

PUBLIC BUILDINGS REFORM BOARD

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PUBLIC MEETING

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MONDAY
JUNE 17, 2019

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The Public Buildings Reform Board met in the General Services Administration National Capital Region Auditorium, 301 7th Street, SW, Washington, D.C., at 9:15 a.m., Angela Styles, Acting Director, presiding.

PRESENT

ANGELA STYLES
TALMAGE HOCKER
MARY PHILLIPS
NICK RAHALL
DAVID WINSTEAD

ALSO PRESENT

DAN MATHEWS, Commissioner of Public Buildings,
U.S. General Services Administration
BART BUSH, Executive Director, Facilities &
Operation Support, Department of Homeland
Security
BRETT SIMMS, Deputy Executive Director, VA's
Office of Asset Enterprise Management,
U.S. Department of Veterans Affairs
LORI RECTANUS, Director of Physical
Infrastructure, U.S. Government
Accountability Office
MARIA FOSCARINIS, Executive Director, National
Law Center on Homelessness and Poverty
DANNY WERFEL, Former Federal Controller,
Office of Management and Budget
NORMAN DONG, Managing Director, FD Stonewater

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1 P-R-O-C-E-E-D-I-N-G-S

2 9:13 a.m.

3 MS. STYLES: Welcome, everybody.

4 Thank you for coming to our first public meeting.
5 We're just getting started up, just as you might
6 be able to tell. We don't have our placards
7 here. We don't have an agenda for you, but,
8 hopefully, we will in a few minutes. It's quite
9 an adventure, I must say, standing up an
10 independent agency, so we actually are an
11 independent agency. Everything from getting a
12 dot gov address to getting, you know, tables here
13 has been a little bit of a challenge for us.

14 So we'll start off with some
15 introductions. I'll walk you through what the
16 agenda is going to be. We will have a hard copy
17 of the agenda here shortly, as well.

18 This is a public meeting. We're not
19 swearing in any of the people that are here
20 today. It's a little bit more in the nature,
21 it's a little bit more in the nature of a
22 roundtable. We will open it up to questions at

1 the very end, as well. We really are trying to
2 get as much information as possible in kind of an
3 informal environment here today.

4 But just to introduce myself and to
5 let the other Board members introduce themselves,
6 and then I'm going to give a little background on
7 our legislation and where we are as a board, what
8 we're focusing on, our kind of first core issues,
9 if you will. We were just sworn in May 1st, so
10 we really are just getting up and running, so
11 we're pretty happy, at least the first six weeks,
12 in the first six weeks we're able to do this,
13 we're able to pull together a public meeting.

14 So my name is Angela Styles. I am a
15 government contracts lawyer by background. I'm a
16 partner at Akin Gump. I worked on the Hill for
17 Congressman Joe Barton for a number of years when
18 I was younger. I worked for the Governor of the
19 State of Texas, and I also was at OMB as the
20 administrator for federal procurement policy from
21 2001 to 2004. Not exactly a real estate
22 background, but I think you'll find what is

1 interesting and I think very helpful about this
2 board is we come from very diverse backgrounds
3 and bring a lot of different pieces to the table
4 that help us navigate the different federal
5 agencies, navigate the politics, navigate the
6 real estate aspects of it, as well.

7 But with that, I'll turn it over to
8 our other Board members to make introductions.
9 Nick, do you want to start?

10 MR. RAHALL: Thank you, Angela. And
11 let me begin by welcoming each of you to today's
12 first public hearing. We appreciate the
13 interest, and we know that interest will continue
14 to grow as we continue to do our job. I am a
15 former member of the Congress, a recovering
16 politician, I guess, 38 years in the State of
17 West Virginia. I am proud of this board. As
18 Angela has referenced, it's a diverse board. I
19 think it's the best board, the brightest board,
20 and most talented board in the history of the
21 Public Buildings Reform Board. We're almost 50
22 days now.

1 But, seriously, we take our job
2 seriously and we're going to do our job. We are
3 committed to following our enabling legislation
4 as Congress passed it. We are an independent and
5 a transparent body, and I think that we have the
6 expertise on this board to make ourselves proud
7 and to continue to save the American taxpayers
8 money. It is a vast and daunting effort to try
9 to even inventory federal real property, much
10 less collect the correct data and put it all into
11 the proper mechanisms and make it work. But I
12 view this board's mission as one that is to be a
13 partner with each of you in this room and each of
14 the federal agencies, actually, especially GSA, a
15 partner in saving the American taxpayers money,
16 fulfilling our mission, and help make the trains
17 run on time, if you will. Thank you.

18 MR. HOCKER: My name is Talmage
19 Hocker, and I'm from Louisville, Kentucky. I was
20 nominated to this board by Senator Mitch
21 McConnell. My background is in commercial real
22 estate, primarily shopping centers. It seems

1 like there's a lot of, well, if you will, fake
2 news regarding shopping centers these days and
3 retail in particular. Yes, both are doing very
4 well.

5 I began my career with my father who
6 began his career with his father, and I have with
7 me today my 31-year-old son and 34-year-old
8 daughter who work with us. During my career,
9 we've developed over 17 million square feet of
10 shopping centers in 14 states, consisting of
11 about 60 properties. And during this time, we
12 have partnered with some of the country's leading
13 institutions, whether it's investment banks,
14 REITs, commercial sales brokers, et cetera.

15 Other than voting and hosting an
16 occasional political event for members of both
17 parties, I have no governmental experience.
18 However, having the opportunity to serve on this
19 board with such esteemed colleagues, I'm quickly
20 learning the ins and outs of the system.

21 Now, our task is to reduce the cost of
22 the federal real estate by consolidating its

1 footprint, selling high-value assets that are
2 underutilized to obtain the highest and best
3 value for the taxpayer and maximize the return
4 for the taxpayer; reduce operating and
5 maintenance costs for the federal civilian real
6 properties; create incentives for the agencies to
7 achieve greater efficiency in the real estate
8 holdings and improve efficiencies and services
9 for the homeless.

10 My vision is to determine, help
11 determine what this list of high-value properties
12 is, work with and assist all necessary parties in
13 selling these properties, whether it's by the GSA
14 online auction process or negotiated off-market
15 or on-market deals, or the use of outside
16 brokers. Following the nomination of these high-
17 valued assets, we'd like to develop a strategy to
18 reduce the overall expenses and reduce costs of
19 the civilian property in a way that benefits the
20 taxpayer.

21 We are just getting started as a
22 board, and I do believe that this board has both

1 the ability and the desire to exceed any level of
2 expectation that Congress and others may have of
3 us. Thank you.

4 MS. STYLES: Thank you, Talmage.

5 MR. WINSTEAD: Good morning. I'm
6 David Winstead. I'm an attorney with Ballard
7 Spahr, and Ballard Spahr has a fairly large real
8 estate practice of which I'm a part of it. I
9 also, I think, from the boards and obviously,
10 Talmage brings a lot of on-the-ground real estate
11 experience, I'm very active with, for example,
12 Boman's National Advisory Council, the Urban Land
13 Institute, Washington District Council, and also
14 the real estate roundtable. So I do have, being
15 active with those groups, I do understand
16 commercial real estate trends and issues of the
17 day, so I hope that will be of help to the Board.

18 Also, I have had the pleasure of a
19 couple of other public service experiences. I
20 happened to be the Public Building Commissioner
21 of GSA during the Bush administration, the latter
22 part with President W. Bush, and also about 20

1 years ago I stepped out of law practice and was
2 Secretary of Transportation in Maryland. So I've
3 run a major capital program on the state level
4 with \$5 million worth of infrastructure and,
5 obviously, GSA was responsible for the federal
6 building inventory and the federal lease
7 practice. So I do hope that those experiences
8 will be helpful to the Board, as well.

9 Just a comment. I think expectations
10 -- I also want to compliment in how much I've
11 enjoyed the Board members. Every one of us, I
12 think, brings something different and obviously
13 independent board, but I do want to really,
14 through this hearing, the roundtable, and also
15 future hearings, I do want to score the issue,
16 our mandate from Congress has been clear and I
17 think Angela certainly laid that out, but I
18 recall my years working at the federal level as a
19 real property executive, and I'm quite interested
20 to understand and share with the Board as we go
21 along ways in which we strengthen the tools that
22 real estate people on the federal side have. I

1 struggled, when I was commissioner, for a number
2 of years with that issue because GSA, as you will
3 hear from the Commission and others, does have on
4 the books authorities that, candidly, OMB and
5 Congress, to some degree, have been reluctant to
6 allow GSA to use. I think this board can be
7 helpful in hearing from you all and others about
8 those authorities. I know the VA has had
9 authorities, and we have Brett here this morning
10 to tell us a little bit about some of those
11 successes. But as a Board member, I really want
12 to look at this question of what can we do as a
13 board in our recommendations on some assets but
14 also on tools for federal real properties.

15 MS. PHILLIPS: Good morning, everyone.
16 I'm Mary Phillips. I also would like to welcome
17 everyone here. Thank you so much for coming.

18 So my career has been in
19 transportation. I spent a number of years
20 working for three different major freight
21 railroads and strategic planning and marketing,
22 sales, and government affairs. And in government

1 affairs, I spent four years working on community
2 issues, almost all of which involved railroad
3 property in one way or another. So my railroad
4 experience has brought me to Washington, and,
5 unlike most individuals who come to Washington
6 and work a few years on the Hill and then go to
7 the private sector, my career has been I spent 20
8 years in the private sector and then came to
9 Washington and had an opportunity to work with
10 both the Senate Commerce Committee and the House
11 Transportation Infrastructure Committee on
12 surface transportation issues, rail issues,
13 environmental streamlining for transportation
14 projects, and some innovative financing for
15 transportation.

16 I also served as a political appointee
17 in the George W. Bush administration at the
18 Federal Highway Administration. This is not
19 working.

20 MS. STYLES: Here, try this one.

21 MS. PHILLIPS: And worked in the
22 trucking industry for a number of years,

1 culminating and serving as the head of
2 legislative affairs for American trucking
3 associations. So I was very honored to be
4 nominated to serve on the Board by former Speaker
5 Paul Ryan, and I'm very honored to be working
6 with my fellow Board members. We have a great
7 team.

8 I think my questions today will go to
9 the initial responsibility to recommend between
10 \$500 and \$750 million worth of property to be
11 sold in six months. The clock is ticking on
12 that, and we have a tremendous amount of work to
13 do to identify the candidates and then get those
14 candidates vetted.

15 What's encouraging, I think, to us is
16 GSA, OMB, and federal agencies have already been
17 doing a lot of work and developing
18 recommendations to submit to us, pursuant to
19 FASTA, and we very much look forward to getting
20 those recommendations from OMB. The Federal Real
21 Property Council has been reconstituted as a
22 result of the Federal Property Management Reform

1 Act, and the agencies now have five-year plans
2 and are looking at properties that they can
3 dispose of.

4 So all of that will be very helpful to
5 our mission. We'll be reaching out to individual
6 agencies to work together with them. With our
7 authorities, they're some unprecedented, vested
8 in us by Congress, we're in a unique position to
9 accelerate agency plans for property disposal and
10 space consolidation.

11 We have a real opportunity through
12 FASTA to right-size federal property ownership,
13 and we fully intend to take advantage of the
14 authorities that Congress has vested in us. So I
15 thank you so much

16 MS. STYLES: All right. I think
17 everybody has agendas now. If you don't, raise
18 your hand. So what I wanted to brief with you,
19 because our legislation is a little hard to, I
20 think, unpack, if you will, I want to walk
21 through kind of our take on our legislation, as
22 well as where we are right now in terms of our

1 focus and the evaluation of high-value
2 properties.

3 Our legislation is the Federal Assets
4 Sale and Transfer Act, which we refer to as
5 FASTA. It was enacted in December of 2016, so it
6 really has taken a while to get this board
7 nominated, get us constituted, have five members
8 so that we constitute a quorum and can actually
9 make decisions. But we are here now.

10 I think, as you heard from Talmage and
11 you heard from others, the purpose, the mission,
12 as spelled out in the legislation, is to reduce
13 the costs of federal real estate. And you will
14 hear us all refer to that repeatedly: what are we
15 doing to reduce the cost of federal real estate.

16 The legislation itself gives us ten
17 ways to do that, if you will. You heard Talmage
18 walk through some of them, but, again, I think it
19 bears repeating just to understand that this is
20 coming straight from our enabling legislation:
21 consolidating the footprint of federal buildings;
22 maximizing the utilization rate; reducing the

1 reliance on leased properties, which is, I think,
2 an interesting take on it because you might
3 actually be able to reduce costs by relying more
4 on leased properties, so we will be discussing
5 that; selling or redeveloping high-value assets;
6 reducing the operating and maintenance costs of
7 federal civilian properties; reducing redundancy
8 overlap and costs associated with field offices.
9 I think you've seen some articles recently about
10 the Department of Agriculture's efforts to move
11 people out of the Washington, D.C. area. That's
12 part of what you're seeing with that.

13 Creating incentives to achieve greater
14 efficiency in the inventory. This is managing
15 it, managing the assets. What efficiencies can
16 we create by actually managing these properties?
17 Facilitating and expediting the sales; improving
18 the efficiency of real property transfers for the
19 provision of services to the homeless, and, as
20 you can see, will be hearing from the National
21 Law Center on homelessness and poverty, which
22 they were instrumental in this legislation and

1 agreeing to certain provisions related to the
2 high-value properties, which are the first ones
3 up.

4 And then we have assisting federal
5 agencies in achieving sustainability roles, which
6 is also quite important. A lot of what we're
7 seeing is the operating and maintenance costs of
8 many of these buildings that we're not fully
9 utilizing.

10 So, again, a hefty goal: reduce the
11 costs of federal real estate. The process
12 established by FASTA, it's a pretty detailed
13 process, I'll put it that way. I'm going to walk
14 through really quickly, the ten steps that are
15 outlined in the statute, but then I'm going to
16 focus on where we are with high-value properties.

17 So there were submissions by the
18 agencies of recommendations in 2017 and 2018 to
19 GSA and OMB. We do have properties of those.
20 GSA and OMB are supposed to be then taking those
21 and developing recommendations for us. You know,
22 it's unclear today, but that may be part of our

1 discussion is when would we expect to see those
2 because it probably won't be before the deadline
3 for us to make decisions as a board on high-value
4 properties.

5 Then there's identification of high-
6 value properties, transmission of that list to
7 OMB for approval, review and approval of that
8 list of high-value properties by OMB, and then
9 those properties that we recommend are listed as
10 excess. That's how quick this process is as
11 compared to the standard excess process that you
12 see now.

13 There's also, we have to analyze,
14 after we get through the Board consideration of
15 high-value properties, we are required to analyze
16 the GSA - OMB recommendations and standards that
17 they will be submitting to us. Then we have two
18 more rounds of property submissions after that.
19 We aren't focused on the next two rounds right
20 now. We are more focused generally on our
21 recommendations for general cost-savings,
22 improving the database, but we're seeing all

1 those things as we go along that may be able to
2 help for the longer-term as opposed to the focus
3 on high-value properties.

4 So we have a six-year window to do
5 this with a lot of different deadlines in that
6 window. So it's six years from May of this year
7 until May of 2025. We do currently have funding,
8 or we wouldn't be sitting here, so we do have
9 funding for a period of time. And our focus
10 right now, as you've heard from all of us, is on
11 the sale of high-value properties with the
12 identification of those properties, the
13 flexibilities we have in making recommendations
14 associated with the identification of those
15 properties, as well. So it's not just here's a
16 property, but we can increase the value of
17 property by doing this. We can incentivize the
18 agency by doing this, using our three-year lease-
19 back authority, which we'll talk about in a
20 little bit more detail.

21 So under FASTA, we have six months
22 from when we started to identify at least five

1 federal civilian real properties with an
2 aggregate fair-market value of between \$500
3 million and \$750 million to sell through this
4 quick excessing and disposal process. The
5 recommendations are given to OMB for review and
6 approval, and they have 30 days from our
7 submission to then submit them to Congress. The
8 owning agency -- so as you know, different
9 agencies are going to be owning these buildings,
10 it's not just GSA -- have 60 days to submit a
11 report of excess to GSA, and then GSA has 120
12 days to initiate sale without regard to the laws.
13 It really does, with the exception of
14 environmental laws, the statute does exempt these
15 properties from other laws.

16 And, generally, then the sale has to
17 be completed within one year of the report of
18 excess to GSA by the owning agencies. There is
19 an exception that would allow that to go in for
20 two years if it was necessary.

21 So how are we doing this? How have we
22 started off this process? So we have access to

1 the recommendations that the agencies submitted
2 to GSA and OMB in 2017 and last week for 2018.
3 We got access to them last week. Sorry. We have
4 access to the federal real property database,
5 tools that were built by GSA to review and assess
6 the different properties. We also are in the
7 process of hiring an outside contractor to help
8 us slice and dice some of that data, as well.

