

104TH CONGRESS
1ST SESSION

S. 1005

To amend the Public Buildings Act of 1959 to improve the process of constructing, altering, purchasing, and acquiring public buildings, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 29 (legislative day, JUNE 19), 1995

Mr. BAUCUS introduced the following bill; which was read twice and referred to the Committee on Environment and Public Works

A BILL

To amend the Public Buildings Act of 1959 to improve the process of constructing, altering, purchasing, and acquiring public buildings, and for other purposes.

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 1995”.

6 **SEC. 2. SITE SELECTION.**

7 Section 5 of the Public Buildings Act of 1959 (40
8 U.S.C. 604) is amended by adding at the end the follow-
9 ing:

1 “(d) CONSIDERATION OF COSTS.—In selecting a site
 2 for a project to construct, alter, purchase, or acquire (in-
 3 cluding lease) a public building, or to lease office or any
 4 other type of space, under this Act, the Administrator
 5 shall consider the impact of the selection of a particular
 6 site on the cost and space efficiency of the project.”.

7 **SEC. 3. CONGRESSIONAL OVERSIGHT OF PUBLIC BUILD-**
 8 **INGS PROJECTS.**

9 (a) IN GENERAL.—Section 7 of the Public Buildings
 10 Act of 1959 (40 U.S.C. 606) is amended—

11 (1) in subsection (a)—

12 (A) by striking the last sentence;

13 (B) in the first sentence, by striking “In
 14 order” and inserting the following:

15 “(2) PREREQUISITES TO OBLIGATION OF
 16 FUNDS.—

17 “(B) APPROVAL REQUIREMENTS.—

18 “(i) CONSTRUCTION, ALTERATION,
 19 PURCHASE, AND ACQUISITION.—In order”;

20 (C) in the second sentence, by striking
 21 “No” and inserting the following:

22 “(ii) LEASE.—No”;

23 (D) in the third sentence, by striking “No”
 24 and inserting the following:

25 “(iii) ALTERATION.—No”;

1 (E) by striking “SEC. 7. (a)” and inserting
2 the following:

3 **“SEC. 7. SUBMISSION AND APPROVAL OF PROPOSED**
4 **PROJECTS.**

5 “(a) IN GENERAL.—

6 “(1) PUBLIC BUILDINGS PLAN.—

7 “(A) IN GENERAL.—Not later than 15
8 days after the President submits to Congress
9 the budget of the United States Government
10 under section 1105 of title 31, United States
11 Code, the Administrator shall submit to Con-
12 gress a public buildings plan (referred to in this
13 subsection as the ‘biennial plan’) for the first 2
14 fiscal years that begin after the date of submis-
15 sion. The biennial plan shall specify such
16 projects for which approval is required under
17 paragraph (2)(B) relating to the construction,
18 alteration, purchase, or acquisition (including
19 lease) of public buildings, or the lease of office
20 or any other type of space, as the Adminis-
21 trator determines are necessary to carry out the
22 duties of the Administrator under this Act or
23 any other provision of law.

24 “(B) CONTENTS.—The biennial plan shall
25 include—

1 “(i) a 5-year strategic capital asset
2 management plan for accommodating the
3 public building needs of the Federal Gov-
4 ernment that reflects the office space and
5 other public buildings needs of the Federal
6 Government and that is based on procure-
7 ment mechanisms that allow the Adminis-
8 trator to take advantage of fluctuations in
9 market forces affecting building construc-
10 tion and availability;

11 “(ii) a list—

12 “(I) in order of priority, of each
13 construction, alteration, purchase, or
14 acquisition (including lease) project
15 described in subparagraph (A) for
16 which an authorization of appropria-
17 tions is—

18 “(aa) requested for the first
19 of the 2 fiscal years of the bien-
20 nial plan referred to in subpara-
21 graph (A) (referred to in this
22 paragraph as the ‘first year’); or

23 “(bb) expected to be re-
24 quested for the second of the 2
25 fiscal years of the biennial plan

1 referred to in subparagraph (A)
2 (referred to in this paragraph as
3 the ‘second year’); and

4 “(II) that includes a description
5 of each such project and the number
6 of square feet of space planned for
7 each such project;

