### 114TH CONGRESS 2D SESSION

# H. R. 4487

## **AN ACT**

To reduce costs of Federal real estate, improve building security, 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,

### 1 SECTION 1. SHORT TITLE.

2	This Act may be cited as the "Public Buildings Re-	
3	form and Savings Act of 2016".	
4	SEC. 2. STREAMLINED LEASING PILOT PROGRAM.	
5	(a) Execution of Leases.—The Administrator of	
6	General Services shall establish and conduct a pilot pro-	
7	gram to execute lease agreements pursuant to authority	
8	provided under section 585 of title 40, United States	
9	Code, using alternative procedures.	
10	(b) ADOPTION.—The Administrator shall prescribe	
11	alternative procedures to enter into lease agreements in	
12	accordance with section 585 of title 40, United States	
13	Code, pursuant to the provisions of this section.	
14	(c) Goals of Procedures.—The goals of the alter-	
15	native procedures are—	
16	(1) reducing the costs to the Federal Govern-	
17	ment of leased space, including—	
18	(A) executing long-term leases with firm	
19	terms of 10 years or more and reducing costly	
20	holdover and short-term lease extensions, in-	
21	cluding short firm term leases;	
22	(B) improving office space utilization rates	
23	of Federal tenants; and	
24	(C) streamlining and simplifying the leas-	
25	ing process to take advantage of real estate	
26	markets; and	

- 1 (2) significantly reducing or eliminating the 2 backlog of expiring leases over the next 5 years.
- 3 (d) Leasehold Interests in Real Property.—
- (1)SIMPLIFIED PROCEDURES.—Notwith-5 standing section 3305(b) of title 41, United States 6 Code, but otherwise in accordance with such section, 7 the Administrator shall provide special simplified 8 procedures for acquisitions of leasehold interests in 9 real property at rental rates that do not exceed the 10 simplified lease acquisition threshold, as defined in 11 paragraph (2). The rental rate under a multiyear 12 lease does not exceed the simplified lease acquisition 13 threshold if the average annual amount of the rent 14 payable for the period of the lease does not exceed 15 the simplified lease acquisition threshold.
- 16 (2) ACQUISITION THRESHOLD.—For purposes 17 of this section, the simplified lease acquisition 18 threshold is \$500,000.
- 19 (e) Consolidated Lease Prospectuses.—The 20 Administrator may, when acquiring leasehold interests 21 subject to section 3307 of title 40, United States Code, 22 transmit, pursuant to subsection (b) of such section, to 23 the committees designated in such section for approval a 24 prospectus to acquire leased space, and waive the require-

- 1 ments pursuant to paragraphs (3) and (6) of section
- 2 3307(b), subject to the following requirements:
- 3 (1) Cost per square footage.—The cost per
- 4 square footage does not exceed the maximum pro-
- 5 posed rental rate designated for the respective geo-
- 6 graphical area.
- 7 (2) SPACE UTILIZATION.—The Administrator
- 8 ensures the overall space utilization rate is 170 usa-
- 9 ble square feet per person or better based on actual
- agency staffing levels when occupied.
- 11 (3) Lease term.—The lease term, including
- the firm term, is not less than 10 years.
- 13 (4) Geographic Location.—The geographical
- location is identified as having a large amount of
- square footage of Federal office space and lease
- turnover and will likely result in providing for the
- ability, on a timely basis, of the agency to consoli-
- date space effectively or meet any requirements for
- 19 temporary or interim space required for planned
- 20 consolidations.
- 21 (f) Consolidations Generally.—The Adminis-
- 22 trator may consolidate more than one project into a single
- 23 prospectus submitted pursuant to section 3307(b), title
- 24 40, United States Code, if such consolidation will facilitate

1	efficiencies and reductions in overall space and improved
2	utilization rates.
3	(g) WAIVER AUTHORITY.—The Administrator may—
4	(1) waive notice and comment rulemaking, is
5	the Administrator determines the waiver is necessary
6	to implement this section expeditiously; and
7	(2) carry out the alternative procedures under
8	this section as a pilot program.
9	(h) Reports.—
10	(1) Annual reports.—During the period in
11	which the pilot program is conducted under this sec-
12	tion, the Administrator shall submit, annually, to
13	the Committee on Transportation and Infrastructure
14	of the House of Representatives and the Committee
15	on Environment and Public Works of the Senate $\epsilon$
16	progress report that provides updates on the number
17	and square footage of leases expiring in the 5-year
18	period beginning on the date of enactment of this
19	Act, by agency and region, and which shall include
20	for the expiring leases—
21	(A) an average of the lease terms, includ-
22	ing firm terms, for leases executed; and
23	(B) the percentage of leases managed in
24	house or through the use of commercial real es-

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tate leasing services.

