

110TH CONGRESS
1st SESSION

H.R. _____

IN THE HOUSE OF REPRESENTATIVES

M _____, _____ introduced the following bill; which was referred to
the Committee on _____

A BILL

To enhance the ability of the Administrator of General Services to deliver property
management and other services to the Federal government and for other purposes.

*Be it enacted by the Senate and House of Representatives of the United States of America
in Congress assembled,*

SEC. 1. SHORT TITLE

This Act may be cited as the "General Services Enhancement Act of 2008".

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

Sec. 1. Short title

Sec. 2. Table of contents

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- Sec. 202. Humanitarian Travel – Transportation Incident to Disaster or Other Catastrophic Events.
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TITLE I -- REAL AND PERSONAL PROPERTY MANAGEMENT REFORMS

SEC. 101. AMENDMENT TO THE PROSPECTUS REQUIREMENTS FOR ALTERATIONS.

(a) Section 3307(a) of title 40, United States Code, is amended—

- (1) by striking “, alter,”;
- (2) by striking “, except as provided in section 3305(b) of this title,”;
- (3) by re-designating paragraphs (2) and (3) as paragraphs (3) and (4);
- (4) by inserting after paragraph (1) the following new paragraph:

“(2) An appropriation to alter any public building, or part of a public building, if the cost of the alteration will exceed twice the amount referred to in paragraph (a)(1) as that amount has been or may be adjusted annually under subsection (h).”;

(5) by revising re-designated paragraph (3) to read as follows “An appropriation to lease any space for use for public purposes at an average annual rental in excess of the amount referred to in paragraph (a)(1) as that amount has been or may be adjusted annually under subsection (h).”; and

(6) by striking “\$750,000” and inserting in lieu thereof “one half of the amount referred to in paragraph (a)(1) as that amount has been or may be adjusted annually under subsection (h)”.

(b) Section 3307(g) of title 40, United States Code, is amended by striking "1,500,000" and inserting in lieu thereof "the amount referred to in paragraph (a)(1) as that amount has been or may be adjusted annually under subsection (h)".

(c) Section 3307(h) of title 40, United States Code, is amended

(1) by striking "any dollar amount referred to in this section" and inserting in lieu thereof "the dollar amount referred to in paragraph (a)(1) of this section"; and

(2) by inserting after "Commerce" the following: "or by a suitable alternative construction cost index".

(d) Section 3305 of title 40, United States Code, is amended in paragraph (b)(2) —

(1) by striking "(A)" before "Threshold amount";

(2) by striking "\$1,500,000" and inserting "twice the amount referred to in paragraph 3307(a)(1) as that amount has been or may be adjusted annually under 3307(h)"; and

(3) by striking subparagraph (2)(B) in its entirety.

SEC. 102. ENHANCED EMERGENCY LEASING AUTHORITY.

Section 3307(e) of title 40, United States Code, is amended to read as follows:

“(e) EMERGENCY LEASES BY THE ADMINISTRATOR—

“(1) IN GENERAL— Nothing in this section prevents the Administrator from entering into a lease required as a result of an emergency.

“(2) LEASE TERM— The term of a lease under this subsection shall be not more than 5 years, unless the prospectus for the lease, if required under subsection (a), has been approved.

“(3) REPORT— Not later than April 1 of each year, the Administrator shall submit 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 describing any lease entered into under this subsection during the preceding fiscal year.

“(4) DEFINITION.—As used in this section, the term “emergency” means a sudden, unexpected event that threatens either—

(A) the health and safety of occupants of space leased by the Administrator or a public building; or

(B) the structural integrity of space leased by the Administrator or a public building.”.

SEC. 103. STREAMLINING AND ENHANCING MANAGEMENT AND DISPOSAL OF PERSONAL PROPERTY.

(a) Section 503 of title 40, United States Code, is amended as follows --

(1) The sectional heading is amended to read as follows:

“§ 503. Exchange or sale of personal property --”.

(2) Subsection (a) is amended to read as follows:

“(a) Authority of executive agencies. – (1) In acquiring personal property or related services, or a combination thereof, an executive agency, under regulations prescribed pursuant to subsection (b), and subject to other applicable procurement regulations, may exchange or sell personal property and may apply the exchange allowance or proceeds of sale, in the case of a sale, in whole or in part payment for the acquisition of similar property or related services, or a combination thereof:

“(2) Expenses of sale of personal property under this section may be paid from the proceeds of sale.”.

(3) Subsection (b) is amended, in paragraph 3, to read as follows:

“(3) Section 3709 of Revised Statutes. – Sales transactions under subsection (a) shall be governed by section 545 of this title and shall be exempt from the provisions of section 3709 of the Revised Statutes (41 U.S.C. 5).”.

