

103^D CONGRESS
1ST SESSION

S. 1760

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

NOVEMBER 20 (legislative day, NOVEMBER 2), 1993

Mr. METZENBAUM (for himself, Mr. SIMPSON, and Mrs. BOXER) 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 1993”.

6 **SEC. 2. FINDINGS AND PURPOSES.**

7 (a) FINDINGS.—Congress finds that—

8 (1) as of the date of enactment of this Act, the
9 General Services Administration (referred to in this

1 section as “GSA”), as the principal agency respon-
2 sible for providing office and storage space for Fed-
3 eral workers, controls over 7,700 Federal Govern-
4 ment buildings and over 253,000,000 square feet of
5 office and storage space nationwide;

6 (2) in order to carry out the essential house-
7 keeping functions of the Federal Government, for
8 fiscal year 1994, GSA expects to spend more than—

9 (A) \$925,000,000 to construct, alter, pur-
10 chase, and acquire public buildings; and

11 (B) \$2,000,000,000 on leases for space;

12 (3) despite the enormous responsibilities and
13 dedicated work force of GSA, the agency has been
14 plagued with inherent structural weaknesses, inter-
15 nal management and operational problems, frequent
16 changes in leadership and direction, and external
17 pressures from other Federal agencies, the courts,
18 and Congress;

19 (4) GSA lacks a strategic focus, does not oper-
20 ate in a business-like manner, and has not developed
21 a comprehensive policy framework for managing the
22 overall real estate portfolio of the Federal Govern-
23 ment of approximately 400,000 buildings;

24 (5)(A) effective congressional oversight of GSA
25 has been lacking; and

1 (B) funding and authorization of public build-
2 ing projects by Congress has been conducted on a
3 piecemeal basis, often without adequate information
4 or detail about actual costs or how a project fits into
5 a long-range plan for meeting the needs of the Fed-
6 eral work force; and

7 (6) the problems described in paragraphs (1)
8 through (5) have resulted in an inefficient and inef-
9 fective public buildings program and a drain of mil-
10 lions of tax dollars.

11 (b) PURPOSES.—The purposes of this Act are to—

12 (1) ensure that, after the date of enactment of
13 this Act, the public building and leasing projects of
14 the Federal Government meet the needs of the Fed-
15 eral work force in a more strategic, cost-effective
16 manner;

17 (2) strengthen congressional oversight of the
18 real estate activities of GSA by requiring GSA to
19 provide Congress with long-range public building
20 plans and better information on individual projects
21 that are subject to section 7(a) of the Public Build-
22 ings Act of 1959 (40 U.S.C. 606(a));

23 (3) ensure that GSA serves as a central reposi-
24 tory for the asset management information of the
25 Federal Government; and

1 (4) require a report on encouraging competition
2 in the provision of Federal office and storage space
3 to reduce the overall costs of providing office and
4 storage space for the Federal Government.

5 **SEC. 3. CONGRESSIONAL OVERSIGHT OF PUBLIC BUILD-**
6 **INGS PROJECTS.**

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

9 (1) in subsection (a)—

10 (A) by striking the fourth sentence;

11 (B) by designating the first, second, and
12 third sentences as clauses (i), (ii), and (iii), re-
13 spectively, of paragraph (2)(B);

14 (C) by inserting after “(a)” the following
15 new paragraph:

16 “(1)(A) Not later than February 1, 1995, and Feb-
17 ruary 1 of every second year thereafter, the Administrator
18 shall submit to Congress a biennial public buildings plan
19 (referred to in this subsection as the ‘biennial plan’), for
20 the first 2 fiscal years that begin after the date of submis-
21 sion, for such projects relating to the construction, alter-
22 ation, purchase, or acquisition of public buildings, or the
23 lease of office or storage space, as the Administrator de-
24 termines are necessary to carry out the duties of the Ad-
25 ministrator under this Act or any other provision of law.

