

Calendar No. 334

104TH CONGRESS
2^D SESSION

S. 1005

[Report No. 104-232]

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.

FEBRUARY 9 (legislative day, FEBRUARY 7), 1996

Reported with an amendment and an amendment to the title

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2^D SESSION**S. 1005****[Report No. 104-232]**

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IN THE SENATE OF THE UNITED STATES

JUNE 29 (legislative day, JUNE 19), 1995

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

FEBRUARY 9 (legislative day, FEBRUARY 7), 1996

Reported by Mr. CHAFEE, with an amendment and an amendment to the title
[Strike out all after the enacting clause and insert the part printed in *italic*]

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Public Buildings Re-
3 form Act of 1995”.

4 **SEC. 2. SITE SELECTION.**

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

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

14 **SEC. 3. CONGRESSIONAL OVERSIGHT OF PUBLIC BUILD-
15 INGS PROJECTS.**

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

18 (1) in subsection (a)—

19 (A) by striking the last sentence;

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

22 “(2) PREREQUISITES TO OBLIGATION OF
23 FUNDS.—

24 “(B) APPROVAL REQUIREMENTS.—

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

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

3 “(ii) LEASE.—No”;

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

6 “(iii) ALTERATION.—No”;

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

9 **“SEC. 7. SUBMISSION AND APPROVAL OF PROPOSED**
10 **PROJECTS.**

11 “(a) IN GENERAL.—

12 “(1) PUBLIC BUILDINGS PLAN.—

13 “(A) IN GENERAL.—Not later than 15
14 days after the President submits to Congress
15 the budget of the United States Government
16 under section 1105 of title 31, United States
17 Code, the Administrator shall submit to Con-
18 gress a public buildings plan (referred to in this
19 subsection as the ‘biennial plan’) for the first 2
20 fiscal years that begin after the date of submis-
21 sion. The biennial plan shall specify such
22 projects for which approval is required under
23 paragraph (2)(B) relating to the construction,
24 alteration, purchase, or acquisition (including
25 lease) of public buildings, or the lease of office

1 or any other type of space, as the Adminis-
2 trator determines are necessary to carry out the
3 duties of the Administrator under this Act or
4 any other provision of law.

5 “(B) CONTENTS.—The biennial plan shall
6 include—

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

17 “(ii) a list—

18 “(I) in order of priority, of each
19 construction, alteration, purchase, or
20 acquisition (including lease) project
21 described in subparagraph (A) for
22 which an authorization of appropria-
23 tions is—

24 “(aa) requested for the first
25 of the 2 fiscal years of the bien-

1 nial plan referred to in subpara-
2 graph (A) (referred to in this
3 paragraph as the ‘first year’); or
4 “(bb) expected to be re-
5 requested for the second of the 2
6 fiscal years of the biennial plan
7 referred to in subparagraph (A)
8 (referred to in this paragraph as
9 the ‘second year’); and
10 “(H) that includes a description
11 of each such project and the number
12 of square feet of space planned for
13 each such project;
14 “(iii) a list, in order of priority, of
15 each lease or lease renewal described in
16 subparagraph (A) for which an authoriza-
17 tion of appropriations is—
18 “(I) requested for the first year;
19 or
20 “(II) expected to be requested for
21 the second year;
22 “(iv) a list, in order of priority, of
23 each planned repair or alteration project
24 described in subparagraph (A) for which
25 an authorization of appropriations is—

1 “(I) requested for the first year;

2 or

3 “(II) expected to be requested for

4 the second year;

5 “(v) an explanation of the basis for

6 each order of priority specified under

7 clauses (ii), (iii), and (iv);

8 “(vi) the estimated annual and total

9 cost of each project requested in the biennial

10 plan;

11 “(vii) a list of each public building

12 planned to be vacated in whole or in part,

13 to be exchanged for other property, or to

14 be disposed of during the period covered by

15 the biennial plan; and

16 “(viii) requests for authorizations of

17 appropriations necessary to carry out

18 projects listed in the biennial plan for the

19 first year.

20 “(C) PRESENTATION OF INFORMATION IN

21 PLAN.—

22 “(i) FIRST YEAR.—In the case of a

23 project for which the Administrator has re-

24 quested an authorization of appropriations

25 for the first year, information required to

1 be included in the biennial plan under sub-
2 paragraph (B) shall be presented in the
3 form of a prospectus that meets the re-
4 quirements of paragraph (2)(C).

5 “(ii) SECOND YEAR.—

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

14 “(II) GOOD FAITH ESTIMATES.—

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

22 “(bb) EFFECT.—A good
23 faith estimate referred to in item
24 (aa) shall not bind the Adminis-
25 trator with respect to a request

1 for appropriation of funds for a
2 fiscal year other than a fiscal
3 year for which an authorization
4 of appropriations for the project
5 is requested in the biennial plan.

