

## Calendar No. 544

114TH CONGRESS  
2D SESSION**S. 2375****[Report No. 114–291]**

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

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## 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

JULY 6, 2016

Reported by Mr. JOHNSON, with an amendment

[Strike out all after the enacting clause and insert the part printed in *italic*]**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”.

1 **SEC. 2. DEFINITIONS.**

2 In this Act:

3 (1) ADMINISTRATOR.—The term “Adminis-  
4 trator” means the Administrator of General Serv-  
5 ices.

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

9 (3) DIRECTOR.—The term “Director” means  
10 the Director of the Office of Management and Budget.  
11 et.

12 (4) FEDERAL AGENCY.—The term “Federal  
13 agency” means—

14 (A) an executive department or inde-  
15 pendent establishment in the executive branch  
16 of the Government; and

17 (B) a wholly owned Government corpora-  
18 tion.

19 (5) FEDERAL CIVILIAN REAL PROPERTY AND  
20 CIVILIAN REAL PROPERTY.—

21 (A) IN GENERAL.—The terms “Federal ci-  
22 vilian real property” and “civilian real prop-  
23 erty” mean Federal real property assets, includ-  
24 ing—

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

- 1 (ii) occupied and improved grounds;
- 2 (iii) leased space; and
- 3 (iv) other physical structures under
- 4 the custody and control of any Federal
- 5 agency.

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

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

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

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

1 (iv) property that is excepted from the  
2 definition of the term “property” under  
3 section 102 of title 40, United States  
4 Code;

5 (v) Indian and Native Alaskan prop-  
6 erty, including—

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

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

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

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

24 (viii) property located outside the  
25 United States that is operated or main-

1                   tained by the Department of State or the  
 2                   United States Agency for International  
 3                   Development.

4                   (6) ~~FEDERAL TANGIBLE PROPERTY.—~~

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

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

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

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

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

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

23                  (c) ~~MEMBERSHIP.—~~

24                  (1) ~~IN GENERAL.—~~The Board shall be com-  
 25                  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 ree-~~  
 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.~~

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

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

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

(3) TRANSPARENCY OF INFORMATION.—

(A) CONGRESS.—All the proceedings, information, and deliberations of the Board shall be open, on request, to the Chairperson and the ranking minority party member, and the respective subcommittee Chairperson and ranking minority party member, of—

(i) the Committee on Oversight and Government Reform of the House of Representatives;

(ii) the Committee on Homeland Security and Governmental Affairs of the Senate;

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

(iv) the Committee on Appropriations of the Senate.

(B) GOVERNMENT ACCOUNTABILITY OFFICE.—All proceedings, information, and delib-



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

(e) COMPENSATION AND TRAVEL EXPENSES.—

(1) COMPENSATION.—

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

(B) RATE OF PAY FOR CHAIRPERSON.—

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

(2) TRAVEL.—A member of the Board shall re-  
ceive travel expenses, including per diem in lieu of  
subsistence, in accordance with sections 5702 and  
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(e), 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        ~~OMMENDATIONS.—~~

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(e) (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

(B) if the costs described in subparagraph (A) are less than the fair market value of the property or facilities; the recipient of the property or facilities has agreed to pay the difference between the fair market value and those costs.

(3) PAYMENT TO RECIPIENT OF REAL PROPERTY.—In the case of a property covered by a certification under paragraph (2)(A), the Federal agency disposing of the property may pay the recipient of the property or facilities an amount equal to the lesser of—

(A) the amount by which the costs incurred by the recipient of the property or facilities for all environmental restoration, waste management, and environmental compliance activities with respect to the property or facilities exceed the fair market value of the property or facilities as specified in the certification; and

(B) the amount by which the costs (as determined by the head of the Federal agency disposing of the property) that would otherwise have been incurred by the Secretary of Housing and Urban Development for the restoration, 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

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

~~(B) USE OF PROCEEDS.—~~As provided in appropriations Acts, proceeds under paragraph ~~(2)(B)~~ may be made available to cover necessary costs associated with implementing the recommendations pursuant to section 7, including costs associated with—

~~(i) sales transactions;~~

~~(ii) acquiring land, construction, constructing replacement facilities, conducting advance planning and design as may be required to transfer functions from a Federal asset or property to another Federal civilian property;~~

~~(iii) colocation, redevelopment, disposal, and reconfiguration of space; and~~

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

~~(c) ADDITIONAL REQUIREMENT FOR BUDGET CONTENTS.—~~In submitting a budget under section 1105 of title 31, United States Code, the President shall include—

~~(1) an estimate of proceeds from implementing 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.”;

(2) in subsection (c)(1)(A), in the matter preceding clause (i), by striking “in the Federal Register” and inserting “on the Web site of the Department of Housing and Urban Development or the General Services Administration”;

(3) in subsection (d)—

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

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

(C) in paragraph (3), by adding at the end the following: “If the representative of the homeless does not request a review of the determination of unsuitability during the 20-day period described in this paragraph, the property shall not be included in any subsequent publication under subsection (c)(1)(A)(ii) unless the landholding agency makes changes to the property, including improvements, that may change the unsuitable determination and the Secretary subsequently determines the property is suitable.”;

(4) in subsection (e)—

(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)”; and

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-

stitution or organization accedes to any request submitted for access);”.

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

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

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

(2) \$40,000,000 to be deposited into the Federal Tangible Property Management Reform Board—Asset Proceeds and Space Management Fund established by section 8(b) for activities related to the implementation of recommendations of the Board.

