

Union Calendar No. 493

113TH CONGRESS
2^D SESSION

H. R. 2612

[Report No. 113–656]

To amend title 40, United States Code, to improve the functioning and management of the Public Buildings Service.

IN THE HOUSE OF REPRESENTATIVES

JULY 8, 2013

Mr. BARLETTA (for himself, Ms. NORTON, Mr. SHUSTER, and Mr. RAHALL) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

DECEMBER 11, 2014

Additional sponsor: Mr. WILLIAMS

DECEMBER 11, 2014

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

A BILL

To amend title 40, United States Code, to improve the functioning and management of the Public Buildings Service.

1 *Be it enacted by the Senate and House of Representa-*
 2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Public Buildings Sav-
 5 ings and Reform Act of 2013”.

6 **SEC. 2. REQUIRED OFFSETS FOR NEW SPACE.**

7 (a) OFFSETS AND FREEZE OF SPACE INVENTORY.—
 8 Chapter 33 of title 40, United States Code, is amended
 9 by adding at the end the following:

10 **“§ 3317. Offsets and freeze of space inventory**

11 “(a) INFORMATION IN PROSPECTUS.—Any pro-
 12 spectus that proposes new space, whether leased or owned,
 13 transmitted pursuant to section 3307(b) for each of fiscal
 14 years 2014, 2015, 2016, and 2017 shall contain informa-
 15 tion outlining the details of the elimination of at least a
 16 corresponding amount of space.

17 “(b) FREEZING THE REAL ESTATE FOOTPRINT.—
 18 On an annual basis, the Administrator shall not increase
 19 the size or amount of its real property inventory, leased
 20 or owned, as compared to its fiscal year 2012 real property
 21 baseline, except in those years in which space offsets have
 22 been specifically identified or for emergency or national
 23 security purposes as determined by the President.”.

24 (b) CLERICAL AMENDMENT.—The analysis for such
 25 chapter is amended by adding at the end the following:

“3317. Offsets and freeze of space inventory.”.

1 **SEC. 3. MINIMIZING COSTS OF LEASED SPACE.**

2 (a) DEFINITIONS.—Section 3301(a) of title 40,
3 United States Code, is amended—

4 (1) by redesignating paragraphs (5) and (6) as
5 paragraphs (6) and (7), respectively; and

6 (2) by inserting after paragraph (4) the fol-
7 lowing:

8 “(5) MAXIMUM RENTAL RATE.—The term
9 ‘maximum rental rate’ means the maximum rate, by
10 rentable square feet estimated by the Administrator
11 of General Services for the leasing of commercial
12 space for purposes of a public building in a given
13 geographical location.”.

14 (b) RESTRICTIONS ON BELOW-PROSPECTUS
15 PROJECTS.—Section 3307(g) of title 40, United States
16 Code, is amended by adding at the end the following:

17 “(3) RESTRICTION ON BELOW-PROSPECTUS
18 LEVEL.—

19 “(A) RESTRICTION ON RENTAL RATE.—
20 The Administrator may not lease space at an
21 amount below the average annual rental rate
22 thresholds established pursuant to subsections
23 (a) and (h) and that exceeds the maximum
24 rental rate established by the Administrator for
25 the respective geographical location, unless the
26 Committee on Transportation and Infrastruc-

1 ture of the House of Representatives and the
2 Committee on Environment and Public Works
3 of the Senate are notified by the Administrator
4 in writing at least 10 days before the execution
5 of such lease.

6 “(B) ANNUAL REPORTS.—The Adminis-
7 trator shall submit, on an annual basis, to the
8 Committee on Transportation and Infrastruc-
9 ture of the House of Representatives and the
10 Committee on Environment and Public Works
11 of the Senate a report detailing the maximum
12 rental rates established by the Administrator by
13 geographical location.

14 “(4) RESTRICTION ON OTHER BELOW-PRO-
15 SPECTUS LEVEL PROJECTS.—Not less than 30 days
16 before entering into any lease-construction agree-
17 ment, regardless of the threshold amounts estab-
18 lished pursuant to subsections (a) and (h), the Ad-
19 ministrator shall notify the Committee on Transpor-
20 tation and Infrastructure of the House of Represent-
21 atives and the Committee on Environment and Pub-
22 lic Works of the Senate, in writing, of the intention
23 to enter into such agreement and include in the noti-
24 fication details of the project and any associated in-
25 formation.”.

