

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.

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## 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

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## 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”.

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

2 Section 102 of title 40, United States Code, is  
3 amended—

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

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

8 “(7) The term ‘landholding agency’—

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

14 “(B) does not include a Federal agency  
15 with respect to the agency—

16 “(i) disposing of an interest in real  
17 property for public benefit purposes pursu-  
18 ant to any of sections 541 through 555 of  
19 this title;

20 “(ii) holding lands in trust or re-  
21 stricted fee status for individual Indians or  
22 Indian tribes; or

23 “(iii) having jurisdiction over National  
24 Park System lands, National Forest Sys-  
25 tem lands, or National Wildlife Refuge  
26 System lands; and

1                   “(C) does not include the Bureau of Land  
2                   Management.”.

3 **SEC. 3. LIFE CYCLE PLANNING AND MANAGEMENT; EN-**  
4 **HANCED AUTHORITIES FOR REAL PROPERTY**  
5 **ASSET MANAGEMENT.**

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

9 “SUBCHAPTER VII—LIFE CYCLE PLANNING  
10 AND MANAGEMENT; ENHANCED AUTHORI-  
11 TIES FOR REAL PROPERTY ASSET MANAGE-  
12 MENT

13 **“§ 621. Asset management principles, performance**  
14 **measurement, and database**

15           “(a) MANAGEMENT PRINCIPLES.—(1) Under the au-  
16 thorities vested in the Administrator under section 121(c)  
17 of this title, the Administrator of General Services (in this  
18 subchapter referred to as the ‘Administrator’), in con-  
19 sultation with the heads of Federal agencies and the Di-  
20 rector of the Office of Management and Budget, shall es-  
21 tablish and maintain current management principles to be  
22 applied by Federal agencies where appropriate to real and  
23 personal property assets subject to this chapter and under  
24 the jurisdiction, custody, and control of such agencies.

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

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

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

17           “(ii) For purposes of this subparagraph, deter-  
18 mination of economic viability would include, among  
19 other relevant economic factors, the internal rate of  
20 return of the investment to the Government (with  
21 preference given to higher rates of return) at lease-  
22 back rates not exceeding market rates.

23           “(C) Such projects may only be undertaken if  
24 the market conditions are favorable to development

1 and full occupancy by government and private ten-  
2 ants.

3 “(b) PERFORMANCE MEASUREMENT BENCH-  
4 MARKS.—(1) The Administrator, in consultation with the  
5 heads of landholding agencies, shall establish performance  
6 measures to determine the effectiveness of Federal real  
7 property management.

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

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

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

12 “(C) The realization of equity value in Federal  
13 real property assets.

14 “(D) The value added to Federal agency mis-  
15 sions through cooperative arrangements with the  
16 commercial real estate community.

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

19 “(3) The performance measures shall be designed  
20 to—

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

1           “(B) allow for comparing the performance of  
2           Federal agencies against industry and other public  
3           sector agencies.

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

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

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

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

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

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

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

14          “(d) PUBLIC ACCESS TO INFORMATION.—(1) Except  
15          as provided in paragraphs (2) and (3), the listing compiled  
16          under this section shall be a public record.

17          “(2) The Administrator may withhold from public  
18          disclosure information included in the listing, including  
19          the location of classified facilities, if the Administrator de-  
20          termines that withholding such information would be in  
21          the public interest.

22          “(3) 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           “(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 head of the agency, in consultation with  
8           the Administrator, must determine that such application  
9           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 the landholding agency’s decision not  
15 to make the property available for use  
16 to assist the homeless; and

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

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

21 “(a) INTERAGENCY TRANSFERS OR EXCHANGES.—  
22 The head of any landholding agency may acquire replace-  
23 ment real property by transfer or exchange of real prop-  
24 erty subject to this chapter with other Federal agencies

1 under terms mutually agreeable to the heads of the agen-  
2 cies involved.

