

113TH CONGRESS  
1ST SESSION

# H. R. 2612

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

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## 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

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## 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:

1 **“§ 3317. Offsets and freeze of space inventory**

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

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

15 (b) CLERICAL AMENDMENT.—The analysis for such  
16 chapter is amended by adding at the end the following:  
“3317. Offsets and freeze of space inventory.”.

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

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

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

22 (2) by inserting after paragraph (4) the fol-  
23 lowing:

24 “(5) MAXIMUM RENTAL RATE.—The term  
25 ‘maximum rental rate’ means the maximum rate, by

1       rentable square feet estimated by the Administrator  
2       of General Services for the leasing of commercial  
3       space for purposes of a public building in a given  
4       geographical location.”.

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

8           “(3)   RESTRICTION   ON   BELOW-PROSPECTUS  
9       LEVEL.—

10           “(A)   RESTRICTION   ON   RENTAL   RATE.—

11       The Administrator may not lease space at an  
12       amount below the average annual rental rate  
13       thresholds established pursuant to subsections  
14       (a) and (h) and that exceeds the maximum  
15       rental rate established by the Administrator for  
16       the respective geographical location, unless the  
17       Committee on Transportation and Infrastruc-  
18       ture of the House of Representatives and the  
19       Committee on Environment and Public Works  
20       of the Senate are notified by the Administrator  
21       in writing at least 10 days before the execution  
22       of such lease.

23           “(B)   ANNUAL   REPORTS.—The Adminis-  
24       trator shall submit, on an annual basis, to the  
25       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 a report detailing the maximum  
4           rental rates established by the Administrator by  
5           geographical location.

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

18 **SEC. 4. REPORTS ON LEASES.**

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

22 **“§ 3318. Reports on leases**

23          “Not later than December 31 of each year, the Ad-  
24          ministrator of General Services shall submit a list to the  
25          Committee on Transportation and Infrastructure of the

1 House of Representatives and the Committee on Environ-  
2 ment and Public Works of the Senate of all leases, includ-  
3 ing lease-construction agreements, entered into by the  
4 General Services Administration for the previous fiscal  
5 year. For each lease, the list shall detail the size of the  
6 space, location, tenant agency or agencies, total annual  
7 rental rate, and the authorized annual rental if such rental  
8 rate exceeds the annual threshold amounts set forth in  
9 section 3307.”.

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

“3318. Reports on leases.”.

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

14 Section 3307(b) of title 40, United States Code, is  
15 amended—

16 (1) in paragraph (6) by striking “and” at the  
17 end;

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

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

21 “(8) with respect to any prospectus, including  
22 for replacement space, lease renewal, or lease exten-  
23 sion, the Administrator shall include a justification  
24 for such space, including an explanation of why such

1 space could not be consolidated or co-located into  
2 other owned or leased space.”.

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

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

8 **“§ 3319. Reducing costs related to courthouses**

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

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

14 “(2) the design and construction of the new  
15 courthouse fails to comply, at a minimum, with the  
16 courtroom sharing requirements described in sub-  
17 section (b).

18 “(b) COURTROOM SHARING REQUIREMENTS DE-  
19 FINED.—The term ‘courtroom sharing requirements’  
20 means—

21 “(1) in courthouses with 10 or more active dis-  
22 trict judges, 2 courtrooms per 3 active district  
23 judges, except such courthouses may contain not less  
24 than 9 courtrooms for active district judges;

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

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

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

8           “(c) UNITED STATES COURTS DESIGN GUIDE.—Not  
9 later than 180 days after the date of enactment of this  
10 section, the Design Guide for courthouses shall be updated  
11 to incorporate courtroom sharing requirements to the  
12 maximum extent practicable.

13           “(d) UTILIZATION.—If a new courthouse will add ca-  
14 pacity in the inventory of the General Services Adminis-  
15 tration, existing space in the same courthouse complex  
16 must be fully utilized or relinquished from the inventory  
17 of the General Services Administration.”.

