

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 1734) TO DECREASE
THE DEFICIT BY REALIGNING, CONSOLIDATING, SELLING, DISPOSING,
AND IMPROVING THE EFFICIENCY OF FEDERAL BUILDINGS AND OTHER
CIVILIAN REAL PROPERTY, AND FOR OTHER PURPOSES

FEBRUARY 3, 2012.—Referred to the House Calendar and ordered to be printed

Mr. WEBSTER, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 537]

The Committee on Rules, having had under consideration House Resolution 537, by a nonrecord vote, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 1734, the Civilian Property Realignment Act, under a structured rule. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure. The resolution waives all points of order against consideration of the bill. The resolution provides that the amendment in the nature of a substitute consisting of the text of Rules Committee Print 112-11, shall be considered as adopted, and provides that the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution makes in order only those further amendments printed in this report. Each such amendment may be offered only in the order printed in this report, may be offered only by a Member designated in this report, shall be considered as read, shall be debatable for the time specified in this report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. The resolution waives all points of order against the amendments printed in this report. Finally, the resolution provides one motion to recommit with or without instructions.

EXPLANATION OF WAIVERS

Although the rule waives all points of order against consideration of the bill, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

The waiver of all points of order against provisions in the bill, as amended, includes a waiver of section 306 of the Congressional Budget Act, prohibiting consideration of legislation within the jurisdiction of the Committee on the Budget unless reported by the Budget Committee. The waiver is necessary because section 17(c) of Rules Committee Print 112-11 falls within the jurisdiction of the Committee on the Budget, which did not report the bill.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 185

Motion by Mr. McGovern to report an open rule. Defeated: 3-7.

Majority Members	Vote	Minority Members	Vote
Mr. Sessions	Nay	Mr. McGovern	Yea
Ms. Foxx	Nay	Mr. Hastings of Florida	Yea
Mr. Woodall	Nay	Mr. Polis	Yea
Mr. Nugent	Nay		
Mr. Scott of South Carolina	Nay		
Mr. Webster	Nay		
Mr. Dreier, Chairman	Nay		

SUMMARY OF THE AMENDMENTS MADE IN ORDER

1. Norton (DC): Would require federal agencies to compile environmental information about all property being considered for action and provide for a limited review of property by homeless service providers. (10 minutes)

2. Denham (CA): Would provide for a review of properties for use for the homeless. (10 minutes)

3. Connolly (VA): Would protect the ability of federal agencies to work with local governments to preserve appropriate excess federal property as open space, eliminating federal maintenance expenses while preserving public benefits. (10 minutes)

4. Jackson Lee (TX): Would add a sense of Congress that the Civilian Property Realignment Commission should take steps to provide assistance to small and minority-owned businesses seeking to be awarded contracts and requires the Commission to report to Congress and the President every 6 months regarding contracting and the size of the entities awarded contracts. (10 minutes)

5. Norton (DC): Would streamline GSA's notification process of excess properties by requiring GSA to directly notify Indian tribes of available excess properties and granting Indian tribes the option of obtaining the properties directly from GSA at fair market value rather than the Department of Interior. (10 minutes)

6. Carnahan (MO): Would require the use of life-cycle cost analysis in the design or lease of federal buildings receiving at least 50% Federal funding and which construction cost is over \$1,000,000 or the space to be leased is over 25,000 square feet.

Would require future prospectuses submitted to Congress for the construction, alteration or acquisition of a building or space to be leased by the Administrator of General Services to describe the use of life-cycle cost analysis and how its use has impacted long-term costs. (10 minutes)

TEXT OF AMENDMENTS MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY DELEGATE NORTON OF THE DISTRICT OF COLUMBIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 12, after line 13, insert the following:

(D) The environmental effects of the disposal, transfer, consolidation, co-location, or reconfiguration of the Federal civilian real properties.

Page 14, line 5, before the period insert “and the environmental effects”.