3 “(b) SALES TO OR EXCHANGES WITH NON-FEDERAL  
4 SOURCES.—The head of a landholding agency may ac-  
5 quire replacement real property by selling or exchanging  
6 a real property asset or interests therein with any non-  
7 Federal source: *Provided*, That—

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

11 “(2) following consultation with the Adminis-  
12 trator, the agency first made the property available  
13 for transfer or exchange to other Federal agencies;  
14 and

15 “(3) the transaction results in the agency re-  
16 ceiving fair market value, which shall be based upon  
17 an appraisal.

18 “(c) SUBLEASES.—(1) The head of any landholding  
19 agency may, by lease, permit, license or similar instru-  
20 ment, make available in accordance with this subsection  
21 to any other Federal agency or to any non-Federal entity  
22 the unexpired portion of any government lease for real  
23 property.

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

4       “(3) The head of a landholding agency may not sub-  
5 lease property under this subsection unless the sublease  
6 results in the agency receiving fair market rental value  
7 for the property.

8       “(4) Before subleasing property under this subsection  
9 to a private person, the head of a landholding agency, in  
10 consultation with the Administrator, shall give consider-  
11 ation to the needs of the following entities, with the needs  
12 of entities listed in subparagraph (A) being considered be-  
13 fore the needs of entities listed in subparagraph (B):

14               “(A) The needs of each of the following entities,  
15 equally, shall be given first consideration by the  
16 agency:

17                       “(i) Federal agencies.

18                       “(ii) Indian tribes (as that term is defined  
19 in section 4 of the Indian Health Care Improve-  
20 ment Act (25 U.S.C. 1603)), urban Indian or-  
21 ganizations (as defined in that section), and  
22 tribal organizations (as defined by section 4 of  
23 the Indian Self-Determination and Education  
24 Assistance Act (25 U.S.C. 450b)), through the  
25 Secretary of the Interior and the Secretary of

1 Health and Human Services, if the property is  
2 to be used for purposes in connection with an  
3 Indian self-determination contract or grant pur-  
4 suant to the Indian Self-Determination Act (25  
5 U.S.C. 450f et seq.).

6 “(B) The needs of each of the following enti-  
7 ties, equally, shall be given second consideration by  
8 the agency:

9 “(i) State and local governments.

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

19 “(d) OUTLEASES AND PUBLIC PRIVATE PARTNER-  
20 SHIPS.—(1) The head of any landholding agency may  
21 make available by outlease agreements with other Federal  
22 agencies and non-Federal entities any unused or  
23 underused portion of or interest in any real and related  
24 personal property of the landholding agency, if—

25 “(A) the agency head 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 of the landholding agency  
6           for the property to remain in Government own-  
7           ership; and

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

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

13 If the agency head makes a finding under subparagraph  
14 (A)(ii), the agency head shall include a written rationale  
15 for the finding of a continuing Federal need for the prop-  
16 erty in the business plan submitted under section  
17 623(b)(3) of this title.

18          “(2) To reduce vacant space and realize the equity  
19 value of Government-owned real property assets, provide  
20 Federal agencies with modern functional work environ-  
21 ments, and work cooperatively with the commercial real  
22 estate community, the landholding agency may enter into  
23 an agreement with a non-Federal entity. Any agreement  
24 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 agency receiving fair  
7           market value which, in the case of an exchange or  
8           sale of Federal real property, shall be based upon an  
9           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, coopera-  
24 tive 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 head of the landholding agency making  
3           the property available considers necessary to protect  
4           the interests of the Federal Government.

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

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

17          “(5)(A) For the sole purpose of scoring leaseback  
18          agreements for purposes of the Federal budget, if the non-  
19          Federal entity shall exercise management control of the  
20          business of the public-private entity referenced under  
21          paragraph (2)(A) and holds a majority interest in owner-  
22          ship in the public-private venture, then the project shall  
23          not be considered to be constructed on Government-owned  
24          land.

