

118TH CONGRESS
1ST SESSION

S. 1868

To require an interagency study to produce a security assessment process on adjacent space to high-security leased space to accommodate a Federal agency, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 7, 2023

Mr. PETERS (for himself and Mr. SCOTT of Florida) introduced the following bill; which was read twice and referred to the Committee on Homeland Security and Governmental Affairs

A BILL

To require an interagency study to produce a security assessment process on adjacent space to high-security leased space to accommodate a Federal agency, 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 “Secure Adjacent Fed-
5 eral Property Act of 2023”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) ADMINISTRATOR.—The term “Adminis-
2 trator” means the Administrator of General Serv-
3 ices.

4 (2) BENEFICIAL OWNER.—

5 (A) IN GENERAL.—The term “beneficial
6 owner”, with respect to a covered entity, means
7 each natural person who, directly or indirectly,
8 through any contract, arrangement, under-
9 standing, relationship, or otherwise—

10 (i) exercises control over the covered
11 entity; or

12 (ii) has a substantial interest in or re-
13 ceives substantial economic benefits from
14 the assets of the covered entity.

15 (B) EXCLUSIONS.—The term “beneficial
16 owner”, with respect to a covered entity, does
17 not include—

18 (i) a minor;

19 (ii) a person acting as a nominee,
20 intermediary, custodian, or agent on behalf
21 of another person;

22 (iii) a person acting solely as an em-
23 ployee of the covered entity and whose con-
24 trol over or economic benefits from the

1 covered entity derives solely from the em-
 2 ployment status of the person;

3 (iv) a person whose only interest in
 4 the covered entity is through a right of in-
 5 heritance, unless the person also meets the
 6 requirements of subparagraph (A); or

7 (v) a creditor of the covered entity,
 8 unless the creditor also meets the require-
 9 ments of subparagraph (A).

10 (C) ANTI-ABUSE RULE.—The exclusions
 11 under subparagraph (B) shall not apply if, in
 12 the determination of the Administrator, an ex-
 13 clusion is used for the purpose of evading, cir-
 14 cumventing, or abusing the requirements of this
 15 Act.

16 (3) CONTROL.—The term “control”, with re-
 17 spect to a covered entity, means—

18 (A) having the authority or ability to de-
 19 termine how the covered entity is used; or

20 (B) having some decision-making power for
 21 the use of the covered entity.

22 (4) COVERED ENTITY.—The term “covered en-
 23 tity” means—

24 (A) a person, corporation, company, busi-
 25 ness association, partnership, society, trust, or

1 any other nongovernmental entity, organization,
2 or group; and

3 (B) any governmental entity or instrumen-
4 tality of a government.

5 (5) EXECUTIVE AGENCY.—The term “Executive
6 agency” has the meaning given the term in section
7 105 of title 5, United States Code.

8 (6) FEDERAL AGENCY.—The term “Federal
9 agency” means—

10 (A) an Executive agency; and

11 (B) any establishment in the legislative or
12 judicial branch of the Federal Government.

13 (7) FEDERAL LESSEE.—

14 (A) IN GENERAL.—The term “Federal les-
15 see” means—

16 (i) the Administrator;

17 (ii) the Architect of the Capitol; and

18 (iii) the head of any other Federal
19 agency that has independent statutory
20 leasing authority.

21 (B) EXCLUSIONS.—The term “Federal les-
22 see” does not include—

23 (i) the head of an element of the intel-
24 ligence community; or

25 (ii) the Secretary of Defense.

1 (8) FEDERAL TENANT.—

2 (A) IN GENERAL.—The term “Federal ten-
3 ant” means a Federal agency that is occupying
4 or will occupy a high-security leased space for
5 which a lease agreement has been secured on
6 behalf of the Federal agency.

7 (B) EXCLUSION.—The term “Federal ten-
8 ant” does not include an element of the intel-
9 ligence community.

10 (9) FOREIGN ENTITY.—The term “foreign enti-
11 ty” means a covered entity that is headquartered or
12 incorporated in a country that is not the United
13 States.

14 (10) FOREIGN PERSON.—The term “foreign
15 person” means an individual who is not a United
16 States person.

17 (11) HIGH-SECURITY LEASED ADJACENT
18 SPACE.—The term “high-security leased adjacent
19 space” means a building or office space that shares
20 a boundary with or surrounds a high-security leased
21 space.

22 (12) HIGH-SECURITY LEASED SPACE.—The
23 term “high-security leased space” means a space
24 leased by a Federal lessee that—

1 (A) will be occupied by Federal employees
2 for nonmilitary activities; and

3 (B) has a facility security level of III, IV,
4 or V, as determined by the Federal tenant in
5 consultation with the Interagency Security
6 Committee, the Secretary of Homeland Secu-
7 rity, and the Administrator.