1	(2) Final Report.—Not later than 180 days
2	after termination of the pilot program, the Adminis-
3	trator shall submit a final report to the Committee
4	on Transportation and Infrastructure of the House
5	of Representatives and the Committee on Environ-
6	ment and Public Works of the Senate. The final re-
7	port shall include—
8	(A) a review and evaluation of the lease
9	agreements executed under the alternative pro-
10	cedures established pursuant to this section in
11	comparison to those agreements not executed
12	pursuant to the alternative procedures;
13	(B) recommendations on any permanent
14	changes to the General Services Administra-
15	tion's leasing authority; and
16	(C) a progress evaluation in meeting the
17	goals described in subsection (e).
18	(i) TERMINATION.—The authorities under this sec-
19	tion shall terminate on December 31, 2021.
20	SEC. 3. EXCHANGE AUTHORITY.
21	(a) Limitation on Exchange Authority.—Sec-
22	tion 3307(a) of title 40, United States Code, is amended—
23	(1) in paragraph (1), by inserting "(including
24	by exchange)" after "acquire"; and
25	(2) by adding at the end the following:

1	"(4) An appropriation for any costs and ex-
2	penses associated with administering an acquisition
3	by exchange involving real property or in-kind con-
4	sideration, including services, with a fair market
5	value of \$2,850,000 or more.".
6	(b) Effective Date.—The amendments made by
7	this section shall not apply to projects in which a procure-
8	ment has already begun.
9	SEC. 4. FEDERAL PROTECTIVE SERVICE.
10	(a) Section 1315 of title 40, United States Code, is
11	amended by adding at the end the following new sub-
12	section:
13	"(h) Contract Security Personnel.—
14	"(1) AUTHORITIES FOR CONTRACT SECURITY
15	PERSONNEL.—
16	"(A) CARRYING OF FIREARMS.—The Sec-
17	retary may authorize contract security per-
18	sonnel engaged in the protection of buildings
19	and grounds that are owned, occupied, or se-
20	cured by the General Services Administration
21	Public Buildings Service to carry firearms to
22	carry out their official duties.
23	"(B) Detention without a warrant.—
24	A person authorized to carry a firearm under
25	this subsection may while in the performance

of, and in connection with, official duties, detain an individual without a warrant for any offense against the United States committed in that person's presence or for any felony cognizable under the laws of the United States if that person has reasonable grounds to believe that the individual to be detained has committed or is committing such felony. The detention authority conferred by this paragraph is in addition to any detention authority provided under other laws.

- "(2) Limitations.—The following limitations apply:
  - "(A) DETENTION.—Contract security personnel authorized to carry firearms under this section may detain an individual only if the individual to be detained is within, or in direct flight from, the area of such offense.
  - "(B) Enforcement of Certain Laws.—
    A person granted authority to detain under this section may exercise such authority only to enforce laws regarding any building and grounds and all property located in or on that building and grounds that are owned, occupied, or se-

cured by the General Services Administration 1 2 Public Buildings Service. 3 "(3) GUIDANCE.—The Secretary, with the ap-4 proval of the Attorney General, shall issue guidelines 5 to implement this section.". 6 (b) Section 1315(b) of title 40, United States Code, 7 is amended— (1) by inserting "and" at the end of subpara-8 9 graph (D); (2) by striking "; and" at the end of subpara-10 11 graph (E) and inserting a period; and 12 (3) by striking subparagraph (F). 13 (c) Section 1315(b) of title 40, United States Code, 14 is amended by adding at the end the following new para-15 graphs: "(3) 16 MINIMUM TRAINING STANDARDS.—The 17 Secretary, in consultation with the Director of the 18 Federal Protective Service and in accordance with 19 guidelines issued by the Attorney General, shall es-20 tablish minimum and uniform training standards for 21 any employee designated as an officer or agent to 22 carry out and exercise authority pursuant to this 23 section. Such minimum standards shall include on-24 going training certified by the Director of the Fed-25 eral Protective Service.

