

[COMMITTEE PRINT]

[Showing the text of the bill as ordered reported by the Committee on Government Reform and Oversight on July 17, 2003, with an amendment]

[The amendment strikes all after the enacting clause and inserts a new text]

108TH CONGRESS
1ST SESSION

H. R. 2548

To amend chapter 5 of subtitle I of title 40, United States Code, to enhance Federal asset management, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 19, 2003

Mr. SESSIONS (for himself, Mr. TOM DAVIS of Virginia, Mr. BURTON of Indiana, Mr. SHAYS, Mr. SOUDER, Mr. OSE, Mrs. JO ANN DAVIS of Virginia, Mr. PLATTS, Mr. PUTNAM, Mr. TURNER of Ohio, Mr. JANKLOW, and Mr. COOPER) introduced the following bill; which was referred to the Committee on Government Reform, and in addition to the Committee on Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend chapter 5 of subtitle I of title 40, United States Code, to enhance Federal asset management, and for other purposes.



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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Federal Property Asset
5 Management Reform Act of 2003”.

6 **SEC. 2. DEFINITION OF LANDHOLDING AGENCY.**

7 Section 102 of title 40, United States Code, is
8 amended—

9 (1) by redesignating paragraphs (7) through
10 (10) in order as paragraphs (8) through (11); and

11 (2) by inserting after paragraph (6) the fol-
12 lowing:

13 “(7) The term ‘landholding agency’—

14 “(A) subject to subparagraphs (B) and
15 (C), means any Federal agency that, by specific
16 or general statutory authority, has jurisdiction,
17 custody, and control over property (as defined
18 in paragraph (9)) that is real property;

19 “(B) does not include a Federal agency
20 with respect to the agency—

21 “(i) disposing of an interest in real
22 property for public benefit purposes pursu-
23 ant to any of sections 541 through 554 of
24 this title;



1 “(ii) holding lands in trust or re-
2 stricted fee status for individual Indians or
3 Indian tribes; or

4 “(iii) having jurisdiction over National
5 Park System lands, National Forest Sys-
6 tem lands, or National Wildlife Refuge
7 System lands; and

8 “(C) does not include the Bureau of Land
9 Management.”.

10 **SEC. 3. LIFE CYCLE PLANNING AND MANAGEMENT; EN-**
11 **HANCED AUTHORITIES FOR REAL PROPERTY**
12 **ASSET MANAGEMENT.**

13 (a) IN GENERAL.—Chapter 5 of subtitle I of title 40,
14 United States Code, is amended by adding at the end the
15 following:

16 “SUBCHAPTER VII—LIFE CYCLE PLANNING
17 AND MANAGEMENT; ENHANCED AUTHORI-
18 TIES FOR REAL PROPERTY ASSET MANAGE-
19 MENT

20 **“§ 621. Asset management principles, performance**
21 **measurement, and database**

22 “(a) MANAGEMENT PRINCIPLES.—(1) Under the au-
23 thorities vested in the Administrator under section 121(c)
24 of this title, the Administrator of General Services (in this
25 subchapter referred to as the ‘Administrator’), in con-



1 sultation with the heads of Federal agencies and the Di-
2 rector of the Office of Management and Budget, shall es-
3 tablish and maintain current management principles to be
4 applied by Federal agencies where appropriate to real and
5 personal property assets subject to this chapter and under
6 the jurisdiction, custody, and control of such agencies.

7 “(2) With respect to the outlease of property through
8 the use of public-private partnerships authorized under
9 section 624(d) of this title, the principles under this sub-
10 section shall include the following:

11 “(A) Under no circumstances shall the liability
12 of the Federal Government arising from an arrange-
13 ment with a nongovernmental entity or from the op-
14 eration of any partnership, cooperative venture, lim-
15 ited liability company, corporation, trust, or other
16 business arrangement created as the result of an
17 agreement with a nongovernmental entity exceed the
18 amount of the Federal Government’s capital con-
19 tribution or equity contribution.

20 “(B)(i) Such projects may only be undertaken
21 if the Federal asset is not developed to its highest
22 and best use and the project is economically viable.

23 “(ii) For purposes of this subparagraph, deter-
24 mination of economic viability would include, among
25 other relevant economic factors, the internal rate of



1 return of the investment to the Government (with
2 preference given to higher rates of return) at lease-
3 back rates not exceeding market rates.

4 “(C) Such projects may only be undertaken if
5 the market conditions are favorable to development
6 and full occupancy by government and private ten-
7 ants.

8 “(b) PERFORMANCE MEASUREMENT BENCH-
9 MARKS.—(1) The Administrator, in consultation with the
10 heads of landholding agencies, shall establish performance
11 measures to determine the effectiveness of Federal real
12 property management.

13 “(2) The performance measures shall monitor and as-
14 sess the following:

15 “(A) The disposal of real property assets.

16 “(B) The reduction in vacant Federal space.

17 “(C) The realization of equity value in Federal
18 real property assets.

19 “(D) The value added to Federal agency mis-
20 sions through cooperative arrangements with the
21 commercial real estate community.

22 “(E) The enhancement of Federal agency pro-
23 ductivity through an improved working environment.

24 “(3) The performance measures shall be designed
25 to—



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

5 “(B) allow for comparing the performance of
6 Federal agencies against industry and other public
7 sector agencies.

8 “(4) In developing and implementing the perform-
9 ance measures, the Administrator shall use existing data
10 sources and automated data collection tools to the max-
11 imum extent practical.

12 “(c) INVENTORY DATABASE.—(1) The Administrator
13 shall establish and maintain a single, comprehensive, and
14 descriptive database of all real property interests under
15 the custody and control of each Federal agency.

16 “(2)(A) For purposes of paragraph (1), the Adminis-
17 trator, in cooperation with the heads of other Federal
18 agencies, shall collect from each Federal agency such de-
19 scriptive information, except for classified information, as
20 the Administrator considers will best describe the nature,
21 use, and extent of the real property holdings of the Fed-
22 eral Government. The head of a Federal agency shall
23 promptly provide to the Administrator, upon request, such
24 information regarding real property holdings under the
25 custody and control of the agency.



1 “(B) For purposes of this paragraph, the term ‘real
2 property holdings’ includes—

3 “(i) all public lands (as that term is defined in
4 section 103 of the Federal Land Policy and Manage-
5 ment Act of 1976 (43 U.S.C. 1702)); and

6 “(ii) all real property of the Federal Govern-
7 ment that is located outside of the 50 States, includ-
8 ing the District of Columbia, Puerto Rico, American
9 Samoa, Guam, the Northern Mariana Islands, and
10 the United States Virgin Islands.