8 “(iii) a list, in order of priority, of
9 each lease or lease renewal described in
10 subparagraph (A) for which an authoriza-
11 tion of appropriations is—

12 “(I) requested for the first year;
13 or

14 “(II) expected to be requested for
15 the second year;

16 “(iv) a list, in order of priority, of
17 each planned repair or alteration project
18 described in subparagraph (A) for which
19 an authorization of appropriations is—

20 “(I) requested for the first year;
21 or

22 “(II) expected to be requested for
23 the second year;

1 “(v) an explanation of the basis for
2 each order of priority specified under
3 clauses (ii), (iii), and (iv);

4 “(vi) the estimated annual and total
5 cost of each project requested in the bien-
6 nial plan;

7 “(vii) a list of each public building
8 planned to be vacated in whole or in part,
9 to be exchanged for other property, or to
10 be disposed of during the period covered by
11 the biennial plan; and

12 “(viii) requests for authorizations of
13 appropriations necessary to carry out
14 projects listed in the biennial plan for the
15 first year.

16 “(C) PRESENTATION OF INFORMATION IN
17 PLAN.—

18 “(i) FIRST YEAR.—In the case of a
19 project for which the Administrator has re-
20 quested an authorization of appropriations
21 for the first year, information required to
22 be included in the biennial plan under sub-
23 paragraph (B) shall be presented in the
24 form of a prospectus that meets the re-
25 quirements of paragraph (2)(C).

1 “(ii) SECOND YEAR.—

2 “(I) IN GENERAL.—In the case
3 of a project for which the Adminis-
4 trator expects to request an authoriza-
5 tion of appropriations for the second
6 year, information required to be in-
7 cluded in the biennial plan under sub-
8 paragraph (B) shall be presented in
9 the form of a project description.

10 “(II) GOOD FAITH ESTIMATES.—

11 “(aa) IN GENERAL.—Each
12 reference to cost, price, or any
13 other dollar amount contained in
14 a project description referred to
15 in subclause (I) shall be consid-
16 ered to be a good faith estimate
17 by the Administrator.

18 “(bb) EFFECT.—A good
19 faith estimate referred to in item
20 (aa) shall not bind the Adminis-
21 trator with respect to a request
22 for appropriation of funds for a
23 fiscal year other than a fiscal
24 year for which an authorization

1 of appropriations for the project
2 is requested in the biennial plan.

3 “(cc) EXPLANATION OF DE-
4 VIATION FROM ESTIMATE.—If
5 the request for an authorization
6 of appropriations contained in
7 the prospectus for a project sub-
8 mitted under paragraph (2)(C) is
9 different from a good faith esti-
10 mate for the project referred to
11 in item (aa), the prospectus shall
12 include an explanation of the dif-
13 ference.

14 “(D) REINCLUSION OF PROJECTS IN
15 PLANS.—If a project included in a biennial plan
16 is not approved in accordance with this sub-
17 section, or if funds are not made available to
18 carry out a project, the Administrator may in-
19 clude the project in a subsequent biennial plan
20 submitted under this subsection.”;

21 (F) in paragraph (2) (as designated by
22 subparagraph (B))—

23 (i) by inserting after “(2) PREREQ-
24 UISITES TO OBLIGATION OF FUNDS.—” the
25 following:

1 “(A) IN GENERAL.—Notwithstanding any
2 other provision of law, the Administrator may
3 not obligate funds that are made available for
4 any project for which approval is required
5 under subparagraph (B) unless—

6 “(i) the project was included in the bi-
7 ennial plan for the fiscal year; and

8 “(ii) a prospectus for the project was
9 submitted to Congress and approved in ac-
10 cordance with this paragraph.”; and

11 (ii) by adding at the end the follow-
12 ing:

13 “(C) PROSPECTUSES.—For the purpose of
14 obtaining approval of a proposed project de-
15 scribed in the biennial plan, the Administrator
16 shall submit to Congress a prospectus for the
17 project that includes—

18 “(i) a brief description of the public
19 building to be constructed, altered, pur-
20 chased, or acquired, or the space to be
21 leased, under this Act;