1 "(4) Notification of designations and 2 DELEGATIONS.—The Secretary shall submit written 3 notification of any approved designations or delegations of any authority provided under this section, 5 including the purposes and scope of such designa-6 tions or delegations, not within the Federal Protec-7 tive Service, to the Committee on Transportation 8 and Infrastructure of the House of Representatives 9 and the Committee on Environment and Public 10 Works of the Senate, including the purpose for such 11 designations or delegations, oversight protocols es-12 tablished to ensure compliance with any require-13 ments, including compliance with training require-14 ments, and other specifics regarding such designa-15 tions and delegations.".

### 16 SEC. 5. EVALUATION OF FEDERAL PROTECTIVE SERVICE

### 17 PERSONNEL NEEDS.

- (a) Personnel and Funding Needs of Federal
   Protective Service.—
- 20 (1) IN GENERAL.—Not later than 180 days
  21 after the date of enactment of this Act and after re22 view by a qualified consultant pursuant to paragraph
  23 (2), the Secretary shall submit a report to the ap24 propriate congressional committees on the personnel
  25 needs of the Federal Protective Service that includes

- recommendations on the numbers of Federal Protective Service law enforcement officers and the workforce composition of the Federal Protective Service needed to carry out the mission of such Service during the 10-fiscal-year period beginning after the date of enactment of this Act.
  - (2) Review and comment.—The Secretary shall provide the report prepared under this section to a qualified consultant for review and comment before submitting the report to the appropriate congressional committees. The Secretary shall provide the comments of the qualified consultant to the appropriate congressional committee with the report.
  - (3) Contents.—The report under this section shall include an evaluation of—
    - (A) the option of posting a full-time equivalent Federal Protective Service law enforcement officer at each level 3 or 4 Federal facility, as determined by the Interagency Security Committee, that on the date of enactment of this Act has a protective security officer stationed at the facility;
    - (B) the potential increase in security of any option evaluated under subparagraph (A);

1	(C) the immediate and projected costs of
2	any option evaluated under such subparagraph;
3	and
4	(D) the immediate and projected costs of
5	maintaining the current level of protective secu-
6	rity officers and full-time Federal Protective
7	Service law enforcement officers.
8	(b) Report on Funding.—Not later than 180 days
9	after the date of enactment of this Act, the Secretary shall
10	submit to the appropriate congressional committees a re-
11	port on the best method of funding for the Federal Protec-
12	tive Service, which shall include recommendations regard-
13	ing whether the Federal Protective Service should—
14	(1) continue to be funded by a collection of fees
15	and security charges;
16	(2) be funded by appropriations; or
17	(3) be funded by a combination of fees, security
18	charges, and appropriations.
19	SEC. 6. ZERO-BASED SPACE JUSTIFICATION.
20	Section 3307(b) of title 40, United States Code, is
21	amended—
22	(1) in paragraph (5), by inserting before the
23	semicolon the following: "including a cost compari-
24	son between leasing space or constructing space";

- 1 (2) in paragraph (6) by striking "and" at the end;
- 3 (3) in paragraph (7) by striking the period and 4 inserting "; and"; and
- 5 (4) by adding at the end the following:
- 6 "(8) with respect to any prospectus, including 7 for replacement space, lease renewal, or lease exten-8 sion, the Administrator shall include a justification 9 for such space, including an explanation of why such 10 space could not be consolidated or colocated into 11 other owned or leased space.".

### 12 SEC. 7. ELIMINATING PROJECT ESCALATIONS.

13 Section 3307(c) of title 40, United States Code, is 14 amended by adding at the end the following: "The Admin-15 istrator shall notify, in writing, the Committee on Transportation and Infrastructure of the House of Representa-16 tives and the Committee on Environment and Public 18 Works of the Senate of any increase of more than 5 per-19 cent of an estimated maximum cost or of any increase or 20 decrease in the scope or size of a project of 5 or more 21 percent. Such notification shall include an explanation regarding any such increase or decrease. The scope or size 23 of a project shall not increase or decrease by more than 10 percent unless an amended prospectus is submitted and approved pursuant to this section.".