**SECTION 1. SHORT TITLE.**

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

**SEC. 2. PURPOSE.**

*The purpose of this Act is to improve the management of the real property holdings of the Federal Government and to reduce the costs of Federal real estate by—*

(1) *consolidating the footprint of Federal buildings and facilities;*

(2) *maximizing the usage rate of Federal buildings and facilities;*

(3) *reducing reliance on leased space;*

1           (4) *selling or redeveloping high value assets that*  
 2           *are underused to obtain the highest and best value for*  
 3           *the taxpayer and maximize the return to the tax-*  
 4           *payer;*

5           (5) *reducing the operating and maintenance*  
 6           *costs of Federal civilian real properties;*

7           (6) *reducing redundancy, overlap, and costs as-*  
 8           *sociated with field offices;*

9           (7) *creating incentives for Federal agencies to*  
 10          *achieve greater efficiency in their inventories of civil-*  
 11          *ian real property;*

12          (8) *facilitating and expediting the sale or dis-*  
 13          *posal of unneeded civilian properties;*

14          (9) *improving the efficiency of real property*  
 15          *transfers for the provision of services to the homeless;*  
 16          *and*

17          (10) *assisting Federal agencies in achieving the*  
 18          *sustainability goals of the Government by—*

19                (A) *reducing excess space, inventory, and*  
 20                *energy consumption; and*

21                (B) *leveraging new technologies.*

22   **SEC. 3. DEFINITIONS.**

23       *In this Act:*

24           (1) *ADMINISTRATOR.—The term “Adminis-*  
 25       *trator” means the Administrator of General Services.*



1           (2) *BOARD*.—The term “Board” means the Fed-  
 2           eral Real Property Reform Board established by sec-  
 3           tion 4.

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

6           (4) *FEDERAL AGENCY*.—The term “Federal agen-  
 7           cy” means—

8                   (A) an executive department or independent  
 9                   establishment in the executive branch of the Gov-  
 10                  ernment; and

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

13           (5) *FEDERAL CIVILIAN REAL PROPERTY AND CI-  
 14           VILIAN REAL PROPERTY*.—

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

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

21                           (ii) occupied and improved grounds;

22                           (iii) leased space; and

23                           (iv) other physical structures under the  
 24                           custody and control of any Federal agency.

1           (B) *EXCLUSIONS.*—*The terms “Federal ci-*  
2           *vilian real property” and “civilian real prop-*  
3           *erty” do not include—*

4                   (i) *any military installation (as de-*  
5                   *finied in section 2910 of the Defense Base*  
6                   *Closure and Realignment Act of 1990 (10*  
7                   *U.S.C. 2687 note; Public Law 101-510));*

8                   (ii) *any property that is excepted from*  
9                   *the definition of the term “property” under*  
10                   *section 102 of title 40, United States Code;*

11                   (iii) *Indian and native Eskimo prop-*  
12                   *erty held in trust by the Federal Govern-*  
13                   *ment as described in section*  
14                   *3301(a)(5)(C)(iii) of title 40, United States*  
15                   *Code;*

16                   (iv) *real property operated and main-*  
17                   *tained by the Tennessee Valley Authority*  
18                   *pursuant to the Tennessee Valley Authority*  
19                   *Act of 1933 (16 U.S.C. 831 et seq.);*

20                   (v) *any real property the Director ex-*  
21                   *cludes for reasons of national security;*

22                   (vi) *any public lands (as defined in*  
23                   *section 203 of the Public Lands Corps Act*  
24                   *of 1993 (16 U.S.C. 1722)) administered*  
25                   *by—*

1                   (I) *the Secretary of the Interior,*  
2                   *acting through—*

3                         (aa) *the Director of the Bu-*  
4                         *reau of Land Management;*

5                         (bb) *the Director of the Na-*  
6                         *tional Park Service;*

7                         (cc) *the Commissioner of*  
8                         *Reclamation; or*

9                         (dd) *the Director of the*  
10                         *United States Fish and Wildlife*  
11                         *Service; or*

12                        (II) *the Secretary of Agriculture,*  
13                        *acting through the Chief of the Forest*  
14                        *Service; or*

15                        (vii) *any postal property.*

16                        (6) *FIELD OFFICE.—The term “field office”*  
17                        *means any office of a Federal agency that is not the*  
18                        *headquarters office location for the Federal agency.*

19                        (7) *POSTAL PROPERTY.—The term “postal prop-*  
20                        *erty” means any property owned or leased by the*  
21                        *United States Postal Service.*

22   **SEC. 4. FEDERAL REAL PROPERTY REFORM BOARD.**

23                        (a) *ESTABLISHMENT.—There is established an inde-*  
24                        *pendent board to be known as the Federal Real Property*  
25                        *Reform Board.*

1       (b) *DUTIES.*—*The Board shall carry out the duties de-*  
 2 *scribed in section 6.*

3       (c) *MEMBERSHIP.*—

4           (1) *IN GENERAL.*—*The Board shall be composed*  
 5 *of—*

6               (A) *a Chairperson appointed by the Presi-*  
 7 *dent, by and with the advice and consent of the*  
 8 *Senate; and*

9               (B) *6 members appointed by the President.*

10       (2) *APPOINTMENTS.*—*In making appointments*  
 11 *to the Board under paragraph (1)(B), the President*  
 12 *shall consult with—*

13               (A) *the Speaker of the House of Representa-*  
 14 *tives concerning the appointment of 2 members;*

15               (B) *the majority leader of the Senate con-*  
 16 *cerning the appointment of 2 members;*

17               (C) *the minority leader of the House of*  
 18 *Representatives concerning the appointment of 1*  
 19 *member; and*

20               (D) *the minority leader of the Senate con-*  
 21 *cerning the appointment of 1 member.*

22       (3) *TERMS.*—*The term for each member of the*  
 23 *Board shall be 6 years.*

1           (4) *VACANCIES.*—*A vacancy on the Board shall*  
 2           *be filled in the same manner in which the original*  
 3           *appointment was made.*

4           (5) *QUALIFICATIONS.*—*In making appointments*  
 5           *to the Board, the President shall ensure that the*  
 6           *Board contains individuals with expertise representa-*  
 7           *tive of—*

8                     (A) *commercial real estate and redevelop-*  
 9                     *ment;*

10                    (B) *space optimization and utilization; and*

11                    (C) *community development, including*  
 12                    *transportation and planning.*

13           (d) *BOARD MEETINGS.*—

14                   (1) *OPEN MEETINGS.*—

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

18                                 (i) *be open to the public; and*

19                                 (ii) *be announced in the Federal Reg-*  
 20                                 *ister and the Federal website established by*  
 21                                 *the Board at least 14 calendar days in ad-*  
 22                                 *vance of a meeting.*

23                         (B) *AGENDA; MATERIALS.*—*For each meet-*  
 24                         *ing, the Board shall release an agenda and a*

1           *listing of materials relevant to the topics to be*  
 2           *discussed.*

