

and with chapter 91 of title 31. The words “chapter 91 of title 31” are substituted for “the Government Corporation Control Act” in section 210(b) of the Federal Property and Administrative Services Act of 1949, because of section 4(b) of the Act of September 13, 1982 (Public Law 97-258, 96 Stat. 1067), the first section of which enacted Title 31, United States Code.

In subsection (b), the words “Director of the Office of Management and Budget” are substituted for “Director of the Bureau of the Budget” in section 210(i) of the Federal Property and Administrative Services Act of 1949 because the office of Director of the Bureau of the Budget was redesignated the Director of the Office of Management and Budget by section 102(b) of Reorganization Plan No. 2 of 1970 (eff. July 1, 1970, 84 Stat. 2085). Section 102 of Reorganization Plan No. 2 of 1970, was repealed by section 5(b) of the Act of September 13, 1982 (Public Law 97-258, 96 Stat. 1085), the first section of which enacted Title 31, United States Code, but the successor provision, 31:502, continued the designation as Director of the Office of Management and Budget.

§ 583. Construction of buildings

(a) AUTHORITY.—At the request of a federal agency, a mixed-ownership Government corporation (as defined in chapter 91 of title 31), or the District of Columbia, the Administrator of General Services may—

(1) acquire land for a building or project authorized by Congress;

(2) make or cause to be made (under contract or otherwise) surveys and test borings and prepare plans and specifications for a building or project prior to the Attorney General’s approval of the title to the site; and

(3) contract for, and supervise, the construction, development, and equipping of a building or project.

(b) TRANSFER OF AMOUNTS.—An amount available to a federal agency or instrumentality for a building or project may be transferred, in advance, to the General Services Administration for purposes the Administrator determines are necessary, including payment of salaries and expenses for preparing plans and specifications and for field supervision.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1111.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 583: Revised Section 583, Source (U.S. Code) 40:490(c), Source (Statutes at Large) June 30, 1949, ch. 288, title II, §210(c), as added Sept. 5, 1950, ch. 849, §5(c), 64 Stat. 582.

In subsection (a), the words “mixed-ownership Government corporation” are substituted for “mixed-ownership corporation” for consistency in the subsection and with chapter 91 of title 31. The words “chapter 91 of title 31” are substituted for “the Government Corporation Control Act” in section 210(c) of the Federal Property and Administrative Services Act of 1949 because of section 4(b) of the Act of September 13, 1982 (Public Law 97-258, 96 Stat. 1067), the first section of which enacted Title 31, United States Code.

In subsection (b), the words “salaries and expenses for preparing plans and specifications and for field supervision” are substituted for “salaries and expenses of personnel engaged in the preparation of plans and specifications or in field supervision, and for general office expenses to be incurred in the rendition of any such service” to eliminate unnecessary words.

§ 584. Assignment and reassignment of space

(a) AUTHORITY.—

(1) IN GENERAL.—Subject to paragraph (2), the Administrator of General Services may assign or reassign space for an executive agency in any Federal Government-owned or leased building.

(2) REQUIREMENTS.—The Administrator’s authority under paragraph (1) may be exercised only—

(A) in accordance with policies and directives the President prescribes under section 121(a) of this title;

(B) after consultation with the head of the executive agency affected; and

(C) on a determination by the Administrator that the assignment or reassignment is advantageous to the Government in terms of economy, efficiency, or national security.

(b) PRIORITY FOR PUBLIC ACCESS.—In assigning space on a major pedestrian access level (other than space leased under section 581(h)(1) or (2) of this title), the Administrator shall, where practicable, give priority to federal activities requiring regular contact with the public. If the space is not available, the Administrator shall provide space with maximum ease of access to building entrances.

(Pub. L. 107-217, Aug. 21, 2002, 116 Stat. 1112.)

