

119TH CONGRESS
1ST SESSION

S. _____

To require the Administrator of General Services to dispose of certain Federal buildings, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Ms. ERNST introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To require the Administrator of General Services to dispose of certain Federal buildings, 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 “Disposing of Inactive
5 Structures and Properties by Offering for Sale And Lease
6 Act” or the “DISPOSAL Act”.

7 **SEC. 2. DISPOSAL OF SPECIFIED FEDERAL BUILDINGS.**

8 (a) DISPOSAL.—

9 (1) IN GENERAL.—The Administrator of Gen-
10 eral Services (referred to in this section as the “Ad-

1 administrator”) shall dispose of the following Federal
2 buildings:

3 (A) The Frances Perkins Federal Building,
4 located at 200 Constitution Avenue NW in
5 Washington, DC.

6 (B) The James V. Forrestal Building, lo-
7 cated at 1000 Independence Avenue SW in
8 Washington, DC.

9 (C) The Theodore Roosevelt Federal
10 Building, located at 1900 E. Street NW in
11 Washington, DC.

12 (D) The Robert C. Weaver Federal Build-
13 ing, located at 451 7th Street SW in Wash-
14 ington, DC.

15 (E) The Department of Agriculture South
16 Building, located at 1400 Independence Avenue
17 SW in Washington, DC.

18 (F) The Hubert H. Humphrey Federal
19 Building, located at 200 Independence Avenue
20 SW in Washington, DC.

21 (2) SALE OR GROUND LEASE.—In disposing of
22 a Federal building described in paragraph (1), the
23 Administrator may—

24 (A) sell the Federal building for fair mar-
25 ket value at highest and best use; or

1 (B) enter into a ground lease with a term
2 of up to 99 years.

3 (3) DISCRETION OF ADMINISTRATOR REGARD-
4 ING TRANSACTIONS.—

5 (A) IN GENERAL.—For any disposal under
6 paragraph (1), the Administrator may approve
7 sale or ground lease transactions under such
8 terms and conditions that the Administrator de-
9 termines are in the best interests of the United
10 States.

11 (B) INCLUSIONS.—A transaction for any
12 sale or ground lease under paragraph (1) may
13 include—

14 (i) relocating any Federal agency that
15 is occupying the applicable Federal build-
16 ing as of the date of the sale to another
17 Federal building; or

18 (ii) a leaseback of the applicable Fed-
19 eral building if the leaseback is for a pe-
20 riod of not more than 5 years.

21 (4) EXEMPTION FROM CERTAIN REQUIRE-
22 MENTS.—Except as provided in subsection
23 (e)(1)(D), a disposal under paragraph (1) shall be
24 exempt from the requirements of, as applicable—

1 (A) section 501 of the McKinney-Vento
2 Homeless Assistance Act (42 U.S.C. 11411);

3 (B) the National Environmental Policy Act
4 of 1969 (42 U.S.C. 4321 et seq.);

5 (C) division A of subtitle III of title 54,
6 United States Code (formerly known as the
7 “National Historic Preservation Act”); and

8 (D) chapters 5 and 87 of title 40, United
9 States Code.

10 (5) PROHIBITION ON FOREIGN OWNERSHIP.—

11 (A) DEFINITIONS.—In this paragraph, the
12 terms “beneficial owner”, “foreign entity”, and
13 “foreign person” have the meanings given those
14 terms in section 2 of the Secure Federal
15 LEASEs Act (40 U.S.C. 585 note; Public Law
16 116–276).

17 (B) PROHIBITION.—In conducting a dis-
18 posal required under paragraph (1), the Admin-
19 istrator may not sell any Federal building de-
20 scribed in that paragraph to, or enter into a
21 ground lease with, any foreign person, any for-
22 eign entity, or any entity of which a foreign
23 person is a beneficial owner.

24 (b) RELOCATING FEDERAL AGENCIES.—

1 (1) DISCRETION OF ADMINISTRATOR.—Subject
2 to the conditions described in this subsection, the
3 Administrator is vested with the sole and absolute
4 authority and discretion to select the area, site, or
5 location for any Federal agency relocated from a
6 Federal building described in subsection (a)(1).

7 (2) CONSULTATION WITH THE FEDERAL AGEN-
8 CY.—The Administrator shall—

9 (A) consult with the head of a Federal
10 agency relocated from a Federal building de-
11 scribed in subsection (a)(1); and

12 (B) take into consideration the mission-re-
13 lated need of that Federal agency to relocate to
14 a specific geographic location.

15 (3) PROHIBITION ON BUILD-TO-SUIT LEASES.—
16 The Administrator shall not enter into a “build-to-
17 suit” lease where the Administrator contracts with a
18 developer, person, or any other entity to design and
19 construct a new building specifically to meet the
20 unique requirements of a Federal agency relocated
21 from a Federal building described in subsection
22 (a)(1).

23 (4) ADVANCE NOTICE.—Not later than 30 days
24 before the date on which the Administrator publicly
25 announces the relocation of a Federal agency to a lo-

1 cation outside of the District of Columbia, the Ad-
2 ministrator shall provide to the Committee on Envi-
3 ronment and Public Works of the Senate and the
4 Committee on Transportation and Infrastructure of
5 the House of Representatives notice of that an-
6 nouncement.