3           (2) *QUORUM AND MEETINGS.—Of the members of*  
 4           *the Board—*

5                     (A) *5 shall constitute a quorum for the pur-*  
 6                     *poses of conducting business; and*

7                     (B) *3 or more shall constitute a meeting of*  
 8                     *the Board.*

9           (3) *TRANSPARENCY OF INFORMATION.—*

10                    (A) *CONGRESS.—All the proceedings, infor-*  
 11                    *mation, and deliberations of the Board shall be*  
 12                    *open, on request, to the Chairperson and the*  
 13                    *ranking minority party member, and the respec-*  
 14                    *tive subcommittee Chairperson and ranking mi-*  
 15                    *nority party member, of—*

16                             (i) *the Committee on Homeland Secu-*  
 17                             *rity and Governmental Affairs of the Sen-*  
 18                             *ate;*

19                             (ii) *the Committee on Oversight and*  
 20                             *Government Reform of the House of Rep-*  
 21                             *resentatives;*

22                             (iii) *the Committee on Environment*  
 23                             *and Public Works of the Senate;*

1                   (iv) the Committee on Transportation  
2                   and Infrastructure of the House of Rep-  
3                   resentatives;

4                   (v) the Committee on Appropriations  
5                   of the Senate; and

6                   (vi) the Committee on Appropriations  
7                   of the House of Representatives.

8                   (B) GOVERNMENT ACCOUNTABILITY OF-  
9                   FICE.—All proceedings, information, and deliber-  
10                  ations of the Board shall be open, on request,  
11                  to the Comptroller General of the United States.

12               (e) COMPENSATION AND TRAVEL EXPENSES.—

13               (1) COMPENSATION.—

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

23               (B) RATE OF PAY FOR CHAIRPERSON.—The  
24               Chairperson of the Board shall be paid for each  
25               day referred to in subparagraph (A) at a rate

1           *equal to the daily equivalent of the minimum*  
 2           *annual rate of basic pay payable for level III of*  
 3           *the Executive Schedule under section 5314, of*  
 4           *title 5, United States Code.*

5           (2) *TRAVEL.*—*A member of the Board shall re-*  
 6           *ceive travel expenses, including per diem in lieu of*  
 7           *subsistence, in accordance with sections 5702 and*  
 8           *5703 of title 5, United States Code.*

9           (f) *EXECUTIVE DIRECTOR.*—

10           (1) *APPOINTMENT.*—*The Board—*

11                   (A) *shall appoint an Executive Director;*  
 12                   *and*

13                   (B) *shall not be required to comply with the*  
 14                   *provisions of title 5, United States Code, gov-*  
 15                   *erning appointments in the competitive service.*

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

20           (g) *STAFF.*—

21           (1) *ADDITIONAL PERSONNEL.*—*Subject to para-*  
 22           *graph (2), the Executive Director may request addi-*  
 23           *tional personnel detailed from Federal agencies.*

24           (2) *DETAIL EMPLOYEES FROM OTHER AGEN-*  
 25           *CIES.*—*On request of the Chairperson and after ap-*



1        *proval of the Director, the head of any Federal agency*  
 2        *shall detail the requested personnel of that agency to*  
 3        *the Board to assist the Board in carrying out the du-*  
 4        *ties of the Board.*

5            (3) *QUALIFICATIONS.—Appointments shall be*  
 6        *made with consideration of a balance of expertise con-*  
 7        *sistent with the qualifications of representatives de-*  
 8        *scribed in subsection (c)(5).*

9        (h) *CONTRACTING AUTHORITY.—*

10           (1) *EXPERTS AND CONSULTANTS.—The Board, to*  
 11        *the maximum extent practicable and subject to the*  
 12        *availability of appropriations, shall use existing con-*  
 13        *tracts, including nonappropriated contracts, entered*  
 14        *into by the Administrator for services necessary to*  
 15        *carry out the duties of the Board.*

16           (2) *OFFICE SPACE.—The Administrator, in con-*  
 17        *sultation with the Board, shall identify and provide,*  
 18        *without charge, suitable office space within the Fed-*  
 19        *eral property inventory to house the operations of the*  
 20        *Board.*

21           (3) *PERSONAL PROPERTY.—The Administrator*  
 22        *shall provide to the Board any personal property al-*  
 23        *ready in the custody and control of the Administrator*  
 24        *that is needed to carry out the duties of the Board.*

1       (i) *TERMINATION OF BOARD.*—*The Board and the au-*  
 2 *thority of the Board shall terminate on the date that is 6*  
 3 *years after the date of enactment of this Act.*

4       **SEC. 5. DEVELOPMENT OF RECOMMENDATIONS TO THE**  
 5               **BOARD.**

6       (a) *SUBMISSIONS OF AGENCY INFORMATION AND REC-*  
 7 *COMMENDATIONS.*—*Not later than 120 days after the date*  
 8 *of enactment of this Act and not later than 120 days after*  
 9 *the beginning of each fiscal year thereafter, the head of each*  
 10 *Federal agency shall submit to the Administrator and the*  
 11 *Director a report that includes—*

12               (1) *current data of all Federal civilian real*  
 13 *properties owned, leased, or controlled by the respec-*  
 14 *tive agency (including all relevant information pre-*  
 15 *scribed by the Administrator and the Director), in-*  
 16 *cluding data relating to—*

17                       (A) *the age and condition of the property;*

18                       (B) *operating costs;*

19                       (C) *the history of capital expenditures;*

20                       (D) *sustainability metrics;*

21                       (E) *the number of Federal employees and*  
 22 *functions housed in the respective property; and*

23                       (F) *the square footage (including gross,*  
 24 *rentable, and usable) of each property; and*

25               (2) *recommendations as to—*

1           (A) any Federal civilian properties that can  
 2           be sold for proceeds and otherwise disposed of, re-  
 3           ported as excess, declared surplus, or outleased or  
 4           are otherwise no longer meeting the needs of the  
 5           agency, excluding leasebacks or other exchange  
 6           agreements where the property continues to be  
 7           used by the agency;

8           (B) any Federal civilian properties that  
 9           can be transferred, exchanged, consolidated, co-  
 10          located, reconfigured, or redeveloped—

11               (i) to reduce the civilian real property  
 12               inventory;

13               (ii) to reduce the operating costs of the  
 14               Federal Government; and

15               (iii) to create the highest value and re-  
 16               turn for the taxpayer; and

17          (C) operational efficiencies that may be re-  
 18          alized by the Federal Government in the oper-  
 19          ation and maintenance of Federal civilian real  
 20          properties.