Page 28, after line 15, insert the following:

(e) MCKINNEY-VENTO HOMELESS ASSISTANCE ACT REVIEW.— Upon the enactment of a joint resolution described in section 14(c) and for not more than 90 days after such enactment, the Secretary of Housing and Urban Development shall apply section 501 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411) to the extent practicable, to any buildings identified for disposal in the approved recommendations that are not more than 25,000 square feet or valued at less than \$5,000,000.

Page 31, strike lines 15 through 17 and insert the following:

(1) PRECLUSION OF JUDICIAL REVIEW.—The following actions shall not be subject to judicial review:

(A) Actions of the Commission under section 12.

(B) Actions of the Director of OMB and Federal agencies under section 11.

Page 31, strike line 24 and all that follows through line 2 on page 32 and insert the following: “of functions under this Act, may be brought only within timeframes established by law or regulation of the relevant agency but in no case more than 60 days after the date of completion of the associated environmental review of the relevant agency.”.

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE DENHAM OF CALIFORNIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 28, after line 15, insert the following:

(e) MCKINNEY-VENTO HOMELESS ASSISTANCE ACT REVIEW.— Upon the enactment of a joint resolution described in section 14(c) and for not more than 90 days after such enactment, the Secretary of Housing and Urban Development shall apply section 501 of the McKinney-Vento Homeless Assistance Act (42 U.S.C. 11411) to the extent practicable, to any buildings identified for disposal in the approved recommendations that are not more than 25,000 square feet or valued at less than \$5,000,000.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CONNOLLY OF VIRGINIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 28, line 15, insert after “the Administrator.” the following: “The Administrator may also exclude property from any such transaction that the Administrator has determined is suitable for assignment to the Secretary of the Interior for transfer to a State, a political subdivision or instrumentality of a State, or a municipality for use as a public park or recreation area under section 550(e) of title 40, United States Code. In making such determination, the Administrator may consider the appraised value of the property and the highest and best use.”

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE JACKSON LEE OF TEXAS OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 35, after line 14, insert the following:

SEC. 22. SENSE OF CONGRESS AND REPORTS.

(a) SENSE OF CONGRESS.—It is the sense of Congress that—

(1) the Civilian Property Realignment Commission, should take steps to provide assistance to small, minority, and woman-owned businesses seeking to be awarded contracts to redevelop federal property;

(2) the Civilian Property Realignment Commission and other appropriate Federal officials should conduct a public information campaign to advise small, minority, and women-owned business firms with respect to contracts for the sale or redevelopment of Federal property; and

(3) firms that are awarded contracts pertaining to the redevelopment of Federal property should, to the maximum extent practicable, seek to award subcontracts for such contracts to small, minority, and women-owned business firms.

(b) PROGRESS REPORTS.—Every 6 months, the Civilian Property Realignment Commission shall submit to the appropriate committees of Congress and the President, a report regarding contracting. Each such report shall indicate, as of the date of the submission of such report, the size of all business firms awarded contracts by the Commission and the size of all business firms awarded subcontracts under such contracts

5. AN AMENDMENT TO BE OFFERED BY DELEGATE NORTON OF THE DISTRICT OF COLUMBIA OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 35, after line 14, insert the following:

SEC. 22. FAIR DISPOSAL OF EXCESS PROPERTY TO INDIAN TRIBES.

(a) POLICIES AND METHODS.—Section 521 of title 40, United States Code, is amended—

(1) by striking “Subject to” and inserting “(A) IN GENERAL.—Subject to”; and

(2) in paragraph (2)—

(A) in subparagraph (A) by striking “and” after the semicolon;

(B) in subparagraph (B) by striking the period at the end and inserting “; and”; and

(C) by adding at the end the following:

“(C) to a local Indian tribe, as defined in section 560 of this title.

“(b) NOTIFICATION REQUIREMENT.—The Administrator of General Services, in consultation with Indian tribes, shall develop policies and procedures to ensure that local Indian tribes are timely notified of the availability of excess property.”