(b) CLERICAL AMENDMENT - The table of sections at the beginning of chapter 5 of subtitle I of title 40, United States Code, is amended by striking the item relating to section 503 and inserting the following:

"503. Exchange or sale of personal property."

(c) Section 521 of title 40, United States Code, is amended to read as follows:

"§ 521. Policies and methods

"Subject to section 523 of this title, in order to minimize expenditures for property, and to maximize the effective use of federal assets, the Administrator of General Services shall--

"(1) prescribe policies and methods to promote the effective management of property held by an agency.

"(2) prescribe policies and methods to promote the maximum use of excess property by executive agencies;

"(3) provide for the transfer of excess property--

"(A) among federal agencies; and

"(B) to the organizations specified in section 321(c)(2) of this title; and

"(4) prescribe policies for agencies to provide surplus personal property to State and local governments in any major disaster or emergency declared under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, Public Law 93-288, as amended. Transportation charges may be paid by the Administrator from otherwise available funds, including amounts in the Acquisition Services Fund."

(d) (1) Section 527 of title 40, United States Code, is amended to read as follows:

"§ 527. Abandonment, destruction, or other disposal of property

"The Administrator may authorize the abandonment or destruction, or the donation of property to a public body, or to an organization that is exempt from taxation under section 501 of the Internal Revenue Code of 1986 (26 U.S.C. 501), if --

- (1) the property has no commercial value, or
- (2) the estimated cost of continued care and handling exceeds the estimated proceeds from the sale of the property."

(2) CLERICAL AMENDMENT - The table of sections at the beginning of chapter 5 of title 40, United States Code, is amended by striking the item relating to section 527 and inserting the following:

"527. Abandonment, destruction, or other disposal of property".

(e) The Title to Section 529 of title 40, United States Code, is amended to read as follows:

"§ 529. Annual executive agency reports on personal property".

(f) Section 545 of title 40, United States Code, is amended as follows:

(1) In paragraph (b)(1), by striking "public interest --" and all that follows through "for a period" and inserting "public interest for a period";

(2) by striking subsections (b)(2), (b)(3), and (b)(5);

(3) by redesignating subsections (b)(4), (b)(6), (b)(7), (b)(8), and (b)(9) in order as subsections (b)(2) through (b)(6);

(4) by amending subsection (b)(6) (as so redesignated) to read as follows:

"(6) otherwise authorized by this chapter or other law or, with respect to personal property, the negotiated disposal is considered by the agency head to be advantageous to the Government.";

(5) in subsection (e)(1)(A)—

(A) by striking clause (i); and

(B) by redesignating clauses (ii) through (v) in order as clauses (i) through (iv);

(6) in subsection (e)(1)(B), by striking "personal property under subsection (d), or for a disposal of real or personal property" and inserting "real property"; and

(7) by striking subsection (e)(3) in its entirety.

(g) Section 549 of title 40, United States Code, is amended as follows:

(1) In subsection (c), by striking paragraph (4);

(2) by striking subsection (d), and redesignating subsections (e) and (f) in order as subsections (d) and (e); and

(3) subsection (c)(3) is amended—

(A) in subparagraph (A), by striking "or" after the semicolon at the end;

(B) in subparagraph (B)—

(i) by striking clause (ii);

(ii) in clause (iv), by striking "a school for the mentally retarded or physically handicapped" and inserting "a school for persons with mental or physical disabilities";

(iii) in clause (viii), by striking "or" after the semicolon at the end;

(iv) in clause (ix), by striking the period at the end and inserting "or";

(v) by redesignating clauses (iii) through (ix) in order as clauses (ii) through (viii); and

(vi) by adding a new clause (ix) to read as follows:

"(ix) educational activities identified by the Secretary of Defense as being of special interest to the Armed Services; or";

(C) by adding at the end the following:

"(C) to a nonprofit institution or organization that is exempt from taxation under 26 U.S.C. 501 and that has for its primary function the provision of food, shelter, or other necessities to homeless individuals or to families or individuals whose annual incomes are below the poverty line (as that term is defined in section 673 of the Community Services Block Grant Act (42 U.S.C. 9902)) for use in assisting the poor and homeless."

TITLE II – TRAVEL RELATED REFORMS

SEC. 201. MERITORIOUS CLAIMS – AUTHORITY TO SETTLE CIVILIAN TRAVEL AND RELOCATION CLAIMS

(a) Section 3702 of title 31, United States Code, is amended by deleting subsection (d) and inserting in lieu thereof new paragraphs (d)(1) and (d)(2) as follows:

“(d)(1) The officials responsible under subsections (a) (1), (2), and (4) for settling claims shall report to Congress on a claim against the Government that is timely presented under this section that may not be adjusted by using an existing appropriation, and that the official believes Congress should consider for equitable reasons. The report shall include recommendations of the official.