9 As I said earlier, we don't have
10 recommendations back from OMB and GSA that were
11 to be submitted under the statute, but,
12 notwithstanding, we decided to, given the
13 deadlines, it was important to go ahead and
14 proceed ahead. We hope to have -- it's just us
15 right now. We don't have an executive director,
16 we don't have any detailees, so we are really
17 just, you know, basically figuring it out as we
18 go. But we do hope to have an executive directly
19 fairly soon. We're working through that process.
20 And we also have authority to detail people from
21 other agencies, and we hope to do that fairly
22 soon, as well.

1 As I said, we do have contractors on
2 board. As you see, we have a contractor that's
3 here helping us set up the meeting. And then we
4 have another contractor that's been helping us
5 slice and dice the data. So we do have some
6 money. Not a lot. It's up to higher entities to
7 help us get from here to there, certainly the
8 high-value property list and over the next, you
9 know, six years, as well.

10 So a couple of things, I think, to
11 bear in mind is that we're working through the
12 incentives that we can recommend to the agencies,
13 so we do have a three-year lease-back authority,
14 how that's utilized, what additional
15 recommendations we can make. Our legislation is
16 supposed to allow us, it does actually, to the
17 extent that there's proceeds from the sale, it
18 goes into another pot of money. It goes into
19 another fund. So it's not going back to the
20 Treasury. It's going into another fund that's
21 supposed to help us then sell additional
22 buildings, redevelop additional buildings, do

1 what we need to with additional buildings. So
2 it's just a little harder on the front-end
3 getting started off, and then we actually do have
4 to have approval from appropriators on the back-
5 end that really make recommendations for how to
6 use that money. But we want to be flexible. We
7 want to give agencies incentives to work with us,
8 although we can make recommendations without the
9 agencies working with us, but it's going to be a
10 lot better if we work with the agencies.

11 We're also focused not just on
12 incentivizing the agencies to do this, to
13 identify the properties, to understand how they
14 can move people, how they can consolidate, how
15 they could have really better space if they work
16 through it correctly. We're also focused on
17 increasing value of the properties to put up for
18 sale, what recommendations we make around
19 increasing value.

20 And so if you look at our statute it
21 does give us authority to work with state and
22 local governments. As most people know, one of

1 the biggest problems is that federal property is
2 exempt and, if you sell it, many times you're not
3 going to know what the zoning is going to be
4 during the sale. And so people who are trying to
5 assess the value of the property are making bets
6 on what the zoning is going to be for that
7 particular property. So we're hoping that, given
8 the authorities in our statute, that we will be
9 able to work with state and local governments to
10 increase the value of the properties.

11 There are exempt properties, as you
12 may have noticed. So we don't have authority
13 over most of DoD, National Parks, OCONUS,
14 Tennessee Valley Authority, Postal Service, but
15 there's still a lot of properties in this bucket
16 for us to be going through and reviewing. We
17 will be having additional public meetings where
18 we'll have more people from the private sector
19 speak. We decided to keep this one to current
20 and former government employees to get a
21 perspective on our legislation, a perspective on
22 the entities that are going to be working with

1 us, or evaluating us like GAO.

2 But with that, I don't know if our
3 Board Members will have any other comments. And
4 I don't know if Dan Mathews is here. Is Dan
5 here?

6 MR. WINSTEAD: Dan is not, but we do
7 have Bart Bush and Brett.

8 MS. STYLES: Oh, okay. So if we
9 wanted to start with that, we could. I don't
10 know. Do you guys have other additional comments
11 before we kick off?

12 MR. WINSTEAD: I think you've covered
13 it.

14 MS. STYLES: Okay, excellent. Well,
15 if Bart and Brett don't mind coming up, if Dan
16 isn't here, we can just start with you guys.

17 Oh, wait, Dan is here. Why don't we
18 go ahead and -- sorry, guys.

19 MR. MATHEWS: Good morning.

20 MS. STYLES: Good morning. Thank you
21 for joining us.

22 MR. MATHEWS: It's a great opportunity

1 to be here.

2 MS. STYLES: We'll go ahead and let
3 you kick it off.

4 MR. MATHEWS: Okay, great. Well,
5 again, thank you for the opportunity to be here.
6 It's been a long time coming for the FASTA board,
7 in more ways than you may even realize. It was a
8 long time just to get the legislation passed, and
9 so I think it's a fabulous opportunity.

10 Just as a slight introduction of
11 myself. You know me already, but I can't see
12 everybody in the room without my glasses on, so
13 they might not. So I've been at GSA for about
14 two years, a little less than two years now, and
15 prior to that I was on the authorizing committee
16 that drafted this legislation and worked for the
17 chairman of the committee that was one of the
18 sponsors of the bill. So I do have a little bit
19 of insight into how the legislation came about,
20 what they had in mind, and why they were trying
21 to do this at all, which I thought might be
22 helpful explaining a little bit of that, sort of

1 defining the problem as Congress saw it. And
2 that also is significant because that helped
3 define the solution that they put into the
4 legislation and what they expected, why there's
5 a board and what they expected the board to be
6 able to accomplish and what some of the
7 challenges would be. So there's some tools in
8 there for the Board to help overcome some of
9 those challenges. And it sounds like my
10 microphone may have gone out a little bit.

11 MS. STYLES: This one works really
12 well.

13 MR. MATHEWS: I'll get a little bit
14 closer. I think it's back on again. And then I
15 wanted to wrap it up with sort of a short
16 description of what, in my opinion, the Board
17 might need to be successful and how GSA can help
18 the Board and how the GSA is helping the Board
19 move forward with this.

20 So going through the problem
21 statement, what was Congress trying to accomplish
22 and why do they even care? It came out of a long

1 list of GAO and Inspector General reports,
2 basically, about federal real estate being on the
3 high-risk list. And why was it on the high-risk
4 list? The inventory is massive. It is
5 complicated. It is dispersed across agencies.
6 There are, in many respects, a lack of good
7 information or controls over the properties, and
8 there was a general understanding that, as a
9 result, we're spending more money on real estate
10 housing federal employees so they can meet their
11 mission than is necessary. And as a result, we
12 could save significant money by improving the
13 process for disposing of the properties.

14 And they believed there were three
15 basic reasons why it is very hard to get rid of
16 properties. Number one was a notion that we
17 called land-banking. Agencies who may be in
18 custody of a property, even though they weren't
19 using it, hadn't really utilized it significantly
20 for a long period of time, would not want to
21 relinquish it or, at some point in the future,
22 they thought maybe they would have a need, some

1 point in the future maybe they will have money to
2 do something with it, and so they'd like to hold
3 on to it. And that was viewed as a significant
4 problem. First and foremost, that's why the
5 Board exists, an independent board, because the
6 notion was agencies themselves would not
7 necessarily volunteer properties forward for
8 disposal. And I would say, given the three
9 rounds of property recommendations that we
10 requested from agencies, I would confirm that
11 suspicion.

12 So the second reason were the disposal
13 laws. There is an amalgamation of disposal laws
14 that have accumulated over a decade, frankly
15 probably over hundreds of years, that make it
16 very difficult to get rid of a federal property
17 or to bring it to sale. And as a result, sort of
18 the unintended consequence of that is, well, if
19 you can't bring it to sale, you can't realize the
20 proceeds, tap into that equity, then, well, you
21 might as well just hold on to it. So we hold on
22 and we hold on, and the federal real property

1 inventory just grows and grows and grows every
2 year as a result.

3 So there was a strong view that you
4 would have to waive those laws in order to be
5 able to bring properties to sale or transfer or
6 whatever the recommendation may be. And the
7 statute has very broad powers when it comes to
8 that. It waives all the public benefit
9 conveyances, and there are multiple rounds, as
10 you know. The system is structured to have full
11 rounds of sales, and the first round waives
12 literally everything. But the subsequent waives
13 basically everything except the McKinney-Vento
14 Act.

15 And that's an important point because
16 part of the expectation is these later rounds of
17 properties will involve not just large high-value
18 properties but properties that could very well be
19 suitable for homeless purposes and that this
20 board and this process would actually result in
21 more properties moving forward for consideration
22 by the homeless than under the normal process

1 where agencies just tend to hold on to
2 everything. So there's an expectation that this
3 would be a win-win when it comes to that public
4 benefit conveyance.

5 And then the third concern was money.
6 It takes money to move off of a property. And
7 unless you're talking public domain lands, which
8 are exempted from this process, there's not a lot
9 of vacant federal land, real property out there
10 that could just be sold for cash. There's an
11 expectation that it will take some money to
12 dispose of properties and, therefore, you need to
13 generate some cash up-front to roll over into
14 those subsequent rounds, and the bill creates a
15 structure, albeit it is subject to appropriation,
16 but it creates a special fund where the proceeds
17 would go into and be available for those
18 purposes.

19 So those were the three basic ways
20 they were looking to address those three basic
21 problems. And, again, the solutions, an
22 independent board, access to data and outside

1 input, and OMB approval. Waivers and expedited
2 process. So the bill, again, has lots of waivers
3 in it and expedited process to bringing things to
4 sale. And then this very important first round,
5 which, you have what? Four and a half months or
6 so, and the clock is ticking on that one until
7 October 1st to generate cash sales.

8 And the important thing to note is
9 we've talked a lot about disposal, or I have,
10 but, when you actually read the bill, it says the
11 purpose is more directly tied towards money and
12 the cost-savings than it is to disposing a
13 certain quantitative number of properties. It's
14 really about cost-savings. And if you think
15 about the federal inventory, particularly, say,
16 GSA's inventory, since 2011, 2012 when Freeze the
17 Footprint became a policy of the previous
18 administration, and that went pretty well and
19 they sort of upped the ante to Reduce the
20 Footprint policy. And I wish I had that slide
21 with me now. But if you -- I have the slide that
22 I use at events sometimes where you can see the

1 federal inventory for about the last 20 years or
2 at least when it comes to GSA's inventory. It's
3 a pretty steady increase. Just imagine like a
4 slope just going up every year, year after year,
5 particularly on the leasing, and Freeze the
6 Footprint went into effect and that slope
7 shifted, leveled out a bit. And then Reduce the
8 Footprint went in, and it actually dropped on the
9 leasing side. And the projections for the growth
10 were just to continue out because it had been
11 very constant for probably 30 years. And the
12 difference between that, where it was projected
13 and where our lease inventory is now represents
14 \$1 billion in annual rental fees. So cost was
15 very much the forefront of this legislation.

16 And if you look at the owned inventory
17 line, it doesn't do that. It continues to go up.
18 The increase, the slope, decreases, so it's not
19 going up as fast, but it never actually drops
20 during that same time period.

21 Reduce the Footprint applied to both
22 leases and owned inventory, but the swing

1 happened on the lease inventory. And, again, I
2 think it points to these reasons which they
3 viewed as the obstacles to disposing of owned
4 federal property, which don't really exist with a
5 lease. If a lease, you have, number one, a
6 defined expiration date, so you have something
7 moving a decision point forward. What are you
8 going to do? Are you going to keep it? Are you
9 going to expand? Are you going to reduce? What
10 are you going to do?

11 You also have access to capital
12 through the private markets, through a lease. So
13 the cost of relocating, of consolidating, of
14 reducing your footprint either in place or
15 because you move somewhere else. Much of those
16 costs can be covered through the lease itself, so
17 there's access to capital. And as a result, when
18 the will was there with Reduce the Footprint, as
19 it still is, we're seeing a significant decrease
20 in the total leased inventory, not so much on the
21 owned inventory because those basic fundamental
22 problems still exist, and that's why the Board is

1 here.

2 So what are some of the tools that
3 Congress gave the Board? It is really quite
4 broad. It's not just sales, although they did
5 streamline and expedite the sale process and
6 removed many of the obstacles, but they also
7 recommend and suggest ground leases. So we may
8 sell some things short of the fee property
9 interest in a property. There may be very good
10 reasons for that, given the location. The
11 federal government might want to retain ultimate
12 title to the land over the long term, given the
13 location. And given the market and location, it
14 still may be extremely attractive for a private
15 developer.

16 There are some very good examples of
17 that in Washington, D.C. down by the Southeast
18 Federal Center now where, under the Southeast
19 Federal Center Redevelopment Act, some of the
20 properties were sold in the fee, others will be
21 redeveloped under a 99-year balance, and there's
22 real competition for that, real market for it.

1 So very different opportunities.

2 Exchanges. That's a possibility, as
3 well. Exchange one property for another.
4 Consolidations, redevelopment, and, most
5 recently, Congress was able to modify the law and
6 allow for a three-year lease-back, ground lease -
7 - or, I'm sorry, sale lease-back, I guess if
8 there is the ground lease lease-back as long as
9 the lease-back doesn't exceed three years. And
10 that should open up a number of properties,
11 certainly some properties at GSA, that we were
12 considering for the first round but really
13 struggled to see how it could meet the timing
14 requirements of the first round of sales, but now
15 with three-year lease-back I think some of these
16 properties could work, actually, that weren't
17 really viable for that first round and would have
18 been probably more for the second round with that
19 three-year lease-back provision.

20 Consolidations. That was something
21 that you'll see in the bill, and it was very
22 specific at the time this was written during the

1 previous administration, and the previous
2 administration had some priorities and one of
3 them was agency build off those consolidations.
4 And they thought this tool would help and be an
5 important tool for agencies, if they used it, to
6 have a field operation consolidation plan, which
7 would yield benefits not just on real estate but
8 also operational benefits, as well, to them.

9 Another important element of this,
10 which I think the Board, I know you're thinking
11 deeply about is that the recommendations can be
12 tailored in sort of a follow-on action, so with
13 something with the proceeds, and that may be very
14 attractive to some of the agencies that otherwise
15 may not be too willing to cooperate. But
16 depending on how the recommendations are
17 structured, it may very well benefit one agency
18 to bring the property through this process to
19 sale with the expectation that the recommendation
20 will have some distinct benefits for it in the
21 future, either that some of those redevelopment,
22 those proceeds are going towards consolidation

1 somewhere else perhaps.

2 Some of those could even go towards --
3 again, this isn't just limited to sales, and so
4 it's really about saving money. And, oftentimes,
5 a consolidation for multiple properties into a
6 single property may have strong cost-savings to
7 it. And some of those may be moving from lease
8 to own. But if there is some capital which you
9 generate, that may make a transaction like that
10 possible. And that can have tremendous savings
11 over time.

12 If you've got an underutilized federal
13 property and expensive leases in a nearby, that
14 can result in hundreds of millions of dollars in
15 savings over the useful life of those investments
16 that you put into it. Cost avoidance through a
17 separate external lease. Otherwise, we got what
18 we would be paying for and are already paying for
19 the federal property. We just need to
20 recapitalize it and put more people in it, better
21 utilization rate. That could be a really good
22 solution recommendation, as well.

1 So what are some of the things that
2 you need to be successful and what is GSA going
3 to do to help? So as I mentioned earlier, we did
4 request three rounds of property recommendations
5 from agencies. And it was a little bit
6 disappointing, just to be perfectly frank. It
7 was. I think the second round was a little bit
8 better than the first round, but it was a little
9 bit disappointing, which, again, I think speaks
10 volumes as to why this Board exists and why it's
11 so important.

12 We've also retained a commercial real
13 estate firm to assist GSA in sorting through
14 those recommendations and also other government
15 inventory databases to use their market knowledge
16 to put together a list of properties for the
17 Board's consideration. That's something that's a
18 starting point, by no means a final complete end
19 point but a starting point for the Board. With
20 the expectation that first round is right around
21 the corner, and you need some preliminary work,
22 so there is that in place, which I know you know

1 about.

2 Another thing, GSA, we have the
3 ability under the law, as do other agencies, to
4 support the Board through details and other types
5 of substantive support. We have a real property
6 utilization disposal office, and they know that
7 they're very much directed to be as helpful to
8 the Board on the substantive side as possible.
9 By no means is that, I would say, a replacement
10 or a substitute for your own staff or for
11 whatever contracting actions you might want to do
12 to bring in some private commercial supports. I
13 think that would be really critical for the Board
14 to have sort of an independent expert advising
15 you on what you might want to do. That's, I
16 think, an important tool for you.

17 Again, in terms of capabilities,
18 commercial real estate advisors, I think you need
19 some. Congress appropriated money specifically
20 with that in mind. They ceded the authorized
21 amount for the Board itself with that thought
22 process in mind. The ability to bridge gaps to

1 the government process and stakeholders. I think
2 GSA can probably be pretty helpful for you in
3 that respect. We do speak OMB pretty well over
4 here, and that's a really important relationship
5 for the Board. Ultimately, OMB has to approve
6 whatever recommendations there are.

7 And then also your relationships with
8 congressional supporters, authorizing and
9 appropriations committees. And again, I think
10 those will be really important as the
11 recommendations come forward. The properties
12 will, of course, be located somewhere physically.
13 That's going to mean somebody's congressional
14 district. Those relationships matter.

15 Unlike BRAC, these properties, I would
16 think the recommendations would largely be
17 embraced because it's economic potential that's
18 probably not being tapped into or it's an eyesore
19 that's been sitting there for a while, and it
20 would allow to move on to a better future state.

21 So those relationships, I think, would
22 be really important. You have a tall order in

1 front of you. I wish you the best of luck.
2 Whatever we can do at GSA to help, we'd be happy
3 to do. And with that, I'd be happy answer any
4 questions you may have.