11 “(3) To facilitate reporting of information on a uni-
12 form basis, the Administrator may establish data and
13 other information technology standards for use by Federal
14 agencies in developing or upgrading Federal agency real
15 property information systems.

16 “(d) PUBLIC ACCESS TO INFORMATION.—(1) Except
17 as provided in paragraph (2), the listing compiled under
18 this section shall be a public record the availability of
19 which is subject to existing law that provides for with-
20 holding of records on the basis of national security and
21 other applicable laws.

22 “(2) Nothing in this subsection requires an agency
23 to make available to the public information that is exempt
24 from disclosure pursuant to section 552 of title 5, United



1 States Code, popularly known as the Freedom of Informa-
2 tion Act.

3 “(e) JURISDICTION OF ADMINISTRATOR.—Except for
4 the purpose of maintaining the property listing required
5 under subsection (c), nothing in this section authorizes the
6 Administrator to assume jurisdiction over the acquisition,
7 management, or disposal of real property not subject to
8 this chapter.

9 **“§ 622. Senior real property officers**

10 “(a) IN GENERAL.—(1) Within 180 days after the
11 effective date of this section, the head of each landholding
12 agency shall appoint, or designate from among senior
13 management officials of such agency, a Senior Real Prop-
14 erty Officer. Such individual shall have education, train-
15 ing, and real estate portfolio or facilities management ex-
16 perience required to administer the functions described
17 under this section.

18 “(2) The head of any landholding agency may ap-
19 point a Real Property Officer for any major component
20 of the agency. A Real Property Officer of a landholding
21 agency, for the purposes of complying with the require-
22 ments of this chapter, shall report to the Senior Real
23 Property Officer.

24 “(b) RESPONSIBILITIES.—The Senior Real Property
25 Officer of a landholding agency shall be responsible for



1 continuously monitoring real property assets of the agency
2 so that—

3 “(1) real property of the agency, including its
4 functional use, occupancy, reinvestment require-
5 ments, and future utility, is managed in a manner
6 that is—

7 “(A) consistent with and supportive of the
8 goals and objectives set forth in the agency’s
9 strategic plan under section 306 of title 5,
10 United States Code;

11 “(B) consistent with the real property
12 asset management principles established by the
13 Administrator under section 621(a) of this title;
14 and

15 “(C) reflected in an agency asset manage-
16 ment plan issued under subsection (c);

17 “(2) real property assets that can benefit from
18 the application of the enhanced asset management
19 tools described in section 624 of this title are identi-
20 fied;

21 “(3) such enhanced asset management tools, in
22 those cases in which a real property asset can so
23 benefit, are applied in such a way that any resulting
24 transaction shall—



1 “(A) result in the agency receiving fair
2 market value which, in the case of an exchange
3 or sale of Federal real property, shall be based
4 on an appraisal; and

5 “(B) protect the Federal Government from
6 unreasonable financial or other risks;

7 “(4) provide to the Administrator annually—

8 “(A) a listing and description of the real
9 property assets under the jurisdiction, custody,
10 and control of that agency, including public
11 lands of the United States and property located
12 in foreign lands; and

13 “(B) any other relevant information the
14 Administrator may request, for inclusion in the
15 Governmentwide listing of all Federal real prop-
16 erty interests established and maintained under
17 section 621(c) of this title;

18 “(5) determine the performance of the agency
19 against the performance measures established under
20 section 621(b) of this title; and

21 “(6) report the results to the Committee on
22 Governmental Affairs of the Senate and the Com-
23 mittee on Government Reform of the House of Rep-
24 resentatives.



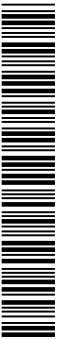
1 “(c) CONSIDERATION OF AVAILABLE REAL PROP-
 2 ERTY HOLDINGS.—Except as otherwise provided by Fed-
 3 eral law, before a landholding agency requests that the
 4 Administrator acquire any interest in real property from
 5 any non-Federal source on behalf of that landholding
 6 agency, the Senior Real Property Officer of the agency
 7 must give first consideration to available Federal real
 8 property holdings.”.

9 “§ 623. **Criteria for using enhanced asset manage-**
 10 **ment tools**

11 “(a) IN GENERAL.—Subject to the requirements of
 12 subsection (b) of this section, the head of a landholding
 13 agency may request in writing that the Administrator
 14 apply an enhanced asset management tool described in
 15 section 624 of this title to a real property interest under
 16 the agency’s jurisdiction, custody, and control if—

17 “(1) the head of the agency has determined
 18 that such real property interest is not excess prop-
 19 erty, and includes as part of the documentation re-
 20 quired under subsection (b)(3) a description of the
 21 need and mission requirement fulfilled by the Fed-
 22 eral property;

23 “(2) the real property interest is used to fulfill
 24 or support a continuing mission requirement of the
 25 agency; and



1 “(3) the real property interest can, by the ap-
2 plication of the enhanced asset management tool,
3 improve the support of such mission.

4 “(b) CRITERIA FOR APPLICATION.—Before applying
5 an enhanced asset management tool defined in section 624
6 of this title to a real property interest identified under sub-
7 section (a), the Administrator, in consultation with the
8 head of the landholding agency, must determine that such
9 application meets all of the following criteria:

10 “(1) The application supports the goals and ob-
11 jectives set forth in the agency’s strategic plan under
12 section 306 of title 5, United States Code, and the
13 agency’s real property asset management plan under
14 section 622 of this title.

15 “(2) Use of the real property is economical,
16 cost effective, and in the best interests of the United
17 States.

18 “(3) The application is documented in a busi-
19 ness plan that, commensurate with the nature of the
20 selected tool—

21 “(A) analyzes all reasonable options for
22 using the property;

23 “(B) describes how the application will be
24 in compliance with applicable provisions of law,
25 including such provisions of—



1 “(i) the National Environmental Pol-
2 icy Act of 1969 (42 U.S.C. 4321 et seq.);
3 and

4 “(ii) the McKinney-Vento Homeless
5 Assistance Act (42 U.S.C. 11301 et seq.),
6 including by—

7 “(I) describing the result of the
8 determination under that Act by the
9 Secretary of Housing and Urban De-
10 velopment of the suitability of the
11 property for use to assist the home-
12 less; and

13 “(II) explaining the rationale for
14 not making the property available for
15 use to assist the homeless; and

16 “(C) establishes effective procedures for
17 soliciting, assessing, and taking into account
18 input from the local community.

19 **“§ 624. Enhanced asset management tools**

20 “(a) INTERAGENCY TRANSFERS OR EXCHANGES.—

21 The head of any landholding agency may acquire replace-
22 ment real property by transfer or exchange of real prop-
23 erty subject to this chapter with other Federal agencies
24 under terms mutually agreeable to the heads of the agen-
25 cies involved.