"(2)(A) Where the Administrator of General Services has determined that a timely presented claim under (a)(3) above may not be adjusted by using an existing appropriation, the Administrator may, upon the request of the head of the agency making the claim, waive any limitations in Subchapters I or II of Chapter 57 of title 5 of the United States Code that would otherwise prohibit payment of the claim where the Administrator determines that the claim should be paid for equitable

reasons. The Administrator shall establish procedures under which such requests may be made.

"(B) Payment of a claim under subparagraph (2)(A) shall be made by the employing agency from an appropriation that is available for the fiscal year in which the claim is settled, for the same purpose as the appropriation to which the obligation claimed would have been charged if the obligation had been timely paid."

(b) Effective Date --The amendments made by this section shall apply to claims filed on or after the date of enactment of this Act.

SEC. 202. HUMANITARIAN TRAVEL - TRANSPORTATION INCIDENT TO DISASTER OR OTHER CATASTROPHIC EVENTS

(a) Payment of Humanitarian Travel Expenses Involving Civilian Employees

-- Section 5702 of title 5, United States Code, is amended—

(1) in subsection (b), by adding at the end the following new paragraph:

"(4) Under regulations prescribed pursuant to section 5707 of this title, funds available to an agency may be used to pay the travel expenses of no more than three immediate family members and three agency representatives to support the needs of an employee described in paragraphs (1)(A) or (3) of this subsection.";

(2) by redesignating subsection (c) as subsection (d); and

(3) by inserting after subsection (b) the following new subsection (c):

"(c) Under regulations prescribed pursuant to section 5707 of this title, if an employee is in a travel status, away from the employee's permanent duty station, and is involved in a disaster or other catastrophic event, the funds of an agency may be used to

pay the travel expenses of no more than three members of the immediate family of the employee, and of no more than three agency representatives to and from —

"(1) the site of such disaster or other catastrophic event;

"(2) the site of a memorial service related to such disaster or other catastrophic event; and

"(3) any other location as determined by the head of the agency concerned or the agency head's designee."

(b) Transportation Incident to Disaster or Other Catastrophic Events

Involving Uniformed Service Members -- (1) IN GENERAL.—Chapter 7 of title 37, United States Codes, is amended by inserting after section 411j the following new section:

"§ 411k. Travel and transportation allowances: transportation incident to disaster or other catastrophic events

"(a) Under regulations prescribed by the Secretaries concerned, the funds of an agency may be used to pay travel and transportation allowances to a member of the uniformed services who is involved in a disaster or other catastrophic event, in a travel status, away from the member's permanent duty station, to no more than three family members of the uniformed service member, and to no more than three agency representatives to and from —

"(1) the site of such disaster or other catastrophic event;

"(2) the site of a memorial service related to such disaster or other catastrophic event; and

"(3) any other location as determined by the Secretary concerned, or such Secretary's designee.

"(b) In this section, the term 'family member' has the meaning given such term in section 411h(b) of this title."

(2) CONFORMING AMENDMENT.—Section 411h (a)(1) of such title is amended by striking "transportation described in subsection (c)" and inserting "transportation allowances".

(3) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 411j the following new item:

"411k. Travel and transportation allowances: transportation incident to disaster or other catastrophic events."

(c) Travel Incident to Disasters or Other Catastrophic Events Involving Members of the Foreign Service -- Section 4081 of title 22, United States Code, is amended --

(1) in paragraph 14 by striking the "and" at the end thereof;

(2) in paragraph 15 by striking the period at the end of subsection (B) and inserting "; and"; and

(3) by adding the following new paragraph (16) –

"(16) travel by a member of the Service who is involved in a disaster or other catastrophic event while assigned abroad or in travel status away from the member's permanent duty station, by no more than three family members of the member of the Service, and by agency representatives to and from --

“(A) the site of such disaster or other catastrophic event;

“(B) the site of a memorial service related to such disaster or other catastrophic event; and

“(C) any other location as determined by the Secretary, or the Secretary's designee.”.

(d) **Effective Date** -- The amendments made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 203. EXTENSION OF TRAVEL EXPENSES TEST PROGRAMS FOR FEDERAL WORKERS.

(a) In General--Section 5710 of title 5, United States Code, is amended—

(1) in subsection (a)(1), by striking “for a period not to exceed 24 months”; and

(2) in subsection (e) by striking “7 years” and inserting “16 years”.