5 MS. STYLES: So, Dan, I want to start
6 off thanking you and everybody at GSA,
7 particularly the Public Building Service, for all
8 of the support and help and information. It
9 really, you guys have been tremendous for us
10 really taking off and getting smart on some of
11 these issues.

12 I had a couple of questions for you,
13 and I suspect other Board members do, too. I
14 hadn't thought about it until you mentioned the
15 ground lease issue and the exchange issue. I
16 didn't know if you had any thoughts about how
17 those two pieces could play in the high-value
18 properties because I hadn't put that all
19 together. Obviously, you need more of that for
20 the round one and round two but not high-value
21 property, but do you think that the ground lease
22 and the exchange could play into the high-value

1 property recommendations, as well?

2 MR. MATHEWS: I think that's a great
3 question for legal, our legal office, ultimately.
4 But I'm not sure why it couldn't be if the ground
5 lease is a property interest and essentially be
6 the sale, it would be something we would have to
7 review because I believe there was something in
8 there about sale for cash, and so how would that
9 be interpreted would be the issue.

10 MS. STYLES: Yes, it was the first
11 time that it really kind of rung for me like,
12 gosh, maybe we should be taking that into
13 consideration for high-value properties, but
14 we'll go back and we'll have legal look at it, as
15 well.

16 MR. WINSTEAD: Angela, could I just
17 follow up on that? Dan, the issue of authority
18 and cash is, you know, is a very interesting one,
19 and you were there with the legislators so you
20 know their intent, but GSA is largely
21 historically at the limit, correct? When you see
22 them on a sunk infrastructure investment versus,

1 for example, the Denver Federal Center, right?
2 There was exchange of property, but it was put
3 into infrastructure to defer the development of
4 the Federal Center. It seems that we have the
5 authority to make that a more effective tool.

6 MR. MATHEWS: Right.

7 MR. WINSTEAD: And I'm just interested
8 in your perspective of the Federal Center, for
9 example.

10 MR. MATHEWS: Well, I agree, that is
11 true. Well, so the big difference, part of the
12 reason why the exchange in the past, it was
13 probably viewed as a favorable tool, one that
14 hadn't been used often but is an attractive tool
15 to GSA was the appropriations aspect. It was a
16 way to basically take the compensation for a
17 property and, frankly, not have to go through the
18 appropriations process.

19 So, ultimately, though, the space and
20 proceeds fund is subject to appropriation, so you
21 do have to have it appropriated. But, again, the
22 authority is available to you and how a

1 recommendation is done. I mean, you don't
2 actually execute it, but the government would
3 execute it.

4 MS. PHILLIPS: I'm having a terrible
5 time with these microphones. You mentioned a
6 couple of times the land-banking issue. And when
7 you look at the 2017 property profile, there are
8 5,000 properties that are listed as for future
9 mission need. And I just wondered if GSA has
10 identified those properties or reached out to the
11 agencies to specifically ask them to justify why
12 they're hanging on to those, why some of those
13 didn't come forward when you did your outreach to
14 them?

15 MR. MATHEWS: I don't believe we did,
16 actually. It's not a bad question. And one of
17 the tools that actually was given to the Board
18 was the ability to ask any agency for property
19 information, and they're obligated under the law
20 to turn it over. There could be security reasons
21 why or classification reasons why they justify
22 not turning it over, but, otherwise, they're

1 required to turn it over and actually then you're
2 required to notify Congress if they don't turn it
3 over. So there's a bit of incentive there for
4 them to be cooperative because if they're not
5 you're obligated to notify the committees that
6 they're not being cooperative.

7 MS. STYLES: I had a question. You
8 had mentioned going from own to lease, and the
9 statute itself talks about reducing the amount of
10 lease space. But I wonder if there aren't a
11 number of times where it's less expensive because
12 of how old some of these federal buildings that
13 we own are to be used as lease space. I mean, if
14 you're going to reduce the cost, is it ultimately
15 better at times to be in leased space? I know
16 there's certain rules here, but I'm curious
17 because it does seem to be where you're talking
18 about the reduction of leased space and how
19 you've been able to do that overtime, but I'm
20 just wondering if there's other times where it's
21 just better, right, it's less expensive, even
22 though it's a long term to be in leased space

1 than it is to fix up an old building that's still
2 going to cost a lot to take care of.

3 MR. MATHEWS: The short answer is yes.
4 Right, there's some markets where I tell people
5 all the time focus on the money and use your
6 judgment. And there's some markets where leasing
7 is absolutely cheaper than government
8 construction, even with an existing building that
9 just needs improvements, and that building
10 probably needs to be on the disposal list, given
11 that situation. There's a reason why some
12 markets aren't building office buildings because,
13 you know, there's an oversupply of office
14 buildings, and so the market rent is, you know,
15 below \$20. You can't build a new federal
16 building at that cost.

17 MS. STYLES: Do you have any thoughts
18 on kind of the consistency, the current
19 consistency of operations and maintenance costs
20 that are awarded into the federal property
21 database?

22 MR. MATHEWS: So I know, this is where

1 I think GSA is probably a bit further ahead than
2 a lot of other land-holding agencies. Our
3 information, I can say, is really quite reliable.
4 If there's an area where the information is more
5 speculative, it's probably on what is the future
6 expenditure requirement. You know, without
7 running full feasibility studies, your estimates
8 are educated speculation. So those numbers
9 anywhere I think are probably taken with a grain
10 of salt. But operating costs, our actual
11 inventory itself, the size, the location, our
12 information is pretty good. And for other
13 agencies, as has come out in a lot of GAO
14 reports, not so much. Certainly, at the building
15 level it can be really quite bad. If you think
16 DoD, most are excluded by this, but they'll have
17 decent information on installation, although it's
18 probably not on a building-by-building level.
19 And that's true with a lot of other agencies that
20 have a campus-type setting. VA comes to mind.

21 MR. RAHALL: Thank you, Dan, for your
22 testimony. Our enabling legislation provided for

1 a chairman to be presidentially appointed and
2 Senate confirmed. We don't expect that to happen
3 anytime soon. So as you know and I hope
4 everybody present knows, we've been acting, we
5 have an acting chair in Angela Styles, and I'm
6 going to say that, while she's acting chair, she
7 doesn't act without our support, without entire
8 Board support. So in that vein, when there are
9 requests made under our enabling legislation,
10 which are mandatory that the agencies provide us
11 the data that we need, that when Angela calls I
12 would suggest you respond.

13 Let me ask you, Dan, we've discussed
14 this before, about this board helping to serve as
15 a bridge between the public and private sectors.
16 Can you provide some insight into your views how
17 we can be that bridge?

18 MR. MATHEWS: Right. So it's a great
19 question. And going back to the notion that
20 finding the properties initially might take some
21 seeking and that the agencies won't necessarily
22 be volunteering a whole lot. And that

1 oftentimes, some of the best market knowledge
2 resides in a particular market and, therefore,
3 the Board is fully authorized to hold public
4 meetings, hearings, to basically solicit input
5 from the private sector in certain markets, and
6 the Board may decide or choose to go to a market
7 where there's significant, I'd say, conditions
8 that may limit itself to properties for sale
9 either because it's a high-value market, a large
10 market with a significant public presence. Those
11 may be the locations to go and basically solicit
12 ideas from them, local governments but also the
13 private sector, as well, where they may have very
14 distinct ideas about federal properties that in
15 their view are underutilized and they would like
16 to see move into the private market.

17 MS. PHILLIPS: Dan, what did Congress
18 intend with respect to the accounting systems
19 we're in charge of developing?

20 MR. MATHEWS: So about that, so the
21 big picture, if you look at the skeleton of the
22 legislation and focus on that first and then go

1 through all the adornments that are on there, the
2 major elements are independent board, they get
3 information in a variety of ways, and they're not
4 constrained in how they get information really.
5 They make judgments and recommendation, it goes
6 to OMB. At the end of the day, OMB says yes or
7 no, and then the government executes. That's
8 really the core basis of the structure.

9 Everything else is more of an
10 adornment. But there was an expectation that the
11 recommendations shouldn't be willy-nilly, right?
12 They should be based on sound professional real
13 estate assessment of the opportunities that a
14 recommendation may reflect and actually quantify
15 it because, again, this is about saving money at
16 the end of the day, so there should be an open
17 manner of -- a system of accounting for cost
18 avoidance, direct revenues, and expenses, and
19 that those should be able to be quantified and
20 presented as not just as a part of the
21 recommendations but then also ultimately, as
22 recommendations are executed, there were some

1 basis for comparison, what would this actually
2 realize the savings that were expected, did they
3 see them or not?

4 So that's what's really the judgment
5 of it, behind it. I don't think there was an
6 expectation that it would be perfect but that
7 there would need to be something, just like a
8 business would do if they were making decisions
9 about how to allocate resources and whether or
10 not to dispose of assets.

11 MR. WINSTEAD: Dan, you commented on
12 the savings, the billion dollars of savings, sort
13 of from the reducing the footprint effort over a
14 lot of the time of the Obama administration and
15 into yours. You also commented about your focus
16 on the best deal on the lease side, and I know
17 that just the market has shown that in many cases
18 with full competition or longer lease term brings
19 more value to the taxpayer in terms of the cost
20 for that space.

21 Given those two efforts in the fairly
22 recent, the last five to eight years, at least on

1 the GSA side, the inventory is pretty proofed at
2 this point, correct? I mean, there could be
3 surplus assets but, in fact, you've gone through
4 this space reduction, reducing the square foot,
5 and you've also looked at the greatest deal on a
6 lease perspective. Are you 80 percent there on
7 those two efforts? Are you 100 percent there?

8 MR. MATHEWS: That's a great question.
9 I'd say about less than half of our leased
10 inventory has actually gone through that process.
11 We extend a lot of our leases, and, when we
12 extend them, short-term extensions, we almost
13 never reduce the footprint. You just can't do it
14 over a two-year extension. You just can't. It
15 just doesn't want to work.

16 So we have over a hundred million
17 square feet of leases expiring in the next five
18 years that have not gone through that process, so
19 there's still additional opportunity.

20 And on GSA's owned inventory, I would
21 say some of the opportunities that we're seeing
22 now present themselves really have to do with

1 better utilizing our owned inventory and how that
2 supports a lease reduction. And I just think
3 about an example here in Washington, D.C. because
4 you have other forces going on, as well, when it
5 comes to office space in particular. All right,
6 the work environment is transforming, and we have
7 devices like this and we're much more mobile than
8 we used to be. We're less paper-based. That
9 creates opportunities in how we utilize office
10 space, and the private sector has been doing that
11 for several years now. We're lagging a bit in
12 the government sector, but we're catching up.
13 And so the utilization rates are getting much,
14 much better in the private sector.

15 Washington, D.C. is a great example.
16 This market has been, in terms of the economy,
17 the economies are doing quite well, it's going
18 very strongly. But we still have fairly high
19 vacancy rates, and that's because the private
20 sector and the government are increasing their
21 utilization. They're going to unassigned seats
22 and smaller offices and more amenity space,

1 things like that. And so the consumption and
2 demand for office space, notwithstanding the
3 economic growth, has been kind of slower paced
4 than the economic growth, and so the vacancy
5 rates have driven up and the prices, as a result,
6 are pretty good, particularly if you're going
7 into the market with a 15-year firm term. For a
8 large office space, that's extremely attractive.

9 So the market itself has been
10 changing. The office space world has been
11 changing. That's created an opportunity with all
12 these expiring leases and our owned inventory.
13 But I think what we're probably lacking on the
14 owned side is good visibility into how our owned
15 inventory is actually being utilized.

16 And I'll just give you one quick
17 example of an agency here in Washington, D.C. I
18 just won't mention them because I don't really
19 want to, but we had a lease that was expiring and
20 an expiration was coming up, you know, within a
21 year and a half. We didn't have the program
22 requirements. It was a prospectus-level lease,

1 as you know. We then had to go to the Hill and
2 had to get it approved by OMB, and so we were
3 absolutely running into a two-year extension
4 because we were behind.

5 So we escalated it, met with our
6 senior leadership, and in the meeting they told
7 us, well, we're just going to let that lease
8 expire. Well, okay, that's great. Where are
9 they going to go? Well, they're going to go into
10 our headquarters building, an owned building.
11 It's ours, but it's delegated to them here in
12 Washington, D.C. Okay. Well, then do you have
13 the money to reconfigure this space, you're going
14 to have to re-staff it get a better utilization
15 rate, get rid of private offices and all those
16 things. He said, no, we have plenty of empty
17 chairs. Literally, I think it was a 250,000
18 square foot office space, you know, in
19 Washington, D.C. What is that? Probably
20 \$12,500,000 a year, and they're just going to let
21 it go. They don't need it because they've got
22 empty space in the inventory. That's an area

1 where we don't have great visibility. Real
2 opportunity there.

3 MS. STYLES: How would you recommend
4 that we get better visibility into that? I mean,
5 what are the right questions that we could be
6 asking the agencies to really get visibility into
7 how the space is being utilized?

8 MR. MATHEWS: So in the same
9 legislation that created this board, actually it
10 was split off into a separate bill but it passed
11 on the same day. I think it was called the
12 Federal Property Management Reform Act or
13 something like that. Chairman Denham was the
14 sponsor of both bills, and Senator Carper was the
15 lead advocate in the Senate, and he is a ranking
16 member of the Senate Environment Public Works
17 Committee.

18 That bill actually requires agencies
19 to report utilization information to the federal
20 real property profile. The way that information
21 gets recorded now is basically number of people
22 assigned to a building, not actually how many

1 people are using the building on any particular
2 given day. And so there is a statutory
3 requirement for utilization data now, but I think
4 what we're realizing is just a roster of people
5 assigned versus the size of the building. It's a
6 good first start, but it really doesn't tell you
7 enough to make any meaningful decisions on how to
8 utilize an asset. It's more data linked
9 information.

10 You may have noticed when you walked
11 into this building, if you're a federal employee,
12 you just wave your badge and you walk through.
13 At the headquarters building for us, when you go
14 in the building, you swipe your badge. And so
15 the headquarters building, we know exactly how
16 many unique individuals are in that building
17 every day and we know how many seats we have in
18 that building. And as a result, over time, you
19 can compare those two and make meaningful asset
20 portfolio decisions. And our administrator
21 decided, you know what, all the GSA people in
22 this building, they can fit in our headquarters

1 building, and so they're all moving over in
2 September, similar to the example of the agency I
3 gave earlier today, and with a fairly amount of
4 expenditure on the capital side. Ideally, we
5 would have renovated the second half of the
6 building, but that's probably a little further
7 off into the future. But 1,300 people are going
8 to go over, and we know that we have 1,000 empty
9 seats on our busiest day. And out of the 1,300
10 people here, there are never 1,000 actually here
11 on a given day.

12 With that information, you can make
13 meaningful judgments about your portfolio and
14 where to put your mind, where to dispose, where
15 to consolidate. Without that information, you're
16 guessing.

17 MS. STYLES: Well, and our legislation
18 does include some provisions on making
19 recommendations related to technology as well.
20 So I think that's --

21 MR. MATHEWS: That's a good point.

22 MS. STYLES: So does anybody else have

1 any other questions? Oh, wait.

2 MR. MATHEWS: I would say the private
3 sector is way ahead of us on that, actually.

4 MS. STYLES: Who is?

5 MR. MATHEWS: The private sector and
6 how they, the ones that are really improving
7 their cost effectiveness. And if you can hear a
8 company, you can squeeze 2 percent out of your
9 expenses on your balance sheet, your profit and
10 loss statement, if you can cut 2 percent out of
11 your expenses, that's really significant. Your
12 profitability might go up 15 to 20 percent.

13 MR. RAHALL: Well, Dan, you mentioned
14 his name, Chairman Denham. I personally spoke
15 with him and informed him of the status of this
16 board and invited him to testify today. He
17 really wanted to but had a prior commitment and
18 hopes to testify at a future meeting of ours.

19 But it should also be noted that this
20 legislation was bipartisan, created by a
21 Republican Congress signed into law by a
22 Democratic president. I say that because my

1 nomination to this board by then Minority Leader
2 Nancy Pelosi, current Speaker Pelosi, makes me
3 the only Democrat that allows this board to be
4 called bipartisan.

5 MS. STYLES: Thank you so much. Dan,
6 thank you so much for being here. That was
7 really incredibly helpful. Yes, thank you for
8 coming today.

9 MR. MATHEWS: Thank you for the
10 opportunity, and good luck. And like I said,
11 we're here to help you in any way we can. It was
12 great seeing you all again.

13 MS. STYLES: Thank you. All right.
14 Next up we have Bart Bush from Homeland Security
15 and Brett Simms from Veteran Affairs.

16 Well, thank you both for being here
17 today. Do you mind starting off and just giving
18 us a little background on your history with the
19 federal government and with property?

