

114TH CONGRESS
2D SESSION

H. R. 4465

AN ACT

To decrease the deficit by consolidating and selling Federal buildings and other civilian real property, and for other purposes.

1 *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

1 SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

2 (a) SHORT TITLE.—This Act may be cited as the
3 “Federal Assets Sale and Transfer Act of 2016”.

4 (a) TABLE OF CONTENTS.—The table of contents for
5 this Act is as follows:

See. 1. Short title; table of contents.
See. 2. Purposes.
See. 3. Definitions.
See. 4. Board.
See. 5. Board meetings.
See. 6. Compensation and travel expenses.
See. 7. Executive Director.
See. 8. Staff.
See. 9. Contracting authority.
See. 10. Termination.
See. 11. Development of recommendations to Board.
See. 12. Board duties.
See. 13. Review by OMB.
See. 14. Implementation of Board recommendations.
See. 15. Authorization of appropriations.
See. 16. Funding.
See. 17. Congressional approval of proposed projects.
See. 18. Preclusion of judicial review.
See. 19. Implementation review by GAO.
See. 20. Agency retention of proceeds.
See. 21. Federal real property database.
See. 22. Streamlining McKinney-Vento Homeless Assistance Act.
See. 23. Additional property.
See. 24. Sale of 12th and Independence.
See. 25. Sale of Cotton Annex.

6 SEC. 2. PURPOSES.

7 The purpose of this Act is to reduce the costs of Fed-
8 eral real estate by—

9 (1) consolidating the footprint of Federal build-
10 ings and facilities;
11 (2) maximizing the utilization rate of Federal
12 buildings and facilities;
13 (3) reducing the reliance on leased space;

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;

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

14 (9) improving the efficiency of real property
15 transfers for the provision of services to the home-
16 less; and

17 (10) assisting Federal agencies in achieving the
18 Government's sustainability goals by reducing excess
19 space, inventory, and energy consumption, as well as
20 by leveraging new technologies.

21 SEC. 3. DEFINITIONS.

22 In this Act, unless otherwise expressly stated, the fol-
23 lowing definitions apply:

16 (5) FEDERAL CIVILIAN REAL PROPERTY AND
17 CIVILIAN REAL PROPERTY.—

4 (i) Properties that are on military in-
5 stallations (including any fort, camp, post,
6 naval training station, airfield proving
7 ground, military supply depot, military
8 school, or any similar facility of the De-
9 partment of Defense).

10 (ii) A base, camp, post, station, yard,
11 center, or homeport facility for any ship or
12 activity under the jurisdiction of the Coast
13 Guard.

14 (iii) Properties that are excluded for
15 reasons of national security by the Direc-
16 tor of the Office of Management and
17 Budget.

18 (iv) Properties that are excepted from
19 the definition of the term "property"
20 under section 102 of title 40, United
21 States Code.

22 (v) Indian and Native Alaskan prop-
23 erties, including—

24 (I) any property within the limits
25 of an Indian reservation to which the

3 (II) any property title that is
4 held in trust by the United States for
5 the benefit of an Indian tribe or indi-
6 vidual or held by an Indian tribe or
7 individual subject to restriction by the
8 United States against alienation.

9 (vi) Properties operated and main-
10 tained by the Tennessee Valley Authority
11 pursuant to the Tennessee Valley Author-
12 ity Act of 1933 (16 U.S.C. 831 et seq.).

13 (vii) Postal properties owned by the
14 United States Postal Service.

15 (viii) Properties used in connection
16 with Federal programs for agricultural,
17 recreational, or conservation purposes, in-
18 cluding research in connection with the
19 programs.

20 (ix) Properties used in connection
21 with river, harbor, flood control, reclama-
22 tion, or power projects.

23 (x) Properties located outside the
24 United States operated or maintained by
25 the Department of State or the United

8 (8) OMB.—The term “OMB” means the Office
9 of Management and Budget.

16 SEC. 4. BOARD.

17 (a) ESTABLISHMENT.—There is established an inde-
18 pendent board to be known as the Public Buildings Re-
19 form Board

20 (b) DUTIES.—The Board shall carry out the duties
21 as specified in this Act.

22 (c) MEMBERSHIP —

1 by and with the advice and consent of the Senate,
2 and six members appointed by the President.

3 (2) APPOINTMENTS.—In selecting individuals
4 for appointments to the Board, the President shall
5 consult with—

6 (A) the Speaker of the House of Rep-
7 resentatives concerning the appointment of two
8 members;

9 (B) the majority leader of the Senate con-
10 cerning the appointment of two members;

11 (C) the minority leader of the House of
12 Representatives concerning the appointment of
13 one member; and

14 (D) the minority leader of the Senate con-
15 cerning the appointment of one member.

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

18 (4) VACANCIES.—Vacancies shall be filled in
19 the same manner as the original appointment.