(b) **Effective Date** --The amendments made by this section shall take effect as though enacted as part of the Travel and Transportation Reform Act of 1998 (Public Law 105-264; 112 Stat. 2350).

SEC. 204. MILEAGE REIMBURSEMENT FOR PRIVATELY OWNED VEHICLES (POVs)

(a) Section 5704 of title 5, United States Code, is amended in subsection (a)(1) by replacing the words “not exceed” with the word “equal”.

(b) Section 5707 of title 5, United States Code, is amended in subsection (b) by---

(1) replacing (1)(A) with the following:

“(1)(A) The Administrator of General Services, in consultation with the Secretary of Transportation, the Secretary of Defense, and representatives of organizations of employees of the Government, shall conduct periodic

investigations of the costs of travel and the operation of privately owned airplanes and privately owned motorcycles to employees while engaged on official business, and shall report the results of such investigations to Congress upon the request of either House.”;

(2) replacing (2)(A)(i) with the following:

“(i) shall prescribe a mileage reimbursement rate for privately owned automobiles which equals, as provided in section 5704(a)(1) of this title, the single standard mileage rate established by the Internal Revenue Service, and”;

(3) deleting the word "half" before the word "cent" in subparagraph (2)(B).

(c) Effective Date --The amendments made by this section shall take effect on the date of enactment of this Act.

SEC. 205. TRAVEL COST REPORTING

(a) Section 5707(c) of title 5, United States Code is amended by replacing the current subparagraph (c) with the following:

"(c) The Administrator of General Services shall annually submit to the Director of the Office of Management and Budget an analysis of agency actual expenditures for travel and transportation of people.

"(1) The following agencies shall be required to submit data annually to the Administrator in support of this analysis: the Departments of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Homeland Security, Housing and Urban Development, Interior, Justice, Labor, State, Transportation, Treasury, and Veterans Affairs; Environmental Protection Agency; National Aeronautics and Space Administration; Agency for International Development; General Services Administration; National Science Foundation; Nuclear Regulatory Commission; Office

of Personnel Management; Small Business Administration; and the Social Security Administration.

"(2) The Administrator of General Services shall establish the data elements, format, and due dates for the data that the agencies are required to submit.

"(3) The data elements that the agencies must submit include, but are not limited to, average costs per trip, average duration, and purposes of trips.

"(4) The agencies specified in subparagraph (1) above shall designate a senior executive of the agency who will be responsible for managing the agency's travel program and its compliance with all applicable travel regulations."

SEC. 206. RELOCATION ALLOWANCES

(a) Travel and Transportation Expense; New Appointees, Student Trainees, and Transferred Employees –

Section 5721 of title 5, United States Code, is amended—

(1) in paragraph (3) by striking "several" and inserting "48" and by striking the comma after "Columbia", and by striking "but does not include Alaska and Hawaii"; and

(2) in paragraph (6) by striking "several" and inserting "50" and by inserting after the Northern Mariana Islands "Guam, American Samoa, the U.S. Virgin Islands, and", and by striking ", and the areas and installations in the Republic of Panama that are made available to the United States pursuant to the Panama Canal Treaty of 1977 and related agreements (as described in section 3(a) of the Panama Canal Act of 1979)".

(b) Travel and transportation expenses of new appointees; posts of duty outside the continental United States – Section 5722 of title 5, United States Code, is amended --

(1) in subsection 5722(a) by --

(A) striking "subsections (b) and (c)" and by inserting in lieu thereof "subsection (b)"; and

(B) revising (a)(1) to read as follows:

"(1) a per diem allowance or the actual subsistence expenses, or a combination thereof, of the new appointee and the immediate family of the new appointee for en route travel, the travel expenses of a new appointee, and transportation expenses of the new appointee's immediate family and that appointee's household goods and personal effects from the place of actual residence at the time of appointment to the place of employment outside the continental United States;" and

(2) striking subsection 5722(c) in its entirety; and

(3) redesignating subsection (d) as (c).