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

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

24 (F) in paragraph (2) (as designated by
25 subparagraph (B))—

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

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

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

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

14 (ii) by adding at the end the follow-
15 ing:

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

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

1 “(ii) the location of the building or
2 space to be leased and an estimate of the
3 maximum cost, based on the predominant
4 local office space measurement system (as
5 determined by the Administrator), to the
6 United States of the construction, alter-
7 ation, purchase, or acquisition of the build-
8 ing, or lease of the space;

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

15 “(iv) in the case of a project relating
16 to a courthouse—

17 “(I) as of the date of submission
18 of the prospectus, the number of—

19 “(aa) Federal judges for
20 whom the project is to be carried
21 out; and

22 “(bb) courtrooms available
23 for the judges;

24 “(II) the projected number of
25 Federal judges and courtrooms to be

1 accommodated by the project at the
 2 end of the 10-year period beginning
 3 on the date; and

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

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

11 “(3) EMERGENCY AUTHORITY.—

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

1 administrator may carry out the project for which
 2 authority was requested under the preceding
 3 sentence if the project is approved in the man-
 4 ner described in paragraph (2)(B).

5 “(B) DECLARED EMERGENCIES.—

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

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

23 (2) in subsection (b)—

24 (A) by striking “(b) The” and inserting
 25 the following:

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

2 “(1) INCREASE OF 10 PERCENT OR LESS.—

3 The”;

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

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

15 (3) in subsection (e), by striking “(e) In the
16 ease” and inserting the following:

17 “(e) RESCISSION OF APPROVAL.—In the case”;

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

20 “(d) DEVELOPMENT OF COST BENCHMARKS.—

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

1 section (a)(2). The benchmarks shall consist of the
 2 appropriate cost per square foot for low-rise, mid-
 3 rise, and high-rise projects subject to the various
 4 factors determined under paragraph (2).

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

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

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

15 **“SEC. 11. REPORTS TO CONGRESS.**

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

18 (2) in subsection (b)—

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

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

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

23 (B) in the second sentence of paragraph
 24 (1) (as so designated), by inserting before the
 25 period at the end the following: “, and shall

1 specify whether the project is included in a 5-
 2 year strategic capital asset management plan
 3 required under section 7(a)(1)(B)(i) or a
 4 prioritized list required under section
 5 7(a)(1)(B)”; and

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

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

13 (e) TECHNICAL AND CONFORMING AMENDMENTS.—

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

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

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

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

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

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

7 **“(a) DUTIES OF ADMINISTRATOR.—**

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

9 (2) in subsection (a), by adding at the end the
10 following:

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

17 (3) in subsection (b)—

18 (A) by striking “(b) In carrying” and in-
19 sserting the following:

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

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

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

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

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

1 ~~“(3) IDENTIFICATION AND DISPOSITION OF~~
2 ~~UNNEEDED BUILDINGS.—~~

3 ~~“(A) IDENTIFICATION.—Each Federal~~
4 ~~agency shall—~~

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

10 ~~“(ii) annually report the information~~
11 ~~on the buildings described in clause (i) to~~
12 ~~the Administrator.~~

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

17 (4) in subsection (c), by striking ~~“(c) When-~~
18 ~~ever”~~ and inserting the following:

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

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

24 ~~“(d) REGARD TO COMPARATIVE URGENCY OF~~
25 ~~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.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Public Buildings Reform*
 3 *Act of 1995”.*

4 **SEC. 2. SITE SELECTION.**

5 *Section 5 of the Public Buildings Act of 1959 (40*
 6 *U.S.C. 604) is amended by adding at the end the following:*

7 *“(d) CONSIDERATION OF COSTS.—In selecting a site*
 8 *for a project to construct, alter, or acquire a public build-*
 9 *ing, or to lease office or any other type of space, under this*
 10 *Act, the Administrator shall consider the impact of the se-*
 11 *lection of a particular site on the cost and space efficiency*
 12 *of the project.”.*

13 **SEC. 3. CONGRESSIONAL OVERSIGHT OF PUBLIC BUILD-**
 14 **INGS PROJECTS.**

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

17 *(1) in subsection (a)—*

18 *(A) by striking the last sentence;*

19 *(B) in the first sentence, by striking “In*
 20 *order” and inserting the following:*

21 *“(2) PREREQUISITES TO OBLIGATION OF*
 22 *FUNDS.—*

23 *“(B) APPROVAL REQUIREMENTS.—*

24 *“(i) CONSTRUCTION, ALTERATION, AND*
 25 *ACQUISITION.—In order”;*

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

3 “(ii) LEASE.—No”;

