

.....
(Original Signature of Member)

114TH CONGRESS
2D SESSION

H. R.

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

IN THE HOUSE OF REPRESENTATIVES

Mr. DENHAM (for himself, Mr. CHAFFETZ, Mr. SHUSTER, Mr. CUMMINGS, Mr. DEFAZIO, Mr. BARLETTA, and Mr. CARSON of Indiana) introduced the following bill; which was referred to the Committee on

A BILL

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 Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

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

6 (b) TABLE OF CONTENTS.—

Sec. 1. Short title; table of contents.

Sec. 2. Purposes.

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

1 **SEC. 2. PURPOSES.**

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

4 (1) consolidating the footprint of Federal build-
5 ings and facilities;

6 (2) maximizing the utilization rate of Federal
7 buildings and facilities;

8 (3) reducing the reliance on leased space;

9 (4) selling or redeveloping high value assets
10 that are underutilized to obtain the highest and best
11 value for the taxpayer and maximize the return to
12 the taxpayer;

13 (5) reducing the operating and maintenance
14 costs of Federal civilian real properties;

1 (6) reducing redundancy, overlap, and costs as-
2 sociated with field offices;

3 (7) creating incentives for Federal agencies to
4 achieve greater efficiency in their inventories of civil-
5 ian real property;

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

8 (9) improving the efficiency of real property
9 transfers for the provision of services to the home-
10 less; and

11 (10) assisting Federal agencies in achieving the
12 Government's sustainability goals by reducing excess
13 space, inventory, and energy consumption, as well as
14 by leveraging new technologies.

15 **SEC. 3. DEFINITIONS.**

16 In this Act, unless otherwise expressly stated, the fol-
17 lowing definitions apply:

18 (1) ADMINISTRATOR.—The term “Adminis-
19 trator” means the Administrator of General Serv-
20 ices.

21 (2) BOARD.—The term “Board” means the
22 Public Buildings Reform Board established by sec-
23 tion 4.

24 (3) CERCLA.—The term “CERCLA” means
25 the Comprehensive Environmental Response, Com-

1 pensation, and Liability Act of 1980 (42 U.S.C.
2 9601 et seq.).

3 (4) FEDERAL AGENCY.—The term “Federal
4 agency” means an executive department or inde-
5 pendent establishment in the executive branch of the
6 Government, and a wholly owned Government cor-
7 poration.

8 (5) FEDERAL CIVILIAN REAL PROPERTY AND
9 CIVILIAN REAL PROPERTY.—

10 (A) IN GENERAL.—The terms “Federal ci-
11 vilian real property” and “civilian real prop-
12 erty” refer to Federal real property assets, in-
13 cluding public buildings as defined in section
14 3301(a) of title 40, United States Code, occu-
15 pied and improved grounds, leased space, or
16 other physical structures under the custody and
17 control of any Federal agency.

18 (B) EXCLUSIONS.—Subparagraph (A)
19 shall not be construed as including any of the
20 following types of property:

21 (i) Properties that are on military in-
22 stallations (including any fort, camp, post,
23 naval training station, airfield proving
24 ground, military supply depot, military

1 school, or any similar facility of the De-
2 partment of Defense).

3 (ii) A base, camp, post, station, yard,
4 center, or homeport facility for any ship or
5 activity under the jurisdiction of the Coast
6 Guard.

7 (iii) Properties that are excluded for
8 reasons of national security by the Direc-
9 tor of the Office of Management and
10 Budget.

11 (iv) Properties that are excepted from
12 the definition of the term “property”
13 under section 102 of title 40, United
14 States Code.

15 (v) Indian and Native Alaskan prop-
16 erties, including—

17 (I) any property within the limits
18 of an Indian reservation to which the
19 United States owns title for the ben-
20 efit of an Indian tribe; and

21 (II) any property title that is
22 held in trust by the United States for
23 the benefit of an Indian tribe or indi-
24 vidual or held by an Indian tribe or

1 individual subject to restriction by the
2 United States against alienation.

3 (vi) Properties operated and main-
4 tained by the Tennessee Valley Authority
5 pursuant to the Tennessee Valley Author-
6 ity Act of 1933 (16 U.S.C. 831 et seq.).

7 (vii) Postal properties owned by the
8 United States Postal Service.

9 (viii) Properties used in connection
10 with Federal programs for agricultural,
11 recreational, or conservation purposes, in-
12 cluding research in connection with the
13 programs.

14 (ix) Properties used in connection
15 with river, harbor, flood control, reclama-
16 tion, or power projects.

17 (x) Properties located outside the
18 United States operated or maintained by
19 the Department of State or the United
20 States Agency for International Develop-
21 ment.

22 (6) FIELD OFFICE.—The term “field office”
23 means any Federal office that is not the head-
24 quarters office location for the Federal agency.

1 (7) HUD.—The term “HUD” means the De-
2 partment of Housing and Urban Development.