20 (5) QUALIFICATIONS.—In selecting individuals
21 for appointment to the Board, the President shall
22 ensure that the Board contains individuals with ex-
23 pertise representative of the following:

24 (A) Commercial real estate and redevelop-
25 ment.

- 1 (B) Space optimization and utilization.
- 2 (C) Community development, including
- 3 transportation and planning.

4 SEC. 5. BOARD MEETINGS.

5 (a) OPEN MEETINGS.—Each meeting of the Board,
6 other than meetings in which classified information is to
7 be discussed, shall be open to the public. Any open meet-
8 ing shall be announced in the Federal Register and the
9 Federal Web site established by the Board at least 14 cal-
10 endar days in advance of a meeting. For all public meet-
11 ings, the Board shall release an agenda and a listing of
12 materials relevant to the topics to be discussed.

13 (b) QUORUM AND MEETINGS.—Five Board members
14 shall constitute a quorum for the purposes of conducting
15 business and three or more Board members shall con-
16 stitute a meeting of the Board.

17 (c) TRANSPARENCY OF INFORMATION.—All the pro-
18 ceedings, information, and deliberations of the Board shall
19 be open, upon request, to the Chairperson and ranking
20 minority party member, and their respective subcommittee
21 Chairperson and subcommittee ranking minority party
22 member, of—

23 (1) the Committee on Transportation and In-
24 frastructure of the House of Representatives;

5 (4) the Committee on Environment and Public
6 Works of the Senate; and

9 (d) GOVERNMENT ACCOUNTABILITY OFFICE.—All
10 proceedings, information, and deliberations of the Board
11 shall be open, upon request, to the Comptroller General
12 of the United States.

13 SEC. 6. COMPENSATION AND TRAVEL EXPENSES.

14 (a) COMPENSATION.—

1 lent of the minimum annual rate of basic pay pay-
2 able for level III of the Executive Schedule under
3 section 5314 of title 5, United States Code.

4 (b) TRAVEL.—Members shall receive travel expenses,
5 including per diem in lieu of subsistence, in accordance
6 with sections 5702 and 5703 of title 5, United States
7 Code.

8 **SEC. 7. EXECUTIVE DIRECTOR.**

9 (a) APPOINTMENT.—The Board shall appoint an Ex-
10 ecutive Director, who may be appointed without regard to
11 the provisions of title 5, United States Code, governing
12 appointments in the competitive service.

13 (b) RATE OF PAY.—The Executive Director shall be
14 paid at the rate of basic pay payable for level IV of the
15 Executive Schedule under section 5315 of title 5, United
16 States Code.

17 **SEC. 8. STAFF.**

18 (a) ADDITIONAL PERSONNEL.—Subject to subsection
19 (b), the Executive Director may request additional per-
20 sonnel detailed from Federal agencies.

21 (b) REQUESTS FOR DETAIL EMPLOYEES.—Upon re-
22 quest of the Executive Director and approval of the Board
23 and the Director of OMB, the head of any Federal agency
24 shall detail the requested personnel of that agency to the

1 Board to assist the Board in carrying out its duties under
2 this Act.

3 (c) QUALIFICATIONS.—Appointments shall be made
4 with consideration of a balance of expertise consistent with
5 the qualifications of representatives described in section
6 4(c)(5).

7 **SEC. 9. CONTRACTING AUTHORITY.**

8 (a) EXPERTS AND CONSULTANTS.—The Board, to
9 the extent practicable and subject to appropriations Acts,
10 shall use contracts, including nonappropriated contracts,
11 entered into by the Administrator for services necessary
12 to carry out the duties of the Board.

13 (b) OFFICE SPACE.—The Administrator, in consulta-
14 tion with the Board, shall identify and provide, without
15 charge, suitable office space within the existing Federal
16 space inventory to house the operations of the Board.

17 (c) PERSONAL PROPERTY.—The Board shall use per-
18 sonal property already in the custody and control of the
19 Administrator.

20 **SEC. 10. TERMINATION.**

21 The Board shall cease operations and terminate 6
22 years after the date of enactment of this Act.

1 SEC. 11. DEVELOPMENT OF RECOMMENDATIONS TO
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 first day of each fiscal year thereafter until the
7 termination of the Board, the head of each Federal agency
8 shall submit to the Administrator and the Director of
9 OMB the following:

10 (1) CURRENT DATA.—Current data of all Fed-
11 eral civilian real properties owned, leased, or con-
12 trolled by the agency, including all relevant informa-
13 tion prescribed by the Administrator and the Direc-
14 tor of OMB, including data related to the age and
15 condition of the property, operating costs, history of
16 capital expenditures, sustainability metrics, number
17 of Federal employees and functions housed in the re-
18 spective property, and square footage (including
19 gross, rentable, and usable).

20 (2) AGENCY RECOMMENDATIONS.—Rec-
21 ommendations of the agency on the following:

22 (A) Federal civilian real properties that
23 can be sold for proceeds or otherwise disposed
24 of, reported as excess, declared surplus,
25 outleased, or otherwise no longer meeting the
26 needs of the agency, excluding leasebacks or

1 other such exchange agreements where the
2 property continues to be used by the agency.

