

**U.S. General Services Administration**

**PERMANENT BUDGET AUTHORITY**

**Fiscal Year 2024 Congressional Justification**

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## **Transportation Audit Contracts and Contract Administration**

### **Program Description**

This permanent, indefinite appropriation provides for the detection and recovery of overpayments to carriers for Government moves under rate and service agreements established by the U.S. General Services Administration (GSA) or other Federal agency transportation managers. Program expenses are financed from overcharges collected from Transportation Service Providers (TSPs) as a result of post payment audits examining the validity, propriety, and conformity of charges with the proper rate authority. Funds recovered in excess of expenses are returned to the U.S. Department of the Treasury (Treasury).

### **Authorizing Legislation**

The Expenses of Transportation Audit Contracts and Contract Administration appropriation is permanently authorized by 31 U.S.C. § 3726(e): “Sec. 3726. Payment for transportation (e) Expenses of transportation audit post payment contracts and contract administration, and the expenses of all other transportation audit and audit-related functions conferred upon the Administrator of General Services, shall be financed from overpayments collected from carriers on transportation bills paid by the Government and other similar type refunds, not to exceed collections. Payment to any contractor for audit services shall not exceed 50 percent of the overpayment identified by contract audit.”

### **FY 2023 Operating Plan and FY 2024 Budget Request**

The Transportation Audits program is managed by the Federal Acquisition Service (FAS) in the Travel, Transportation and Logistics (TTL) Portfolio. The FY 2024 budget request includes a mandatory appropriation amount of \$17.58 million for the Transportation Audits program to continue its focus on prepayment oversight and post payment audits of Government-wide transportation bills and recoveries of overcharges.

The program office will oversee the implementation and performance of prepayment audits for transportation services procured around the world by Federal agencies; conduct post payment audits of transportation bills; execute the collection of overcharges; validate overcharges via evidence, regulation, and background; adjudicate claims brought by TSPs and Federal agencies as needed; handle bankruptcies and litigation related to TSPs for Federal agencies; and act as an expert in court cases as needed.

In FY 2022, Transportation Audits continued to streamline business operations, while capitalizing on efficiencies and improvements gained through IT systems modernization efforts. These efforts helped to optimize operations, improved service delivery, and increased customer and stakeholder confidence. In FY 2023 and FY 2024, the program will continue to promote partnerships to increase the amount of data received and drive automated submission of overcharges.

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In FY 2022, there was a planned surge in collections tied to outstanding receivables set to expire at the end of the Fiscal Year. With the surge in collections, there is a related increase in spending tied to commission payments to the third-party vendor that is used to conduct the audits as that vendor is entitled to a commission when an overcharge is collected by GSA. In FY 2023 and FY 2024, collections and spending are planned to remain at elevated levels due to new access to Time Definite Service Level transactions with the Defense Freight Transportation Services. The program will continue to monitor the Department of Defense procurement services transition for the associated impacts on collections, vendor claims, and the approach for the future execution of audits.

**Obligations by Object Classification**

(Dollars in Thousands)

		FY 2022 Actual	FY 2023 Plan	FY 2024 Plan
11.1	Full-time, permanent	\$ 2,877	\$ 3,977	\$ 4,132
11.3	Other than full-time permanent	\$ -	\$ -	\$ -
11.5	Other personnel compensation	\$ 64	\$ 87	\$ 91
12.1	Civilian personnel benefits	\$ 928	\$ 1,178	\$ 1,224
21.0	Travel and transportation of persons	\$ 3	\$ 29	\$ 29
22.0	Transportation of things	\$ -	\$ -	\$ -
23.1	Rental payments to GSA	\$ -	\$ -	\$ -
23.3	Communications and utilities	\$ -	\$ -	\$ -
24.0	Printing and reproduction	\$ -	\$ -	\$ -
25.1	Advisory and assistance services	\$ 8,656	\$ 9,315	\$ 9,286
25.2	Other services from non-Federal sources	\$ -	\$ 42	\$ 42
25.3	Other goods and services from Federal sources	\$ 1,392	\$ 1,362	\$ 1,705
26.0	Supplies and materials	\$ -	\$ 11	\$ 11
31.0	Equipment	\$ 2	\$ 57	\$ 57
<b>99.0</b>	<b>Obligations, appropriated (annual)</b>	<b>\$ 13,922</b>	<b>\$ 16,059</b>	<b>\$ 16,577</b>
	Subtotal, PC&B	\$ 3,869	\$ 5,242	\$ 5,447
	Subtotal, Non-labor	\$ 10,053	\$ 10,816	\$ 11,130
99.9	Total obligations	<b>\$ 13,922</b>	<b>\$ 16,059</b>	<b>\$ 16,577</b>
<b>FTE</b>		<b>25.9</b>	<b>32.0</b>	<b>32.0</b>

