

(7) **PUBLIC-PRIVATE PARTNERSHIP.**—The term “public-private partnership” means any partnership or working relationship between a Federal agency and a corporation, individual, or nonprofit organization for the purpose of financing, constructing, operating, managing, or maintaining one or more Federal real property assets.

(8) **UNDERUTILIZED PROPERTY.**—The term “underutilized property” means a portion or the entirety of any real property, including any improvements, that is used—

(A) irregularly or intermittently by the accountable Federal agency for program purposes of the Federal agency; or

(B) for program purposes that can be satisfied only with a portion of the property.

(Added Pub. L. 114-318, §3(a), Dec. 16, 2016, 130 Stat. 1608.)

Statutory Notes and Related Subsidiaries

PURPOSE

Pub. L. 114-318, §2, Dec. 16, 2016, 130 Stat. 1608, provided that: “The purpose of this Act [see section 1 of Pub. L. 114-318, set out as a Short Title of 2016 Amendment note under section 101 of this title] is to increase the efficiency and effectiveness of the Federal Government in managing property of the Federal Government by—

“(1) requiring the United States Postal Service to take appropriate measures to better manage and account for property;

“(2) providing for increased collocation with Postal Service facilities and guidance on Postal Service leasing practices; and

“(3) establishing a Federal Real Property Council to develop guidance on and ensure the implementation of strategies for better managing Federal property.”

§ 622. Collocation among United States Postal Service properties

(a) **IDENTIFICATION OF POSTAL PROPERTY.**—Each year, the Postmaster General shall—

(1) identify a list of postal properties with space available for use by Federal agencies; and

(2) not later than September 30, submit the list to—

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

(B) the Committee on Oversight and Government Reform of the House of Representatives.

(b) **VOLUNTARY IDENTIFICATION OF POSTAL PROPERTY.**—Each year, the Postmaster General may submit the list under subsection (a) to the Council.

(c) **SUBMISSION OF LIST OF POSTAL PROPERTIES TO FEDERAL AGENCIES.**—

(1) **IN GENERAL.**—Not later than 30 days after the completion of a list under subsection (a), the Council shall provide the list to each Federal agency.

(2) **REVIEW BY FEDERAL AGENCIES.**—Not later than 90 days after the receipt of the list submitted under paragraph (1), each Federal agency shall—

(A) review the list;

(B) review properties under the control of the Federal agency; and

(C) recommend collocations if appropriate.

(d) **TERMS OF COLLOCATION.**—On approval of the recommendations under subsection (c) by the Postmaster General and the applicable agency head, the Federal agency or appropriate landholding entity may work with the Postmaster General to establish appropriate terms of a lease for each postal property.

(e) **RULE OF CONSTRUCTION.**—Nothing in this section exceeds, modifies, or supplants any other Federal law relating to any competitive bidding process governing the leasing of postal property.

(Added Pub. L. 114-318, §3(a), Dec. 16, 2016, 130 Stat. 1609.)

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Oversight and Government Reform of House of Representatives changed to Committee on Oversight and Reform of House of Representatives by House Resolution No. 6, One Hundred Sixteenth Congress, Jan. 9, 2019.

§ 623. Establishment of a Federal Real Property Council

(a) **ESTABLISHMENT.**—There is established a Federal Real Property Council.

(b) **PURPOSE.**—The purpose of the Council shall be—

(1) to develop guidance and ensure implementation of an efficient and effective real property management strategy;

(2) to identify opportunities for the Federal Government to better manage property and assets of the Federal Government; and

(3) to reduce the costs of managing property of the Federal Government, including operations, maintenance, and security associated with Federal property.

(c) **COMPOSITION.**—

(1) **IN GENERAL.**—The Council shall be composed exclusively of—

(A) the senior real property officers of each Federal agency;

(B) the Deputy Director for Management of the Office of Management and Budget;

(C) the Controller of the Office of Management and Budget;

(D) the Administrator; and

(E) any other full-time or permanent part-time Federal officials or employees, as the Chairperson determines to be necessary.

(2) **CHAIRPERSON.**—The Deputy Director for Management of the Office of Management and Budget shall serve as Chairperson of the Council.

(3) **EXECUTIVE DIRECTOR.**—

(A) **IN GENERAL.**—The Chairperson shall designate an Executive Director to assist in carrying out the duties of the Council.

