

114TH CONGRESS
1ST SESSION

S. 2375

To decrease the deficit by consolidating and selling excess Federal tangible property, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 8, 2015

Mr. JOHNSON (for himself, Mr. WARNER, Mr. BLUNT, Mr. PORTMAN, and Mr. LANKFORD) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To decrease the deficit by consolidating and selling excess Federal tangible property, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Asset Sale
5 and Transfer Act of 2015”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

8 (1) ADMINISTRATOR.—The term “Adminis-
9 trator” means the Administrator of General Serv-
10 ices.

1 (2) BOARD.—The term “Board” means the
2 Federal Tangible Property Management Reform
3 Board established by section 3.

4 (3) DIRECTOR.—The term “Director” means
5 the Director of the Office of Management and Budget.
6 et.

7 (4) FEDERAL AGENCY.—The term “Federal
8 agency” means—

9 (A) an executive department or inde-
10 pendent establishment in the executive branch
11 of the Government; and

12 (B) a wholly owned Government corpora-
13 tion.

14 (5) FEDERAL CIVILIAN REAL PROPERTY AND
15 CIVILIAN REAL PROPERTY.—

16 (A) IN GENERAL.—The terms “Federal ci-
17 vilian real property” and “civilian real prop-
18 erty” mean Federal real property assets, includ-
19 ing—

20 (i) public buildings (as defined in sec-
21 tion 3301 of title 40, United States Code);

22 (ii) occupied and improved grounds;

23 (iii) leased space; and

1 (iv) other physical structures under
2 the custody and control of any Federal
3 agency.

4 (B) EXCLUSIONS.—The terms “Federal ci-
5 vilian real property” and “civilian real prop-
6 erty” do not include—

7 (i) property that is on a military in-
8 stallation (as defined in section 2910 of
9 the Defense Base Closure and Realignment
10 Act of 1990 (10 U.S.C. 2687 note; Public
11 Law 101–510)) (including any fort, camp,
12 post, naval training station, airfield, prov-
13 ing ground, military supply depot, military
14 school, or any similar facility of the De-
15 partment of Defense);

16 (ii) a base, camp, post, station, yard,
17 center, homeport facility for any ship, or
18 any activity under the jurisdiction of the
19 Coast Guard;

20 (iii) property that is excluded for rea-
21 sons of national security by the Director of
22 the Office of Management and Budget;

23 (iv) property that is excepted from the
24 definition of the term “property” under

1 section 102 of title 40, United States
2 Code;

3 (v) Indian and Native Alaskan prop-
4 erty, including—

5 (I) any property within the limits
6 of any Indian reservation to which the
7 United States owns title for the ben-
8 efit of an Indian tribe; and

9 (II) any property title which is
10 held in trust by the United States for
11 the benefit of any Indian tribe or indi-
12 vidual or held by an Indian tribe or
13 individual subject to restriction by the
14 United States against alienation;

15 (vi) property operated and maintained
16 by the Tennessee Valley Authority pursu-
17 ant to the Tennessee Valley Authority Act
18 of 1933 (16 U.S.C. 831 et seq.);

19 (vii) property used in connection with
20 river, harbor, flood control, reclamation, or
21 power projects; and

22 (viii) property located outside the
23 United States that is operated or main-
24 tained by the Department of State or the

1 United States Agency for International
2 Development.

3 (6) FEDERAL TANGIBLE PROPERTY.—

4 (A) IN GENERAL.—The term “Federal tan-
5 gible property” means any physical property
6 and Federal civilian real property under the
7 custody and control of any Federal agency that
8 exceeds \$50,000 in value.

9 (B) EXCLUSION.—The term “Federal tan-
10 gible property” does not include any records of
11 the Federal Government.

12 (7) FIELD OFFICE.—The term “field office”
13 means any office of a Federal agency that is not the
14 headquarters office location for the Federal agency.

15 **SEC. 3. FEDERAL TANGIBLE PROPERTY MANAGEMENT RE-**
16 **FORM BOARD.**

17 (a) ESTABLISHMENT.—There is established an inde-
18 pendent board to be known as the Federal Tangible Prop-
19 erty Management Reform Board.

20 (b) DUTIES.—The Board shall carry out the duties
21 described in section 5.

22 (c) MEMBERSHIP.—

23 (1) IN GENERAL.—The Board shall be com-
24 posed of—

1 (A) a Chairperson appointed by the Presi-
2 dent, by and with the advice and consent of the
3 Senate; and

4 (B) 6 members appointed by the President.

5 (2) APPOINTMENTS.—In making appointments
6 to the Board under paragraph (1)(B), the President
7 shall consult with—

8 (A) the Speaker of the House of Rep-
9 resentatives concerning the appointment of 2
10 members;

11 (B) the majority leader of the Senate con-
12 cerning the appointment of 2 members;

13 (C) the minority leader of the House of
14 Representatives concerning the appointment of
15 1 member; and

16 (D) the minority leader of the Senate con-
17 cerning the appointment of 1 member.

18 (3) TERMS.—The term for each member of the
19 Board shall be 6 years.

20 (4) VACANCIES.—A vacancy on the Board shall
21 be filled in the same manner in which the original
22 appointment was made.

23 (5) QUALIFICATIONS.—In making appointments
24 to the Board, the President shall ensure that the

1 Board contains individuals with expertise representa-
2 tive of—

3 (A) commercial real estate and redevelop-
4 ment;

5 (B) space optimization and utilization;

6 (C) community development, including
7 transportation and planning; and

8 (D) personal property management, includ-
9 ing property accountability, disposal, and recy-
10 cling of equipment.

11 (d) BOARD MEETINGS.—

12 (1) OPEN MEETINGS.—

13 (A) IN GENERAL.—Each meeting of the
14 Board, other than meetings in which classified
15 information is to be discussed, shall—

16 (i) be open to the public; and

17 (ii) be announced in the Federal Reg-
18 ister and the Federal Web site established
19 by the Board at least 14 calendar days in
20 advance of a meeting.

21 (B) AGENDA; MATERIALS.—For each
22 meeting, the Board shall release an agenda and
23 a listing of materials relevant to the topics to
24 be discussed.