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:

“3319. Reducing costs related to courthouses.”.

21 **SEC. 7. INSPECTOR GENERAL REVIEW.**

22           The Inspector General of the General Services Ad-  
23 ministration shall review the Public Buildings Service’s in-  
24 ternship program, recent graduate program, and any simi-  
25 lar program and report to the Committee on Transpor-

1 tation and Infrastructure of the House of Representatives  
2 and the Committee on Environment and Public Works of  
3 the Senate on the following:

4 (1) The costs associated with each program.

5 (2) Value added to the Public Buildings Service  
6 by the programs.

7 (3) Recommendations on improving the pro-  
8 grams.

9 (4) Compliance with Federal hiring laws, prac-  
10 tices, and standards.

11 **SEC. 8. BONUSES AND CONFERENCES.**

12 (a) MORATORIUM ON BONUSES.—Section 592 of title  
13 40, United States Code, is amended by adding at the end  
14 the following:

15 “(g) MORATORIUM ON BONUSES.—No funds in the  
16 Federal Buildings Fund may be available for bonuses, per-  
17 formance awards, or similar expenditures for a member  
18 of the Senior Executive Service, until the Administrator  
19 of General Services submits a report to the Committee on  
20 Transportation and Infrastructure of the House of Rep-  
21 resentatives and the Committee on Environment and Pub-  
22 lic Works of the Senate detailing—

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

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

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

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

10       **“§ 3320. Restrictions on conferences and travel**

11       “(a) REPORTS REGARDING CONFERENCES.—Not  
12       later than the end of each fiscal year, the Administrator  
13       of General Services shall submit to the Committee on  
14       Transportation and Infrastructure of the House of Rep-  
15       resentatives and the Committee on Environment and Pub-  
16       lic Works of the Senate a report on conferences proposed  
17       to be hosted by the Public Buildings Service for the subse-  
18       quent fiscal year. The report shall include the following  
19       for each proposed conference:

20           “(1) The purpose of the conference.

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

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

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

1           “(5) Any expected non-Federal funding or  
2 sponsorships.

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

7           “(1) The actual expenditures and costs of each  
8 conference and a comparison to the budget sub-  
9 mitted pursuant to subsection (a).

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

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

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

“3320. Restrictions on conferences and travel.”.

18 **SEC. 9. ADMINISTRATIVE COSTS SPECIFIED.**

19           “(a) ADMINISTRATIVE COSTS SPECIFIED.—Section  
20 592(c) of title 40, United States Code, is amended by add-  
21 ing at the end the following:

22           “(5) EXCEPTION FOR ADMINISTRATIVE EX-  
23 PENSES.—Notwithstanding paragraph (1), deposits  
24 in the Fund may not be used for administrative ex-  
25 penses of the Public Buildings Service unless an

1 amount specified for such expenses is specifically au-  
2 thorized for a given fiscal year.”.

3 (b) REPORTING OF ADMINISTRATIVE EXPENSES.—

4 Section 3307 of title 40, United States Code, is amended  
5 by adding at the end the following:

6 “(i) BUDGET PROPOSAL OF ADMINISTRATIVE EX-  
7 PENSES.—

8 “(1) PROPOSED BUDGET.—Not later than the  
9 date that the President submits the budget request  
10 to Congress pursuant to section 1105 of title 31,  
11 United States Code, the Administrator of General  
12 Services shall submit a proposed budget for the Pub-  
13 lic Buildings Service to the Committee on Transpor-  
14 tation and Infrastructure of the House of Represent-  
15 atives, the Committee on Environment and Public  
16 Works of the Senate, and the Committees on Appro-  
17 priations of the House of Representatives and the  
18 Senate detailing all proposed administrative ex-  
19 penses for such Service for the following fiscal year.

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

22 “(A) A breakdown of proposed administra-  
23 tive expenses of the Public Buildings Service  
24 and the expenses of the previous fiscal year, in-  
25 cluding a breakdown of object classification and

1 subclassification to include salaries, bonuses,  
2 travel and transportation, training, and con-  
3 ferences.