1 “(b) SALES TO OR EXCHANGES WITH NON-FEDERAL
2 SOURCES.—The Administrator may acquire replacement
3 real property by selling or exchanging a real property asset
4 or interests therein, including any property identified in
5 a landholding agency’s request under section 623, with
6 any non-Federal source: *Provided, That*—

7 “(1) the transaction does not conflict with other
8 applicable laws governing the acquisition of interests
9 in real property by Federal agencies;

10 “(2) the Administrator first made the property
11 available for transfer or exchange to other Federal
12 agencies; and

13 “(3) the transaction results in the United
14 States receiving fair market value, which shall be
15 based upon an appraisal.

16 “(c) SUBLEASES.—(1) The Administrator may, by
17 lease, permit, license or similar instrument, make available
18 in accordance with this subsection to any other Federal
19 agency or to any non-Federal entity the unexpired portion
20 of any government lease for real property, including any
21 lease identified in a landholding agency’s request under
22 section 623.

23 “(2) The term of any sublease under this subsection
24 shall not exceed the unexpired portion of the term of the
25 original government lease of the property.



1 “(3) The Administrator may not sublease property
2 under this subsection unless the sublease results in the
3 United States receiving fair market rental value for the
4 property.

5 “(4) Before subleasing property under this subsection
6 to a private person, the Administrator shall give consider-
7 ation to the needs of the following entities, with the needs
8 of entities listed in subparagraph (A) being considered be-
9 fore the needs of entities listed in subparagraph (B):

10 “(A) The needs of each of the following entities,
11 equally, shall be given first consideration by the Ad-
12 ministrator:

13 “(i) Federal agencies.

14 “(ii) Indian tribes (as that term is defined
15 in section 4 of the Indian Health Care Improve-
16 ment Act (25 U.S.C. 1603)), urban Indian or-
17 ganizations (as defined in that section), and
18 tribal organizations (as defined by section 4 of
19 the Indian Self-Determination and Education
20 Assistance Act (25 U.S.C. 450b)), through the
21 Secretary of the Interior and the Secretary of
22 Health and Human Services, if the property is
23 to be used for purposes in connection with an
24 Indian self-determination contract or grant pur-



1 suant to the Indian Self-Determination Act (25
2 U.S.C. 450f et seq.).

3 “(B) The needs of each of the following enti-
4 ties, equally, shall be given second consideration by
5 the Administrator:

6 “(i) State and local governments.

7 “(ii) Indian tribes, tribal organizations,
8 and urban Indian organizations (as defined in
9 the provisions referred to in subparagraph
10 (A)(ii)), through the Secretary of the Interior
11 and the Secretary of Health and Human Serv-
12 ices, if the property is to be used for purposes
13 other than the purposes referred to in subpara-
14 graph (A)(ii) and such use of the property is
15 authorized by law other than this subsection.

16 “(d) OUTLEASES AND PUBLIC PRIVATE PARTNER-
17 SHIPS.—(1) The Administrator may make available by
18 outlease agreements with other Federal agencies and non-
19 Federal entities any unused or underused portion of or
20 interest in any real and related personal property, includ-
21 ing any portion or interest identified in the landholding
22 agency’s request under section 623, if—

23 “(A) the Administrator finds that—



1 “(i) there is no long-term mission require-
2 ment for the property, but the Federal Govern-
3 ment is not permitted to dispose of it; or

4 “(ii)(I) there is a continuing, long-term
5 mission requirement for the property to remain
6 in Government ownership; and

7 “(II) the use of the real property by the
8 lessee will not be inconsistent with such mis-
9 sion; and

10 “(B) in the case of an outlease to a non-Fed-
11 eral entity, the outlease is conducted competitively.

12 If the Administrator makes a finding under subparagraph
13 (A)(ii), the head of the landholding agency concerned shall
14 include a written rationale for the finding of a continuing
15 Federal need for the property in the business plan sub-
16 mitted under section 623(b)(3) of this title.

17 “(2) To reduce vacant space and realize the equity
18 value of Government-owned real property assets, provide
19 Federal agencies with modern functional work environ-
20 ments, and work cooperatively with the commercial real
21 estate community, the Administrator may enter into an
22 agreement with a non-Federal entity. Any agreement
23 under this subsection—



1 “(A) may be to a partnership, cooperative ven-
2 ture, limited liability company, corporation, trust,
3 sole proprietorship, or other business arrangement;

4 “(B) shall be for a term no longer than 50
5 years;

6 “(C) shall result in the United States receiving
7 fair market value which, in the case of an exchange
8 or sale of Federal real property, shall be based upon
9 an appraisal;

10 “(D) may provide a leaseback option to the
11 Federal Government to occupy space in any facilities
12 acquired, constructed, repaired, renovated, or reha-
13 bilitated by the nongovernmental entity: *Provided,*
14 That the agreement does not guarantee Government
15 occupancy; any subsequent agreements to leaseback
16 space in such facilities must be in accordance with
17 the competition requirements of title III of the Fed-
18 eral Property and Administrative Services Act of
19 1949 (41 U.S.C. 251 et seq.);

20 “(E) shall provide—

21 “(i) that neither the United States, nor its
22 agencies or employees, shall be liable for any
23 actions, debts, or liability of the non-Federal
24 entity; and



1 “(ii) that neither the lessee nor the non-
2 Federal entity shall be authorized to execute
3 and shall not execute any instrument or docu-
4 ment creating or evidencing any indebtedness
5 unless such instrument or document specifically
6 disclaims any liability of the United States, and
7 of any Federal agency or employee thereunder,
8 in excess of the Government’s capital contribu-
9 tion in the non-Federal entity;

10 “(F) shall provide—

11 “(i) that the Government’s interest under
12 the agreement is senior to that of any lender to
13 the non-Federal entity; and

14 “(ii) that under no circumstances shall the
15 liability of the United States arising from its
16 arrangement with the non-Federal entity, or
17 from the operations of any partnership, cooper-
18 ative venture, limited liability company, cor-
19 poration, trust, or other business arrangement
20 created as the result of the agreement with the
21 non-Federal entity, exceed the amount of the
22 Federal Government’s capital contribution or
23 equity contribution to the partnership, cooper-
24 ative venture, limited liability company, corpora-
25 tion, trust, or other business arrangement; and



1 “(G) may contain such other terms and condi-
2 tions as the Administrator considers necessary to
3 protect the interests of the Federal Government.

4 “(3) In making property available for use or outlease
5 under this subsection, the Administrator shall follow the
6 order of consideration listed in subsection (c)(4).