1 “(B) The biennial plan shall include—

2 “(i) a strategic long-term capital asset manage-
3 ment plan for accommodating the public building
4 needs of the Federal Government which reflects of-
5 fice space demands and fluctuations in market forces
6 affecting building construction and availability

7 “(ii) a list, in order of priority, of construction,
8 alteration, purchase, and acquisition projects subject
9 to paragraph (2) for which authorizations of appro-
10 priations are requested for 1 or both of the 2 fiscal
11 years referred to in subparagraph (A), including a
12 description of each project and the number of square
13 feet of space involved with respect to each project;

14 “(iii) a list, in order of priority, of lease and
15 lease renewals for which authorizations of appropria-
16 tions are requested for 1 or both of 2 fiscal years
17 referred to in subparagraph (A);

18 “(iv) an explanation of the orders of priority
19 specified under clauses (ii) and (iii);

20 “(v) a list of all public buildings proposed to be
21 vacated in whole or in part, to be exchanged for
22 other property, or to be disposed of;

23 “(vi) a proposed budget for the repair and
24 maintenance of public buildings in existence on the
25 date of the biennial plan;

1 “(vii) the estimated annual and total cost of
2 each project; and

3 “(viii) recommendations, prepared in consulta-
4 tion with the Director of the Office of Management
5 and Budget, with respect to appropriations that are
6 necessary to carry out the biennial plan.

7 “(C)(i) The Administrator shall hold a public hear-
8 ing, and certify in the biennial plan that the hearing was
9 held, in the locality of each major construction, alteration,
10 purchase, acquisition, or lease project included in the bien-
11 nial plan.

12 “(ii) Each hearing shall—

13 “(I) examine—

14 “(aa) the economic, social, and other ef-
15 fects and benefits of the project to the locality;
16 and

17 “(bb) the consistency of the project with
18 local urban planning objectives; and

19 “(II) in the case of new construction, consider
20 the impact of the project on local commercial va-
21 cancy rates.

22 “(D) The Administrator shall include in the biennial
23 plan, with respect to each project—

24 “(i) any final report that is required to be pre-
25 pared pursuant to any applicable federal law includ-

1 ing any environmental assessment or impact state-
2 ment required pursuant to the National Environ-
3 mental Policy Act of 1969 (42 U.S.C. 4321 et seq.);
4 and

5 “(ii) a report that indicates the consideration
6 that was given to facts and issues concerning the
7 project and the various alternatives that were raised
8 during the hearing required under subparagraph (C)
9 or that were otherwise considered.

10 “(E) If a project included in a biennial plan is not
11 approved in accordance with this subsection, or if funds
12 are not made available to carry out the project, the Ad-
13 ministrator may include the project in the next biennial
14 plan.”;

15 (D) in paragraph (2) (as designated by
16 subparagraph (B))—

17 (i) by inserting after “(2)” the follow-
18 ing new subparagraph:

19 “(A) Notwithstanding any other provision of law, the
20 Administrator may not obligate funds that are made avail-
21 able for any project for which approval is required under
22 subparagraph (B) unless—

23 “(i) the project was included in the biennial
24 plan for the fiscal year; and

1 “(ii) a prospectus for the project was submitted
2 to Congress under subparagraph (C).”;

3 (ii) in subparagraph (B) (as des-
4 ignated by subparagraph (B))—

5 (I) in clauses (i) and (ii) (as des-
6 ignated by subparagraph (B)), by
7 striking “\$1,500,000” each place it
8 appears and inserting “\$1,000,000”;

9 (II) in clause (i) (as designated
10 by subparagraph (B)), by adding at
11 the end the following new sentence:
12 “No funds may be used for the alter-
13 ation of a public building to the extent
14 that the cost of the alteration would
15 result in an aggregate cost of alter-
16 ations of the building in excess of
17 \$1,000,000 over a 5-year period, un-
18 less the alteration has been approved
19 in accordance with this clause.”; and

20 (III) in clause (ii) (as designated
21 by subparagraph (B)), by adding at
22 the end the following new sentence:
23 “No funds may be used for the lease
24 of space within a public building to
25 the extent that the lease would result

1 in an aggregate cost of the space
2 leased within the building in excess of
3 \$1,000,000 annually, unless the lease
4 for the additional space in the build-
5 ing has been approved in accordance
6 with this clause.”; and

7 (iii) by adding at the end the follow-
8 ing new subparagraph:

9 “(C) For the purpose of obtaining approval of a pro-
10 posed project under subparagraph (B), the Administrator
11 shall transmit to Congress a prospectus of the project, in-
12 cluding—