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

5 (9) VALUE OF TRANSACTIONS.—The term
6 “value of transactions” means the sum of the esti-
7 mated proceeds and estimated costs, based on the
8 accounting system developed or identified under sec-
9 tion 12(e), associated with the transactions included
10 in Board recommendations.

11 **SEC. 4. BOARD.**

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

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

17 (c) MEMBERSHIP.—

18 (1) IN GENERAL.—The Board shall be com-
19 posed of a Chairperson appointed by the President,
20 by and with the advice and consent of the Senate,
21 and 6 members appointed by the President.

22 (2) APPOINTMENTS.—In selecting individuals
23 for appointments to the Board, the President shall
24 consult with—

1 (A) the Speaker of the House of Rep-
2 resentatives concerning the appointment of 2
3 members;

4 (B) the majority leader of the Senate con-
5 cerning the appointment of 2 members;

6 (C) the minority leader of the House of
7 Representatives concerning the appointment of
8 1 member; and

9 (D) the minority leader of the Senate con-
10 cerning the appointment of 1 member.

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

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

15 (5) QUALIFICATIONS.—In selecting individuals
16 for appointment to the Board, the President shall
17 ensure that the Board contains individuals with ex-
18 pertise representative of the following:

19 (A) Commercial real estate and redevelop-
20 ment.

21 (B) Space optimization and utilization.

22 (C) Community development, including
23 transportation and planning.

1 **SEC. 5. BOARD MEETINGS.**

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

10 (b) QUORUM AND MEETINGS.—Five Board members
11 shall constitute a quorum for the purposes of conducting
12 business and 3 or more Board members shall constitute
13 a meeting of the Board.

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

20 (1) the Committee on Transportation and In-
21 frastructure of the House of Representatives;

22 (2) the Committee on Oversight and Govern-
23 ment Reform of the House of Representatives;

24 (3) the Committee on Homeland Security and
25 Governmental Affairs of the Senate;

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

3 (5) the Committees on Appropriations of the
4 House of Representatives and the Senate.

5 (d) GOVERNMENT ACCOUNTABILITY OFFICE.—All
6 proceedings, information, and deliberations of the Board
7 shall be open, upon request, to the Comptroller General
8 of the United States.

9 **SEC. 6. COMPENSATION AND TRAVEL EXPENSES.**

10 (a) COMPENSATION.—

11 (1) RATE OF PAY FOR MEMBERS.—Each mem-
12 ber, other than the Chairperson, shall be paid at a
13 rate equal to the daily equivalent of the minimum
14 annual rate of basic pay payable for level IV of the
15 Executive Schedule under section 5315 of title 5,
16 United States Code, for each day (including travel
17 time) during which the member is engaged in the ac-
18 tual performance of duties vested in the Board.

19 (2) RATE OF PAY FOR CHAIRPERSON.—The
20 Chairperson shall be paid for each day referred to
21 in paragraph (1) at a rate equal to the daily equiva-
22 lent of the minimum annual rate of basic pay pay-
23 able for level III of the Executive Schedule under
24 section 5314 of title 5, United States Code.

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

5 **SEC. 7. EXECUTIVE DIRECTOR.**

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

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

14 **SEC. 8. STAFF.**

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

18 (b) REQUESTS FOR DETAIL EMPLOYEES.—Upon re-
19 quest of the Chairperson and approval of the Director of
20 OMB, the head of any Federal agency shall detail the re-
21 quested personnel of that agency to the Board to assist
22 the Board in carrying out its duties under this Act.

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

1 the qualifications of representatives described in section
2 4(c)(5).

3 **SEC. 9. CONTRACTING AUTHORITY.**

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

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

13 (c) PERSONAL PROPERTY.—The Board shall use per-
14 sonal property already in the custody and control of the
15 Administrator.

16 **SEC. 10. TERMINATION.**

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

19 **SEC. 11. DEVELOPMENT OF RECOMMENDATIONS TO**
20 **BOARD.**

21 (a) SUBMISSIONS OF AGENCY INFORMATION AND
22 RECOMMENDATIONS.—Not later than 120 days after the
23 date of enactment of this Act, and not later than 120 days
24 after the first day of each fiscal year thereafter until the
25 termination of the Board, the head of each Federal agency

1 shall submit to the Administrator and the Director of
2 OMB the following:

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

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

15 (A) Federal civilian real properties that
16 can be sold for proceeds or otherwise disposed
17 of, reported as excess, declared surplus,
18 outleased, or otherwise no longer meeting the
19 needs of the agency, excluding leasebacks or
20 other such exchange agreements where the
21 property continues to be used by the agency.

22 (B) Federal civilian real properties that
23 can be transferred, exchanged, consolidated, co-
24 located, reconfigured, or redeveloped, so as to
25 reduce the civilian real property inventory, re-

1 duce the operating costs of the Government,
2 and create the highest value and return for the
3 taxpayer.