22 “(ii) the location of the building or
23 space to be leased and an estimate of the
24 maximum cost, based on the predominant
25 local office space measurement system (as

1 determined by the Administrator), to the
2 United States of the construction, alter-
3 ation, purchase, or acquisition of the build-
4 ing, or lease of the space;

5 “(iii) in the case of a project for the
6 construction of a courthouse or other pub-
7 lic building consisting solely of general
8 purpose office space, the cost benchmark
9 for the project determined under sub-
10 section (d); and

11 “(iv) in the case of a project relating
12 to a courthouse—

13 “(I) as of the date of submission
14 of the prospectus, the number of—

15 “(aa) Federal judges for
16 whom the project is to be carried
17 out; and

18 “(bb) courtrooms available
19 for the judges;

20 “(II) the projected number of
21 Federal judges and courtrooms to be
22 accommodated by the project at the
23 end of the 10-year period beginning
24 on the date; and

1 “(III) a justification for the pro-
2 jection under subclause (II) (including
3 a specification of the number of au-
4 thorized positions, and the number of
5 judges in senior status, to be accom-
6 modated).”; and

7 (G) by adding at the end the following:

8 “(3) EMERGENCY AUTHORITY.—

9 “(A) OVERRIDING INTEREST.—If the Ad-
10 ministrator, in consultation with the Commis-
11 sioner of the Public Buildings Service, deter-
12 mines that an overriding interest requires emer-
13 gency authority to construct, alter, purchase, or
14 acquire a public building, or lease office or stor-
15 age space, and that the authority cannot be ob-
16 tained in a timely manner through the biennial
17 planning process required under paragraph (1),
18 the Administrator may submit a written request
19 for the authority to the Committee on Environ-
20 ment and Public Works of the Senate and the
21 Committee on Transportation and Infrastruc-
22 ture of the House of Representatives. The Ad-
23 ministrator may carry out the project for which
24 authority was requested under the preceding

1 sentence if the project is approved in the man-
2 ner described in paragraph (2)(B).

3 “(B) DECLARED EMERGENCIES.—

4 “(i) LEASE AUTHORITY.—Notwith-
5 standing any other provision of this sec-
6 tion, the Administrator may enter into an
7 emergency lease during any period of
8 emergency declared by the President pur-
9 suant to the Robert T. Stafford Disaster
10 Relief and Emergency Assistance Act (42
11 U.S.C. 5121 et seq.) or any other law, or
12 declared by any Federal agency pursuant
13 to any applicable law, except that no such
14 emergency lease shall be for a period of
15 more than 5 years.

16 “(ii) REPORTING.—As part of each bi-
17 ennial plan, the Administrator shall de-
18 scribe any emergency lease entered into by
19 the Administrator under clause (i) during
20 the preceding fiscal year.”;

21 (2) in subsection (b)—

22 (A) by striking “(b) The” and inserting
23 the following:

24 “(b) INCREASES IN COSTS OF PROJECTS.—

1 “(1) INCREASE OF 10 PERCENT OR LESS.—
2 The”; and

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

4 “(2) GREATER INCREASES.—If the Adminis-
5 trator increases the estimated maximum cost of a
6 project in an amount greater than the increase au-
7 thorized by paragraph (1), the Administrator shall,
8 not later than 30 days after the date of the increase,
9 notify the Committee on Environment and Public
10 Works of the Senate and the Committee on Trans-
11 portation and Infrastructure of the House of Rep-
12 resentatives of the amount of, and reasons for, the
13 increase.”;

14 (3) in subsection (c), by striking “(c) In the
15 case” and inserting the following:

16 “(c) RESCISSION OF APPROVAL.—In the case”; and

17 (4) by striking subsection (d) and inserting the
18 following:

19 “(d) DEVELOPMENT OF COST BENCHMARKS.—

20 “(1) IN GENERAL.—The Administrator shall
21 develop standard cost benchmarks for projects for
22 the construction of courthouses, and other public
23 buildings consisting solely of general purpose office
24 space, for which a prospectus is required under sub-
25 section (a)(2). The benchmarks shall consist of the

1 appropriate cost per square foot for low-rise, mid-
 2 rise, and high-rise projects subject to the various
 3 factors determined under paragraph (2).

