

114TH CONGRESS
2D SESSION

H. R. 4487

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

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 8, 2016

Mr. BARLETTA (for himself, Mr. CARSON of Indiana, Mr. SHUSTER, Mr. DEFazio, Ms. NORTON, and Mr. NADLER) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Financial Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Public Buildings Re-
5 form and Savings Act of 2016”.

6 **SEC. 2. STREAMLINED LEASING PILOT PROGRAM.**

7 (a) EXECUTION OF LEASES.—The Administrator of
8 General Services shall establish and conduct a pilot pro-

1 gram to execute lease agreements pursuant to authority
2 provided under section 585 of title 40, United States
3 Code, using alternative procedures.

4 (b) ADOPTION.—The Administrator shall prescribe
5 alternative procedures to enter into lease agreements in
6 accordance with section 585 of title 40, United States
7 Code, pursuant to the provisions of this section.

8 (c) GOALS OF PROCEDURES.—The goals of the alter-
9 native procedures are—

10 (1) reducing the costs to the Federal Govern-
11 ment of leased space, including—

12 (A) executing long-term leases with firm
13 terms of 10 years or more and reducing costly
14 holdover and short-term lease extensions, in-
15 cluding short firm term leases;

16 (B) improving office space utilization rates
17 of Federal tenants; and

18 (C) streamlining and simplifying the leas-
19 ing process to take advantage of real estate
20 markets; and

21 (2) significantly reducing or eliminating the
22 backlog of expiring leases over the next 5 years.

23 (d) LEASEHOLD INTERESTS IN REAL PROPERTY.—

24 (1) SIMPLIFIED PROCEDURES.—Notwith-
25 standing section 3305(b) of title 41, United States

1 Code, but otherwise in accordance with such section,
2 the Administrator of General Services shall provide
3 special simplified procedures for acquisitions of
4 leasehold interests in real property at rental rates
5 that do not exceed the simplified lease acquisition
6 threshold, as defined in paragraph (2). The rental
7 rate under a multiyear lease does not exceed the
8 simplified lease acquisition threshold if the average
9 annual amount of the rent payable for the period of
10 the lease does not exceed the simplified lease acquisition
11 threshold.

12 (2) ACQUISITION THRESHOLD.—For purposes
13 of this section, the simplified lease acquisition
14 threshold is \$500,000.

15 (e) CONSOLIDATED LEASE PROSPECTUSES.—The
16 Administrator may, when acquiring leasehold interests
17 subject to section 3307 of title 40, United States Code,
18 transmit, pursuant to subsection (b) of such section, to
19 the committees designated in such section for approval a
20 prospectus to acquire leased space, and waive the requirements
21 pursuant to paragraphs (3) and (6) of section
22 3307(b), subject to the following requirements:

23 (1) COST PER SQUARE FOOTAGE.—The cost per
24 square footage does not exceed the maximum pro-

1 posed rental rate designated for the respective geo-
2 graphical area.

3 (2) SPACE UTILIZATION.—The Administrator
4 ensures the overall space utilization rate is 170 usa-
5 ble square feet per person or better based on actual
6 agency staffing levels when occupied.

7 (3) LEASE TERM.—The lease term, including
8 the firm term, is not less than 10 years.

9 (4) GEOGRAPHIC LOCATION.—The geographical
10 location is identified as having a large amount of
11 square footage of Federal office space and lease
12 turnover and will likely result in providing for the
13 ability, on a timely basis, of the agency to consoli-
14 date space effectively or meet any requirements for
15 temporary or interim space required for planned
16 consolidations.

17 (f) CONSOLIDATIONS GENERALLY.—The Adminis-
18 trator may consolidate more than 1 project into a single
19 prospectus submitted pursuant to section 3307(b), title
20 40, United States Code, if such consolidation will facilitate
21 efficiencies and reductions in overall space and improved
22 utilization rates.

23 (g) WAIVER AUTHORITY.—The Administrator may—

1 (1) waive notice and comment rulemaking, if
2 the Administrator determines the waiver is necessary
3 to implement this section expeditiously; and

4 (2) carry out the alternative procedures under
5 this section as a pilot program.

