

AMENDMENT NO. _____ Calendar No. _____

Purpose: In the nature of a substitute.

IN THE SENATE OF THE UNITED STATES—118th Cong., 2d Sess.

S. 3880

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

Referred to the Committee on _____ and
ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT IN THE NATURE OF A SUBSTITUTE intended
to be proposed by Mr. CARPER (for himself, Mrs. CAP-
ITO, Mr. KELLY, and Mr. CRAMER)

Viz:

1 Strike all after the enacting clause and insert the fol-
2 lowing:

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “FASTA Reform Act
5 of 2024”.

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

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

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

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

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

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

12 (b) DEFINITIONS.—Section 3(5)(B)(viii) of the Fed-
13 eral Assets Sale and Transfer Act of 2016 (40 U.S.C.
14 1303 note; Public Law 114–287) is amended by inserting
15 “, other than office buildings and warehouses,” after
16 “Properties”.

17 (c) BOARD.—Section 4(c)(3) of the Federal Assets
18 Sale and Transfer Act of 2016 (40 U.S.C. 1303 note;
19 Public Law 114–287) is amended—

20 (1) by striking “The term” and inserting the
21 following:

22 “(A) IN GENERAL.—Subject to subpara-
23 graph (B), the term”; and

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

1 “(B) LIMITATION.—Notwithstanding sub-
2 paragraph (A), the term of a member of the
3 Board shall continue beyond 6 years until such
4 time as the President appoints a replacement
5 member of the Board.”.

6 (d) BOARD MEETINGS.—Section 5(b) of the Federal
7 Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303
8 note; Public Law 114–287) is amended by striking “Five
9 Board members” and inserting “4 Board members”.

10 (e) EXECUTIVE DIRECTOR.—Section 7 of the Federal
11 Assets Sale and Transfer Act of 2016 (40 U.S.C. 1303
12 note; Public Law 114–287) is amended by adding at the
13 end the following:

14 “(c) RETURN TO CIVIL SERVICE.—An Executive Di-
15 rector selected from the civil service (as defined in section
16 2101 of title 5, United States Code) shall be entitled to
17 return to the civil service (as so defined) after service to
18 the Board ends if the service of the Executive Director
19 to the Board ends for reasons other than misconduct, ne-
20 glect of duty, or malfeasance.”.

21 (f) STAFF.—Section 8 of the Federal Assets Sale and
22 Transfer Act of 2016 (40 U.S.C. 1303 note; Public Law
23 114–287) is amended—

24 (1) in subsection (b)—

1 (A) by striking “and the Director of
2 OMB”; and

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

5 (2) by redesignating subsection (c) as sub-
6 section (d); and

7 (3) by inserting after subsection (b) the fol-
8 lowing:

9 “(c) HIRING OF TERM EMPLOYEES.—The Executive
10 Director, with approval of the Board, may use the Office
11 of Personnel Management to hire employees for terms not
12 to exceed 2 years pursuant to the Office of Personnel
13 Management guidance for nonstatus appointments in the
14 competitive service.”.

15 (g) TERMINATION.—Section 10 of the Federal Assets
16 Sale and Transfer Act of 2016 (40 U.S.C. 1303 note;
17 Public Law 114–287) is amended by striking “6 years
18 after the date on which the Board members are appointed
19 pursuant to section 4” and inserting “on December 31,
20 2026”.

21 (h) DEVELOPMENT OF RECOMMENDATIONS TO
22 BOARD.—Section 11 of the Federal Assets Sale and
23 Transfer Act of 2016 (40 U.S.C. 1303 note; Public Law
24 114–287) is amended—

25 (1) in subsection (a)—

1 (A) in the matter preceding paragraph (1),
2 by striking “the Administrator and the Director
3 of OMB” and inserting “the Administrator, the
4 Director of OMB, and the Board”;

5 (B) in paragraph (1)—

6 (i) by striking “and square” and in-
7 serting “number of Federal employees
8 physically reporting to the respective prop-
9 erty each work day, square”; and

10 (ii) by inserting “, amount of acreage
11 associated with the respective property,
12 and whether the respective property is on
13 a campus or larger facility, other than
14 Federal civilian real properties excluded for
15 reasons of national security in accordance
16 with section 3(5)(B)(iii)” before the period
17 at the end; and

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

19 “(3) CONSOLIDATION PLANS.—Any Federal
20 agency plans to consolidate, reconfigure, or other-
21 wise reduce the use of owned and leased Federal ci-
22 vilian real property of the Federal agency if those
23 plans are estimated to further the purposes of this
24 Act as described in section 2.”;

1 (2) in subsection (b)(3)(J), by inserting “, in-
2 cluding access by members of federally recognized
3 Indian Tribes,” after “public access”; and

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

5 “(e) DISCLOSURE OF INFORMATION.—The Board
6 may not publicly disclose any information received under
7 paragraph (2) or (3) of subsection (a) until the Board,
8 the Administrator, and the Director of OMB enter into
9 an agreement describing what information is ready to be
10 publicly disclosed.”.