(c) Travel and transportation expenses of new appointees and student trainees -- Section 5723 of title 5, United States Code, is revised in subsection (a) as follows --

(1) in paragraph (1) by inserting "and transportation" after "travel";

(2) in paragraph (2) by inserting after "transportation expenses" the following: "and en route per diem";

(3) in paragraph (2) by striking "and" from the end thereof;

(4) by adding new paragraphs (a)(4) through (a)(6) before "from his place of residence":

"(4) as a recruitment incentive, one, a combination of, or all, of the relocation expenses to the extent authorized in section 5724a of this title;

"(5) taxes on reimbursements for travel, transportation, and relocation expenses as authorized by section 5724b of this title; and

"(6) relocation services expenses as authorized by section 5724c of this title;"

(d) Travel and transportation expenses of employees transferred;

advancement of funds -- Section 5724 of title 5, United States Code, is revised as follows

(1) in the section's heading by striking "**reimbursement on commuted basis**";

(2) in subsection 5724(a)(1) by striking ", or a commutation thereof";

(3) in subsection 5724(a)(3) by striking "eighteen thousand" and inserting "18,000";

(4) in subsection 5724(c) --

(i) by inserting a period after "the continental United States" and striking the remainder of the subsection; and

(ii) by inserting after "the continental United States" but before the period the following: "is entitled to the transportation, packing, crating, drayage, temporarily storing, and unpacking of household goods and personal effects, or reimbursement of actual cost not to exceed what the Government would have incurred, within the weight allowances listed in section 5724(a)(2)."; and

(5) by adding a new subsection (k) to read as follows:

"(k) Under regulations prescribed under section 5738 of this title, an employee who relocates may be authorized the shipment of professional books, papers and equipment, consumable goods and unaccompanied air baggage as prescribed in the following subsections:

"(1) the expenses of transporting, packing, crating, temporarily storing, draying, and unpacking professional books, papers, and equipment; not subject

to the limitations under (a) (2); but as an administrative expense to the agency, within or outside the continental United States;

"(2) the expenses of transporting, packing, crating, temporarily storing, draying, and unpacking a consumable goods shipment to outside the continental United States areas in accordance with U.S. Department of State guidelines; not subject to the limitations under (a) (2); but as an administrative expense to the agency; and

"(3) the expense of transporting, packing and unpacking unaccompanied air baggage, as a separate shipment, outside the continental United States, not to exceed the weight limitation prescribed by the Administrator of General Services, and subject to the limitations under (a) (2)."

(e) Relocation expenses of employees transferred or reemployed – Section 5724a of title 5, United States Code, is amended as follows –

(1) in subsection (b)

(i) by striking “spouse” and inserting “immediate family” in subparagraph

(1)(A); and

(ii) by amending paragraph (2) to read as follows: "(2) Expenses not to exceed the constructive cost of transportation and per diem may be allowed under paragraph (1) for any member of an employee's immediate family that would require dependent care if they did not or could not accompany the employee on the househunting trip. The term "dependent care" means necessary care provided to a minor child or adult immediate family member who permanently resides with the employee and who would require, for medical or other reasons, full or part time care or supervision during the

absence of the employee from their current duty station. These expenses are not authorized if the family member is already receiving or will receive dependent care unrelated to the employee's househunting trip. Expenses may be allowed under paragraph (1) only for one round trip in connection with each change of station of the employee.";

(2) in subparagraph (c)(1)(A) by striking "60" and inserting "30";

(3) in subparagraph (c)(2) by striking "60" and inserting "30";

(4) in subsection (c) by redesignating subparagraph (3) as (4) and by adding the following new subparagraph (3):

"(3) In the event of a natural disaster or catastrophic event, the Administrator of General Services, by issuance of a Governmentwide announcement, may extend the period of temporary quarters in increments of up to 60 days at a time if warranted.";

(5) in subsection (d) by adding the following new sentence to the end of paragraph (1): "In those locations where it is customary for a rental finder's fee to be paid by the employee to secure housing, such fee shall be reimbursed to the employee, not to exceed an amount customarily charged in the locality where the residence is located.";

and

(6) in subsection (f) by striking entire paragraph (f)(1), and inserting the following new paragraph (1): "(f)(1) Under regulations prescribed under section 5738 and subject to paragraph (2), an employee who is reimbursed under subsections (a) through (e) of this section or section 5724(a) of this title is entitled to an amount for miscellaneous expenses, not to exceed a one time fixed amount determined by the Administrator of

General Services or the Administrator's designee, based on a biennial analysis of private industry best practices."

(f) Taxes on reimbursements for travel, transportation, and relocation expenses of employees transferred -- 5724b of title 5, United States Code, is amended in subsection (a) by inserting after the word "income" the phrase "and employment" whenever it appears.

(g) Relocation services -- Sec. 5724c of title 5, United States Code, is amended to read as follows:

"(a) Under regulations prescribed under section 5738 of this title, each agency may enter into contracts to provide relocation services to agencies and employees for the purpose of carrying out this subchapter. An agency may pay a fee for such services. Such services include arranging for the purchase of a transferred employee's residence and employment finding assistance for the employee's spouse at the new duty station.