3 (B) Federal civilian real properties that
4 can be transferred, exchanged, consolidated, co-
5 located, reconfigured, or redeveloped, so as to
6 reduce the civilian real property inventory, re-
7 duce the operating costs of the Government,
8 and create the highest value and return for the
9 taxpayer.

10 (C) Operational efficiencies that the Gov-
11 ernment can realize in its operation and main-
12 tenance of Federal civilian real properties.

13 (b) **STANDARDS AND CRITERIA.**—

14 (1) **DEVELOPMENT OF STANDARDS AND CRI-**
15 **TERIA.**—Not later than 60 days after the deadline
16 for submissions of agency recommendations under
17 subsection (a), the Director of OMB, in consultation
18 with the Administrator, shall—

19 (A) review the agency recommendations;
20 (B) develop consistent standards and cri-
21 teria against which the agency recommenda-
22 tions will be reviewed; and
23 (C) submit to the Board the recomme-
24 dations developed pursuant to paragraph (2).

10 (A) The extent to which the civilian real
11 property could be sold (including property that
12 is no longer meeting the needs of the Govern-
13 ment), redeveloped, outleased, or otherwise used
14 to produce the highest and best value and re-
15 turn for the taxpayer.

16 (B) The extent to which the operating and
17 maintenance costs are reduced through consoli-
18 dating, co-locating, and reconfiguring space,
19 and through realizing other operational effi-
20 ciencies.

21 (C) The extent to which the utilization rate
22 is being maximized and is consistent with non-
23 governmental industry standards for the given
24 function or operation.

5 (E) The extent to which reliance on leasing
6 for long-term space needs is reduced.

7 (F) The extent to which a civilian real
8 property aligns with the current mission of the
9 Federal agency.

(G) The extent to which there are opportunities to consolidate similar operations across multiple agencies or within agencies.

13 (H) The economic impact on existing com-
14 munities in the vicinity of the civilian real prop-
15 erty.

16 (I) The extent to which energy consump-
17 tion is reduced.

18 (J) The extent to which public access to
19 agency services is maintained or enhanced.

20 (c) SPECIAL RULE FOR UTILIZATION RATES.—
21 Standards developed by the Director of OMB pursuant to
22 subsection (b) shall incorporate and apply clear standard
23 utilization rates to the extent that such standard rates in-
24 crease efficiency and provide performance data. The utili-
25 zation rates shall be consistent throughout each applicable

1 category of space and with nongovernment space utiliza-
2 tion rates. To the extent the space utilization rate of a
3 given agency exceeds the utilization rates to be applied
4 under this subsection, the Director of OMB may rec-
5 ommend realignment, co-location, consolidation, or other
6 type of action to improve space utilization.

7 (d) SUBMISSION TO BOARD.—

8 (1) IN GENERAL.—The Director of OMB shall
9 submit the standards, criteria, and recommendations
10 developed pursuant to subsection (b) to the Board
11 with all supporting information, data, analyses, and
12 documentation.

13 (2) PUBLICATION.—The standards, criteria,
14 and recommendations developed pursuant to sub-
15 section (b) shall be published in the Federal Register
16 and transmitted to the committees listed in section
17 5(c) and to the Comptroller General of the United
18 States.

19 (3) ACCESS TO INFORMATION.—The Board
20 shall also have access to all information pertaining
21 to the recommendations developed pursuant to sub-
22 section (b), including supporting information, data,
23 analyses, and documentation submitted pursuant to
24 subsection (a). Upon request, a Federal agency shall
25 provide to the Board any additional information per-

1 taining to the civilian real properties under the cus-
2 tody, control, or administrative jurisdiction of the
3 Federal agency. The Board shall notify the commit-
4 tees listed in section 5(c) of any failure by an agency
5 to comply with a request of the Board.

6 **SEC. 12. BOARD DUTIES.**

7 (a) IDENTIFICATION OF PROPERTY REDUCTION OP-
8 PORTUNITIES.—The Board shall identify opportunities for
9 the Government to reduce significantly its inventory of ci-
10 vilian real property and reduce costs to the Government.

11 (b) IDENTIFICATION OF HIGH VALUE ASSETS.—

12 (1) IDENTIFICATION OF CERTAIN PROP-
13 ERTIES.—Not later than 180 days after Board
14 members are appointed pursuant to section 4, the
15 Board shall—

16 (A) identify not fewer than five Federal ci-
17 vilian real properties that are not on the list of
18 surplus or excess as of such date with a total
19 fair market value of not less than \$500,000,000
20 and not more than \$750,000,000; and

21 (B) transmit the list of the Federal civilian
22 real properties to the Director of OMB and
23 Congress as Board recommendations and sub-
24 ject to the approval process described in section
25 13.

