

117<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 7714

To amend title 40, United States Code, to establish requirements for outleasing certain Federal buildings, and for other purposes.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 10, 2022

Ms. TITUS (for herself and Mr. DEFAZIO) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure, and in addition to the Committee on Rules, 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

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## A BILL

To amend title 40, United States Code, to establish requirements for outleasing certain Federal buildings, 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 “Outlease Reform in  
5 Public Buildings Act” or the “OUR Public Buildings  
6 Act”.

1 **SEC. 2. OUTLEASING FEDERAL BUILDINGS.**

2 (a) IN GENERAL.—Subchapter V of chapter 5 of title  
3 40, United States Code, is amended by adding at the end  
4 the following:

5 **“§ 594. Outlease of Federal buildings**

6 “(a) REQUIREMENTS.—

7 “(1) IN GENERAL.—Not later than 180 days  
8 after the date of enactment of this section, the Ad-  
9 ministrator of General Services shall develop and re-  
10 quire the use of standard clauses to use in covered  
11 outlease agreements.

12 “(2) CONTENTS.—The covered outlease agree-  
13 ments shall contain a provision authorizing the Ad-  
14 ministrator and the inspector general of the General  
15 Services Administration to audit the covered  
16 outlease.

17 “(b) CONDITIONS ON COVERED OUTLEASES.—Any  
18 covered outlease agreement entered into by the Adminis-  
19 trator shall require the lessee to submit a form disclosing  
20 any foreign ownership interest in such covered outlease.

21 “(c) PROHIBITION ON CERTAIN OUTLEASES.—

22 “(1) IN GENERAL.—The Administrator may not  
23 enter into a covered outlease with the President of  
24 the United States, the Vice President of the United  
25 States, the head of an Executive agency, or a Mem-  
26 ber of Congress.

1           “(2) CERTIFICATION OF COVERED  
2 OUTLEASE.—The Administrator may only sign a  
3 covered outlease agreement if the Office of General  
4 Counsel of the General Services Administration has  
5 certified in writing that the lessor is not the Presi-  
6 dent of the United States, the Vice President of the  
7 United States, the head of an Executive agency, or  
8 a Member of Congress.

9           “(d) CONGRESSIONAL REVIEW.—

10           “(1) IN GENERAL.—Before a covered outlease  
11 takes effect, the Administrator shall submit to the  
12 Committee on Transportation and Infrastructure of  
13 the House of Representatives, the Committee on En-  
14 vironment and Public Works of the Senate, and  
15 Congress a copy of such covered outlease.

16           “(2) EFFECTIVE DATE OF OUTLEASE.—A cov-  
17 ered outlease submitted under paragraph (1) shall  
18 take effect on the latest of—

19           “(A) the date that is 180 days after the  
20 date on which a copy of a covered outlease is  
21 submitted under paragraph (1); or

22           “(B) if the Congress passes a joint resolu-  
23 tion of disapproval described in paragraph (4)  
24 relating to the covered outlease, and the Presi-

1           dent signs a veto of such resolution, the earlier  
2           date—

3                   “(i) on which either House of Con-  
4                   gress votes and fails to override the veto of  
5                   the President; or

6                   “(ii) occurring 30 session days after  
7                   the date on which the Congress received  
8                   the veto and objections of the President.

9           “(3)    CONGRESSIONAL    REJECTION    OF  
10           OUTLEASE.—Notwithstanding paragraph (2), a cov-  
11           ered outlease submitted under paragraph (1) shall  
12           not take effect if Congress enacts a joint resolution  
13           of disapproval of the covered outlease pursuant to  
14           paragraph (4) and such joint resolution is signed by  
15           the President.

16           “(4) DISAPPROVAL RESOLUTION.—

17                   “(A) IN GENERAL.—For purposes of this  
18                   subsection, the term ‘joint resolution’ means  
19                   only a joint resolution introduced in the period  
20                   beginning on the date on which a covered  
21                   outlease described in paragraph (1) is received  
22                   by the Committees described in such paragraph  
23                   and Congress and ending 60 days thereafter  
24                   (excluding days either House of Congress is ad-  
25                   journing for more than 3 days during a session

1 of Congress), the matter after the resolving  
2 clause of which is as follows: ‘That Congress  
3 disapproves the outlease submitted by the Ad-  
4 ministrator of General Services relating to the  
5 outlease of \_\_\_\_\_, and such outlease shall  
6 have no effect.’ (The blank spaces being appro-  
7 priately filled in).

8 “(B) REFERRAL OF JOINT RESOLUTION.—

9 A joint resolution described in subparagraph  
10 (A) shall be referred to the committees in each  
11 House of Congress with jurisdiction.

12 “(e) DEFINITIONS.—In this section:

13 “(1) BENEFICIAL OWNER.—The term ‘bene-  
14 ficial owner’ means each natural person who, di-  
15 rectly or indirectly, through any contract, arrange-  
16 ment, understanding, relationship, or otherwise—

17 “(A) exercises control over the building for  
18 which a covered outlease is entered into under  
19 this section; or

20 “(B) has a substantial interest in or re-  
21 ceives substantial economic benefits from the  
22 such building.

23 “(2) EXECUTIVE AGENCY.—The term ‘Execu-  
24 tive agency’ has the meaning given the term in sec-  
25 tion 101 of title 5, United States Code.

1           “(3) MEMBER OF CONGRESS.—The term ‘Mem-  
2           ber of Congress’ means a Member of the Senate or  
3           House of Representatives, a Delegate to the House  
4           of Representatives, and the Resident Commissioner  
5           from Puerto Rico.

6           “(4) COVERED OUTLEASE.—The term ‘covered  
7           outlease’ means a lease that—

8                   “(A) is for a public building that is at least  
9                   150,000 gross square feet;

10                   “(B) is entered into by the Administrator  
11                   of General Services and a private entity;

12                   “(C) for which the leased space totals at  
13                   least 51 percent of the usable square feet of the  
14                   building; and

15                   “(D) for which the term of the lease, in-  
16                   cluding options, is in excess of 5 years.”.

17           (b) CLERICAL AMENDMENT.—The analysis for chap-  
18           ter 5 of title 40, United States Code, is amended by insert-  
19           ing after the item relating to section 593 the following  
20           new item:

“594. Outlease of Federal buildings.”.

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