"(b) Notwithstanding the provisions of § 5724a(d), when an employee is authorized to enter into a home-sale program offered by the agency's relocation service contractor for the sale of the employees' residence and the conditions of the contract and implementing regulations are met, employees and agencies shall make maximum use of the least costly home-sale program offered by the relocation services contractor. The following options, in terms of preference, are: 1) buyer value; or 2) amended sales; 3) appraised value; or 4) direct reimbursement when the residence does not qualify for admission in the home-sale program. The Administrator of General Services, by regulation, may add to, subtract from, or change the order of this list to meet the changing environment and market conditions affecting home sales and purchases."

(h) Storage expenses; household goods, personal effects, and privately owned vehicle – Section 5726 of title 5, United States Code, is amended as follows ---

(1) in the section's heading, by striking “and” after "goods"; by inserting a comma before "personal"; and by adding ", and privately owned vehicle” after "effects";

(2) in subsection (a) by striking “and” after "goods"; by inserting a comma before "personal"; by adding ", and privately owned vehicle” after "effects"; and by striking after the word "stored" the phrase ", including, in emergencies, motor vehicles authorized to be shipped”;

(3) by striking paragraph (b) through "when –" and inserting in lieu thereof the following:

"(b) Under regulations prescribed under section 5738 of this title, an employee, including a new appointee and a student trainee to the extent authorized by sections 5722 and 5737 assigned to a permanent or temporary change of duty station outside the continental United States may be allowed storage expenses and related transportation and other expenses for his household goods, personal effects, and one privately owned vehicle when -- ”;

(4) in subsection (b), paragraph (1), by striking “and” after "goods"; by inserting a comma before "personal"; and by adding ", and a privately owned vehicle” after "effects";

(5) in subsection (b), paragraph (2), by striking “and” after "goods"; by inserting a comma before "personal"; and by adding ", and a privately owned vehicle” after "effects"; and

(6) in the final sentence of subsection (b) by striking the word "motor" and inserting "privately owned" in its place.

(i) Transportation of motor vehicles – 5727 of title 5, United States Code, is amended as follows ---

(1) in subsection (b), in paragraph (2), by replacing "motor vehicle" with "privately owned vehicle";

(2) in subsection (d) by replacing "motor vehicle" with "privately owned vehicle" wherever it appears;

(3) by redesignating subsection (f) as (h) and adding the following new subsections (f) and (g):

"(f) When the head of the agency authorizes transportation of a privately owned vehicle under subsection (b) or (c) of this section, one rental vehicle may be authorized for use by the employee or a member of the employee's immediate family while awaiting delivery of his/her privately owned vehicle.

"(g) Under regulations prescribed under section 5738 of this title, the privately owned motor vehicle of an employee, including a new appointee or a student trainee for whom travel and transportation expenses are authorized under section 5722 and 5737 of this title, may be stored at Government expense when that individual is assigned to a new official station to which the shipment of such vehicle is prohibited by the host country or is impracticable for the duration of the permanent or temporary change of station assignment."

(j) Relocation expenses of an employee who is performing an extended assignment – 5737 of title 5, United States Code, is amended as follows ---

(1) in subsection (a), paragraph (8), by inserting after the word "income" the phrase "and employment"; and

(2) in subsection (a) by adding a new paragraph (11) as follows: "(11) Storage of one privately owned vehicle in accordance with section 5726 of this title."

(k) Regulations – 5738 of title 5, United States Code, is amended in subsection (a) by adding the following new paragraphs (3) through (8) ---

"(3) The Administrator of General Services shall annually submit to the Director of the Office of Management and Budget an analysis of agency expenditures for relocation expenses reimbursed under this Subchapter.

"(4) The following agencies shall be required to submit data annually to the Administrator in support of this analysis: the Departments of Agriculture, Commerce, Defense, Education, Energy, Health and Human Services, Homeland Security, Housing and Urban Development, Interior, Justice, Labor, State, Transportation, Treasury, and Veterans Affairs; Environmental Protection Agency; National Aeronautics and Space Administration; Agency for International Development; General Services Administration; National Science Foundation; Nuclear Regulatory Commission; Office of Personnel Management; Small Business Administration; and the Social Security Administration.

"(5) The Administrator of General Services shall establish the data elements, format, and due dates for the data that the agencies are required to submit.

"(6) The data elements that the agencies must submit will include, but are not limited to, average cost per relocation (including all direct expenses related to relocation),

average time from initiation to final accounting for relocations, and average cost of househunting trips.

"(7) Each agency shall use an automated system, encompassing all aspects of relocation, to manage relocation processes and to track relocation costs. The Administrator of General Services shall provide regulations and non-regulatory guidance to assist agencies in meeting this requirement.