20 MR. BUSH: Good morning. My name is
21 Bart Bush. I'm the Executive Director for
22 Facilities and Operational Support for the

1 Department of Homeland Security. Relatively new
2 in this position, about six months or so, but the
3 prior ten years or so I was with the General
4 Services Administration here in the National
5 Capital Region as the PBS Regional Commissioner
6 and then as Assistant Commissioner for Client
7 Solutions at GSA Headquarters. So about 11 years
8 of federal government experience.

9 MS. STYLES: Great. Thank you for
10 being here.

11 MR. BUSH: Thank you.

12 MR. SIMMS: And I'm Brett Simms. I'm
13 with the Department of Veterans Affairs. I'm the
14 Deputy Executive Director of what we call the
15 Office of Asset Enterprise Management, which is
16 basically the VA's department-wide portfolio
17 manager for our real property assets. I've been
18 with VA for a little more than ten years. Prior
19 to that, I had some private sector experience in
20 the business consulting arena.

21 MS. STYLES: Great. Thank you both
22 very much. So I'm assuming you have prepared

1 remarks. Bart, do you want to kick it off?

2 MR. BUSH: Great. Thank you. I do
3 appreciate the opportunity to be here today to
4 talk a little bit about the DHS portfolio and
5 certainly to offer some inputs but also to answer
6 questions that you might have.

7 Clearly my role and the role of many
8 of the folks that I work with at DHS are to
9 improve the effectiveness of the space that we're
10 in and the efficiency, certainly to support our
11 mission but also to save money. We'll talk a
12 little bit about our portfolio across the
13 country, but I'm going to focus primarily on NCR,
14 the National Capital Region, and the work we're
15 doing in our headquarters and field operations.

16 We have about a 100,000,000 square
17 foot portfolio around the country. It's almost
18 relatively split around the country, 50 percent
19 GSA owned and leased, and about 50 percent DHS
20 owned and leased. We do have leasing authority
21 that is exercised. Maybe around 13,000,000
22 square feet of that space is DHS leased.

1 Our annual budget is \$5.4 billion. We
2 have 240,000 DHS employees that sit in that
3 space, and the property is relatively valued at
4 about \$28 billion.

5 Again, our view is using industry
6 standards that we can both create the
7 effectiveness and efficiency in our space by a
8 good review of that effort and reduce our square
9 footage around the country. But clearly as
10 identified, our partnership with GSA is critical
11 to that success.

12 In the National Capital Region, we
13 have around 12,000,000 square feet, predominantly
14 99 percent or so, 90 percent is managed by GSA,
15 either owned or leased. The portfolio comprises
16 of around 152 buildings. It is both headquarters
17 and field operations that are located in the
18 National Capital Region, not just headquarters.

19 Of the leases that we have, and this
20 is to Commissioner Mathews' comment earlier, 96
21 of those leases expire in the next five years.
22 We recognized that the time is right for an NCR

1 consolidation strategy, one that really looks to
2 maximize the square footage that we have and
3 shrink our footprint. So about 7,000,000 square
4 feet around 20 prospectus leases will be coming
5 due in the next five years.

6 One of the colleagues of mine is
7 spearheading an effort right now within our
8 headquarters and all of our components to focus
9 on those opportunities to optimize our portfolio
10 and create those synergies that I think are
11 really necessary across the headquarters
12 operations. I do think, ultimately, in some of
13 this conversation, we will create a GSA vacancy.
14 In some of their own portfolio, GSA clearly would
15 want to focus on how they dispose of that, how we
16 utilize those properties in general.

17 Specific to our headquarters, we've
18 had some success over the last number of years.
19 Since FY '15, we have reduced from 51 to 43
20 locations. We've been able to reduce our
21 portfolio by 1,200,000 square feet for
22 overutilized operations here at NCR, and that's

1 saving us around \$20,000,000 a year in annual
2 rent. That work clearly in partnership with GSA
3 through a combination of owned, new construction,
4 and lease consolidations in the region and
5 applying our 150 usable square foot standard
6 across those new acquisitions. As many of you
7 know, at the St. Elizabeth's headquarters, we've
8 been able to consolidate Coast Guard in 2013.
9 The secretary recently moved to the headquarters
10 from the NAC, bringing approximately 800 people
11 to a renovated center building there. And we
12 have two significant lease constructions underway
13 right now, one for CIS and one for TSA, both
14 scheduled to occupy in 2020.

15 Specific to the St. E's campus, in
16 partnership again with the General Services
17 Administration, they are embarking on the final
18 stages of a master plan amendment that will allow
19 for 1,375,000 square feet of new space to be
20 constructed on the campus. This is a shift in
21 their approach from a level of historic
22 rehabilitation to new construction, recognizing

1 some of the costs associated with those
2 significant historic rehabilitations, but our
3 plan, working again with GSA, is to locate CISA
4 on the campus. CISA would consolidate from seven
5 locations to one location. They would reduce by
6 about 70,000 square feet in their occupancy. The
7 second portion -- and that is funded in FY '19.
8 GSA has funding for \$250,000,000 to build that
9 building. We, in our FY '20 request, have the
10 tenant improvement allowance for CISA to allow
11 them to occupy that building once it's built out.

12 GSA also has some \$200,000,000 for the
13 INA headquarters. That creates an opportunity,
14 I'm sure that GSA is interested. INA is our last
15 remaining tenant at the Nebraska Avenue complex
16 in Northwest D.C. adjacent to American
17 University. And our intent is to vacate the
18 Nebraska Avenue complex by 2023.

19 We are also in the final stages right
20 now of deciding who the third building occupant
21 will be. That building itself will be around
22 600,000 square feet, and we're evaluating based

1 on the federal investment for what the best
2 tenant might be for that effort.

3 So we've had some significant success
4 in NCR, but also some daunting challenges in the
5 couple of years ahead in establishing that five-
6 year plan for the region.

7 I do also want to quickly mention we
8 do have an effort nationwide called the field
9 efficiencies effort. This group has embarked on
10 a study of 12 of the highest-ranked markets
11 around the country looking to create efficiencies
12 amongst very similar mission support functions
13 for the agency, co-locating in various
14 communities, downsizing property, potentially
15 giving back property that is owned by DHS. But
16 in many instances, in some of the efforts that
17 have been embarked on in looking in San Diego and
18 Seattle, Boston, other places, it is more of an
19 investment into federally-owned facilities and
20 reducing the lease portfolio.

21 The one thing that I do want to
22 mention, and I think Commissioner Mathews

1 highlighted it, is both in our National Capital
2 Region projects, as I articulated earlier, as
3 well as some of these field efficiency projects,
4 money is needed up-front to create the savings,
5 to allow even to consolidate with their lease
6 locations but even, equally important, to
7 consolidate into owned space. Dollars are needed
8 up-front. Again, while we look at these from a
9 30-year net present value cost analysis, we
10 recognize that there are significant up-front
11 costs that need to be accounted for to allow
12 these efficiencies to be created.

13 With that, I'll turn the microphone
14 over.

15 MR. SIMMS: Good morning. I'll give
16 you a little bit of some of the statistics on the
17 inventory and then talk a little bit about some
18 of the unique characteristics of VA's inventory
19 and some of the challenges that we've had in
20 managing that.

21 Right now, VA has a little more than
22 6,200 owned properties across the country. That

1 comes out to about 155,000,000 square feet of
2 space. In addition, we've got about 1,900
3 leases. That comes to another 24,000,000. So
4 we're slightly more than 180,000,000 square feet
5 portfolio.

6 We also have a significant amount of
7 land. With our National Cemetery Administration,
8 we have more than 36,000 acres of land. Across
9 these areas, we touch every state, as well as a
10 number of the outlined territories. So we have
11 locations pretty much every place. We actually
12 don't have a very big footprint in D.C. We've
13 got a couple of headquarters functions here that
14 GSA manages the property for, and then we've got
15 our Washington, D.C. Medical Center that's here
16 as well. But aside from that, we're primarily
17 distributed across the country.

18 Some of the unique characteristics
19 with our portfolio. One is we've got a growing
20 mission. So unlike many of the agencies that are
21 looking about consolidation and trying to get
22 more efficiency out of the existing space, the

1 VA's mission continues to grow. The number of
2 enrolled veterans in the system has continued to
3 grow, so our footprint is actually expanding.

4 With that said, that doesn't mean that
5 we don't have unneeded assets. On any given
6 year, we usually have 400 or so buildings that
7 are vacant, somewhere around 5,000,000 square
8 feet. Not a huge portion of the portfolio but
9 still property that is excess to our mission that
10 we need to get rid of, and that cycles through
11 every year. As we bring on new assets, we're
12 looking to get rid of some of the older assets
13 that no longer support the mission.

14 The age of the portfolio is very
15 important for VA. We're approaching 57 years old
16 as the average age of one of our owned buildings
17 with a third of the portfolio being considered
18 historic. So that presents some unique
19 challenges, one in delivering relevant medical
20 care and new technology in some of the older
21 buildings that we have, as well as, if we do make
22 a decision that it's no longer needed for the

1 mission, we have a number of historic
2 preservation compliance issues to deal with
3 trying to dispose of those buildings. But
4 hopefully FASTA can help address some of those
5 from a process standpoint.

6 We've got, roughly, 350,000 employees
7 that we house in our space, but that's really a
8 small portion of what our space is used for. We
9 see more than 6,000,000 unique veterans in our
10 locations, and the majority of our portfolio is
11 in the healthcare side. So with Veteran Health
12 Administration, most of that space is actually
13 for veteran-facing purposes, clinical capacity,
14 inpatient and outpatient, with outpatient being
15 the biggest growth part of our portfolio. But it
16 presents a unique challenge when we were talking
17 about utilization rates because it's not as
18 simple as I've got an office and a person to sit
19 in it. It's about how the veterans are utilizing
20 that space to receive their care.

21 So our utilization is a little
22 different than how we come up with that. But

1 we're still able to determine which locations may
2 or may not be overutilized or underutilized. But
3 it does present a little bit of a unique
4 characteristic on how we measure utilization
5 within the bulk of our portfolio.

6 Some of the challenges that we face
7 when we do make a determination, one being the
8 age that I just mentioned. Our portfolio is old.
9 With that age comes the consideration for what
10 can be reused on that property. That also means,
11 with the age, that you've got a lot of
12 infrastructure that's in poor condition. Just
13 the guts in the building are older and need to be
14 fixed before you can really redevelop some of
15 that property.

16 Location is another issue. Most of
17 our healthcare campuses are truly campuses. They
18 comprise 25 to 40-plus buildings on a parcel of
19 land that is distributed. When we have a vacant
20 building in the middle of a campus, we're
21 presented with a whole other problem. What do
22 you do with a building in the middle of an

1 operating medical campus? So we've had some
2 unique challenges on what do you do with
3 buildings like that. You can't really sever it
4 from the rest of the parcel to sell it, so the
5 ground leasing area was something that we have
6 used in the past.

7 We also are predominantly in suburban
8 and rural markets. While we do have some
9 footprint in urban areas, we also have a lot of
10 hospitals in very rural markets. So that
11 presents not only a challenge for reuse and
12 development but generating interest in those
13 properties if we do make a decision and we no
14 longer need it.

15 So that's a couple of the unique
16 challenges that we have, and I'm happy to answer
17 any questions that you all have.

18 MS. STYLES: Well, thank you both for
19 being here. It's quite a challenge for us, and
20 it sounds like, you know, historically, it's been
21 a challenge for the agencies as well. I think
22 what's, you know, unique about both of your

1 agencies is the mix between GSA and then your own
2 authorities to own and lease. Can you just talk
3 a little bit about how that works so we can kind
4 of better understand? What are the choices that
5 are made when you want to buy or when you want to
6 lease with your own authority versus GSA's? And
7 that's followed with another question of do you
8 have any unique authorities of your own to retain
9 assets or retain the proceeds when you sell?

10 MR. SIMMS: Okay. I'll take first
11 shot at that. Within the VA, the Healthcare
12 Administration is predominantly owned assets, and
13 we do have the authority to build and operate
14 those assets. So the bulk of the portfolio on
15 the healthcare side is owned.

16 We do have a number of leases, and we
17 do have delegated authority from GSA, so it is
18 the GSA authority but we do the execution of
19 those leases, and that's about 1,600 out of the
20 1,900 leased properties that we have. Most of
21 those are outpatient clinics that we do, so it's
22 still in the healthcare arena, but we do the

1 direct leasing for those using the GSA authority.

2 Our Cemetery Administration has very
3 little footprint in terms of improvements. It's
4 mostly just acreage, and that's all owned
5 property that we have.

6 On our benefits side, all of our
7 regional offices are predominantly managed by
8 GSA. And those are distributed across the
9 country, not here in D.C. But GSA predominantly
10 manages all of those regional offices, mainly
11 because it's basic office space. There is some
12 veteran-facing space in there, counseling rooms
13 and things like that. But anytime we get into
14 the office space arena, we're generally looking
15 to GSA to be a provider for that. While on the
16 medical and the clinical side, we're using our
17 authority or delegated authority from GSA to
18 lease that.

19 MR. BUSH: And similar we have leasing
20 authority on certain limited cases to lease both
21 administrative and mission support space. We
22 have a mixture across the country of owned, GSA

1 owned, constructed, and historic border stations,
2 land ports of entry, border facilities, Coast
3 Guard facilities, predominantly DHS owned. And
4 that mixture has, I think, in terms of the last
5 few years, has helped us in working with GSA in
6 terms of improving a lot of the land ports of
7 entry, as the focus has shifted to helping both
8 movement and commerce back and forth across the
9 border. GSA has stepped forward with a
10 significant level of investment in those new
11 facilities, and I think we've been a tremendous
12 beneficiary of that.

13 And as had also been mentioned, those
14 facilities have a combination of GSA, what I
15 would call facility management responsibilities,
16 as well as DHS management responsibilities.

17 MS. STYLES: And I had asked the
18 second part of the question just because I keep
19 finding unique authorities that different
20 agencies have to retain proceeds when they sell a
21 particular property or parcel. Do you happen to
22 know if you have unique authorities to retain the

1 proceeds?

2 MR. BUSH: To the best of my
3 knowledge, I think, because I search it every now
4 and then what lighthouses are for sale in case I
5 want to buy one. I can't now. Well, I guess I
6 could now. I couldn't when I was with GSA.
7 There is a retention for a certain sale of
8 assets. I can get back in terms of which ones
9 there are retention of proceeds, back to the
10 Board specific to that.

11 MS. STYLES: Okay.

12 MR. SIMMS: VA actually has two. The
13 first one is a direct sale authority. We do have
14 the authority to do that. It's something we've
15 never exercised. Any of the proceeds are
16 actually subject to appropriation, so they
17 essentially become an offset to our budget. They
18 go to Treasury. We have to ask for the funds,
19 and it just becomes an offset. So it's not
20 something we'd use.

21 The second one is our enhanced-use
22 lease authority. That's a long-term ground lease

1 authority. With that comes the ability to
2 dispose to the lessee with that, and we can
3 retain the proceeds directly and not subject to
4 appropriation.

5 MS. STYLES: Okay. That's very
6 helpful. I have one last question. One thing
7 we've been thinking about, particularly with
8 regard to the VA campuses, you described it as
9 the donut hole. But I'm curious are there pieces
10 -- it's very hard for us to parse through
11 installations versus buildings versus property
12 with nothing on it, right? At least in the data
13 that we have right now. Has the VA specifically
14 taken a look at could I just sell off land,
15 right? So if you have a VA hospital complex,
16 right, are there pieces of land that you could
17 take separately and, you know, I'm sure there are
18 plenty of, you know, private sector entities that
19 would be interested in having that piece of land
20 developed. But have you all looked at that?

21 MR. SIMMS: Yes, we have. And there's
22 a number of, when we get the recommendations for

1 this process there, we might have applied a
2 number of just strictly land parcels with no
3 improvements on them. It's generally on the
4 healthcare facilities. Our cemeteries normally
5 need that land, and they truly do land-bank it
6 for future use.

7 But for the healthcare side, we do
8 have some large campuses in rural areas that
9 maybe it's on the back portion of the campus that
10 we've got acreage. In reality, a lot of them
11 that we've found, there's development challenges,
12 so it's maybe on a hillside, it's not accessible
13 to anything. So there are challenges, but we
14 have identified a number of portions of larger
15 parcels that could be disposed of.

16 MS. STYLES: And those are in your
17 recommendations. Are they --

18 MR. SIMMS: The majority of them, yes.

19 MR. WINSTEAD: Brett and Bart, thank
20 you. It's very helpful to hear that you all have
21 very diverse assets and have a lot of them. But
22 Brett, on the question, the VA has had a very

1 unique authority over the years, and, you know,
2 the real estate community nationally is very
3 interested in VA real estate. I'd love to hear,
4 you had authority and the federal government
5 seems to have, you know, in the military, as you
6 know, they had military housing authority for ten
7 years and then OMB pulled it back. In your case,
8 I think you had authority in both Houston and
9 Lincoln, Nebraska. There were projects where you
10 really were able to do mixed-use development, and
11 we'd love to hear about that.

12 And then, Bart, I'd like to hear sort
13 of St. Elizabeth's has been a unique project, and
14 that could be a unique project. So I wanted to
15 hear some comments on those.