1 (2) QUORUM AND MEETINGS.—Of the members
2 of the Board—

3 (A) 5 shall constitute a quorum for the
4 purposes of conducting business; and

5 (B) 3 or more shall constitute a meeting of
6 the Board.

7 (3) TRANSPARENCY OF INFORMATION.—

8 (A) CONGRESS.—All the proceedings, in-
9 formation, and deliberations of the Board shall
10 be open, on request, to the Chairperson and the
11 ranking minority party member, and the respec-
12 tive subcommittee Chairperson and ranking mi-
13 nority party member, of—

14 (i) the Committee on Oversight and
15 Government Reform of the House of Rep-
16 resentatives;

17 (ii) the Committee on Homeland Se-
18 curity and Governmental Affairs of the
19 Senate;

20 (iii) the Committee on Appropriations
21 of the House of Representatives; and

22 (iv) the Committee on Appropriations
23 of the Senate.

24 (B) GOVERNMENT ACCOUNTABILITY OF-
25 FICE.—All proceedings, information, and delib-

1 erations of the Board shall be open, on request,
2 to the Comptroller General of the United
3 States.

4 (e) COMPENSATION AND TRAVEL EXPENSES.—

5 (1) COMPENSATION.—

6 (A) RATE OF PAY FOR MEMBERS.—Each
7 member of the Board, other than the Chair-
8 person, shall be paid at a rate equal to the daily
9 equivalent of the minimum annual rate of basic
10 pay payable for level IV of the Executive Sched-
11 ule under section 5315 of title 5, United States
12 Code, for each day (including travel time) dur-
13 ing which the member is engaged in the actual
14 performance of duties vested in the Board.

15 (B) RATE OF PAY FOR CHAIRPERSON.—

16 The Chairperson of the Board shall be paid for
17 each day referred to in subparagraph (A) at a
18 rate equal to the daily equivalent of the min-
19 imum annual rate of basic pay payable for level
20 III of the Executive Schedule under section
21 5314, of title 5, United States Code.

22 (2) TRAVEL.—A member of the Board shall re-
23 ceive travel expenses, including per diem in lieu of
24 subsistence, in accordance with sections 5702 and
25 5703 of title 5, United States Code.

1 (f) EXECUTIVE DIRECTOR.—

2 (1) APPOINTMENT.—The Board—

3 (A) shall appoint an Executive Director;

4 and

5 (B) shall not be required to comply with

6 the provisions of title 5, United States Code,

7 governing appointments in the competitive serv-

8 ice.

9 (2) RATE OF PAY FOR DIRECTOR.—The Execu-
10 tive Director shall be paid at the rate of basic pay
11 payable for level IV of the Executive Schedule under
12 section 5315 of title 5, United States Code.

13 (g) STAFF.—

14 (1) ADDITIONAL PERSONNEL.—Subject to para-
15 graph (2), the Executive Director may request addi-
16 tional personnel detailed from Federal agencies.

17 (2) DETAIL EMPLOYEES FROM OTHER AGEN-
18 CIES.—On request of the Chairperson and after ap-
19 proval of the Director, the head of any Federal
20 agency shall detail the requested personnel of that
21 agency to the Board to assist the Board in carrying
22 out the duties of the Board.

23 (3) QUALIFICATIONS.—Appointments shall be
24 made with consideration of a balance of expertise

1 consistent with the qualifications of representatives
2 described in subsection (c)(5).

3 (h) CONTRACTING AUTHORITY.—

4 (1) EXPERTS AND CONSULTANTS.—The Board,
5 to the maximum extent practicable and subject to
6 the availability of appropriations, shall use existing
7 contracts, including nonappropriated contracts, en-
8 tered into by the Administrator for services nec-
9 essary to carry out the duties of the Board.

10 (2) OFFICE SPACE.—The Administrator, in
11 consultation with the Board, shall identify and pro-
12 vide, without charge, suitable office space within the
13 Federal property inventory to house the operations
14 of the Board.

15 (3) PERSONAL PROPERTY.—The Administrator
16 shall provide to the Board any personal property al-
17 ready in the custody and control of the Adminis-
18 trator that is needed to carry out the duties of the
19 Board.

20 (i) TERMINATION OF BOARD.—The Board and the
21 authority of the Board shall terminate on the date that
22 is 6 years after the date of enactment of this Act.

1 **SEC. 4. DEVELOPMENT OF RECOMMENDATIONS TO THE**
2 **BOARD.**

3 (a) SUBMISSIONS OF AGENCY INFORMATION AND
4 RECOMMENDATIONS.—Not later than 120 days after the
5 date of enactment of this Act and not later than 120 days
6 after the beginning of each fiscal year thereafter, the head
7 of each Federal agency shall submit to the Administrator
8 and the Director the following:

9 (1) CURRENT DATA ON REAL PROPERTY.—Cur-
10 rent data of all Federal civilian real properties
11 owned, leased, or controlled by the respective agency
12 (including all relevant information prescribed by the
13 Administrator and the Director), including data re-
14 lating to—

15 (A) the age and condition of the property;

16 (B) operating costs;

17 (C) the history of capital expenditures;

18 (D) sustainability metrics;

19 (E) the number of Federal employees and
20 functions housed in the respective property; and

21 (F) the square footage (including gross,
22 rentable, and usable) of each property.

23 (2) CURRENT DATA ON PHYSICAL PROPERTY.—
24 Current data of all Federal physical property owned,
25 leased, or controlled by the respective agency (in-
26 cluding all relevant information prescribed by the

1 Administrator and the Director), including data re-
2 lating to—

3 (A) the age and condition of the property;

4 (B) operating costs;

5 (C) the history of capital expenditures; and

6 (D) warehousing and storage costs.