7 “(4) Before the Administrator executes any agree-
8 ment authorized under this subsection that would result
9 in the development or substantial rehabilitation or renova-
10 tion of Federal assets under a business arrangement with
11 a non-Federal entity, the Administrator shall undertake
12 an analysis of the proposed arrangement or transaction
13 to determine the business and legal risks and benefits to
14 the Federal Government that would likely result from the
15 proposed arrangement or transaction.

16 “(5)(A) The Director of the Office of Management
17 and Budget shall review and, as necessary, revise circular
18 A-11 to ensure that any agreements entered into under
19 the authority of this subsection are scored for purposes
20 of the Federal budget in a manner that complies with Gov-
21 ernment-wide standards for recording obligations and out-
22 lays in the budget.

23 “(B) All leaseback agreements must meet the re-
24 quirements of an operating lease as specified in relevant
25 Office of Management and Budget circulars.



1 “(C) Any obligation of the Government to make pay-
2 ments for the use of space, goods, or services by the Gov-
3 ernment on property that is subject to an agreement under
4 this section may only be made to the extent that necessary
5 funds have been made available, in advance, in an annual
6 appropriations Act.

7 “(6) If, during the term of an outlease involving the
8 development or substantial rehabilitation or renovation of
9 a Federal asset in a business arrangement with a non-
10 Federal entity, the Administrator determines that the
11 property is no longer needed by the Federal Government,
12 the Administrator may initiate action for the transfer to
13 the non-Federal entity of all right, title, and interest of
14 the United States in the property. A disposition under this
15 section may be made for such consideration the Adminis-
16 trator determines is in the best interests of the United
17 States and upon such other terms and conditions as the
18 Administrator considers appropriate.

19 “(7)(A) If the Administrator retains authority over
20 any decision to construct or alter buildings on property
21 leased by the agency to a non-Federal entity under this
22 subsection, then any such construction or alteration shall
23 comply with section 627 of this title.

24 “(B)(i) If the Administrator does not retain authority
25 over any decision to construct or alter buildings on prop-



1 erty leased by the Administrator to a non-Federal entity
2 under this subsection, then any such construction or alter-
3 ation shall comply with all laws described in clause (ii)
4 that would apply to such construction or alteration if the
5 property were not Federal property.

6 “(ii) The laws referred to in clause (i) are all laws
7 of a State, and of a political subdivision of a State, relat-
8 ing to zoning, landscaping, open space, minimum distance
9 of a building from a property line, maximum building
10 height, historic preservation, esthetic qualities of a build-
11 ing, building codes, and similar matters, and any other
12 State or local laws relating to construction or alteration
13 of a building, respectively, by the non-Federal entity on
14 non-Federal lands.

15 “(8) This subsection shall not be construed to affect
16 any other authority of any Federal agency to outlease
17 property or to otherwise make property available for any
18 reason.

19 “(9) The authority to enter into agreements under
20 subsection (b) and this subsection expires 10 years after
21 the date of enactment of this subsection.

22 “(10) The Comptroller General of the United States
23 shall submit biennial reports to the Congress, including
24 to the Committee on Government Reform of the House
25 of Representatives and the Committee on Governmental



1 Affairs of the Senate, on the effectiveness of the use of
2 authority under this subsection.

3 **“§ 625. Forms of consideration**

4 “Notwithstanding any other provision of law, the
5 forms of consideration received by the United States in
6 a transaction under section 624 of this title may include
7 cash or cash equivalents, other property (either real or
8 personal), in-kind assets, services related to the trans-
9 action, future consideration, or any combination thereof.

10 **“§ 626. Transactional reports**

11 “(a) IN GENERAL.—For those transactions author-
12 ized under section 624 of this title involving the sale, ex-
13 change, or outlease to a non-Federal entity of any asset
14 valued in excess of \$700,000 at the time of the trans-
15 action, the Administrator shall submit the business plan
16 required by section 623(b)(3) of this title to the Director
17 of the Office of Management and Budget, the Committee
18 on Governmental Affairs of the Senate, and the Com-
19 mittee on Government Reform of the House of Represent-
20 atives at least 30 calendar days before the final execution
21 of such transaction.

22 “(b) ADJUSTMENT OF THRESHOLD.—The Adminis-
23 trator may increase or decrease the dollar amount in sub-
24 section (a) to reflect a percentage increase or decrease in
25 the Department of Commerce Consumer Price Index.



1 **“§ 627. Compliance with nationally recognized codes**

2 “(a) BUILDING CODES.—Each building with respect
3 to which this section applies may be constructed or al-
4 tered, to the maximum extent feasible as determined by
5 the Administrator, only in compliance with one of the na-
6 tionally recognized model building codes and with other
7 applicable nationally recognized codes. Such other codes
8 shall include, but not be limited to, electrical codes, fire
9 and life safety codes, and plumbing codes, as determined
10 appropriate by the Administrator. In carrying out this
11 subsection, the Administrator shall require use of the lat-
12 est edition of the nationally recognized codes referred to
13 in this subsection.

14 “(b) ZONING LAWS.—Each building with respect to
15 which this section applies may be constructed or altered
16 only after consideration of all requirements (other than
17 procedural requirements) of—

18 “(1) zoning laws; and

19 “(2) laws relating to landscaping, open space,
20 minimum distance of a building from the property
21 line, maximum height of a building, historic preser-
22 vation, and esthetic qualities of a building, and other
23 similar laws,

24 of a State or a political subdivision of a State that would
25 apply to the building if it were not a building constructed
26 or altered by a Federal agency.



1 “(c) SPECIAL RULES.—

2 “(1) STATE AND LOCAL GOVERNMENT CON-
3 SULTATION, REVIEW, AND INSPECTIONS.—For pur-
4 poses of meeting the requirements of subsections (a)
5 and (b) with respect to a building, the person car-
6 rying out the construction or alteration shall—

7 “(A) in preparing plans for the building,
8 consult with appropriate officials of the State or
9 political subdivision, or both, in which the build-
10 ing is (or will be) located;

11 “(B) upon request, submit such plans in a
12 timely manner to such officials for review by
13 such officials for a reasonable period of time
14 not exceeding 30 days; and

15 “(C) permit inspection by such officials
16 during construction or alteration of the build-
17 ing, in accordance with the customary schedule
18 of inspections for construction or alteration of
19 buildings in the locality, if such officials provide
20 to the person—

21 “(i) a copy of such schedule before
22 construction of the building is begun; and

23 “(ii) reasonable notice of their inten-
24 tion to conduct any inspection before con-
25 ducting such inspection.



1 “(2) LIMITATION ON STATE RESPONSIBIL-
2 ITIES.—Nothing in this section imposes an obliga-
3 tion on any State or political subdivision to take any
4 action under paragraph (1).