16 MR. SIMMS: Sure. So the authorities
17 are enhanced-use lease authority. Essentially,
18 it gives us the ability to outlease land and/or
19 improvements that are underutilized for up to 75
20 years, so it is a long-term outlease authority.

21 Prior to 2012, we could outlease
22 property for any purpose. As long as it didn't

1 conflict with VA's mission, we could outlease it
2 for any purpose and we could receive in
3 consideration cash directly, facilities as part
4 of that, or services. So we could receive a
5 number of different things, which made larger
6 projects and true mixed-use redevelopment a
7 possibility.

8 In 2012, that authority expired. And
9 when Congress reauthorized it, we were limited to
10 only supportive housing type projects. We could
11 receive only cash as consideration or no
12 consideration at all, but they took the
13 facilities and the services out of that.

14 So what we're left with now, and we
15 still utilize the authority, is predominantly for
16 support housing for homeless veterans. And we
17 partner with HUD on the HUD-VASH program. We're
18 able to take smaller buildings or smaller acreage
19 parcels out there and develop homeless housing,
20 provided that there's a market for that in that
21 area.

22 But prior to that, we did do a number

1 of true mixed-use developments. We were able to
2 develop a regional office for our RV VA side that
3 ultimately was constructed and turned over to VA
4 as the owner of that. We have multiple parking
5 garages and parking lots that were developed.
6 There's a retail outlet on that parcel that
7 generates some revenue, and then they're
8 currently working on looking at some other types
9 of mixed-use development.

10 So that authority would give us the
11 ability to do some larger projects. The Lincoln
12 project is still earlier on. We have developed
13 support housing, so that's a portion of the
14 overall redevelopment. But they're also working
15 on a medical office building that will be then
16 outleased for other purposes, and they've got
17 plans for some additional development on that
18 site.

19 So those are some of the older
20 projects that we did under the previous
21 authority. But the important components were
22 really just that mixed use. So even if we focus

1 on support housing, allowing other types of
2 development really help the projects be
3 financeable so that you could really get some
4 true development interest, with housing not being
5 the centerpiece but something that would be a
6 direct benefit to VA and the veterans.

7 MR. BUSH: Yes. Specific to St.
8 Elizabeth's and the NAC, David, we clearly, from
9 the formation of DHS as an entity after 9/11, a
10 golden objective was set to bring together this
11 agency and its headquarters in a unified front.
12 The NAC served that purpose for a number of years
13 up until this past April when the secretary
14 relocated to the center building. We gave up
15 some 180,000 square feet, consolidated into a
16 smaller footprint at the center building to
17 create the real official headquarters for the
18 Department of Homeland Security.

19 A variety of master planning efforts
20 over the years have caused the headquarters
21 project to languish, along with funding for some
22 of those new facilities there. Originally

1 anticipated, there would be some 4.5 million
2 square feet of space built at the St. Elizabeth's
3 campus, including space across the street that
4 was owned by the District for a FEMA
5 headquarters.

6 I will tell you, though, when we get
7 completed with the new 1.375 million square feet,
8 we'll have approximately 13,000 employees on the
9 campus itself specifically. That also includes a
10 couple of significant projects that we have
11 underway right now that I haven't mentioned. We
12 have a project underway to optimize space in the
13 Coast Guard building. We will be creating some
14 540 seats through stacking and a furniture
15 reconfiguration for the CWMD group, which will be
16 moving out of leased space in the '21 time frame.
17 We are also creating some vacancy for Coast Guard
18 for additional mission that they may relocate out
19 of other lease space in the District onto the
20 campus.

21 And those two projects there, I think,
22 are again illustrations of how we've been able to

1 better utilize space, understanding through, as
2 mentioned earlier, turnstile accounts and general
3 observation the fact that space was not being
4 utilized as efficiently as possible and, at the
5 same time, create greater savings for the agency
6 and GSA.

7 MS. PHILLIPS: I guess I'm curious
8 from both of you when GSA had reached out for
9 recommendations for properties to be disposed of
10 under FASTA how you went about deciding which
11 were appropriate. I know, looking at some other
12 testimony, Brett, that you had recommended 15
13 properties, and I'm just curious about what your
14 process was, particularly when, you know, you
15 mentioned there are, on average, 400 vacant
16 buildings in any given year.

17 MR. SIMMS: So we do maintain
18 centralized inventory to be used for our
19 reporting out there, so it's fairly easy to see
20 which buildings are not in use or at least
21 underutilized. With the 15 properties that were
22 there on the recommendation, it's actually 15

1 locations, so there's a significantly larger list
2 of improvements on there. It came out to over
3 two million square feet, so there's a fairly
4 significant amount of space there, as well as
5 over 500 acres, that we've identified.

6 So we did have a robust set of
7 recommendations. A couple of those have actually
8 been completed since the initial list. They've
9 been replaced. So as time has gone on, we will
10 continue to do that.

11 You know, I'd be lying if I said there
12 wasn't that potential land-banking on the
13 healthcare side on some older campuses because
14 they just don't have a lot of space to expand.
15 But there are a lot of campuses that have
16 significant acres that were turned over 50-plus
17 years ago from the Department of War that they
18 don't need all of that. And we pushed them hard
19 on that. We have a good list of buildings. We
20 pushed them hard on the acreage, and we were able
21 to find a number of those that were suitable.

22 I can't speak to the valuation of

1 those. They're not in the most desirable
2 locations. But any acre or any square foot still
3 costs us something to maintain and protect and it
4 adds risk to the portfolio, so we're certainly
5 looking to get rid of those the most expedient
6 way we can.

7 MR. BUSH: So specific to the National
8 Capital Region and working with GSA, we clearly
9 did cost-benefit analysis, generally referred to
10 as a tax analysis or other life cycle analysis
11 around new construction and/or consolidation
12 within our lease portfolio.

13 From my perspective, I don't deal with
14 a lot of, very little owned portfolio in the
15 National Capital Region. I can get back to this
16 board with respect to what DHS did around the
17 country. But I do know we are embarking on a
18 significant effort right now on what I will call
19 project evaluations. So we invest around a
20 billion and a half dollars a year into our own
21 inventory, and those projects really require a
22 level of understanding in terms of what their

1 economic return are to the agency and, quite
2 honestly, how they compete against other projects
3 that are within the agency.

4 So we're developing, utilizing some of
5 the work that GSA has done in their project
6 evaluation tool, that same kind of criteria, so
7 we can better understand amongst a variety of
8 components how money is reinvested into owned
9 property and is it creating the right
10 utilization, the right economic return, for the
11 agency as a whole.

12 MS. STYLES: Well, thank you both very
13 much for coming here today. We really appreciate
14 your comments, and I'm sure you'll be hearing
15 back from us. And we look forward to working
16 with you.

17 MR. BUSH: Thank you.

18 MR. SIMMS: Thank you.

19 MS. STYLES: All right. We're going
20 to take a five-minute break, and we'll be back.

21 (Whereupon, the above-entitled matter
22 went off the record at 10:52 a.m. and resumed at

1 11:01 a.m.)

2 MS. STYLES: Hi. I'd like to welcome
3 Lori Rectanus. Hopefully, I got your last name
4 correct.

5 MS. RECTANUS: Very good.

6 MS. STYLES: GAO has a very
7 significant role in our legislation and our board
8 going forward, so we appreciate you being here to
9 talk with us today.

10 MS. RECTANUS: Well, thank you, thank
11 you very much. Oh, I feel like they've really
12 done something to the mic here in the break, so I
13 feel like it's actually too loud, so I apologize
14 for that.

15 Thank you very much. I appreciate the
16 opportunity to be here today. Again, for those
17 of you who may not know, my name is Lori
18 Rectanus. I manage what we call our federal real
19 property portfolio at GAO.

20 For those of you who may or may not
21 know who GAO is and what we do, we are actually
22 part of the legislative branch. We conduct

1 studies at the request of Congress or through our
2 own authority. We basically follow the federal
3 dollar. Anywhere it goes, we also go. We like
4 to think that for every dollar you invest in GAO,
5 we give a hundred dollars or so back to the
6 taxpayer.

7 Because of that, federal real property
8 management has been an area that we've been
9 tracking for a really long time. You know, lots
10 of agencies, hundreds of thousands of square
11 footage, millions and billions of dollars. And
12 so that's why almost 20 years ago, back in 2003,
13 we designated federal real property management as
14 what we called a high-risk area. The high-risk
15 series for GAO are where we identified
16 government-wide programs that we feel are either
17 subject to fraud, waste, or abuse, or, because of
18 the dollars involved, deserve special attention
19 by Congress.

20 We do this high-risk list every two
21 years. And whether good or not, we issued our
22 report in January of this past year, and we noted

1 that the federal real property celebrated it's
2 sweet 16 on the list, so they are still there.
3 And, again, that being said, they're still there
4 for a variety of reasons, but we do want to note
5 that a lot of progress has been made.

6 So the main areas that we talk about
7 in terms of why the federal real property is on
8 high risk, there are four. First is -- I
9 apologize for that beeping there. The first has
10 to do that we continue to over-rely on leasing --

11 MR. WINSTEAD: Do you want this?
12 Would it be --

13 MS. RECTANUS: I have one here. It's
14 up to you all. You're the one that has to listen
15 to the feedback.

16 So there are four areas that are in
17 our high-risk list regarding federal real
18 property management. The first, as I said, has
19 to do with leasing, over-reliance on leasing. We
20 continue to find that there are times that owning
21 property would be much cheaper than leasing.

22 The second issue has to do with sort

1 of what we're here today to talk about, which is
2 not disposing of excess or underutilized
3 property. Again, we continue to spend money on
4 buildings or property that we don't need.

5 The third issue has to do with data.
6 FRPP specifically, as well as agency data, do we
7 have good data about the kind of properties we
8 have and their characteristics? And the final
9 issue is security of our federal facilities, the
10 physical security.

11 Now, the interesting thing about, as
12 I said, the high-risk list is this is a
13 government-wide issue. Certainly, GSA has an
14 important role, OMB has an important role, but
15 what we can't forget about is every agency within
16 the government has a responsibility here. As you
17 know, over 30 agencies have, they own or manage
18 their own property. Twenty agencies have
19 disposal authority already. So this really is a
20 government-wide issue,, and I appreciate the
21 Board being able to look at this from a
22 government-wide perspective.

1 As I said, there's been a lot of
2 improvements. Certainly, in the last
3 administration, GSA and OMB took this very
4 seriously. They took a number of efforts that we
5 thought moved the ball forward. However, we
6 still believe there are things that need to be
7 done. Among them, and Dan Mathews talked about
8 some of these, among them we have the national
9 strategy for 2015 and then the Freeze and Reduce
10 the Footprint strategy that really called on
11 federal agencies to reduce their footprint, get
12 rid of things that they don't need. And we saw
13 some successes with that, right? Like, we've
14 heard statistics of, you know, 24 million square
15 feet were reduced between FY '13 to '15. It got
16 a little smaller as we went into '16, 11 million.
17 And then in 2017, only about one million square
18 feet were reported additional as being reduced.
19 And now this didn't include DoD because, as I
20 think you all know, in 2017 DoD's real property
21 data were so problematic they weren't included in
22 these estimates.

1 But I think what that speaks to is
2 agencies are doing what they can to co-locate, to
3 consolidate, to use telework, to smoosh more
4 people in a space. But we're getting to a point
5 now where we might need to provide some
6 additional incentives and to provide some
7 additional help to agencies to really look at
8 some of these big-ticket items.

9 The other thing that we've talked
10 about was FASTA. FASTA being passed was an
11 incredible improvement. We've always been
12 supportive of this concept of the Board
13 identifying these high-value properties. First,
14 what we said recently in January is you hadn't
15 been gotten together yet, so we're thrilled to
16 see you and we're thrilled to be here today to
17 chat with you.

18 The other main thing that FASTA did
19 that we talked about in our high risk was the
20 requirement that this FRPP data get put into the
21 public domain. The idea there is that if we
22 could have more public transparency about this,

1 more accountability, then agencies would do a
2 better job of making sure that data were correct.
3 And we want to give GSA credit. We know that
4 they've been trying to work with agencies to
5 improve the reporting. Again, Dan Mathews talked
6 a little bit about some of the things that GSA is
7 doing, and we have seen some improvements. We
8 also know that GSA met the requirement to make
9 the data public.

10 However, we still continue to see
11 there are anomalies in those data. We know that
12 agencies interpret the definitions differently.
13 We know that the data that they provide still
14 have some inaccuracies, which makes it really
15 hard to fully even understand what our portfolio
16 is.

17 If you look at FY 2017 data, I just
18 looked the other day, it says there's about 3,000
19 or maybe 4,000 buildings that are underutilized
20 or not utilized. Knowing how they define this
21 concept of underutilized, we at GAO pretty much
22 believe that that's an understatement of the

1 number of buildings that could actually be dealt
2 with or disposed of.

3 So, again, why is tough to get rid of
4 the property? As others have talked about today,
5 it basically comes down to two issues. One,
6 given the current process, there's not really
7 motivation for agencies to get rid of property.
8 We've talked about the cost. In many cases, if
9 an agency has to get a building up to code or
10 deal with environmental issues, they do not see
11 that it's worth it for them to do that. In terms
12 of some of the government requirements, we've got
13 the historic preservation. We've got some other
14 requirements that may or may not make an agency
15 want to go this route.

16 The other issue is just in terms of
17 where the buildings are, what the buildings were
18 set up to do. We've talked about it in terms of
19 the zoning. It often takes a lot for an agency
20 to even get up the wherewithal or the energy to
21 put a building into the disposal process. And
22 then if they want to, the process itself is very

1 lengthy. GAO and others have talked about the
2 different steps that have to get taken in order
3 for that building to be disposed of and, at the
4 end of the day, what is the incentive for the
5 agency? Is it to offer it up to other agencies,
6 offer it to homeless community groups, or
7 ultimately get it to sale?

8 And so, from that perspective, I
9 think, again, Dan Mathews said we have a lot of
10 property out there that probably isn't being used
11 fully. But until we incentivize or hold agencies
12 accountable for getting rid of that, I think that
13 practice is going to continue, which is why I'm
14 really excited to be here today and I admire the
15 work that you all are going to do. And, again,
16 we're thrilled to help you in any way we can.

17 To me, from the GAO perspective, the
18 two things that I would like to see from the
19 Board kind of come along the areas of, like,
20 political and practical. From the political
21 perspective, as I said, I hope the actions and
22 the mere presence of the Board and the powers

1 that you've been given through the legislation
2 can really be a mover in helping us achieve that
3 national strategy and to Reduce and Freeze the
4 Footprint goal. We think that what's been put
5 out there now has been helpful, but it hasn't
6 helped agencies address some of the real
7 challenges that they've had in trying to get rid
8 of property.

9 I think the other thing is that your
10 presence, I appreciate that you said it's not a
11 political issue. This is a good government
12 issue. We shouldn't be spending money on things
13 we don't need. We shouldn't be saving property
14 for a mission in the future that we may or may
15 not need. So I feel like this is, I think, with
16 you here, maybe we can convince agencies that
17 this is not a partisan thing, this is a good
18 government approach.

19 In terms of practical, a couple of
20 things that I would really appreciate seeing from
21 the Board. The one is in terms of stakeholder
22 influence. One of the reasons that it's

1 difficult now in the disposal process, if an
2 agency has a location or a building that they
3 think they want to get rid of, everybody has a
4 view on what should happen with that building.
5 And sometimes the easiest course of action is to
6 do nothing. So I appreciate any efforts the
7 Board can take to try to address some of that
8 stakeholder influence by applying and using the
9 criteria that GSA and OMB are coming up with and
10 fighting the good fight.

11 I think the budgetary issues, the fact
12 that there is a fund that hopefully can support
13 some agency efforts to get these buildings ready
14 for disposal. Hopefully, that will be helpful.

15 And then in terms of motivating
16 agencies, again, I think I would look forward to
17 the Board walking that fine line between
18 incentivizing and holding agencies accountable.
19 I think you talked about it. You've got to get
20 this process going and then maybe, once agencies
21 see that there are some value, there is some
22 value to going through this, maybe the Board can

1 continue to do that because right now, until that
2 first portfolio gets sold and we start seeing
3 some of the benefits, it's difficult to convince
4 agencies that there's a role here.

5 The other thing at GAO we really look
6 forward to is, given that you all have the
7 ability to go in and look at the data yourself,
8 identify potentially other properties that might
9 be available, we really hope that asking agencies
10 questions, the difficult questions about how they
11 interpret definitions, how they report the data,
12 how they ensure the data are accurate, can
13 continue to shed light on the FRPP and the public
14 version of it because, again, it's got to start
15 there. It's got to start, you can't know what
16 your problem is or measure success unless you
17 have really good data.

18 The final thing I look forward to the
19 Board helping GAO with is providing us lessons
20 learned for the disposal process. Again, GAO and
21 others have done a lot of work on what the
22 problems are in the disposal process, but what we

1 know less about are, when you make changes to the
2 disposal process, does it work?