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

4       “(6) If, during the term of an outlease involving the  
5       development or substantial rehabilitation or renovation of  
6       a Federal asset in a business arrangement with a non-  
7       Federal entity, the head of the landholding agency deter-  
8       mines that the property is no longer needed by the land-  
9       holding agency, the head of the agency may initiate action  
10      for the transfer to the non-Federal entity of all right, title,  
11      and interest of the United States in the property by re-  
12      questing the Administrator of General Services to dispose  
13      of the property. A disposition under this section may be  
14      made for such consideration as the head of the land-  
15      holding agency and the Administrator jointly determine is  
16      in the best interests of the United States and upon such  
17      other terms and conditions as the head of the landholding  
18      agency and the Administrator consider appropriate.

19      “(7)(A) If a landholding agency retains authority  
20      over any decision to construct or alter buildings on prop-  
21      erty leased by the agency to a non-Federal entity under  
22      this subsection, then any such construction or alteration  
23      shall comply with section 628 of this title.

24      “(B)(i) If landholding agency does not retain author-  
25      ity over any decision to construct or alter buildings on

1 property leased by the agency 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. Review and revision of transactions by admin-  
4 istrator**

5 “The Administrator may, in the sole discretion of the  
6 Administrator, review any transaction of an agency under-  
7 taken utilizing authority under section 624 of this title.  
8 After such review, the Administrator may disapprove such  
9 transaction if the Administrator determines the trans-  
10 action does not reflect due diligence by the agency, is not  
11 in the best interest of the United States, or does not com-  
12 ply with the requirements of this chapter.

13 **“§ 626. Forms of consideration**

14 “Notwithstanding any other provision of law, the  
15 forms of consideration received by the United States in  
16 a transaction under section 624 of this title may include  
17 cash or cash equivalents, other property (either real or  
18 personal), in-kind assets, services related to the trans-  
19 action, future consideration, or any combination thereof.

20 **“§ 627. Transactional reports**

21 “(a) IN GENERAL.—For those transactions author-  
22 ized under section 624 of this title involving the sale, ex-  
23 change, or outlease to a non-Federal entity of any asset  
24 valued in excess of \$700,000 at the time of the trans-  
25 action, the head of the landholding agency performing the

1 transaction shall submit the business plan required by sec-  
2 tion 623(b)(3) of this title to the Director of the Office  
3 of Management and Budget, the Committee on Govern-  
4 mental Affairs of the Senate, and the Committee on Gov-  
5 ernment Reform of the House of Representatives at least  
6 30 calendar days before the final execution of such trans-  
7 action.

8 “(b) ADJUSTMENT OF THRESHOLD.—The Adminis-  
9 trator of General Services may increase or decrease the  
10 dollar amount in subsection (a) to reflect a percentage in-  
11 crease or decrease in the Department of Commerce Con-  
12 sumer Price Index.

13 **“§ 628. Compliance with nationally recognized codes**

14 “(a) BUILDING CODES.—Each building with respect  
15 to which this section applies may be constructed or al-  
16 tered, to the maximum extent feasible as determined by  
17 the head of the landholding agency having authority with  
18 respect to the property on which the building is (or will  
19 be) located, only in compliance with one of the nationally  
20 recognized model building codes and with other applicable  
21 nationally recognized codes. Such other codes shall in-  
22 clude, but not be limited to, electrical codes, fire and life  
23 safety codes, and plumbing codes, as determined appro-  
24 priate by the head of that agency. In carrying out this  
25 subsection, the head of that agency shall require use of

1 the latest edition of the nationally recognized codes re-  
2 ferred to in this subsection.

3 “(b) ZONING LAWS.—Each building with respect to  
4 which this section applies may be constructed or altered  
5 only after consideration of all requirements (other than  
6 procedural requirements) of—

7 “(1) zoning laws; and

8 “(2) laws relating to landscaping, open space,  
9 minimum distance of a building from the property  
10 line, maximum height of a building, historic preser-  
11 vation, and esthetic qualities of a building, and other  
12 similar laws,

13 of a State or a political subdivision of a State that would  
14 apply to the building if it were not a building constructed  
15 or altered by a Federal agency.