7 (3) AGENCY RECOMMENDATIONS.—Recommen-
8 dations as to—

9 (A) any Federal tangible properties that
10 can be sold for proceeds and otherwise disposed
11 of, reported as excess, declared surplus, or
12 outleased or are otherwise no longer meeting
13 the needs of the agency, excluding leasebacks or
14 other exchange agreements where the property
15 continues to be used by the agency;

16 (B) any Federal tangible properties that
17 can be transferred, exchanged, consolidated, co-
18 located, reconfigured, shared, or redeveloped—

19 (i) to reduce the tangible property in-
20 ventory;

21 (ii) to reduce the operating costs of
22 the Federal Government; and

23 (iii) to create the highest value and
24 return for the taxpayer; and

1 (C) operational efficiencies that may be re-
2 alized by the Federal Government in the oper-
3 ation and maintenance of Federal tangible
4 properties.

5 (b) STANDARDS AND CRITERIA.—Not later than 60
6 days after each date specified in subsection (a), the Direc-
7 tor, in consultation with the Administrator, shall—

8 (1) review agency recommendations submitted
9 pursuant to subsection (a);

10 (2) develop consistent standards and criteria
11 against which agency recommendations will be re-
12 viewed, which shall be developed taking into consid-
13 eration—

14 (A) the extent to which a Federal building
15 or facility could be sold (including property that
16 is no longer meeting the needs of the Federal
17 Government), redeveloped, outleased, or other-
18 wise used to produce the highest and best value
19 and return for the taxpayer;

20 (B) the extent and timing of potential
21 costs and savings, including the number of
22 years, beginning with the date of completion of
23 the proposed recommendation;

24 (C) for real property—

1 (i) the extent to which the operating
2 and maintenance costs are reduced
3 through consolidating, co-locating, and re-
4 configuring space, and through realizing
5 other operational efficiencies;

6 (ii) the extent to which the utilization
7 rate is being maximized and is consistent
8 with nongovernmental industry standards
9 for the given function or operation;

10 (iii) the extent to which reliance on
11 leasing for long-term space needs is re-
12 duced;

13 (iv) the extent to which a Federal
14 building or facility aligns with the current
15 mission of the applicable Federal agency;

16 (v) the extent to which there are op-
17 portunities to consolidate similar oper-
18 ations across multiple agencies or within
19 agencies;

20 (vi) the economic impact on commu-
21 nities in the vicinity of the Federal build-
22 ing or facility; and

23 (vii) the extent to which energy con-
24 sumption is reduced; and

25 (D) for physical property—

1 (i) the extent to which the property
2 aligns with the current mission of the Fed-
3 eral agency; and

4 (ii) the extent to which warehousing
5 and storage costs can be reduced; and

6 (3) develop recommendations for the Board
7 based on the standards and criteria developed under
8 paragraph (2).

9 (c) SPECIAL RULE FOR UTILIZATION RATES.—

10 (1) IN GENERAL.—Standards developed by the
11 Director under subsection (b)(2) shall incorporate
12 and apply clear standard utilization rates consistent
13 throughout each category of space and with non-
14 government space utilization rates.

15 (2) UTILIZATION RATE.—To the extent the
16 space utilization rate of a given agency exceeds the
17 utilization rates to be applied under this subsection,
18 the Director may recommend realignment, coloca-
19 tion, consolidation, or other type of action to im-
20 prove space utilization.

21 (d) SUBMISSION TO THE BOARD.—

22 (1) IN GENERAL.—The standards, criteria, and
23 recommendations developed pursuant to subsection
24 (b)(2) shall be submitted to the Board with all sup-

1 porting information, data, analyses, and documenta-
2 tion.

3 (2) PUBLICATION.—The standards, criteria,
4 and recommendations developed pursuant to sub-
5 section (b)(2) shall be—

6 (A) published in the Federal Register; and

7 (B) submitted to—

8 (i) the committees described in section
9 3(d)(3)(A); and

10 (ii) the Comptroller General of the
11 United States.

12 (3) ACCESS TO INFORMATION.—

13 (A) IN GENERAL.—The Board shall have
14 access to all information pertaining to the rec-
15 ommendations, including supporting informa-
16 tion, data, analyses, and documentation sub-
17 mitted pursuant to subsection (a).

18 (B) INFORMATION FROM FEDERAL AGEN-
19 CIES.—On request, a Federal agency shall pro-
20 vide to the Board any additional information
21 pertaining to the civilian real property of the
22 agency.

1 **SEC. 5. DUTIES OF BOARD.**

2 (a) IDENTIFICATION OF PROPERTY REDUCTION OP-
3 PORTUNITIES.—The Board shall identify opportunities for
4 the Federal Government—

5 (1) to significantly reduce the inventory of tan-
6 gible property held by the Federal Government; and

7 (2) to reduce costs to the Federal Government.

8 (b) IDENTIFICATION OF HIGH VALUE ASSETS.—

9 (1) IDENTIFICATION OF CERTAIN REAL PROP-
10 erties.—Not later than 180 days after the date on
11 which the last Board member has been appointed
12 pursuant to section 3(c), the Board shall—

13 (A) identify not less than 5 Federal civilian
14 real properties that are not on the list of sur-
15 plus or excess as of that date with a total fair
16 market value of not less than \$500,000,000;
17 and

18 (B) submit to the Director and to Con-
19 gress a list of the properties identified pursuant
20 to subparagraph (A), which shall be—

21 (i) treated as a recommendation under
22 section 4; and

23 (ii) subject to the approval process de-
24 scribed in section 6.

25 (2) IDENTIFICATION OF CERTAIN PHYSICAL
26 PROPERTIES.—Not later than 180 days after the

1 date on which the last Board member has been ap-
2 pointed pursuant to section 3(c), the Board shall—

3 (A) identify not less than 5 Federal move-
4 able physical properties that are not on the list
5 of surplus or excess as of that date with a total
6 fair market value of not less than \$100,000;
7 and

8 (B) submit to the Director and to Con-
9 gress a list of the properties identified pursuant
10 to subparagraph (A), which shall be—

11 (i) treated as a recommendation under
12 section 4; and

13 (ii) subject to the approval process de-
14 scribed in section 6.

15 (3) INFORMATION AND DATA.—

16 (A) IN GENERAL.—To assist the Board in
17 carrying out paragraphs (1) and (2), a Federal
18 agency shall provide to the Board, on request,
19 any information and data regarding the prop-
20 erties of the Federal agency.