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

24               (1) review agency recommendations submitted  
 25               pursuant to subsection (a);

1           (2) *develop consistent standards and criteria*  
2           *against which agency recommendations will be re-*  
3           *viewed, which shall be developed taking into consider-*  
4           *ation—*

5                   (A) *the extent to which a Federal building*  
6                   *or facility could be sold (including property that*  
7                   *is no longer meeting the needs of the Federal*  
8                   *Government), redeveloped, outleased, or otherwise*  
9                   *used to produce the highest and best value and*  
10                  *return for the taxpayer;*

11                  (B) *the extent to which the operating and*  
12                  *maintenance costs are reduced through consoli-*  
13                  *dating, co-locating, and reconfiguring space, and*  
14                  *through realizing other operational efficiencies;*

15                  (C) *the extent to which the utilization rate*  
16                  *is being maximized and is consistent with non-*  
17                  *governmental industry standards for the given*  
18                  *function or operation;*

19                  (D) *the extent and timing of potential costs*  
20                  *and savings, including the number of years, be-*  
21                  *ginning with the date of completion of the pro-*  
22                  *posed recommendation;*

23                  (E) *the extent to which reliance on leasing*  
24                  *for long-term space needs is reduced;*

1                   (F) the extent to which a Federal building  
2                   or facility aligns with the current mission of the  
3                   applicable Federal agency;

4                   (G) the extent to which there are opportuni-  
5                   ties to consolidate similar operations across mul-  
6                   tiple agencies or within agencies;

7                   (H) the economic impact on communities in  
8                   the vicinity of the Federal building or facility;  
9                   and

10                  (I) the extent to which energy consumption  
11                  is reduced; and

12                  (3) develop recommendations for the Board based  
13                  on the standards and criteria developed under para-  
14                  graph (2).

15                  (c) *SPECIAL RULE FOR UTILIZATION RATES.*—

16                  (1) *IN GENERAL.*—Standards developed by the  
17                  Director under subsection (b)(2) shall incorporate and  
18                  apply clear standard utilization rates consistent  
19                  throughout each category of space and with non-  
20                  government space utilization rates.

21                  (2) *UTILIZATION RATE.*—To the extent the space  
22                  utilization rate of a given agency exceeds the utiliza-  
23                  tion rates to be applied under this subsection, the Di-  
24                  rector may recommend realignment, colocation, con-

1       *solidation, or other type of action to improve space*  
 2       *utilization.*

3       (d) *SUBMISSION TO THE BOARD.—*

4           (1) *IN GENERAL.—The standards, criteria, and*  
 5       *recommendations developed pursuant to subsection*  
 6       *(b)(2) shall be submitted to the Board with all sup-*  
 7       *porting information, data, analyses, and documenta-*  
 8       *tion.*

9           (2) *PUBLICATION.—The standards, criteria, and*  
 10       *recommendations developed pursuant to subsection*  
 11       *(b)(2) shall be—*

12           (A) *published in the Federal Register; and*

13           (B) *submitted to—*

14               (i) *the committees described in section*  
 15               4(d)(3)(A); *and*

16               (ii) *the Comptroller General of the*  
 17               *United States.*

18       (3) *ACCESS TO INFORMATION.—*

19           (A) *IN GENERAL.—The Board shall have ac-*  
 20       *cess to all information pertaining to the rec-*  
 21       *ommendations, including supporting informa-*  
 22       *tion, data, analyses, and documentation sub-*  
 23       *mitted pursuant to subsection (a).*

24           (B) *INFORMATION FROM FEDERAL AGEN-*  
 25       *CIES.—On request, a Federal agency shall pro-*

1           *vide to the Board any additional information*  
2           *pertaining to the civilian real property of the*  
3           *agency.*

4   **SEC. 6. DUTIES OF BOARD.**

5           *(a) IDENTIFICATION OF PROPERTY REDUCTION OP-*  
6   *PORTUNITIES.—The Board shall identify opportunities for*  
7   *the Federal Government—*

8           *(1) to significantly reduce the inventory of civil-*  
9   *ian real property held by the Federal Government;*  
10          *and*

11          *(2) to reduce costs to the Federal Government.*

12          *(b) IDENTIFICATION OF HIGH VALUE ASSETS.—*

13          *(1) IDENTIFICATION OF CERTAIN PROPERTIES.—*  
14   *Not later than 180 days after the date on which the*  
15   *last Board member has been appointed pursuant to*  
16   *section 4(c), the Board shall—*

17                  *(A) identify not less than 5 Federal prop-*  
18                  *erties that are not on the list of surplus or excess*  
19                  *as of that date with a total fair market value of*  
20                  *not less than \$500,000,000; and*

21                  *(B) submit to the Director and to Congress*  
22                  *a list of the properties identified pursuant to*  
23                  *subparagraph (A), which shall be—*

24                          *(i) treated as a recommendation under*  
25                          *section 5; and*

1                   (ii) subject to the approval process de-  
2                   scribed in section 7.

3           (2) *INFORMATION AND DATA.*—

4                   (A) *IN GENERAL.*—To assist the Board in  
5                   carrying out paragraph (1), a Federal agency  
6                   shall provide to the Board, on request, any infor-  
7                   mation and data regarding the properties of the  
8                   Federal agency.

9                   (B) *FAILURE TO COMPLY.*—The Board shall  
10                  notify the committees described in section  
11                  4(d)(3)(A) of any failure by any agency to com-  
12                  ply with a request of the Board.

13           (3) *LEASEBACK RESTRICTIONS.*—The Federal  
14           Government may not lease back any of the existing  
15           improvements on properties sold under this sub-  
16           section.

17           (4) *REPORT OF EXCESS.*—Not later than 60 days  
18           after the date on which the recommendations of the  
19           Board pursuant to paragraph (1) have been ap-  
20           proved, each Federal agency with custody, control, or  
21           administrative jurisdiction over the identified prop-  
22           erties shall submit to the Administrator a report of  
23           excess.