16 “(c) SPECIAL RULES.—

17 “(1) STATE AND LOCAL GOVERNMENT CON-  
18 SULTATION, REVIEW, AND INSPECTIONS.—For pur-  
19 poses of meeting the requirements of subsections (a)  
20 and (b) with respect to a building, the person car-  
21 rying out the construction or alteration shall—

22 “(A) in preparing plans for the building,  
23 consult with appropriate officials of the State or  
24 political subdivision, or both, in which the build-  
25 ing is (or will be) located;

1           “(B) upon request, submit such plans in a  
2           timely manner to such officials for review by  
3           such officials for a reasonable period of time  
4           not exceeding 30 days; and

5           “(C) permit inspection by such officials  
6           during construction or alteration of the build-  
7           ing, in accordance with the customary schedule  
8           of inspections for construction or alteration of  
9           buildings in the locality, if such officials provide  
10          to the person—

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

13           “(ii) reasonable notice of their inten-  
14           tion to conduct any inspection before con-  
15           ducting such inspection.

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

20          “(d) STATE AND LOCAL GOVERNMENT REC-  
21          COMMENDATIONS.—Appropriate officials of a State or a po-  
22          litical subdivision of a State may make recommendations  
23          to the head of a landholding agency concerning measures  
24          necessary to meet the requirements of subsections (a) and  
25          (b). Such officials may also make recommendations to the

1 head of the landholding agency concerning measures that  
2 should be taken in the construction or alteration of the  
3 building to take into account local conditions. The head  
4 of the landholding agency shall give due consideration to  
5 any such recommendations.

6       “(e) EFFECT OF NONCOMPLIANCE.—No action may  
7 be brought against the United States and no fine or pen-  
8 alty may be imposed against the United States for failure  
9 to meet the requirements of subsection (a), (b), or (c) or  
10 for failure to carry out any recommendation under sub-  
11 section (d).

12       “(f) LIMITATION ON LIABILITY.—The United States  
13 and its contractors shall not be required to pay any  
14 amount for any action taken by a State or a political sub-  
15 division of a State to carry out this section (including re-  
16 viewing plans, carrying out on-site inspections, issuing  
17 building permits, and making recommendations).

18       “(g) NATIONAL SECURITY WAIVER.—This section  
19 shall not apply with respect to any building if the head  
20 of the landholding agency determines that the application  
21 of this section to the building would adversely affect na-  
22 tional security. A determination under this subsection  
23 shall not be subject to administrative or judicial review.

1 **“§ 629. Limitation on certain agency actions**

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

5 “(1) Federal land and improvements in Los An-  
6 geles, California, consisting of approximately 388  
7 acres, bounded by the 405 Freeway, Ohio Avenue,  
8 Butler Avenue, Rochester Avenue, Federal Avenue,  
9 San Vicente Boulevard, Bringham Avenue, Chayote  
10 Street, Woodburn Drive, and Waterford Street; or

11 “(2) Federal land and improvements in Sepul-  
12 veda, California, consisting of approximately 154  
13 acres, bounded by Woodley Avenue, Lassen Street,  
14 Haskell Avenue, and Plumber Street.

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

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

19 “(2) Determining real property to be excess  
20 property.

21 “(3) Disposing of real property.”.

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

24 (c) CLERICAL AMENDMENT.—The table of sections  
25 at the beginning of chapter 5 of subtitle I of title 40,

1 United States Code, is amended by inserting after the  
2 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. Review and revision of transactions by Administrator.

“Sec. 626. Forms of consideration.

“Sec. 627. Transactional reports.

“Sec. 628. Compliance with nationally recognized codes.

“Sec. 629. Limitation on certain agency actions.”.