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**Amounts Available for Obligation**

(Dollars in Thousands)

**Special Fund Receipts:**

	FY 2022 Actual	FY 2023 Plan	FY 2024 Plan
Balance, start of year	\$ 27,845	\$ 44,468	\$ 70,361
Receipts	\$ 28,846	\$ 34,500	\$ 38,000
Sequestration	\$ 945	\$ 971	\$ 1,002
Excess collections returned to Treasury	\$ -	\$ -	\$ -
Appropriation to the expenditure fund	<b>\$ (16,586)</b>	<b>\$ (17,030)</b>	<b>\$ (17,579)</b>
Unobligated balance expired from expenditure fund	\$ 3,417	\$ 7,452	\$ 5,152
Balance, end of year	\$ 44,468	\$ 70,361	\$ 96,936

**Special Fund Expenditures:**

	FY 2022 Actual	FY 2023 Plan	FY 2024 Plan
Mandatory authority:			
Appropriation	\$ 16,586	\$ 17,030	\$ 17,579
Sequestration	\$ (945)	\$ (971)	\$ (1,002)
Unobligated balance, end of year	\$ (1,718)	\$ -	\$ -
Total obligations	<b>\$ 13,922</b>	<b>\$ 16,059</b>	<b>\$ 16,577</b>
Net Outlays	\$ 12,249	\$ 15,418	\$ 16,422

## **Acquisition Workforce Training Fund**

### **Program Description**

The Acquisition Workforce Training Fund (AWTF) is a permanent, indefinite appropriation providing a source of funds to train the Federal acquisition workforce. The AWTF is currently financed through a credit of five percent of the fees collected from non-Department of Defense activities by GSA and other civilian agencies that manage Government-wide Acquisition Contracts (GWACs), Multiple Award Schedule (MAS) contracts entered into by the Administrator of General Services, and other multi-agency contracts. Receipts are available for expenditure in the fiscal year collected, in addition to the two following fiscal years. The AWTF is managed by the Administrator of General Services through GSA's Federal Acquisition Institute (FAI) in consultation with the Office of Federal Procurement Policy (OFPP) and the FAI Board of Directors. The fund was created to ensure that the Government's non-defense acquisition workforce has sufficient training resources to adapt to the changing nature of Federal Government acquisition.

### **Authorizing Legislation**

The fund is authorized by 41 U.S.C. § 1703(i), as amended by Section 854 of Title VII of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110-181, January 28, 2008). The establishment and operation of FAI is authorized by 41 U.S.C. § 1201, as amended by Section 864 of Title VIII of the National Defense Authorization Act for Fiscal Year 2012 (Public Law 112-81, December 31, 2011).

### **Administration Proposal**

The Administration is pursuing a legislative proposal to increase the credit of fees collected from certain Government-wide acquisition contracts from five percent to seven and a half percent. The increase in the credit will allow GSA to address a critical deficiency in the training and support the Government provides to our acquisition professionals and position the acquisition workforce to procure, deliver, and sustain mission-execution resources. Increasing the AWTF credit will allow the Government to keep up with short-term training demands (e.g. new training legislation, increased contract expenditures) and meet long-term workforce challenges such as technical knowledge gaps, new acquisition laws and regulations, and an aging acquisition workforce). Without the additional funding authority, the Government risks being unable to adequately implement new statutory training requirements, deliver fundamental training to new entrants to the acquisition workforce, and develop and deliver the advanced training needed to keep up with a continuously evolving procurement environment.