11 (4) LEASEBACK RESTRICTIONS.—None of the
12 existing improvements on properties sold under this
13 subsection may be leased back to the Government.

20 (6) SALE.—

1 Assistance Act (42 U.S.C. 11411), but except
2 as provided in section 14(g)), the General Serv-
3 ices Administration shall initiate the sale of the
4 civilian real properties described in paragraph
5 (1).

6 (B) COMPLETION OF SALE.—Not later
7 than 1 year after the acceptance of the Report
8 of Excess, the Administrator shall sell the civil-
9 ian real properties at fair market value at high-
10 est and best use, unless the Director of OMB
11 determines it is in the financial interest of the
12 Government to execute a sale more than a year
13 after the acceptance of the Report of Excess,
14 but not greater than 2 years after the accept-
15 ance of the Report of Excess.

16 (c) ANALYSIS OF INVENTORY.—The Board shall per-
17 form an independent analysis of the inventory of Federal
18 civilian real property and the recommendations submitted
19 pursuant to section 11. The Board shall not be bound or
20 limited by the recommendations submitted pursuant to
21 section 11. If, in the opinion of the Board, an agency fails
22 to provide needed information, data, or adequate rec-
23 ommendations that meet the standards and criteria, the
24 Board shall develop such recommendations as the Board
25 considers appropriate based on existing data contained in

1 the Federal Real Property Profile or other relevant infor-
2 mation.

3 (d) INFORMATION AND PROPOSALS.—

4 (1) RECEIPT.—Notwithstanding any other pro-
5 vision of law, the Board may receive and consider
6 proposals, information, and other data submitted by
7 State and local officials and the private sector.

8 (2) CONSULTATION.—The Board shall consult
9 with State and local officials on information, pro-
10 posals, and other data that the officials submit to
11 the Board.

12 (3) AVAILABILITY.—Information submitted to
13 the Board shall be made publicly available.

14 (e) ACCOUNTING SYSTEM.—Not later than 120 days
15 after the date of enactment of this Act, the Board shall
16 identify or develop and implement a system of accounting
17 to be used to independently evaluate the costs of and re-
18 turns on the recommendations. Such accounting system
19 shall be applied in developing the Board's recomme-
20 dations and determining the highest return to the taxpayer.

21 In applying the accounting system, the Board shall set a
22 standard performance period of not less than 15 years.

23 (f) PUBLIC HEARING.—The Board shall conduct
24 public hearings. All testimony before the Board at a public

1 hearing under this subsection shall be presented under
2 oath.

3 (g) REPORTING OF INFORMATION AND REC-
4 OMMENDATIONS.—

5 (1) IN GENERAL.—Subject to the schedule and
6 limitations specified in paragraph (2), the Board
7 shall transmit to the Director of OMB, and publicly
8 post on a Federal Web site maintained by the
9 Board, reports containing the Board's findings, con-
10 clusions, and recommendations for—

11 (A) the consolidation, exchange, co-loca-
12 tion, reconfiguration, lease reductions, sale,
13 outlease, and redevelopment of Federal civilian
14 real properties; and

15 (B) other operational efficiencies that can
16 be realized in the Government's operation and
17 maintenance of such properties.

18 (2) SCHEDULE AND LIMITATIONS.—

19 (A) FIRST ROUND.—Not later than 2
20 years after the date of transmittal of the list of
21 properties recommended pursuant to subsection
22 (b), the Board shall transmit to the Director of
23 OMB the first report required under paragraph
24 (1). The total value of transactions contained in
25 the first report may not exceed \$2,500,000,000.

1 (B) SECOND ROUND.—Not earlier than 3
2 years after the date of transmittal of the first
3 report, the Board shall transmit to the Director
4 of OMB the second report required under para-
5 graph (1). The total value of transactions con-
6 tained in the second report may not exceed
7 \$4,750,000,000.

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

17 (i) REVIEW BY GAO.—The Comptroller General of
18 the United States shall transmit to Congress and the
19 Board a report containing a detailed analysis of the rec-
20 ommendations and selection process.

21 SEC. 13. REVIEW BY OMB.

22 (a) REVIEW OF RECOMMENDATIONS.—Upon receipt
23 of the Board's recommendations pursuant to subsections
24 (b) and (g) of section 12, the Director of OMB shall con-
25 duct a review of the recommendations.

1 (b) REPORT TO BOARD AND CONGRESS.—Not later
2 than 30 days after the receipt of the Board's recommenda-
3 tions, the Director of OMB shall transmit to the Board
4 and Congress a report that sets forth the Director of
5 OMB's approval or disapproval of the Board's rec-
6 ommendations.

7 (c) APPROVAL AND DISAPPROVAL.—

8 (1) APPROVAL.—If the Director of OMB ap-
9 proves the Board's recommendations, the Director of
10 OMB shall transmit a copy of the recommendations
11 to Congress, together with a certification of such ap-
12 proval.