(B) **QUALIFICATIONS.**—The Executive Director shall—

(i) be appointed from among individuals who have substantial experience in the areas of commercial real estate and development, real property management, and Federal operations and management; and

(ii) hold no outside employment that may conflict with duties inherent to the position.

(d) MEETINGS.—

(1) IN GENERAL.—The Council shall meet subject to the call of the Chairperson.

(2) MINIMUM.—The Council shall meet not fewer than 4 times each year.

(e) DUTIES.—The Council, in consultation with the Director and the Administrator, shall—

(1) not later than 1 year after the date of enactment of this subchapter, establish a real property management plan template, to be updated annually, which shall include performance measures, specific milestones, measurable savings, strategies, and Government-wide goals based on the goals established under section 524(a)(7) to reduce surplus property or to achieve better utilization of underutilized property, and evaluation criteria to determine the effectiveness of real property management that are designed—

(A) to enable Congress and heads of Federal agencies to track progress in the achievement of property management objectives on a Government-wide basis;

(B) to improve the management of real property; and

(C) to allow for comparison of the performance of Federal agencies against industry and other public sector agencies;

(2) develop utilization rates consistent throughout each category of space, considering the diverse nature of the Federal portfolio and consistent with nongovernmental space use rates;

(3) develop a strategy to reduce the reliance of Federal agencies on leased space for long-term needs if ownership would be less costly;

(4) provide guidance on eliminating inefficiencies in the Federal leasing process;

(5) compile a list of field offices that are suitable for collocation with other property assets;

(6) research best practices regarding the use of public-private partnerships to manage properties and develop guidelines for the use of those partnerships in the management of Federal property; and

(7) not later than 1 year after the date of enactment of this subchapter and annually during the 4-year period beginning on the date that is 1 year after the date of enactment of this subchapter and ending on the date that is 5 years after the date of enactment of this subchapter, the Council shall submit to the Director a report that contains—

(A) a list of the remaining excess property that is real property, surplus property that is real property, and underutilized property of each Federal agency;

(B) the progress of the Council toward developing guidance for Federal agencies to ensure that the assessment required under section 524(a)(11)(B) is carried out in a uniform manner;

(C) the progress of Federal agencies toward achieving the goals established under section 524(a)(7);

(D) if necessary, recommendations for legislation or statutory reforms that would fur-

ther the goals of the Council, including streamlining the disposal of excess or underutilized real property; and

(E) a list of entities that are consulted under subsection (f).

(f) CONSULTATION.—In carrying out the duties described in subsection (e), the Council shall also consult with representatives of—

(1) State, local, and tribal authorities, as appropriate, and other affected communities; and

(2) appropriate private sector entities and nongovernmental organizations that have expertise in areas of—

(A) commercial real estate and development;

(B) government management and operations;

(C) space planning;

(D) community development, including transportation and planning;

(E) historic preservation; and

(F) providing housing to the homeless population.

(g) COUNCIL RESOURCES.—The Director and the Administrator shall provide staffing, and administrative support for the Council, as appropriate.

(h) ACCESS TO REPORT.—The Council shall provide, on an annual basis, the real property management plan template required under subsection (e)(1) and the reports required under subsection (e)(7) to—

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

(2) the Committee on Environment and Public Works of the Senate;

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

(4) the Committee on Transportation and Infrastructure of the House of Representatives; and

(5) the Comptroller General of the United States.

(i) EXCLUSIONS.—In this section, surplus property shall not include—

(1) any military installation (as defined in section 2910 of the Defense Base Closure and Realignment Act of 1990 (10 U.S.C. 2687 note; Public Law 101-510));

(2) any property that is excepted from the definition of the term “property” under section 102;

(3) Indian and native Eskimo property held in trust by the Federal Government as described in section 3301(a)(5)(C)(iii);

(4) real property operated and maintained by the Tennessee Valley Authority pursuant to the Tennessee Valley Authority Act of 1933 (16 U.S.C. 831 et seq.);

(5) any real property the Director excludes for reasons of national security;

(6) any public lands (as defined in section 203 of the Public Lands Corps Act of 1993 (16 U.S.C. 1722)) administered by—

(A) the Secretary of the Interior, acting through—

(i) the Director of the Bureau of Land Management;

(ii) the Director of the National Park Service;

- (iii) the Commissioner of Reclamation; or
- (iv) the Director of the United States Fish and Wildlife Service; or

(B) the Secretary of Agriculture, acting through the Chief of the Forest Service; or

(7) any property operated and maintained by the United States Postal Service.