1           (5) *SALE.*—*Notwithstanding any other provision*  
 2           *of law (except as provided in section 8(g)), the Ad-*  
 3           *ministrator shall—*

4                   (A) *not later than 120 days after the date*  
 5                   *on which the Administrator receives the report of*  
 6                   *excess under paragraph (4), initiate the sale of*  
 7                   *the properties identified pursuant to paragraph*  
 8                   *(1)(A); and*

9                   (B) *not later than 1 year after the date on*  
 10                   *which the Administrator receives the report of*  
 11                   *excess under paragraph (4), sell the properties*  
 12                   *referred to in subparagraph (A) at fair market*  
 13                   *value at highest and best use.*

14           (c) *ANALYSIS OF INVENTORY.*—*The Board—*

15                   (1) *shall perform an independent analysis of the*  
 16                   *inventory of Federal civilian real property and the*  
 17                   *recommendations submitted pursuant to section 5;*

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

20                   (3) *in any case in which the Board determines*  
 21                   *that a Federal agency has failed to provide necessary*  
 22                   *information, data, or adequate recommendations that*  
 23                   *meet the standards and criteria developed under sec-*  
 24                   *tion 5(b), shall develop such recommendations as the*  
 25                   *Board considers to be appropriate based on existing*

1        *data contained in the Federal Real Property Profile*  
 2        *or other relevant information.*

3        *(d) RECEIPT OF INFORMATION AND PROPOSALS.—Not-*  
 4        *withstanding any other provision of law, the Board—*

5                *(1) may receive and consider proposals, informa-*  
 6                *tion, and other data submitted by State and local of-*  
 7                *ficials and the private sector; and*

8                *(2) shall make any information received under*  
 9                *paragraph (1) publicly available.*

10        *(e) ACCOUNTING SYSTEM.—The Board shall—*

11                *(1) not later than 120 days after the date of en-*  
 12                *actment of this Act, identify or develop and imple-*  
 13                *ment a system of accounting to be used to independ-*  
 14                *ently evaluate the costs of and returns on the rec-*  
 15                *ommendations provided to the Board under this Act;*

16                *(2) use the accounting system referred to in*  
 17                *paragraph (1) to assist in—*

18                        *(A) developing the recommendations of the*  
 19                        *Board; and*

20                        *(B) determining the highest return to the*  
 21                        *taxpayer; and*

22                *(3) establish a standard performance period for*  
 23                *use in carrying out paragraphs (1) and (2).*

24        *(f) PUBLIC HEARINGS.—*

1           (1) *IN GENERAL.*—*The Board shall conduct public*  
 2       *hearings.*

3           (2) *TESTIMONY.*—*All testimony before the Board*  
 4       *at a public hearing under this subsection shall be pre-*  
 5       *sented under oath.*

6       (g) *REPORTING OF INFORMATION AND RECOMMENDA-*  
 7       *TIONS.*—

8           (1) *IN GENERAL.*—*Not later than 120 days after*  
 9       *the date of receipt of recommendations pursuant to*  
 10      *section 5, and annually thereafter, the Board shall*  
 11      *submit to the Director, and publicly post on a Fed-*  
 12      *eral website maintained by the Board, a report that*  
 13      *includes the findings, conclusions, and recommenda-*  
 14      *tions of the Board for the consolidation, exchange, co-*  
 15      *location, reconfiguration, lease reduction, sale,*  
 16      *outlease, or redevelopment of Federal civilian real*  
 17      *properties, and for other operational efficiencies that*  
 18      *can be realized in the operation and maintenance of*  
 19      *those properties.*

20          (2) *CONSENSUS IN MAJORITY.*—*The Board—*

21               (A) *shall seek to develop consensus rec-*  
 22       *ommendations; but*

23               (B) *if a consensus cannot be obtained, may*  
 24       *include in the report under paragraph (1) rec-*

1           *ommendations that are supported by a majority*  
 2           *of the Board.*

3           *(h) FEDERAL WEBSITE.—The Board shall establish*  
 4           *and maintain a Federal website for the purposes of making*  
 5           *relevant information publicly available.*

6           *(i) REVIEW BY GAO.—The Comptroller General of the*  
 7           *United States shall submit to Congress and to the Board*  
 8           *a report that includes—*

9                 *(1) a detailed analysis of the recommendations*  
 10            *provided by the Board under subsection (g); and*

11                 *(2) a description of the selection process used to*  
 12            *develop the recommendations.*

13   **SEC. 7. REVIEW BY THE OFFICE OF MANAGEMENT AND**  
 14            **BUDGET.**

15           *(a) REVIEW OF RECOMMENDATIONS.—On receipt of*  
 16            *the recommendations of the Board under section 6(g), the*  
 17            *Director shall conduct a review of the recommendations.*

18           *(b) REPORT TO BOARD AND CONGRESS.—*

19                 *(1) IN GENERAL.—Not later than 30 days after*  
 20            *the date of receipt of the recommendations of the*  
 21            *Board under section 6(g), the Director shall submit to*  
 22            *the Board and to Congress a report that describes the*  
 23            *approval or disapproval of the recommendations.*

24                 *(2) TESTIMONY BY BOARD.—On request of any of*  
 25            *the Committee on Environment and Public Works of*

1     *the Senate, the Committee on Transportation and In-*  
 2     *frastructure of the House of Representatives, the Com-*  
 3     *mittee on Homeland Security and Governmental Af-*  
 4     *airs of the Senate, or the Committee on Oversight*  
 5     *and Government Reform of the House of Representa-*  
 6     *tives and before the Director submits the report under*  
 7     *paragraph (1), the Board shall appear and testify be-*  
 8     *fore the requesting committee.*

9     (c) *APPROVAL OR DISAPPROVAL.—If the Director—*

10         (1) *approves the recommendations of the Board,*  
 11         *the Director shall submit to Congress a copy of the*  
 12         *recommendations and a certification of the approval;*

13         (2) *disapproves of the recommendations of the*  
 14         *Board, in whole or in part—*

15                 (A) *the Director shall submit to the Board*  
 16                 *and to Congress the reasons for the disapproval;*  
 17                 *and*