8 (13) HIGHEST-LEVEL OWNER.—The term
9 “highest-level owner” means an entity that owns or
10 controls—

11 (A) an immediate owner of the offeror of
12 a lease for a high-security leased adjacent
13 space; or

14 (B) 1 or more entities that control an im-
15 mediate owner of the offeror of a lease de-
16 scribed in subparagraph (A).

17 (14) IMMEDIATE OWNER.—The term “imme-
18 diate owner” means an entity, other than the offeror
19 of a lease for a high-security leased adjacent space,
20 that has direct control of that offeror, including—

21 (A) ownership or interlocking management;

22 (B) identity of interests among family
23 members;

24 (C) shared facilities and equipment; and

25 (D) the common use of employees.

1 (15) INTELLIGENCE COMMUNITY.—The term
2 “intelligence community” has the meaning given the
3 term in section 3 of the National Security Act of
4 1947 (50 U.S.C. 3003).

5 (16) SUBSTANTIAL ECONOMIC BENEFITS.—The
6 term “substantial economic benefits”, with respect
7 to a natural person described in paragraph
8 (2)(A)(ii), means having an entitlement to the funds
9 or assets of a covered entity that, as a practical mat-
10 ter, enables the person, directly or indirectly, to con-
11 trol, manage, or direct the covered entity.

12 (17) UNITED STATES PERSON.—The term
13 “United States person” means an individual who—

14 (A) is a citizen of the United States; or

15 (B) is an alien lawfully admitted for per-
16 manent residence in the United States.

17 **SEC. 3. GOVERNMENTWIDE STUDY.**

18 (a) COORDINATION STUDY.—The Administrator, in
19 coordination with the Director of the Federal Protective
20 Service, the Secretary of Homeland Security, the Director
21 of the Office of Management and Budget, and any other
22 relevant entities, as determined by the Administrator,
23 shall carry out a governmentwide study examining options
24 to assist agencies (as defined is defined in section 551 of
25 title 5, United States Code) to produce a security assess-

1 ment process on high-security leased adjacent space before
2 entering into a lease or novation agreement with a covered
3 entity for the purposes of accommodating a Federal ten-
4 ant located in a high-security leased space.

5 (b) CONTENTS.—The study required under sub-
6 section (a)—

7 (1) shall evaluate how to produce a security as-
8 sessment process that includes a process for assess-
9 ing the threat level of each occupancy of a high-se-
10 curity leased space, including through—

11 (A) site-visits;

12 (B) interviews; and

13 (C) any other relevant activities deter-
14 mined necessary by the Director of the Federal
15 Protective Service; and

16 (2) may include a process for collecting and
17 using information on each immediate owner, highest-
18 level owner, or beneficial owner of a covered entity
19 that seeks to enter into a lease with a Federal lessee
20 for a high-security leased adjacent space, includ-
21 ing—

22 (A) name;

23 (B) current residential or business street
24 address; and

1 (C) an identifying number or document
2 that verifies identity as a United States person,
3 a foreign person, or foreign entity.

4 (c) WORKING GROUP.—

5 (1) IN GENERAL.—Not later than 90 days after
6 the date of enactment of this Act, the Administrator,
7 in coordination with the Director of Federal Protec-
8 tive Service, the Secretary of Homeland Security,
9 the Director of the Office of Management and Budg-
10 et, and any other relevant entities, as determined by
11 the Administrator, shall establish a working group
12 to assist in the carrying out of the study required
13 under subsection (a).

14 (2) NO COMPENSATION.—A member of the
15 working group established under paragraph (1) shall
16 receive no compensation as a result of serving on the
17 working group.

18 (3) SUNSET.—The working group established
19 under paragraph (1) shall terminate on the date on
20 which the report required under subsection (e) is
21 submitted.

22 (d) PROTECTION OF INFORMATION.—The Adminis-
23 trator shall ensure that any information collected pursu-
24 ant to the study required under subsection (a) shall not
25 be made available to the public.

1 (e) REPORT.—Not later than 2 years after the date
2 of enactment of this Act, the Administrator, in coordina-
3 tion with the Director of Federal Protective Service, the
4 Secretary of Homeland Security, the Director of the Office
5 of Management and Budget, and any other relevant enti-
6 ties, as determined by the Administrator, shall submit to
7 the Committee on Homeland Security and Governmental
8 Affairs of the Senate and the Committee on Transpor-
9 tation and Infrastructure of the House of Representatives
10 a report describing—

11 (1) the results of the study required under sub-
12 section (a); and

13 (2) how all applicable privacy laws and rights
14 relating to the First and Fourth Amendments to the
15 Constitution of the United States would be upheld
16 and followed in—

17 (A) the security assessment process de-
18 scribed in paragraph (1) of subsection (b); and

19 (B) the information collection process de-
20 scribed in paragraph (2) of that subsection.

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