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

4 **MANAGEMENT IMPROVEMENT.**

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

8 (1) In section 572—

9 (A) by redesignating subsection (b) as sub-  
10 section (d); and

11 (B) by striking subsection (a) and insert-  
12 ing the following:

13 **“§ 572. Real property**

14 “(a) AGENCY RETENTION OF PROCEEDS FROM REAL  
15 AND PERSONAL PROPERTY.—(1) Proceeds resulting from  
16 the transfer or disposition of real property and related per-  
17 sonal property under this chapter shall be credited to the  
18 fund, account (including the capital asset account under

1 subsection (b)), or appropriation of the landholding agency  
2 that made the property available for transfer or dispo-  
3 sition and shall be treated as provided in subsections (b)  
4 and (c).

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

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

16 “(b) MONETARY PROCEEDS TO AGENCY CAPITAL  
17 ASSET ACCOUNTS.—(1) Monetary proceeds received by  
18 agencies from the transfer or disposition of real and re-  
19 lated personal property shall be credited to an existing ac-  
20 count or an account to be established in the Treasury to  
21 pay for the capital asset expenditures of the particular  
22 agency making the property available. Such account shall  
23 be known as the agency’s capital asset account.

24 “(2) Subject to subsection (c), any amounts credited  
25 or deposited to such account under this section, along with

1 such other amounts as may be appropriated or credited  
2 from time to time in annual appropriations Acts, shall be  
3 devoted to the sole purpose of funding that agency's cap-  
4 ital asset expenditures, including any expenses necessary  
5 and incident to the agency's real property capital acquisi-  
6 tions, improvements, and dispositions, and such funds  
7 shall remain available until expended, in accordance with  
8 the agency's asset management plan under section 622 of  
9 this title, without further authorization: *Provided*, That—

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

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

23           “(c) TRANSACTIONAL AND OTHER COSTS.—Federal  
24 agencies may be reimbursed from the monetary proceeds  
25 of real property dispositions under this chapter or from

1 other available resources, including from the agency’s cap-  
2 ital asset account, for the full costs, direct and indirect,  
3 to the agency disposing of such property, including the  
4 costs of site remediation, restoration, or other environ-  
5 mental services, relocating affected tenants and occupants,  
6 advertising and marketing, community outreach, sur-  
7 veying, appraisal, brokerage, historic preservation services,  
8 title insurance, due diligence, document notarization and  
9 recording services, and the costs of managing leases and  
10 providing necessary services to the lessees.”.

11 (2) In subsection (d)(5) of section 572, as so  
12 redesignated—

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

18 (B) by striking “To the extent provided in  
19 an appropriations law, an amount” and insert-  
20 ing “An amount”.

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

22 **“§ 573. Personal property**

23 “(a) IN GENERAL.—A Federal agency may retain  
24 from the proceeds of the sale of personal property amounts  
25 necessary to recover, to the extent practicable, the full

1 costs, direct and indirect, incurred by the agency in dis-  
2 posing of such property, including the costs for  
3 warehousing, storage, environmental services, advertising,  
4 appraisal, and transportation of the property.

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

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

20 (2) Section 2(a) of the Land and Water Conservation  
21 Fund Act of 1965 (16 U.S.C. 4601–5(a)) is superseded  
22 only to the extent that chapter 5 of title 40, United States  
23 Code, or a provision of this Act, provides for an alternative  
24 disposition of the proceeds from the disposal of any sur-

1 plus real property and related personal property subject  
2 to this Act, or the disposal of any interest therein.

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

7 (c) IMPLEMENTATION FOR FISCAL YEARS 2003–  
8 2007.—For purposes of implementing this section, the fol-  
9 lowing shall apply:

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

24 (2) On September 30 of each such fiscal year,  
25 each agency shall remit to the Treasury an amount

1 equal to its allocation for that fiscal year, out of the  
2 proceeds realized from any sales of the agency's sur-  
3 plus real property assets during that fiscal year.

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

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

16 **SEC. 5. STREAMLINED AND ENHANCED DISPOSAL AU-**  
17 **THORITIES.**

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

21 (1) By striking “or municipality” and inserting  
22 “municipality, or a qualified nonprofit organization  
23 established for the primary purpose of preserving  
24 historic monuments,”.

