
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 337

[To accompany H. Res.]

The Committee on Rules, having had under consideration House Resolution____, 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

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**AMENDMENT OFFERED BY Ms. NORTON TO THE
RULES COMMITTEE PRINT OF H.R. 1734, AS
REPORTED**

Page 12, after line 13, insert the following:

1 (D) The environmental effects of the dis-
2 posal, transfer, consolidation, co-location, or re-
3 configuration of the Federal civilian real prop-
4 erties.

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

Page 28, after line 15, insert the following:

5 (e) MCKINNEY-VENTO HOMELESS ASSISTANCE ACT
6 REVIEW.—Upon the enactment of a joint resolution de-
7 scribed in section 14(c) and for not more than 90 days
8 after such enactment, the Secretary of Housing and
9 Urban Development shall apply section 501 of the McKin-
10 ney-Vento Homeless Assistance Act (42 U.S.C. 11411) to
11 the extent practicable, to any buildings identified for dis-
12 posal in the approved recommendations that are not more
13 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 (1) (1) PRECLUSION OF JUDICIAL REVIEW.—

2 The following actions shall not be subject to judicial
3 review:

4 (A) Actions of the Commission under sec-
5 tion 12.

6 (B) Actions of the Director of OMB and
7 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

Handwritten signature and initials

**AMENDMENT OFFERED BY MR. DENHAM OF CALI-
FORNIA TO THE RULES COMMITTEE PRINT OF
H.R. 1734, AS REPORTED
OFFERED BY MR. DENHAM OF CALIFORNIA**

Page 28, after line 15, insert the following:

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

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

**AMENDMENT OFFERED BY MR. CONNOLLY OF
VIRGINIA
TO THE RULES COMMITTEE PRINT OF H.R. 1734,
AS REPORTED**

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

**AMENDMENT OFFERED BY MS. JACKSON LEE OF
TEXAS, TO THE RULES COMMITTEE PRINT OF
H.R. 1734, AS REPORTED**

Page 35, after line 14, insert the following:

1 **SEC. 22. SENSE OF CONGRESS AND REPORTS.**

2 (a) SENSE OF CONGRESS.—It is the sense of Con-
3 gress that—

4 (1) the Civilian Property Realignment Commis-
5 sion, should take steps to provide assistance to
6 small, minority, and woman-owned businesses seek-
7 ing to be awarded contracts to redevelop federal
8 property;

9 (2) the Civilian Property Realignment Commis-
10 sion and other appropriate Federal officials should
11 conduct a public information campaign to advise
12 small, minority, and women-owned business firms
13 with respect to contracts for the sale or redevelop-
14 ment of Federal property; and

15 (3) firms that are awarded contracts pertaining
16 to the redevelopment of Federal property should, to
17 the maximum extent practicable, seek to award sub-

1 contracts for such contracts to small, minority, and
2 women-owned business firms.

3 (b) PROGRESS REPORTS.—Every 6 months, the Civil-
4 ian Property Realignment Commission shall submit to the
5 appropriate committees of Congress and the President, a
6 report regarding contracting. Each such report shall indi-
7 cate, as of the date of the submission of such report, the
8 size of all business firms awarded contracts by the Com-
9 mission and the size of all business firms awarded sub-
10 contracts under such contracts



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

**AMENDMENT OFFERED BY MS. NORTON TO THE
RULES COMMITTEE PRINT OF H.R. 1734, AS
REPORTED**

Page 35, after line 14, insert the following:

- 1 **SEC. 22. FAIR DISPOSAL OF EXCESS PROPERTY TO INDIAN**
2 **TRIBES.**
3 (a) **POLICIES AND METHODS.**—Section 521 of title
4 40, United States Code, is amended—
5 (1) by striking “Subject to” and inserting “(A)
6 **IN GENERAL.**—Subject to”; and
7 (2) in paragraph (2)—
8 (A) in subparagraph (A) by striking “and”
9 after the semicolon;
10 (B) in subparagraph (B) by striking the
11 period at the end and inserting “; and”; and
12 (C) by adding at the end the following:
13 “(C) to a local Indian tribe, as defined in
14 section 560 of this title.
15 “(b) **NOTIFICATION REQUIREMENT.**—The Adminis-
16 trator of General Services, in consultation with Indian
17 tribes, shall develop policies and procedures to ensure that

1 local Indian tribes are timely notified of the availability
2 of excess property.”.

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

6 (1) in subsection (b)(2)—

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

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

11 (C) by adding at the end the following:

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

15 (2) by adding at the end the following

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

20 (c) DEFINITION OF INDIAN TRIBE.—

21 (1) IN GENERAL.—Subchapter III of chapter 5
22 of title 40, United States Code, is amended by add-
23 ing at the end the following:

1 **“§ 560. Definition of Indian tribe**

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

8 (2) CLERICAL AMENDMENT.—The analysis for
9 chapter 5 of title 40, United States Code, is amend-
10 ed by inserting after the item relating to section 559
11 the following:

“560. Definition of Indian tribe.”.