3 So in terms of the first round being
4 a little different than the subsequent rounds, we
5 look forward to hearing from you as to what do
6 you think worked, what do you think didn't work,
7 what were some of the biggest challenges that you
8 faced in this process, what suggestions might you
9 have for policy as we move forward because,
10 again, GAO's role is we work with our clients,
11 the Congress, to identify what good policy do we
12 need to put into place to make the federal
13 government work better?

14 So where do we get involved going
15 forward? And, again, you all know this but for
16 the benefit of others, so FASTA gave GAO a number
17 of responsibilities. So the first one is when
18 GSA and OMB submit the standards, criteria, and
19 recommendations to you and put it into the public
20 domain for the register, we are supposed to get a
21 copy of those, as well. At that point, we're
22 supposed to analyze the recommendations and

1 selection process to make sure that those
2 criteria and standards will follow and to make
3 comments about the properties that are
4 recommended.

5 At this point, I don't know exactly
6 what that entails and I don't know when that will
7 start. I guess that's going to depend upon when
8 you get what you get. We look forward to working
9 with you to make that a very cooperative
10 approach. Again, because we want to do not only
11 what works for the legislation, but we want to do
12 what works for the country, as well.

13 The second mandate that FASTA gave us
14 is we're supposed to annually report on agency
15 implementation of the Board's recommendations.
16 So, again, we will work with you on the timing of
17 that work, as well as with our key clients.

18 We also have an ongoing or an
19 outstanding request from the Senate Governmental
20 Affairs Committee to study the challenges and
21 lessons learned from FASTA and the workings of
22 the Board. So for that work, I anticipate that

1 we will continue to have an ongoing relationship
2 with you to get information from you as to what
3 you think is working and what you think is not
4 working.

5 So with that, I will stop my remarks.
6 And if you have any questions, I'm happy to
7 answer them. We look forward to working with
8 you, and good luck in your efforts.

9 MS. STYLES: The microphones aren't
10 working.

11 MS. RECTANUS: Oh, okay. Do you want
12 this back?

13 MS. STYLES: No, no. But in terms of
14 recommendations -- so thank you again for coming
15 here today. I had a question about your
16 suggestions for the cooperative approach for GAO.
17 We don't actually anticipate getting
18 recommendations from GSA or OMB before our
19 deadline for high-value properties. Is there
20 anything that you can do from a cooperative
21 fashion working with GAO to talk through those
22 properties to get your, you know, thoughts? You

1 all are very deeply involved in this,
2 particularly issues like talking about the data,
3 operations and maintenance costs, things like
4 that that, frankly, we're struggling, we are
5 struggling with operations, we're struggling with
6 the distinction between land versus an actual
7 building on the property and how we can parse
8 through that in the data that we have.

9 Do you have any thoughts on how we
10 could work through that?

11 MS. RECTANUS: I think the first thing
12 we could do is probably just sit down with you
13 and talk to you about the various pieces of work
14 that we've done in all of our high-risk
15 categories. We've done work where we've looked
16 at operations and maintenance issues for
17 buildings. We've done work looking at efforts
18 the agencies made and some of the challenges that
19 agencies have.

20 I would hesitate to comment on the
21 particular recommendations that you received at
22 this point in time because, in the absence of not

1 knowing the criterion standards that have been
2 developed, I would want to make sure that we're
3 objective in that respect. But we're certainly
4 willing to sit down with you and talk with you
5 about what we know about various buildings, what
6 we know about various agencies' practices, and
7 the data.

8 MS. STYLES: Do you guys have another
9 question?

10 MR. RAHALL: When you talk about the
11 data not being, I think you said accurate that
12 you often receive from agencies, is that, am I
13 paraphrasing what you said correctly?

14 MS. RECTANUS: Again, there's many
15 different fields in the FRPP. There's square
16 footage, there's utilization, there's cost,
17 there's location. There's a lot of different
18 data elements, and we haven't looked at every
19 single data element for every single agency. We
20 know, for example, GSA has done a process where
21 they've gone through and tried to verify some
22 anomalies. We know in some cases agencies

1 changed it based on that. We also know in some
2 cases they didn't.

3 So there are at least some data
4 elements that we know, for example, are not
5 correct, whether that be the location of a
6 building that might put it in the middle of an
7 ocean. We know there is some square footage
8 numbers that are not correct. So, yes, there are
9 data from various agencies that are not accurate.

10 MR. RAHALL: And do you somehow find
11 that's on purpose from the agencies?

12 MS. RECTANUS: I can't say that we
13 have found that there's a malicious intent. I
14 think there's a lot of reasons. One, it could be
15 that the data collection is done to centralize
16 and people have different definitions. It could
17 be that there are entry errors where someone
18 might put in ten and they mean a hundred.
19 There's a lot of reasons, but we have not yet to
20 see that it's been a purposeful --

21 MR. RAHALL: And are you required to
22 report to Congress agencies that are not

1 reporting accurately?

2 MS. RECTANUS: Our only requirement
3 for Congress is when we have a request from them
4 to do work looking at particular issues and
5 actually have some work going on right now where
6 we're actually looking at the public FRPP where
7 we will be commenting on the accuracy of some of
8 that information. So from that perspective, we
9 will be requiring, providing some information to
10 Congress about some elements of the data set that
11 we think are not correct.

12 But, in general, we don't have a
13 requirement that we report to them on the
14 inaccuracies. But that is something we're happy
15 to chat with you about what we know about the
16 FRPP.

17 MR. RAHALL: Yes, because our main
18 problem is getting accurate data and whether we
19 do or we don't get accurate data. Under our
20 enabling legislation, we are required to report
21 to Congress, I believe.

22 MS. RECTANUS: That's why I think we

1 could help you, we could work with you to
2 identify the kinds of questions to ask the
3 agencies. Again, we have some sense of how
4 different agencies either collect the data or
5 define certain things, so I think the great thing
6 you can give is at least trying to find some
7 consistency or develop some consistency across
8 the agencies so that, when a field is filled out,
9 at least everybody is interpreting it the same
10 way to fill it out.

11 MR. RAHALL: Right. Another kind of
12 issue, you mentioned a problem of getting rid of
13 underutilized properties as a lengthy process.
14 You mentioned environmental laws, historic
15 preservation. What would be your recommendation
16 for speeding up that lengthy process?

17 MS. RECTANUS: Again, I think that
18 this is -- that's sort of the test of what you
19 guys are trying to do, right? To see whether the
20 benefits outweigh the potential costs or
21 disadvantages, if you will. We have not gone on
22 record as to what we think the answer is, so

1 that's why I think we're looking forward to
2 seeing if you get rid of some of those things,
3 the public conveyance, will it make a difference
4 and will that make it go faster, will that help
5 agencies out?

6 MR. RAHALL: Thank you. I think we'd
7 like to work together with --

8 MS. RECTANUS: We're happy to help in
9 any way we can.

10 MS. PHILLIPS: To the extent that GAO
11 has actually looked -- in all of your work,
12 looked at specific properties or have used a
13 process for identifying the problem areas or
14 problem properties, to the extent that you can
15 share that with us, it would be very helpful
16 because, as you've heard, we're struggling with
17 how we're going to get our hands around this
18 massive database of properties.

19 MS. RECTANUS: Again, we're happy to
20 sit down with you. I mean, our work tends to be
21 broader and, again, we tend to focus on the
22 government-wide element. But there are some

1 instances where we've been asked to look at
2 particular buildings, particular sites where
3 they've either tried to sell it or lease it or do
4 something. So to the extent to which we can
5 share with you our knowledge, we're happy to do
6 that.

7 MS. STYLES: Thank you very much. We
8 appreciate it, and we look forward to working
9 with you.

10 MS. RECTANUS: Thank you.

11 MS. STYLES: So I don't know ---
12 Maria, are you here? Yes.

13 MS. FOSCARINIS: Hello. Glad to be
14 here. Thanks for inviting me. Now, let me see.
15 The microphone seems to have disappeared.

16 MS. STYLES: It's right there by the
17 water.

18 MS. FOSCARINIS: Oh, it's this.

19 MS. STYLES: Yes. So you can attach
20 it. It works pretty well if you want to attach
21 it to your --

22 MS. FOSCARINIS: Okay, all right. So

1 I will attach it. Okay.

2 MS. STYLES: Thank you very much.

3 This is Maria -- hopefully, I get this right --
4 Foscarinis.

5 MS. FOSCARINIS: Perfect.

6 MS. STYLES: Excellent. She's with
7 the National Law Center on Homelessness and
8 Poverty, and my understanding is you all were
9 instrumental in actually ensuring that this
10 legislation was enacted. So we're very happy to
11 have you here and look forward to your comments.

12 MS. FOSCARINIS: Excellent. Well, I
13 am extremely happy to be here. Thank you for
14 inviting me. We were glad to be part of the
15 process. And Acting Chair Styles and members of
16 the Board, thank you for inviting me. And I am
17 Maria Foscarinis, and I'm the founder and
18 Executive Director of the National Law Center on
19 Homelessness and Poverty.

20 The Law Center is the only national
21 organization dedicated to using the power of the
22 law to advocate for the legal rights of homeless

1 and economically-vulnerable Americans. Since
2 1989, Law Center attorneys have worked through
3 state and federal courts to expand access to
4 affordable housing, meet the immediate and long-
5 term needs of those who are homeless and at risk
6 of becoming homeless, and to strengthen the
7 social safety net.

8 Through our work, we've been fortunate
9 to achieve significant progress in meeting these
10 goals. In addition to securing and expanding
11 legal rights for homeless Americans, we've worked
12 with partners throughout the country to provide
13 services to millions of homeless families and
14 children, and we have been very fortunate as part
15 of our work to also have the support of many
16 major law firms and their program of services.

17 There's still much work to be done.
18 Homelessness remains a national crisis affecting
19 too many men, women, and children in communities
20 across the country and many of our nation's
21 veterans, as well.

22 A key program designed to assist

1 homeless Americans is Title V of the McKinney-
2 Vento Homeless Assistance Act, which was
3 originally signed into law by President Reagan in
4 1987. Title V makes HUD responsible for leading
5 a cross-agency effort to identify surplus federal
6 property suitable for use by homeless assistance
7 organizations, and those can include state and
8 local governments, as well as not-for-profit
9 organizations dedicated to serving homeless
10 people.

11 Once these properties are identified,
12 homeless service providers have a right of first
13 refusal to acquire the excess property. Title V
14 has enabled service providers and local
15 government agencies to acquire and use surplus
16 property to provide meals, shelter, housing, job
17 training, medical care, mental health treatment
18 for homeless Americans throughout the country.
19 Each year, we estimate that more than two million
20 people receive assistance through Title V.

21 Title V can apply to all kinds of
22 property. It applies to buildings -- vacant,

1 unused, underused buildings -- but it also
2 applies to vacant land, and there are examples of
3 properties on -- that have acquired vacant land
4 to create programs for homeless people. I've
5 been to visit some of them.

6 Title V is a proven vehicle for
7 assisting America's homeless with no cost to
8 taxpayers. In fact, I want to emphasize Title V
9 saves taxpayer dollars by reducing operations and
10 maintenance costs associated with unused
11 properties that the federal government does not
12 need.

13 But despite this success and
14 potential, the Law Center has identified a number
15 of challenges. Most notably, as the Board knows,
16 landholding agencies are all to the whim to
17 retain unneeded or underutilized properties, even
18 though this violates the specific, repeated and
19 consistent directives of Congress. The Law
20 Center has worked for over two decades to push
21 federal agencies to identify all properties
22 available for disposal under Title V.

1 So I can say with certainty that we
2 share the Board's goal of ensuring that some of
3 those properties are put to better, more
4 productive use, while reducing cost to taxpayers.
5 As we work towards this common goal, Title V must
6 continue to be part of the federal property
7 disposal process. As you will recall, the Law
8 Center supported FASTA, which created this board,
9 and we supported FASTA because, although we
10 generally oppose exemptions from Title V, the act
11 also made helpful improvements to the Title V
12 process. Specifically, FASTA made three
13 significant improvements. First, the act
14 shortened and bifurcated the Title V application
15 process requiring applicants to submit an initial
16 application laying out the discretion of the
17 homeless services that would be provided, the
18 need for those services, and the experience of
19 the applicant that demonstrates the ability to
20 provide such services.

21 Once the Secretary of Health and Human
22 Services approves the initial application,

1 applicants have 45 days to complete a final
2 application that sets forth a, quote, reasonable
3 plan to finance the approved program, closed
4 quote. This process loaded the burden on
5 applicants from the prior process, which under
6 HHS regulations required a showing that the
7 applicant has the, quote, necessary funds or the
8 ability to obtain such funds to carry out the
9 approved program lease for the property, closed
10 quote.

11 Second, FASTA provided applicants with
12 discretion to take possession of Title V
13 properties by lease or by deed. Third, the act
14 clarified that permanent housing with or without
15 supportive services is an eligible use of
16 property acquired through Title V, while
17 permanent housing with supporting services for
18 those that can benefit from it is an important
19 solution to the problem of chronic homelessness.
20 Many homeless Americans simply need housing for
21 longer than local shelters can provide but do not
22 also require supportive services. These

1 improvements are intended to ensure that more
2 homeless service providers can put excess
3 surplus, underutilized or unutilized federal
4 properties to use for the benefit of the
5 homeless, which is the central intent of
6 Congress.

7 With that in mind, we understand that
8 part of this --- the Board's mandate is to
9 identify high-value surplus properties that can
10 be sold off the government's books and provide a
11 cost-savings. But there's also a broader mandate
12 to ensure that all unused or underutilized
13 property is identified and considered for
14 disposal. We're interested in this process in
15 particular and that it maximize the properties
16 that are identified and that can then be
17 considered under a Title V, as well as other
18 disposal.

19 We urge the Board throughout this
20 process to ensure that the needs of homeless
21 Americans and that potential uses to meet those
22 needs of any property are considered before they

1 are to be sold. At the Law Center, we believe
2 that the right to a home and other necessities of
3 life lie at the heart of human dignity and we
4 envision an America where no one has to go
5 without the basics. Title V is a critical
6 element of this vision and an important tool in
7 fighting homelessness.

8 So thank you again for the opportunity
9 to speak with you today, and I welcome any
10 questions.

11 MS. STYLES: Thank you very much. We
12 really appreciate your comments. I'd like to
13 know if you all have recommendations with regard
14 to our approach to high-value properties. I know
15 that they're exempt when we put them up --- put
16 them excess, but I also suspect our high-value
17 properties are in locations that are the largest
18 populations and I'm going to assume that that
19 means higher areas of larger populations are
20 probably the largest ones with homelessness.

21 Do you have thoughts on how we should
22 approach that, properties that should be chosen

1 as high-value properties versus the other two
2 rounds?

3 MS. FOSCARINIS: Well, I think you
4 make a very good point, and that's a good
5 question. We would appreciate the Board's
6 considering the needs of homeless populations in
7 those areas. I think you're absolutely right
8 that they are likely to be in areas that have
9 large homeless populations, that have a larger
10 need, and there's nothing that prevents the
11 Board, as I understand it, from recommending
12 that, however those properties are disposed of,
13 that they also consider the needs of homeless
14 populations.

15 MS. STYLES: Is there a methodology
16 for considering that? I mean, in terms of
17 statistics, right, so if we're looking at a
18 particular city and a particular property, where
19 do we find the statistics that we would need to
20 be able to also make that assessment to put that
21 into -- to factor that into how we're thinking
22 about different properties? Like, we could say

1 we want to keep one off a high-value property
2 list because it's close to a city center, but it
3 might be useless, you know, from your
4 perspective.

5 MS. FOSCARINIS: Right. So, with that
6 -- unfortunately, there's not a great source of
7 that kind of information. The only data that
8 currently exists -- current data that exists is
9 the annual count that HUD produces every year.
10 It's a required count of the homeless population,
11 so that could provide some indication of where
12 there are likely to be concentrations of homeless
13 populations. We're certainly happy to advise the
14 Board, as well, because there are often
15 undercounts. If anything, that data is likely to
16 underestimate the extent of the need, and we're
17 happy to provide any additional advice that we
18 can.

19 I think it's probably safe to assume
20 -- especially in your high-population centers --
21 that there will be significant homeless
22 populations.

1 MS. STYLES: Okay. Is there some
2 recent data that's out on colleges and
3 universities, as well, on homelessness? I'm
4 pretty sure I read something about there is, and
5 I just didn't know if there had been any kind of
6 a correlation between the colleges and
7 universities and the problems that they're
8 finding with homeless students and available
9 federal property. Have you seen anything that
10 has correlated those two?

11 MS. FOSCARINIS: I have not, but
12 that's an excellent point. There is a growing
13 problem with college student homelessness, and
14 there are some studies about that, but I have not
15 seen anything that puts the two together.

16 MS. STYLES: Okay. Thank you.

17 MR. WINSTEAD: Marie, can you just
18 inform us -- I mean, perhaps just me -- who are
19 the providers? Are they all public municipal
20 agencies that get into renovating the properties,
21 maintaining the facilities for the homeless, or
22 are they non-profits or are they -- I'm just not

1 clear on who manages the delivery.