4 “(B) A breakdown as described in sub-  
5 paragraph (A) for the Public Buildings Service  
6 headquarters, Commissioner’s office, and each  
7 of the regional offices.

8 “(C) A breakdown of proposed staffing lev-  
9 els, including the number of full-time equivalent  
10 positions and the number of Federal employees  
11 by job classification and title of the Public  
12 Buildings Service, the Service headquarters,  
13 Commissioner’s office, and the regional offices,  
14 and the numbers for the same for the previous  
15 fiscal year.

16 “(D) A detailed justification for any pro-  
17 posed increase in administrative expenses or  
18 staffing.

19 “(E) A justification for the total amount of  
20 administrative expenses.

21 “(3) ADMINISTRATIVE COST CATEGORIES.—The  
22 budget proposal information described in paragraph  
23 (2) shall provide the required information within the  
24 following administrative cost categories:

1           “(A) Building Operations and Mainte-  
2 nance, including cleaning, utilities and fuels,  
3 and maintenance.

4           “(B) Salaries and Expenses, including  
5 other building services, space acquisition, staff  
6 support, and information technology services.”.

7 **SEC. 10. LIMITATION ON AUTHORIZATIONS.**

8           Section 3307 of title 40, United States Code, as  
9 amended by this Act, is further amended by adding at the  
10 end the following:

11           “(j) EXPIRATION OF COMMITTEE RESOLUTIONS.—  
12 Unless a lease is executed or a construction, alteration,  
13 repair, design, or acquisition project is initiated within 5  
14 years of the resolution approvals adopted by the Com-  
15 mittee on Transportation and Infrastructure of the House  
16 of Representatives or the Committee on Environment and  
17 Public Works of the Senate pursuant to subsection (a),  
18 such resolutions shall be deemed expired. This subsection  
19 shall only apply to resolutions approved after the date of  
20 enactment of this subsection.”.

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

22           (a) LIMITATION ON LEASING AUTHORITY OF OTHER  
23 AGENCIES.—Chapter 33 of title 40, United States Code,  
24 as amended by this Act, is further amended by adding  
25 at the end the following:

1 **“§ 3321. Limitation on leasing authority of other**  
2 **agencies**

3 “(a) IN GENERAL.—Notwithstanding any other pro-  
4 vision of law, an executive agency may not lease space for  
5 the purposes of a public building as defined under section  
6 3301, except as provided under section 585 and the provi-  
7 sions of this chapter.

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

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

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

13 “(2) properties of the Department of Veterans  
14 Affairs.

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

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

20 “(1) the Administrator of General Services may  
21 delegate authority to manage the procurement of  
22 leases to an appropriate executive agency if the Ad-  
23 ministrator determines that such agency has the ap-  
24 propriate expertise and ability to do so and such del-  
25 egation promotes efficiency and economy;

1           “(2) the delegation under this subsection does  
2           not exempt the Administrator or the agency to  
3           which the delegation is made from any other provi-  
4           sion of this chapter, including sections 592 and  
5           3307; and

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

8           “(f) REPORT.—Not later than 6 months before the  
9           termination date set forth in subsection (e)(3), the Admin-  
10          istrator shall submit a report to the Committee on Trans-  
11          portation and Infrastructure of the House of Representa-  
12          tives and the Committee on Environment and Public  
13          Works of the Senate. The report shall include an analysis  
14          of the effectiveness of the delegation authority provided  
15          in this section, including—

16               “(1) a comparison of the costs and terms asso-  
17               ciated with leases procured under the delegation au-  
18               thority to the leases procured by the Public Build-  
19               ings Service;

20               “(2) whether procurements delegated were con-  
21               sistent with authorization limitations and param-  
22               eters; and

23               “(3) recommendations on improvements to the  
24               delegation authority and whether such authority  
25               should be extended.”.