"(8) Each agency shall designate a senior executive who will be responsible for agency compliance with applicable relocation regulations and the adoption of an automated relocation management system. For the agencies listed in paragraph (4) above, this designated senior official shall also be responsible for certifying and submitting the data elements and other information required by the Administrator of General Services under this subsection."

(l) -- Authority for relocation expenses test programs – Section 5739 of title 5, United States Code, is amended by striking subsections (d) and (e) in their entirety.

(m) -- Effective Date -- The amendments made by this section shall take effect 180 days after the date of enactment of this Act.

SEC. 207. AMENDMENT FOR TEMPORARY DUTY LODGING

Section 5911 of title 5, United States Code, is amended in subsection (e) by adding at the end the following new sentence: "The preceding sentence shall not apply with respect to lodging reimbursed under chapter 57 of this title."

TITLE III – – OTHER AUTHORITY ENHANCEMENTS

Sec. 301. ACCEPTANCE OF UNCONDITIONAL AND CONDITIONAL GIFTS.

(a) IN GENERAL.—Section 3175 of title 40, United States Code, is amended to read as follows:

"§ 3175. Acceptance of Unconditional and Conditional Gifts.

"(a) ACCEPTANCE OF UNCONDITIONAL GIFTS.—The Administrator of General Services is authorized to accept, hold, administer, and utilize unconditional gifts, donations, bequests, or devises of property, including cash, or services on behalf of the Federal Government in aid of any project or function under the Administrator's jurisdiction.

"(b) ACCEPTANCE OF CONDITIONAL GIFTS.—The Administrator is authorized, on behalf of the Federal Government, to accept a gift or grant of property, including cash, or services that is made subject to conditions on its use or acceptance, and may apply for, accept and use the property or services in accordance with those conditions, provided that the Administrator first makes a written determination that—

"(1) acceptance of the gift or grant is in the best interest of the United States and the General Services Administration;

"(2) acceptance of the gift or grant does not create a conflict of interest or the appearance of impropriety;

"(3) any conditions of the gift or grant can be fulfilled under the Administrator's existing authorities and would not cause a hardship on any program or project of the Administration; and

"(4) appropriations are available for any expenditures necessary to fulfill any such conditions and that agency appropriations will not be committed in such a way as to exceed the amounts appropriated or apportioned for such purposes.

"(c) IMPERMISSIBLE CONDITIONS.—No gift may be accepted that attaches conditions inconsistent with applicable laws or regulations.

"(d) GRANT APPLICATION COSTS.—If the Administrator determines that a particular grant or conditional gift will facilitate the accomplishment of the Administration's mission, the costs incurred in the preparation of the applicable grant application or in fulfilling a particular condition of a conditional gift shall be considered a necessary expense of the Administration's appropriations.

“(e) AVAILABILITY OF AMOUNTS IN THE GSA GIFT FUND.—Any gift or grant of money accepted pursuant to the authority granted in this section, or the net proceeds from the liquidation of any property so accepted, shall be deposited in the Gift Fund of the Administration and, subject to the requirements of section 1512 of title 31, United States Code, shall be available for obligation as the Administrator deems necessary in aid of any project or function of the Administration, and in accordance with any conditions applicable to the funds.

“(f) REPORT ON USES OF CONDITIONAL AND UNCONDITIONAL GIFTS. — No later than 60 days after the end of any fiscal year in which the Administrator accepts or uses any conditional or unconditional gift under this section, the Administrator shall submit to the appropriate authorizing and appropriating committees of the United States Senate and House of Representatives a report detailing the gifts accepted by the Administrator and any conditions surrounding the acceptance of such gifts, and how those gifts were used during the fiscal year.”.

(b) AMENDMENT TO TABLE OF SECTIONS.—The table of sections at the beginning of chapter 31 of title 40, United States Code, is amended by redesignating the item relating to section 3175 “Acceptance of Unconditional and Conditional Gifts.”.

SEC. 302. ENHANCED CHILD CARE SERVICES FOR FEDERAL EMPLOYEES.

