

118TH CONGRESS
2D SESSION

H. R. 6276

IN THE SENATE OF THE UNITED STATES

MARCH 14, 2024

Received; read twice and referred to the Committee on Environment and
Public Works

AN ACT

To authorize the Administrator of General Services and the Director of the Office of Management and Budget to identify the utilization rate of certain public buildings and federally- leased space, 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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Utilizing Space Effi-
3 ciently and Improving Technologies Act of 2023” or the
4 “USE IT Act of 2023”.

5 **SEC. 2. DEFINITIONS.**

6 (a) IN GENERAL.—In this Act:

7 (1) ACTUAL UTILIZATION RATE.—The term
8 “actual utilization rate” means the total usable
9 square footage of a public building or federally-
10 leased space divided by the occupancy.

11 (2) ADMINISTRATOR.—The term “Adminis-
12 trator” means the Administrator of General Serv-
13 ices.

14 (3) BUILDING UTILIZATION.—The term “build-
15 ing utilization” means the percentage of utilization
16 generated by comparing the actual utilization rate
17 with the capacity based on a utilization benchmark
18 of 150 useable square feet per person.

19 (4) CAPACITY.—The term “capacity” means the
20 total usable square footage of a public building or
21 federally-leased space divided by a utilization bench-
22 mark.

23 (5) DIRECTOR.—The term “Director” means
24 the Director of the Office of Management and Budg-
25 et.

1 (6) FEDERAL AGENCY.—The term “Federal
2 agency” means an executive department covered by
3 the CFO Act of 1990 (Public Law 101–576).

4 (7) OCCUPANCY.—The term “occupancy”
5 means the total number of employees actually per-
6 forming duties in person in a public building or fed-
7 erally-leased space 40 hours per week regardless of
8 work arrangements.

9 **SEC. 3. IDENTIFICATION AND DEPLOYMENT OF BUILDING**
10 **USAGE TECHNOLOGY.**

11 (a) IN GENERAL.—Not later than 60 days after the
12 date of enactment of this Act, the Administrator, in co-
13 ordination with the Director, shall establish standard
14 methodologies and identify technologies available for
15 measuring occupancy in public buildings and federally-
16 leased space.

17 (b) MEASUREMENT OF UTILIZATION.—Not later
18 than 180 days after the date of enactment of this Act,
19 the heads of Federal agencies shall work with the Admin-
20 istrator to identify, deploy, and use sensors, Personal
21 Identity Verification badge swipe data isolating only the
22 first credential use of the day for each cardholder, and
23 other technologies in public buildings and federally-leased
24 space, where the Federal agency occupies space to meas-
25 ure the occupancy of public buildings and leased space.

1 (c) PROTECTION OF PERSONALLY IDENTIFIABLE IN-
2 FORMATION.—In carrying out subsection (b), the Admin-
3 istrator shall ensure any sensors used for the purposes of
4 determining occupancy are designed to protect of all per-
5 sonally identifiable information.

6 **SEC. 4. REPORTING ON USAGE OF REAL PROPERTY.**

7 (a) IN GENERAL.—Not later than 1 year after the
8 date of enactment of this Act, and annually thereafter,
9 the heads of Federal agencies shall submit to the Director,
10 the Administrator, the Committee on Transportation and
11 Infrastructure of the House of Representatives, the Com-
12 mittee on Environment and Public Works of the Senate,
13 and the Committees on Appropriations of the House of
14 Representatives and the Senate a report on—

15 (1) the occupancy and the actual utilization
16 rates of space in public buildings and federally-
17 leased space occupied by the respective agency of the
18 Federal agency head broken down by building and
19 lease;

20 (2) the methodology used for determining occu-
21 pancy, including the period of time and other pa-
22 rameters used to determine occupancy on a regular
23 basis;

24 (3) the utilization percentage of each public
25 building and federally-leased space by the respective

1 agency of the Federal agency head, comparing the
2 capacity to the actual utilization rate based on a uti-
3 lization benchmark of 150 usable square feet per
4 person; and

5 (4) any costs associated with capacity that ex-
6 ceeds occupancy with respect to the respective agen-
7 cy of the Federal agency head.

8 (b) PUBLISHING REQUIREMENT.—

9 (1) IN GENERAL.—Except as provided in para-
10 graph (2), the heads of Federal agencies shall make
11 each report required under subsection (a) available
12 on a publicly accessible website of the General Serv-
13 ices Administration.

14 (2) EXCEPTION.—The publishing requirements
15 of paragraph (1) shall not apply if the head of the
16 respective Federal agency makes a determination
17 that making the report required under subsection
18 (a) available on a publicly accessible website would
19 be detrimental to national security.

20 **SEC. 5. REDUCING UNNEEDED SPACE.**

21 (a) TARGET UTILIZATION METRICS.—Not later than
22 1 year after the date of enactment of this Act, and annu-
23 ally thereafter, the Director, in consultation with the Ad-
24 ministrator, shall ensure building utilization in each public

1 building and federally-leased space is not less than 60 per-
2 cent on average over each 1-year period.

3 (b) ACTIONS.—In the event that building utilization
4 is below 60 percent on average over a 1-year period de-
5 scribed in subsection (a) for any particular public building
6 or federally-leased space, the Administrator shall—

7 (1) provide notice to the tenant agency inform-
8 ing such agency of the excess in capacity along with
9 associated costs of such excess; and

10 (2) notify the Committee on Transportation
11 and Infrastructure of the House of Representatives,
12 the Committee on Environment and Public Works of
13 the Senate, and the Committees on Appropriations
14 of the House of Representatives and the Senate of
15 such excess capacity and associated costs.

16 (c) SUBSEQUENT FAILURE.—If the tenant agency
17 fails to meet the 60 percent target under subsection (a)
18 in the reporting period subsequent to the reporting period
19 under subsection (b), the Administrator shall, in consulta-
20 tion with the Director, take steps to reduce the space of
21 the tenant agency, including consolidating the tenant
22 agency with another agency, selling or disposing of excess
23 capacity space, and adjusting space requirements, as ap-
24 propriate, for any replacement space.

1 (d) PRIORITIZATION.—The Administrator, in coordi-
2 nation with the Director, shall prioritize to the maximum
3 extent practicable capital investments in public buildings
4 where Federal agencies meet or exceed building utilization
5 metrics, except that prioritization may be given to projects
6 that will result in building utilization of 60 percent or
7 more.

8 (e) EXCEPTIONS.—

9 (1) IN GENERAL.—The Director may provide
10 exceptions to building utilization metrics based on
11 the amount of non-standard office space a Federal
12 agency demonstrates is required to meet the mission
13 of the agency, including warehouse space, labora-
14 tories critical to the mission of the agency, and pub-
15 lic customer-facing spaces driven by agency mis-
16 sions.

17 (2) REPORTING.—The Administrator shall sub-
18 mit to the Committee on Transportation and Infra-
19 structure of the House of Representatives, the Com-
20 mittee on Environment and Public Works of the
21 Senate, and the Committees on Appropriations of
22 the House of Representatives and the Senate a re-
23 port on any exceptions granted, including the jus-
24 tification for such exception.

1 **SEC. 6. HEADQUARTERS BUILDINGS.**

2 (a) HEADQUARTERS CONSOLIDATIONS.—Not later
3 than 1 year after the date of enactment of this Act, the
4 Director, in consultation with the Administrator, shall
5 submit to the Committee on Transportation and Infra-
6 structure of the House of Representatives, the Committee
7 on Environment and Public Works of the Senate, and the
8 Comptroller General of the United States a plan to con-
9 solidate department and agency headquarters buildings in
10 the National Capital Region that will result in building
11 utilizations of 60 percent or greater.

12 (b) CONTENTS.—The plan submitted under sub-
13 section (a) shall include details on the following:

14 (1) Which departments and agencies will collo-
15 cate and consolidate and into which buildings and
16 associated details before and after plan implementa-
17 tion related to building utilization, building capaci-
18 ties, and actual utilization.

19 (2) Details on the strategies for the sale or dis-
20 posal of buildings that will no longer be needed for
21 Federal use.

22 (3) A detailed breakdown of any costs associ-
23 ated with the proposed consolidations and colloca-
24 tions.

25 (4) An estimate of future savings as a result of
26 space reductions and consolidations, including costs

1 associated with energy savings and building oper-
2 ations.

3 (c) IMPLEMENTATION.—Not later than 1 year after
4 the submission of the plan under subsection (a), the Ad-
5 ministrator and Director shall begin implementing such
6 plan.

7 **SEC. 7. FEDERAL USE IT OR LOSE IT LEASES ACT.**

8 (a) REPORTING OF SPACE UTILIZATION AND OCCU-
9 PANCY DATA FOR OFFICE SPACE.—An occupancy agree-
10 ment between the Administrator of General Services and
11 a Federal tenant for office space shall—

12 (1) include language that requires the Federal
13 tenant to submit to the Administrator an annual re-
14 port for the duration of the agreement containing
15 data on—

16 (A) monthly total occupancy of such office
17 space;

18 (B) the actual utilization of such office
19 space;

20 (C) monthly space utilization rates; and

21 (D) any other office space utilization data
22 considered important by the Administrator; and

23 (2) include language that requires the Federal
24 tenant to have written procedures in place governing
25 the return of office space to the Administrator if the

1 occupancy of the Federal tenant falls below a 60
2 percent space utilization rate for 6 months within
3 any 1-year period, beginning on the date on which
4 the agreement takes effect.

5 (b) REQUIREMENTS FOR FEDERAL AGENCIES WITH
6 INDEPENDENT LEASING AUTHORITIES.—The head of any
7 agency with independent leasing authorities with leases for
8 office space shall submit to the Committee on Transpor-
9 tation and Infrastructure of the House of Representatives,
10 the Committee on Environment and Public Works of the
11 Senate, and each congressional committee of jurisdiction
12 of the applicable independent leasing authority an annual
13 report for the duration of such agreement containing data
14 on—

- 15 (1) monthly total occupancy of the office space;
- 16 (2) the actual utilization of such office space;
- 17 (3) monthly space utilization rates; and
- 18 (4) any other office space utilization data con-
19 sidered important for collection by Congress.

20 (c) EXCEPTIONS TO REPORTING AND OCCUPANCY
21 AGREEMENT REQUIREMENTS.—This section shall not
22 apply to properties used by an element of the intelligence
23 community.

24 (d) APPLICABILITY.—The requirements of this sec-
25 tion shall apply to any occupancy or novation agreement

1 entered into on or after the date that is 6 months after
2 the date of enactment of this Act.

3 (e) DEFINITIONS.—In this section:

4 (1) FEDERAL TENANT.—The term “Federal
5 tenant”—

6 (A) means an Federal agency that has an
7 occupancy agreement with the Administrator of
8 General Services to occupy a commercial lease
9 for office space secured by the Administrator on
10 behalf of the Federal Government; and

11 (B) does not include an element of the in-
12 telligence community.

13 (2) INTELLIGENCE COMMUNITY.—The term
14 “intelligence community” has the meaning given
15 that term in section 3 of the National Security Act
16 of 1947 (50 U.S.C. 3003).

17 **SEC. 8. GAO REPORT.**

18 (a) IN GENERAL.—Not later than 1 year after the
19 date of enactment of this Act, the Comptroller General
20 of the United States shall submit to Congress a report
21 on the cost to each Federal agency of measuring the occu-
22 pancy and actual utilization rates of space in public build-
23 ings and federally-leased space to prepare the reports re-
24 quired under section 4.

1 (b) REQUIREMENTS.—The Comptroller General shall
2 include in the report required under subsection (a) the
3 cost of deploying sensors and technologies pursuant to sec-
4 tion 3 but shall exclude any such technologies that were
5 in place before the date of enactment of this Act.

6 **SEC. 9. INVESTIGATION OF UNDERUTILIZED SPACE.**

7 (a) REPORTING REQUIREMENT.—Not later than 90
8 days after the submission of each report under section 4,
9 the head of each Federal agency shall submit to the in-
10 spector general of each respective agency a report detail-
11 ing any public building or federally-leased space with a
12 capacity of 500 or more employees under the jurisdiction
13 of such agency that has a utilization rate below 20 percent
14 during the reporting period that is not a vacant office
15 building.

16 (b) INSPECTOR GENERAL INVESTIGATION.—Upon
17 receipt of a report under subsection (a), the inspector gen-
18 eral of the relevant Federal agency shall conduct an inves-
19 tigation to determine whether there is any evidence of
20 fraud, waste, abuse, or mismanagement with respect to