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

7 (b) STANDARDS AND CRITERIA.—

8 (1) DEVELOPMENT OF STANDARDS AND CRI-
9 TERIA.—Not later than 60 days after the deadline
10 for submissions of agency recommendations under
11 subsection (a), the Director of OMB, in consultation
12 with the Administrator, shall—

13 (A) review the agency recommendations;

14 (B) develop consistent standards and cri-
15 teria against which the agency recommenda-
16 tions will be reviewed; and

17 (C) submit to the Board the recommenda-
18 tions developed pursuant to paragraph (2).

19 (2) RECOMMENDATIONS TO BOARD.—The Di-
20 rector of OMB and the Administrator shall jointly
21 develop recommendations to the Board based on the
22 standards and criteria developed under paragraph
23 (1).

24 (3) FACTORS.—In developing the standards and
25 criteria under paragraph (1), the Director of OMB,

1 in consultation with the Administrator, shall incor-
2 porate the following factors:

3 (A) The extent to which the civilian real
4 property could be sold (including property that
5 is no longer meeting the needs of the Govern-
6 ment), redeveloped, outleased, or otherwise used
7 to produce the highest and best value and re-
8 turn for the taxpayer.

9 (B) The extent to which the operating and
10 maintenance costs are reduced through consoli-
11 dating, co-locating, and reconfiguring space,
12 and through realizing other operational effi-
13 ciencies.

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

18 (D) The extent and timing of potential
19 costs and savings, including the number of
20 years, beginning with the date of completion of
21 the proposed recommendation.

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

1 (F) The extent to which a civilian real
2 property aligns with the current mission of the
3 Federal agency.

4 (G) The extent to which there are opportu-
5 nities to consolidate similar operations across
6 multiple agencies or within agencies.

7 (H) The economic impact on existing com-
8 munities in the vicinity of the civilian real prop-
9 erty.

10 (I) The extent to which energy consump-
11 tion is reduced.

12 (c) SPECIAL RULE FOR UTILIZATION RATES.—
13 Standards developed by the Director of OMB pursuant to
14 subsection (b) shall incorporate and apply clear standard
15 utilization rates consistent throughout each category of
16 space and with nongovernment space utilization rates. To
17 the extent the space utilization rate of a given agency ex-
18 ceeds the utilization rates to be applied under this sub-
19 section, the Director of OMB may recommend realign-
20 ment, co-location, consolidation, or other type of action to
21 improve space utilization.

22 (d) SUBMISSION TO BOARD.—

23 (1) IN GENERAL.—The Director of OMB shall
24 submit the standards, criteria, and recommendations
25 developed pursuant to subsection (b) to the Board

1 with all supporting information, data, analyses, and
2 documentation.

3 (2) PUBLICATION.—The standards, criteria,
4 and recommendations developed pursuant to sub-
5 section (b) shall be published in the Federal Register
6 and transmitted to the committees listed in section
7 5(c) and to the Comptroller General of the United
8 States.

9 (3) ACCESS TO INFORMATION.—The Board
10 shall also have access to all information pertaining
11 to the recommendations developed pursuant to sub-
12 section (b), including supporting information, data,
13 analyses, and documentation submitted pursuant to
14 subsection (a). Upon request, a Federal agency shall
15 provide to the Board any additional information per-
16 taining to the civilian real properties under the cus-
17 tody, control, or administrative jurisdiction of the
18 Federal agency.

19 **SEC. 12. BOARD DUTIES.**

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

24 (b) IDENTIFICATION OF HIGH VALUE ASSETS.—

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

5 (A) identify not fewer than 5 Federal civil-
6 ian real properties that are not on the list of
7 surplus or excess as of such date with a total
8 fair market value of not less than \$500,000,000
9 and not more than \$750,000,000; and

10 (B) transmit the list of the Federal civilian
11 real properties to the Director of OMB and
12 Congress as Board recommendations and sub-
13 ject to the approval process described in section
14 13.

15 (2) INFORMATION AND DATA.—In order to
16 meet the goal established under paragraph (1), each
17 Federal agency shall provide, upon request, any and
18 all information and data regarding its civilian real
19 properties to the Board. The Board shall notify the
20 committees listed in section 5(c) of any failure by an
21 agency to comply with a request of the Board.

22 (3) FACTORS.—In identifying properties pursu-
23 ant to paragraph (1), the Board shall consider the
24 factors listed in section 11(b)(3).

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

4 (5) REPORT OF EXCESS.—Not later than 60
5 days after the approval of Board recommendations
6 pursuant to paragraph (1), Federal agencies with
7 custody, control, or administrative jurisdiction over
8 the identified properties shall submit a Report of
9 Excess to the General Services Administration.

10 (6) SALE.—

11 (A) INITIATION OF SALE.—Not later than
12 120 days after the acceptance by the Adminis-
13 trator of the Report of Excess and notwith-
14 standing any other provision of law (including
15 section 501 of the McKinney-Vento Homeless
16 Assistance Act (42 U.S.C. 11411), but except
17 as provided in section 14(g)), the General Serv-
18 ices Administration shall initiate the sale of the
19 civilian real properties described in paragraph
20 (1).