1 **SEC. 4. REPORTS ON LEASES.**

2 (a) REPORTS ON LEASES.—Chapter 33 of title 40,
3 United States Code, as amended by this Act, is further
4 amended by adding at the end the following:

5 **“§ 3318. Reports on leases**

6 “Not later than December 31 of each year, the Ad-
7 ministrator of General Services shall submit a list to the
8 Committee on Transportation and Infrastructure of the
9 House of Representatives and the Committee on Environ-
10 ment and Public Works of the Senate of all leases, includ-
11 ing lease-construction agreements, entered into by the
12 General Services Administration for the previous fiscal
13 year. For each lease, the list shall detail the size of the
14 space, location, tenant agency or agencies, total annual
15 rental rate, and the authorized annual rental if such rental
16 rate exceeds the annual threshold amounts set forth in
17 section 3307.”.

18 (b) CLERICAL AMENDMENT.—The analysis for such
19 chapter, as amended by this Act, is further amended by
20 adding at the end the following:

“3318. Reports on leases.”.

21 **SEC. 5. ZERO-BASED SPACE JUSTIFICATION.**

22 Section 3307(b) of title 40, United States Code, is
23 amended—

24 (1) in paragraph (6) by striking “and” at the
25 end;

1 (2) in paragraph (7) by striking the period and
2 inserting “; and”; and

3 (3) by adding at the end the following:

4 “(8) with respect to any prospectus, including
5 for replacement space, lease renewal, or lease exten-
6 sion, the Administrator shall include a justification
7 for such space, including an explanation of why such
8 space could not be consolidated or co-located into
9 other owned or leased space.”.

10 **SEC. 6. REDUCING COSTS RELATED TO COURTHOUSES.**

11 (a) REDUCING COSTS RELATED TO COURT-
12 HOUSES.—Chapter 33 of title 40, United States Code, as
13 amended by this Act, is further amended by adding at the
14 end the following:

15 **“§ 3319. Reducing costs related to courthouses**

16 “(a) LIMITATION ON NEW COURTHOUSES.—The Ad-
17 ministrator of General Services may not commence con-
18 struction of any new courthouse if—

19 “(1) construction has not begun on or before
20 the date of enactment of this section; and

21 “(2) the design and construction of the new
22 courthouse fails to comply, at a minimum, with the
23 courtroom sharing requirements described in sub-
24 section (b).

1 “(b) COURTROOM SHARING REQUIREMENTS DE-
2 FINED.—The term ‘courtroom sharing requirements’
3 means—

4 “(1) in courthouses with 10 or more active dis-
5 trict judges, 2 courtrooms per 3 active district
6 judges, except such courthouses may contain not less
7 than 9 courtrooms for active district judges;

8 “(2) in courthouses with 3 or more bankruptcy
9 judges, 1 courtroom per 2 bankruptcy judges;

10 “(3) in courthouses with 3 or more senior dis-
11 trict judges, 1 courtroom per 2 senior district
12 judges; and

13 “(4) in courthouses with 3 or more magistrate
14 judges, 1 courtroom per 2 magistrate judges.

15 “(c) UNITED STATES COURTS DESIGN GUIDE.—Not
16 later than 180 days after the date of enactment of this
17 section, the Design Guide for courthouses shall be updated
18 to incorporate courtroom sharing requirements to the
19 maximum extent practicable.

20 “(d) UTILIZATION.—If a new courthouse will add ca-
21 pacity in the inventory of the General Services Adminis-
22 tration, existing space in the same courthouse complex
23 must be fully utilized or relinquished from the inventory
24 of the General Services Administration.”.

1 (b) CLERICAL AMENDMENT.—The analysis for such
 2 chapter, as amended by this Act, is further amended by
 3 adding at the end the following:

“3319. Reducing costs related to courthouses.”.

4 **SEC. 7. INSPECTOR GENERAL REVIEW.**

5 The Inspector General of the General Services Ad-
 6 ministration shall review the Public Buildings Service’s in-
 7 ternship program, recent graduate program, and any simi-
 8 lar program and report to the Committee on Transpor-
 9 tation and Infrastructure of the House of Representatives
 10 and the Committee on Environment and Public Works of
 11 the Senate on the following:

12 (1) The costs associated with each program.

13 (2) Value added to the Public Buildings Service
 14 by the programs.

15 (3) Recommendations on improving the pro-
 16 grams.

17 (4) Compliance with Federal hiring laws, prac-
 18 tices, and standards.