HISTORICAL AND REVISION NOTES

Table with 3 columns: Revised Section, Source (U.S. Code), Source (Statutes at Large). Row 584: Revised Section 584, Source (U.S. Code) 40:490(e), Source (Statutes at Large) June 30, 1949, ch. 288, title II, §210(e), as added Sept. 5, 1950, ch. 849, §5(c), 64 Stat. 582; Pub. L. 94-541, title I, §104(b), Oct. 18, 1976, 90 Stat. 2506.

Statutory Notes and Related Subsidiaries

UTILIZING SPACE EFFICIENTLY AND IMPROVING TECHNOLOGIES ACT

Pub. L. 118-272, div. B, title III, §2302, Jan. 4, 2025, 138 Stat. 3218, provided that:

“(a) DEFINITIONS.—In this section:

“(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 Chief Financial Officers Act of 1990 (Public Law 101-576; 104 Stat. 2838).

“(7) OCCUPANCY.—The term ‘occupancy’ means the average number of employees actually performing duties in person in a public building or federally-leased space at least 40 hours per week over a 2-month period.

“(8) PUBLIC BUILDING.—The term ‘public building’ has the meaning given the term in section 3301(a) of title 40, United States Code.

“(b) IDENTIFICATION AND DEPLOYMENT OF BUILDING USAGE TECHNOLOGY.—

“(1) IN GENERAL.—Not later than 60 days after the date of enactment of this Act [Jan. 4, 2025], 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.

“(2) 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 Personal Identity Verification badge swipe data isolating only the first credential use of the day for each cardholder and other technologies that the Administrator determines to be appropriate, such as sensors, in public buildings and federally-leased space where the Federal agency occupies space to measure the occupancy of public buildings and federally-leased space.

“(3) PROTECTION OF PERSONALLY IDENTIFIABLE INFORMATION.—In carrying out paragraph (2), the Administrator shall ensure any sensors used for the purposes of determining occupancy are designed to protect of all personally identifiable information.

“(c) REPORTING ON USAGE OF REAL PROPERTY.—

“(1) 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—

“(A) 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;

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

“(C) 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

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

“(2) PUBLISHING REQUIREMENT.—

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

“(B) EXCEPTION.—The publishing requirements of subparagraph (A) shall not apply if the head of the respective Federal agency makes a determination that making the report required under paragraph (1) available on a publicly accessible website would be detrimental to national security.

“(d) REDUCING UNNEEDED SPACE.—

“(1) 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.

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

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

“(B) 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 the excess capacity and associated costs.

“(3) SUBSEQUENT FAILURE.—If the tenant agency fails to meet the 60 percent target under paragraph (1) in the reporting period subsequent to the reporting period under paragraph (2), 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.

“(4) 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.

“(5) EXCEPTIONS.—

“(A) 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.

“(B) 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 under subparagraph (A), including the justification for the exception.

“(e) HEADQUARTERS BUILDINGS.—

“(1) HEADQUARTERS CONSOLIDATIONS.—Not later than 1 year after the date of enactment of this Act [Jan. 4, 2025], 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.

“(2) CONTENTS.—The plan submitted under paragraph (1) shall include details on the following:

“(A) 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.

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

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

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

“(3) IMPLEMENTATION.—Not later than 1 year after the submission of the plan under paragraph (1), the Administrator and Director shall begin implementing the plan.

“(f) FEDERAL USE IT OR LOSE IT LEASES ACT.—

“(1) DEFINITIONS.—In this subsection:

“(A) FEDERAL TENANT.—

“(i) IN GENERAL.—The term ‘Federal tenant’ means a Federal agency that has an occupancy agreement with the Administrator to occupy a commercial lease for office space secured by the Administrator on behalf of the Federal Government.

“(ii) EXCLUSION.—The term ‘Federal tenant’ does not include an element of the intelligence community.

“(B) INTELLIGENCE COMMUNITY.—The term ‘intelligence community’ has the meaning given the term in section 3 of the National Security Act of 1947 (50 U.S.C. 3003).

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

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

“(i) monthly total occupancy of such office space;

“(ii) the actual utilization of such office space;

“(iii) monthly space utilization rates; and

“(iv) any other office space utilization data considered important by the Administrator; and

“(B) 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.

