

112TH CONGRESS
2D SESSION

H. R. 6430

To amend title 40, United States Code, to improve the functioning of the
General Services Administration.

IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 19, 2012

Mr. MICA (for himself and Mr. DENHAM) introduced the following bill; which
was referred to the Committee on Transportation and Infrastructure

A BILL

To amend title 40, United States Code, to improve the
functioning of the General Services Administration.

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 Re-
5 form Act of 2012”.

1 **TITLE I—REDUCTION OF**
2 **FEDERAL SPACE FOOTPRINT**

3 **SEC. 101. REQUIRED OFFSETS FOR NEW SPACE.**

4 (a) OFFSETS AND REDUCTION OF SPACE INVEN-
5 TORY.—At the end of chapter 33 of title 40, United States
6 Code, add the following:

7 **“§ 3317. Offsets and reduction of space inventory**

8 “(a) INFORMATION IN PROSPECTUS.—Any pro-
9 spectus that proposes new space, whether leased or owned,
10 transmitted pursuant to section 3307(b) of title 40,
11 United States Code, for fiscal years 2014, 2015, and 2016
12 shall contain information outlining the details of the elimi-
13 nation of at least a corresponding amount of space.

14 “(b) REDUCTION IN LEASED AND OWNED PROP-
15 ERTY.—Each calendar year through 2016, the Adminis-
16 trator of General Services shall reduce by a minimum of
17 1,000,000 square feet of the leased and owned property
18 in the inventory of the General Services Administration
19 and shall report on an annual basis 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 a report detailing the reductions
23 for the previous year.”.

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

3 **TITLE II—MINIMIZING COSTS OF** 4 **FEDERAL SPACE**

5 **SEC. 201. MINIMIZING COSTS OF LEASED SPACE.**

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

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

10 (2) by inserting after paragraph (4) the fol-
 11 lowing:

12 “(5) MAXIMUM RENTAL RATE.—The term
 13 ‘maximum rental rate’ means the maximum rate by
 14 rentable square feet estimated by the Administrator
 15 for the lease of commercial space for the purposes
 16 of a public building for a given geographical loca-
 17 tion.”.

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

21 “(3) LIMITATION ON BELOW-PROSPECTUS
 22 LEVEL.—

23 “(A) RESTRICTION ON RENTAL
 24 RATE.—The Administrator may not lease
 25 space at an amount below the average an-

1 nual rental rate established pursuant to
2 subsections (a) and (h) that exceeds the
3 maximum rental rate established by the
4 Administrator for the respective geo-
5 graphical location unless the Committee on
6 Transportation and Infrastructure of the
7 House of Representatives and the Com-
8 mittee on Environment and Public Works
9 of the Senate are notified in writing at
10 least 10 days before executing such lease.

11 “(B) ANNUAL REPORTS.—The Ad-
12 ministrator shall submit, on an annual
13 basis, to the Committee on Transportation
14 and Infrastructure of the House of Rep-
15 resentatives and the Committee on Envi-
16 ronment and Public Works of the Senate
17 reports detailing the maximum rental rates
18 established by the Administrator by geo-
19 graphical location.

20 “(4) LIMITATION ON OTHER BELOW-PRO-
21 SPECTUS LEVEL PROJECTS.—At least 30 days before
22 entering into any lease-construction agreement, re-
23 gardless of the thresholds established pursuant to
24 subsections (a) and (h), the Administrator shall no-
25 tify the Committee on Transportation and Infra-

1 structure of the House of Representatives and the
2 Committee on Environment and Public Works of the
3 Senate in writing of the intention to enter into such
4 agreement and include in the notification details of
5 the project and any associated information.”.

6 **SEC. 202. REDUCING COSTS RELATED TO COURTHOUSES.**

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

10 (1) construction has not begun on or before No-
11 vember 1, 2012; and

12 (2) in the same jurisdiction in which the new
13 Federal courthouse will serve, the existing utilization
14 of courtrooms in a courthouse is not, at a minimum,
15 in accordance with subsection (b).

16 (b) DEFINITIONS.—For the purposes of this section:

17 (1) COMMENCE CONSTRUCTION.—The term
18 “commence construction” means the Administrator
19 has obligated funds for the construction phase of a
20 courthouse project, but in no case shall construction
21 be construed as commencing on the basis of any ob-
22 ligation of funds or actions taken for site acqui-
23 sition, design, excavation, demolition, or preliminary
24 site work and in accordance with paragraph (2).