19 **SEC. 8. BONUSES AND CONFERENCES.**

20 (a) MORATORIUM ON BONUSES.—Section 592 of title
 21 40, United States Code, is amended by adding at the end
 22 the following:

23 “(g) MORATORIUM ON BONUSES.—No funds in the
 24 Federal Buildings Fund may be available for bonuses, per-
 25 formance awards, or similar expenditures for a member

1 of the Senior Executive Service, until the Administrator
2 of General Services submits a report to the Committee on
3 Transportation and Infrastructure of the House of Rep-
4 resentatives and the Committee on Environment and Pub-
5 lic Works of the Senate detailing—

6 “(1) the findings and conclusions of a review of
7 the Public Building Service’s system of awarding bo-
8 nuses and performance awards;

9 “(2) actions to be taken by the Administrator
10 to improve the system and ensure efficiency and ef-
11 fectiveness; and

12 “(3) a description of how the actions identified
13 will resolve any inefficiencies identified.”.

14 (b) RESTRICTIONS ON CONFERENCES AND TRAV-
15 EL.—Chapter 33 of title 40, United States Code, as
16 amended by this Act, is further amended by adding at the
17 end the following:

18 **“§ 3320. Restrictions on conferences and travel**

19 “(a) REPORTS REGARDING CONFERENCES.—Not
20 later than the end of each fiscal year, the Administrator
21 of General Services shall submit to the Committee on
22 Transportation and Infrastructure of the House of Rep-
23 resentatives and the Committee on Environment and Pub-
24 lic Works of the Senate a report on conferences proposed
25 to be hosted by the Public Buildings Service for the subse-

1 quent fiscal year. The report shall include the following
2 for each proposed conference:

3 “(1) The purpose of the conference.

4 “(2) A detailed budget for the conference, in-
5 cluding related travel, lodging, and per diem costs.

6 “(3) The expected number of participants, in-
7 cluding from the Public Buildings Service.

8 “(4) The location and length of the conference.

9 “(5) Any expected non-Federal funding or
10 sponsorships.

11 “(b) CONFERENCE REVIEW.—Not later than 60 days
12 after each fiscal year, the Administrator shall submit a
13 report to the congressional committees identified in sub-
14 section (a) including the following:

15 “(1) The actual expenditures and costs of each
16 conference and a comparison to the budget sub-
17 mitted pursuant to subsection (a).

18 “(2) The actual number of participants of the
19 Public Buildings Service in each conference and as-
20 sociated travel, lodging, and per diem costs.

21 “(3) An agenda of each conference program-
22 ming and events.”.

23 (c) CLERICAL AMENDMENT.—The analysis for such
24 chapter, as amended by this Act, is further amended by
25 adding at the end the following:

“3320. Restrictions on conferences and travel.”.

1 **SEC. 9. ADMINISTRATIVE COSTS SPECIFIED.**

2 (a) ADMINISTRATIVE COSTS SPECIFIED.—Section
3 592(c) of title 40, United States Code, is amended by add-
4 ing at the end the following:

5 “(5) EXCEPTION FOR ADMINISTRATIVE EX-
6 PENSES.—Notwithstanding paragraph (1), deposits
7 in the Fund may not be used for administrative ex-
8 penses of the Public Buildings Service unless an
9 amount specified for such expenses is specifically au-
10 thorized for a given fiscal year.”.

11 (b) REPORTING OF ADMINISTRATIVE EXPENSES.—
12 Section 3307 of title 40, United States Code, is amended
13 by adding at the end the following:

14 “(i) BUDGET PROPOSAL OF ADMINISTRATIVE EX-
15 PENSES.—

16 “(1) PROPOSED BUDGET.—Not later than the
17 date that the President submits the budget request
18 to Congress pursuant to section 1105 of title 31,
19 United States Code, the Administrator of General
20 Services shall submit a proposed budget for the Pub-
21 lic Buildings Service to the Committee on Transpor-
22 tation and Infrastructure of the House of Represent-
23 atives, the Committee on Environment and Public
24 Works of the Senate, and the Committees on Appro-
25 priations of the House of Representatives and the

1 Senate detailing all proposed administrative ex-
2 penses for such Service for the following fiscal year.

3 “(2) SPECIFICS OF BUDGET PROPOSAL.—Such
4 proposed budget shall include the following:

5 “(A) A breakdown of proposed administra-
6 tive expenses of the Public Buildings Service
7 and the expenses of the previous fiscal year, in-
8 cluding a breakdown of object classification and
9 subclassification to include salaries, bonuses,
10 travel and transportation, training, and con-
11 ferences.

12 “(B) A breakdown as described in sub-
13 paragraph (A) for the Public Buildings Service
14 headquarters, Commissioner’s office, and each
15 of the regional offices.

16 “(C) A breakdown of proposed staffing lev-
17 els, including the number of full-time equivalent
18 positions and the number of Federal employees
19 by job classification and title of the Public
20 Buildings Service, the Service headquarters,
21 Commissioner’s office, and the regional offices,
22 and the numbers for the same for the previous
23 fiscal year.