13 (2) DISAPPROVAL.—If the Director of OMB
14 disapproves the Board's recommendations, in whole
15 or in part, the Director of OMB shall transmit a
16 copy of the recommendations to Congress and the
17 reasons for disapproval of the recommendations to
18 the Board and Congress.

19 (3) REVISED RECOMMENDATIONS.—Not later
20 than 30 days after the receipt of reasons for dis-
21 approval under paragraph (2), the Board shall
22 transmit to the Director of OMB revised rec-
23 ommendations for approval.

24 (4) APPROVAL OF REVISED RECOMMENDA-
25 TIONS.—If the Director of OMB approves the re-

1 vised recommendations received under paragraph
2 (3), the Director of OMB shall transmit a copy of
3 the revised recommendations to Congress, together
4 with a certification of such approval.

5 (d) TERMINATION OF PROCESS FOR GIVEN
6 ROUND.—If the Director of OMB does not transmit to
7 Congress an approval and certification described in para-
8 graph (1) or (4) of subsection (c) on or before the 30th
9 day following the receipt of the Board's recommendations
10 or revised recommendations, as the case may be, the proc-
11 ess shall terminate until the following round, as described
12 in section 12.

13 **SEC. 14. IMPLEMENTATION OF BOARD RECOMMENDA-
14 TIONS.**

15 (a) DEADLINES.—

16 (1) PREPARATION.—Federal agencies shall—
17 (A) not later than 60 days after the Direc-
18 tor of OMB transmits the Board's rec-
19 ommendations to Congress pursuant to para-
20 graph (1) or (4) of section 13(c), immediately
21 begin preparations to carry out the Board's rec-
22 ommendations; and

23 (B) not later than 2 years after such
24 transmittal, initiate all activities necessary to
25 carry out the Board's recommendations.

15 (b) ACTIONS OF FEDERAL AGENCIES RELATED TO
16 CIVILIAN REAL PROPERTIES.—In taking actions related
17 to any civilian real property under this Act, Federal agen-
18 cies may take, pursuant to subsection (c), all such nec-
19 essary and proper actions, including—

7 (c) ACTIONS OF FEDERAL AGENCIES TO IMPLEMENT
8 BOARD RECOMMENDATIONS.—

9 (1) USE OF EXISTING LEGAL AUTHORITIES.—

10 (A) IN GENERAL.—Except as provided in
11 paragraph (2), when acting on a recommenda-
12 tion of the Board, a Federal agency shall—

18 (ii) work in partnership with the Ad-
19 ministrator to carry out such actions.

1 ommendations in the time period required
2 under subsection (a).

3 (2) EXPERTS.—A Federal agency may enter
4 into no cost, nonappropriated contracts for expert
5 commercial real estate services to carry out the Fed-
6 eral agency's responsibilities pursuant to the rec-
7 ommendations.

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

17 (e) RELATIONSHIP TO OTHER LAWS.—Any rec-
18 ommendation or commencement of a sale, disposal, con-
19 solidation, reconfiguration, co-location, or realignment of
20 civilian real property under this Act shall not be subject
21 to—

22 (1) section 545(b)(8) of title 40, United States
23 Code;
24 (2) sections 550, 553, and 554 of title 40,
25 United States Code;

4 (4) section 47151 of title 49, United States
5 Code;

6 (5) sections 107 and 317 of title 23, United
7 States Code;

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

12 (8) any other provision of law authorizing the
13 conveyance of real property owned by the Govern-
14 ment for no consideration; and

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

18 (f) PUBLIC BENEFIT.—

1 erties that are included in the recommendations (ex-
2 cept those recommended under section 12(b)).

3 (2) HUD TO REPORT TO BOARD.—Not later
4 than 30 days after the submission of information on
5 Federal properties under paragraph (1), the Sec-
6 retary shall identify any suitable civilian real prop-
7 erties for use as a property benefiting the mission of
8 assistance to the homeless for the purposes of fur-
9 ther screening pursuant to section 501 of the
10 McKinney-Vento Homeless Assistance Act (42
11 U.S.C. 11411).

12 (3) ADDITIONAL AUTHORITY.—Following the
13 review under paragraph (2), with respect to a civil-
14 ian real property that is not identified by the Sec-
15 retary as suitable for use as a property benefiting
16 the mission of assistance to the homeless and that
17 has been recommended for sale by the Board, the
18 Director of OMB may exclude the property from the
19 Board's recommendations if the Director determines
20 that the property is suitable for use as a public park
21 or recreation area by a State or local government
22 and it is in the best interest of taxpayers.

23 (g) ENVIRONMENTAL CONSIDERATIONS.—

24 (1) TRANSFERS OF REAL PROPERTY.—

(B) ADDITIONAL TERMS AND CONDITIONS.—The head of the disposing agency may require any additional terms and conditions in connection with an agreement authorized by subparagraph (A) as the head of the disposing agency considers appropriate to protect the interests of the United States. Such additional terms and conditions shall not affect or diminish any rights or obligations of the Federal agencies under section 120(h) of CERCLA (including, without limitation, the requirements of subsections (h)(3)(A) and (h)(3)(C)(iv) of that section).