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

10          (b) DUTIES OF SECRETARY OF INTERIOR.—Section  
11          550(b)(2)(C) of title 40, United States Code, is amended  
12          to read as follows:

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

17          (c) NEGOTIATED DISPOSALS.—Section 545 of title  
18          40, United States Code, is amended as follows:

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

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

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

1           (4) By amending paragraph (6) (as so redesignated) to read as follows:

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

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

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

17           (6) By striking paragraph (3).

18           (d) CONVEYANCES FOR AIRPORT USE.—

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

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

23           “The authority of any department, agency, or instru-  
24 mentality of the executive branch or wholly owned Govern-  
25

1 ment corporation to convey surplus real and related per-  
2 sonal property for public airport purposes under sub-  
3 chapter II of title 49, shall be subject to the requirements  
4 of this chapter, and any surplus real property available  
5 for conveyance under that subchapter shall first be made  
6 available to the Administrator for disposal under this sub-  
7 chapter, including conveyance for any public benefit pur-  
8 poses, including public airport use, as the Administrator,  
9 after consultation with the affected agencies, considers ad-  
10 visible.”.

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

“560. Conveyance for airport use.”.

15 (e) ACQUISITION OF PERSONAL PROPERTY OR RE-  
16 LATED SERVICES.—

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

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

20 “In acquiring personal property or related services,  
21 or a combination thereof, any executive agency, under reg-  
22 ulations to be prescribed by the Administrator, and sub-  
23 ject to regulations prescribed by the Administrator for  
24 Federal Procurement Policy pursuant to the Office of  
25 Federal Procurement Policy Act (41 U.S.C. 401 et seq.),

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

11 (2) CLERICAL AMENDMENT.—The table of sec-  
12 tions at the beginning of chapter 5 of title 40,  
13 United States Code, is amended by striking the item  
14 relating to section 503 and inserting the following:  
“503. Exchange or sale of personal property.”.

15 (f) ABANDONMENT, DESTRUCTION, OR OTHER DIS-  
16 POSAL.—

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

19 “§ 527. **Abandonment, destruction, or other disposal**  
20 **of property**

21 “The Administrator may authorize the abandonment,  
22 destruction, or other disposal of property if the property  
23 has no commercial value, or if the estimated cost of contin-  
24 ued care and handling of the property would exceed the  
25 estimated fair market value.”.

1           (2) CLERICAL AMENDMENT.—The table of sec-  
2           tions at the beginning of chapter 5 of title 40,  
3           United States Code, is amended by striking the item  
4           relating to section 527 and inserting the following:

“527. Abandonment, destruction, or other disposal of property.”.

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

8           (1) In subsection (a)(1), by striking “the fair  
9           and equitable distribution, through donation,” and  
10          inserting “donation on a fair and equitable basis”.

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

12          (3) By striking subsection (d), and redesign-  
13          ating subsections (e) and (f) in order as sub-  
14          sections (d) and (e).

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

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

24          (5) Subsection (c)(3) is amended—

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

3 (B) in subparagraph (B)—

4 (i) by striking clause (ii);

5 (ii) in clause (iv), by striking “schools  
6 for the mentally retarded or physically  
7 handicapped” and inserting “schools for  
8 persons with mental or physical disabili-  
9 ties”;

10 (iii) by amending clause (viii) to read  
11 as follows:

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

16 (iv) by redesignating clauses (iii)  
17 through (viii) in order as clauses (ii)  
18 through (vii); and

19 (v) by striking the period at the end  
20 and inserting “; or”; and

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

22 “(C) to nonprofit institutions or organiza-  
23 tions that are exempt from taxation under sec-  
24 tion 501 of the Internal Revenue Code of 1986  
25 and that have for their primary function the

1 provision of food, shelter, or other necessities to  
2 homeless individuals or families or individuals  
3 whose annual income is below the poverty line  
4 (as that term is defined in section 673 of the  
5 Community Services Block Grant Act) for use  
6 in assisting the poor and homeless.”.

