable activities.”¹⁵¹ Additionally, the GSA OIG found that 18F had performed work “before [inter-agency and intra-agency] agreements were executed, outside specified periods of performance, and without required [Chief Information Officer] approval.”¹⁵²

GSA OIG also identified violations of GSA IT policies by 18F personnel. These violations became the subject of a subsequent GSA OIG report issued on February 21, 2017.¹⁵³ The report

¹⁴⁹ GSA, TTS Handbook, “A Brief History of TTS Solutions.”

¹⁵⁰ GSA OIG, *Evaluation of 18F*, October 24, 2016, p. 1, <https://www.gsaig.gov/content/evaluation-18f>.

¹⁵¹ GSA OIG, *Evaluation of 18F*, p. 19.

¹⁵² GSA OIG, *Evaluation of 18F*, p. 15.

¹⁵³ GSA OIG, *Evaluation of 18F’s Information Technology Security Compliance*, February 21, 2017, p. 1, https://www.gsaig.gov/sites/default/files/ipa-reports/OIG%20EVALUATION%20REPORT_Evaluation%20of%2018F%20IT%20Security%20Compliance_JEF17-002_February%2021%202017.pdf.

found that 18F “routinely disregarded and circumvented fundamental security requirements related to both the acquisition of information technology and the operation of information systems.”¹⁵⁴ As a result, personally identifiable information was exposed to unauthorized users.¹⁵⁵

Login.gov¹⁵⁶

Login.gov was the subject of a March 2023 GSA OIG report, which found that GSA misled its customer agencies about Login.gov’s non-compliance with NIST identity authentication standards. NIST guidance requires agencies to select the appropriate levels of identity proofing and digital authentication based on risks to the individual of unauthorized disclosure of their information. These components include an Identity Assurance Level (IAL), referring to the identity proofing process.¹⁵⁷ The three different IALs have different documentation and verification requirements and therefore present different levels of individual risk and security. Login.gov initially presented customers with the option of identity proofing at the IAL1 or IAL2 levels.¹⁵⁸ The OIG report disputed Login.gov’s ability to provide IAL2 identity proofing.¹⁵⁹ Additionally, the GSA OIG found that GSA knowingly billed IAL2 customer agencies over \$10 million for services, including for alleged IAL2 services that did not meet IAL2 standards.¹⁶⁰ Furthermore, it found that GSA misled the Technology Modernization Fund about Login.gov’s compliance with IAL2 to secure additional funding.¹⁶¹

Congress may have an interest in increasing oversight activities related to TTS management, GSA management, and the reporting structures within GSA.

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¹⁵⁴ GSA OIG, *Evaluation of 18F’s Information Technology Security Compliance*, p. 1.

¹⁵⁵ GSA OIG, *Evaluation of 18F’s Information Technology Security Compliance*, p. 5.

¹⁵⁶ This section draws, in part, from CRS In Focus IF12395, *Login.gov: Administration and Identity Authentication*, by Dominick A. Fiorentino, Natalie R. Ortiz, and Meghan M. Stuessy.

¹⁵⁷ NIST, “Digital Identity Guidelines,” <https://pages.nist.gov/800-63-3/sp800-63-3.html>.

¹⁵⁸ GSA OIG, *GSA Misled Customers on Login.gov’s Compliance with Digital Identity Standards*, March 7, 2023, p. 4, <https://www.gsaig.gov/content/gsa-misled-customers-loggingovs-compliance-digital-identity-standards>.

¹⁵⁹ GSA OIG, *GSA Misled Customers on Login.gov’s Compliance with Digital Identity Standards*, p. 4.

¹⁶⁰ GSA OIG, *GSA Misled Customers on Login.gov’s Compliance with Digital Identity Standards*, p. 2.

¹⁶¹ GSA OIG, *GSA Misled Customers on Login.gov’s Compliance with Digital Identity Standards*, p. 18.

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