6 (A) the costs of all environmental restora-
7 tion, waste management, and environmental
8 compliance activities otherwise to be paid by the
9 disposing agency with respect to the property
10 are equal to or greater than the fair market
11 value of the property to be transferred, as de-
12 termined by the head of the disposing agency;
13 or

14 (B) if such costs are lower than the fair
15 market value of the property, the recipient of
16 the property agrees to pay the difference be-
17 tween the fair market value and such costs.

23 (A) the amount by which the costs in-
24 curred by the recipient of such property for all
25 environmental restoration, waste management,

1 and environmental compliance activities with re-
2 spect to such property exceed the fair market
3 value of such property as specified in such cer-
4 tification; or

5 (B) the amount by which the costs (as de-
6 termined by the head of the disposing agency)
7 that would otherwise have been incurred by the
8 Secretary for such restoration, waste manage-
9 ment, and environmental compliance activities
10 with respect to such property exceed the fair
11 market value of such property as so specified.

12 (4) INFORMATION TO BE PROVIDED TO RECIPI-
13 ENTS.—As part of an agreement under paragraph
14 (1), the head of the disposing agency shall disclose,
15 in accordance with applicable law, to the person to
16 whom the civilian real property will be transferred
17 information possessed by the disposing agency re-
18 garding the environmental restoration, waste man-
19 agement, and environmental compliance activities
20 that relate to the property. The head of the dis-
21 posing agency shall provide such information before
22 entering into the agreement.

23 (5) CONSIDERATION OF ENVIRONMENTAL RE-
24 MEDIATION IN GRANTING TIME EXTENSIONS.—For
25 the purposes of granting time extensions under sub-

1 section (a), the Director of OMB shall give the need
2 for significant environmental remediation to a civil-
3 ian real property more weight than any other factor
4 in determining whether to grant an extension to im-
5 plement a Board recommendation.

6 (6) LIMITATION ON STATUTORY CONSTRUC-
7 TION.—Nothing in this Act may be construed to
8 modify, alter, or amend CERCLA, the National En-
9 vironmental Policy Act of 1969, or the Solid Waste
10 Disposal Act (42 U.S.C. 6901 et seq.).

11 **SEC. 15. AUTHORIZATION OF APPROPRIATIONS.**

12 There is authorized to be appropriated to carry out
13 this Act an initial appropriation of—

14 (1) \$2,000,000 for salaries and expenses of the
15 Board; and

16 (2) \$40,000,000 to be deposited into the Asset
17 Proceeds and Space Management Fund for activities
18 related to the implementation of the Board's rec-
19 ommendations.

20 **SEC. 16. FUNDING.**

21 (a) SALARIES AND EXPENSES ACCOUNT.—

22 (1) ESTABLISHMENT.—There is established in
23 the Treasury of the United States an account to be
24 known as the “Public Buildings Reform Board Sala-

1 ries and Expenses Account" (in this subsection re-
2 ferred to as the "Account").

3 (2) NECESSARY PAYMENTS.—There shall be de-
4 posited into the Account such amounts, as are pro-
5 vided in appropriations Acts, for those necessary
6 payments for salaries and expenses to accomplish
7 the administrative needs of the Board.

8 (b) ASSET PROCEEDS AND SPACE MANAGEMENT
9 FUND.—

10 (1) ESTABLISHMENT.—There is established
11 within the Federal Buildings Fund established under
12 section 592 of title 40, United States Code, an ac-
13 count to be known as the Public Buildings Reform
14 Board—Asset Proceeds and Space Management
15 Fund (in this subsection referred to as the "Fund").

16 (2) USE OF AMOUNTS.—Amounts in the Fund
17 shall be used solely for the purposes of carrying out
18 actions pursuant to the Board recommendations ap-
19 proved under section 13.

20 (3) DEPOSITS.—The following amounts shall be
21 deposited into the Fund and made available for obli-
22 gation or expenditure only as provided in advance in
23 appropriations Acts (subject to section 3307 of title
24 40, United States Code, to the extent an appropria-

1 tion normally covered by that section exceeds
2 \$20,000,000) for the purposes specified:

9 (B) Amounts received from the sale of any
10 civilian real property action taken pursuant to
11 a recommendation of the Board.

18 (A) sales transactions:

19 (B) acquiring land, construction, con-
20 structing replacement facilities, and conducting
21 advance planning and design as may be re-
22 quired to transfer functions from a Federal
23 asset or property to another Federal civilian
24 property;

5 (c) ADDITIONAL REQUIREMENT FOR BUDGET CON-
6 TENTS.—The President shall transmit along with the
7 President's budget submitted pursuant to section 1105 of
8 title 31, United States Code, an estimate of proceeds that
9 are the result of the Board's recommendations and the
10 obligations and expenditures needed to support such rec-
11 ommendations.

