

## Union Calendar No. 125

115TH CONGRESS  
1ST SESSION

# H. R. 2190

[Report No. 115-184]

To amend the Homeland Security Act of 2002 to direct the Under Secretary for Management of the Department of Homeland Security to make certain improvements in managing the Department's real property portfolio, and for other purposes.

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### IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2017

Mr. RUTHERFORD introduced the following bill; which was referred to the Committee on Homeland Security

JUNE 20, 2017

Additional sponsor: Mr. McCAUL

JUNE 20, 2017

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on April 27, 2017]

# **A BILL**

To amend the Homeland Security Act of 2002 to direct the Under Secretary for Management of the Department of Homeland Security to make certain improvements in managing the Department's real property portfolio, 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 “Streamlining DHS*  
5 *Overhead Act”.*

6 **SEC. 2. LONG TERM REAL PROPERTY STRATEGIES.**

7       *(a) IN GENERAL.—Title VII of the Homeland Security*  
8 *Act of 2002 (6 U.S.C. 341 et seq.) is amended by adding*  
9 *at the end the following new sections:*

10 **“SEC. 710. CHIEF FACILITIES AND LOGISTICS OFFICER.**

11       *“(a) IN GENERAL.—There is a Chief Facilities and Lo-*  
12 *gistics Officer of the Department who shall report directly*  
13 *to the Under Secretary for Management. The Chief Facili-*  
14 *ties and Logistics Officer shall be career reserved for a mem-*  
15 *ber of the senior executive service.*

16       *“(b) RESPONSIBILITIES.—The Chief Facilities and Lo-*  
17 *gistics Officer shall—*

18               *“(1) develop policies and procedures and provide*  
19               *program oversight to manage real property, facilities,*  
20               *personal property, mobile assets, equipment, and*  
21               *other material resources of the Department;*

22               *“(2) manage and execute, in consultation with*  
23               *the component heads, mission support services within*  
24               *the National Capital Region for real property, facili-*

1 *ties, and other common headquarters and field activi-*  
2 *ties for the Department; and*

3 *“(3) provide tactical and transactional services*  
4 *for the Department, including transportation, facility*  
5 *operations, and maintenance.*

6 **“SEC. 711. LONG TERM REAL PROPERTY STRATEGIES.**

7 *“(a) IN GENERAL.—*

8 *“(1) FIRST STRATEGY.—Not later than 180 days*  
9 *after the date of the enactment of this section, the*  
10 *Under Secretary for Management shall develop an*  
11 *initial 5-year regional real property strategy for the*  
12 *Department that covers the five fiscal years imme-*  
13 *diately following such date of enactment. Such strat-*  
14 *egy shall be geographically organized, as designated*  
15 *by the Under Secretary for Management.*

16 *“(2) SECOND STRATEGY.—Not later than the*  
17 *first day of the fourth fiscal year covered by the first*  
18 *strategy under paragraph (1), the Under Secretary*  
19 *for Management shall develop a second 5-year real*  
20 *property strategy for the Department that covers the*  
21 *five fiscal years immediately following the conclusion*  
22 *of such first strategy.*

23 *“(b) REQUIREMENTS.—*

1           “(1) *INITIAL STRATEGY.*—*The initial 5-year*  
2           *strategy developed in accordance with paragraph (1)*  
3           *of subsection (a) shall—*

4                   “(A) *identify opportunities to consolidate*  
5                   *real property, optimize the usage of Federal as-*  
6                   *sets, and decrease the number of commercial*  
7                   *leases and square footage within the Depart-*  
8                   *ment’s real property portfolio;*

9                   “(B) *provide alternate housing and consoli-*  
10                   *dation plans to increase efficiency through joint*  
11                   *use of Department spaces while decreasing the*  
12                   *reliance on and cost of leased space;*

13                   “(C) *concentrate on geographical areas with*  
14                   *a significant Department presence, as identified*  
15                   *by the Under Secretary for Management;*

16                   “(D) *examine the establishment of central*  
17                   *Department locations in each such geographical*  
18                   *region and the co-location of Department compo-*  
19                   *nents based on the mission sets and responsibil-*  
20                   *ities of such components;*

21                   “(E) *identify opportunities to reduce over-*  
22                   *head costs through co-location or consolidation of*  
23                   *real property interests or mission support activi-*  
24                   *ties, such as shared mail screening and proc-*  
25                   *essing, centralized transportation and shuttle*

1           *services, regional transit benefit programs, com-*  
2           *mon contracting for custodial and other services,*  
3           *and leveraging strategic sourcing contracts and*  
4           *sharing of specialized facilities, such as training*  
5           *facilities and resources;*