2 MS. FOSCARINIS: Sure. It's a mix.
3 It's a mix. They can be municipal entities.
4 They can be cities or states. More often,
5 they're private non-profit organizations, and
6 there's a wide range of different types of
7 organizations. They can be small, they can be
8 larger, they can be sophisticated, they can be
9 less sophisticated.

10 One of the roles that we play is
11 providing assistance to them because it's a
12 complicated process and they often don't have the
13 expertise to apply for the property. And we are
14 often also getting pro bono help from law firms
15 to help the applicants.

16 MR. WINSTEAD: Right. But you don't
17 have -- is HUD the one that sort of looks at the
18 competency of the provider?

19 MS. FOSCARINIS: So, again, it's a
20 complicated process. HUD is the lead agency in
21 the sense that HUD is required to identify
22 properties and determine which are suitable. The

1 application process is overseen by HHS, the
2 Department of Health and Human Services. And HHS
3 determines whether the entity is able to. Yes,
4 and --

5 MR. RAHALL: I don't have a question,
6 just a comment. I recall in 1987 when President
7 Reagan signed the initial homeless legislation
8 into law. It was pushed very heavily. The main
9 sponsor in the House of Representatives was my
10 former colleague, Bruce Vento from Minnesota. So
11 I just wanted to salute you and the National Law
12 Center on Homelessness and Poverty for the
13 tremendous work you do. It's a growing problem
14 in our society today, unfortunately, especially
15 among our veterans. And to see our veterans go
16 homeless is really something that needs to be
17 addressed and viewed, your people are doing it
18 and I salute you for that.

19 MS. FOSCARINIS: Thank you very much.
20 I appreciate that. And I really hope that we
21 will be able to work together with this board.
22 Land-banking has really been an issue and a

1 problem that has held this particular program
2 back. I think there's tremendous potential. I
3 think this could really be a win-win if we are
4 able to get -- and with the leadership of this
5 board -- to get more properties identified and
6 through this process and made available to go
7 through the Title V process. I think it can make
8 a big difference.

9 MS. STYLES: Well, thank you very
10 much. We appreciate you coming, and we look
11 forward to working with you.

12 MS. RECTANUS: We do, as well. Thank
13 you so much.

14 MS. STYLES: All right. We have Danny
15 Werfel next.

16 MR. WERFEL: Hello.

17 MS. STYLES: Hi. Thank you so much
18 for being here. I know that you probably know
19 other people a little bit better than me on the
20 Board but we really appreciate you kind of taking
21 the time out today to come and talk to us. A lot
22 of it is about your past experience. My

1 understanding is you really got the Federal
2 Property Council up and launched, and you've been
3 intimately involved in the ins of this
4 legislation and ideas for this and how it should
5 work. So we really look forward to hearing from
6 you and thank you for coming.

7 MR. WERFEL: I mean, again, I want to
8 be as valuable as I can to the process. I do
9 have a lot of the history and was there at the
10 beginning and have been through similar types of
11 efforts, in particular around trying to find the
12 highest-value properties in the U.S. government
13 that could be potentially offloaded. I can talk
14 to you about some of the experience with that, as
15 well. And then just some recent impressions of
16 where we are on real property today, if that's
17 helpful.

18 MS. STYLES: That would be great.

19 MR. WERFEL: So this dates back to the
20 Bush administration, the very start of the Bush
21 administration, and they were establishing where
22 there were potential opportunities to drive

1 efficiency in the U.S. government and building
2 what was then termed the President's Management
3 Agenda. And there was a big idea around better
4 managing the real property portfolio and the fact
5 that there was a lot of excess and a lot of value
6 in there in the portfolio. But there was this
7 notion at the time that I think still is relevant
8 today that federal agencies were hampered in
9 their ability to move assets and dispose of
10 assets due to a variety of different
11 requirements, and all of those requirements had
12 good public policy elements to them, whether it
13 was environmental reviews or considerations for
14 the homeless or sharing the property with other
15 federal agencies. All of it resonated. I think
16 the issue was the way it's structured today and
17 the way it was structured back then, it was
18 inhibiting agile and flexible approaches.

19 And so this concept of the Freedom to
20 Manage Act was developed, and legislation was
21 taken out to try to address this legislatively.
22 And very quickly, and potentially not

1 surprisingly, there was pushback from Congress.
2 And one thing that's true about real property and
3 many other things in the federal government,
4 there's a lot of diverse stakeholder interests
5 and it's very challenging to get those
6 stakeholder interests to align, and the Freedom
7 to Manage Act brought out a lot of stakeholder
8 concerns and it stalled.

9 And so at that time what the President
10 and his leadership team decided to do, in
11 particular the management leadership team at OMB,
12 said, well, let's do what we can sub-
13 legislatively. And so a team was put together
14 basically to write an executive order with
15 lawyers looking over saying what are the things
16 in the Freedom to Manage Act we can do and we
17 can't do? And that led to the creation of the
18 Federal Property Council.

19 And there was really a couple of key
20 things in that executive order, which was issued
21 in late 2003 -- I think it was actually February
22 2004 that it was issued -- and which really kind

1 of launched real properties a major management-
2 focused area in U.S. government and has remained
3 to this day. I think the big thing, in addition
4 to creating the Federal Property Council, which
5 essentially required all the major landholding or
6 property-holding agencies to appoint a senior
7 real property officer. That requirement didn't
8 exist previously or that position didn't exist.
9 So that was one big thing.

10 The second thing was, through the
11 senior real property officer, creating a council
12 similar to the other C-suite councils that are in
13 the U.S. government, like the CFO Council, the
14 CIO Counsel now. And now there's a council
15 dedicated to real property. And then to update
16 the inventory and to really build -- at the time,
17 there was a GSA-maintained real inventory, but it
18 was widely seen as incomplete, unattended to, and
19 not very strategic in its construction.

20 And so the notion was, okay, we're
21 going to have senior real properties -- a senior
22 real property officer. We're going to have a

1 real property council. And the first thing that
2 real property council is going to do is it's
3 going to write the DNA and the structure for this
4 inventory.

5 It also had the requirement going back
6 to, right, to basically establish guidelines for
7 every federal agency to come up with at the time
8 what we called an asset management plan, which
9 was basically saying what is your inventory and
10 how are you going to manage it to be better
11 right-sized and to be better optimized?

12 And so that was the remand of the
13 Federal Property Council: construct and develop a
14 data inventory and to set up guidance for each
15 agency on how they construct their asset
16 management plan, how they're going to manage real
17 property more smartly.

18 The bottom line on the inventory was
19 the inventory basically, you know, the guiding
20 principles was let's not overthink this. I think
21 when we first met in the first meeting and we
22 brainstormed and we took in input, I think there

1 was over 120 data elements that were considered.
2 But the group came together and they averaged out
3 to about 24 individual data elements.

4 Most of those data elements, about 20
5 to 24, were just basic diagnostics of the
6 property: the longitude and latitude, what it
7 was, what its purpose was, what agency it was in,
8 that type of thing. The real difference-maker
9 was the four what we called performance measures
10 at the time, although I think we misnamed them,
11 but four more performance-oriented data elements.
12 And those four things were the mission
13 criticality of the asset, the condition of the
14 asset, utilization of the asset, and the cost of
15 the asset. And the thinking at the time was for
16 every constructive asset in the U.S. inventory,
17 if we have that information, that we could start
18 to risk tier the properties and create a high-
19 risk list of where we had opportunities.

20 So, for example, if the property was
21 not mission critical, was a high-cost against
22 benchmark, was low utilized, and was in poor

1 condition, that would help both for each agency
2 to focus on where they needed to manage their
3 real property more effectively but also know how
4 OMB and GSA look across the inventory and to
5 basically categorize assets by -- you didn't have
6 to hit all four. You could have three of the
7 four or two of the four. And it might not be
8 that just because an asset is in poor condition
9 it means that it needs to, you know, it also
10 could be you have an asset that's mission
11 critical in poor condition and, therefore, could
12 make the case that we need to invest more in it.

13 So it wasn't all about disposition.
14 It was about optimization, right-sizing, and
15 making the smart investments.

16 So we started in earnest and almost
17 immediately had GAO and others coming in saying
18 that the data lacked good quality, and that's, I
19 think, with any government data collection
20 effort. You're going to have your growing pains.
21 I think one of the big early lessons learned was
22 the challenge around how to normalize reporting.

1 I think we didn't, we didn't have a good sense of
2 how different agencies were defining mission
3 criticality versus not. It was, you know,
4 there's a little variation and, therefore, some
5 subjectivity into what's mission critical and
6 what's not.

7 And then, in particular, I think,
8 utilization, back then there was no low-burden
9 effective way of having good timely information
10 on the utilization of buildings. So a lot of
11 agencies went in the direction of more of the
12 plan, what's the plan to utilize this building,
13 and that was what was reported, versus the
14 experience of what the utilization rate is. And
15 I think if you were to look at what our
16 experience was, if you look at what an
17 organization plans to utilize a building for
18 versus what the actual utilization rate is,
19 there's significant gaps there.

20 So, you know, nevertheless, in the
21 early days when we started to develop the federal
22 property profile, what also started to happen was

1 make the case that it's fairly arbitrary but a
2 lot of administrations do this and it's not
3 necessarily the wrong thing to do. It's sort of
4 setting the goal of we want to save X billion
5 dollars in real property, how are we going to do
6 it? What are the different avenues that we can
7 take to save a billion dollars in real property
8 or three billion by the following year?

9 And so then, you know, the bigger the
10 number you have, the bigger the savings target,
11 the more you have to start looking at high-value
12 asset disposition because, you know, it's harder
13 to achieve those types of big numbers by just
14 managing O&M and maintenance of the property.
15 Those are real important things to do and they
16 should be done and there's certainly taxpayer
17 savings to be had, but if you, as an
18 administration, can set a big, you know,
19 multibillion dollar target for the overall real
20 property savings, you need to start figuring out
21 which puzzle pieces you're going to put together
22 to get there, and that's when we started having

1 conversations about high-value assets.

2 One of the things, I'll just share
3 with you more history on this. We put together
4 with the RMOs at OMB a list of the highest-value
5 assets in the U.S. government, in the U.S.
6 inventory. And I don't have access to that list.
7 I'm not at OMB anymore, but it did exist at one
8 time. I hope I'm not saying anything
9 controversial. And, you know, it wasn't all, I
10 will be honest with you, it wasn't all that
11 difficult to put together because it's really
12 about triangulating where this high-value real
13 estate in the U.S. is against the inventory. So
14 if you basically just go to the top 20
15 metropolitan areas, like Chicago, New York, and
16 you have this real property profile, so now you
17 can basically look at assets and see, for
18 example, what's in high-earning districts, what's
19 waterfront, et cetera. It's not necessarily that
20 if you have a federal asset that's waterfront is
21 the wrong thing. It just raises a question of is
22 this highest and best use? Could it be

1 relocated? And the reality is there's a lot of
2 federal real property in high-value areas in the
3 U.S. space. Also internationally, as well,
4 because you can make the case that there are
5 some, and there was like a big thing around the
6 London Embassy, which it ended up being sold
7 because, the thing was, there was an opportunity
8 to move the London Embassy maybe to an area that
9 would still meet its mission but maybe not in the
10 grand location that it was in.

11 So there are properties on this list
12 that a lot of people have heard of and that have
13 been thought of and looked at for a long time.
14 You know, there's no reason why I can't name some
15 of them because they should be known to a lot of
16 people. Things like Moffett Field, for example,
17 which is in Northern California. I think it was
18 owned by NASA at the time and is in a very, very
19 high-value area of the United States and it's a
20 big, you know, big area. If I recall correctly,
21 there were a lot of private operators in the
22 Silicon Valley who were using it and renting it

1 to land private airplanes. So the question was
2 what are we doing with this property, and there
3 was a lot of sensitivity around it.

4 Another one was a VA property in West
5 Los Angeles. Again, big questions around, you
6 know, the property outsized versus the hospital
7 space that was needed, so there were certainly
8 questions around there.

9 Another one that came up, I think this
10 was the less likely to be disposed of, but it was
11 high on the list of value was the Marine Merchant
12 Academy in Great Neck, New York. It's just one
13 of these things, it's like where is the highest
14 per capita real estate value in the U.S. and
15 where is the property? And if you construct
16 that, you'll hit something like the Marine
17 Merchant Academy because of the property that it
18 sits on in Northern Long Island is very valuable.
19 I'm not suggesting we do something with it, but
20 this is what you're going to start to get into.
21 And once you start looking at each property,
22 you're going to see a whole host of different

1 challenges in thinking about what the political
2 landscape is for disposition.

3 But, again, there are very
4 controversial ones, like Moffett Field, like West
5 Los Angeles for the VA, but I think, as you work
6 your way through the list, there are less and
7 less controversial ones that could be thought of
8 for potential disposition.

9 But every time those came up, there
10 was this, you know, very, very -- we were really
11 worried about, even having, you know, the list
12 was kind of nerve-wracking from our standpoint.
13 And we didn't really at the time know how to move
14 forward on any of those properties in a way that
15 was thoughtful because the stakeholder networks
16 were so complicated.

17 So what did we do? We came up with an
18 idea that's interesting but didn't end up getting
19 enacted. We came up with this idea of doing a
20 civilian BRAC. That was a thought process
21 because, you know, the lesson learned here was
22 from DoD BRAC was, I think, our predecessors 20

1 or 30 years earlier came to the same conclusion,
2 that there's a lot of excess property and there's
3 opportunities to downsize. But once you start
4 doing that, you run into this tremendous wall of
5 stakeholder concern and the BRAC process was, as
6 I'm sure you're all familiar with it, was an
7 interesting and innovative way to unlock some of
8 the politics and create an environment in which
9 you could push through things that were
10 previously impossible politically. It's not an
11 easy BRAC process, which I think the last BRAC
12 was 2005, so it hasn't happened in a long time.
13 But it's still not easy. It's still
14 extraordinarily difficult. And there's, you
15 know, public forum and meetings and a lot of
16 concern on the Hill in terms of what gets on the
17 BRAC list and what doesn't.

18 So I'm not saying it's an easy path,
19 but it did create assets that had previously been
20 thought of as not being able to dispose of but
21 were realigned under BRAC. And so we thought,
22 well, maybe the best way to do this is to borrow

1 that concept and think about the civilian assets
2 and run a civilian BRAC process. Otherwise,
3 every property that you put forward is going to
4 potentially run into this type of criticism.

5 But even the BRAC is such a, it's such
6 a challenging moment in time for all those
7 involved that I think there were concerns on the
8 Hill that creating a civilian BRAC would also
9 create similar challenges and that it wasn't
10 worth it. We didn't have a compelling enough
11 business case around what could be sold off and
12 what the value to the taxpayer would be in order
13 to realize it. One of the reasons why we
14 couldn't build a business case is because some of
15 the properties were so sensitive that there was a
16 worry about even building a business case. So
17 it's kind of like a non-virtuous circle in terms
18 of getting to a point where you're getting really
19 good objective public policy analysis around what
20 the best path is.

21 Let me pause there and ask if there's
22 any questions or comments or different things I'd

1 share from the history of this issue.

2 MS. STYLES: Well, how would you, how
3 would you recommend that we deal with the
4 sensitivity of some of these properties? I mean,
5 that is a concern, right, is that, you know,
6 we've got to create pretty much from scratch, I
7 mean, we have some help, but of coming up with a
8 list, and then getting into the details of what
9 would be best for the high-value property list in
10 four and a half months and avoiding some of the
11 controversies that you're talking about. I don't
12 know what to do if it ends up on the list and it
13 goes to excess and there were all kinds of
14 problems that we didn't even consider.

15 MR. WERFEL: Yes. So in retrospect,
16 I think the best approach is to have a very
17 nonpartisan generic set of criteria and then let
18 the list be what the list is. In other words,
19 you know, if you're saying what we're going to do
20 is we're going to create a list, and we have no
21 idea what's going to be on the list before the
22 list is created, but we're going to spit out the

1 properties that meet these 17 criteria. And it's
2 like if the property sits on a parcel of real
3 estate which has a fair market value of greater
4 than X dollars per square foot, it's going to,
5 you know, so the calculus is there.

6 So I don't know that Moffett Field
7 ends up on the list and I don't know that West LA
8 or the Merchant Marine Academy or Volpe in
9 Massachusetts or any of these other properties
10 end up on the list, but these are the criteria.
11 And then, once the list is created, then you can
12 basically say and then what is the, before that
13 list is even created, here, very transparently,
14 here's the process we're going to go through for
15 whatever properties end up on that list. I don't
16 know what they are yet.

17 I think as long as you're kind of
18 establishing getting agreement that you're going
19 to follow a particular process without anyone at
20 this point pinpointing the concern of a
21 particular asset, that might be a better way to
22 do it. And we didn't do it that way. We just

1 created the list without the transparency of
2 exactly how the list was created. And,
3 therefore, it wasn't as easy to basically say,
4 oh, look at this property now because how did you
5 come up with that list and what was the fairness
6 of it.