7 (h) AMENDMENTS TO MCKINNEY-VENTO HOMELESS  
8 ASSISTANCE ACT.—

9 (1) AMENDMENTS.—Section 501 of the McKin-  
10 ney-Vento Homeless Assistance Act (42 U.S.C.  
11 11411) is amended as follows:

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

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

21 (C) Each of subsections (b)(1), (c)(1)(A),  
22 and (c)(2)(A), by striking “45” and inserting  
23 “30”.

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

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

7           (F) By striking subsections (c)(1)(D) and  
8           (c)(4).

9           (G) In subsection (c)(2)(B), by inserting  
10          “(i)” after “(B)”, and by adding at the end the  
11          following:

12          “(ii) Efforts required under clause (i) include the fol-  
13          lowing:

14           “(I) Publishing the information on an Internet  
15           website maintained by the Secretary.

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

21           “(III) Providing notice of the information on  
22           such list to the Emergency Food and Shelter Pro-  
23           gram National Board.

24           “(IV) Providing notice of the information on  
25           such list to each Emergency Food and Shelter Pro-

1       gram local board within the State in which the prop-  
2       erty is located.

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

7               (H) In subsection (d)(1), by striking “60  
8       days beginning on the date of such publication”  
9       and inserting “90 days after the date the Sec-  
10       retary certifies completion of the efforts re-  
11       quired under subsection (c)(2)”.

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

14              (J) In subsection (d)(4), by amending so  
15       much as precedes subparagraph (B) to read as  
16       follows:

17       “(4)(A) Written notice of intent to apply for a prop-  
18       erty published under subsection (c)(1)(A)(ii) may be filed  
19       at any time after the 90-day period described in paragraph  
20       (1) has expired. An application submitted pursuant to the  
21       notice may be approved for disposal for use to assist the  
22       homeless only if the property remains available for use to  
23       assist the homeless. If the property remains available for  
24       use to assist the homeless, the use to assist the homeless  
25       shall be given the same priority of consideration as a pub-

1 lic health use under section 550(d) of title 40, United  
2 States Code.”.

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

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

18 (M) In subsection (h) in the heading, by  
19 striking “APPLICABILITY TO PROPERTY UNDER  
20 BASE CLOSURE PROCESS” and inserting “EX-  
21 EMPTIONS”.

22 (N) In subsection (h), by adding at the  
23 end the following:

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

1           “(A) are in a secured area for national defense  
2 purposes; or

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

5           (O) In subsection (i), by striking “and”  
6 after the semicolon at the end of paragraph (4),  
7 by striking the period at the end of paragraph  
8 (5) and inserting “; and”, and by adding at the  
9 end the following:

10          “(6) the term ‘suitable for use to assist the  
11 homeless’ includes, without limitation, suitable for  
12 permanent housing.”.

13           (2) SURVEY AND AVAILABILITY OF PROPERTIES  
14 IN MOST RECENT LIST.—Within 30 days of the date  
15 of enactment of this section, the Secretary of Hous-  
16 ing and Urban Development shall survey landholding  
17 agencies to determine whether the properties in-  
18 cluded in the most recent comprehensive list of prop-  
19 erties published pursuant to section 501(e)(1)(A) of  
20 the McKinney-Vento Homeless Assistance Act re-  
21 main available for application for use to assist home-  
22 less. The Secretary shall publish in the Federal Reg-  
23 ister a list of all such properties. Such properties  
24 shall remain available for application for use to as-  
25 sist the homeless in accordance with sections 501(d)

1 and 501(e) of such Act (as amended by this sub-  
2 section) as if such properties had been published  
3 under section 501(c)(1)(A)(ii) of such Act.

4 **SEC. 6. MISCELLANEOUS.**

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

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

18 (c) REPORT OF THE COMPTROLLER GENERAL.—Not  
19 later than 5 years after the date of enactment of this Act,  
20 the Comptroller General of the United States shall submit  
21 to the Congress a report on the use by Federal landholding  
22 agencies of the authorities provided by this Act.

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