6 (h) REPORTS.—

7 (1) ANNUAL REPORTS.—During the period in
8 which the pilot program is conducted under this sec-
9 tion, the Administrator shall submit, annually, to
10 the Committee on Transportation and Infrastructure
11 of the House of Representatives and the Committee
12 on Environment and Public Works of the Senate a
13 progress report that provides updates on the number
14 and square footage of leases expiring in the 5-year
15 period beginning on the date of enactment of this
16 Act, by agency and region, and which shall include
17 for the expiring leases—

18 (A) an average of the lease terms, includ-
19 ing firm terms, for leases executed; and

20 (B) the percentage of leases managed in-
21 house or through the use of commercial real es-
22 tate leasing services.

23 (2) FINAL REPORT.—Not later than 180 days
24 after termination of the pilot program, the Adminis-
25 trator shall submit a final report to the Committee

1 on Transportation and Infrastructure of the House
2 of Representatives and the Committee on Environ-
3 ment and Public Works of the Senate. The final re-
4 port shall include—

5 (A) a review and evaluation of the lease
6 agreements executed under the alternative pro-
7 cedures established pursuant to this section in
8 comparison to those agreements not executed
9 pursuant to the alternative procedures;

10 (B) recommendations on any permanent
11 changes to the General Services Administra-
12 tion’s leasing authority; and

13 (C) a progress evaluation in meeting the
14 goals described in subsection (c).

15 (i) TERMINATION.—The authorities under this sec-
16 tion shall terminate on December 31, 2021.

17 **SEC. 3. EXCHANGE AUTHORITY.**

18 (a) LIMITATION ON EXCHANGE AUTHORITY.—Sec-
19 tion 3307(a) of title 40, United States Code, is amended—

20 (1) in paragraph (1), by inserting “(including
21 by exchange)” after “acquire”; and

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

23 “(4) An appropriation for any costs and ex-
24 penses associated with administering an acquisition
25 by exchange involving real property or in-kind con-

1 sideration, including services, with a fair market
2 value of \$2,850,000 or more.”.

3 (b) EFFECTIVE DATE.—The amendments made by
4 this section shall not apply to projects in which a procure-
5 ment has already begun.

6 **SEC. 4. FEDERAL PROTECTIVE SERVICE.**

7 (a) Section 1315 of title 40, United States Code, is
8 amended by adding at the end the following new sub-
9 section:

10 “(h) CONTRACT SECURITY PERSONNEL.—

11 “(1) AUTHORITIES FOR CONTRACT SECURITY
12 PERSONNEL.—

13 “(A) CARRYING OF FIREARMS.—The Sec-
14 retary may authorize contract security per-
15 sonnel engaged in the protection of buildings
16 and grounds that are owned, occupied, or se-
17 cured by the General Services Administration
18 Public Buildings Service to carry firearms to
19 carry out their official duties.

20 “(B) DETENTION WITHOUT A WARRANT.—

21 A person authorized to carry a firearm under
22 this subsection may, while in the performance
23 of, and in connection with, official duties, de-
24 tain an individual without a warrant for any of-
25 fense against the United States committed in

1 that person’s presence or for any felony cog-
2 nizable under the laws of the United States if
3 that person has reasonable grounds to believe
4 that the individual to be detained has com-
5 mitted or is committing such felony. The deten-
6 tion authority conferred by this paragraph is in
7 addition to any detention authority provided
8 under other laws.

9 “(2) LIMITATIONS.—The following limitations
10 apply:

11 “(A) DETENTION.—Contract security per-
12 sonnel authorized to carry firearms under this
13 section may detain an individual only if the in-
14 dividual to be detained is within, or in direct
15 flight from, the area of such offense.

16 “(B) ENFORCEMENT OF CERTAIN LAWS.—
17 A person granted authority to detain under this
18 section may exercise such authority only to en-
19 force laws regarding any building and grounds
20 and all property located in or on that building
21 and grounds that are owned, occupied, or se-
22 cured by the General Services Administration
23 Public Buildings Service.

1 “(3) GUIDANCE.—The Secretary, with the ap-
2 proval of the Attorney General, shall issue guidelines
3 to implement this section.”.