1 (2) COURTROOM SHARING REQUIREMENTS.—

2 The term “courtroom sharing requirements”
3 means—

4 (A) in courthouses with 10 or more active
5 district judges, 2 courtrooms per 3 active dis-
6 trict judges;

7 (B) in courthouses with 2 or more bank-
8 ruptcy judges, 2 courtrooms per 3 bankruptcy
9 judges;

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

13 (D) in courthouses with 2 or more mag-
14 istrate judges, 1 courtroom per 2 magistrate
15 judges.

16 (c) UNITED STATES COURTS DESIGN GUIDE.—Not
17 later than 6 months after the date of enactment of this
18 Act, the Design Guide for courthouses shall be updated
19 to incorporate courtroom sharing to the maximum extent
20 practicable consistent with the requirements outlined in
21 subsection (b).

22 **SEC. 203. REDUCING COSTS OF REAL ESTATE TRANS-**
23 **ACTIONS.**

24 (a) USE OF PRIVATE SECTOR EXPERTISE.—The Ad-
25 ministrator of General Services shall, to the maximum ex-

1 tent practicable, utilize customary and industry real estate
2 management and services, including the use of a commer-
3 cial real estate leasing brokerage and related property
4 management services.

5 (b) REPORTS.—The Administrator shall submit a re-
6 port on a quarterly basis to the Committee on Transpor-
7 tation and Infrastructure of the House of Representatives,
8 the Committee on Environment and Public Works of the
9 Senate, and the Comptroller General detailing—

10 (1) lease procurements entered into by the Ad-
11 ministrator through the use of in house personnel,
12 and lease procurements entered into through the use
13 of commercial real estate brokerage agreements
14 under a national or other type of contract, and a
15 comparison of savings of each method of procure-
16 ment, including lease costs relative to market, tenant
17 agency rent credits, and any concessions affecting
18 the total costs of such lease;

19 (2) other real estate management services car-
20 ried out through commercial real estate agreements;
21 and

22 (3) a breakdown of total time and costs of lease
23 procurements conducted by Federal full-time equiva-
24 lent employees and General Services Administration
25 contract employees assigned to manage transactions

1 conducted internally, and procurements conducted
2 through commercial real estate brokerage services
3 through agreements with General Services Adminis-
4 tration and associated staffing costs of such agree-
5 ments. The analysis of costs shall include costs of all
6 personnel, including the costs of salaries and bene-
7 fits, office and related space, travel, training, and
8 other related costs for all personnel directly or indi-
9 rectly assigned to such procurements. The analysis
10 of the time required for each method of procuring
11 leased space shall take into account—

12 (A) the type of procurement and whether
13 it is a simple lease renewal, lease extension, su-
14 perseding lease, standstill lease agreement, full
15 and open competition, or other than full and
16 open competition, and whether a procurement is
17 low price, technically acceptable, or source se-
18 lection and whether such lease is a simplified
19 lease, streamlined lease, or standard lease;

20 (B) any changes to procurement schedules
21 and whether such schedules are adjusted;

22 (C) Federal agency requirements' modi-
23 fications; and

24 (D) internal policy shifts and other
25 changes that may affect the timing of such

1 transactions so that an accurate comparison
2 may be conducted between the differences of
3 procurements conducted by in-house and con-
4 tract personnel under the control of the Admin-
5 istration, and those procurements conducted by
6 leasing brokerages services.

7 (c) GAO REVIEW.—As requested by the Committee
8 on Transportation and Infrastructure of the House of
9 Representatives or the Committee on Environment and
10 Public Works of the Senate, the Comptroller General shall
11 report on the information and data provided pursuant to
12 subsection (b). The review shall consider, among other re-
13 quested elements—

14 (1) the reliability of the data provided pursuant
15 to subsection (b); and

16 (2) an assessment of any analyses provided pur-
17 suant to subsection (b).

18 (d) ACCESS TO INFORMATION.—The Administrator
19 shall provide the Comptroller General any additional data
20 and information requested by the Comptroller General to
21 carry out subsection (c). The Comptroller General shall
22 notify the Committee on Transportation and Infrastruc-
23 ture of the House of Representatives and the Committee
24 on Environment and Public Works of the Senate if the

1 Administrator of General Services fails to provide data,
 2 analyses, or other information required under this section.