1 “(D) A detailed justification for any pro-
2 posed increase in administrative expenses or
3 staffing.

4 “(E) A justification for the total amount of
5 administrative expenses.

6 “(3) ADMINISTRATIVE COST CATEGORIES.—The
7 budget proposal information described in paragraph
8 (2) shall provide the required information within the
9 following administrative cost categories:

10 “(A) Building Operations and Mainte-
11 nance, including cleaning, utilities and fuels,
12 and maintenance.

13 “(B) Salaries and Expenses, including
14 other building services, space acquisition, staff
15 support, and information technology services.”.

16 **SEC. 10. LIMITATION ON AUTHORIZATIONS.**

17 Section 3307 of title 40, United States Code, as
18 amended by this Act, is further amended by adding at the
19 end the following:

20 “(j) EXPIRATION OF COMMITTEE RESOLUTIONS.—
21 Unless a lease is executed or a construction, alteration,
22 repair, design, or acquisition project is initiated within 5
23 years of the resolution approvals adopted by the Com-
24 mittee on Transportation and Infrastructure of the House
25 of Representatives or the Committee on Environment and

1 Public Works of the Senate pursuant to subsection (a),
 2 such resolutions shall be deemed expired. This subsection
 3 shall only apply to resolutions approved after the date of
 4 enactment of this subsection.”.

5 **SEC. 11. LIMITATION ON CERTAIN LEASING AUTHORITIES.**

6 (a) **LIMITATION ON LEASING AUTHORITY OF OTHER**
 7 **AGENCIES.**—Chapter 33 of title 40, United States Code,
 8 as amended by this Act, is further amended by adding
 9 at the end the following:

10 **“§ 3321. Limitation on leasing authority of other**
 11 **agencies**

12 “(a) **IN GENERAL.**—Notwithstanding any other pro-
 13 vision of law, an executive agency may not lease space for
 14 the purposes of a public building as defined under section
 15 3301, except as provided under section 585 and the provi-
 16 sions of this chapter.

17 “(b) **PUBLIC BUILDING.**—For the purposes of this
 18 section, the term ‘public building’ includes leased space.

19 “(c) **EXCLUSIONS.**—This section shall not apply to—

20 “(1) properties that are excluded for reasons of
 21 national security by the President; and

22 “(2) properties of the Department of Veterans
 23 Affairs.

1 “(d) CONSTRUCTION.—Nothing in this section shall
2 be construed as creating new authority for executive agen-
3 cies to enter into leases.

4 “(e) DELEGATION PILOT.—With respect to executive
5 agencies covered by subsection (a)—

6 “(1) the Administrator of General Services may
7 delegate authority to manage the procurement of
8 leases to an appropriate executive agency if the Ad-
9 ministrator determines that such agency has the ap-
10 propriate expertise and ability to do so and such del-
11 egation promotes efficiency and economy;

12 “(2) the delegation under this subsection does
13 not exempt the Administrator or the agency to
14 which the delegation is made from any other provi-
15 sion of this chapter, including sections 592 and
16 3307; and

17 “(3) the delegation authority under this sub-
18 section shall terminate on December 31, 2018.

19 “(f) REPORT.—Not later than 6 months before the
20 termination date set forth in subsection (e)(3), the Admin-
21 istrator shall submit a report to the Committee on Trans-
22 portation and Infrastructure of the House of Representa-
23 tives and the Committee on Environment and Public
24 Works of the Senate. The report shall include an analysis

1 of the effectiveness of the delegation authority provided
2 in this section, including—

3 “(1) a comparison of the costs and terms asso-
4 ciated with leases procured under the delegation au-
5 thority to the leases procured by the Public Build-
6 ings Service;

7 “(2) whether procurements delegated were con-
8 sistent with authorization limitations and param-
9 eters; and

10 “(3) recommendations on improvements to the
11 delegation authority and whether such authority
12 should be extended.”.

13 (b) SMALL BUSINESSES.—When using commercial
14 leasing services, the Administrator of General Services
15 shall adhere to the requirements of the Small Business
16 Act (15 U.S.C. 631 et seq.).

17 (c) CLERICAL AMENDMENT.—The analysis for such
18 chapter, as amended by this Act, is further amended by
19 adding at the end the following:

“3321. Limitation on leasing authority of other agencies.”.