21 (B) FAILURE TO COMPLY.—The Board
22 shall notify the committees described in section
23 3(d)(3)(A) of any failure by any agency to com-
24 ply with a request of the Board.

1 (4) LEASEBACK RESTRICTIONS.—The Federal
2 Government may not lease back any of the existing
3 improvements on properties sold under this sub-
4 section.

5 (5) REPORT OF EXCESS.—Not later than 60
6 days after the date on which the recommendations
7 of the Board pursuant to paragraphs (1) and (2)
8 have been approved, each Federal agency with cus-
9 tody, control, or administrative jurisdiction over the
10 identified properties shall submit to the Adminis-
11 trator a report of excess.

12 (6) SALE.—Notwithstanding any other provi-
13 sion of law (except as provided in section 7(g)), the
14 Administrator shall—

15 (A) not later than 120 days after the date
16 on which the Administrator receives the report
17 of excess under paragraph (5), initiate the sale
18 of the properties identified pursuant to para-
19 graphs (1)(A) and (2)(A); and

20 (B) not later than 1 year after the date on
21 which the Administrator receives the report of
22 excess under paragraph (5), sell the properties
23 referred to in subparagraph (A) at fair market
24 value at highest and best use.

25 (c) ANALYSIS OF INVENTORY.—The Board—

1 (1) shall perform an independent analysis of the
2 inventory of Federal tangible property and the rec-
3 ommendations submitted pursuant to section 4;

4 (2) shall not be bound or limited by the rec-
5 ommendations submitted pursuant to section 4; and

6 (3) in any case in which the Board determines
7 that a Federal agency has failed to provide nec-
8 essary information, data, or adequate recommenda-
9 tions that meet the standards and criteria developed
10 under section 4(b), shall develop such recommenda-
11 tions as the Board considers to be appropriate based
12 on existing data contained in the Federal Real Prop-
13 erty Profile or other relevant information.

14 (d) RECEIPT OF INFORMATION AND PROPOSALS.—
15 Notwithstanding any other provision of law, the Board—

16 (1) may receive and consider proposals, infor-
17 mation, and other data submitted by State and local
18 officials and the private sector; and

19 (2) shall make any information received under
20 paragraph (1) publicly available.

21 (e) ACCOUNTING SYSTEM.—The Board shall—

22 (1) not later than 120 days after the date of
23 enactment of this Act, identify or develop and imple-
24 ment a system of accounting to be used to independ-

1 ently evaluate the costs of and returns on the rec-
2 ommendations provided to the Board under this Act;

3 (2) use the accounting system referred to in
4 paragraph (1) to assist in—

5 (A) developing the recommendations of the
6 Board; and

7 (B) determining the highest return to the
8 taxpayer; and

9 (3) establish a standard performance period for
10 use in carrying out paragraphs (1) and (2).

11 (f) PUBLIC HEARINGS.—

12 (1) IN GENERAL.—The Board shall conduct
13 public hearings.

14 (2) TESTIMONY.—All testimony before the
15 Board at a public hearing under this subsection
16 shall be presented under oath.

17 (g) REPORTING OF INFORMATION AND REC-
18 COMMENDATIONS.—

19 (1) IN GENERAL.—Not later than 120 days
20 after the date of receipt of recommendations pursu-
21 ant to section 4, and annually thereafter, the Board
22 shall submit to the Director, and publicly post on a
23 Federal Web site maintained by the Board, a report
24 that includes the findings, conclusions, and rec-
25 ommendations of the Board for the consolidation,

1 exchange, colocation, reconfiguration, lease reduc-
2 tion, sale, outlease, or redevelopment of Federal tan-
3 gible properties, and for other operational effi-
4 ciencies that can be realized in the operation and
5 maintenance of those properties.

6 (2) RECOMMENDATIONS FOR SALE OR DIS-
7 POSAL OF PROPERTY.—To the extent that Board
8 recommendations under paragraph (1) include the
9 sale or disposal of tangible property, those properties
10 may be reported as excess, declared surplus, or de-
11 termined as no longer meeting the needs of the Fed-
12 eral Government, excluding leasebacks or other simi-
13 lar exchange agreements in which the property con-
14 tinues to be used by the Federal Government.

15 (3) CONSENSUS IN MAJORITY.—The Board—

16 (A) shall seek to develop consensus rec-
17 ommendations; but

18 (B) if a consensus cannot be obtained, may
19 include in the report under paragraph (1) rec-
20 ommendations that are supported by a majority
21 of the Board.

22 (h) FEDERAL WEB SITE.—The Board shall establish
23 and maintain a Federal Web site for the purposes of mak-
24 ing relevant information publicly available.

1 (i) REVIEW BY GAO.—The Comptroller General of
2 the United States shall submit to Congress and to the
3 Board a report that includes—

4 (1) a detailed analysis of the recommendations
5 provided by the Board under subsection (g); and

6 (2) a description of the selection process used
7 to develop the recommendations.

8 **SEC. 6. REVIEW BY THE OFFICE OF MANAGEMENT AND**
9 **BUDGET.**

10 (a) REVIEW OF RECOMMENDATIONS.—On receipt of
11 the recommendations of the Board under section 5(g), the
12 Director shall conduct a review of the recommendations.

13 (b) REPORT TO BOARD AND CONGRESS.—Not later
14 than 30 days after the date of receipt of the recommenda-
15 tions of the Board under section 5(g), the Director shall
16 submit to the Board and to Congress a report that de-
17 scribes the approval or disapproval of the recommenda-
18 tions.