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

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

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

8 **SEC. 12. UTILIZATION RATES.**

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

12 **“§ 3322. Utilization rates**

13 “(a) MEASUREMENT OF SPACE UTILIZATION.—Not  
14 later than 6 months after the date of enactment of this  
15 section, the Administrator of General Services shall de-  
16 velop and implement a method of measuring actual utiliza-  
17 tion rates of its owned and leased inventory of public  
18 buildings space and a plan for incorporating such utiliza-  
19 tion rates into performance metrics for owned and leased  
20 buildings by region.

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

24 “(c) REPORT.—Not later than 1 year after the date  
25 of enactment of this section and annually thereafter, the

1 Administrator shall report to the Committee on Transpor-  
2 tation and Infrastructure of the House of Representatives  
3 and the Committee on Environment and Public Works of  
4 the Senate utilization rates measured pursuant to sub-  
5 section (a) and performance metrics for owned and leased  
6 buildings.

7 “(d) CERTIFICATION.—Not later than one year after  
8 the date of enactment of this section and every year there-  
9 after, the Administrator and tenant Federal agencies shall  
10 certify, in writing, to the Committee on Transportation  
11 and Infrastructure of the House of Representatives and  
12 the Committee on Environment and Public Works of the  
13 Senate the actual number of personnel housed in each  
14 building, leased or owned, in the inventory of the General  
15 Services Administration. Such written certifications shall  
16 detail the number of Federal employees, temporary em-  
17 ployees, contractors, and any other non-Federal employ-  
18 ees.

19 “(e) DATABASE.—

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

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

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

4           “(f) AGENCY SPACE PLANS.—Not later than 60 days  
5           after the date of enactment of this section, the Adminis-  
6           trator shall submit to the Committee on Transportation  
7           and Infrastructure of the House of Representatives and  
8           the Committee on Environment and Public Works of the  
9           Senate all agency Real Property Cost Savings and Innova-  
10          tion Plans submitted pursuant to the MANAGEMENT  
11          PROCEDURES MEMORANDUM NO. 2013–02 of the  
12          Office of Management and Budget. The Administrator  
13          shall submit subsequent updates of the Real Property Cost  
14          Savings and Innovation Plans or any successor plans to  
15          the Committee on Transportation and Infrastructure of  
16          the House of Representatives and the Committee on Envi-  
17          ronment and Public Works of the Senate not later than  
18          60 days after their receipt by the Administrator.”.

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

          “3322. Utilization rates.”.

22          **SEC. 13. ELIMINATING PROJECT ESCALATIONS.**

23          Section 3307(c) of title 40, United States Code, is  
24          amended by adding at the end the following: “The Admin-  
25          istrator shall notify, in writing, the Committee on Trans-

1 portation and Infrastructure of the House of Representa-  
2 tives and the Committee on Environment and Public  
3 Works of the Senate of any increase of more than 5 per-  
4 cent of an estimated maximum cost or of any increase or  
5 decrease in the scope or size of a project of 5 or more  
6 percent. Such notification shall include an explanation re-  
7 garding any such increase or decrease. The scope or size  
8 of a project shall not increase or decrease by more than  
9 10 percent unless an amended prospectus is submitted and  
10 approved pursuant to this section.”.

11 **SEC. 14. REPORT ON PUBLIC BUILDING SERVICE ACTIVI-**  
12 **TIES.**

13 Not later than 1 year after the date of enactment  
14 of this Act, the Administrator of the General Services shall  
15 submit a report to the Committee on Transportation and  
16 Infrastructure of the House of Representatives and the  
17 Committee on Environment and Public Works of the Sen-  
18 ate regarding how the Public Buildings Service, through  
19 its acquisition activities—

20 (1) conserves existing urban, suburban and  
21 rural resources;

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

24 (3) reduces costs to the Public Building Service  
25 and improves the social, economic, environmental,

- 1 and cultural conditions of the communities in urban,
- 2 suburban, and rural areas.