(Added Pub. L. 114-318, §3(a), Dec. 16, 2016, 130 Stat. 1609.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this subchapter, referred to in subsec. (e)(1), (7), is the date of enactment of Pub. L. 114-318, which was approved Dec. 16, 2016.

The Tennessee Valley Authority Act of 1933, referred to in subsec. (i)(4), is act May 18, 1933, ch. 32, 48 Stat. 58, which is classified generally to chapter 12A (§831 et seq.) of Title 16, Conservation. For complete classification of this Act to the Code, see section 831 of Title 16 and Tables.

Statutory Notes and Related Subsidiaries

CHANGE OF NAME

Committee on Oversight and Government Reform of House of Representatives changed to Committee on Oversight and Reform of House of Representatives by House Resolution No. 6, One Hundred Sixteenth Congress, Jan. 9, 2019.

§ 624. Information on certain leasing authorities

(a) IN GENERAL.—Except as provided in subsection (b), not later than December 31 of each year following the date of enactment of this subchapter, a Federal agency with independent leasing authority shall submit to the Council a list of all leases, including operating leases, in effect on the date of enactment of this subchapter that includes—

- (1) the date on which each lease was executed;
- (2) the date on which each lease will expire;
- (3) a description of the size of the space;
- (4) the location of the property;
- (5) the tenant agency;
- (6) the total annual rental payment; and
- (7) the amount of the net present value of the total estimated legal obligations of the Federal Government over the life of the contract.

(b) EXCEPTION.—Subsection (a) shall not apply to—

- (1) the United States Postal Service; or
- (2) any other property the Director excludes from subsection (a) for reasons of national security.

(Added Pub. L. 114-318, §3(a), Dec. 16, 2016, 130 Stat. 1612.)

Editorial Notes

REFERENCES IN TEXT

The date of enactment of this subchapter, referred to in subsec. (a), is the date of enactment of Pub. L. 114-318, which was approved Dec. 16, 2016.

CHAPTER 7—FOREIGN EXCESS PROPERTY

Sec.
701. Administrative.

Sec.
702. Return of foreign excess property to United States.
703. Donation of medical supplies for use in foreign country.
704. Other methods of disposal.
705. Handling of proceeds from disposal.

§ 701. Administrative

(a) POLICIES PRESCRIBED BY THE PRESIDENT.—The President may prescribe policies that the President considers necessary to carry out this chapter. The policies must be consistent with this chapter.

(b) EXECUTIVE AGENCY RESPONSIBILITY.—

(1) IN GENERAL.—The head of an executive agency that has foreign excess property is responsible for the disposal of the property.

(2) CONFORMANCE TO POLICIES.—In carrying out functions under this chapter, the head of an executive agency shall—

(A) use the policies prescribed by the President under subsection (a) for guidance; and

(B) dispose of foreign excess property in a manner that conforms to the foreign policy of the United States.

(3) DELEGATION OF AUTHORITY.—The head of an executive agency may—

(A) delegate authority conferred by this chapter to an official in the agency or to the head of another executive agency; and

(B) authorize successive redelegation of authority conferred by this chapter.

(4) EMPLOYMENT OF PERSONNEL.—As necessary to carry out this chapter, the head of an executive agency may—

(A) appoint and fix the pay of personnel in the United States, subject to chapters 33 and 51 and subchapter III of chapter 53 of title 5; and

(B) appoint personnel outside the States of the United States and the District of Columbia, without regard to chapter 33 of title 5.

(c) SPECIAL RESPONSIBILITIES OF SECRETARY OF STATE.—

(1) USE OF FOREIGN CURRENCIES AND CREDITS.—The Secretary of State may use foreign currencies and credits acquired by the United States under section 704(b)(2) of this title—

(A) to carry out the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2451 et seq.);

(B) to carry out the Foreign Service Buildings Act, 1926 (22 U.S.C. 292 et seq.); and

(C) to pay other governmental expenses payable in local currencies.

(2) RENEWAL OF CERTAIN AGREEMENTS.—Except as otherwise directed by the President, the Secretary of State shall continue to perform functions under agreements in effect on July 1, 1949, related to the disposal of foreign excess property. The Secretary of State may amend, modify, and renew the agreements. Foreign currencies or credits the Secretary of State acquires under the agreements shall be administered in accordance with procedures that the Secretary of the Treasury may establish. Foreign currencies or credits reduced to United States currency must be deposited in the Treasury as miscellaneous receipts.