4 “(2) FACTORS.—In developing the benchmarks,
 5 the Administrator shall consider such factors as geo-
 6 graphic location (including the necessary extent of
 7 seismic structural supports), the tenant agency, and
 8 necessary parking facilities.”.

9 (b) INCLUSION OF REQUESTED BUILDING PROJECTS
 10 IN BIENNIAL PLAN.—Section 11 of the Act (40 U.S.C.
 11 610) is amended—

12 (1) by striking “SEC. 11. (a) Upon” and insert-
 13 ing the following:

14 **“SEC. 11. REPORTS TO CONGRESS.**

15 “(a) REPORTS ON UNCOMPLETED PROJECTS.—
 16 Upon”; and

17 (2) in subsection (b)—

18 (A) by striking “(b) The Administrator”
 19 and inserting the following:

20 “(b) BUILDING PROJECT SURVEYS AND REPORTS.—

21 “(1) IN GENERAL.—The Administrator”;

22 (B) in the second sentence of paragraph

23 (1) (as so designated), by inserting before the
 24 period at the end the following: “, and shall
 25 specify whether the project is included in a 5-

1 year strategic capital asset management plan
2 required under section 7(a)(1)(B)(i) or a
3 prioritized list required under section
4 7(a)(1)(B)’; and

5 (C) by adding at the end the following:

6 “(2) INCLUSION OF REQUESTED BUILDING
7 PROJECTS IN BIENNIAL PLAN.—The Administrator
8 may include a prospectus for the funding of a public
9 building project for which a report is submitted
10 under paragraph (1) in a biennial public buildings
11 plan required under section 7(a)(1).”.

12 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

13 (1) Section 7 of the Act (40 U.S.C. 606) is
14 amended by striking “Committee on Public Works
15 and Transportation” each place it appears and in-
16 serting “Committee on Transportation and Infra-
17 structure”.

18 (2) Section 11(b)(1) of the Act (as amended by
19 subsection (b)(2)) is further amended by striking
20 “Committee on Public Works and Transportation”
21 and inserting “Committee on Transportation and In-
22 frastructure”.

23 **SEC. 4. FEDERAL GOVERNMENT ASSET MANAGEMENT.**

24 Section 12 of the Public Buildings Act of 1959 (40
25 U.S.C. 611) is amended—

1 (1) by striking “SEC. 12. (a) The Adminis-
2 trator” and inserting the following:

3 **“SEC. 12. FEDERAL GOVERNMENT ASSET MANAGEMENT.**

4 **“(a) DUTIES OF ADMINISTRATOR.—**

5 **“(1) IN GENERAL.—The Administrator”;**

6 (2) in subsection (a), by adding at the end the
7 following:

8 **“(2) REPOSITORY FOR ASSET MANAGEMENT IN-**
9 **FORMATION.—The Administrator shall use the re-**
10 **sults of the continuing investigation and survey re-**
11 **quired under paragraph (1) to establish a central re-**
12 **pository for the asset management information of**
13 **the Federal Government.”;**

14 (3) in subsection (b)—

15 (A) by striking “(b) In carrying” and in-
16 serting the following:

17 **“(b) COOPERATION AMONG FEDERAL AGENCIES.—**

18 **“(1) BY THE ADMINISTRATOR.—In carrying”;**

19 (B) by striking “Each Federal” and insert-
20 ing the following:

21 **“(2) BY THE AGENCIES.—Each Federal”; and**

22 (C) by adding at the end the following:

23 **“(3) IDENTIFICATION AND DISPOSITION OF**
24 **UNNEEDED BUILDINGS.—**

1 “(A) IDENTIFICATION.—Each Federal
2 agency shall—

3 “(i) identify public buildings that are
4 or will become unneeded, obsolete, or
5 underutilized during the 5-year period be-
6 ginning on the date of the identification;
7 and

8 “(ii) annually report the information
9 on the buildings described in clause (i) to
10 the Administrator.