3 **SEC. 204. REDUCTION IN PERSONNEL.**

4 Not later than fiscal year 2015, the Administrator
 5 of General Services shall reduce the total number of full
 6 time equivalent positions of the Public Buildings Service
 7 to 6,000.

8 **TITLE III—ELIMINATION OF**
 9 **WASTE AND ABUSE**

10 **SEC. 301. PROHIBITION ON BONUSES.**

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

14 “(g) MORATORIUM ON BONUSES.—

15 “(1) IN GENERAL.—Unless specifically author-
 16 ized by Congress in a given fiscal year, no funds in
 17 the Federal Buildings Fund may be available for bo-
 18 nuses, performance awards, or similar expenditures
 19 for members of the Senior Executive Service.

20 “(2) TERMINATION.—This subsection shall
 21 cease to be effective on October 1, 2014.”.

22 (b) RESTRICTIONS ON CONFERENCES AND TRAV-
 23 EL.—Chapter 33 of title 40, United States Code, as
 24 amended by section 101 of this Act, is further amended
 25 by adding at the end the following:

1 **“SEC. 3318. RESTRICTIONS ON CONFERENCES AND TRAVEL.**

2 “(a) IN GENERAL.—

3 “(1) NOTIFICATION REGARDING CON-
4 FERENCES.—The Administrator shall submit to the
5 Committee on Transportation and Infrastructure of
6 the House of Representatives and the Committee on
7 Environment and Public Works of the Senate a writ-
8 ten notification not less than 30 days before entering
9 into any contract related to any conference that in-
10 cludes personnel of the Public Buildings Service.
11 The notification shall include the following:

12 “(A) The purpose of the conference.

13 “(B) A detailed budget for the conference,
14 including related travel, lodging, and per diem
15 costs.

16 “(C) The expected number of participants.

17 “(D) The location and length of the con-
18 ference.

19 “(E) Any expected non-Federal funding or
20 sponsorships.

21 “(2) CONFERENCE REVIEW.—Not later than 60
22 days after each conference referred to in subsection
23 (a), the Administrator shall submit to the commit-
24 tees identified in subsection (a) the following:

25 “(A) Details on the actual expenditures
26 and costs of the conference and a comparison to

1 the budget submitted pursuant to paragraph
2 (1).

3 “(B) The actual number of participants of
4 the Public Buildings Service, including job title
5 and classifications, and associated travel, lodg-
6 ing, and per diem costs.

7 “(C) An agenda of conference program-
8 ming and events.”.

9 (c) CLERICAL AMENDMENT.—The analysis for such
10 chapter is further amended by adding at the end the fol-
11 lowing:

“3318. Restrictions on conference and travel.”.

12 **SEC. 302. LIMITATION ON INTERNSHIPS.**

13 (a) RESTRICTION ON INTERNS.—Through fiscal year
14 2015, the Public Buildings Service shall have not more
15 than 50 individuals, paid or un-paid, participating in any
16 intern program, recent graduate program, or Presidential
17 Management Fellow program, or similar program in any
18 given fiscal year.

19 (b) INSPECTOR GENERAL REVIEW.—The Inspector
20 General of the General Services Administration shall re-
21 view the Public Buildings Service’s internship program,
22 recent graduate program and Presidential Management
23 Fellow program and any similar program and report to
24 the Committee on Transportation and Infrastructure of

1 the House of Representatives and the Committee on Envi-
 2 ronment and Public Works of the Senate on the following:

3 (1) The costs associated with the programs.

4 (2) Value added to the Public Buildings Service
 5 of the programs.

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

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

10 **TITLE IV—IMPROVING TRANS-** 11 **PARENCY AND ACCOUNT-** 12 **ABILITY**

13 **SEC. 401. ADMINISTRATIVE COSTS SPECIFIED.**

14 (a) ADMINISTRATIVE COSTS SPECIFIED.—Section
 15 592(c) of title 40, United States Code, is amended by add-
 16 ing at the end the following:

17 “(5) EXCEPTION FOR ADMINISTRATIVE EX-
 18 PENSES.—Notwithstanding paragraph (1), deposits
 19 in the Fund may not be used for administrative ex-
 20 penses of the Public Buildings Service unless an
 21 amount specified for such expenses is specifically au-
 22 thorized annually.”.