18                 (B) *not later than 30 days after the date of*  
 19                 *disapproval, the Board shall submit to the Direc-*  
 20                 *tor a revised list of recommendations;*

21         (3) *approves the revised recommendations of the*  
 22         *Board submitted under paragraph (2)(B), the Direc-*  
 23         *tor shall submit to Congress a copy of the revised rec-*  
 24         *ommendations and a certification of the approval;*  
 25         *and*

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

**SEC. 8. IMPLEMENTATION OF BOARD RECOMMENDATIONS.**

*(a) CARRYING OUT RECOMMENDATIONS.—*

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

*(A) Not later than 60 days after the date on which the Board submits recommendations to the Director and to Congress under paragraph (1) or (3) of section 7(c), begin preparation to carry out the recommendations of the Board;*

*(B) initiate all activities not later than 2 years after the date on which the Director submits the recommendations of the Board to Congress; and*

*(C) not later than the end of the 6-year period beginning on the date on which the Director submits to Congress the recommendations of the Board, complete the implementation of all recommended actions.*

*(2) ACTIONS.—Each recommended action taken by a Federal agency under paragraph (1) shall be*

1        *economically beneficial and cost-neutral or otherwise*  
 2        *favorable to the Federal Government.*

3            (3) *EXTENUATING CIRCUMSTANCES.*—*In the case*  
 4        *of a recommended action that will take longer than*  
 5        *the 6-year period described in paragraph (1)(C) due*  
 6        *to extenuating circumstances, a Federal agency shall*  
 7        *notify the Director and Congress as soon as the ex-*  
 8        *tenuating circumstance becomes apparent with an es-*  
 9        *timated time to complete the relevant action.*

10        (b) *ACTIONS OF FEDERAL AGENCIES.*—*Pursuant to*  
 11        *subsection (c), in taking an action related to any Federal*  
 12        *building or facility under this Act, a Federal agency may,*  
 13        *take all such necessary and proper actions, including—*

14            (1) *acquiring land, constructing replacement fa-*  
 15        *cilities, performing such other activities, and con-*  
 16        *ducting such advance planning and design as may be*  
 17        *required to transfer functions from a Federal asset or*  
 18        *property to another Federal civilian property;*

19            (2) *reimbursing other Federal agencies for ac-*  
 20        *tions performed at the request of the Board; and*

21            (3) *taking such actions as are practicable to*  
 22        *maximize the value of property to be sold by clari-*  
 23        *fying zoning and other limitations on use of the prop-*  
 24        *erty.*

25        (c) *NECESSARY AND PROPER ACTIONS.*—

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

4                     (A) *act within any authority delegated to*  
 5                     *the agency; and*

6                     (B) *if the agency has not been delegated the*  
 7                     *authority to act on the recommendation, work in*  
 8                     *partnership with the Administrator to carry out*  
 9                     *the recommendation.*

10           (2) *ACTIONS OF ADMINISTRATOR.*—*The Adminis-*  
 11           *trator may take such necessary and proper actions,*  
 12           *including the sale, conveyance, or exchange of civilian*  
 13           *real property, as are required to implement the rec-*  
 14           *ommendations of the Board in the time period de-*  
 15           *scribed in subsection (a)(1)(C).*

16           (3) *EXPERT COMMERCIAL REAL ESTATE SERV-*  
 17           *ICES.*—*A Federal agency may enter into no-cost non-*  
 18           *appropriated contracts for expert commercial real es-*  
 19           *tate services to carry out the responsibilities of the*  
 20           *agency pursuant to the recommendations.*

21           (d) *DISCRETION OF ADMINISTRATOR REGARDING*  
 22           *TRANSACTIONS.*—*For any transaction identified, rec-*  
 23           *ommended, or commenced as a result of this Act, any other-*  
 24           *wise required legal priority given to, or requirement to*  
 25           *enter into, a transaction to convey a Federal civilian real*



1 *property for less than fair market value, for no consider-*  
 2 *ation at all, or in a transaction that mandates the exclusion*  
 3 *of other market participants, shall be at the discretion of*  
 4 *the Administrator.*

5 *(e) DISPOSAL OF REAL PROPERTIES.—Any rec-*  
 6 *ommendation or commencement of a sale, disposal, consoli-*  
 7 *dation, reconfiguration, colocation, or realignment of civil-*  
 8 *ian real property shall not be subject to—*

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

11 *(2) sections 107 and 317 of title 23, United*  
 12 *States Code;*

13 *(3) section 545(b)(8) of title 40, United States*  
 14 *Code;*

15 *(4) sections 550, 553, and 554 of title 40, United*  
 16 *States Code;*

17 *(5) section 1304(b) of title 40, United States*  
 18 *Code;*

19 *(6) section 47151 of title 49, United States Code;*

20 *(7) section 13(d) of the Surplus Property Act of*  
 21 *1944 (50 U.S.C. App. 1622(d));*

22 *(8) any other provision of law authorizing the*  
 23 *conveyance of real property owned by the Federal*  
 24 *Government for no consideration; and*

1           (9) *any congressional notification requirement*  
 2           *(other than that under section 545 of title 40, United*  
 3           *States Code).*

4           (f) *PUBLIC BENEFIT.*—

5           (1) *IN GENERAL.*—*On the date on which the Di-*  
 6           *rector submits to Congress the recommendations of the*  
 7           *Board under paragraph (1) or (3) of section 7(c) (ex-*  
 8           *cept those buildings recommended under section 6(b)),*  
 9           *the Director shall submit to the Secretary of Housing*  
 10           *and Urban Development all known information on*  
 11           *the buildings or properties included in the rec-*  
 12           *ommendations.*

13           (2) *ACTION BY SECRETARY.*—*Not later than 30*  
 14           *days after the Secretary of Housing and Urban Devel-*  
 15           *opment receives the information described in para-*  
 16           *graph (1), the Secretary shall identify any suitable*  
 17           *properties for use as a property benefitting the mis-*  
 18           *sion of assistance to the homeless for the purposes of*  
 19           *further screening pursuant to section 501 of the*  
 20           *McKinney-Vento Homeless Assistance Act (42 U.S.C.*  
 21           *11411).*

