

118TH CONGRESS
2D SESSION

S. 3880

To amend the Federal Assets Sale and Transfer Act of 2016 to make improvements to that Act, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 6, 2024

Mr. CRAMER (for himself and Mr. KELLY) introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Federal Assets Sale and Transfer Act of 2016 to make improvements to that Act, 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 “FASTA Reform Act
5 of 2024”.

1 **SEC. 2. AMENDMENTS TO THE FEDERAL ASSETS SALE AND**
2 **TRANSFER ACT OF 2016.**

3 (a) **PURPOSES.**—Section 2 of the Federal Assets Sale
4 and Transfer Act of 2016 (40 U.S.C. 1303 note; Public
5 Law 114–287) is amended—

6 (1) in paragraph (9), by striking “and” at the
7 end;

8 (2) in paragraph (10), by striking the period at
9 the end and inserting “; and”; and

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

11 “(11) implementing innovative methods for the
12 sale, redevelopment, consolidation, or lease of Fed-
13 eral buildings and facilities, including the use of no
14 cost, nonappropriated contracts for expert real es-
15 tate services to obtain the highest and best value for
16 the taxpayer.”.

17 (b) **DEFINITIONS.**—Section 3(5)(B)(viii) of the Fed-
18 eral Assets Sale and Transfer Act of 2016 (40 U.S.C.
19 1303 note; Public Law 114–287) is amended by inserting
20 “, other than office buildings and warehouses,” after
21 “Properties”.

22 (c) **BOARD MEETINGS.**—Section 5(b) of the Federal
23 Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303
24 note; Public Law 114–287) is amended by striking “Five
25 Board members” and inserting “4 Board members”.

1 (d) EXECUTIVE DIRECTOR.—Section 7 of the Fed-
2 eral Assets Sale and Transfer Act of 2016 (40 U.S.C.
3 1303 note; Public Law 114–287) is amended by adding
4 at the end the following:

5 “(c) RETURN TO CIVIL SERVICE.—An Executive Di-
6 rector selected from the civil service (as defined in section
7 2101 of title 5, United States Code) shall be entitled to
8 return to the civil service (as so defined) after service to
9 the Board ends if the service of the Executive Director
10 to the Board ends for reasons other than misconduct, ne-
11 glect of duty, or malfeasance.”.

12 (e) STAFF.—Section 8 of the Federal Assets Sale and
13 Transfer Act of 2016 (40 U.S.C. 1303 note; Public Law
14 114–287) is amended—

15 (1) in subsection (b)—

16 (A) by striking “and the Director of
17 OMB”; and

18 (B) by inserting “for a period of not less
19 than 1 year” before “to assist the Board”;

20 (2) by redesignating subsection (c) as sub-
21 section (d); and

22 (3) by inserting after subsection (b) the fol-
23 lowing:

24 “(c) HIRING OF TERM EMPLOYEES.—The Executive
25 Director, with approval of the Board, may use the Office

1 of Personnel Management to hire employees for terms not
2 to exceed 2 years pursuant to the Office of Personnel
3 Management guidance for nonstatus appointments in the
4 competitive service.”.

5 (f) TERMINATION.—Section 10 of the Federal Assets
6 Sale and Transfer Act of 2016 (40 U.S.C. 1303 note;
7 Public Law 114–287) is amended by striking “6 years
8 after the date on which the Board members are appointed
9 pursuant to section 4” and inserting “on December 31,
10 2026”.