21 (B) COMPLETION OF SALE.—Not later
22 than 1 year after the acceptance of the Report
23 of Excess, the Administrator shall sell the civil-
24 ian real properties at fair market value at high-
25 est and best use.

1 (c) ANALYSIS OF INVENTORY.—The Board shall per-
2 form an independent analysis of the inventory of Federal
3 civilian real property and the recommendations submitted
4 pursuant to section 11. The Board shall not be bound or
5 limited by the recommendations submitted pursuant to
6 section 11. If, in the opinion of the Board, an agency fails
7 to provide needed information, data, or adequate rec-
8 ommendations that meet the standards and criteria, the
9 Board shall develop such recommendations as the Board
10 considers appropriate based on existing data contained in
11 the Federal Real Property Profile or other relevant infor-
12 mation.

13 (d) INFORMATION AND PROPOSALS.—

14 (1) RECEIPT.—Notwithstanding any other pro-
15 vision of law, the Board may receive and consider
16 proposals, information, and other data submitted by
17 State and local officials and the private sector.

18 (2) CONSULTATION.—The Board shall consult
19 with State and local officials on information, pro-
20 posals, and other data that the officials submit to
21 the Board.

22 (3) AVAILABILITY.—Information submitted to
23 the Board shall be made publically available.

24 (e) ACCOUNTING SYSTEM.—Not later than 120 days
25 after the date of enactment of this Act, the Board shall

1 identify or develop and implement a system of accounting
2 to be used to independently evaluate the costs of and re-
3 turns on the recommendations. Such accounting system
4 shall be applied in developing the Board's recommenda-
5 tions and determining the highest return to the taxpayer.
6 In applying the accounting system, the Board shall set a
7 standard performance period.

8 (f) PUBLIC HEARING.—The Board shall conduct
9 public hearings. All testimony before the Board at a public
10 hearing under this subsection shall be presented under
11 oath.

12 (g) REPORTING OF INFORMATION AND REC-
13 OMMENDATIONS.—

14 (1) IN GENERAL.—Subject to the schedule and
15 limitations specified in paragraph (2), the Board
16 shall transmit to the Director of OMB, and publicly
17 post on a Federal Web site maintained by the
18 Board, reports containing the Board's findings, con-
19 clusions, and recommendations for—

20 (A) the consolidation, exchange, co-locay-
21 tion, reconfiguration, lease reductions, sale,
22 outlease, and redevelopment of Federal civilian
23 real properties; and

1 (B) other operational efficiencies that can
2 be realized in the Government's operation and
3 maintenance of such properties.

4 (2) SCHEDULE AND LIMITATIONS.—

5 (A) FIRST ROUND.—Not later than 2
6 years after the date of transmittal of the list of
7 properties recommended pursuant to subsection
8 (b), the Board shall transmit to the Director of
9 OMB the first report required under paragraph
10 (1). The total value of transactions contained in
11 the first report may not exceed \$2,500,000,000.

12 (B) SECOND ROUND.—Not earlier than 3
13 years after the date of transmittal of the first
14 report, the Board shall transmit to the Director
15 of OMB the second report required under para-
16 graph (1). The total value of transactions con-
17 tained in the second report may not exceed
18 \$4,750,000,000.

19 (3) CONSENSUS IN MAJORITY.—The Board
20 shall seek to develop consensus recommendations,
21 but if a consensus cannot be obtained, the Board
22 may include in the reports required under this sub-
23 section recommendations that are supported by a
24 majority of the Board.

1 (h) FEDERAL WEB SITE.—The Board shall establish
2 and maintain a Federal Web site for the purposes of mak-
3 ing relevant information publically available.

4 (i) REVIEW BY GAO.—The Comptroller General of
5 the United States shall transmit to Congress and the
6 Board a report containing a detailed analysis of the rec-
7 ommendations and selection process.

8 **SEC. 13. REVIEW BY OMB.**

9 (a) REVIEW OF RECOMMENDATIONS.—Upon receipt
10 of the Board’s recommendations pursuant to subsections
11 (b) and (g) of section 12, the Director of OMB shall con-
12 duct a review of the recommendations.

13 (b) REPORT TO BOARD AND CONGRESS.—Not later
14 than 30 days after the receipt of the Board’s recommenda-
15 tions, the Director of OMB shall transmit to the Board
16 and Congress a report that sets forth the Director of
17 OMB’s approval or disapproval of the Board’s rec-
18 ommendations.

19 (c) APPROVAL AND DISAPPROVAL.—

20 (1) APPROVAL.—If the Director of OMB ap-
21 proves the Board’s recommendations, the Director of
22 OMB shall transmit a copy of the recommendations
23 to Congress, together with a certification of such ap-
24 proval.