Adjusting the AWTF credit does not require additional appropriations and is a relatively frictionless way of ensuring the Federal acquisition workforce is prepared for today's and tomorrow's challenges. Since GSA manages the fund through FAI, but also contributes about 90% of the fees credited to it, this proposal would essentially authorize GSA to reallocate a

greater proportion of fees it already collects for acquisition workforce training with no anticipated increase in fees charged on Government-wide acquisition contracts.

This proposal entails increasing the AWTF credit from 5% to 7.5%. This is estimated to be a \$11.5 million increase to the fund's collections in FY 2024, with FAI retaining \$7.5 million of the new funds and the remaining \$4 million being transferred to the Defense Acquisition University (DAU).

In FY 2022, \$22 million was credited to the fund, with FAI retaining \$14 million and the remaining \$8 million being transferred to DAU. Approximately \$20 million of those credits came from fees collected by GSA for the use of its applicable contracts (e.g. such as Federal Supply Schedules, and Government-wide Acquisition Contracts). If the FY 2022 credit collection rate (5%) had been increased to the proposed 7.5% rate, total collections would have been approximately \$33 million, with \$21 million being retained by FAI and \$12 million being transferred to DAU. GSA-collected fees would have accounted for \$30 million of the total \$33 million in fund credits.

**Changes to Existing Law:** This proposal would make the following changes to section 1703(i) of title 41, United States Code (changes in **bold**; additions in underline and deletions in ~~strikethrough~~):

(i) Training Fund.—

(1) Purposes.—The purposes of this subsection are to ensure that the Federal acquisition workforce—

(A) adapts to fundamental changes in the nature of Federal Government acquisition of property and services associated with the changing roles of the Federal Government; and

(B) acquires new skills and a new perspective to enable it to contribute effectively in the changing environment of the 21st century.

(2) Establishment and management of fund.—There is an acquisition workforce training fund. The Administrator of General Services shall manage the fund through the Federal Acquisition Institute to support the activities set forth in section 1201(a) of this title, except as provided in paragraph (5). The Administrator of General Services shall consult with the Administrator [1] [2] in managing the fund.

(3) Credits to fund[3] [4] .—Seven and a half percent of the fees collected by executive agencies (other than the Department of Defense) under the following contracts shall be credited to the fund:

(A) Government-wide task and delivery-order contracts entered into under sections 4103 and 4105 of this title.

(B) Government-wide contracts for the acquisition of information technology as defined in section 11101 of title 40 and multi agency acquisition contracts for that technology authorized by section 11314 of title 40.

(C) multiple-award schedule contracts entered into by the Administrator of General Services.

(4) Remittance by head of executive agency.—The head of an executive agency that administers a contract described in paragraph (3) shall remit to the General Services Administration the amount required to be credited to the fund with respect to the contract at the end of each quarter of the fiscal year.

(5) Transfer and use of fees collected from the Department of Defense.—The Administrator of General Services shall transfer to the Secretary of Defense fees collected from the Department of Defense pursuant to paragraph (3). The Defense Acquisition University shall use the fees for acquisition workforce training.

(6) Amounts not to be used for other purposes.—The Administrator of General Services, through the Office of Federal Procurement <sup>1</sup> [*Footnote: So in original. Probably should be "Procurement"*].[\[5\]](#) [\[6\]](#)

Policy, shall ensure that amounts collected under this section are not used for a purpose other than the activities set forth in section 1201(a) of this title.

(7) Amounts are in addition to other amounts for education and training.—Amounts credited to the fund are in addition to amounts requested and appropriated for education and training referred to in subsection (h)(1).