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

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

22 (2) in subsection (d)—

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

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

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

5 (4) by inserting after subsection (c) the fol-
6 lowing:

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

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

19 (A) in paragraph (1)—

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

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

24 (iii) by inserting after subparagraph
25 (A) the following:

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

8 (B) in paragraph (2), by adding at the end
9 the following:

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

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

18 “(4) COMMUNITY NOTIFICATION.—45 days be-
19 fore the date on which the Board transmits the third
20 report required under paragraph (1), the Board
21 shall notify—

22 “(A) any State or local government of any
23 findings, conclusions, or recommendations con-
24 tained in that report that relate to a Federal ci-

1 vilian real property located in the State or local-
2 ity, as applicable; and

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

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

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

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

16 “(k) REPORT TO CONGRESS.—The Board shall peri-
17 odically submit to the Committee on Environment and
18 Public Works of the Senate and the Committee on Trans-
19 portation and Infrastructure of the House of Representa-
20 tives a report containing any recommendations on consoli-
21 dations, exchanges, sales, lease reductions, and redevelop-
22 ments that are not included in the transmissions sub-
23 mitted under subsection (h), or approved by the Director
24 of OMB under section 13, but that the majority of the
25 Board concludes meets the goals of this Act.”.

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

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

7 (2) in subsection (c)(4)—

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

10 (B) by striking “revised” the second place
11 it appears.

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

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

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

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

24 (l) FEDERAL REAL PROPERTY DATABASE.—Section
25 21(b) of the Federal Assets Sale and Transfer Act of 2016

1 (40 U.S.C. 1303 note; Public Law 114–287) is amended
2 by adding at the end the following:

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

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

8 (m) ACCESS TO FEDERAL REAL PROPERTY COUNCIL
9 MEETINGS AND REPORTS.—

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

14 **“SEC. 26. ACCESS TO FEDERAL REAL PROPERTY COUNCIL**
15 **MEETINGS AND REPORTS.**

16 “The Federal Real Property Council established by
17 subsection (a) of section 623 of title 40, United States
18 Code, shall ensure that the Board has access to any meet-
19 ings of the Federal Real Property Council and any reports
20 required under that section, subject to the condition that
21 the Board enters into a memorandum of understanding
22 relating to public disclosure with the Administrator and
23 the Federal Real Property Council before the Board has
24 access to those meetings and reports.”.

1 (2) CLERICAL AMENDMENT.—The table of con-
2 tents in section 1(b) of the Federal Assets Sale and
3 Transfer Act of 2016 (Public Law 114–287; 130
4 Stat. 1463) is amended by inserting after the item
5 relating to section 25 the following:

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

6 (n) CONFORMING AMENDMENTS.—

7 (1) Section 3(9) of the Federal Assets Sale and
8 Transfer Act of 2016 (40 U.S.C. 1303 note; Public
9 Law 114–287) is amended by striking “section
10 12(e)” and inserting “section 12(f)”.

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

15 (o) TECHNICAL AMENDMENTS.—

16 (1) Section 16(b)(1) of the Federal Assets Sale
17 and Transfer Act of 2016 (40 U.S.C. 1303 note;
18 Public Law 114–287) is amended, in the second sen-
19 tence, by striking “of General Services”.

20 (2) Section 21(a) of the Federal Assets Sale
21 and Transfer Act of 2016 (40 U.S.C. 1303 note;
22 Public Law 114–287) is amended by striking “of
23 General Services”.

24 (3) Section 24 of the Federal Assets Sale and
25 Transfer Act of 2016 (40 U.S.C. 1303 note; Public

1 Law 114–287) is amended, in each of subsections
2 (a), (b), and (c), by striking “of General Services”.

3 (4) Section 25(b) of the Federal Assets Sale
4 and Transfer Act of 2016 (40 U.S.C. 1303 note;
5 Public Law 114–287) is amended by striking “of
6 General Services”.