19 (c) APPROVAL OR DISAPPROVAL.—If the Director—

20 (1) approves the recommendations of the
21 Board, the Director shall submit to Congress a copy
22 of the recommendations and a certification of the
23 approval;

24 (2) disapproves of the recommendations of the
25 Board, in whole or in part—

1 (A) the Director shall submit to the Board
2 and to Congress the reasons for the dis-
3 approval; and

4 (B) not later than 30 days after the date
5 of disapproval, the Board shall submit to the
6 Director a revised list of recommendations;

7 (3) approves the revised recommendations of
8 the Board submitted under paragraph (2)(B), the
9 Director shall submit to Congress a copy of the re-
10 vised recommendations and a certification of the ap-
11 proval; and

12 (4) does not submit to Congress an approval
13 and certification in accordance with paragraph (1)
14 or (3) by the date that is 30 days after the date of
15 receipt of the recommendations or revised rec-
16 ommendations of the Board, the review process
17 under this section shall terminate until the following
18 year.

19 **SEC. 7. IMPLEMENTATION OF BOARD RECOMMENDATIONS.**

20 (a) **CARRYING OUT RECOMMENDATIONS.—**

21 (1) **IN GENERAL.—**A Federal agency shall—

22 (A) Not later than 60 days after the date
23 on which the Board submits recommendations
24 to the Director and to Congress under para-
25 graph (1) or (3) of section 6(c), begin prepara-

1 tion to carry out the recommendations of the
2 Board;

3 (B) initiate all activities not later than 2
4 years after the date on which the Director sub-
5 mits the recommendations of the Board to Con-
6 gress; and

7 (C) not later than the end of the 6-year
8 period beginning on the date on which the Di-
9 rector submits to Congress the recommenda-
10 tions of the Board, complete the implementa-
11 tion of all recommended actions.

12 (2) ACTIONS.—Each recommended action taken
13 by a Federal agency under paragraph (1) shall be
14 economically beneficial and cost-neutral or otherwise
15 favorable to the Federal Government.

16 (3) EXTENUATING CIRCUMSTANCES.—In the
17 case of a recommended action that will take longer
18 than the 6-year period described in paragraph (1)(C)
19 due to extenuating circumstances, a Federal agency
20 shall notify the Director and Congress as soon as
21 the extenuating circumstance becomes apparent with
22 an estimated time to complete the relevant action.

23 (b) ACTIONS OF FEDERAL AGENCIES.—Pursuant to
24 subsection (c), in taking an action related to any Federal

1 building or facility under this Act, a Federal agency may,
 2 take all such necessary and proper actions, including—

3 (1) acquiring land, constructing replacement fa-
 4 cilities, performing such other activities, and con-
 5 ducting such advance planning and design as may be
 6 required to transfer functions from a Federal asset
 7 or property to another Federal civilian property;

8 (2) reimbursing other Federal agencies for ac-
 9 tions performed at the request of the Board; and

10 (3) taking such actions as are practicable to
 11 maximize the value of property to be sold by clari-
 12 fying zoning and other limitations on use of the
 13 property.

14 (c) NECESSARY AND PROPER ACTIONS.—

15 (1) IN GENERAL.—Except as provided in para-
 16 graph (2), in acting on a recommendation of the
 17 Board, a Federal agency shall—

18 (A) act within any authority delegated to
 19 the agency; and

20 (B) if the agency has not been delegated
 21 the authority to act on the recommendation,
 22 work in partnership with the Administrator to
 23 carry out the recommendation.

24 (2) ACTIONS OF ADMINISTRATOR.—The Admin-
 25 istrator may take such necessary and proper actions,

1 including the sale, conveyance, or exchange of tan-
2 gible property, as are required to implement the rec-
3 ommendations of the Board in the time period de-
4 scribed in subsection (a)(1)(C).

5 (3) EXPERT COMMERCIAL REAL ESTATE SERV-
6 ICES.—A Federal agency may enter into no-cost
7 nonappropriated contracts for expert commercial
8 real estate services to carry out the responsibilities
9 of the agency pursuant to the recommendations.

10 (d) DISCRETION OF ADMINISTRATOR REGARDING
11 TRANSACTIONS.—For any transaction identified, rec-
12 ommended, or commenced as a result of this Act, any oth-
13 erwise required legal priority given to, or requirement to
14 enter into, a transaction to convey a Federal tangible
15 property for less than fair market value, for no consider-
16 ation at all, or in a transaction that mandates the exclu-
17 sion of other market participants, shall be at the discretion
18 of the Administrator.

19 (e) DISPOSAL OF REAL PROPERTIES.—Any rec-
20 ommendation or commencement of a sale, disposal, con-
21 solidation, reconfiguration, colocation, or realignment of
22 tangible property shall not be subject to—

23 (1) the first section through section 3 of the
24 Act of May 19, 1948 (16 U.S.C. 667b et seq.);

1 (2) sections 107 and 317 of title 23, United
2 States Code;

3 (3) section 545(b)(8) of title 40, United States
4 Code;

5 (4) sections 550, 553, and 554 of title 40,
6 United States Code;

7 (5) section 1304(b) of title 40, United States
8 Code;

9 (6) section 47151 of title 49, United States
10 Code;

11 (7) section 13(d) of the Surplus Property Act
12 of 1944 (50 U.S.C. App. 1622(d));

13 (8) any other provision of law authorizing the
14 conveyance of tangible property owned by the Fed-
15 eral Government for no consideration; and

16 (9) any congressional notification requirement
17 (other than that under section 545 of title 40,
18 United States Code).

19 (f) PUBLIC BENEFIT.—

20 (1) IN GENERAL.—On the date on which the
21 Director submits to Congress the recommendations
22 of the Board under paragraph (1) or (3) of section
23 6(c) (except those buildings recommended under sec-
24 tion 5(b)), the Director shall submit to the Secretary
25 of Housing and Urban Development all known infor-

1 mation on the buildings or properties included in the
2 recommendations.

3 (2) ACTION BY SECRETARY.—Not later than 30
4 days after the Secretary of Housing and Urban De-
5 velopment receives the information described in
6 paragraph (1), the Secretary shall identify any suit-
7 able properties for use as a property benefitting the
8 mission of assistance to the homeless for the pur-
9 poses of further screening pursuant to section 501
10 of the McKinney-Vento Homeless Assistance Act (42
11 U.S.C. 11411).