22           (g) *ENVIRONMENTAL CONSIDERATIONS.*—

23           (1) *TRANSFER OF REAL PROPERTY.*—

24                   (A) *IN GENERAL.*—*In implementing the rec-*  
 25                   *ommendations of the Board under section 6(g),*

1        *and subject to paragraph (2) a Federal agency*  
 2        *may enter into an agreement with any person to*  
 3        *transfer real property by deed pursuant to sec-*  
 4        *tion 120(h)(3) of the Comprehensive Environ-*  
 5        *mental Response, Compensation, and Liability*  
 6        *Act of 1980 (42 U.S.C. 9620(h)(3)).*

7                *(B) ADDITIONAL TERMS.—*

8                *(i) IN GENERAL.—The head of the Fed-*  
 9        *eral agency disposing of property under this*  
 10        *paragraph may require any additional*  
 11        *terms and conditions in connection with an*  
 12        *agreement authorized by subparagraph (A)*  
 13        *as the head of the agency considers appro-*  
 14        *priate to protect the interests of the United*  
 15        *States.*

16                *(ii) NO EFFECT ON RIGHTS OR OBLIGA-*  
 17        *TIONS.—Additional terms and conditions*  
 18        *described in clause (i) shall not affect or di-*  
 19        *minish any rights or obligations of a Fed-*  
 20        *eral agency under section 120 of the Com-*  
 21        *prehensive Environmental Response, Com-*  
 22        *ensation, and Liability Act of 1980 (42*  
 23        *U.S.C. 9620).*

24                *(2) COST CERTIFICATION.—The head of a Fed-*  
 25        *eral agency shall not transfer real property or facili-*

ties under paragraph (1) unless the head of the agency certifies to the Board and Congress that—

(A) the costs of all environmental restoration, waste management, and environmental compliance activities otherwise to be paid by the Federal agency disposing of the property with respect to the property or facilities are equal to or greater than the fair market value of the property or facilities to be transferred, as determined by the head of the agency; or

(B) if the costs described in subparagraph (A) are less than the fair market value of the property or facilities, the recipient of the property or facilities has agreed to pay the difference between the fair market value and those costs.

(3) *PAYMENT TO RECIPIENT OF REAL PROPERTY.*—In the case of a property covered by a certification under paragraph (2)(A), the Federal agency disposing of the property may pay the recipient of the property or facilities an amount equal to the lesser of—

(A) the amount by which the costs incurred by the recipient of the property or facilities for all environmental restoration, waste management, and environmental compliance activities

1           *with respect to the property or facilities exceed*  
2           *the fair market value of the property or facilities*  
3           *as specified in the certification; and*

4           *(B) the amount by which the costs (as deter-*  
5           *mined by the head of the Federal agency dis-*  
6           *posing of the property) that would otherwise*  
7           *have been incurred by the Secretary of Housing*  
8           *and Urban Development for the restoration,*  
9           *waste management, and environmental compli-*  
10          *ance activities with respect to the property or fa-*  
11          *cilities exceed the fair market value of the prop-*  
12          *erty or facilities as specified in the certification.*

13          (4) *DISCLOSURE TO RECIPIENT.*—*As part of an*  
14          *agreement under paragraph (1), the head of the Fed-*  
15          *eral agency disposing of the property shall, in accord-*  
16          *ance with applicable law and before entering into an*  
17          *agreement, disclose to the person to whom the prop-*  
18          *erty or facilities will be transferred information pos-*  
19          *essed by the agency regarding the environmental res-*  
20          *toration, waste management, and environmental com-*  
21          *pliance activities described in this subsection that re-*  
22          *late to the property or facilities.*

23          (5) *TIME EXTENSIONS.*—*For the purposes of*  
24          *granting time extensions under subsection (a), the Di-*  
25          *rector shall give the need for significant environ-*

1        *mental remediation to a piece of property more*  
 2        *weight than any other factor in determining whether*  
 3        *to grant a 2-year extension to implement a Board*  
 4        *recommendation.*

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

7                    (A) *the Comprehensive Environmental Re-*  
 8                    *sponse, Compensation, and Liability Act of 1980*  
 9                    *(42 U.S.C. 9601 et seq.);*

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

12                   (C) *the Solid Waste Disposal Act (42 U.S.C.*  
 13                   *6901 et seq.).*

14    **SEC. 9. FUNDING.**

15            (a) *ESTABLISHMENT OF SALARIES AND EXPENSES AC-*  
 16        *COUNT.—*

17                   (1) *ESTABLISHMENT OF ACCOUNT.—There is es-*  
 18                   *tablished in the Treasury of the United States an ac-*  
 19                   *count to be known as the “Federal Real Property Re-*  
 20                   *form Board —Salaries and Expenses” account.*

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

1       (b) *ESTABLISHMENT OF ASSET PROCEEDS AND SPACE*  
 2 *MANAGEMENT FUND.*—

3           (1) *IN GENERAL.*—*There is established within*  
 4 *the Federal Buildings Fund established by section 592*  
 5 *of title 40, United States Code, an account to be*  
 6 *known as the “Federal Real Property Reform Board*  
 7 *—Asset Proceeds and Space Management Fund”,*  
 8 *which shall be used solely for the purposes of carrying*  
 9 *out actions under section 8, pursuant to the rec-*  
 10 *ommendations of the Board approved under section 7.*

11          (2) *AMOUNTS DEPOSITED INTO FUND.*—*Notwith-*  
 12 *standing section 3307 of title 40, United States Code,*  
 13 *the fund established by paragraph (1) shall consist*  
 14 *of—*

15           (A) *such amounts as are provided in appro-*  
 16 *priations Acts, to remain available until ex-*  
 17 *pended, for the consolidation, colocation, ex-*  
 18 *change, redevelopment, reconfiguration of space,*  
 19 *disposal, and other actions recommended by the*  
 20 *Board for Federal agencies; and*

21           (B) *amounts received from the sale of any*  
 22 *civilian real property action taken pursuant to*  
 23 *a recommendation of the Board.*

24          (3) *USE OF FUNDS.*—

1           (A) *IN GENERAL.*—*The amounts deposited*  
 2           *in the fund under paragraph (2) shall be made*  
 3           *available for obligation or expenditure only as*  
 4           *provided in advance in appropriation Acts for*  
 5           *the purposes described in subparagraphs (A) and*  
 6           *(B) of paragraph (2).*