(8) Availability of amounts.—Amounts credited to the fund remain available to be expended only in the fiscal year for which they are credited and the 2 succeeding fiscal years.

## **FY 2023 Operating Plan and FY 2024 Budget Request**

The FY 2024 budget request includes a mandatory appropriation amount of \$21.3 million in new collections for FAI programs. The Board of Directors has reviewed the FAI programs to identify where continued AWTF funding is most needed to effectively support FAI's mission and goals. AWTF funds are used to execute FAI's 12 statutory responsibilities stated in 41 U.S.C. § 1201(a).

FAI supports professional development of the civilian agency acquisition workforce by ensuring the availability of learning and career development opportunities. The funds collected by the AWTF support FAI activities in the following three revised programs:

### **FAI Business Operations**

This program is used for FAI's mission, operational infrastructure, and strategic planning execution. It combines previously defined Human Capital Initiative and Operations and Logistics Support programs funding. The funding provides for FAI personnel salaries, travel, training and PM operational support.

### **Learning and Development**

This program is used to develop learning assets and deliver training to the AWF. It is also used for AWF human capital research studies and to support Government-wide acquisition human capital initiatives. It combines previously defined Curriculum Development and Training Delivery programs funding. The funding provides for development, delivery, and maintenance of learning and career development activities, human capital and acquisition workforce management initiatives.

### **Information Technology and Data Reporting**

This program is used to support Federal acquisition workforce technology systems and related initiatives. The funding provides for overarching IT operations, maintenance, and enhancement activities. FAI.gov operations and maintenance and FAI's Cornerstone on Demand (CSOD) support contract.



**Amounts Available for Obligation**

(Dollars in Thousands)

**Special Fund Receipt**

	FY 2022 Actual	FY 2023 Plan	FY 2024 Plan
Balance, start of year.....	\$ 1,590	\$ 4,117	\$ 1,195
Receipts.....	\$ 12,849	\$ 13,756	\$ 21,495
<b>Appropriation to the expenditure fund.....</b>	<b>\$(10,322)</b>	<b>\$(16,678)</b>	<b>\$(21,300)</b>
Balance, end of year.....	\$ 4,117	\$ 1,195	\$ 1,390

**Special Fund Expenditure**

	FY 2022 Current	FY 2023 Plan	FY 2024 Request
Unobligated balance, start of year.....	\$ 23,120	\$ 21,902	\$ 21,902
Carry over of unobligated balances.....	\$ 3,280	\$ -	\$ -
Mandatory authority:			
Appropriation.....	\$ 9,956	\$ 16,678	\$ 21,300
Unobligated balance, expiring.....	\$ -	\$ -	\$ -
<b>Total Obligations.....</b>	<b>\$(11,922)</b>	<b>\$(16,678)</b>	<b>\$(21,300)</b>
Unobligated balance, end of year.....	\$ 21,902	\$ 21,902	\$ 21,902
<i>Net Outlays</i>	<i>\$ 8,960</i>	<i>\$ 15,010</i>	<i>\$ 19,170</i>

*Note: If the legislative proposal is enacted, the receipts fees rate from Government-wide Awarded Contracts will increase from 5% to 7.5%, resulting in addition collections in 2024.*

**Obligations by Object Class**

(Dollars in Thousands)

	FY 2022 Actual	FY 2023 Plan	FY 2024 Plan
11.1 Full-time permanent	\$ 1,644	\$ 1,664	\$ 2,889
11.5 Other personnel compensation	\$ 28	\$ 47	\$ 74
11.8 Special personnel services payments	\$ -	\$ 200	\$ 200
12.1 Civilian personnel benefits	\$ 560	\$ 705	\$ 1,067
25.1 Advisory and assistance services	\$ 3,517	\$ 7,817	\$ 9,835
25.3 Other goods & services from Federal sources	\$ 4,201	\$ 6,235	\$ 7,225
26.0 Supplies and Materials	\$ 6	\$ 10	\$ 10
<b>99.0 Total obligations</b>	<b>\$ 9,956</b>	<b>\$ 16,678</b>	<b>\$ 21,300</b>