12 (d) REPORT.—Not later than 3 years after the date
13 of enactment of this Act, the Administrator of General
14 Services shall transmit to the Committee on Transpor-
15 tation and Infrastructure of the House of Representatives
16 and the Committee on Environment and Public Works of
17 the Senate a report on—

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

21 (2) the number of such Indian tribes that ex-
22 pressed interest in excess property available under
23 subchapter II of chapter 5 of title 40, United States
24 Code, and the number of such Indian tribes that ex-

1 pressed interest in property under section 523 of
2 such title; and

3 (3) the number of such Indian tribes that re-
4 ceived excess property under such subchapter.



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

**AMENDMENT OFFERED BY MR. CARNAHAN OF
MISSOURI
TO THE RULES COMMITTEE PRINT OF H.R. 1734,
AS REPORTED**

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

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

2 Section 3305 of title 40, United States Code, is
3 amended by adding at the end the following new sub-
4 section:

5 “(d) CONSIDERATION OF LIFE-CYCLE COST RE-
6 QUIRED.—

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

11 “(2) FEDERAL BUILDINGS SUBJECT TO RE-
12 QUIREMENT.—A public building is subject to the re-
13 quirement under paragraph (1) if—

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

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

3 “(C) in the case of a lease, the square foot-
4 age of the property is more than 25,000 square
5 feet; and

6 “(D) Federal funding comprises more than
7 50 percent of the funding for the estimated
8 construction or lease costs of the building.

9 “(3) DEFINITIONS.—In this subsection, the fol-
10 lowing definitions apply:

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

15 “(i) Investment costs.

16 “(ii) Capital costs.

17 “(iii) Installation costs.

18 “(iv) Energy costs.

19 “(v) Operating costs.

20 “(vi) Maintenance costs.

21 “(vii) Replacement costs.

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

1 “(i) the period of time during which
2 the building is projected to be utilized; or
3 “(ii) 50 years.”.

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

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

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

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

12 (3) by adding at the end the following:

13 “(9) with respect to any prospectus for the con-
14 struction, alteration, or acquisition of any building
15 or space to be leased, a statement by the Adminis-
16 trator describing the use of life-cycle cost analysis
17 and any increased design, construction, or acquisi-
18 tion costs identified by such analysis that are offset
19 by lower long-term costs.”.



House Calendar No. _____

112TH CONGRESS
2D SESSION

H. RES. _____

Report No. 112-_____

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.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 3, 2012

Mr. WEBSTER, from the Committee on Rules, reported the following resolution; which was referred to the House Calendar and ordered to be printed

RESOLUTION

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.

- 1 *Resolved*, That at any time after the adoption of this
- 2 resolution the Speaker may, pursuant to clause 2(b) of
- 3 rule XVIII, declare the House resolved into the Committee
- 4 of the Whole House on the state of the Union for consider-
- 5 ation of the bill (H.R. 1734) to decrease the deficit by

1 realigning, consolidating, selling, disposing, and improving
2 the efficiency of Federal buildings and other civilian real
3 property, and for other purposes. The first reading of the
4 bill shall be dispensed with. All points of order against
5 consideration of the bill are waived. General debate shall
6 be confined to the bill and shall not exceed one hour equal-
7 ly divided and controlled by the chair and ranking minor-
8 ity member of the Committee on Transportation and In-
9 frastructure. After general debate the bill shall be consid-
10 ered for amendment under the five-minute rule. In lieu
11 of the amendment in the nature of a substitute rec-
12 ommended by the Committee on Transportation and In-
13 frastructure now printed in the bill, an amendment in the
14 nature of a substitute consisting of the text of the Rules
15 Committee Print 112-11 shall be considered as adopted
16 in the House and in the Committee of the Whole. The
17 bill, as amended, shall be considered as the original bill
18 for the purpose of further amendment under the five-
19 minute rule and shall be considered as read. All points
20 of order against provisions in the bill, as amended, are
21 waived. No further amendment to the bill, as amended,
22 shall be in order except those printed in the report of the
23 Committee on Rules accompanying this resolution. Each
24 such further amendment may be offered only in the order
25 printed in the report, may be offered only by a Member

1 designated in the report, shall be considered as read, shall
2 be debatable for the time specified in the report equally
3 divided and controlled by the proponent and an opponent,
4 shall not be subject to amendment, and shall not be sub-
5 ject to a demand for division of the question in the House
6 or in the Committee of the Whole. All points of order
7 against such further amendments are waived. At the con-
8 clusion of consideration of the bill for amendment the
9 Committee shall rise and report the bill, as amended, to
10 the House with such further amendments as may have
11 been adopted. The previous question shall be considered
12 as ordered on the bill, as amended, and any further
13 amendment thereto to final passage without intervening
14 motion except one motion to recommit with or without in-
15 structions.