4 (b) Section 1315(b) of title 40, United States Code,
5 is amended—

6 (1) by striking “; and” at the end of subpara-
7 graph (E) and inserting a period; and

8 (2) by striking subparagraph (F).

9 (c) Section 1315(b) of title 40, United States Code,
10 is amended by adding at the end the following new para-
11 graphs:

12 “(3) MINIMUM TRAINING STANDARDS.—The
13 Secretary, in consultation with the Director of the
14 Federal Protective Service and in accordance with
15 guidelines issued by the Attorney General, shall es-
16 tablish minimum and uniform training standards for
17 any employee designated as an officer or agent to
18 carry out and exercise authority pursuant to this
19 section. Such minimum standards shall include on-
20 going training certified by the Director of the Fed-
21 eral Protective Service.

22 “(4) NOTIFICATION OF DESIGNATIONS AND
23 DELEGATIONS.—The Secretary shall submit written
24 notification of any approved designations or delega-
25 tions of any authority provided under this section,

1 including the purposes and scope of such designa-
2 tions or delegations, not within the Federal Protec-
3 tive Service, to the Committee on Transportation
4 and Infrastructure of the House of Representatives
5 and the Committee on Environment and Public
6 Works of the Senate, including the purpose for such
7 designations or delegations, oversight protocols es-
8 tablished to ensure compliance with any require-
9 ments, including compliance with training require-
10 ments, and other specifics regarding such designa-
11 tions and delegations.”.

12 **SEC. 5. EVALUATION OF FEDERAL PROTECTIVE SERVICE**
13 **PERSONNEL NEEDS.**

14 (a) **PERSONNEL AND FUNDING NEEDS OF FEDERAL**
15 **PROTECTIVE SERVICE.—**

16 (1) **IN GENERAL.—**Not later than 180 days
17 after the date of enactment of this Act and after re-
18 view by a qualified consultant pursuant to paragraph
19 (2), the Secretary shall submit a report to the ap-
20 propriate congressional committees on the personnel
21 needs of the Federal Protective Service that includes
22 recommendations on the numbers of Federal Protec-
23 tive Service law enforcement officers and the work-
24 force composition of the Federal Protective Service
25 needed to carry out the mission of such Service dur-

1 ing the 10-fiscal-year period beginning after the date
2 of enactment of this Act.

3 (2) REVIEW AND COMMENT.—The Secretary
4 shall provide the report prepared under this section
5 to a qualified consultant for review and comment be-
6 fore submitting the report to the appropriate con-
7 gressional committees. The Secretary shall provide
8 the comments of the qualified consultant to the ap-
9 propriate congressional committee with the report.

10 (3) CONTENTS.—The report under this section
11 shall include an evaluation of—

12 (A) the option of posting a full-time equiv-
13 alent Federal Protective Service law enforce-
14 ment officer at each level 3 or 4 Federal facil-
15 ity, as determined by the Interagency Security
16 Committee, that on the date of enactment of
17 this Act has a protective security officer sta-
18 tioned at the facility;

19 (B) the potential increase in security of
20 any option evaluated under subparagraph (A);

21 (C) the immediate and projected costs of
22 any option evaluated under such subparagraph;
23 and

24 (D) the immediate and projected costs of
25 maintaining the current level of protective secu-

1 rity officers and full-time Federal Protective
2 Service law enforcement officers.

3 (b) REPORT ON FUNDING.—Not later than 180 days
4 after the date of enactment of this Act, the Secretary shall
5 submit to the appropriate congressional committees a re-
6 port on the best method of funding for the Federal Protec-
7 tive Service, which shall include recommendations regard-
8 ing whether the Federal Protective Service should—

9 (1) continue to be funded by a collection of fees
10 and security charges;

11 (2) be funded by appropriations; or

12 (3) be funded by a combination of fees, security
13 charges, and appropriations.

14 **SEC. 6. ZERO-BASED SPACE JUSTIFICATION.**

15 Section 3307(b) of title 40, United States Code, is
16 amended—

17 (1) in paragraph (5), by inserting before the
18 semicolon the following: “including a cost compari-
19 son between leasing space or constructing space”;

20 (2) in paragraph (6) by striking “and” at the
21 end;

22 (3) in paragraph (7) by striking the period and
23 inserting “; and”; and

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

1 “(8) with respect to any prospectus, including
2 for replacement space, lease renewal, or lease exten-
3 sion, the Administrator shall include a justification
4 for such space, including an explanation of why such
5 space could not be consolidated or colocated into
6 other owned or leased space.”.