7           (B) *USE OF PROCEEDS.*—*As provided in*  
 8           *appropriations Acts, proceeds under paragraph*  
 9           *(2)(B) may be made available to cover necessary*  
 10          *costs associated with implementing the rec-*  
 11          *ommendations pursuant to section 8, including*  
 12          *costs associated with—*

13                   (i) *sales transactions;*

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

20                   (iii) *colocation, redevelopment, dis-*  
 21                   *posal, and reconfiguration of space; and*

22                   (iv) *other actions recommended by the*  
 23                   *Board for Federal agencies.*

24          (c) *ADDITIONAL REQUIREMENT.*—



1           (1) *IN GENERAL.*—Not less frequently than an-  
 2           nually, the President shall submit to Congress a re-  
 3           port that includes—

4                   (A) an estimate of proceeds from imple-  
 5                   menting the recommendations of the Board; and

6                   (B) the obligations and expenditures needed  
 7                   to support those recommendations.

8           (2) *SUBMISSION.*—The report under paragraph  
 9           (1) may be submitted along with another annual sub-  
 10          mission to Congress, including the budget submitted  
 11          by the President under section 1105 of title 31,  
 12          United States Code.

13 **SEC. 10. CONGRESSIONAL APPROVAL OF PROPOSED**  
 14 **PROJECTS.**

15          Section 3307(b) of title 40, United States Code, is  
 16          amended—

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

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

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

22                   “(8) a description of how the proposed project is  
 23                   consistent with criteria established in section 5(b) of  
 24                   the Federal Asset Sale and Transfer Act of 2015.”.

1 **SEC. 11. PRECLUSION OF JUDICIAL REVIEW.**

2       *The following actions shall not be subject to judicial*  
 3 *review:*

4           *(1) An action taken pursuant to section 6 or sec-*  
 5 *tion 7.*

6           *(2) An action taken by the Board.*

7 **SEC. 12. IMPLEMENTATION REVIEW BY GAO.**

8       *On transmittal of the recommendations of the Board*  
 9 *from the Director to Congress under section 7, and not less*  
 10 *frequently than annually thereafter, the Comptroller Gen-*  
 11 *eral of the United States shall—*

12           *(1) monitor and review the implementation ac-*  
 13 *tivities of Federal agencies pursuant to section 8; and*

14           *(2) report to Congress any findings and rec-*  
 15 *ommendations for improvement of those activities.*

16 **SEC. 13. STREAMLINING THE MCKINNEY-VENTO HOMELESS**  
 17 **ASSISTANCE ACT.**

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

20           *(1) in subsection (b)(2)(A), by amending clause*  
 21 *(ii) to read as follows:*

22           *“(i) in the case of surplus property—*

23           *“(I) for use to assist the homeless either*  
 24 *in accordance with this section or as a pub-*  
 25 *lic health use in accordance with para-*  
 26 *graphs (1) and (4) of section 203(k) of the*

*Federal Property and Administrative Services Act of 1949 (40 U.S.C. 484(k) (1) and (4)); and*

*“(II) to provide permanent housing with or without supportive services to assist the homeless in accordance with this section.”;*

*(2) in subsection (c)(1)(A), in the matter preceding clause (i), by striking “in the Federal Register” and inserting “on the website of the Department of Housing and Urban Development or the General Services Administration”;*

*(3) in subsection (d)—*

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

*(B) by striking “60-day period” each place that term appears and inserting “30-day period”; and*

*(C) in paragraph (3), by adding at the end the following: “If the representative of the homeless does not request a review of the determination of unsuitability during the 20-day period described in this paragraph, the property shall not be included in any subsequent publication under subsection (c)(1)(A)(ii) unless the land-*

1       *holding agency makes changes to the property,*  
 2       *including improvements, that may change the*  
 3       *unsuitable determination and the Secretary sub-*  
 4       *sequently determines the property is suitable.”;*

5       *(4) in subsection (e)—*

6               *(A) in paragraph (2)—*

7                       *(i) by striking “90 days” and inserting*  
 8                       *“75 days”;*

9                       *(ii) by striking “a complete applica-*  
 10                      *tion” and inserting “an initial applica-*  
 11                      *tion”;* and

12                      *(iii) by adding at the end the fol-*  
 13                      *lowing: “An initial application shall set*  
 14                      *forth (A) the services that will be offered,*  
 15                      *(B) the need for the services, and (C) the ex-*  
 16                      *perience that the applicant has that dem-*  
 17                      *onstrates the ability to provide the serv-*  
 18                      *ices.”;*

19               *(B) in paragraph (3)—*

20                       *(i) by striking “25 days after receipt of*  
 21                       *a completed application” and inserting “10*  
 22                       *days after the date on which the Secretary*  
 23                       *of Health and Human Services receives an*  
 24                       *initial application under paragraph (2)”;*  
 25                       *and*

1                   (ii) by striking “an application” and  
 2                   inserting “an initial application”; and

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

4                   “(4) Not later than 45 days after the date on  
 5                   which the Secretary of Health and Human Services  
 6                   approves an initial application under paragraph (3),  
 7                   the applicant shall submit to the Secretary of Health  
 8                   and Human Services a final application, which shall  
 9                   set forth a reasonable plan to finance the approved  
 10                  program.

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

20                  (5) in subsection (f)(1), by striking “available  
 21                  by” and inserting “available, at the discretion of the  
 22                  applicant, by”.

23 **SEC. 14. AUTHORIZATION OF APPROPRIATIONS.**

24                  There is authorized to be appropriated to carry out  
 25                  this Act—

- 1           (1) \$2,000,000 for salaries and expenses of the  
2       *Board; and*
- 3           (2) \$40,000,000 to be deposited into the *Federal*  
4       *Real Property Reform Board—Asset Proceeds and*  
5       *Space Management Fund established by section 9(b)*  
6       *for activities related to the implementation of rec-*  
7       *ommendations of the Board.*



Calendar No. 544

114<sup>TH</sup> CONGRESS  
2<sup>D</sup> Session

**S. 2375**

[Report No. 114-291]

**A BILL**

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

JULY 6, 2016

Reported with an amendment