

PROVIDING FOR CONSIDERATION OF THE BILL (H.R. 6276) 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, AND PROVIDING FOR CONSIDERATION OF THE RESOLUTION (H. RES. 1065) DENOUNCING THE BIDEN ADMINISTRATION'S IMMIGRATION POLICIES

MARCH 11, 2024.—Referred to the House Calendar and ordered to be printed

Mr. MASSIE, from the Committee on Rules,
submitted the following

R E P O R T

[To accompany H. Res. 1071]

The Committee on Rules, having had under consideration House Resolution 1071, by a record vote of 9 to 3, report the same to the House with the recommendation that the resolution be adopted.

SUMMARY OF PROVISIONS OF THE RESOLUTION

The resolution provides for consideration of H.R. 6276, the USE IT Act of 2023, under a structured rule. The resolution waives all points of order against consideration of the bill. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on Transportation and Infrastructure or their respective designees. The resolution provides that the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill shall be considered as adopted, and the bill, as amended, shall be considered as read. The resolution waives all points of order against provisions in the bill, as amended. The resolution makes in order only those further amendments printed in the report. Each amendment shall be considered only in the order printed in the report, may be offered only by a Member designated in the report, shall be considered as read, shall be debatable for the time specified in the report equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question. All points of order against the amendments printed in the report are waived. The resolution provides for one motion to recommit. The resolution further provides for consider-

ation of H. Res. 1065, Denouncing the Biden administration's immigration policies, under a closed rule. The resolution provides that upon adoption of the resolution it shall be in order without intervention of any point of order to consider H. Res. 1065. The resolution provides that H. Res. 1065 shall be considered as read. The resolution provides one hour of general debate equally divided and controlled by the chair and ranking minority member of the Committee on the Judiciary or their respective designees.

EXPLANATION OF WAIVERS

Although the resolution waives all points of order against consideration of H.R. 6276, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against provisions in H.R. 6276, as amended, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against the amendments printed in the report, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

Although the resolution waives all points of order against consideration of H. Res. 1065, the Committee is not aware of any points of order. The waiver is prophylactic in nature.

COMMITTEE VOTES

The results of each record vote on an amendment or motion to report, together with the names of those voting for and against, are printed below:

Rules Committee record vote No. 205

Motion by Mr. McGovern to amend the rule to make in order amendment #6 to H.R. 6276, offered by Representative Titus, which amends the bill's definition of occupancy to ensure that all Federal workers, including those who utilize Alternative Work Schedules as covered by federal law, are counted to get an accurate representation of the utilization rates of Federal buildings and buildings leased by the Federal government for Federal employees. Defeated: 3–9

Majority Members	Vote	Minority Members	Vote
Mr. Burgess	Nay	Mr. McGovern	Yea
Mr. Reschenthaler	Nay	Ms. Scanlon	Yea
Mrs. Fischbach	Nay	Mr. Neguse
Mr. Massie	Nay	Ms. Leger Fernandez	Yea
Mr. Norman	Nay		
Mr. Roy	Nay		
Mrs. Houchin	Nay		
Mr. Langworthy	Nay		
Mr. Cole, Chairman	Nay		

Rules Committee record vote No. 206

Motion by Mr. Massie to report the rule. Adopted: 9–3

Majority Members	Vote	Minority Members	Vote
Mr. Burgess	Yea	Mr. McGovern	Nay
Mr. Reschenthaler	Yea	Ms. Scanlon	Nay
Mrs. Fischbach	Yea	Mr. Neguse

Majority Members	Vote	Minority Members	Vote
Mr. Massie	Yea	Ms. Leger Fernandez	Nay
Mr. Norman	Yea		
Mr. Roy	Yea		
Mrs. Houchin	Yea		
Mr. Langworthy	Yea		
Mr. Cole, Chairman	Yea		

SUMMARY OF THE AMENDMENTS TO H.R. 6276 MADE IN ORDER

1. Edwards (NC), Gluesenkamp Perez (WA): Requires certain data collection and reporting on space utilization, occupancy, and availability of office space leased by an Executive agency. Requires written procedures in place governing the return of office space if the occupancy falls below a 60 percent space utilization rate. (10 minutes)

2. Perry (PA), Auchincloss (MA): Redefines occupancy to include the total number of employees actually performing duties in person in a public building or federally-leased space 40 hours per week. Adds personally identifiable information protections to the bill. (10 minutes)

3. Hageman (WY): Requires the federal agencies to report to Congress on whether occupancy and utilization rates are affected by an agency's remote work and telework policies. (10 minutes)

4. Hageman (WY): Includes PIV badge swipe data as a tool for measuring the utilization of public buildings and federally leased spaces. (10 minutes)

5. McCormick (GA): Requires the reports on the usage of real property described in Section 4 of the bill to be made public on an accessible website run by the General Services Administration (GSA) with exceptions for national security. (10 minutes)

6. Mills (FL): Requires the GAO to report on the cost of conducting the survey and monitoring every federal building's occupancy for a year (including, per the bill, installing sensors in every office of every federal building nationwide). Excludes any pre-existing systems or monitors in place before the date of enactment of this Act. (10 minutes)