7 **SEC. 7. ELIMINATING PROJECT ESCALATIONS.**

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

21 **SEC. 8. LIMITATION ON AUTHORIZATIONS.**

22 Section 3307 of title 40, United States Code, is
23 amended by adding at the end the following:

24 “(i) EXPIRATION OF COMMITTEE RESOLUTIONS.—
25 Unless a lease is executed or a construction, alteration,

1 repair, design, or acquisition project is initiated not later
 2 than 5 years after the resolution approvals adopted by the
 3 Committee on Transportation and Infrastructure of the
 4 House of Representatives or the Committee on Environ-
 5 ment and Public Works of the Senate pursuant to sub-
 6 section (a), such resolutions shall be deemed expired. This
 7 subsection shall only apply to resolutions approved after
 8 the date of enactment of this subsection.”.

9 **SEC. 9. DEPARTMENT OF ENERGY HEADQUARTERS RE-**
 10 **PLACEMENT.**

11 (a) SALE OF CERTAIN PROPERTY.—

12 (1) IN GENERAL.—Not later than 2 years after
 13 the date of enactment of this Act, the Administrator
 14 of the General Services Administration is directed to
 15 sell, exchange, or some combination thereof, a por-
 16 tion of the Forrestal Complex necessary to generate
 17 the funds necessary to construct a new Department
 18 of Energy headquarters on Government-owned land
 19 in a manner consistent with the SW Ecodistrict Plan
 20 if the Administrator determines that the new De-
 21 partment of Energy headquarters can be constructed
 22 with no net costs to the Government.

23 (2) DEFINITIONS.—For purposes of this sec-
 24 tion, the following definitions apply:

1 (A) DEPARTMENT OF ENERGY FORRESTAL
2 COMPLEX.—The term “Forrestal Complex”
3 means the land, including the buildings and
4 other improvements thereon, that—

5 (i) subject to survey and as deter-
6 mined by the Administrator, is—

7 (I) located in the District of Co-
8 lumbia;

9 (II) generally bounded by Inde-
10 pendence Avenue, Southwest, 12th
11 Street, Southwest, Maryland Avenue,
12 Southwest, and 9th Street, Southwest;
13 and

14 (III) generally consisting of
15 Squares 351–N, 351, 383, 384, and
16 385 and portions of Squares 325 and
17 352; and

18 (ii) is under the jurisdiction and con-
19 trol of the General Services Administra-
20 tion.

21 (B) SW ECODISTRICT PLAN.—The term
22 “SW Ecodistrict Plan” means the plan of the
23 National Capital Planning Commission titled
24 “The SW Ecodistrict: A Vision Plan For A

1 More Sustainable Future” and dated January
2 2013.

3 (b) REPLACEMENT OF HEADQUARTERS.—Not later
4 than 2 years after the disposal of the necessary portions
5 of the Forrestal Complex, the Administrator shall replace
6 the Department of Energy headquarters located on the
7 Forrestal Complex in a Government-owned building on
8 Government-owned land.

9 (c) CERTAIN PROHIBITIONS.—The Administrator
10 shall not lease a new Department of Energy headquarters
11 or engage in a leaseback of the current headquarters.

12 (d) SALE.—If the Administrator is unable to meet
13 the conditions of subsection (a), the Administrator shall
14 sell any underutilized or vacant property on the Forrestal
15 Complex for cash.

16 (e) NET PROCEEDS.—Any net proceeds received, ex-
17 ceeding the expenses of implementing subsection (b) or
18 (d), shall be paid into an account in the Federal Buildings
19 Fund established under section 592 of title 40, United
20 States Code. Upon deposit, the net proceeds from the sale
21 may only be expended subject to a specific future appro-
22 priation.

23 **SEC. 10. LIMITATION ON DISCOUNTED PURCHASE OPTIONS.**

24 Section 585 of title 40, United States Code, is
25 amended by adding at the end the following:

1 “(d) Any bargain-price option to purchase at less
2 than fair market value contained in any lease agreement
3 entered into on or after January 1, 2016, pursuant to this
4 section may be exercised only to the extent provided by
5 a specific appropriation or legislation.”.