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

1 “(i) BUDGET PROPOSAL OF ADMINISTRATIVE EX-
2 PENSES.—

3 “(1) PROPOSED BUDGET.—Not later than
4 the date that the President submits the budget
5 request to Congress pursuant to section 1105 of
6 title 31, United States Code, the Administrator
7 of General Services shall submit a proposed
8 budget for the Public Buildings Service to the
9 Committee on Transportation and Infrastruc-
10 ture of the House of Representatives, the Com-
11 mittee on Environment and Public Works of the
12 Senate, and the Committees on Appropriations
13 of the House of Representatives and the Senate
14 detailing all proposed administrative expenses
15 for such Service for the following fiscal year.

16 “(2) SPECIFICS OF BUDGET PROPOSAL.—
17 Such proposed budget shall include the fol-
18 lowing:

19 “(A) A breakdown of proposed admin-
20 istrative expenses of the Public Buildings
21 Service and the expenses of the previous
22 fiscal year, including a breakdown of object
23 classification and subclassification to in-
24 clude salaries, bonuses, travel and trans-
25 portation, training, and conferences.

1 “(B) A breakdown as described in
2 subparagraph (A) for the Public Buildings
3 Service headquarters, Commissioner’s of-
4 fice, and each of the regional offices.

5 “(C) A breakdown of proposed staff-
6 ing levels, including the number of full-
7 time equivalents and number of Federal
8 employees by job classification and title of
9 the Public Buildings Service, the Service
10 headquarters, Commissioner’s office, and
11 the regional offices, and the numbers for
12 such expenses for the prior fiscal year.

13 “(D) A detailed justification for any
14 proposed increase in administrative ex-
15 penses or staffing.

16 “(3) ADMINISTRATIVE COST CAT-
17 EGORIES.—The budget proposal information de-
18 scribed in paragraph (2) shall provide the re-
19 quired information consistent with the following
20 administrative cost categories:

21 “(A) Building Operations and Mainte-
22 nance, including cleaning, utilities and
23 fuels, and maintenance.

24 “(B) Salaries and Expenses, including
25 other building services, space acquisition,

1 staff support, and information technology
2 services.”.

3 **SEC. 402. LIMITATION ON AUTHORIZATIONS.**

4 Section 3307 of title 40, United States Code, as
5 amended by section 401(b) of this Act, is further amended
6 by adding at the end the following:

7 “(j) EXPIRATION OF COMMITTEE RESOLUTIONS.—
8 Unless a lease is executed or a construction, alteration,
9 repair, design or acquisition project is initiated within 5
10 years of the resolution approvals adopted by the Com-
11 mittee on Transportation and Infrastructure of the House
12 of Representatives and the Committee on Environment
13 and Public Works of the Senate pursuant to subsection
14 (a) such resolution approvals shall be deemed expired.”.

15 **SEC. 403. LIMITATION ON CERTAIN LEASING AUTHORITIES.**

16 (a) LIMITATION ON LEASING AUTHORITY OF OTHER
17 AGENCIES.—Chapter 33 of title 40, United States Code,
18 is further amended by adding at the end the following:

19 **“§ 3319. Limitation on leasing authority of other**
20 **agencies**

21 “(a) IN GENERAL.—Notwithstanding any other pro-
22 vision of law, no executive agency may lease space for the
23 purposes of a public building as defined under section
24 3301, except as provided under section 585, and the provi-
25 sions of this chapter.

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

3 “(c) FURTHER EXCLUSIONS.—This section shall not
4 apply to—

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

7 “(2) properties of the Department of Veterans
8 Affairs.

9 “(d) CONSTRUCTION.—Nothing in this section shall
10 be construed as creating new authority for executive agen-
11 cies to enter into leases or limit the authority of the Ad-
12 ministrator under section 3314.”.

13 (b) SMALL BUSINESSES.—When using commercial
14 leasing services, the Administrator shall adhere to the re-
15 quirements of the Small Business Act (15 U.S.C. et seq.).

16 (c) CLERICAL AMENDMENT.—The analysis for such
17 chapter, as amended by section 301 of this Act, is further
18 amended by adding at the end:

“3319. Limitation on leasing authority of other agencies.”.

19 **SEC. 404. UTILIZATION RATES.**

20 (a) MEASUREMENT OF SPACE UTILIZATION.—Not
21 later than 6 months after the date of enactment of this
22 Act, the Administrator of General Services shall develop
23 and implement a method of measuring actual utilization
24 rates of its owned and leased inventory of public buildings
25 space and a plan for incorporating such utilization rates

1 as performance metrics by owned and leased buildings and
2 by region.