12 (g) ENVIRONMENTAL CONSIDERATIONS.—

13 (1) TRANSFER OF REAL PROPERTY.—

14 (A) IN GENERAL.—In implementing the
15 recommendations of the Board under section
16 5(g), and subject to paragraph (2) a Federal
17 agency may enter into an agreement with any
18 person to transfer real property by deed pursu-
19 ant to section 120(h)(3) of the Comprehensive
20 Environmental Response, Compensation, and
21 Liability Act of 1980 (42 U.S.C. 9620(h)(3)).

22 (B) ADDITIONAL TERMS.—

23 (i) IN GENERAL.—The head of the
24 Federal agency disposing of property under
25 this paragraph may require any additional

1 terms and conditions in connection with an
2 agreement authorized by subparagraph (A)
3 as the head of the agency considers appro-
4 priate to protect the interests of the
5 United States.

6 (ii) NO EFFECT ON RIGHTS OR OBLI-
7 GATIONS.—Additional terms and condi-
8 tions described in clause (i) shall not affect
9 or diminish any rights or obligations of a
10 Federal agency under section 120 of the
11 Comprehensive Environmental Response,
12 Compensation, and Liability Act of 1980
13 (42 U.S.C. 9620).

14 (2) COST CERTIFICATION.—The head of a Fed-
15 eral agency shall not transfer real property or facili-
16 ties under paragraph (1) unless the head of the
17 agency certifies to the Board and Congress that—

18 (A) the costs of all environmental restora-
19 tion, waste management, and environmental
20 compliance activities otherwise to be paid by the
21 Federal agency disposing of the property with
22 respect to the property or facilities are equal to
23 or greater than the fair market value of the
24 property or facilities to be transferred, as deter-
25 mined by the head of the agency; or

1 (B) if the costs described in subparagraph
2 (A) are less than the fair market value of the
3 property or facilities, the recipient of the prop-
4 erty or facilities has agreed to pay the dif-
5 ference between the fair market value and those
6 costs.

7 (3) PAYMENT TO RECIPIENT OF REAL PROP-
8 ERTY.—In the case of a property covered by a cer-
9 tification under paragraph (2)(A), the Federal agen-
10 cy disposing of the property may pay the recipient
11 of the property or facilities an amount equal to the
12 lesser of—

13 (A) the amount by which the costs in-
14 curred by the recipient of the property or facili-
15 ties for all environmental restoration, waste
16 management, and environmental compliance ac-
17 tivities with respect to the property or facilities
18 exceed the fair market value of the property or
19 facilities as specified in the certification; and

20 (B) the amount by which the costs (as de-
21 termined by the head of the Federal agency dis-
22 posing of the property) that would otherwise
23 have been incurred by the Secretary of Housing
24 and Urban Development for the restoration,
25 waste management, and environmental compli-

1 ance activities with respect to the property or
2 facilities exceed the fair market value of the
3 property or facilities as specified in the certifi-
4 cation.

5 (4) DISCLOSURE TO RECIPIENT.—As part of an
6 agreement under paragraph (1), the head of the
7 Federal agency disposing of the property shall, in
8 accordance with applicable law and before entering
9 into an agreement, disclose to the person to whom
10 the property or facilities will be transferred informa-
11 tion possessed by the agency regarding the environ-
12 mental restoration, waste management, and environ-
13 mental compliance activities described in this sub-
14 section that relate to the property or facilities.

15 (5) TIME EXTENSIONS.—For the purposes of
16 granting time extensions under subsection (a), the
17 Director shall give the need for significant environ-
18 mental remediation to a piece of property more
19 weight than any other factor in determining whether
20 to grant a 2-year extension to implement a Board
21 recommendation.

22 (6) SAVINGS PROVISION.—Nothing in this Act
23 modifies, alters, or amends—

1 (A) the Comprehensive Environmental Re-
2 sponse, Compensation, and Liability Act of
3 1980 (42 U.S.C. 9601 et seq.);

4 (B) the National Environmental Policy Act
5 of 1969 (42 U.S.C. 4321 et seq.); or

6 (C) the Solid Waste Disposal Act (42
7 U.S.C. 6901 et seq.).

8 **SEC. 8. FUNDING.**

9 (a) ESTABLISHMENT OF SALARIES AND EXPENSES
10 ACCOUNT.—

11 (1) ESTABLISHMENT OF ACCOUNT.—There is
12 established in the Treasury of the United States an
13 account to be known as the “Tangible Property
14 Management Reform Board—Salaries and Ex-
15 penses” account.

16 (2) NECESSARY PAYMENTS.—There shall be de-
17 posited into the account established by paragraph
18 (1) such amounts as are provided in appropriations
19 Acts for those necessary payments for salaries and
20 expenses to accomplish the administrative needs of
21 the Board.

22 (b) ESTABLISHMENT OF ASSET PROCEEDS AND
23 SPACE MANAGEMENT FUND.—

24 (1) IN GENERAL.—There is established within
25 the Federal Buildings Fund established by section

1 592 of title 40, United States Code, an account to
2 be known as the “Tangible Property Management
3 Reform Board—Asset Proceeds and Space Manage-
4 ment Fund”, which shall be used solely for the pur-
5 poses of carrying out actions under section 7, pursu-
6 ant to the recommendations of the Board approved
7 under section 6.

8 (2) AMOUNTS DEPOSITED INTO FUND.—Not-
9 withstanding section 3307 of title 40, United States
10 Code, the fund established by paragraph (1) shall
11 consist of—

12 (A) such amounts as are provided in ap-
13 propriations Acts, to remain available until ex-
14 pended, for the consolidation, colocation, ex-
15 change, redevelopment, reconfiguration of
16 space, disposal, and other actions recommended
17 by the Board for Federal agencies; and

18 (B) amounts received from the sale of any
19 tangible property action taken pursuant to a
20 recommendation of the Board.

21 (3) USE OF FUNDS.—

22 (A) IN GENERAL.—The amounts deposited
23 in the fund under paragraph (2) shall be made
24 available for obligation or expenditure only as
25 provided in advance in appropriation Acts for

1 the purposes described in subparagraphs (A)
2 and (B) of paragraph (2).

