

Suspend the Rules and Pass the Bill, H.R. 2190, With An Amendment

(The amendment strikes all after the enacting clause and inserts a new text)

115TH CONGRESS
1ST SESSION

H. R. 2190

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.

IN THE HOUSE OF REPRESENTATIVES

APRIL 27, 2017

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

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”.

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

2 (a) IN GENERAL.—Title VII of the Homeland Secu-
3 rity Act of 2002 (6 U.S.C. 341 et seq.) is amended by
4 adding at the end the following new sections:

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

6 “(a) IN GENERAL.—There is a Chief Facilities and
7 Logistics Officer of the Department who shall report di-
8 rectly to the Under Secretary for Management. The Chief
9 Facilities and Logistics Officer shall be career reserved for
10 a member of the senior executive service.

11 “(b) RESPONSIBILITIES.—The Chief Facilities and
12 Logistics Officer shall—

13 “(1) develop policies and procedures and pro-
14 vide program oversight to manage real property, fa-
15 cilities, personal property, mobile assets, equipment,
16 and other material resources of the Department;

17 “(2) manage and execute, in consultation with
18 the component heads, mission support services with-
19 in the National Capital Region for real property, fa-
20 cilities, and other common headquarters and field
21 activities for the Department; and

22 “(3) provide tactical and transactional services
23 for the Department, including transportation, facil-
24 ity operations, and maintenance.

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

26 “(a) IN GENERAL.—

1 “(1) FIRST STRATEGY.—Not later than 180
2 days after the date of the enactment of this section,
3 the Under Secretary for Management shall develop
4 an initial 5-year regional real property strategy for
5 the Department that covers the five fiscal years im-
6 mediately following such date of enactment. Such
7 strategy shall be geographically organized, as des-
8 ignated by the Under Secretary for Management.

9 “(2) SECOND STRATEGY.—Not later than the
10 first day of the fourth fiscal year covered by the first
11 strategy under paragraph (1), the Under Secretary
12 for Management shall develop a second 5-year real
13 property strategy for the Department that covers the
14 five fiscal years immediately following the conclusion
15 of such first strategy.

16 “(b) REQUIREMENTS.—

17 “(1) INITIAL STRATEGY.—The initial 5-year
18 strategy developed in accordance with paragraph (1)
19 of subsection (a) shall—

20 “(A) identify opportunities to consolidate
21 real property, optimize the usage of Federal as-
22 sets, and decrease the number of commercial
23 leases and square footage within the Depart-
24 ment’s real property portfolio;

1 “(B) provide alternate housing and consoli-
2 dation plans to increase efficiency through joint
3 use of Department spaces while decreasing the
4 cost of leased space;

5 “(C) concentrate on geographical areas
6 with a significant Department presence, as
7 identified by the Under Secretary for Manage-
8 ment;

9 “(D) examine the establishment of central
10 Department locations in each such geographical
11 region and the co-location of Department com-
12 ponents based on the mission sets and respon-
13 sibilities of such components;

14 “(E) identify opportunities to reduce over-
15 head costs through co-location or consolidation
16 of real property interests or mission support ac-
17 tivities, such as shared mail screening and proc-
18 essing, centralized transportation and shuttle
19 services, regional transit benefit programs, com-
20 mon contracting for custodial and other serv-
21 ices, and leveraging strategic sourcing contracts
22 and sharing of specialized facilities, such as
23 training facilities and resources;

24 “(F) manage the current Department
25 Workspace Standard for Office Space in accord-

1 ance with the Department office workspace de-
2 sign process to develop the most efficient and
3 effective spaces within the workspace standard
4 usable square foot ranges for all leased for of-
5 fice space entered into on or after the date of
6 the enactment of this section, including the re-
7 newal of any leases for office space existing as
8 of such date;

9 “(G) define, based on square footage, what
10 constitutes a major real property acquisition;

11 “(H) prioritize actions to be taken to im-
12 prove the operations and management of the
13 Department’s real property inventory, based on
14 life-cycle cost estimations, in consultation with
15 component heads; and

16 “(I) include any additional information de-
17 termined appropriate or relevant by the Under
18 Secretary for Management.

19 “(2) SECOND STRATEGY.—The second 5-year
20 strategy developed in accordance with paragraph (2)
21 of subsection (a) shall include information required
22 in subparagraphs (A), (B), (C), (E), (F), (G), (H),
23 and (I) of paragraph (1) and information on the ef-
24 fectiveness of implementation efforts pursuant to the

1 Department-wide policy required in accordance with
2 subsection (c), including—

3 “(A) the impact of such implementation on
4 departmental operations and costs; and

5 “(B) the degree to which the Department
6 established central Department locations and
7 co-located Department components pursuant to
8 the results of the examination required by sub-
9 paragraph (D) of paragraph (1).

10 “(c) IMPLEMENTATION POLICIES.—Not later than
11 90 days after the development of each of the regional real
12 property strategies developed in accordance with sub-
13 section (a), the Under Secretary for Management shall de-
14 velop or update, as applicable, a Department-wide policy
15 implementing such strategies.