11 “(B) DISPOSITION.—The Administrator
12 shall find more cost-effective uses for, or sell,
13 the public buildings identified under subpara-
14 graph (A).”;

15 (4) in subsection (c), by striking “(c) When-
16 ever” and inserting the following:

17 “(c) IDENTIFICATION OF BUILDINGS OF HISTORIC,
18 ARCHITECTURAL, AND CULTURAL SIGNIFICANCE.—
19 Whenever”; and

20 (5) in subsection (d), by striking “(d) The Ad-
21 ministrator” and inserting the following:

22 “(d) REGARD TO COMPARATIVE URGENCY OF
23 NEED.—The Administrator”.

1 **SEC. 5. ADDRESSING LONG-TERM GOVERNMENT HOUSING**
2 **NEEDS.**

3 (a) REPORT ON LONG-TERM HOUSING NEEDS.—

4 (1) IN GENERAL.—Not later than 1 year after
5 the date of enactment of this Act, the head of each
6 Federal agency (as defined in section 13(3) of the
7 Public Buildings Act of 1959 (40 U.S.C. 612(3))
8 shall review and report to the Administrator on the
9 long-term housing needs of the agency. The Admin-
10 istrator shall consolidate the agency reports and sub-
11 mit a consolidated report to Congress.

12 (2) ASSISTANCE FROM ACCOUNT MANAGERS.—
13 The Administrator of General Services shall des-
14 ignate an account manager for each agency to as-
15 sist—

16 (A) the agency in carrying out the review
17 required under paragraph (1); and

18 (B) the Administrator in preparing uni-
19 form standards for housing needs for—

20 (i) executive agencies (as defined in
21 section 13(4) of the Act (40 U.S.C.
22 612(4)); and

23 (ii) establishments in the judicial
24 branch of the Federal Government.

25 (b) REDUCTION IN AGGREGATE OFFICE AND STOR-
26 AGE SPACE.—By the end of the third fiscal year that be-

1 gins after the date of enactment of this Act, the Federal
2 agencies referred to in subsection (a)(1) shall, to the maxi-
3 mum extent practicable, collectively reduce by no less than
4 10 percent the aggregate office and storage space held by
5 the agencies on the date of enactment of this Act.

6 **SEC. 6. MORATORIUM ON CONSTRUCTION OF PUBLIC**
7 **BUILDINGS.**

8 (a) IN GENERAL.—Notwithstanding any other law,
9 during the period beginning on the date of enactment of
10 this Act and ending on the date that is 270 days after
11 the date of enactment, the Administrator of General Serv-
12 ices may not expend funds on any project relating to the
13 construction, purchase, or acquisition of a public building
14 with respect to which no funds (including no funds for
15 site selection, design, or construction) have previously
16 been expended.

17 (b) DEFINITIONS.—In this section, the terms “con-
18 struct” and “public building” have the meanings provided
19 in section 13 of the Public Buildings Act of 1959 (40
20 U.S.C. 612).

21 **SEC. 7. DESIGN GUIDES AND STANDARDS FOR COURT AC-**
22 **COMMODATIONS.**

23 (a) REPORT.—Not later than 60 days after the date
24 of enactment of this Act, the Administrator of General
25 Services, in consultation with the Director of the Adminis-

1 trative Office of the United States Courts, shall submit
2 a report to the Committee on Environment and Public
3 Works of the Senate and the Committee on Transpor-
4 tation and Infrastructure of the House of Representatives
5 that specifies the characteristics of court accommodations
6 that are essential to the provision of due process of law
7 and the safe, fair, and efficient administration of justice
8 by the Federal court system.

9 (b) DESIGN GUIDES AND STANDARDS.—

10 (1) DEVELOPMENT.—Not later than 180 days
11 after the date of enactment of this Act, the Adminis-
12 trator, in consultation with the Director of the Ad-
13 ministrative Office of the United States Courts and
14 after notice and opportunity for comment, shall de-
15 velop design guides and standards for Federal court
16 accommodations based on the report submitted
17 under subsection (a). In developing the design
18 guides and standards, the Administrator shall con-
19 sider space efficiency and the appropriate standards
20 for furnishings.

21 (2) USE.—Notwithstanding section 462 of title
22 28, United States Code, the design guides and
23 standards developed under paragraph (1) shall be
24 used in the design of court accommodations.



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