7. Rose (TN): Requires federal agencies to report public buildings or federally-leased spaces with a capacity of 500 or more employees and a utilization rate below 20 percent to their inspector general for investigation. (10 minutes)

TEXT OF AMENDMENTS TO H.R. 6276 MADE IN ORDER

1. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE EDWARDS OF NORTH CAROLINA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 9, after line 5, insert the following:

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

(a) REPORTING OF SPACE UTILIZATION AND OCCUPANCY DATA FOR OFFICE SPACE.—An occupancy agreement between the Administrator of General Services and a Federal tenant for office space shall—

(1) include language that requires the Federal tenant to submit to the Administrator an annual report for the duration of the agreement containing data on—

- (A) monthly total occupancy of such office space;
 - (B) the actual utilization of such office space;
 - (C) monthly space utilization rates; and
 - (D) any other office space utilization data considered important by the Administrator; and
- (2) include language that requires the Federal tenant to have written procedures in place governing the return of office space to the Administrator if the occupancy of the Federal tenant falls below a 60 percent space utilization rate for 6 months within any 1-year period, beginning on the date on which the agreement takes effect.
- (b) REQUIREMENTS FOR FEDERAL AGENCIES WITH INDEPENDENT LEASING AUTHORITIES.—The head of any agency with independent leasing authorities with leases for office space 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 each congressional committee of jurisdiction of the applicable independent leasing authority an annual report for the duration of such agreement containing data on—
- (1) monthly total occupancy of the office space;
 - (2) the actual utilization of such office space;
 - (3) monthly space utilization rates; and
 - (4) any other office space utilization data considered important for collection by Congress.
- (c) EXCEPTIONS TO REPORTING AND OCCUPANCY AGREEMENT REQUIREMENTS.—This section shall not apply to properties used by an element of the intelligence community.
- (d) APPLICABILITY.—The requirements of this section shall apply to any occupancy or novation agreement entered into on or after the date that is 6 months after the date of enactment of this Act.
- (e) DEFINITIONS.—In this section:
- (1) FEDERAL TENANT.—The term “Federal tenant”—
 - (A) means an Federal agency that has an occupancy agreement with the Administrator of General Services to occupy a commercial lease for office space secured by the Administrator on behalf of the Federal Government; and
 - (B) does not include an element of the intelligence community.
 - (2) INTELLIGENCE COMMUNITY.—The term “intelligence community” has the meaning given that term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

2. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE PERRY OF PENNSYLVANIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 4, strike lines 4 through 7 and insert the following:

- (7) OCCUPANCY.—The term “occupancy” means the total number of employees actually performing duties in person in a public building or federally-leased space 40 hours per week regardless of work arrangements.

Page 4, after line 21, insert the following:

- (c) PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION.—In carrying out subsection (b), the Administrator shall ensure any

sensors used for the purposes of determining occupancy are designed to protect of all personally identifiable information.

3. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HAGEMAN OF WYOMING OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 5, line 18, strike “and”.

Page 5, line 21, strike the period and insert “; and”.

Page 5, after line 21, insert the following:

(5) whether occupancy and actual utilization rates are affected by the remote work and telework policies and practices of the respective agency.

4. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE HAGEMAN OF WYOMING OR HER DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 4, line 18, insert “, Personal Identity Verification badge swipe data isolating only the first credential use of the day for each cardholder,” after “sensors”.

5. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MCCORMICK OF GEORGIA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Strike section 4 and insert the following:

SEC. 4. REPORTING ON USAGE OF REAL PROPERTY.

(a) IN GENERAL.—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.

(b) PUBLISHING REQUIREMENT.—

(1) IN GENERAL.—Except as provided in paragraph (2), the heads of Federal agencies shall make each report required under subsection (a) available on a publicly accessible website of the General Services Administration.

(2) EXCEPTION.—The publishing requirements of paragraph (1) shall not apply if the head of the respective Federal agency

makes a determination that making the report required under subsection (a) available on a publicly accessible website would be detrimental to national security.

6. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE MILLS OF FLORIDA OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 9, after line 5, insert the following:

SEC. 7. GAO REPORT.

(a) IN GENERAL.—Not later than 1 year after the date of enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the cost to each Federal agency of measuring the occupancy and actual utilization rates of space in public buildings and federally-leased space to prepare the reports required under section 4.

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

7. AN AMENDMENT TO BE OFFERED BY REPRESENTATIVE ROSE OF TENNESSEE OR HIS DESIGNEE, DEBATABLE FOR 10 MINUTES

Page 9, after line 5, insert the following:

SEC. 7. INVESTIGATION OF UNDERUTILIZED SPACE.

(a) REPORTING REQUIREMENT.—Not later than 90 days after the submission of each report under section 4, the head of each Federal agency shall submit to the inspector general of each respective agency a report detailing any public building or federally-leased space with a capacity of 500 or more employees under the jurisdiction of such agency that has a utilization rate below 20 percent during the reporting period that is not a vacant office building.

(b) INSPECTOR GENERAL INVESTIGATION.—Upon receipt of a report under subsection (a), the inspector general of the relevant Federal agency shall conduct an investigation to determine whether there is any evidence of fraud, waste, abuse, or mismanagement with respect to the use of the public building or federally-leased space identified in the report.