13 “(i) a brief description of the public building to
14 be constructed, altered, purchased, acquired, or the
15 space to be leased under this Act;

16 “(ii) the location of the public building or the
17 space, and a description of other alternative loca-
18 tions considered, the costs of the alternative loca-
19 tions, and a brief explanation of the rejection of the
20 alternative locations;

21 “(iii) an estimate of the maximum cost, based
22 on the standards for measuring office space of the
23 Building Owners and Managers Association, to the
24 Federal Government of the public building to be con-

1 structured, altered, purchased, or acquired, or the
2 space to be leased;

3 “(iv) with respect to each alteration of a public
4 building—

5 “(I) a description of each previous alter-
6 ation and the cost of the alteration;

7 “(II) a statement of whether future ex-
8 penditures for which approval is required under
9 subparagraph (B) are anticipated to maintain
10 the building; and

11 “(III) the expected remaining useful life of
12 the building;

13 “(v) a comprehensive plan for providing space
14 for all Federal Government officers and employees in
15 the locality of the proposed public building or the
16 space to be leased, after considering suitable space
17 that may continue to be available in Federal Govern-
18 ment-owned or occupied public buildings in existence
19 on the date of the plan;

20 “(vi) with respect to each project for the con-
21 struction, alteration, purchase, or acquisition of a
22 public building, a statement by the Administrator
23 that suitable space owned by the Federal Govern-
24 ment is not available and that suitable rental space

1 is not available at a price commensurate with the
2 price of the proposed project;

3 “(vii) a descriptive analysis that outlines the ra-
4 tionale, economics, and cost savings associated with
5 selecting construction, alteration, purchase, or acqui-
6 sition of a public building over each of the other al-
7 ternatives, including a certification by the Adminis-
8 trator that realistic economic assumptions are uti-
9 lized to justify a proposed project; and

10 “(viii) a statement of rents and other housing
11 costs being paid, as of the date of the prospectus,
12 by the Federal Government for the Federal agencies
13 to be housed in the public building to be con-
14 structed, altered, purchased, or acquired, or the
15 space to be leased.”; and

16 (E) by adding at the end the following new
17 paragraph:

18 “(3) If the Administrator, in consultation with the
19 Commissioner of the Public Buildings Service, determines
20 that an overriding economic or safety interest requires
21 emergency authority to construct, alter, purchase, or ac-
22 quire a public building, or lease office or storage space,
23 and that the authority cannot be obtained in a timely man-
24 ner through the biennial planning process required under
25 paragraph (1), the Administrator may submit a written

1 request for the authority to the Committee on Environ-
2 ment and Public Works of the Senate and the Committee
3 on Public Works of the House of Representatives. If Con-
4 gress specifically provides the authority by Act of Con-
5 gress, the Administrator may carry out the emergency
6 project.”;

7 (2) by striking subsection (b); and

8 (3) by redesignating subsections (c) through (f)
9 as subsections (b) through (e), respectively.

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

13 (1) by inserting “(1)” after “(b)”; and

14 (2) by adding at the end the following new
15 paragraph:

16 “(2) The Administrator may include a prospectus for
17 the funding of a public building project for which a report
18 is submitted under paragraph (1) in a biennial public
19 buildings plan required under section 7(a)(1).”.

20 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

21 (1) Section 4(b) of such Act (40 U.S.C. 603(b))
22 is amended by striking “\$1,500,000” and inserting
23 “\$1,000,000”.

24 (2)(A) Section 7 of such Act (40 U.S.C. 606)
25 is amended—

1 (i) in subsection (a), by striking “Committee on Public Works of the Senate and House
2 of Representatives, respectively” each place it
3 appears and inserting “Committee on Environ-
4 ment and Public Works of the Senate and the
5 Committee on Public Works and Transpor-
6 tation of the House of Representatives”; and
7

8 (ii) in subsection (c)—

9 (I) by striking “Committees on Public
10 Works of the Senate and of the House of
11 Representatives, respectively,” and insert-
12 ing “Committee on Environment and Pub-
13 lic Works of the Senate and the Committee
14 on Public Works and Transportation of the
15 House of Representatives”; and

16 (II) by striking “Committee on Public
17 Works of the Senate or the Committee on
18 Public Works of the House of Representa-
19 tives,” and inserting “Committee on Envi-
20 ronment and Public Works of the Senate
21 or the Committee on Public Works and
22 Transportation of the House of Represent-
23 atives”.