5 “(d) STATE AND LOCAL GOVERNMENT REC-
6 COMMENDATIONS.—Appropriate officials of a State or a po-
7 litical subdivision of a State may make recommendations
8 to the Administrator concerning measures necessary to
9 meet the requirements of subsections (a) and (b). Such
10 officials may also make recommendations to the Adminis-
11 trator concerning measures that should be taken in the
12 construction or alteration of the building to take into ac-
13 count local conditions. The Administrator shall give due
14 consideration to any such recommendations.

15 “(e) EFFECT OF NONCOMPLIANCE.—No action may
16 be brought against the United States and no fine or pen-
17 alty may be imposed against the United States for failure
18 to meet the requirements of subsection (a), (b), or (c) or
19 for failure to carry out any recommendation under sub-
20 section (d).

21 “(f) LIMITATION ON LIABILITY.—The United States
22 and its contractors shall not be required to pay any
23 amount for any action taken by a State or a political sub-
24 division of a State to carry out this section (including re-



1 viewing plans, carrying out on-site inspections, issuing
2 building permits, and making recommendations).

3 “(g) NATIONAL SECURITY WAIVER.—This section
4 shall not apply with respect to any building if the Adminis-
5 trator determines that the application of this section to
6 the building would adversely affect national security. A de-
7 termination under this subsection shall not be subject to
8 administrative or judicial review.

9 **“§ 628. Limitation on certain agency actions**

10 “(a) IN GENERAL.—Notwithstanding any other pro-
11 vision of law, no Federal agency may take any of the ac-
12 tions described in subsection (b) with respect to—

13 “(1) Federal land and improvements in Los An-
14 geles, California, consisting of approximately 388
15 acres, bounded by the 405 Freeway, Ohio Avenue,
16 Butler Avenue, Rochester Avenue, Federal Avenue,
17 San Vicente Boulevard, Bringham Avenue, Chayote
18 Street, Woodburn Drive, and Waterford Street; or

19 “(2) Federal land and improvements in Sepul-
20 veda, California, consisting of approximately 154
21 acres, bounded by Woodley Avenue, Lassen Street,
22 Haskell Avenue, and Plumber Street.

23 “(b) ACTIONS DESCRIBED.—Actions referred to in
24 subsection (a) are the following:



1 “(1) Actions involving the use of enhanced asset
2 management tools under section 624 of this title.

3 “(2) Determining real property to be excess
4 property.

5 “(3) Disposing of real property.”.

6 (b) REPEAL.—Section 1302 of title 40, United States
7 Code, is repealed.

8 (c) CULTURAL RESOURCE SURVEY AND COM-
9 PREHENSIVE PRESERVATION PLAN.—

10 (1) IN GENERAL.—The Administrator of Gen-
11 eral Services shall complete a cultural resource sur-
12 vey and a comprehensive preservation plan for the
13 property described in section 629(a)(1) of title 40,
14 United States Code, as amended by this section,
15 within one year after the date of the enactment of
16 this Act. The survey and plan shall include the fol-
17 lowing:

18 (A) An analysis of the property within its
19 historical, architectural, and geographic context,
20 that takes into consideration the merit of cul-
21 tural features individually and as a group.

22 (B) Specific recommendations for short
23 and long-term preservation.

24 (C) Recommended actions, including for
25 maintenance, rehabilitation, and restoration and



1 for keeping the analysis and recommendations
2 up-to-date.

3 (D) A maintenance manual for routine
4 care of culturally significant materials and fea-
5 tures.

6 (2) SUBMISSION.—Upon completion, the survey
7 and plan shall be produced as a narrative report,
8 and shall be submitted simultaneously—

9 (A) to the Secretary of the Interior to en-
10 sure that the report is consistent with the Sec-
11 retary’s guidance on preparation of such re-
12 ports;

13 (B) the Advisory Council for Historic Pres-
14 ervation;

15 (C) the State of California Office of His-
16 toric Preservation; and

17 (D) the Committee on Government Reform
18 of the House of Representatives and the Com-
19 mittee on Governmental Affairs of the Senate.

20 (d) CLERICAL AMENDMENT.—The table of sections
21 at the beginning of chapter 5 of subtitle I of title 40,
22 United States Code, is amended by inserting after the
23 item relating to section 611 the following:

“SUBCHAPTER VII—LIFE CYCLE PLANNING AND MANAGEMENT;
ENHANCED AUTHORITIES FOR REAL PROPERTY ASSET MAN-
AGEMENT



- “Sec. 621. Asset management principles, performance measurement, and data-base.
- “Sec. 622. Senior Real Property Officers.
- “Sec. 623. Criteria for using enhanced asset management tools.
- “Sec. 624. Enhanced asset management tools.
- “Sec. 625. Forms of consideration.
- “Sec. 626. Transactional reports.
- “Sec. 627. Compliance with nationally recognized codes.
- “Sec. 628. Limitation on certain agency actions.”.

1 **SEC. 4. INCENTIVES FOR REAL AND PERSONAL PROPERTY**

2 **MANAGEMENT IMPROVEMENT.**

3 (a) TREATMENT OF PROCEEDS OF FEDERAL PROP-
4 erty DISPOSALS.—Subchapter IV of chapter 5 of title 40,
5 United States Code, is amended as follows:

6 (1) In section 572—

7 (A) by redesignating subsection (b) as sub-
8 section (d); and

9 (B) by striking subsection (a) and insert-
10 ing the following:

11 **“§ 572. Real property**

12 “(a) AGENCY RETENTION OF PROCEEDS FROM REAL
13 AND PERSONAL PROPERTY.—(1) Proceeds resulting from
14 the transfer or disposition of real property and related per-
15 sonal property under this chapter shall be credited to the
16 fund, account (including the capital asset account under
17 subsection (b)), or appropriation of the landholding agency
18 that made the property available for transfer or disposi-
19 tion and shall be treated as provided in subsections (b)
20 and (c).



1 “(2) Proceeds from any transfer of excess personal
2 property to a Federal agency or from any sale, lease, or
3 other disposition of surplus personal property shall be
4 treated as prescribed in section 573 of this title or as oth-
5 erwise authorized by law.

6 “(3) All proceeds from the transfer or disposition of
7 property under this chapter that are not deposited or cred-
8 ited to a specific agency account shall be covered into the
9 Treasury as miscellaneous receipts except as provided in
10 sections 572, 573, and 574 of this title or as otherwise
11 authorized by law.

12 “(b) MONETARY PROCEEDS TO AGENCY CAPITAL
13 ASSET ACCOUNTS.—(1) Monetary proceeds received by
14 agencies from the transfer, sale, outlease, or other dispo-
15 sition of real and related personal property shall be credited
16 to an existing account or an account to be established in
17 the Treasury to pay for the capital asset expenditures of
18 the particular agency making the property available. Such
19 account shall be known as the agency’s capital asset ac-
20 count.