### SEC. 8. LIMITATION ON AUTHORIZATIONS.

- 2 Section 3307 of title 40, United States Code, is
- 3 amended by adding at the end the following:
- 4 "(i) Expiration of Committee Resolutions.—
- 5 Unless a lease is executed or a construction, alteration,
- 6 repair, design, or acquisition project is initiated not later
- 7 than 5 years after the resolution approvals adopted by the
- 8 Committee on Transportation and Infrastructure of the
- 9 House of Representatives or the Committee on Environ-
- 10 ment and Public Works of the Senate pursuant to sub-
- 11 section (a), such resolutions shall be deemed expired. This
- 12 subsection shall only apply to resolutions approved after
- 13 the date of enactment of this subsection.".
- 14 SEC. 9. DEPARTMENT OF ENERGY HEADQUARTERS RE-
- 15 PLACEMENT.
- 16 (a) Sale of Certain Property.—
- 17 (1) IN GENERAL.—Not later than 2 years after
- the date of enactment of this Act, the Administrator
- of General Services is directed to sell, exchange, or
- some combination thereof, a portion of the Forrestal
- 21 Complex necessary to generate the funds necessary
- 22 to construct a new Department of Energy head-
- 23 quarters on Government-owned land in a manner
- consistent with the SW Ecodistrict Plan if the Ad-
- 25 ministrator determines that the new Department of

1	Energy headquarters can be constructed with no net
2	costs to the Government.
3	(2) Definitions.—For purposes of this sec-
4	tion, the following definitions apply:
5	(A) Department of energy forrestal
6	COMPLEX.—The term "Forrestal Complex"
7	means the land, including the buildings and
8	other improvements thereon, that—
9	(i) subject to survey and as deter-
10	mined by the Administrator, is—
11	(I) located in the District of Co-
12	lumbia;
13	(II) generally bounded by Inde-
14	pendence Avenue, Southwest, 12th
15	Street, Southwest, Maryland Avenue,
16	Southwest, and 9th Street, Southwest,
17	and
18	(III) generally consisting of
19	Squares 351-N, 351, 383, 384, and
20	385 and portions of Squares 325 and
21	352; and
22	(ii) is under the jurisdiction and con-
23	trol of the General Services Administra-
24	tion.

- 1 (B) SW ECODISTRICT PLAN.—The term
- 2 "SW Ecodistrict Plan" means the plan of the
- 3 National Capital Planning Commission titled
- 4 "The SW Ecodistrict: A Vision Plan For A
- 5 More Sustainable Future" and dated January
- 6 2013.
- 7 (b) Replacement of Headquarters.—Not later
- 8 than 2 years after the disposal of the necessary portions
- 9 of the Forrestal Complex, the Administrator shall replace
- 10 the Department of Energy headquarters located on the
- 11 Forrestal Complex in a Government-owned building on
- 12 Government-owned land.
- 13 (c) Certain Prohibitions.—The Administrator
- 14 shall not lease a new Department of Energy headquarters
- 15 or engage in a leaseback of the current headquarters.
- 16 (d) Sale.—If the Administrator is unable to meet
- 17 the conditions of subsection (a), the Administrator shall
- 18 sell any underutilized or vacant property on the Forrestal
- 19 Complex for cash.
- 20 (e) Net Proceeds.—Any net proceeds received, ex-
- 21 ceeding the expenses of implementing subsection (b) or
- 22 (d), shall be paid into an account in the Federal Buildings
- 23 Fund established under section 592 of title 40, United
- 24 States Code. Upon deposit, the net proceeds from the sale

- 1 may only be expended subject to a specific future appro-
- 2 priation.

### 3 SEC. 10. LIMITATION ON DISCOUNTED PURCHASE OPTIONS.

- 4 Section 585 of title 40, United States Code, is
- 5 amended by adding at the end the following:
- 6 "(d) Any bargain-price option to purchase at less
- 7 than fair market value contained in any lease agreement
- 8 entered into on or after January 1, 2016, pursuant to this
- 9 section may be exercised only to the extent specifically pro-
- 10 vided for in subsequent appropriation Acts or other Acts
- 11 of Congress.".