6 **SEC. 11. ENERGY SAVINGS.**

7 To the extent practicable and when cost effective, the
8 Administrator of the General Services Administration
9 shall consider the direct purchase of energy and other util-
10 ities in bulk or otherwise for leased facilities.

11 **SEC. 12. SIMPLIFIED REFORMS.**

12 (a) IN GENERAL.—For the purpose of section 863
13 of Public Law 110–417, an individual acquisition for com-
14 mercial leasing services shall not be construed as a pur-
15 chase of property or services if such individual acquisition
16 is made on a no cost basis and pursuant to a multiple
17 award contract awarded in accordance with requirements
18 for full and open competition.

19 (b) AUDIT.—The Comptroller General of the United
20 States shall—

21 (1) conduct biennial audits of the General Serv-
22 ices Administration National Broker Contract to de-
23 termine—

24 (A) whether brokers selected under the
25 program provide lower lease rental rates than

1 rates negotiated by General Services Adminis-
2 tration staff; and

3 (B) the impact of the program on the
4 length of time of lease procurements;

5 (2) conduct a review of whether the application
6 of section 863 of Public Law 110–417 to acquisi-
7 tions for commercial leasing services resulted in
8 rental cost savings for the Government during the
9 years in which such section was applicable prior to
10 the date of enactment of this section; and

11 (3) not later than September 30, 2018, and
12 September 30, 2020, submit to the Committee on
13 Transportation and Infrastructure of the House of
14 Representatives and the Committee on Environment
15 and Public Works of the Senate a report that—

16 (A) summarizes the results of the audit
17 and review required by paragraphs (1) and (2);

18 (B) includes an assessment of whether the
19 National Broker Contract provides greater effi-
20 ciencies and savings than the use of General
21 Services Administration staff; and

22 (C) includes recommendations for improv-
23 ing General Services Administration lease pro-
24 curements.

1 (c) TERMINATION.—This section shall terminate on
 2 December 31, 2021.

3 **SEC. 13. NATIONAL CAPITAL REGION RENTAL RATES.**

4 Not later than 120 days after the date of enactment
 5 of this Act, the Administrator of General Services shall
 6 submit a report to the Committee on Transportation and
 7 Infrastructure of the House of Representatives and the
 8 Committee on Environment and Public Works of the Sen-
 9 ate justifying the use of 3 lease rental caps per fiscal year
 10 and their impacts in the National Capital Region. The Ad-
 11 ministrator shall also evaluate and make recommendations
 12 related to whether the current rental caps adequately pro-
 13 vide for maximum competition for build-to-suit leased
 14 space.

15 **SEC. 14. REDUCTION OF ADMINISTRATIVE REQUIREMENTS**
 16 **ON CERTAIN PROGRAMS.**

17 Section 601(d)(2) of the Economic Development Ad-
 18 ministration Reform Act of 1965, as amended (42 U.S.C.
 19 3211), is amended—

20 (1) by striking “(2) RELEASE.—” and inserting
 21 the following:

22 “(2) RELEASE.—

23 “(A) IN GENERAL.—”; and

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

“(B) REVOLVING LOAN FUND PROGRAM.—

The Secretary may release, subject to terms and conditions the Secretary determines appropriate, the Federal Government’s interest in connection with a grant under section 209(d) not less than 7 years after final disbursement of the grant, if—

“(i) the recipient has carried out the terms of the award in a satisfactory manner;

“(ii) any proceeds realized from the release of the Federal Government’s interest will be used for one or more activities that continue to carry out the economic development purposes of this Act; and

“(iii) the recipient shall provide adequate assurance to the Secretary that at all times after release of the Federal Government’s interest in connection with the grant, the recipient will be responsible for continued compliance with the requirements of section 602 in the same manner it was responsible prior to release of the Federal Government’s interest and that the recipient’s failure to comply shall result

1 in the Secretary taking appropriate action,
2 including, but not limited to, rescission of
3 the release and recovery of the Federal
4 share of the grant.”.

○