21 “(2) Subject to subsection (c), any amounts credited
22 or deposited to such account under this section, along with
23 such other amounts as may be appropriated or credited
24 from time to time in annual appropriations Acts, shall be
25 devoted to the sole purpose of funding that agency’s cap-



1 ital asset expenditures, including any expenses necessary
2 and incident to the agency's real property capital acquisi-
3 tions, improvements, and dispositions, and such funds
4 shall remain available until expended, in accordance with
5 the agency's asset management plan under section 622 of
6 this title, without further authorization: *Provided*, That—

7 “(A) the authority to transfer, sell, outlease, or
8 otherwise dispose of real and related personal prop-
9 erty shall be available only to the extent that the
10 proceeds from such disposition are made available to
11 the agency in advance in an appropriations Act;

12 “(B) moneys from an exchange or sale of real
13 property, or a portion of a real property holding,
14 under section 624(b) of this title shall be applied
15 only to the replacement of that property or to the
16 rehabilitation of the portion of that real property
17 holding that remains in Federal ownership; and

18 “(C) the head of each landholding agency shall
19 include with the materials the agency annually sub-
20 mits under section 1105 of title 31, United States
21 Code, a detailed accounting of all real property
22 transactions carried out under this title and of re-
23 cepts and disbursements from the agency's capital
24 asset account during the previous fiscal year.



1 “(c) TRANSACTIONAL AND OTHER COSTS.—Federal
2 agencies may be reimbursed from the monetary proceeds
3 of real property dispositions under this chapter or from
4 other available resources, including from the agency’s cap-
5 ital asset account, for the full costs, direct and indirect,
6 to the agency disposing of such property, including the
7 costs of site remediation, restoration, or other environ-
8 mental services, relocating affected tenants and occupants,
9 advertising and marketing, community outreach, sur-
10 veying, appraisal, brokerage, historic preservation services,
11 title insurance, due diligence, document notarization and
12 recording services, and the costs of managing leases and
13 providing necessary services to the lessees.”.

14 (2) In subsection (d)(5) of section 572, as so
15 redesignated—

16 (A) in subparagraph (A), by striking “(less
17 expenses of the transfer or disposition as pro-
18 vided in subsection (a))” and inserting “(less
19 the costs of the disposition, as provided in sub-
20 section (c))”; and

21 (B) in subparagraph (B), by striking “To
22 the extent provided in an appropriations law, an
23 amount” and inserting “An amount”.

24 (3) By amending section 573 to read as follows:



1 **“§ 573. Personal property**

2 “(a) IN GENERAL.—A Federal agency may retain
3 from the proceeds of the sale of personal property amounts
4 necessary to recover, to the extent practicable, the full
5 costs, direct and indirect, incurred by the agency in dis-
6 posing of such property, including the costs for
7 warehousing, storage, environmental services, advertising,
8 appraisal, and transportation of the property.

9 “(b) DEPOSIT, AVAILABILITY, AND TRANSFER.—
10 Such amounts shall be deposited into an account that shall
11 be available for such costs without regard to fiscal year
12 limitations. Amounts that are not needed to pay such costs
13 shall be transferred at least annually to the general fund
14 or to a specific account in the Treasury as otherwise au-
15 thorized by law.”.

16 (b) RELATIONSHIP TO OTHER LAW.—(1) Nothing in
17 this Act shall be construed to repeal or supersede any
18 other provision of Federal law directing the use of pro-
19 ceeds from specific real property transactions or directing
20 how or where a particular Federal agency is to deposit,
21 credit, or use the proceeds from the sale, exchange, or
22 other disposition of Federal property except as expressly
23 provided for in this Act.

24 (2) Section 2(a) of the Land and Water Conservation
25 Fund Act of 1965 (16 U.S.C. 460l-5(a)) is superseded
26 only to the extent that chapter 5 of title 40, United States



1 Code, or a provision of this Act, provides for an alternative
2 disposition of the proceeds from the disposal of any sur-
3 plus real property and related personal property subject
4 to this Act, or the disposal of any interest therein.

5 (3) Subsection 3302(b) of title 31, United States
6 Code, is superseded only to the extent that this Act or
7 any other Act provides for the disposition of money re-
8 ceived by the Government.

9 (c) IMPLEMENTATION FOR FISCAL YEARS 2003–
10 2007.—For purposes of implementing this section, the fol-
11 lowing shall apply:

12 (1) For each of fiscal years 2003 through 2007,
13 the Director of the Office of Management and Budg-
14 et shall allocate to each agency a pro rata share of
15 the baseline estimate of total surplus real property
16 sales receipts transferred to the Land and Water
17 Conservation Fund as set forth in the President’s
18 budget for fiscal year 2003, made pursuant to sec-
19 tion 1109 of title 31, United States Code. The Di-
20 rector of the Office of Management and Budget
21 shall notify the affected agencies and the Appropria-
22 tions Committees of the House of Representatives
23 and the Senate in writing of this allocation within
24 30 days after the date of enactment of this Act and
25 shall not subsequently revise the allocation.



1 (2) On September 30 of each such fiscal year,
2 each agency shall remit to the Treasury an amount
3 equal to its allocation for that fiscal year, out of the
4 proceeds realized from any sales of the agency's sur-
5 plus real property assets during that fiscal year.

6 (3) If an agency's actual sale proceeds in any
7 such fiscal year are less than the amount allocated
8 to it by the Director of the Office of Management
9 and Budget for that fiscal year, the agency shall
10 remit all of its sale proceeds to the Treasury, and
11 its allocation for the subsequent fiscal year shall be
12 increased by the difference.

13 (4) On September 30, 2007, if an agency has
14 remitted less sale proceeds to the Treasury than its
15 total allocation for the five years, the agency shall
16 remit the difference to the Treasury out of any other
17 funds available to the agency.

18 **SEC. 5. STREAMLINED AND ENHANCED DISPOSAL AU-**
19 **THORITIES.**

20 (a) PUBLIC BENEFIT CONVEYANCES TO STATE AND
21 LOCAL GOVERNMENTS.—Section 550(h)(1)(A) of title 40,
22 United States Code, is amended as follows:

23 (1) By striking “or municipality” and inserting
24 “municipality, or a qualified nonprofit organization



1 established for the primary purpose of preserving
2 historic monuments,”.

3 (2) By inserting after the first sentence the fol-
4 lowing: “Such property may be conveyed to a non-
5 profit organization only if the State, political sub-
6 division, instrumentalities thereof, and municipality
7 in which the property is located do not request con-
8 veyance of the property under this section within 30
9 days after notice to them of the proposed conveyance
10 by the Administrator to that nonprofit organiza-
11 tion.”.