### 12 SEC. 11. ENERGY SAVINGS.

- To the extent practicable and when cost effective, the
- 14 Administrator of General Services shall consider the direct
- 15 purchase of energy and other utilities in bulk or otherwise
- 16 for leased facilities.

### 17 SEC. 12. SIMPLIFIED REFORMS.

- 18 (a) In General.—For the purpose of section 863
- 19 of Public Law 110–417, an individual acquisition for com-
- 20 mercial leasing services shall not be construed as a pur-
- 21 chase of property or services if such individual acquisition
- 22 is made on a no cost basis and pursuant to a multiple
- 23 award contract awarded in accordance with requirements
- 24 for full and open competition.

1	(b) Audit.—The Comptroller General of the United
2	States shall—
3	(1) conduct biennial audits of the General Serv-
4	ices Administration National Broker Contract to de-
5	termine—
6	(A) whether brokers selected under the
7	program provide lower lease rental rates than
8	rates negotiated by General Services Adminis-
9	tration staff; and
10	(B) the impact of the program on the
11	length of time of lease procurements;
12	(2) conduct a review of whether the application
13	of section 863 of Public Law 110–417 to acquisi-
14	tions for commercial leasing services resulted in
15	rental cost savings for the Government during the
16	years in which such section was applicable prior to
17	the date of enactment of this section; and
18	(3) not later than September 30, 2018, and
19	September 30, 2020, submit to the Committee on
20	Transportation and Infrastructure of the House of
21	Representatives and the Committee on Environment
22	and Public Works of the Senate a report that—
23	(A) summarizes the results of the audit
24	and review required by paragraphs (1) and (2):

1	(B) includes an assessment of whether the
2	National Broker Contract provides greater effi-
3	ciencies and savings than the use of General
4	Services Administration staff; and
5	(C) includes recommendations for improv-
6	ing General Services Administration lease pro-
7	curements.
8	(e) Termination.—This section shall terminate on
9	December 31, 2021.
10	SEC. 13. NATIONAL CAPITAL REGION RENTAL RATES.
11	Not later than 120 days after the date of enactment
12	of this Act, the Administrator of General Services shall
13	submit a report to the Committee on Transportation and
14	Infrastructure of the House of Representatives and the
15	Committee on Environment and Public Works of the Sen-
16	ate justifying the use of three lease rental caps per fiscal

year and their impacts in the National Capital Region.

The Administrator shall also evaluate and make rec-

ommendations related to whether the current rental caps

adequately provide for maximum competition for build-to-

suit leased space.

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1	SEC. 14. REDUCTION OF ADMINISTRATIVE REQUIREMENTS
2	ON CERTAIN PROGRAMS.
3	Section 601(d)(2) of the Public Works and Economic
4	Development Act of 1965, as amended (42 U.S.C. 3211),
5	is amended—
6	(1) by striking "(2) Release.—" and inserting
7	the following:
8	"(2) Release.—
9	"(A) IN GENERAL.—"; and
10	(2) by adding at the end the following:
11	"(B) Revolving loan fund program.—
12	The Secretary may release, subject to terms
13	and conditions the Secretary determines appro-
14	priate, the Federal Government's interest in
15	connection with a grant under section 209(d)
16	not less than 7 years after final disbursement
17	of the grant, if—
18	"(i) the recipient has carried out the
19	terms of the award in a satisfactory man-
20	ner;
21	"(ii) any proceeds realized from the
22	release of the Federal Government's inter-
23	est will be used for one or more activities
24	that continue to carry out the economic de-
25	velopment purposes of this Act; and

"(iii) the recipient shall provide ade-1 2 quate assurance to the Secretary that at all times after release of the Federal Gov-3 ernment's interest in connection with the grant, the recipient will be responsible for 6 continued compliance with the require-7 ments of section 602 in the same manner 8 it was responsible prior to release of the 9 Federal Government's interest and that 10 the recipient's failure to comply shall result 11 in the Secretary taking appropriate action, 12 including, but not limited to, rescission of 13 the release and recovery of the Federal 14 share of the grant.".