20 **SEC. 12. UTILIZATION RATES.**

21 (a) UTILIZATION RATES.—Chapter 33 of title 40,
22 United States Code, as amended by this Act, is further
23 amended by adding at the end the following:

1 **“§ 3322. Utilization rates**

2 “(a) MEASUREMENT OF SPACE UTILIZATION.—Not
3 later than 6 months after the date of enactment of this
4 section, the Administrator of General Services shall de-
5 velop and implement a method of measuring actual utiliza-
6 tion rates of its owned and leased inventory of public
7 buildings space and a plan for incorporating such utiliza-
8 tion rates into performance metrics for owned and leased
9 buildings by region.

10 “(b) SPACE UTILIZATION.—Any method developed
11 and implemented pursuant to subsection (a) shall be based
12 on actual utilization by rentable square feet per person.

13 “(c) REPORT.—Not later than 1 year after the date
14 of enactment of this section and annually thereafter, the
15 Administrator shall report to the Committee on Transpor-
16 tation and Infrastructure of the House of Representatives
17 and the Committee on Environment and Public Works of
18 the Senate utilization rates measured pursuant to sub-
19 section (a) and performance metrics for owned and leased
20 buildings.

21 “(d) CERTIFICATION.—Not later than one year after
22 the date of enactment of this section and every year there-
23 after, the Administrator and tenant Federal agencies shall
24 certify, in writing, to the Committee on Transportation
25 and Infrastructure of the House of Representatives and
26 the Committee on Environment and Public Works of the

1 Senate the actual number of personnel housed in each
2 building, leased or owned, in the inventory of the General
3 Services Administration. Such written certifications shall
4 detail the number of Federal employees, temporary em-
5 ployees, contractors, and any other non-Federal employ-
6 ees.

7 “(e) DATABASE.—

8 “(1) IN GENERAL.—The Administrator shall
9 maintain a database of utilization rates and metrics
10 developed pursuant to this section.

11 “(2) ACCESSIBILITY.—The database described
12 in paragraph (1) shall be made available upon re-
13 quest by congressional committees.

14 “(3) EXCLUSIONS.—For reasons of national se-
15 curity, the President may exclude any property from
16 the requirements of this subsection.

17 “(f) AGENCY SPACE PLANS.—Not later than 60 days
18 after the date of enactment of this section, the Adminis-
19 trator shall submit to the Committee on Transportation
20 and Infrastructure of the House of Representatives and
21 the Committee on Environment and Public Works of the
22 Senate all agency Real Property Cost Savings and Innova-
23 tion Plans submitted pursuant to the MANAGEMENT
24 PROCEDURES MEMORANDUM NO. 2013–02 of the
25 Office of Management and Budget. The Administrator

1 shall submit subsequent updates of the Real Property Cost
 2 Savings and Innovation Plans or any successor plans to
 3 the Committee on Transportation and Infrastructure of
 4 the House of Representatives and the Committee on Envi-
 5 ronment and Public Works of the Senate not later than
 6 60 days after their receipt by the Administrator.”.

7 (b) CLERICAL AMENDMENT.—The analysis for such
 8 chapter, as amended by this Act, is further amended by
 9 adding at the end the following:

“3322. Utilization rates.”.

10 **SEC. 13. ELIMINATING PROJECT ESCALATIONS.**

11 Section 3307(c) of title 40, United States Code, is
 12 amended by adding at the end the following: “The Admin-
 13 istrator shall notify, in writing, the Committee on Trans-
 14 portation and Infrastructure of the House of Representa-
 15 tives and the Committee on Environment and Public
 16 Works of the Senate of any increase of more than 5 per-
 17 cent of an estimated maximum cost or of any increase or
 18 decrease in the scope or size of a project of 5 or more
 19 percent. Such notification shall include an explanation re-
 20 garding any such increase or decrease. The scope or size
 21 of a project shall not increase or decrease by more than
 22 10 percent unless an amended prospectus is submitted and
 23 approved pursuant to this section.”.

1 **SEC. 14. REPORT ON PUBLIC BUILDING SERVICE ACTIVI-**
2 **TIES.**

3 Not later than 1 year after the date of enactment
4 of this Act, the Administrator of the General Services shall
5 submit a report to the Committee on Transportation and
6 Infrastructure of the House of Representatives and the
7 Committee on Environment and Public Works of the Sen-
8 ate regarding how the Public Buildings Service, through
9 its acquisition activities—

10 (1) conserves existing urban, suburban and
11 rural resources;

12 (2) encourages the development and redevelop-
13 ment of urban, suburban, and rural areas; and

14 (3) reduces costs to the Public Building Service
15 and improves the social, economic, environmental,
16 and cultural conditions of the communities in urban,
17 suburban, and rural areas.

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113TH CONGRESS
2D Session

H. R. 2612

[Report No. 113-656]

A BILL

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DECEMBER 11, 2014

Committed to the Committee of the Whole House on the State of the Union and ordered to be printed