7 MS. STYLES: Well, I think we're
8 really back to the data problems with that,
9 right? Particularly where you might want to sell
10 off a parcel of land separate from the building,
11 so we don't have the data to parse through that
12 to come up with a list that would have those.
13 You know, at least from what we've seen so far,
14 the data is not terribly amenable to that. So
15 that's why we can come up with the criteria and
16 come up with some, but I'm not sure it's going to
17 capture all of what we want to capture.

18 MR. WERFEL: It depends on who's
19 accessing the data or how you construct it. So
20 you're right. If I just asked, if I went on a
21 public website and tried to find this, I couldn't
22 find it. But if I went to OMB, for example, or

1 GSA and I basically said, okay, let's go with the
2 ten largest capital, the largest urban markets,
3 and then I'm going to ask you to pull data, you
4 know, in an agnostic objective way, you might,
5 you know -- again, the way OMB did it back then
6 was similar to what I just described. Just the
7 methodology wasn't transparent. It was just done
8 behind the scenes, but it was done in a way, work
9 with each agency to basically we're here, where's
10 your waterfront property, where's your downtown,
11 where's your K Street type property that you own,
12 and the data was, it wasn't accessible and it
13 wasn't easily extractable from the federal
14 property profile. It was developed and
15 cultivated based on other data inputs because,
16 you know, this often happens. You create a
17 standard data set, like the federal real property
18 profile, and a question comes up and it doesn't
19 answer it. It partially answers it. It's got
20 some of the puzzle pieces but not all of the
21 puzzle pieces.

22 So then you go in, usually with OMB in

1 a real property sense with OMB and the agencies
2 and you fill in the rest of the puzzle pieces.
3 I'm suggesting that if you're very transparent
4 about the methodology, and that might not work
5 because someone might play the chess game and be
6 like the methodology that you just announced,
7 that means that these six properties will
8 definitely be on the list and I'm very
9 uncomfortable with that because I don't want to
10 even go through the process of there being an
11 implication that that asset would be moved off
12 the federal books. That could happen. But I'm
13 saying the best idea I have is to do what OMB did
14 years ago but do it in a very transparent way
15 with an expectation that that list would be
16 public, and then have, you know, and then I'd
17 rather confront the issue, get it out in the
18 public, and then have the debate continue in
19 terms of what the right answer for the taxpayer
20 is on a lot of these assets.

21 MS. STYLES: So do you think there's
22 enough substantive expertise out in the private

1 sector and the government that we could hold
2 another hearing just on methodology? I mean, so
3 that we could have a real discussion on what the
4 different opinions of methodologies might be.

5 MR. WERFEL: Absolutely. And I think,
6 you know, there's also not a lot of agencies that
7 are at play here because if you look at your, you
8 know, forget your landholding, that's sort of
9 helpful but it's more constructed asset, and you
10 look at the organizations, the federal
11 organizations, after you get the sixth- or
12 seventh- or eighth-largest constructed asset-
13 holding agency, it really kind of dips down into
14 a long tail, and so you only have to concentrate
15 your effort on the property types of some of the
16 bigger agencies. Look at DoD, for example.
17 Again, DoD implicates the whole BRAC question.
18 So a big question that you should ask yourself is
19 how to think about DoD assets because they're
20 going to be, I think, to my understanding,
21 they're the largest --

22 MS. STYLES: Yes, but we don't have

1 authority under most DoD --

2 MR. WERFEL: Okay. So there you go.

3 But even after DoD, like I mentioned NASA and VA
4 and there's other property holders out there, so,
5 yes, I think you could. I mean, I think that's
6 what you need, a transparent methodology that's
7 not kind of targeting a particular asset and just
8 going after just kind of a generic method to pull
9 the assets that you want to do for a closer
10 review. That's how I'd approach it.

11 And I think there's some basic
12 criteria that you can come up with that -- I
13 think the more objective you keep it, the better,
14 although there's going to be a tension there
15 because you're going to want to, the methodology
16 is going to benefit from some subjective elements
17 in terms of, eventually, in terms of, for
18 example, I'll give you just an example of where I
19 would start thinking about it.

20 Let's say, you know, because the world
21 changes and the way we work changes and the
22 economy changes, and so it may be that an agency

1 in 2000 or 1995, in order to meet its mission,
2 needed a big regional footprint, needed to have
3 lots of people out there with a certain amount of
4 citizen touchpoint or interconnectivity in the
5 local government or whatnot. And that probably
6 still exists today. But I would say 20 years
7 later or 30 years later, it's probably different
8 and there's probably opportunities where what
9 seemed to be really critical to have a strong
10 regional footprint now is less critical, just
11 based on the way the world is, the way we work,
12 the way the environment and the program may
13 operate.

14 And so that type of thing would be an
15 interesting dynamic to look at where you have an
16 agency that has had a large regional footprint
17 where it might not need as large a regional
18 footprint anymore. I'm sure you agree that that
19 would be an interesting way of starting to think
20 about your opportunities for, you know, for
21 creating this high-risk list of assets that could
22 be potentially offloaded. The problem is what I

1 just did is subjective, right? It's like how do
2 you determine on a programmatic-by-programmatic
3 basis this continuum of regional versus central
4 and it's moved over the last few years to be more
5 central?

6 So there's a tension. The more
7 objective the more false positives you're going
8 to have on your list. And as you go across the
9 continuum and start to get a little bit more
10 strategically insightful on how to construct the
11 list, you're going to introduce some
12 subjectivity. And then it's going to be, you
13 know, the devil in details of how to execute it.
14 And that's always the challenge we've had with a
15 lot of the real property efforts with the
16 agencies because once you have subjectivity, for
17 example, as I mentioned earlier, on mission
18 criticality and even on utilization.

19 Can I make a quick comment on
20 utilization, too? Something that I wish this
21 existed when I was in the government is the fact
22 that I mentioned that the world is changing. One

1 of the big ways in which the world is changing is
2 in how you can look at utilization today versus
3 back in the day. And what I mean by that is
4 there are digital and technology advances that
5 can change the way we measure utilization in a
6 building.

7 Here are some examples. First of all,
8 just very basic, from a continuum of just, you
9 know, the technology sophistication. You know,
10 CAC cards and the fact that you're coming in and
11 out of the building and you're swiping in and
12 it's registering that you're in and you're out.
13 And that information, which is not systemic
14 across government, could change the way in which
15 we understand utilization. I happen to know for
16 a fact actually that when GSA remodeled its
17 headquarters during the Recovery Act and 1800 F
18 Street moved to its swing space north of
19 Massachusetts, at the time they did track CAC
20 card entry in and out of their swing space. I
21 don't know if I have my facts exactly right, but
22 it was about 50-percent utilization rate, which

1 was lower than they probably would have predicted
2 but, in retrospect, made sense because even as of
3 early 2011 - 2012, in that time frame, people are
4 more mobile. They're in their offices or in
5 their Blackberry or their iPhone.

6 Also, what was interesting about that
7 move was they had, they moved a bunch of file
8 cabinets over, which when they were moved they
9 had a bunch of empty file cabinets because they
10 misunderstood at the time how paperless people
11 had become. So, again, that's another element of
12 changing the requirements of what space we need,
13 given technology. So CAC card-capturing of entry
14 and exit.

15 The other thing that's interesting is
16 just the technology, the fact that we have these,
17 are our laptops. So, for example, computers now,
18 a lot of them, in the interest of cybersecurity,
19 now contain software on them or things that
20 identify in a geospatial way where they are in
21 the system. And so now you could look, if you
22 have that software on the endpoint device, you

1 can look at a heat map of where the hardware is
2 and that can tell you where people are.

3 I know I'm getting into some, you
4 know, there's privacy implications here and
5 oversight implications and all those need to be
6 managed, but let's get out to a table and see
7 what the opportunities are.

8 The other really interesting dimension
9 is also just kind of the way in which Google and
10 Waze and others are tracking people's movements.
11 So, for example, if you go to, if you were at
12 Google right now and asked for the National
13 Gallery of Art, what would pop up when you search
14 the National Gallery of Art is a bar chart, 2
15 p.m., 3 p.m., 4 p.m., 5 p.m. with a bar chart
16 telling you how crowded it is at these different
17 hours. And where are they getting that
18 information? And it's my understanding that
19 they're getting it from the same way that Waze
20 knows what's going on on 395 right now in terms
21 of traffic, all this back-end telecommunications
22 data that's helping kind of see where people are

1 moving at a given point.

2 I'm just suggesting that there are
3 these ways of now potentially understanding the
4 footprint and the activity at a federal facility.
5 And, of course, there's national security
6 implications to all of this that would have to be
7 found out, but I think it's a really interesting
8 question to ask because right now the utilization
9 information is really poor and this potentially
10 would open it up to kind of more realtime
11 utilization information, and that is a big unlock
12 in my opinion in terms of understanding where
13 assets can be consolidated and disposed of. I
14 think the fact that we never really got really
15 good utilization data is something that I think
16 prevents a stronger set of insights in business
17 cases on real asset disposition. Just for your
18 own thinking. I know there's a lot of policy
19 tensions in what I just described, but I think
20 it's something that the U.S. government, GSA and
21 OMB, should be really studying and understanding
22 before it's dismissed out of hand.

1 MR. WINSTEAD: Danny, just a quick
2 comment. You know, you're absolutely correct,
3 times have changed since 2005. The technology is
4 out there, and in some of the business forums,
5 Real Estate Roundtable among them, that the
6 number of tech companies in real estate in the
7 last three or four years has just quadrupled.
8 There are a lot of startups looking at all these
9 kinds of ways to better manage property, security
10 in buildings, and all these other things.

11 But going back to the question about
12 authority, we had Dan who was here earlier talk
13 about, you know, the intended conduits. He was
14 with the committee at that point. And, you know,
15 we have this three-year leaseback authority that
16 would allow us to keep a tenant in while moves
17 occur or better use or relocation. Ground lease
18 exchange.

19 So these things weren't really around back
20 when you originally were looking at how to deal
21 with these assets, and now at least the Board has
22 some of those tools.

1 MR. WERFEL: Yes. And I think GSA was
2 successful in getting some authorities, exchange
3 authorities. There are authorities that already
4 exist. I never felt like the government was as
5 aggressive as it could be in figuring out how to
6 deploy some of those, some of those solutions,
7 again, because it's such a sensitive issue that
8 it tends to slow the scaling of how you use those
9 things.

10 And some of the leaseback issues,
11 there's also, I think, an important fundamental
12 question that an administration has to answer in
13 terms of how it wants to get to real property
14 optimization. So there are things that we can do
15 with our real property on the journey. We can
16 lease property out, we can lean more on the
17 landlord and an entrepreneur with an end game of
18 downsizing. But in the interim, we're playing
19 more of an entrepreneurial role and there are
20 people that, rightfully, have a big concern with
21 the government doing that. They don't want the
22 government to be in the business of being a

1 landlord, even if it's in order to generate
2 revenue for a bid. And let's say you have a
3 five- or ten-year strategy for an asset that's no
4 longer needed and you're going to outsource it or
5 sell it but you're going to lease it first in
6 order to kind of optimize the economics of it, it
7 might make sense from an economic standpoint, but
8 the leadership of the government at that point
9 has to be comfortable with the government taking
10 on that type of role with respect to real
11 property and that's not a given. It's something
12 that different administrations have had different
13 attitudes towards in terms of pulling on some of
14 those levers.

15 So there's the stakeholder
16 sensitivity, there's the role of government issue
17 that comes up, and then there's just kind of the
18 analytics of can we build these business cases in
19 a robust way, and do we really understand what
20 the market is, do we really understand -- there's
21 a lot that's written on the power of an asset and
22 how we can generate more revenue out of public

1 sector assets. And that's just something that
2 really, in the U.S. in particular, I don't think
3 has taken off, especially at the U.S. federal
4 level in a meaningful way.

5 Think about GSA headquarters now. We
6 have like those shops in the first floor, and
7 that seems like it's such good business and now
8 they're renting out those first floors and it's
9 good for the employees because now they have
10 different food options. But if you go around
11 town, how many of our federal buildings have
12 that? Yes, there might be security issues, but
13 it's being done at GSA. So more and more of that
14 should be being thought of and probably would not
15 really need to be on that front.

16 MS. STYLES: Well, thank you very much.

17 MR. WERFEL: Pleasure.

18 MS. STYLES: We really appreciate your
19 insights on all of these issues, and we look
20 forward to working with you more and hearing from
21 you again, I'm sure.

22 MR. WERFEL: Happy to help. Thank

1 you.

2 MS. STYLES: Thank you very much. All
3 right. So we are going to open ourselves up to
4 questions and comments from the audience. I do
5 want you to know it's being transcribed, and,
6 once we actually do get our dot gov home, we did
7 get a domain just last week, so hopefully we'll
8 eventually have a website up and running and we
9 will make the transcript available.

10 But if you do have questions, please
11 feel free to, you know, ask us. We'll do our
12 best to answer them. If you would just identify
13 your name and the organization you're with if you
14 have questions. Okay. No questions. I'm
15 surprised. Oh, there's one question.

16 MR. DONG: Good afternoon. I'm Norman
17 Dong. I'm with FD Stonewater. I'm a former
18 commissioner of the Public Buildings Service. A
19 really interesting conversation this morning
20 about the charge of this Board, and I wanted to
21 bring the conversation back to the question of
22 utilization data. I think there was a lot of

1 discussion about the imperfect nature of the
2 utilization data.

3 And I guess my question, listening to
4 the conversation and listening to the charge of
5 the Board and understanding the charge of the
6 Board, is, you know, you'll never have perfect
7 information on utilization. And as we think
8 about these high-value properties, it really kind
9 of comes back to a question not just of federal
10 use but highest and best use, knowing that you
11 could have a federal property that, quite
12 frankly, is fully occupied but it may not be the
13 most productive use or the highest economic use
14 of that asset. So I wanted to get your
15 perspective on that question.

16 MS. STYLES: Well, personally, from my
17 perspective, that's exactly the kind of thing
18 that we need to look at. I mean, it's important
19 to have a methodology to get one place, but I
20 think there's other pieces that we're never going
21 to be able to fix to come up with a perfect
22 methodology. So there's so many inconsistencies,

1 and utilization as reported by different agencies
2 you can't even say that they're an order of
3 magnitude correct from agency to agency, but
4 we're just going to have to live with that. And
5 we're probably going to have to live with
6 something that isn't a perfectly objective
7 methodology from my perspective.

8 MR. WINSTEAD: I totally, Angela, I
9 totally agree with you. Obviously, we have
10 authority and we intend, once we get it staffed
11 up, to really reach out and candidly, I know a
12 lot of your question is the whole issue of
13 property location, market, submarket, character,
14 and zoning, and what happens if you do dispose of
15 the property, what's the value created through
16 zoning? And I think we have some input from a
17 consultant that was on early on, but that's the
18 kind of input I think we will see to better
19 understand the best value in terms of
20 redevelopment opportunity.

21 And in that regard, obviously, the
22 economic development authorities, candidly, any

1 host county that has a federal facility and
2 employment there would be very concerned about
3 losing the employment potentially but then,
4 again, going on the tax roll and generating tax
5 revenue from commercial private sector
6 development. So I think we'll reach out to the
7 economic development crowd where we have these
8 major assets with to raise value.

9 MR. DONG: Thank you.

10 MS. STYLES: Thank you. Any other
11 questions from the audience?

12 MR. WINSTEAD: I have one for the
13 audience just generally. The issue of looking
14 at, you know, having been there, as many of you
15 all have been there, but looking at the assets on
16 the federal level in terms of the state of those
17 assets, the real performance, in terms of
18 deferred maintenance that's been going on for
19 years in some cases because a lack of budgeted
20 funds, candidly. The Federal Buildings Fund is
21 capped out I know when I was there, and it's
22 still the case with the bulk of the monies going

1 to the courts and the border stations. So it's
2 subsumed by expansion needs at the border and the
3 security at federal courts. But is there any
4 thought out there on sort of the state of federal
5 inventory, if you will, that could be helpful to
6 us? And if not, that's okay.

7 MS. STYLES: Well, we have processes
8 in place ultimately for people to provide, you
9 know, public written comment, as well. We just
10 haven't gotten to that point yet, so we will get
11 there. So, people, think about it, think about
12 the issues that you've heard about here today and
13 actually submitting formal comments to us because
14 that's really helpful to us, too.

15 Okay. I think we're ready to close
16 out. Does anyone have any closing comments?

17 MR. WINSTEAD: Well, Angela, you know,
18 I think that we, candidly, we have all the right
19 people or samples of right people in federal
20 agencies. I think it was very helpful.

21 MS. STYLES: I actually thought it was
22 great. Pulled together in six weeks and to have

1 such a good group of people come here and speak
2 with us, so we look forward to working with
3 everybody in the future and thank you for coming.

4 (Whereupon, the above-entitled matter
5 went off the record at 12:21 p.m.)

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C E R T I F I C A T E

This is to certify that the foregoing transcript

In the matter of: Public Meeting

Before: Public Buildings Reform Board

Date: 06-17-19

Place: Washington, DC

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