“(3) 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 the agreement containing data on—

“(A) monthly total occupancy of the office space;

“(B) the actual utilization of the office space;

“(C) monthly space utilization rates; and

“(D) any other office space utilization data considered important for collection by Congress.

“(4) EXCEPTIONS TO REPORTING AND OCCUPANCY AGREEMENT REQUIREMENTS.—This subsection shall not apply to properties used by an element of the intelligence community.

“(5) APPLICABILITY.—The requirements of this subsection shall apply to any occupancy or novation agreement entered into on or after the date that is 180 days after the date of enactment of this Act.

“(g) GAO REPORT.—

“(1) 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 subsection (d).

“(2) REQUIREMENTS.—The Comptroller General of the United States shall include in the report required under paragraph (1) the cost of deploying sensors and technologies pursuant to subsection (c) but shall exclude any such technologies that were in place before the date of enactment of this Act.

“(h) INVESTIGATION OF UNDERUTILIZED SPACE.—

“(1) REPORTING REQUIREMENT.—Not later than 90 days after the submission of each report under subsection (d), 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 the agency that has a utilization rate below 20 percent during the reporting period that is not a vacant office building.

“(2) INSPECTOR GENERAL INVESTIGATION.—On receipt of a report under paragraph (1), 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.”

Executive Documents

EX. ORD. NO. 12411. GOVERNMENT WORK SPACE MANAGEMENT REFORMS

Ex. Ord. No. 12411, Mar. 29, 1983, 48 F.R. 13391, provided:

By the authority vested in me as President by the Constitution and laws of the United States of America, including Section 486 of Title 40 of the United States Code [now 40 U.S.C. 121], in order to institute fundamental changes in the manner in which Federal work space is managed to ensure its efficient utilization, it is hereby ordered as follows:

SECTION 1. In order to make the Federal use of work space (including office space, warehouses and special purpose space, whether federally owned, leased or controlled) and related furnishings more effective in support of agency missions, minimize the acquisition of government resources, and reduce the administrative costs of the Federal government, the heads of all Federal Executive agencies shall:

(a) Establish programs to reduce the amount of work space, used or held, to that amount which is essential for known agency missions;

(b) Produce and maintain a total inventory of work space and related furnishings and declare excess to the Administrator of General Services all such holdings that are not necessary to satisfy existing or known and verified planned programs;

(c) Ensure that the amount of office space used by each employee of the agency, or others using agency-controlled space, is held to the minimum necessary to accomplish the task that must be performed;

(d) Manage the furniture, equipment, decoration, drapes, carpeting, plants and other accoutrements so that the use of all furnishings by the agency reflects a judicious employment of public moneys;

(e) Consider, in making decisions concerning the use, acquisition, or disposal of work space and related furnishings, the effects of its actions on costs incurred by other Federal agencies;

(f) Report all vacant work space retained for future Federal uses to the Administrator of General Services so that it may be made available for the temporary use of other Federal agencies, to the extent consistent with national defense requirements;

(g) Establish a work space management plan to meet the provisions of this Order, including specification of the goals to be achieved and actions to be taken by the agency in order to improve its utilization of all work space and related furnishings; and

(h) Establish information systems, implement inventory controls and conduct surveys, in accordance with procedures established by the Administrator of General Services, so that a government-wide reporting system may be developed.

SEC. 2. The Administrator of General Services is delegated authority, to the extent not prohibited by other laws, to conduct surveys, establish agency-wide objectives for work space use for each Executive agency, and establish procedures, guidelines and regulations to be followed by the agencies in developing the work space planning, information and reporting systems required by this Order.

RONALD REAGAN.

§ 585. Lease agreements

(a) IN GENERAL.—

(1) AUTHORITY.—The Administrator of General Services may enter into a lease agreement with a person, copartnership, corporation, or other public or private entity for the accommodation of a federal agency in a building (or improvement) which is in existence or being erected by the lessor to accommodate the federal agency. The Administrator may assign and reassign the leased space to a federal agency.