12 (b) DUTIES OF SECRETARY OF INTERIOR.—Section
13 550(b)(2)(C) of title 40, United States Code, is amended
14 to read as follows:

15 “(C) the Secretary of the Interior, for property
16 transferred under subsection (e) for public park or
17 recreation use, or under subsection (h) for use as a
18 historic monument;”.

19 (c) NEGOTIATED DISPOSALS.—Section 545(b) of title
20 40, United States Code, is amended as follows:

21 (1) In paragraph (1), by striking “public inter-
22 est—” and all that follows through “for a period”
23 and inserting “public interest for a period”.

24 (2) By striking paragraphs (2), (3), and (5).



1 (3) By redesignating paragraphs (4), (6), (7),
2 (8), and (9) in order as paragraphs (2) through (6).

3 (4) By amending paragraph (6) (as so redesign-
4 nated) to read as follows:

5 “(6) otherwise authorized by this chapter or
6 other law or, with respect to personal property, the
7 negotiated disposal is considered by the agency head
8 to be advantageous to the Government.”.

9 (5) In subsection (e), by amending paragraph
10 (1) to read as follows:

11 “(1) REQUIREMENT.—An explanatory state-
12 ment of the circumstances shall be prepared for each
13 disposal by negotiation of any real property that has
14 an estimated fair market value in excess of
15 \$700,000. The dollar amount in the preceding sen-
16 tence may be increased or decreased by the Adminis-
17 trator to reflect a percentage increase or decrease in
18 the Department of Commerce Consumer Price
19 Index.”.

20 (6) By striking paragraph (3).

21 (d) CONVEYANCES FOR AIRPORT USE.—

22 (1) IN GENERAL.—Subchapter III of chapter 5
23 of title 40, United States Code, is amended by add-
24 ing at the end the following:



1 **“§ 560. Conveyance for airport use**

2 “The authority of any department, agency, or instru-
3 mentality of the executive branch or wholly owned Govern-
4 ment corporation to convey surplus real and related per-
5 sonal property for public airport purposes under sub-
6 chapter II of title 49, shall be subject to the requirements
7 of this chapter, and any surplus real property available
8 for conveyance under that subchapter shall first be made
9 available to the Administrator for disposal under this sub-
10 chapter, including conveyance for any public benefit pur-
11 poses, including public airport use, as the Administrator,
12 after consultation with the affected agencies, considers ad-
13 visable.”.

14 (2) CLERICAL AMENDMENT.—The table of sec-
15 tions at the beginning of such chapter is amended
16 by inserting after the item relating to section 559
17 the following:

“560. Conveyance for airport use.”.

18 (e) ACQUISITION OF PERSONAL PROPERTY OR RE-
19 LATED SERVICES.—

20 (1) IN GENERAL.—Section 503 of title 40,
21 United States Code, is amended to read as follows:

22 **“§ 503. Exchange or sale of personal property**

23 “In acquiring personal property or related services,
24 or a combination thereof, any executive agency, under reg-
25 ulations to be prescribed by the Administrator, and sub-



1 ject to regulations prescribed by the Administrator for
2 Federal Procurement Policy pursuant to the Office of
3 Federal Procurement Policy Act (41 U.S.C. 401 et seq.),
4 may exchange or sell personal property and may apply the
5 exchange allowance or proceeds of sale in such cases in
6 whole or in part payment for similar property or related
7 services, or a combination thereof, acquired: *Provided,*
8 That any transaction carried out under the authority of
9 this subsection shall be evidenced in writing. Sales of prop-
10 erty pursuant to this subsection shall be governed by sec-
11 tion 545 of this title, and shall be exempt from the provi-
12 sions of section 3709 of the Revised Statutes (41 U.S.C.
13 5).”.

14 (2) CLERICAL AMENDMENT.—The table of sec-
15 tions at the beginning of chapter 5 of title 40,
16 United States Code, is amended by striking the item
17 relating to section 503 and inserting the following:

“503. Exchange or sale of personal property.”.

18 (f) ABANDONMENT, DESTRUCTION, OR OTHER DIS-
19 POSAL.—

20 (1) IN GENERAL.—Section 527 of title 40,
21 United States Code, is amended to read as follows:

22 “§ 527. **Abandonment, destruction, or other disposal**
23 **of property**

24 “The Administrator may authorize the abandonment,
25 destruction, or other disposal of property if the property



1 has no commercial value, or if the estimated cost of contin-
2 ued care and handling of the property would exceed the
3 estimated fair market value.”.

4 (2) CLERICAL AMENDMENT.—The table of sec-
5 tions at the beginning of chapter 5 of title 40,
6 United States Code, is amended by striking the item
7 relating to section 527 and inserting the following:
“527. Abandonment, destruction, or other disposal of property.”.

8 (g) TRANSFER OF SURPLUS PERSONAL PROPERTY
9 TO STATES.—Section 549 of title 40, United States Code,
10 is amended as follows:

11 (1) In subsection (a)(3), by striking “fair and
12 equitable distribution, through donation,” and in-
13 serting “donation on a fair and equitable basis”.

14 (2) In subsection (c), by striking paragraph (4).

15 (3) By striking subsection (d), and redesign-
16 ating subsections (e) and (f) in order as sub-
17 sections (d) and (e).

18 (4) Subsection (c)(2) is amended as follows:

19 “(2) ALLOCATION AMONG STATES.—The Ad-
20 ministrator shall, pursuant to criteria that are based
21 on need and utilization and established after such
22 consultation with State agencies as is feasible, allo-
23 cate surplus personal property among the States on
24 a fair and equitable basis, taking into account the



1 condition of the property and the original acquisition
2 cost thereof.”.

3 (5) Subsection (c)(3) is amended—

4 (A) in subparagraph (A), by striking “or”
5 after the semicolon at the end;

6 (B) in subparagraph (B)—

7 (i) by striking clause (ii);

8 (ii) in clause (iv), by striking “a
9 school for the mentally retarded or phys-
10 ically handicapped” and inserting “schools
11 for persons with mental or physical disabil-
12 ities”;

13 (iii) by amending clause (viii) to read
14 as follows:

15 “(viii) libraries and educational activi-
16 ties identified by the Secretary of Defense
17 as being of special interest to the Armed
18 Services,” following the word “region,”;

19 (iv) by redesignating clauses (iii)
20 through (viii) in order as clauses (ii)
21 through (vii); and

22 (v) by striking the period at the end
23 and inserting “; or”; and

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



1 “(C) to nonprofit institutions or organiza-
2 tions that are exempt from taxation under sec-
3 tion 501 of the Internal Revenue Code of 1986
4 and that have for their primary function the
5 provision of food, shelter, or other necessities to
6 homeless individuals or families or individuals
7 whose annual income is below the poverty line
8 (as that term is defined in section 673 of the
9 Community Services Block Grant Act) for use
10 in assisting the poor and homeless.”.