1 (2) DISAPPROVAL.—If the Director of OMB
2 disapproves the Board’s recommendations, in whole
3 or in part, the Director of OMB shall transmit a
4 copy of the recommendations to Congress and the
5 reasons for disapproval of the recommendations to
6 the Board and Congress.

7 (3) REVISED RECOMMENDATIONS.—Not later
8 than 30 days after the receipt of reasons for dis-
9 approval under paragraph (2), the Board shall
10 transmit to the Director of OMB revised rec-
11 ommendations for approval.

12 (4) APPROVAL OF REVISED RECOMMENDA-
13 TIONS.—If the Director of OMB approves the re-
14 vised recommendations received under paragraph
15 (3), the Director of OMB shall transmit a copy of
16 the revised recommendations to Congress, together
17 with a certification of such approval.

18 (d) TERMINATION OF PROCESS FOR GIVEN
19 ROUND.—If the Director of OMB does not transmit to
20 Congress an approval and certification described in para-
21 graph (1) or (4) of subsection (c) on or before the 30th
22 day following the receipt of the Board’s recommendations
23 or revised recommendations, as the case may be, the proc-
24 ess shall terminate until the following round, as described
25 in section 12.

1 **SEC. 14. IMPLEMENTATION OF BOARD RECOMMENDA-**
2 **TIONS.**

3 (a) DEADLINES.—

4 (1) PREPARATION.—Federal agencies shall—

5 (A) not later than 60 days after the Direc-
6 tor of OMB transmits the Board's rec-
7 ommendations to Congress pursuant to para-
8 graph (1) or (4) of section 13(c), immediately
9 begin preparations to carry out the Board's rec-
10 ommendations; and

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

14 (2) COMPLETION.—Not later than 6 years after
15 the Director of OMB transmits the Board's rec-
16 ommendations to Congress pursuant to paragraph
17 (1) or (4) of section 13(c), Federal agencies shall
18 complete all recommended actions. All actions shall
19 be economically beneficial and be cost neutral or oth-
20 erwise favorable to the Government.

21 (3) EXTENUATING CIRCUMSTANCES.—For ac-
22 tions that will take longer than the 6-year period de-
23 scribed in paragraph (2) due to extenuating cir-
24 cumstances, Federal agencies shall notify the Direc-
25 tor of OMB and Congress, as soon as the extenu-

1 ating circumstance presents itself, with an estimated
2 time to complete the relevant action.

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

8 (1) acquiring land, constructing replacement fa-
9 cilities, performing such other activities, and con-
10 ducting advance planning and design as may be re-
11 quired to transfer functions from a Federal asset or
12 property to another Federal civilian property;

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

15 (3) taking such actions as are practicable to
16 maximize the value of Federal civilian real property
17 to be sold by clarifying zoning and other limitations
18 on use of such property.

19 (c) ACTIONS OF FEDERAL AGENCIES TO IMPLEMENT
20 BOARD RECOMMENDATIONS.—

21 (1) USE OF EXISTING LEGAL AUTHORITIES.—

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

1 (i) in consultation with the Adminis-
2 trator, continue to act within the Federal
3 agency's existing legal authorities, includ-
4 ing legal authorities delegated to the Fed-
5 eral agency by the Administrator; or

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

8 (B) NECESSARY AND PROPER ACTIONS.—

9 The Administrator may take such necessary
10 and proper actions, including the sale, convey-
11 ance, or exchange of civilian real property, as
12 required to implement the Board's rec-
13 ommendations in the time period required
14 under subsection (a).

15 (2) EXPERTS.—A Federal agency may enter
16 into no cost, nonappropriated contracts for expert
17 commercial real estate services to carry out the Fed-
18 eral agency's responsibilities pursuant to the rec-
19 ommendations.

20 (d) DISCRETION OF ADMINISTRATOR REGARDING
21 TRANSACTIONS.—For any transaction identified, rec-
22 ommended, or commenced as a result of this Act, any oth-
23 erwise required legal priority given to, or requirement to
24 enter into, a transaction to convey a Federal civilian real
25 property for less than fair market value, for no consider-

1 ation at all, or in a transaction that mandates the exclu-
2 sion of other market participants, shall be at the discretion
3 of the Administrator.

4 (e) RELATIONSHIP TO OTHER LAWS.—Any rec-
5 ommendation or commencement of a sale, disposal, con-
6 solidation, reconfiguration, co-location, or realignment of
7 civilian real property under this Act shall not be subject
8 to—

9 (1) section 545(b)(8) of title 40, United States
10 Code;

11 (2) sections 550, 553, and 554 of title 40,
12 United States Code;

13 (3) any section of the Act entitled “An Act Au-
14 thorizing the transfer of certain real property for
15 wildlife, or other purposes” (16 U.S.C. 667b);

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

18 (5) sections 107 and 317 of title 23, United
19 States Code;

20 (6) section 1304(b) of title 40, United States
21 Code;

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

1 (8) any other provision of law authorizing the
2 conveyance of real property owned by the Govern-
3 ment for no consideration; and

4 (9) any congressional notification requirement
5 other than that in section 545 of title 40, United
6 States Code.