## **Expenses, Disposal of Surplus Real and Related Personal Property**

### **Program Description**

This mandatory appropriation provides for the efficient disposal of real property assets that no longer meet the needs of landholding Federal agencies. The following costs are paid through receipts from such disposals each fiscal year: fees of auctioneers, brokers, appraisers, and environmental consultants; surveying costs; costs of advertising; costs of environmental and historical preservation services; highest and best use of property studies; property utilization studies; deed compliance inspections; and other disposal costs. GSA leverages the expertise of auctioneers and brokers familiar with local markets to accelerate the disposal of surplus real property.

### **Authorizing Legislation**

The Expenses, Disposal of Surplus Real and Related Personal Property appropriation is permanently authorized by 40 U.S.C. § 572(a). The appropriation is authorized to pay expenses directly or to reimburse another account for expenses paid. The total amount paid and reimbursed in a fiscal year may not exceed 12 percent of the receipts available in GSA's Expenses, Disposal of Surplus Real and Related Personal Property receipt account. Proceeds from the disposal of Federal real property are deposited into GSA's Expenses, Disposal of Surplus Real and Related Personal Property receipt account and funds deemed in excess of the Real Property Disposal program's long-term requirements must be transferred to the Land and Water Conservation Fund in accordance with 54 U.S.C. § 200302.

The types of expenses that may be paid or reimbursed are limited to specific, enumerated expenditures listed in 40 U.S.C. § 572(a)(2)(A) including:

- (i) Costs of appraisers, auctioneers, and realty brokers, in accordance with the scale customarily paid in similar commercial transactions.
- (ii) Costs of environmental and historic preservation services, highest and best use of property studies, utilization of property studies, deed compliance inspections, targeted asset reviews and the expenses incurred in approved relocations.
- (iii) Costs of advertising and surveying.

### **Administration Proposal**

The President's Budget supports the expansion of the allowable uses of the disposal fund. The expanded authority will allow GSA to better assist agencies in identifying and preparing real property prior to the agency declaring a property excess. Currently, agencies do not always complete these types of activities because agencies must fund the activities from limited resources. This expanded authority will allow GSA to help agencies in rightsizing their portfolios as COVID-19 leads to potentially smaller space requirements by providing the funding required

to assess and prepare potential excess properties for disposal; funds will then be recovered from the proceeds of sale.

Here is the language that will be included as part of a separate legislative authority proposal:

*Notwithstanding limitations contained in subsection 572(a) of title 40, United States Code, the Administrator of General Services is authorized to use the fund established in section 572 to assist agencies in identifying, preparing, and divesting property, including costs related to identifying and preparing real property to be divested and costs related to assisting agencies with the identification, preparation, and divestiture of real property, and the Administrator is authorized to be reimbursed for such costs from the proceeds of the sale of such properties.*

**FY 2023 Operating Plan and FY 2024 Budget Estimate**

The FY 2024 budget request includes a mandatory appropriation of \$10.876 million for the Real Property Disposal program. Obligations are based on properties planned for disposal in each year. Financing is provided through receipts from sales of surplus property and outleasing of Government-owned space.

**Obligations by Object Classification**

(Dollars in Thousands)

		FY 2022	FY 2023	FY 2024
		Actual	Plan	Plan
21.0	Travel and transportation	\$ -	\$ 50	\$ 50
24.0	Printing and reproduction	\$ 9	\$ 129	\$ 129
25.1	Advisory and assistance services	\$ 311	\$ 9,391	\$ 9,391
25.2	Other services from non-Federal sources	\$ 141	\$ 119	\$ 119
25.3	Other goods & services from Federal sources	\$ -	\$ 547	\$ 547
25.7	Operation and maintenance of equipment	\$ -	\$ 20	\$ 20
<b>99.9</b>	<b>Total obligations</b>	<b>\$ 461</b>	<b>\$ 10,256</b>	<b>\$ 10,256</b>