11 (h) AMENDMENTS TO MCKINNEY-VENTO HOMELESS
12 ASSISTANCE ACT.—

13 (1) AMENDMENTS.—Section 501 of the McKin-
14 ney-Vento Homeless Assistance Act (42 U.S.C.
15 11411) is amended as follows:

16 (A) In the first sentence of subsection (a),
17 by inserting before the period the following: “,
18 and that have not been previously reported on
19 by an agency under this subsection”.

20 (B) In the second sentence of subsection
21 (a), by inserting after “to the Secretary” the
22 following: “, which shall not include information
23 previously reported on by the agency under this
24 subsection”.



1 (C) Each of subsections (b)(1), (c)(1)(A),
2 and (c)(2)(A), by striking “45” and inserting
3 “30”.

4 (D) In subsection (c)(1)(A)(i), by inserting
5 after “(a)” the following: “that have not been
6 previously published”.

7 (E) In subsection (c)(1)(A)(ii), by insert-
8 ing after “properties” the following: “that have
9 not been previously published”.

10 (F) By striking subsections (c)(1)(D) and
11 (c)(4).

12 (G) In subsection (c)(2)(B), by inserting
13 “(i)” after “(B)”, and by adding at the end the
14 following:

15 “(ii) Efforts required under clause (i) include the fol-
16 lowing:

17 “(I) Publishing the information on an Internet
18 website maintained by the Secretary.

19 “(II) Providing notice of the information on
20 such list to the local Continuum of Care organiza-
21 tion for homeless assistance within the jurisdiction
22 in which the property is located, or if there is no
23 such organization, then to the State.



1 “(III) Providing notice of the information on
2 such list to the Emergency Food and Shelter Pro-
3 gram National Board.

4 “(IV) Providing notice of the information on
5 such list to each Emergency Food and Shelter Pro-
6 gram local board within the State in which the prop-
7 erty is located.

8 “(iii) The efforts required under clause (ii) shall be
9 completed within 3 business days after publication of the
10 list in the Federal Register. The Secretary shall certify
11 in writing completion of such efforts.”.

12 (H) In subsection (d)(1), by striking “60
13 days beginning on the date of such publication”
14 and inserting “90 days after the date the Sec-
15 retary certifies completion of the efforts re-
16 quired under subsection (c)(2)”.

17 (I) In subsection (d)(2), by striking “60”
18 and inserting “90”.

19 (J) In subsection (d)(4), by amending so
20 much as precedes subparagraph (B) to read as
21 follows:

22 “(4)(A) Written notice of intent to apply for a prop-
23 erty published under subsection (c)(1)(A)(ii) may be filed
24 at any time after the 90-day period described in paragraph
25 (1) has expired. An application submitted pursuant to the



1 notice may be approved for disposal for use to assist the
2 homeless only if the property remains available for use to
3 assist the homeless. If the property remains available for
4 use to assist the homeless, the use to assist the homeless
5 shall be given the same priority of consideration as a pub-
6 lic health use under section 550(d) of title 40, United
7 States Code.”.

8 (K) In subsection (e)(3), by inserting the
9 following after the first sentence: “The Sec-
10 retary of Health and Human Services shall give
11 a preference to applications that contain a cer-
12 tification that their proposal is consistent with
13 the local Continuum of Care strategy for home-
14 less assistance.”.

15 (L) In subsection (f)(3)(A), by adding at
16 the end the following: “Such priority of consid-
17 eration shall apply only with respect to prop-
18 erties as to which the written notice of intent
19 to apply for a property referred to in subsection
20 (d)(2) is received by the Secretary of Health
21 and Human Services within the 90-day period
22 described in subsection (d)(1).”.

23 (M) In subsection (h) in the heading, by
24 striking “APPLICABILITY TO PROPERTY UNDER



1 BASE CLOSURE PROCESS” and inserting “EX-
2 EMPTIONS”.

3 (N) In subsection (h), by adding at the
4 end the following:

5 “(3) The provisions of this section shall not apply to
6 buildings and property that—

7 “(A) are in a secured area for national defense
8 purposes; or

9 “(B) are inaccessible by road and that can be
10 reached only by crossing private property.”.

11 (O) In subsection (i), by striking “and”
12 after the semicolon at the end of paragraph (4),
13 by striking the period at the end of paragraph
14 (5) and inserting “; and”, and by adding at the
15 end the following:

16 “(6) the term ‘suitable for use to assist the
17 homeless’ includes, without limitation, suitable for
18 permanent housing.”.

19 (2) SURVEY AND AVAILABILITY OF PROPERTIES
20 IN MOST RECENT LIST.—Within 30 days of the date
21 of enactment of this section, the Secretary of Hous-
22 ing and Urban Development shall survey landholding
23 agencies to determine whether the properties in-
24 cluded in the most recent comprehensive list of prop-
25 erties published pursuant to section 501(c)(1)(A) of



1 the McKinney-Vento Homeless Assistance Act re-
2 main available for application for use to assist home-
3 less. The Secretary shall publish in the Federal Reg-
4 ister a list of all such properties. Such properties
5 shall remain available for application for use to as-
6 sist the homeless in accordance with sections 501(d)
7 and 501(e) of such Act (as amended by this sub-
8 section) as if such properties had been published
9 under section 501(c)(1)(A)(ii) of such Act.

10 **SEC. 6. MISCELLANEOUS.**

11 (a) SCOPE AND CONSTRUCTION.—The authorities
12 granted by this Act to the heads of Federal agencies for
13 the management of real and personal property and the
14 conduct of transactions involving such property, including
15 the disposition of the proceeds therefrom, shall be in addi-
16 tion to, and not in lieu of, any authorities provided in any
17 law existing on the date of enactment of this Act. Except
18 as expressly provided herein, nothing in this Act shall be
19 construed to repeal or supersede any such authorities.

20 (b) NO WAIVER.—Nothing in this Act shall be con-
21 strued to limit or waive any right, remedy, immunity, or
22 jurisdiction of any Federal agency or any claim, judgment,
23 lien, or benefit due the Government of the United States.

24 (c) REPORT OF THE COMPTROLLER GENERAL.—Not
25 later than 5 years after the date of enactment of this Act,



- 1 the Comptroller General of the United States shall submit
- 2 to the Congress a report on the use by Federal landholding
- 3 agencies of the authorities provided by this Act.