6           “(F) *manage the current Department Work-*  
7           *space Standard for Office Space in accordance*  
8           *with the Department office workspace design*  
9           *process to develop the most efficient and effective*  
10           *spaces within the workspace standard net usable*  
11           *square foot ranges for all leased for office space*  
12           *entered into on or after the date of the enactment*  
13           *of this section, including the renewal of any*  
14           *leases for office space existing as of such date;*

15           “(G) *define, based on square footage, what*  
16           *constitutes a major real property acquisition;*

17           “(H) *prioritize actions to be taken to im-*  
18           *prove the operations and management of the De-*  
19           *partment’s real property inventory, based on*  
20           *life-cycle cost estimations, in consultation with*  
21           *component heads; and*

22           “(I) *include any additional information de-*  
23           *termined appropriate or relevant by the Under*  
24           *Secretary for Management.*

1           “(2) *SECOND STRATEGY.*—*The second 5-year*  
2           *strategy developed in accordance with paragraph (2)*  
3           *of subsection (a) shall include information required in*  
4           *subparagraphs (A), (B), (C), (E), (F), (G), (H), and*  
5           *(I) of paragraph (1) and information on the effective-*  
6           *ness of implementation efforts pursuant to the De-*  
7           *partment-wide policy required in accordance with*  
8           *subsection (c), including—*

9                   “(A) *the impact of such implementation on*  
10                   *departmental operations and costs; and*

11                   “(B) *the degree to which the Department es-*  
12                   *tablished central Department locations and co-lo-*  
13                   *cated Department components pursuant to the*  
14                   *results of the examination required by subpara-*  
15                   *graph (D) of paragraph (1).*

16           “(c) *IMPLEMENTATION POLICIES.*—*Not later than 90*  
17           *days after the development of each of the regional real prop-*  
18           *erty strategies developed in accordance with subsection (a),*  
19           *the Under Secretary for Management shall develop or up-*  
20           *date, as applicable, a Department-wide policy imple-*  
21           *menting such strategies.*

22           “(d) *CERTIFICATIONS.*—*Subject to subsection (g)(3),*  
23           *the implementation policies developed pursuant to sub-*  
24           *section (c) shall require component heads to certify to the*  
25           *Under Secretary for Management that such heads have com-*

1 *plied with the requirements specified in subsection (b) before*  
2 *making any major real property acquisition or rec-*  
3 *ommendation, as defined by the Under Secretary, including*  
4 *entering into any new leases, renewing any existing leases,*  
5 *or agreeing to extend or newly occupy any Federal space*  
6 *or new construction, in accordance with the applicable re-*  
7 *gional real property strategy developed in accordance with*  
8 *subsection (a).*

9 “(e) *UNDERUTILIZED SPACE.*—

10 “(1) *IN GENERAL.*—*The implementing policies*  
11 *developed pursuant to subsection (c) shall require*  
12 *component heads, acting through regional property*  
13 *managers under subsection (f), to annually report to*  
14 *the Under Secretary for Management on underutilized*  
15 *space and identify space that may be made available*  
16 *for use, as applicable, by other components or Federal*  
17 *or State agencies through reimbursable or other agree-*  
18 *ments.*

19 “(2) *EXCEPTION.*—*The Under Secretary for*  
20 *Management may grant an exception to the work-*  
21 *space standard net usable square foot ranges described*  
22 *in subsection (b)(6) for specific office locations at*  
23 *which a reduction or elimination of otherwise under-*  
24 *utilized space would negatively impact a component’s*

1     *ability to execute its mission based on readiness per-*  
2     *formance measures.*

3             “(3) *UNDERUTILIZED SPACE DEFINED.*—*In this*  
4     *subsection, the term ‘underutilized space’ means any*  
5     *space with respect to which utilization is greater than*  
6     *the workplace standard net usable square foot ranges*  
7     *pursuant to subsection (b)(6).*

8             “(f) *COMPONENT RESPONSIBILITIES.*—

9             “(1) *REGIONAL PROPERTY MANAGERS.*—*Each*  
10    *component head shall identify a senior career em-*  
11    *ployee of each such component for each geographic re-*  
12    *gion included in the regional real property strategies*  
13    *developed in accordance with subsection (a) to serve*  
14    *as each such component’s regional property manager.*  
15    *Each such regional property manager shall serve as*  
16    *a single point of contact for Department headquarters*  
17    *and other Department components for all real prop-*  
18    *erty matters relating to each such component within*  
19    *the region in which each such component is located,*  
20    *and provide data and any other support necessary for*  
21    *the DHS Regional Mission Support Coordinator stra-*  
22    *tegic asset and portfolio planning and execution.*

23             “(2) *DATA.*—*Regional property managers under*  
24    *paragraph (1) shall provide annually to the Under*  
25    *Secretary for Management, via a standardized and*