16 “(d) CERTIFICATIONS.—Subject to subsection (g)(3),
17 the implementation policies developed pursuant to sub-
18 section (c) shall require component heads to certify to the
19 Under Secretary for Management that such heads have
20 complied with the requirements specified in subsection (b)
21 before making any major real property decision or rec-
22 ommendation, as defined by the Under Secretary, includ-
23 ing matters related to new leased space, renewing any ex-
24 isting leases, or agreeing to extend or newly occupy any
25 Federal space or new construction, in accordance with the

1 applicable regional real property strategy developed in ac-
2 cordance with subsection (a).

3 “(e) UNDERUTILIZED SPACE.—

4 “(1) IN GENERAL.—The implementing policies
5 developed pursuant to subsection (e) shall require
6 component heads, acting through regional property
7 managers under subsection (f), to annually report to
8 the Under Secretary for Management on underuti-
9 lized space and identify space that may be made
10 available for use, as applicable, by other components
11 or Federal agencies.

12 “(2) EXCEPTION.—The Under Secretary for
13 Management may grant an exception to the work-
14 space standard usable square foot ranges described
15 in subsection (b)(1)(F) for specific office locations at
16 which a reduction or elimination of otherwise under-
17 utilized space would negatively impact a component’s
18 ability to execute its mission based on readiness per-
19 formance measures or would increase the cost of
20 such space.

21 “(3) UNDERUTILIZED SPACE DEFINED.—In
22 this subsection, the term ‘underutilized space’ means
23 any space with respect to which utilization is greater
24 than the workplace standard usable square foot
25 ranges pursuant to subsection (b)(1)(F).

1 “(f) COMPONENT RESPONSIBILITIES.—

2 “(1) REGIONAL PROPERTY MANAGERS.—Each
3 component head shall identify a senior career em-
4 ployee of each such component for each geographic
5 region included in the regional real property strate-
6 gies developed in accordance with subsection (a) to
7 serve as each such component’s regional property
8 manager. Each such regional property manager shall
9 serve as a single point of contact for Department
10 headquarters and other Department components for
11 all real property matters relating to each such com-
12 ponent within the region in which each such compo-
13 nent is located, and provide data and any other sup-
14 port necessary for the DHS Regional Mission Sup-
15 port Coordinator strategic asset and portfolio plan-
16 ning and execution.

17 “(2) DATA.—Regional property managers
18 under paragraph (1) shall provide annually to the
19 Under Secretary for Management, via a standard-
20 ized and centralized system, data on each compo-
21 nent’s real property holdings, as specified by the Un-
22 dersecretary for Management, including relating to
23 underutilized space under subsection (e) (as such
24 term is defined in such subsection), total square
25 footage leased, annual cost, and total number of

1 staff, for each geographic region included in the re-
2 gional real property strategies developed in accord-
3 ance with subsection (a).

4 “(g) ONGOING OVERSIGHT.—

5 “(1) IN GENERAL.—The Under Secretary for
6 Management shall monitor components’ adherence to
7 the regional real property strategies developed in ac-
8 cordance with subsection (a) and the implementation
9 policies developed pursuant to subsection (c).

10 “(2) ANNUAL REVIEW.—The Under Secretary
11 for Management shall annually review the data sub-
12 mitted pursuant to subsection (f)(2) to ensure all
13 underutilized space (as such term is defined in sub-
14 section (e)) is properly identified.

15 “(3) CERTIFICATION REVIEW.—The Under Sec-
16 retary for Management shall review, and if appro-
17 priate, approve, component certifications under sub-
18 section (d) before such components may make any
19 major real property decision, including matters re-
20 lated to new leased space, renewing any existing
21 leases, or agreeing to extend or newly occupy any
22 Federal space or new construction, in accordance
23 with the applicable regional real property strategy
24 developed in accordance with subsection (a).

1 “(4) CONGRESSIONAL REPORTING.—The Under
2 Secretary for Management shall annually provide in-
3 formation to the Committee on Homeland Security
4 and Committee on Transportation and Infrastruc-
5 ture of the House of Representatives, the Committee
6 on Homeland Security and Governmental Affairs of
7 the Senate, and the Inspector General of the De-
8 partment on the Department’s real property port-
9 folio, including information relating to the following:

10 “(A) A summary of the Department’s real
11 property holdings in each region described in
12 the regional strategies developed in accordance
13 with subsection (a), and for each such property,
14 information including the total square footage
15 leased, the total cost, the total number of staff
16 at each such property, and the square foot per
17 person utilization rate for office space (and
18 whether or not such conforms with the work-
19 space standard usable square foot ranges estab-
20 lished pursuant to subsection (b)(1)(F)).

21 “(B) An accounting of all underutilized
22 space (as such term is defined in subsection
23 (e)).

24 “(C) An accounting of all instances in
25 which the Department or its components con-

1 solidated their real property holdings or co-lo-
2 cated with another entity within the Depart-
3 ment.

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

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

21 (b) REPORTING.—The Secretary of Homeland Secu-
22 rity shall submit to the Committee on Homeland Security
23 of the House of Representatives and the Committee on
24 Homeland Security and Governmental Affairs of the Sen-
25 ate copies of the regional strategies developed in accord-

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

5 (c) CLERICAL AMENDMENT.—The table of contents
6 in section 1(b) of the Homeland Security Act of 2002 is
7 amended by inserting after the item relating to section
8 709 the following new items:

“Sec. 710. Chief Facilities and Logistics Officer.

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