12 SEC. 17. CONGRESSIONAL APPROVAL OF PROPOSED
13 PROJECTS.

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

16 (1) by striking “and” at the end of paragraph
17 (6):

18 (2) by striking the period at the end of para-
19 graph (7) and inserting “; and”; and

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

21 “(8) a statement of how the proposed project is
22 consistent with the standards and criteria developed
23 under section 11(b) of the Federal Assets Sale and
24 Transfer Act of 2016.”.

1 **SEC. 18. PRECLUSION OF JUDICIAL REVIEW.**

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

4 (1) Actions taken pursuant to sections 12 and
5 13.

6 (2) Actions of the Board.

7 **SEC. 19. IMPLEMENTATION REVIEW BY GAO.**

8 Upon transmittal of the Board's recommendations
9 from the Director of OMB to Congress under section 13,
10 the Comptroller General of the United States at least an-
11 nually shall monitor and review the implementation activi-
12 ties of Federal agencies pursuant to section 14, and report
13 to Congress any findings and recommendations.

14 **SEC. 20. AGENCY RETENTION OF PROCEEDS.**

15 (a) IN GENERAL.—Section 571 of title 40, United
16 States Code, is amended by striking subsections (a) and
17 (b) and inserting the following:

18 “(a) PROCEEDS FROM TRANSFER OR SALE OF REAL
19 PROPERTY.—

20 “(1) DEPOSIT OF NET PROCEEDS.—Net pro-
21 ceeds described in subsection (c) shall be deposited
22 into the appropriate real property account of the
23 agency that had custody and accountability for the
24 real property at the time the real property is deter-
25 mined to be excess.

1 “(2) EXPENDITURE OF NET PROCEEDS.—The
2 net proceeds deposited pursuant to paragraph (1)
3 may only be expended, as authorized in annual ap-
4 propriations Acts, for activities described in sections
5 543 and 545, including paying costs incurred by the
6 General Services Administration for any disposal-re-
7 lated activity authorized by this chapter.

8 “(3) DEFICIT REDUCTION.—Any net proceeds
9 described in subsection (c) from the sale, lease, or
10 other disposition of surplus real property that are
11 not expended under paragraph (2) shall be used for
12 deficit reduction. Any net proceeds not obligated
13 within 3 years after the date of deposit and not ex-
14 pended within 5 years after such date shall be de-
15 posited as miscellaneous receipts in the Treasury.

16 “(b) EFFECT ON OTHER SECTIONS.—Nothing in this
17 section is intended to affect section 572(b), 573, or 574.

18 “(c) NET PROCEEDS.—The net proceeds described in
19 this subsection are proceeds under this chapter, less ex-
20 penses of the transfer or disposition as provided in section
21 572(a), from a—

22 “(1) transfer of excess real property to a Fed-
23 eral agency for agency use; or

24 “(2) sale, lease, or other disposition of surplus
25 real property.”.

1 (b) EFFECTIVE DATE.—The provisions of this sec-
2 tion, including the amendments made by this section, shall
3 take effect upon the termination of the Board pursuant
4 to section 10 and shall not apply to proceeds from trans-
5 actions conducted under section 14.

6 **SEC. 21. FEDERAL REAL PROPERTY DATABASE.**

7 (a) DATABASE REQUIRED.—Not later than 1 year
8 after the date of enactment of this section, the Adminis-
9 trator of General Services shall publish a single, com-
10 prehensive, and descriptive database of all Federal real
11 property under the custody and control of all executive
12 agencies, other than Federal real property excluded for
13 reasons of national security, in accordance with subsection
14 (b).

15 (b) REQUIRED INFORMATION FOR DATABASE.—The
16 Administrator shall collect from the head of each executive
17 agency descriptive information, except for classified infor-
18 mation, of the nature, use, and extent of the Federal real
19 property of each such agency, including the following:

20 (1) The geographic location of each Federal
21 real property of each such agency, including the ad-
22 dress and description for each such property.

23 (2) The total size of each Federal real property
24 of each such agency, including square footage and
25 acreage of each such property.

4 (4) The utilization of each Federal real prop-
5 erty for each such agency, including whether such
6 property is excess, surplus, underutilized, or unuti-
7 lized.

15 (c) ACCESS TO DATABASE.—

1 (d) TRANSPARENCY OF DATABASE.—To the extent
2 practicable, the Administrator shall ensure that the data-
3 base—

4 (1) uses an open, machine-readable format;
5 (2) permits users to search and sort Federal
6 real property data; and
7 (3) includes a means to download a large
8 amount of Federal real property data and a selection
9 of such data retrieved using a search.

10 (e) APPLICABILITY.—Nothing in this section may be
11 construed to require an agency to make available to the
12 public information that is exempt from disclosure pursu-
13 ant to section 552(b) of title 5, United States Code.