(b) REIMBURSEMENT FOR TRANSFER OF EXCESS PROPERTY.—Section 522 of title 40, United States Code, is amended—

(1) in subsection (b)(2)—

(A) in subparagraph (A) by striking “or” after the semicolon;

(B) in subparagraph (B) by striking the period at the end and inserting “; or”; and

(C) by adding at the end the following:

“(C) a local Indian tribe, as defined in section 560 of this title, except for property that is subject to section 523.”; and

(2) by adding at the end the following:

“(d) SAVINGS PROVISION.—Nothing in this section shall prevent a Federal agency from making a request on behalf of an Indian tribe, as defined in section 560 of this title.”

(c) DEFINITION OF INDIAN TRIBE.—

(1) IN GENERAL.—Subchapter III of chapter 5 of title 40, United States Code, is amended by adding at the end the following:

“§ 560. Definition of Indian tribe

“In this subchapter, the term ‘Indian tribe’ means any Indian tribe or Alaska Native tribe, band, nation, pueblo, village, or other organized group or community that the Secretary of the Interior acknowledges to exist as an Indian tribe under the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 479a).”

(2) CLERICAL AMENDMENT.—The analysis for chapter 5 of title 40, United States Code, is amended by inserting after the item relating to section 559 the following:
“560. Definition of Indian tribe.”

(d) REPORT.—Not later than 3 years after the date of enactment of this Act, the Administrator of General Services shall transmit to the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Environment and Public Works of the Senate a report on—

(1) the procedures used to notify Indian tribes, as defined in section 560 of title 40, United States Code, of the availability of excess property;

(2) the number of such Indian tribes that expressed interest in excess property available under subchapter II of chapter 5 of title 40, United States Code, and the number of such Indian tribes that expressed interest in property under section 523 of such title; and

(3) the number of such Indian tribes that received excess property under such subchapter.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE CARNAHAN OF MISSOURI OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

At the end of the bill, add the following new sections:

SEC. 22. CONSIDERATION OF LIFE-CYCLE COST REQUIRED.

Section 3305 of title 40, United States Code, is amended by adding at the end the following new subsection:

“(d) CONSIDERATION OF LIFE-CYCLE COST REQUIRED.—

“(1) REQUIREMENT.—The Administrator shall ensure that the life-cycle cost of a public building is considered in the construction or lease of a public building described in paragraph (2).

“(2) FEDERAL BUILDINGS SUBJECT TO REQUIREMENT.—A public building is subject to the requirement under paragraph (1) if—

“(A) construction or lease of the building begins after the date of the enactment of the Civilian Property Realignment Act;

“(B) the estimated construction costs of the building exceed \$1,000,000;

“(C) in the case of a lease, the square footage of the property is more than 25,000 square feet; and

“(D) Federal funding comprises more than 50 percent of the funding for the estimated construction or lease costs of the building.

“(3) DEFINITIONS.—In this subsection, the following definitions apply:

“(A) LIFE-CYCLE COST.—The term ‘life-cycle cost’ means the sum of the following costs, as estimated for the lifetime of a building:

“(i) Investment costs.

“(ii) Capital costs.

“(iii) Installation costs.

“(iv) Energy costs.

“(v) Operating costs.

“(vi) Maintenance costs.

“(vii) Replacement costs.

“(B) LIFETIME OF A BUILDING.—The term ‘lifetime of a building’ means, with respect to a building, the greater of—

“(i) the period of time during which the building is projected to be utilized; or

“(ii) 50 years.”

SEC. 23. LONG-TERM SAVINGS THROUGH LIFE-CYCLE COST ANALYSIS.

Section 3307(b) of title 40, United States Code, as amended by section 19, is further amended—

(1) in paragraph (7), by striking “and” at the end;

(2) in paragraph (8), by striking the period at the end and inserting “; and”; and

(3) by adding at the end the following:
“(9) with respect to any prospectus for the construction, alteration, or acquisition of any building or space to be leased, a statement by the Administrator describing the use of life-cycle cost analysis and any increased design, construction, or acquisition costs identified by such analysis that are offset by lower long-term costs.”.

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