7 (f) PUBLIC BENEFIT.—

8 (1) SUBMISSION OF INFORMATION TO HUD.—

9 The Director of OMB shall submit to the Secretary
10 of HUD, on the same day the Director of OMB sub-
11 mits the Board's recommendations to Congress pur-
12 suant to paragraphs (1) and (4) of section 13(c), all
13 known information on Federal civilian real prop-
14 erties that are included in the recommendations (ex-
15 cept those recommended under section 12(b)).

16 (2) HUD TO REPORT TO BOARD.—Not later
17 than 30 days after the submission of information on
18 Federal properties under paragraph (1), the Sec-
19 retary shall identify any suitable civilian real prop-
20 erties for use as a property benefitting the mission
21 of assistance to the homeless for the purposes of fur-
22 ther screening pursuant to section 501 of the
23 McKinney-Vento Homeless Assistance Act (42
24 U.S.C. 11411).

1 (3) ADDITIONAL AUTHORITY.—Following the
2 review under paragraph (2), with respect to a civil-
3 ian real property that is not identified by the Sec-
4 retary as suitable for use as a property benefitting
5 the mission of assistance to the homeless and that
6 has been recommended for sale by the Board, the
7 Director of OMB may exclude the property from the
8 Board’s recommendations if the Director determines
9 that the property is suitable for use as a public park
10 or recreation area by a State or local government
11 and it is in the best interest of taxpayers.

12 (g) ENVIRONMENTAL CONSIDERATIONS.—

13 (1) TRANSFERS OF REAL PROPERTY.—

14 (A) IN GENERAL.—When implementing the
15 recommended actions for civilian real properties
16 that have been identified in the Board’s report,
17 as specified in section 12(g), and subject to
18 paragraph (2) and in compliance with
19 CERCLA, including section 120(h) of CERCLA
20 (42 U.S.C. 9620(h)), Federal agencies may
21 enter into an agreement to transfer by deed,
22 pursuant to section 120(h)(3) of that Act (42
23 U.S.C. 9620(h)(3)), civilian real property with
24 any person.

1 (B) ADDITIONAL TERMS AND CONDI-
2 TIONS.—The head of the disposing agency may
3 require any additional terms and conditions in
4 connection with an agreement authorized by
5 subparagraph (A) as the head of the disposing
6 agency considers appropriate to protect the in-
7 terests of the United States. Such additional
8 terms and conditions shall not affect or dimin-
9 ish any rights or obligations of the Federal
10 agencies under section 120(h) of CERCLA (in-
11 cluding, without limitation, the requirements of
12 subsections (h)(3)(A) and (h)(3)(C)(iv) of that
13 section).

14 (2) CERTIFICATION CONCERNING COSTS.—A
15 transfer of Federal civilian real property may be
16 made under paragraph (1) only if the head of the
17 disposing agency certifies to the Board and Congress
18 that—

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

1 terminated by the head of the disposing agency;

2 or

3 (B) if such costs are lower than the fair
4 market value of the property, the recipient of
5 the property agrees to pay the difference be-
6 tween the fair market value and such costs.

7 (3) PAYMENTS TO RECIPIENTS.—In the case of
8 a civilian real property covered by a certification
9 under paragraph (2)(A), the disposing agency may
10 pay the recipient of such property an amount equal
11 to the lesser of—

12 (A) the amount by which the costs in-
13 curred by the recipient of such property for all
14 environmental restoration, waste management,
15 and environmental compliance activities with re-
16 spect to such property exceed the fair market
17 value of such property as specified in such cer-
18 tification; or

19 (B) the amount by which the costs (as de-
20 termined by the head of the disposing agency)
21 that would otherwise have been incurred by the
22 Secretary for such restoration, waste manage-
23 ment, and environmental compliance activities
24 with respect to such property exceed the fair
25 market value of such property as so specified.

1 (4) INFORMATION TO BE PROVIDED TO RECIPI-
2 ENTS.—As part of an agreement under paragraph
3 (1), the head of the disposing agency shall disclose,
4 in accordance with applicable law, to the person to
5 whom the civilian real property will be transferred
6 information possessed by the disposing agency re-
7 garding the environmental restoration, waste man-
8 agement, and environmental compliance activities
9 that relate to the property. The head of the dis-
10 posing agency shall provide such information before
11 entering into the agreement.

12 (5) CONSIDERATION OF ENVIRONMENTAL RE-
13 MEDIATION IN GRANTING TIME EXTENSIONS.—For
14 the purposes of granting time extensions under sub-
15 section (a), the Director of OMB shall give the need
16 for significant environmental remediation to a civil-
17 ian real property more weight than any other factor
18 in determining whether to grant an extension to im-
19 plement a Board recommendation.