3 (B) USE OF PROCEEDS.—As provided in
4 appropriations Acts, proceeds under paragraph
5 (2)(B) may be made available to cover nec-
6 essary costs associated with implementing the
7 recommendations pursuant to section 7, includ-
8 ing costs associated with—

9 (i) sales transactions;

10 (ii) acquiring land, construction, con-
11 structing replacement facilities, conducting
12 advance planning and design as may be re-
13 quired to transfer functions from a Federal
14 asset or property to another Federal civil-
15 ian property;

16 (iii) colocation, redevelopment, dis-
17 posal, and reconfiguration of space; and

18 (iv) other actions recommended by the
19 Board for Federal agencies.

20 (c) ADDITIONAL REQUIREMENT FOR BUDGET CON-
21 TENTS.—In submitting a budget under section 1105 of
22 title 31, United States Code, the President shall include—

23 (1) an estimate of proceeds from implementing
24 the recommendations of the Board; and

1 (2) the obligations and expenditures needed to
2 support those recommendations.

3 **SEC. 9. CONGRESSIONAL APPROVAL OF PROPOSED**
4 **PROJECTS.**

5 Section 3307(b) of title 40, United States Code, is
6 amended—

7 (1) in paragraph (6), by striking “and” at the
8 end;

9 (2) in paragraph (7), by striking the period at
10 the end and inserting “; and”; and

11 (3) by adding at the end the following:

12 “(8) a description of how the proposed project
13 is consistent with criteria established in section 4(b)
14 of the Federal Asset Sale and Transfer Act of
15 2015.”.

16 **SEC. 10. PRECLUSION OF JUDICIAL REVIEW.**

17 The following actions shall not be subject to judicial
18 review:

19 (1) An action taken pursuant to section 5 or
20 section 6.

21 (2) An action taken by the Board.

22 **SEC. 11. IMPLEMENTATION REVIEW BY GAO.**

23 On transmittal of the recommendations of the Board
24 from the Director to Congress under section 6, and not

1 less frequently than annually thereafter, the Comptroller
 2 General of the United States shall—

3 (1) monitor and review the implementation ac-
 4 tivities of Federal agencies pursuant to section 7;
 5 and

6 (2) report to Congress any findings and rec-
 7 ommendations for improvement of those activities.

8 **SEC. 12. AGENCY RETENTION OF PROCEEDS.**

9 (a) IN GENERAL.—Section 571 of title 40, United
 10 States Code, is amended to read as follows:

11 **“§ 571. General rules for deposit and use of proceeds**

12 “(a) PROCEEDS FROM TRANSFER OR SALE OF TAN-
 13 GIBLE PROPERTY.—

14 “(1) DEPOSIT OF NET PROCEEDS.—Net pro-
 15 ceeds described in subsection (c) shall be deposited
 16 into the appropriate tangible property account of the
 17 agency that had custody and accountability for the
 18 tangible property at the time the tangible property
 19 is determined to be excess.

20 “(2) EXPENDITURE OF NET PROCEEDS.—The
 21 net proceeds deposited under paragraph (1) may
 22 only be expended as authorized in annual appropria-
 23 tions Acts, for activities described in sections 543
 24 and 545, including for payment of costs incurred by

1 the Administrator of General Services for any dis-
2 posal-related activity authorized by this title.

3 “(3) DEFICIT REDUCTION.—Any net proceeds
4 described in subsection (c) from the sale, lease, or
5 other disposition of surplus tangible property that
6 are not expended under paragraph (2) shall be used
7 for deficit reduction.

8 “(b) EFFECT ON OTHER SECTIONS.—Nothing in this
9 section affects section 572(b), 573, or 574.

10 “(c) NET PROCEEDS.—The net proceeds described in
11 this subsection are proceeds under this chapter, less ex-
12 penses of the transfer or disposition as provided in section
13 572(a), from—

14 “(1) a transfer of excess tangible property to a
15 Federal agency for agency use; or

16 “(2) a sale, lease, or other disposition of sur-
17 plus tangible property.

18 “(d) PROCEEDS FROM TRANSFER OR SALE OF PER-
19 SONAL PROPERTY.—

20 “(1) IN GENERAL.—Except as otherwise pro-
21 vided in this subchapter, proceeds described in para-
22 graph (2) shall be deposited in the Treasury as mis-
23 cellaneous receipts.

1 “(2) PROCEEDS.—The proceeds described in
2 this paragraph are proceeds under this chapter
3 from—

4 “(A) a transfer of excess personal property
5 to a Federal agency for agency use; or

6 “(B) a sale, lease, or other disposition of
7 surplus personal property.

8 “(3) PAYMENT OF EXPENSES OF SALE BEFORE
9 DEPOSIT.—

10 “(A) IN GENERAL.—Subject to regulations
11 under this subtitle, the expenses of the sale of
12 personal property may be paid from the pro-
13 ceeds of the sale so that only the net proceeds
14 are deposited in the Treasury of the United
15 States.

16 “(B) APPLICATION.—This paragraph ap-
17 plies in a case in which proceeds are depos-
18 ited—

19 “(i) as miscellaneous receipts; or

20 “(ii) to the credit of an appropriation
21 as authorized by law.”.

22 (b) EFFECTIVE DATE.—The amendment made by
23 subsection (a) shall take effect on the date of termination
24 of the Board under section 3(i).

1 **SEC. 13. FEDERAL TANGIBLE PROPERTY DATABASE.**

2 (a) DATABASE REQUIRED.—Not later than 1 year
3 after the date of the enactment of this Act, the Adminis-
4 trator shall publish a single, comprehensive, and descrip-
5 tive database of all Federal tangible property under the
6 custody and control of all Federal agencies, other than
7 Federal tangible property excluded for reasons of national
8 security, in accordance with subsection (b).