14 **SEC. 22. STREAMLINING MCKINNEY-VENTO HOMELESS AS-**
15 **SISTANCE ACT.**

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

18 (1) in subsection (b)(2)—
19 (A) by striking “(2)(A)” and inserting
20 “(2)”;
21 (B) by redesignating clauses (i) and (ii) as
22 subparagraphs (A) and (B), respectively;
23 (C) in subparagraph (A) (as so redesi-
24 gnated) by striking “and” at the end;

1 (D) in subparagraph (B) (as so redesignated) by striking the period at the end and inserting “; and”; and

4 (E) by adding at the end the following:

5 “(C) in the case of surplus property, the
6 provision of permanent housing with or without
7 supportive services is an eligible use to assist
8 the homeless under this section.”;

13 (3) in subsection (d)—

14 (A) in paragraph (1) by striking “period of
15 60 days” and inserting “period of 30 days”;

16 (B) in paragraphs (2) and (4) by striking
17 “60-day period” and inserting “30-day period”;
18 and

19 (C) in paragraph (3) by adding at the end
20 the following: "If no such review of the deter-
21 mination is requested within the 20-day period,
22 such property will not be included in subsequent
23 publications unless the landholding agency
24 makes changes to the property (e.g. improve-
25 ments) that may change the unsuitable deter-

1 mination and the Secretary subsequently deter-
2 mines the property is suitable.”;

3 (4) in subsection (e)—

4 (A) in paragraph (2)—

5 (i) by striking “(2)” and inserting
6 “(2)(A)”;

7 (ii) in subparagraph (A) (as so des-
8 ignated)—

9 (I) by striking “90 days” and in-
10 serting “75 days”; and

11 (II) by striking “a complete ap-
12 plication” and inserting “an initial ap-
13 plication”; and

14 (iii) by adding at the end the fol-
15 lowing:

16 “(B) An initial application shall set forth—

17 “(i) the services that will be offered;

18 “(ii) the need for the services; and

19 “(iii) the experience of the applicant that dem-
20 onstrates the ability to provide the services.”;

21 (B) in paragraph (3) by striking “25 days
22 after receipt of a completed application” and in-
23 serting “10 days after receipt of an initial ap-
24 plication”; and

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

1 “(4) If the Secretary of Health and Human Services
2 approves an initial application, the applicant has 45 days
3 in which to provide a final application that sets forth a
4 reasonable plan to finance the approved program.

5 “(5) No later than 15 days after receipt of the final
6 application, the Secretary of Health and Human Services
7 shall review, make a final determination, and complete all
8 actions on the final application. The Secretary of Health
9 and Human Services shall maintain a public record of all
10 actions taken in response to an application.”; and

14 SEC. 23. ADDITIONAL PROPERTY.

15 Section 549(c)(3)(B)(vii) of title 40, United States
16 Code, is amended to read as follows:

1 **SEC. 24. SALE OF 12TH AND INDEPENDENCE.**

2 (a) DEFINITION.—In this section, the term “prop-
3 erty” means the property located in the District of Colum-
4 bia, subject to survey and as determined by the Adminis-
5 trator of General Services, generally consisting of Squares
6 325 and 326 and a portion of Square 351 and generally
7 bounded by 12th Street, Independence Avenue, C Street,
8 and the James Forrestal Building, all in Southwest Wash-
9 ington, District of Columbia, and shall include all associ-
10 ated air rights, improvements thereon, and appurtenances
11 thereto.

12 (b) SALE.—Not later than December 31, 2018, the
13 Administrator of General Services shall sell the property
14 at fair market value at highest and best use.

15 (c) NET PROCEEDS.—Any net proceeds received shall
16 be paid into an account in the Federal Buildings Fund
17 established under section 592 of title 40, United States
18 Code. Upon deposit, the net proceeds from the sale may
19 be expended only subject to a specific future appropria-
20 tion.

21 **SEC. 25. SALE OF COTTON ANNEX.**

22 (a) DEFINITION.—In this section, the term “prop-
23 erty” means property located in the District of Columbia,
24 subject to survey and as determined by the Administrator,
25 generally consisting of Square 326 south of C Street, all

1 in Southwest Washington, District of Columbia, including
2 the building known as the Cotton Annex.

3 (b) SALE.—Not later than December 31, 2018, the
4 Administrator of General Services shall sell the property
5 at fair market value at highest and best use.

6 (c) NET PROCEEDS.—Any net proceeds received shall
7 be paid into an account in the Federal Buildings Fund
8 established under section 592 of title 40, United States
9 Code. Upon deposit, the net proceeds from the sale may
10 be expended only subject to a specific future appropria-
11 tion.

Passed the House of Representatives May 23, 2016.

Attest:

Clerk.

114TH CONGRESS
2D SESSION

H. R. 4465

AN ACT

To decrease the deficit by consolidating and selling
Federal buildings and other civilian real prop-
erty, and for other purposes.