7 (5) EXEMPTIONS.—Actions taken by the Ad-
8 ministrator and funds made available to the Admin-
9 istrator to carry out this subsection shall not be sub-
10 ject to—

11 (A) section 3307 of title 40, United States
12 Code; or

13 (B) chapter 33 of title 41, United States
14 Code (commonly known as the “Competition in
15 Contracting Act”).

16 (c) NET PROCEEDS.—

17 (1) IN GENERAL.—Of the net proceeds received
18 from a disposal required under subsection (a)(1)—

19 (A) such amount as may be required to
20 implement this section (including the costs re-
21 quired to relocate a Federal agency from a Fed-
22 eral building described in subsection (a)(1)), as
23 determined by the Administrator, shall be de-
24 posited into an account in the Federal Build-
25 ings Fund established by section 592(a) of title

1 40, United States Code (referred to in this sub-
2 section as the “Fund”); and

3 (B) any additional amounts after the de-
4 posit required under subparagraph (A) shall be
5 deposited into the general fund of the Treasury
6 for purposes of reducing the deficit.

7 (2) FUTURE APPROPRIATION.—On deposit of
8 amounts into the Fund under paragraph (1)(A),
9 those amounts may be expended only subject to a
10 specific future appropriation.

11 (d) PRECLUSION OF JUDICIAL REVIEW.—Any action
12 taken by the Administrator to carry out this section shall
13 not be subject to judicial review, including under—

14 (1) subchapter V of chapter 35 of title 31,
15 United States Code; and

16 (2) subchapter II of chapter 5, and chapter 7,
17 of title 5, United States Code (commonly known as
18 the “Administrative Procedure Act”).

19 (e) MISCELLANEOUS PROVISIONS.—

20 (1) ADDITIONAL FEDERAL BUILDINGS TO BE
21 DISPOSED.—

22 (A) IN GENERAL.—On providing 30 days
23 advance notice to the Committee on Environ-
24 ment and Public Works of the Senate and the
25 Committee on Transportation and Infrastruc-

1 ture of the House of Representatives, and sub-
2 ject to subparagraphs (C) and (E), the Admin-
3 istrator may include additional Federal build-
4 ings described in subparagraph (B) to the list
5 of Federal buildings described in subsection
6 (a)(1) that are required to be disposed of pur-
7 suant to that subsection.

8 (B) FEDERAL BUILDINGS DESCRIBED.—A
9 Federal building referred to in subparagraphs
10 (A) and (D) is any Federal building—

11 (i) under the jurisdiction, custody,
12 and control of the Administrator; and

13 (ii) that has a utilization below 60
14 percent, on average, over the 1-year period
15 preceding the date on which the Adminis-
16 trator provides notice of the disposal of the
17 Federal building pursuant to subparagraph
18 (A).

19 (C) LIMITATION.—In modifying the list of
20 Federal buildings to be disposed of under sub-
21 paragraph (A), the Administrator may not add
22 more than 20 additional Federal buildings each
23 calendar year.

24 (D) EXEMPTIONS FROM CERTAIN RE-
25 QUIREMENTS.—With respect to a Federal build-

1 ing described in subparagraph (B) that is
2 added to the list of Federal buildings described
3 in subsection (a)(1) pursuant to subparagraph
4 (A) and disposed of pursuant to subsection
5 (a)(1)—

6 (i) the exemption from the require-
7 ments of section 501 of the McKinney-
8 Vento Homeless Assistance Act (42 U.S.C.
9 11411) shall only apply to that sale if the
10 Federal building is larger than 100,000
11 square feet; and

12 (ii) the exemption from the require-
13 ments of division A of subtitle III of title
14 54, United States Code (formerly known
15 as the “National Historic Preservation
16 Act”), shall only apply to that sale if the
17 Federal building is designated as a Na-
18 tional Historic Landmark pursuant to
19 chapter 3021 of that title.

20 (E) CONGRESSIONAL DISAPPROVAL.—A
21 notice submitted to the Committee on Environ-
22 ment and Public Works of the Senate and the
23 Committee on Transportation and Infrastruc-
24 ture of the House of Representatives under sub-
25 paragraph (A) shall be considered a rule for

1 purposes of section 802 of title 5, United States
2 Code.

3 (2) AVAILABILITY OF APPROPRIATIONS.—Not-
4 withstanding any other provision of law, any
5 amounts made available for obligation in the Federal
6 Buildings Fund established by section 592(a) of title
7 40, United States Code, in any previous or subse-
8 quent Act shall be available until expended for the
9 purpose of any expense associated with relocating a
10 Federal agency occupying a Federal building de-
11 scribed in subsection (a)(1).

12 (3) EFFECT ON OTHER LAW.—Nothing in this
13 section limits or supersedes any authority otherwise
14 available to the Administrator under any other pro-
15 vision of law and the authorities provided under this
16 section are in addition to, and not in lieu of, any ex-
17 isting authorities.

18 (4) SUNSET.—

19 (A) TERMINATION OF AUTHORITY.—Ex-
20 cept as provided in subparagraph (B), the au-
21 thority provided under this section terminates
22 on December 31, 2028.

23 (B) EFFECT ON PRIOR ACTIONS.—The ter-
24 mination of authority under subparagraph (A)
25 shall not affect—

- 1 (i) any action taken, any right or duty
2 that matured, or any proceeding com-
3 menced under this section before that ter-
4 mination of authority; or
- 5 (ii) the continued enforcement or im-
6 plementation of any final rule, order,
7 agreement, or decision issued pursuant to
8 that authority prior to that termination.