9 (b) REQUIRED INFORMATION FOR DATABASE.—The
10 Administrator shall collect from the head of each Federal
11 agency descriptive information, except for classified infor-
12 mation, of the nature, use, and extent of the Federal tan-
13 gible property of each agency, including—

14 (1) the geographical location of each Federal
15 tangible property of each agency, including the ad-
16 dress and description for each property;

17 (2) the total size of each Federal tangible prop-
18 erty of each agency, including square footage and
19 acreage of each property;

20 (3) the relevance of each Federal tangible prop-
21 erty to the mission of the agency;

22 (4) the level of use of each Federal tangible
23 property for each agency, including whether the
24 property is excess, surplus, underutilized, or unuti-
25 lized;

1 (5) the number of days each Federal tangible
2 property is designated as excess, surplus, underuti-
3 lized, or unutilized;

4 (6) the annual operating costs of each Federal
5 tangible property; and

6 (7) the replacement value of each Federal tan-
7 gible property.

8 (c) ACCESS TO DATABASE.—

9 (1) FEDERAL AGENCIES.—The Administrator
10 shall, in consultation with the Director, make the
11 database under subsection (a) available to Federal
12 agencies.

13 (2) PUBLIC ACCESS.—To the extent consistent
14 with national security and procurement laws, the
15 database under subsection (a) shall be publicly ac-
16 cessible at no cost through the Web site of the Gen-
17 eral Services Administration.

18 (d) TRANSPARENCY OF DATABASE.—To the extent
19 practicable, the Administrator shall ensure that the data-
20 base under subsection (a)—

21 (1) uses an open, machine-readable format;

22 (2) permits users to search and sort Federal
23 tangible property data; and

1 (3) includes a means to download a large
2 amount of Federal tangible property data and a se-
3 lection of such data retrieved using a search.

4 (e) APPLICABILITY.—Nothing in this section requires
5 an agency to make available to the public information that
6 is exempt from disclosure under section 552(b) of title 5,
7 United States Code.

8 **SEC. 14. STREAMLINING THE MCKINNEY-VENTO HOMELESS**
9 **ASSISTANCE ACT.**

10 Section 501 of the McKinney-Vento Homeless Assist-
11 ance Act (42 U.S.C. 11411) is amended—

12 (1) in subsection (b)(2)(A), by amending clause
13 (ii) to read as follows:

14 “(ii) in the case of surplus property—

15 “(I) for use to assist the homeless ei-
16 ther in accordance with this section or as
17 a public health use in accordance with
18 paragraphs (1) and (4) of section 203(k)
19 of the Federal Property and Administra-
20 tive Services Act of 1949 (40 U.S.C.
21 484(k) (1) and (4)); and

22 “(II) to provide permanent housing
23 with or without supportive services to as-
24 sist the homeless in accordance with this
25 section.”;

1 (2) in subsection (c)(1)(A), in the matter pre-
2 ceding clause (i), by striking “in the Federal Reg-
3 ister” and inserting “on the Web site of the Depart-
4 ment of Housing and Urban Development or the
5 General Services Administration”;

6 (3) in subsection (d)—

7 (A) in paragraph (1), by striking “60
8 days” and inserting “30 days”;

9 (B) by striking “60-day period” each place
10 that term appears and inserting “30-day pe-
11 riod”; and

12 (C) in paragraph (3), by adding at the end
13 the following: “If the representative of the
14 homeless does not request a review of the deter-
15 mination of unsuitability during the 20-day pe-
16 riod described in this paragraph, the property
17 shall not be included in any subsequent publica-
18 tion under subsection (c)(1)(A)(ii) unless the
19 landholding agency makes changes to the prop-
20 erty, including improvements, that may change
21 the unsuitable determination and the Secretary
22 subsequently determines the property is suit-
23 able.”;

24 (4) in subsection (e)—

25 (A) in paragraph (2)—

1 (i) by striking “90 days” and insert-
2 ing “75 days”;

3 (ii) by striking “a complete applica-
4 tion” and inserting “an initial applica-
5 tion”; and

6 (iii) by adding at the end the fol-
7 lowing: “An initial application shall set
8 forth (A) the services that will be offered,
9 (B) the need for the services, and (C) the
10 experience that the applicant has that
11 demonstrates the ability to provide the
12 services.”;

13 (B) in paragraph (3)—

14 (i) by striking “25 days after receipt
15 of a completed application” and inserting
16 “10 days after the date on which the Sec-
17 retary of Health and Human Services re-
18 ceives an initial application under para-
19 graph (2)”;

20 (ii) by striking “an application” and
21 inserting “an initial application”; and

22 (C) by adding at the end the following:

23 “(4) Not later than 45 days after the date on
24 which the Secretary of Health and Human Services
25 approves an initial application under paragraph (3),

1 the applicant shall submit to the Secretary of Health
 2 and Human Services a final application, which shall
 3 set forth a reasonable plan to finance the approved
 4 program.

5 “(5) Not later than 15 days after the date on
 6 which the Secretary of Health and Human Services
 7 receives a final application under paragraph (4), the
 8 Secretary of Health and Human Services shall re-
 9 view, make a final determination, and complete all
 10 actions on the final application. The Secretary of
 11 Health and Human Services shall maintain a public
 12 record of all actions taken in response to a final ap-
 13 plication.”; and

14 (5) in subsection (f)(1), by striking “available
 15 by” and inserting “available, at the discretion of the
 16 applicant, by”.

17 **SEC. 15. SURPLUS TANGIBLE PROPERTY DONATIONS TO**
 18 **MUSEUMS.**

19 Section 549(c)(3)(B) of title 40, United States Code,
 20 is amended by striking clause (vii) and inserting the fol-
 21 lowing:

22 “(vii) a museum attended by the pub-
 23 lic (as determined by the Administrator
 24 and including a museum for which the
 25 nonprofit educational or public health in-

1 stitution or organization accedes to any re-
2 quest submitted for access);”.

3 **SEC. 16. AUTHORIZATION OF APPROPRIATIONS.**

4 There is authorized to be appropriated to carry out
5 this Act—

6 (1) \$2,000,000 for salaries and expenses of the
7 Board; and

8 (2) \$40,000,000 to be deposited into the Fed-
9 eral Tangible Property Management Reform
10 Board—Asset Proceeds and Space Management
11 Fund established by section 8(b) for activities re-
12 lated to the implementation of recommendations of
13 the Board.

○