(a) Section 590 of title 40, United States Code, 116 Stat. 16, is amended as follows --

(1) in subsection (b)(1) by adding at the end thereof the following:

“(C) Onsite Federal Contractors.-- The term "onsite Federal contractors" means persons, organizations, or companies that by virtue of a Federal contract, grant or cooperative agreement they perform for the Federal government, are required to occupy or work in the same building or facility as the Federal employees serviced by the child care center.”;

(2) in subsection (b)(2)(C) which is amended to read as follows:

“(C) the allotment officer determines that --

"(i) the space will be used to provide child care services to children who have one parent or guardian employed by the Government, or by an onsite federal contractor; and

"(ii) the child care provider will give first priority to federal employees, and then onsite Federal contractors, for available child care services in the space; and

"(iii) at least 50 percent of aggregate enrollment agency wide in centers are children of government employees or onsite Federal contractors. Providers of child care services at individual centers shall maintain the same percentage as a goal for enrollment at the center. If enrollment at a center does not meet the percentage goal, the provider shall develop and implement a business plan in consultation with the sponsoring Federal agency to achieve the goal within a reasonable timeframe.";

(3) in subsection (c)--

(A) in paragraph (1) by inserting the words "cleaning that is appropriate for a child care center," before "office furniture"; and

(B) in paragraph (3) by inserting "the Federal Buildings Fund," before "the miscellaneous receipts or other appropriate account of the Treasury";

(4) in subsection (d) by amending paragraph (3) to read as follows:

"(3) enter into an agreement with one or more private entities under which the private entities assist in defraying the general operating expenses of the child care provider including, but not limited to, salaries or tuition assistance programs at the facility.";

(5) in subsection (d)(2) by inserting "registration fees," before the word "travel";
and

(6) in subsection (e) by inserting "the cost of training programs, including registration fees, and" before the word "travel".

(b) Section 590 of title 40, United States Code, is further amended by adding at the end thereof the following new subsection:

"(h) AGREEMENT WITH NON-FEDERAL CENTERS - (1) Notwithstanding any other provision of law, if a Federal agency does not have a child care program that fulfills the needs of the agency, or if the General Services Administration has identified a need for child care for Federal employees which does not meet the requirements of subsection (b) above, the agency or GSA may enter into an agreement with a non-Federal, licensed child care facility, or a planned child care facility that will become licensed, for the provision of child care services for children of Federal employees and onsite Federal contractors .

"(2) Before entering into an agreement, the head of the Federal agency shall determine that child care services to be provided through the agreement are more cost-effectively provided through the agreement than through establishment of a Federal child care facility.

"(3) In an agreement referred to in paragraph (1) above, the agency may provide any of the services described in subsections (c)(1),(d)(1),(d)(2), or (e), or assistance in conducting a criminal history background check as required in subsection (f), if, in exchange for the services, the facility reserves child care spaces for children referred to in subsection (b)(2)(C)(i), as agreed to by the parties. The cost of any such services

provided by an agency to a child care facility on behalf of another Federal agency shall be reimbursed by the agency on whose behalf the services were provided."

(c) Section 590 of title 40, United States Code, is further amended by adding at the end thereof the following new subsection:

"(i) PILOT PROJECTS- Upon approval of the agency head, an agency may conduct, by contract or otherwise, pilot projects to test innovative approaches to provide quality child care assistance for Federal employees. A pilot program may last no longer than 2 years, but may be renewed at the agency's discretion for up to 2 additional years. A written evaluation of the pilot project will be completed within 6 months after the end of the initial 2 year period. If, upon review, the agency head deems the pilot project to be an effective approach to providing quality child care for Federal employees, the agency may continue to sponsor the program. If the project is not a effective approach to providing child care, the agency must give the project sponsors and users of the pilot program sufficient notice before the agency ceases to support the project. Before any pilot project may be implemented, a determination must be made by the agency head that the pilot project will cost less than establishing a new child care facility."

SEC. 303. CLEAN AIR ACT INCENTIVE REPORTING REVISION.

Section 7905 of title 5, United States Code, is amended in subsection (d) as follows –

- (a) in paragraph (1) insert "and" after "section;"
- (b) in paragraph (2) delete "; and" and insert a period in lieu thereof; and
- (c) delete paragraph (3) in its entirety.

SEC. 304. ENHANCED CONTRACTING AUTHORITY FOR RENEWABLE ENERGY.

Section 501(b)(1) of title 40, United States Code, is amended to read as follows:

“(B) PUBLIC UTILITY CONTRACTS.—

“(i) IN GENERAL.—A contract for public utility services may be made for a period of not more than 10 years.

“(ii) RENEWABLE ENERGY CONTRACTS.—A contract for renewable energy may be made for a period of not more than 20 years.

“(iii) DEFINITIONS.—In this paragraph:

“(I) PUBLIC UTILITY SERVICES.—The term “public utility services” means generation, transmission, distribution or other services directly used in providing public utility services.

“(II) RENEWABLE ENERGY.—The term “renewable energy” means electric energy generated from solar, wind, biomass, landfill gas, ocean (including tidal, wave, current, and thermal), geothermal, municipal solid waste, or new hydroelectric generation capacity achieved from increased efficiency, or additional new capacity at an existing hydroelectric project.”.