11 (g) DEVELOPMENT OF RECOMMENDATIONS TO
12 BOARD.—Section 11 of the Federal Assets Sale and
13 Transfer Act of 2016 (40 U.S.C. 1303 note; Public Law
14 114–287) is amended—

15 (1) in subsection (a)—

16 (A) in the matter preceding paragraph (1),
17 by striking “the Administrator and the Director
18 of OMB” and inserting “the Administrator, the
19 Director of OMB, and the Board”;

20 (B) in paragraph (1)—

21 (i) by striking “and square” and in-
22 sserting “number of Federal employees
23 physically reporting to the respective prop-
24 erty each work day, square”; and

1 (ii) by inserting “, amount of acreage
2 associated with the respective property,
3 and whether the respective property is on
4 a campus or larger facility” before the pe-
5 riod at the end; and

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

7 “(3) CONSOLIDATION PLANS.—Any Federal
8 agency plans to consolidate, reconfigure, or other-
9 wise reduce the use of owned and leased Federal ci-
10 vilian real property of the Federal agency.”; and

11 (2) in subsection (b)(3)(J), by inserting “, in-
12 cluding access by members of federally recognized
13 Indian Tribes,” after “public access”.

14 (h) BOARD DUTIES.—Section 12 of the Federal As-
15 sets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note;
16 Public Law 114–287) is amended—

17 (1) in subsection (b)(2), by striking the second
18 sentence and inserting the following: “In the case of
19 a failure by a Federal agency to comply with a re-
20 quest of the Board, the Board shall notify the com-
21 mittees listed in section 5(c), the relevant congress-
22 sional committees of jurisdiction for the Federal
23 agency, and the inspector general of the Federal
24 agency of that failure.”;

25 (2) in subsection (d)—

1 (A) in paragraph (1), by inserting “, Trib-
2 al,” after “State”; and

3 (B) in paragraph (2), by inserting “, Trib-
4 al,” after “State”;

5 (3) by redesignating subsections (d) through (i)
6 as subsections (e) through (j), respectively;

7 (4) by inserting after subsection (c) the fol-
8 lowing:

9 “(d) PREPARATION OF PROPERTIES FOR DIS-
10 POSAL.—At the request of, and in coordination with, the
11 Board, a Federal agency may undertake any analyses and
12 due diligence as necessary to prepare a property for dis-
13 position so that the property may be included in the rec-
14 ommendations of the Board under subsection (h), includ-
15 ing completion of the requirements of section 306108 of
16 title 54, United States Code, for historic preservation and
17 identification of the likely highest and best use of the
18 property subsequent to disposition.”;

19 (5) in subsection (h) (as so redesignated)—

20 (A) in paragraph (1)—

21 (i) in subparagraph (A), by striking
22 “and” at the end;

23 (ii) by redesignating subparagraph
24 (B) as subparagraph (C); and

1 (iii) by inserting after subparagraph

2 (A) the following:

3 “(B) the process to be followed by Federal
4 agencies to carry out the actions described in
5 subparagraph (A), including the use of no cost,
6 nonappropriated contracts for expert real estate
7 services and other innovative methods, to obtain
8 the highest and best value for the taxpayer;
9 and”;

10 (B) in paragraph (2), by adding at the end
11 the following:

12 “(C) THIRD ROUND.—During the period
13 beginning on the day after the transmittal of
14 the second report and ending on the day before
15 the date on which the Board terminates under
16 section 10, the Board shall transmit to the Di-
17 rector of OMB a third report required under
18 paragraph (1).”;

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

20 “(4) COMMUNITY NOTIFICATION.—7 days be-
21 fore the date on which the Board transmits the third
22 report required under paragraph (1), the Board
23 shall notify—

24 “(A) any State or local government of any
25 findings, conclusions, or recommendations con-

1 tained in that report that relate to a Federal ci-
2 vilian real property located in the State or local-
3 ity, as applicable; and

4 “(B) any federally recognized Indian Tribe
5 of any findings, conclusions, or recommenda-
6 tions contained in that report that relate to a
7 Federal civilian real property that—

8 “(i) is in close geographic proximity to
9 a property described in section 3(5)(B)(v);
10 or

11 “(ii) relates to a Federal civilian real
12 property that is known to be accessed at
13 regular frequency by members of the feder-
14 ally recognized Indian Tribe for other rea-
15 sons.”; and