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

1 **SEC. 15. AUTHORIZATION OF APPROPRIATIONS.**

2 There is authorized to be appropriated to carry out
3 this Act an initial appropriation of—

4 (1) \$2,000,000 for salaries and expenses of the
5 Board; and

6 (2) \$40,000,000 to be deposited into the Asset
7 Proceeds and Space Management Fund for activities
8 related to the implementation of the Board's rec-
9 ommendations.

10 **SEC. 16. FUNDING.**

11 (a) SALARIES AND EXPENSES ACCOUNT.—

12 (1) ESTABLISHMENT.—There is established in
13 the Treasury of the United States an account to be
14 known as the “Public Buildings Reform Board Sala-
15 ries and Expenses Account” (in this subsection re-
16 ferred to as the “Account”).

17 (2) NECESSARY PAYMENTS.—There shall be de-
18 posited into the Account such amounts, as are pro-
19 vided in appropriations Acts, for those necessary
20 payments for salaries and expenses to accomplish
21 the administrative needs of the Board.

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

24 (1) ESTABLISHMENT.—There is established
25 within the Federal Buildings Fund established under
26 section 592 of title 40, United States Code, an ac-

1 count to be known as the Public Buildings Reform
2 Board—Asset Proceeds and Space Management
3 Fund (in this subsection referred to as the “Fund”).

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

8 (3) DEPOSITS.—The following amounts shall be
9 deposited into the Fund and made available for obli-
10 gation or expenditure only as provided in advance in
11 appropriations Acts (subject to section 3307 of title
12 40, United States Code, to the extent an appropria-
13 tion normally covered by that section exceeds
14 \$20,000,000) for the purposes specified:

15 (A) Such amounts as are provided in ap-
16 propriations Acts, to remain available until ex-
17 pended, for the consolidation, co-location, ex-
18 change, redevelopment, reconfiguration of
19 space, disposal, and other actions recommended
20 by the Board for Federal agencies.

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

24 (4) USE OF AMOUNTS TO COVER COSTS.—As
25 provided in appropriations Acts, amounts in the

1 Fund may be made available to cover necessary
2 costs associated with implementing the recommenda-
3 tions pursuant to section 14, including costs associ-
4 ated with—

5 (A) sales transactions;

6 (B) acquiring land, construction, con-
7 structing replacement facilities, and conducting
8 advance planning and design as may be re-
9 quired to transfer functions from a Federal
10 asset or property to another Federal civilian
11 property;

12 (C) co-location, redevelopment, disposal,
13 and reconfiguration of space; and

14 (D) other actions recommended by the
15 Board for Federal agencies.

16 (c) ADDITIONAL REQUIREMENT FOR BUDGET CON-
17 TENTS.—The President shall transmit along with the
18 President’s budget submitted pursuant to section 1105 of
19 title 31, United States Code, an estimate of proceeds that
20 are the result of the Board’s recommendations and the
21 obligations and expenditures needed to support such rec-
22 ommendations.

1 **SEC. 17. CONGRESSIONAL APPROVAL OF PROPOSED**
2 **PROJECTS.**

3 Section 3307(b) of title 40, United States Code, is
4 amended—

5 (1) by striking “and” at the end of paragraph

6 (6);

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

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

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

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

15 The following actions shall not be subject to judicial
16 review:

17 (1) Actions taken pursuant to sections 12 and
18 13.

19 (2) Actions of the Board.

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

21 Upon transmittal of the Board’s recommendations
22 from the Director of OMB to Congress under section 13,
23 the Comptroller General of the United States at least an-
24 nually shall monitor and review the implementation activi-
25 ties of Federal agencies pursuant to section 14, and report
26 to Congress any findings and recommendations.

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

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

5 “(a) PROCEEDS FROM TRANSFER OR SALE OF REAL
6 PROPERTY.—

7 “(1) DEPOSIT OF NET PROCEEDS.—Net pro-
8 ceeds described in subsection (c) shall be deposited
9 into the appropriate real property account of the
10 agency that had custody and accountability for the
11 real property at the time the real property is deter-
12 mined to be excess.

13 “(2) EXPENDITURE OF NET PROCEEDS.—The
14 net proceeds deposited pursuant to paragraph (1)
15 may only be expended, as authorized in annual ap-
16 propriations Acts, for activities described in sections
17 543 and 545, including paying costs incurred by the
18 General Services Administration for any disposal-re-
19 lated activity authorized by this chapter.

20 “(3) DEFICIT REDUCTION.—Any net proceeds
21 described in subsection (c) from the sale, lease, or
22 other disposition of surplus real property that are
23 not expended under paragraph (2) shall be used for
24 deficit reduction.

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

1 “(c) NET PROCEEDS.—The net proceeds described in
2 this subsection are proceeds under this chapter, less ex-
3 penses of the transfer or disposition as provided in section
4 572(a), from a—

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

7 “(2) sale, lease, or other disposition of surplus
8 real property.