1 *centralized system, data on each component’s real*  
2 *property holdings, as specified by the Undersecretary*  
3 *for Management, including relating to underutilized*  
4 *space under subsection (e) (as such term is defined in*  
5 *such subsection), total square footage leased, annual*  
6 *cost, and total number of staff, for each geographic re-*  
7 *gion included in the regional real property strategies*  
8 *developed in accordance with subsection (a).*

9 *“(g) ONGOING OVERSIGHT.—*

10 *“(1) IN GENERAL.—The Under Secretary for*  
11 *Management shall monitor components’ adherence to*  
12 *the regional real property strategies developed in ac-*  
13 *cordance with subsection (a) and the implementation*  
14 *policies developed pursuant to subsection (c).*

15 *“(2) ANNUAL REVIEW.—The Under Secretary for*  
16 *Management shall annually review the data sub-*  
17 *mitted pursuant to subsection (f)(2) to ensure all un-*  
18 *derutilized space (as such term is defined in sub-*  
19 *section (e)) is properly identified.*

20 *“(3) CERTIFICATION REVIEW.—The Under Sec-*  
21 *retary for Management shall review, and if appro-*  
22 *priate, approve, component certifications under sub-*  
23 *section (d) before such components may make any*  
24 *major real property acquisition, including entering*  
25 *into any new leases, renewing any existing leases, or*

1        *agreeing to extend or newly occupy any Federal space*  
2        *or new construction, in accordance with the applica-*  
3        *ble regional real property strategy developed in ac-*  
4        *cordance with subsection (a).*

5                *“(4) CONGRESSIONAL REPORTING.—The Under*  
6        *Secretary for Management shall annually provide in-*  
7        *formation to the Committee on Homeland Security of*  
8        *the House of Representatives, the Committee on*  
9        *Homeland Security and Governmental Affairs of the*  
10        *Senate, and the Inspector General of the Department*  
11        *on the Department’s real property portfolio, including*  
12        *information relating to the following:*

13                *“(A) A summary of the Department’s real*  
14        *property holdings in each region described in the*  
15        *regional strategies developed in accordance with*  
16        *subsection (a), and for each such property, infor-*  
17        *mation including the total square footage leased,*  
18        *the total cost, the total number of staff at each*  
19        *such property, and the square foot per person*  
20        *utilization rate for office space (and whether or*  
21        *not such conforms with the workspace standard*  
22        *net usable square foot ranges established pursu-*  
23        *ant to subsection (b)(6)).*

24                *“(B) An accounting of all underutilized*  
25        *space (as such term is defined in subsection (e)).*

1           “(C) *An accounting of all instances in*  
2           *which the Department or its components consoli-*  
3           *dated their real property holdings or co-located*  
4           *with another entity within the Department.*

5           “(D) *A list of all certifications provided*  
6           *pursuant to subsection (d) and all such certifi-*  
7           *cations approved pursuant to paragraph (3) of*  
8           *this subsection.*

9           “(5) *INSPECTOR GENERAL REVIEW.—Not later*  
10          *than 120 days after the last day of the fifth fiscal*  
11          *year covered in each of the initial and second regional*  
12          *real property strategies developed in accordance with*  
13          *subsection (a), the Inspector General of the Depart-*  
14          *ment shall review the information submitted pursuant*  
15          *to paragraph (4) and issue findings regarding the ef-*  
16          *fectiveness of the implementation of the Department-*  
17          *wide policy and oversight efforts of the management*  
18          *of real property facilities, personal property, mobile*  
19          *assets, equipment and the Department’s other mate-*  
20          *rial resources as required under this section.”.*

21          “(b) *REPORTING.—The Secretary of Homeland Security*  
22          *shall submit to the Committee on Homeland Security of the*  
23          *House of Representatives and the Committee on Homeland*  
24          *Security and Governmental Affairs of the Senate copies of*  
25          *the regional strategies developed in accordance with section*

1 710(a) of the Homeland Security Act of 2002 (as added by  
2 subsection (a) of this section) not later than 90 days after  
3 the date of the development of each such strategy.

4 (c) CLERICAL AMENDMENT.—The table of contents in  
5 section 1(b) of the Homeland Security Act of 2002 is  
6 amended by inserting after the item relating to section 709  
7 the following new items:

“Sec. 710. Chief Facilities and Logistics Officer.

“Sec. 711. Long term real property strategies.”.

Union Calendar No. 125

115<sup>TH</sup> CONGRESS  
1<sup>ST</sup> Session

**H. R. 2190**

[Report No. 115-184]

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## **A BILL**

To amend the Homeland Security Act of 2002 to direct the Under Secretary for Management of the Department of Homeland Security to make certain improvements in managing the Department's real property portfolio, and for other purposes.

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JUNE 20, 2017

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed