

UTILIZING SPACE EFFICIENTLY AND IMPROVING  
 TECHNOLOGIES ACT OF 2023

FEBRUARY 13, 2024.—Committed to the Committee of the Whole House on the State  
 of the Union and ordered to be printed

Mr. GRAVES of Missouri, from the Committee on Transportation  
 and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 6276]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom  
 was referred the bill (H.R. 6376) to direct 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, having consid-  
 ered the same, reports favorably thereon with amendments and  
 recommends that the bill as amended do pass.

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The amendments are as follows:

Strike all after the enacting clause and insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the “Utilizing Space Efficiently and Improving Technologies Act of 2023” or the “USE IT Act of 2023”.

**SEC. 2. DEFINITIONS.**

(a) IN GENERAL.—In this Act:

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

(2) ADMINISTRATOR.—The term “Administrator” means the Administrator of General Services.

(3) BUILDING UTILIZATION.—The term “building utilization” means the percentage of utilization generated by comparing the actual utilization rate with the capacity based on a utilization benchmark of 150 useable square feet per person.

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

(5) DIRECTOR.—The term “Director” means the Director of the Office of Management and Budget.

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

(7) OCCUPANCY.—The term “occupancy” means the total number of employees performing duties in person in a public building or federally-leased space at least 5 days per week on a regular basis.

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

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

(b) MEASUREMENT OF UTILIZATION.—Not later than 180 days after the date of enactment of this Act, the heads of Federal agencies shall work with the Administrator to identify, deploy, and use sensors and other technologies in public buildings and federally-leased space, where the Federal agency occupies space to measure the occupancy of public buildings and leased space.

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

Not later than 1 year after the date of enactment of this Act, and annually thereafter, the heads of Federal agencies shall submit to the Director, the Administrator, the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate a report on—

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

(2) the methodology used for determining occupancy, including the period of time and other parameters used to determine occupancy on a regular basis;

(3) the utilization percentage of each public building and federally-leased space by the respective agency of the Federal agency head, comparing the capacity to the actual utilization rate based on a utilization benchmark of 150 usable square feet per person; and

(4) any costs associated with capacity that exceeds occupancy with respect to the respective agency of the Federal agency head.

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

(a) TARGET UTILIZATION METRICS.—Not later than 1 year after the date of enactment of this Act, and annually thereafter, the Director, in consultation with the Administrator, shall ensure building utilization in each public building and federally-leased space is not less than 60 percent on average over each 1-year period.

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

(1) provide notice to the tenant agency informing such agency of the excess in capacity along with associated costs of such excess; and

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

(c) **SUBSEQUENT FAILURE.**—If the tenant agency fails to meet the 60 percent target under subsection (a) in the reporting period subsequent to the reporting period under subsection (b), the Administrator shall, in consultation with the Director, take steps to reduce the space of the tenant agency, including consolidating the tenant agency with another agency, selling or disposing of excess capacity space, and adjusting space requirements, as appropriate, for any replacement space.

(d) **PRIORITIZATION.**—The Administrator, in coordination with the Director, shall prioritize to the maximum extent practicable capital investments in public buildings where Federal agencies meet or exceed building utilization metrics, except that prioritization may be given to projects that will result in building utilization of 60 percent or more.

(e) **EXCEPTIONS.**—

(1) **IN GENERAL.**—The Director may provide exceptions to building utilization metrics based on the amount of non-standard office space a Federal agency demonstrates is required to meet the mission of the agency, including warehouse space, laboratories critical to the mission of the agency, and public customer-facing spaces driven by agency missions.

(2) **REPORTING.**—The Administrator shall submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Committees on Appropriations of the House of Representatives and the Senate a report on any exceptions granted, including the justification for such exception.

#### **SEC. 6. HEADQUARTERS BUILDINGS.**

(a) **HEADQUARTERS CONSOLIDATIONS.**—Not later than 1 year after the date of enactment of this Act, the Director, in consultation with the Administrator, shall submit to the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Environment and Public Works of the Senate, and the Comptroller General of the United States a plan to consolidate department and agency headquarters buildings in the National Capital Region that will result in building utilizations of 60 percent or greater.

(b) **CONTENTS.**—The plan submitted under subsection (a) shall include details on the following:

(1) Which departments and agencies will collocate and consolidate and into which buildings and associated details before and after plan implementation related to building utilization, building capacities, and actual utilization.

(2) Details on the strategies for the sale or disposal of buildings that will no longer be needed for Federal use.

(3) A detailed breakdown of any costs associated with the proposed consolidations and collocations.

(4) An estimate of future savings as a result of space reductions and consolidations, including costs associated with energy savings and building operations.

(c) **IMPLEMENTATION.**—Not later than 1 year after the submission of the plan under subsection (a), the Administrator and Director shall begin implementing such plan.

Amend the title so as to read:

A bill 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.

#### **PURPOSE OF LEGISLATION**

The purpose of H.R. 6276, *the Utilizing Space Efficiently and Improving Technologies (USE IT) Act of 2023*, as amended, is to direct 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.

## BACKGROUND AND NEED FOR LEGISLATION

The General Services Administration (GSA) currently manages 8,800 owned and leased assets, totaling over 370 million square feet, and 500 historic buildings.<sup>1</sup> Of the 370 million square feet, 181 million is in leased space, which is comprised of over 6,659 buildings and costs more than six billion dollars per year.<sup>2</sup> While GSA continues to reduce the amount of leased space, more than half of GSA's operating leases (96 million square feet) will expire in the next five years.<sup>3</sup>

Currently, office occupancy in the Washington, D.C., metro area is still below 54 percent of pre-pandemic levels.<sup>4</sup> Additionally, 30 percent of the Federal workforce is expected to be eligible to retire this year.<sup>5</sup> There have also been increasing reports of “shadow” or “dark” space in Federal buildings and leases which is unassigned, unused space.<sup>6</sup> The concerns about “shadow” or “dark” space were further emphasized during the Subcommittee on Economic Development, Public Buildings, and Emergency Management of the Committee on Transportation and Infrastructure's Roundtable on “*The State of Federal Real Estate*,” held on March 22, 2023, where participants noted that 30 percent of Federal employees plan to retire within the next five years and nearly 30 percent of Federal employees with remote work agreements live outside their assigned region.<sup>7</sup>

During the 117th Congress, the Committee requested the Government Accountability Office (GAO) conduct a study on office space utilization rates across the 24 Chief Financial Officer (CFO) Act agency headquarters to better understand how the Federal Government is utilizing its real estate portfolio.<sup>8</sup> In order to assess space utilization, GAO collected building size and attendance data from all 24 agencies for one week each in January, February, and March of 2023. Utilization was then calculated by dividing in-office attendance by the building's useable square footage or capacity.<sup>9</sup> GAO found that on average, 17 of the 24 CFO agency headquarters were at 25 percent or less utilization.<sup>10</sup> GAO found the headquarters buildings for certain agencies, including GSA, the Department of Agriculture, the Department of Housing and Urban Development, the Office of Personnel Management, the Small Business

<sup>1</sup> Press Release, GSA, *Nina M. Albert Appointed Commissioner of GSA's Public Buildings Service*, (July 6, 2021), available at <https://www.gsa.gov/about-us/newsroom/news-releases/nina-m-albert-appointed-commissioner-of-gsas-public-buildings-service-07062021>.

<sup>2</sup> GSA, *Inventory of GSA Owned and Leased Properties*, (Last reviewed Sept. 9, 2022), available at <https://www.gsa.gov/tools-overview/buildings-and-real-estate-tools/inventory-of-gsa-owned-and-leased-properties>.

<sup>3</sup> *Id.*

<sup>4</sup> Bailey McConnel, *Chart of the Week: Office Occupancy Rates and Remote Work*, D.C. POLICY CENTER, (Feb. 24, 2023), available at <https://www.dcpolicycenter.org/publications/office-occupancy-remote-work-dc/>.

<sup>5</sup> Angie Petty, *2023 Workforce Federal Contracting Trends to Watch*, GOVWIN, (Dec. 7, 2022), available at <https://iq.govwin.com/neo/marketAnalysis/view/2023-Workforce-Federal-Contracting-Trends-to-Watch/6981?researchTypeId=1&researchMarket>.

<sup>6</sup> GSA, *Unused & Underused Space*, (Last reviewed Mar. 4, 2022), available at <https://www.gsa.gov/real-estate/gsa-properties/unused-underused-space>.

<sup>7</sup> *The State of Federal Real Estate: Roundtable Before the Subcomm. on Economic Development, Public Buildings, and Emergency Management of the H. Comm. on Transp. and Infrastructure*, 118th Cong., (Mar. 22, 2023).

<sup>8</sup> Letter from Peter DeFazio, Chairman, H. Comm. on Transp. and Infrastructure, et al. to Gene Dodaro, Comptroller General, GAO (Nov. 10, 2021) (on file with Comm.).

<sup>9</sup> Briefing from Staff, GAO, to Staff, H. Comm. on Transp. and Infrastructure (June 26, 2023, 11:00 AM EST).

<sup>10</sup> GAO, GAO-24-107006, FEDERAL REAL PROPERTY: AGENCIES NEED NEW BENCHMARKS AND SHED UNDERUTILIZED SPACE (2023) available at <https://www.gao.gov/assets/d24107006.pdf>.

Administration, and the Social Security Administration were as low as a nine percent space utilization.<sup>11</sup>

#### HEARINGS

For the purposes of rule XIII, clause 3(c)(6)(A) of the 118th Congress, the following hearing was used to develop or consider H.R. 6276:

On July 13, 2023, the Subcommittee on Economic Development, Public Buildings, and Emergency Management of the Committee on Transportation and Infrastructure held a hearing entitled, “*When the Lights Are On but No One’s Home: An Examination of Federal Office Space Utilization.*” The hearing discussed Federal real estate, including office space utilization. The Subcommittee received testimony from Ms. Nina Albert, Commissioner, Public Buildings Service, GSA; and Mr. David Marroni, Acting Director, Physical Infrastructure, GAO.

#### LEGISLATIVE HISTORY AND CONSIDERATION

H.R. 6276 was introduced in the United States House of Representatives on November 7, 2023, by Mr. Perry of Pennsylvania, and referred to the Committee on Transportation and Infrastructure. Within the Committee on Transportation and Infrastructure, H.R. 6276 was referred to the Subcommittee on Economic Development, Public Buildings, and Emergency Management. The Subcommittee on Economic Development, Public Buildings, and Emergency Management was discharged from further consideration of H.R. 6276 on November 15, 2023.

The Committee considered H.R. 6276 on November 15, 2023, and adopted, by voice vote, an Amendment in the Nature of a Substitute. Pursuant to Committee Rule 6(f) further proceedings on the requested recorded vote on final passage were postponed. On December 6, 2023, the Committee resumed consideration of final passage and ordered the measure to be reported to the House with a favorable recommendation, with amendment, by recorded vote of 35 yeas and 26 nays.

The following amendment was offered:

An Amendment in the Nature of a Substitute to H.R. 6276, offered by Mr. Perry of Pennsylvania was AGREED TO by voice vote.

#### COMMITTEE VOTES

Clause 3(b) of rule XIII of the Rules of the House of Representatives requires each committee report to include the total number of votes cast for and against on each record vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against.

Vote: 027.

On: Final Passage of H.R. 6276, as amended.

Yea 35; Nay 26.

Member	Vote	Member	Vote
Mr. Graves of MO .....	Y	Mr. Larsen of WA .....	N
Mr. Crawford .....	Y	Ms. Norton .....	N
Mr. Webster of FL .....	Y	Mrs. Napolitano .....	N

<sup>11</sup>*Id.*

Member	Vote	Member	Vote
Mr. Massie .....	Y	Mr. Cohen .....	N
Mr. Perry .....	Y	Mr. Garamendi .....	N
Mr. Babin .....	Y	Mr. Johnson of GA .....	.....
Mr. Graves of LA .....	Y	Mr. Carson .....	N
Mr. Rouzer .....	Y	Ms. Titus .....	N
Mr. Bost .....	Y	Mr. Huffman .....	N
Mr. LaMalfa .....	Y	Ms. Brownley .....	N
Mr. Westerman .....	Y	Ms. Wilson of FL .....	N
Mr. Mast .....	Y	Mr. Payne .....	N
Mrs. González-Colón .....	Y	Mr. DeSaulnier .....	N
Mr. Stauber .....	Y	Mr. Carbajal .....	N
Mr. Burchett .....	Y	Mr. Stanton .....	N
Mr. Johnson of SD .....	Y	Mr. Allred .....	N
Mr. Van Drew .....	Y	Ms. Davids of KS .....	N
Mr. Nehls .....	Y	Mr. Garcia of IL .....	N
Mr. Gooden of TX .....	Y	Mr. Pappas .....	N
Mr. Mann .....	Y	Mr. Moulton .....	N
Mr. Owens .....	Y	Mr. Auchincloss .....	Y
Mr. Yakym .....	Y	Ms. Strickland .....	N
Mrs. Chavez-DeRemer .....	Y	Mr. Carter of LA .....	.....
Mr. Edwards .....	Y	Mr. Ryan .....	N
Mr. Kean of NJ .....	Y	Mrs. Peltola .....	N
Mr. D'Esposito .....	Y	Mr. Menendez .....	N
Mr. Burlison .....	Y	Ms. Hoyle of OR .....	N
Mr. James .....	Y	Mrs. Sykes .....	N
Mr. Van Orden .....	Y	Ms. Scholten .....	N
Mr. Williams of NY .....	.....	Mrs. Foushee .....	.....
Mr. Molinaro .....	Y		
Mr. Collins .....	Y		
Mr. Ezell .....	Y		
Mr. Duarte .....	Y		
Mr. Bean of FL .....	Y		

#### COMMITTEE OVERSIGHT FINDINGS AND RECOMMENDATIONS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

#### NEW BUDGET AUTHORITY AND TAX EXPENDITURES

Clause 3(c)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the *Congressional Budget Act of 1974* has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

#### CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the *Congressional Budget Act of 1974*, the Committee has received the enclosed cost estimate for H.R. 6276 from the Director of the Congressional Budget Office:

<b>H.R 6276, USE IT Act of 2023</b>			
As ordered reported by the House Committee on Transportation and Infrastructure on December 6, 2023			
By Fiscal Year, Millions of Dollars	2024	2024-2029	2024-2034
Direct Spending (Outlays)	*	*	*
Revenues	<b>0</b>	<b>0</b>	<b>0</b>
Increase or Decrease (-) in the Deficit	*	*	*
Spending Subject to Appropriation (Outlays)	*	*	not estimated
Increases <i>net direct spending</i> in any of the four consecutive 10-year periods beginning in 2035?	No	Statutory pay-as-you-go procedures apply? Yes	
		<b>Mandate Effects</b>	
Increases <i>on-budget deficits</i> in any of the four consecutive 10-year periods beginning in 2035?	No	Contains intergovernmental mandate?	No
		Contains private-sector mandate?	No
* = between zero and \$500,000.			

H.R. 6276 would:

- Direct the Office of Management and Budget (OMB) and the General Services Administration (GSA) to establish standard methodologies to measure occupancy in public buildings and federally leased space,
- Require federal agencies to report on the occupancy and usage rates of public buildings, and
- Require GSA to take various actions to increase usage rates in buildings with federal personnel that are consistently below 60 percent usage rates.

#### *Background*

GSA manages approximately 1,500 federally owned buildings and more than 7,500 facilities that are leased from the private sector.

Prior to the onset of the COVID–19 pandemic, research on occupancy rates for private sector and federal office buildings estimated that 60 percent to 70 percent of employees reported to a federal office building on an average day. Since March 2020, many agencies have shifted towards a maximum telework policy. Using a sample of office buildings across the United States, GSA estimates that average daily occupancy has decreased to around 30 percent. In April 2023, OMB directed federal agencies to update their operational policies, with the expectation that those plans will increase meaningful in-person work at federal offices while maintaining certain flexible policies related to remote work.

Beginning in 2020, GSA has been piloting new methods to collect occupancy data in federal buildings. In 2022, about three-quarters of federal occupants of buildings managed by GSA reported that they were tracking such data. Using that occupancy data, GSA reports it has been able to consolidate some offices in the District of Columbia, and CBO expects that consolidation reduced costs for annual rent.

*Estimated Federal Cost*

Consistent with direction from OMB, CBO expects that building usage rates will rise going forward as agencies increase in-person work requirements. Additionally, CBO expects that GSA will continue to consolidate office space consistent with the agency's ongoing programs, to the extent that usage rates of federal buildings remain low.

On that basis, CBO estimates that implementing H.R. 6276 would cost less than \$500,000 over the 2024–2028 period, primarily for administrative activities associated with the bill's reporting requirements. That spending would be subject to the availability of appropriated funds.

Enacting H.R. 6276 also could affect direct spending by some agencies that are allowed to use fees, receipts from the sale of goods, and other collections to cover operating costs. CBO estimates that any net changes in direct spending by those agencies would be negligible because most of them can adjust amounts collected to reflect changes in operating costs.

The CBO staff contact is Matthew Pickford. The estimate was reviewed by H. Samuel Papenfuss, Deputy Director of Budget Analysis.

PHILLIP L. SWAGEL,  
*Director, Congressional Budget Office.*

## PERFORMANCE GOALS AND OBJECTIVES

With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goal and objective of this legislation is to direct 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.

## DUPLICATION OF FEDERAL PROGRAMS

Pursuant to clause 3(c)(5) of rule XIII of the Rules of the House of Representatives, the Committee finds that no provision of H.R. 6276, as amended, establishes or reauthorizes a program of the Federal government known to be duplicative of another Federal program, a program that was included in any report from the Government Accountability Office to Congress pursuant to section 21 of Public Law 111–139, or a program related to a program identified in the most recent Catalog of Federal Domestic Assistance.

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, AND LIMITED  
TARIFF BENEFITS

In compliance with clause 9 of rule XXI of the Rules of the House of Representatives, this bill, as reported, contains no congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9(e), 9(f), or 9(g) of the rule XXI.

## FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office



pursuant to section 423 of the *Unfunded Mandates Reform Act* (Public Law 104–4).

#### PREEMPTION CLARIFICATION

Section 423 of the *Congressional Budget Act of 1974* requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee finds that H.R. 6276, as amended, does not preempt any state, local, or tribal law.

#### ADVISORY COMMITTEE STATEMENT

No advisory committees within the definition of Section 5(b) of the appendix to Title 5, United States Code, are created by this legislation.

#### APPLICABILITY TO LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the *Congressional Accountability Act* (Public Law 104–1).

#### SECTION-BY-SECTION ANALYSIS OF THE LEGISLATION

##### *Section 1. Short title*

This section provides the Act may be cited as the “*Utilizing Space Efficiently and Improving Technologies Act of 2023*” or the “*USE IT Act of 2023*”.

##### *Section 2. Definitions*

This section establishes definitions for the terms included in the bill. The definition for occupancy ensures the methodologies used consider a five-day work week. The language is not intended to imply only those employees performing in-house duties five days a week are counted, rather in counting space usage the presumption shall be agencies operate at least five days a week.

##### *Section 3. Identification and deployment of building usage technology*

This section directs the General Services Administration (GSA), in coordination with the Office of Management and Budget (OMB), to establish standard methodologies and identify technologies available for measuring occupancy in public buildings and Federally-leased space and directs Federal agencies to work with GSA, not later than 180 days from enactment, to identify and deploy sensors and technologies to measure occupancy. It is the intention that the deployment and use of sensor technologies are solely intended to determine occupancy numbers and not used or designed to capture Personal Identifiable Information (PII).

##### *Section 4. Reporting on usage of real property*

This section requires the heads of Federal agencies to annually submit, to OMB and Congress, reports on the occupancy and actual utilization rates in public buildings and Federally-leased space, the methodology used for determining occupancy, the utilization per-

centage using a 150 usable square feet per person benchmark, and any costs associated with capacity that exceeds occupancy.

*Section 5. Reducing unneeded space*

This section requires OMB, in consultation with GSA, to ensure building utilization in each public building and Federally-leased space is not less than 60 percent on average over a one-year period and to provide notice to any tenant agency if any excess in capacity and associated costs along with notification to Congress. The section further indicates that if a tenant agency fails to meet the 60 percent threshold in the subsequent reporting period, GSA, in consultation with OMB, shall take steps to reduce the space of the tenant agency. This section also directs GSA, in coordination with OMB, to give priority to Federal agencies that meet or exceed building utilization metrics for capital investments.

*Section 6. Headquarters buildings*

This section requires OMB, in consultation with GSA, to submit to Congress, not later than one year after enactment, a plan to consolidate department and agency headquarters buildings in the National Capital Region that will result in building utilizations of 60 percent or greater and requires GSA and OMB to commence implementation one year after the submission of the plan.

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

As reported by the Committee, H.R. 6276, as amended, makes no changes in existing law.