3 (b) SPACE UTILIZATION.—Any method developed
4 and implemented pursuant to subsection (a) shall be based
5 on actual utilization by rentable square feet per Federal
6 employee.

7 (c) REPORT.—Not later than 1 year after the date
8 of enactment of this Act, and annually thereafter, the Ad-
9 ministrator shall report to the Committee on Transpor-
10 tation and Infrastructure of the House of Representatives
11 and the Committee on Environment and Public Works of
12 the Senate utilization rates measured pursuant to sub-
13 section (a) and performance metrics for owned and leased
14 buildings.

15 (d) CERTIFICATION.—The Administrator and tenant
16 Federal agencies shall, not later than 6 months after the
17 date of enactment of this Act, and every 6 months there-
18 after, certify in writing to the appropriate committees of
19 Congress the actual number of personnel housed in each
20 building, leased or owned, in the inventory of the General
21 Services Administration. Such written certification shall
22 detail the number of Federal employees, number of tem-
23 porary employees, number of contractors, and number of
24 any other non-Federal employees.

1 (e) INCREASE IN RENTAL PAYMENTS.—If a tenant
 2 Federal agency fails to submit required utilization infor-
 3 mation, the Administrator may increase the rent for any
 4 property occupied by such tenant agency by 5 percent for
 5 a period of 6 months.

6 (f) DATABASE.—

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

10 (2) ACCESSIBILITY.—The database base de-
 11 scribed in paragraph (1) shall be made available
 12 upon request by congressional committees.

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

16 **SEC. 405. LIMITATION ON SPACE ACQUISITIONS AND LEAS-**
 17 **ING.**

18 (a) LIMITATION ON ACQUISITIONS.—Chapter 33 of
 19 title 40, United States Code, is further amended by adding
 20 at the end the following:

21 **“§ 3320. Limitation on acquisitions**

22 **“(a) AUTHORIZATION NECESSARY.—**Notwith-
 23 standing the provisions of this title or any other provision
 24 of Federal law, the Administrator of General Services may
 25 not construct, repair, alter, or acquire by lease, purchase

1 or otherwise, a public building or space for which a pro-
 2 spectus is required pursuant to section 3307, unless the
 3 particular project or space acquisition is specifically au-
 4 thorized by Congress, including through incorporation by
 5 reference into the relevant legislation.

6 “(b) EXCEPTION.—Notwithstanding subsection (a),
 7 the Administrator may enter into an extension lease, if
 8 necessary, not to exceed 5 years.”.

9 (b) CLERICAL AMENDMENT.—The analysis for such
 10 chapter is further amended by adding at the end the fol-
 11 lowing:

“3320. Limitation on acquisitions.”.

12 **SEC. 406. VACANT BUILDINGS.**

13 (a) REPORTS ON VACANT BUILDINGS.—Chapter 33
 14 of title 40, United States Code, is further amended by
 15 adding at the end the following:

16 **“SEC. 3321. REPORTS ON VACANT PUBLIC BUILDINGS.**

17 “Not later than March 1 of each year, the Adminis-
 18 trator of the General Services Administration shall provide
 19 to the Committee on Transportation and Infrastructure
 20 of the House of Representatives and the Committee on
 21 Environment and Public Works of the Senate a report on
 22 public buildings in the inventory of the Administrator that
 23 have been vacant, based on actual utilization, for 2 or
 24 more years before the respective report. The report shall
 25 include—

1 “(1) a list of vacant public buildings based on
 2 actual utilization;
 3 “(2) the square footage of each building;
 4 “(3) the location of each building;
 5 “(4) the annual operating costs for each build-
 6 ing; and
 7 “(5) any plans associated with each building.”.

8 (b) CLERICAL AMENDMENT.—The analysis for such
 9 chapter is further amended by adding at the end the fol-
 10 lowing:

“3321. Limitation on acquisitions.”.

11 **SEC. 407. ELIMINATING PROJECT ESCALATIONS.**

12 Section 3307(c) of title 40 United States Code is
 13 amended by adding at the end of the paragraph the fol-
 14 lowing: “The Administrator shall notify in writing the
 15 Committee on Transportation and Infrastructure of the
 16 House of Representatives and the Committee on Environ-
 17 ment and Public Works of the Senate of an increase more
 18 than 5 percent of the estimated maximum cost or of any
 19 increase or decrease in scope or size of 5 or more percent.
 20 Such notification shall include an explanation regarding
 21 any such increase or decrease.”.