### 15 SEC. 15. LACTATION ROOM IN PUBLIC BUILDINGS.

- 16 (a) Lactation Room in Public Buildings.—
- 17 Chapter 33 of title 40, United States Code, is amended
- 18 by adding at the end the following new section:

### 19 "§ 3317. Lactation room in public buildings

- 20 "(a) Definitions.—In this section the following
- 21 definitions apply:
- 22 "(1) APPROPRIATE AUTHORITY.—The term 'ap-
- propriate authority' means the head of a Federal
- agency, the Architect of the Capitol, or other official

1	authority responsible for the operation of a public
2	building.
3	"(2) COVERED PUBLIC BUILDING.—The term
4	'covered public building' means a public building (as
5	defined in section 3301) that is open to the public
6	and contains a public restroom, and includes a build-
7	ing listed in section 6301 or 5101.
8	"(3) Lactation Room.—The term 'lactation
9	room' means a hygienic place, other than a bath-
10	room, that—
11	"(A) is shielded from view;
12	"(B) is free from intrusion; and
13	"(C) contains a chair, a working surface,
14	and, if the public building is otherwise supplied
15	with electricity, an electrical outlet.
16	"(b) Lactation Room Required.—Except as pro-
17	vided in subsection (c), the appropriate authority of a cov-
18	ered public building shall ensure that the building contains
19	a lactation room that is made available for use by mem-
20	bers of the public to express breast milk.
21	"(c) Exceptions.—A covered public building may be
22	excluded from the requirement in subsection (b) at the dis-
23	cretion of the appropriate authority if—
24	"(1) the public building—

1	"(A) does not contain a lactation room for
2	employees who work in the building; and

- "(B) does not have a room that could be repurposed as a lactation room or a space that could be made private using portable materials, at a reasonable cost; or
- 7 "(2) new construction would be required to cre-8 ate a lactation room in the public building and the 9 cost of such construction is unfeasible.
- "(d) NO UNAUTHORIZED ENTRY.—Nothing in this 11 section shall be construed to authorize an individual to 12 enter a public building or portion thereof that the indi-13 vidual is not otherwise authorized to enter.".
- 14 (b) CLERICAL AMENDMENT.—The table of sections
  15 at the beginning of chapter 33 of title 40, United States
  16 Code, is amended by inserting after the item related to
  17 section 3316 the following new item:

  "3317. Lactation room in public buildings.".
- 18 (c) Effective Date.—The amendments made by 19 this section shall take effect 1 year after the date of the 20 enactment of this Act.

### 21 SEC. 16. USE OF RECLAIMED REFRIGERANTS.

Not later than 180 days after the date of enactment of this Act, the Administrator of General Services shall issue a report examining the feasibility of giving pref-

- 1 erence to the use of reclaimed refrigerants to service exist-
- 2 ing equipment of Federal buildings.
- 3 SEC. 17. SALES AND SAVINGS.
- 4 (a) Definition.—In this section, the term "prop-
- 5 erty" means the following:
- 6 (1) The property located in the District of Co-
- 7 lumbia, subject to survey and as determined by the
- 8 Administrator of General Services, generally con-
- 9 sisting of Squares 325 and 326 and a portion of
- Square 351 and generally bounded by 12th Street,
- 11 Independence Avenue, C Street, and the James For-
- restal Building, all in Southwest Washington, Dis-
- trict of Columbia, including all associated air rights,
- improvements thereon, and appurtenances thereto.
- 15 (2) The property located in the District of Co-
- lumbia, subject to survey and as determined by the
- 17 Administrator, generally consisting of Square 326
- south of C Street, including the building known as
- the Cotton Annex.
- 20 (b) Sale.—Not later than December 31, 2018, the
- 21 Administrator shall sell the property at fair market value
- 22 at highest and best use.
- (c) Net Proceeds.—Any net proceeds of a sale
- 24 under subsection (b) shall be paid into an account in the
- 25 Federal Buildings Fund established under section 592 of

- 1 title 40, United States Code. Upon deposit, the net pro-
- 2 ceeds from the sale may be expended only subject to a
- 3 specific future appropriation.

Passed the House of Representatives May 23, 2016. Attest:

Clerk.

# 114TH CONGRESS H. R. 4487

# AN ACT

To reduce costs of Federal real estate, improve building security, and for other purposes.