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**Amounts Available for Obligation**

(Dollars in Thousands)

**Special Fund Receipts:**

	FY 2022 Actual	FY 2023 Plan	FY 2024 Plan
Balance, start of year.....	\$ 77,405	\$ 78,562	\$ 77,306
Receipts, real property disposal.....	\$ 8,546	\$ 8,000	\$ 6,000
Receipts, outleasing.....	\$ -	\$ 3,000	\$ 3,000
Subtotal Net receipts.....	\$ 8,546	\$ 11,000	\$ 9,000
<b>Appropriation to the expenditure fund.....</b>	<b>\$ (2,059)</b>	<b>\$ (10,876)</b>	<b>\$ (10,876)</b>
Sequestration.....	\$ 559	\$ 620	\$ 620
<b>Total budgetary resources.....</b>	<b>\$ (1,500)</b>	<b>\$ (10,256)</b>	<b>\$ (10,256)</b>
Transfer to Land and Water Fund, DOI.....	\$ (7,282)	\$ (2,000)	\$ (2,000)
Unobligated balance, transferred in from Expenditure Fund.....	\$ 1,393	\$ -	\$ -
Fund Expenditures.....	\$ -	\$ -	\$ -
Balance, end of year.....	\$ 78,562	\$ 77,306	\$ 74,050

**Special Fund Expenditures:**

	FY 2022 Actual	FY 2023 Plan	FY 2024 Plan
Mandatory authority			
<b>Appropriation.....</b>	<b>\$ 2,059</b>	<b>\$ 10,876</b>	<b>\$ 10,876</b>
Unobligated balance, sequestered.....	\$ -	\$ (620)	\$ (620)
Unobligated balance.....	\$ 3,318	\$ -	\$ -
<b>Total obligations.....</b>	<b>\$ (1,259)</b>	<b>\$ 10,256</b>	<b>\$ 10,256</b>
Net Outlays.....	\$ (1,259)	\$ 10,256	\$ 10,256

Note: In accordance with 54 U.S.C. § 200302, any receipts in excess of the long-term requirements of the GSA Expenses, Disposal of Surplus Real and Related Personal Property Fund must be transferred out of the Fund and deposited into the Land and Water Conservation Fund of the U.S. Department of the Interior.

**Obligations by Program Activity**

(Dollars in Thousands)

	FY 2022 Actual	FY 2023 Plan	FY 2024 Plan
1. Utilization and Disposal - Real Property			
a. Appraisers, auctioneers, brokers fees, surveying	\$ 112	\$ 2,669	\$ 2,669
b. Advertising	\$ 189	\$ 1,186	\$ 1,186
c. Environmental Services	\$ 7	\$ 2,633	\$ 2,633
d. Historical Preservation Services	\$ -	\$ 884	\$ 884
e. Highest and best use of property studies, utilization of property studies, Targeted Asset Reviews (TARS), deed compliance inspections	\$ 141	\$ 2,342	\$ 2,342
f. Expenses incurred in a Relocation	\$ -	\$ -	\$ -
g. Personnel compensation	\$ -	\$ -	\$ -
h. Personnel benefits	\$ -	\$ -	\$ -
i. Administrative support	\$ -	\$ 305	\$ 305
j. Travel expenses	\$ -	\$ 122	\$ 122
Subtotal, Utilization and Disposal of Real Property	\$ 449	\$ 10,141	\$ 10,141
2. Outleasing of Government-owned Space			
a. Appraisers, auctioneers, brokers fees, surveying	\$ 12	\$ 100	\$ 100
b. Advertising	\$ -	\$ 15	\$ 15
Subtotal, Outleasing	\$ 12	\$ 115	\$ 115
<b>Total obligations</b>	<b>\$ 461</b>	<b>\$ 10,256</b>	<b>\$ 10,256</b>

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