24 (B) Section 11(b) of such Act (40 U.S.C.
25 610(b)) is amended by striking “Committee on Pub-

1 lic Works of the Senate or the Committee on Public
2 Works of the House of Representatives” and insert-
3 ing “Committee on Environment and Public Works
4 of the Senate or the Committee on Public Works
5 and Transportation of the House of Representa-
6 tives”.

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

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

10 (1) in subsection (a)—

11 (A) by inserting “(1)” after “(a)”; and

12 (B) by adding at the end the following new
13 paragraph:

14 “(2) The Administrator shall use the results of the
15 continuing investigation and survey required under para-
16 graph (1) to establish a central repository for the asset
17 management information of the Federal Government.”;
18 and

19 (2) in subsection (b)—

20 (A) by designating the first and second
21 sentences as paragraphs (1) and (2), respec-
22 tively; and

23 (B) by adding at the end the following new
24 paragraph:

25 “(3)(A) Each Federal agency shall—

1 ing private sector business interests and contracting
2 officers of the General Services Administration;

3 “(2) make findings and render assistance with
4 respect to the complaints, grievances, and requests
5 received under paragraph (1); and

6 “(3) make such recommendations to the Ad-
7 ministrator as the ombudsman considers appro-
8 priate.”.

9 **SEC. 6. REPORT ON ENDING GSA MONOPOLY WITH RE-**
10 **SPECT TO PUBLIC BUILDINGS PROJECTS.**

11 (a) IN GENERAL.—Not later than 1 year after the
12 date of enactment of this Act, the Director of the Office
13 of Management and Budget, in consultation with the Ad-
14 ministrator of General Services, shall report to Congress
15 on the feasibility and desirability of ending the monopoly
16 of the General Services Administration with respect to
17 providing office and storage space for Federal agencies,
18 including whether the ending of the monopoly is necessary
19 and would be cost-effective.

20 (b) PLAN.—If the report required under subsection
21 (a) determines that it is feasible and desirable to end the
22 monopoly, the Director shall submit a plan for ending the
23 monopoly and provide recommendations for the implemen-
24 tation of the plan. The plan shall ensure at least an over-
25 sight role for the General Services Administration in de-

1 terminating the adequacy of the request of an individual
2 agency for office or storage space and whether a proposed
3 project with respect to space is in the best economic inter-
4 ests of taxpayers.

5 **SEC. 7. ADDRESSING GOVERNMENT DOWNSIZING.**

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

7 (1) IN GENERAL.—Not later than 1 year after
8 the date of enactment of this Act, each Federal
9 agency (as defined in section 13(3) of the Public
10 Buildings Act of 1959 (40 U.S.C. 612(3)) shall re-
11 view and report to Congress on the long-term hous-
12 ing needs of the agency. The agency shall attempt
13 to provide for the reduction of the housing needs of
14 the agency.

15 (2) ASSISTANCE FROM ACCOUNT MANAGERS.—
16 The Administrator of General Services shall des-
17 ignate 2 account managers for each agency to as-
18 sist—

19 (A) the agency in carrying out the review
20 required under paragraph (1); and

21 (B) the Administrator in preparing uni-
22 form standards for housing needs for—

23 (i) executive agencies (as defined in
24 section 13(4) of such Act (40 U.S.C.
25 612(4)); and

1 (ii) establishments in the judicial
2 branch of the Federal Government.

3 (b) REDUCTION IN HOUSING COSTS.—By the end of
4 the third fiscal year that begins after the date of enact-
5 ment of this Act, each Federal agency referred to in sub-
6 section (a)(1) shall reduce by no less than 5 percent—

7 (1) the aggregate office and storage space held
8 by the agency on the date of enactment of this Act;
9 or

10 (2) the annual housing costs (including the
11 costs of energy, supplies, furniture, and minor re-
12 pairs) of the agency, as compared to the housing
13 costs of the agency for the fiscal year during which
14 this Act was enacted.

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