16 (6) by adding at the end the following:

17 “(k) REPORT TO CONGRESS.—The Board shall peri-
18 odically submit to the Committee on Environment and
19 Public Works of the Senate and the Committee on Trans-
20 portation and Infrastructure of the House of Representa-
21 tives a report containing any recommendations on consoli-
22 dations, exchanges, sales, lease reductions, and redevelop-
23 ments that are not included in the transmissions sub-
24 mitted under subsection (h), or approved by the Director

1 of OMB under section 13, but that the majority of the
2 Board concludes meets the goals of this Act.”.

3 (i) REVIEW BY OMB.—Section 13 of the Federal As-
4 sets Sale and Transfer Act of 2016 (40 U.S.C. 1303 note;
5 Public Law 114–287) is amended—

6 (1) in subsection (a), by striking “subsections
7 (b) and (g)” and inserting “subsections (b) and
8 (h)”; and

9 (2) in subsection (c)(4)—

10 (A) by inserting “, in whole or in part,”
11 before “received under paragraph (3)”; and

12 (B) by striking “revised” the second place
13 it appears.

14 (j) AGENCY RETENTION OF RECORDS.—Section 20
15 of the Federal Assets Sale and Transfer Act of 2016 (40
16 U.S.C. 1303 note; Public Law 114–287) is amended by
17 striking subsection (b) and inserting the following:

18 “(b) EFFECTIVE DATE.—The provisions of this sec-
19 tion, including the amendments made by this section, shall
20 take effect on the date on which the Board transmits the
21 second report under section 12(h)(2)(B) and shall apply
22 to proceeds from—

23 “(1) transactions contained in that report; and

24 “(2) any transactions conducted after the date
25 on which the Board terminates under section 10.”.

1 (k) FEDERAL REAL PROPERTY DATABASE.—Section
 2 21(b) of the Federal Assets Sale and Transfer Act of 2016
 3 (40 U.S.C. 1303 note; Public Law 114–287) is amended
 4 by adding at the end the following:

5 “(9)(A) Whether the Federal real property is
 6 on a campus or similar facility; and

7 “(B) if applicable, identification of the campus
 8 or facility and related details, including total acreage
 9 of the campus or facility.”.

10 (l) ACCESS TO FEDERAL REAL PROPERTY COUNCIL
 11 MEETINGS AND REPORTS.—

12 (1) IN GENERAL.—The Federal Assets Sale and
 13 Transfer Act of 2016 (40 U.S.C. 1303 note; Public
 14 Law 114–287) is amended by adding at the end the
 15 following:

16 **“SEC. 26. ACCESS TO FEDERAL REAL PROPERTY COUNCIL**
 17 **MEETINGS AND REPORTS.**

18 “The Federal Real Property Council established by
 19 subsection (a) of section 623 of title 40, United States
 20 Code, shall ensure that the Board has access to any meet-
 21 ings of the Federal Real Property Council and any reports
 22 required under that section.”.

23 (2) CLERICAL AMENDMENT.—The table of con-
 24 tents in section 1(b) of the Federal Assets Sale and
 25 Transfer Act of 2016 (Public Law 114–287; 130

1 Stat. 1463) is amended by inserting after the item
2 relating to section 25 the following:

“Sec. 26. Access to Federal Real Property Council meetings and reports.”.

3 (m) CONFORMING AMENDMENTS.—

4 (1) Section 3(9) of the Federal Assets Sale and
5 Transfer Act of 2016 (40 U.S.C. 1303 note; Public
6 Law 114–287) is amended by striking “section
7 12(e)” and inserting “section 12(f)”.

8 (2) Section 14(g)(1)(A) of the Federal Assets
9 Sale and Transfer Act of 2016 (40 U.S.C. 1303
10 note; Public Law 114–287) is amended by striking
11 “section 12(g)” and inserting “section 12(h)”.

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