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

11 “(1) IN GENERAL.—Except as otherwise pro-
12 vided in this subchapter, proceeds described in para-
13 graph (2) shall be deposited in the Treasury as mis-
14 cellaneous receipts.

15 “(2) PROCEEDS.—The proceeds described in
16 this paragraph are proceeds under this chapter
17 from—

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

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

22 “(3) PAYMENT OF EXPENSES OF SALE BEFORE
23 DEPOSIT.—Subject to regulations under this sub-
24 title, the expenses of the sale of personal property
25 may be paid from the proceeds of sale so that only

1 the net proceeds are deposited in the Treasury. This
2 paragraph applies whether proceeds are deposited as
3 miscellaneous receipts or to the credit of an appro-
4 priation as authorized by law.”.

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

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

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

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

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

4 (2) The total size of each Federal real property
5 of each such agency, including square footage and
6 acreage of each such property.

7 (3) The relevance of each Federal real property
8 to the agency's mission.

9 (4) The level of use of each Federal real prop-
10 erty for each such agency, including whether such
11 property is excess, surplus, underutilized, or unuti-
12 lized.

13 (5) The number of days each Federal real prop-
14 erty is designated as excess, surplus, underutilized,
15 or unutilized.

16 (6) The annual operating costs of each Federal
17 real property.

18 (7) The replacement value of each Federal real
19 property.

20 (c) ACCESS TO DATABASE.—

21 (1) FEDERAL AGENCIES.—The Administrator,
22 in consultation with the Director of OMB, shall
23 make the database established and maintained under
24 this section available to other Federal agencies.

1 (2) PUBLIC ACCESS.—To the extent consistent
2 with national security and procurement laws, the
3 database shall be accessible by the public at no cost
4 through the Web site of the General Services Admin-
5 istration.

6 (d) TRANSPARENCY OF DATABASE.—To the extent
7 practicable, the Administrator shall ensure that the data-
8 base—

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

10 (2) permits users to search and sort Federal
11 real property data; and

12 (3) includes a means to download a large
13 amount of Federal real property data and a selection
14 of such data retrieved using a search.

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

19 **SEC. 22. STREAMLINING MCKINNEY-VENTO HOMELESS AS-**
20 **SISTANCE ACT.**

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

23 (1) in subsection (b)(2)—

24 (A) by striking “(2)(A)” and inserting
25 “(2)”;

1 (B) by redesignating clauses (i) and (ii) as
2 subparagraphs (A) and (B), respectively;

3 (C) in subparagraph (A) (as so redesign-
4 dated) by striking “and” at the end;

5 (D) in subparagraph (B) (as so redesign-
6 dated) by striking the period at the end and in-
7 serting “; and”; and

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

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

13 (2) in subsection (c)(1)(A) by striking “in the
14 Federal Register” and inserting “on the Web site of
15 the Department of Housing and Urban Development
16 or the General Services Administration”;

17 (3) in subsection (d)—

18 (A) in paragraph (1) by striking “period of
19 60 days” and inserting “period of 30 days”;

20 (B) in paragraphs (2) and (4) by striking
21 “60-day period” and inserting “30-day period”;
22 and

23 (C) in paragraph (3) by adding at the end
24 the following: “If no such review of the deter-
25 mination is requested within the 20-day period,

1 such property will not be included in subsequent
2 publications unless the landholding agency
3 makes changes to the property (e.g. improve-
4 ments) that may change the unsuitable deter-
5 mination and the Secretary subsequently deter-
6 mines the property is suitable.”;

7 (4) in subsection (e)—

8 (A) in paragraph (2)—

9 (i) by striking “(2)” and inserting
10 “(2)(A)”;

11 (ii) in subparagraph (A) (as so des-
12 ignated)—

13 (I) by striking “90 days” and in-
14 serting “75 days”; and

15 (II) by striking “a complete ap-
16 plication” and inserting “an initial ap-
17 plication”; and

18 (iii) by adding at the end the fol-
19 lowing:

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

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

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

23 “(iii) the experience of the applicant that
24 demonstrates the ability to provide the serv-
25 ices.”;

1 (B) in paragraph (3) by striking “25 days
2 after receipt of a completed application” and in-
3 serting “10 days after receipt of an initial ap-
4 plication”; and

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

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

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

16 (5) in subsection (f)(1) by striking “available
17 by” and inserting “available, at the applicant’s dis-
18 cretion, by”.

19 **SEC. 23. ADDITIONAL PROPERTY.**

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

22 “(vii) a museum attended by the pub-
23 lic, and, for purposes of determining
24 whether a museum is attended by the pub-
25 lic, the Administrator shall consider a mu-

1 seum to be public if the nonprofit edu-
2 cational or public health institution or or-
3 ganization, at minimum, accedes to any re-
4 quest submitted for access during business
5 hours;”.