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

6 “(iii) ALTERATION.—No”;

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

9 **“SEC. 7. SUBMISSION AND APPROVAL OF PROPOSED**
10 **PROJECTS.**

11 “(a) IN GENERAL.—

12 “(1) PUBLIC BUILDINGS PLAN.—

13 “(A) IN GENERAL.—Not later than 15 days
14 after the President submits to Congress the budg-
15 et of the United States Government under section
16 1105 of title 31, United States Code, the Admin-
17 istrator shall submit to Congress a public build-
18 ings plan (referred to in this subsection as the
19 ‘triennial plan’) for the first 3 fiscal years that
20 begin after the date of submission. The triennial
21 plan shall specify such projects for which ap-
22 proval is required under paragraph (2)(B) relat-
23 ing to the construction, alteration, or acquisition
24 of public buildings, or the lease of office or any
25 other type of space, as the Administrator deter-

1 *mines are necessary to carry out the duties of the*
2 *Administrator under this Act or any other law.*

3 “(B) CONTENTS.—*The triennial plan shall*
4 *include—*

5 “(i) *a 5-year strategic management*
6 *plan for capital assets under the control of*
7 *the Administrator that—*

8 “(I) *provides for accommodating*
9 *the office space and other public build-*
10 *ing needs of the Federal Government;*
11 *and*

12 “(II) *is based on procurement*
13 *mechanisms that allow the Adminis-*
14 *trator to take advantage of fluctuations*
15 *in market forces affecting building con-*
16 *struction and availability;*

17 “(ii) *a list—*

18 “(I) *in order of priority, of each*
19 *construction or acquisition (excluding*
20 *lease) project described in subpara-*
21 *graph (A) for which an authorization*
22 *of appropriations is—*

23 “(aa) *requested for the first*
24 *of the 3 fiscal years of the tri-*
25 *ennial plan referred to in sub-*

1 paragraph (A) (referred to in this
2 paragraph as the ‘first year’);

3 “(bb) expected to be requested
4 for the second of the 3 fiscal years
5 of the triennial plan referred to in
6 subparagraph (A) (referred to in
7 this paragraph as the ‘second
8 year’); or

9 “(cc) expected to be requested
10 for the third of the 3 fiscal years
11 of the triennial plan referred to in
12 subparagraph (A) (referred to in
13 this paragraph as the ‘third
14 year’); and

15 “(II) that includes a description
16 of each such project and the number of
17 square feet of space planned for each
18 such project;

19 “(iii) a list of each lease or lease re-
20 newal described in subparagraph (A) for
21 which an authorization of appropriations
22 is—

23 “(I) requested for the first year; or

24 “(II) expected to be requested for
25 the second year or third year;

1 “(iv) a list, in order of priority, of
2 each planned repair or alteration project
3 described in subparagraph (A) for which an
4 authorization of appropriations is—

5 “(I) requested for the first year; or

6 “(II) expected to be requested for
7 the second year or third year;

8 “(v) an explanation of the basis for
9 each order of priority specified under
10 clauses (ii) and (iv);

11 “(vi) the estimated annual and total
12 cost of each project requested in the tri-
13 ennial plan;

14 “(vii) a list of each public building
15 planned to be wholly vacated, to be ex-
16 changed for other property, or to be disposed
17 of during the period covered by the triennial
18 plan; and

19 “(viii) requests for authorizations of
20 appropriations necessary to carry out
21 projects listed in the triennial plan for the
22 first year.

23 “(C) PRESENTATION OF INFORMATION IN
24 PLAN.—

1 “(i) *FIRST YEAR.*—*In the case of a*
2 *project for which the Administrator has re-*
3 *quested an authorization of appropriations*
4 *for the first year, information required to be*
5 *included in the triennial plan under sub-*
6 *paragraph (B) shall be presented in the*
7 *form of a prospectus that meets the require-*
8 *ments of paragraph (2)(C).*

9 “(ii) *SECOND YEAR AND THIRD*
10 *YEAR.*—

11 “(I) *IN GENERAL.*—*In the case of*
12 *a project for which the Administrator*
13 *expects to request an authorization of*
14 *appropriations for the second year or*
15 *third year, information required to be*
16 *included in the triennial plan under*
17 *subparagraph (B) shall be presented in*
18 *the form of a project description.*

19 “(II) *GOOD FAITH ESTIMATES.*—

20 “(aa) *IN GENERAL.*—*Each*
21 *reference to cost, price, or any*
22 *other dollar amount contained in*
23 *a project description referred to in*
24 *subclause (I) shall be considered to*

1 be a good faith estimate by the
2 Administrator.

3 “(bb) *EFFECT.*—A good faith
4 estimate referred to in item (aa)
5 shall not bind the Administrator
6 with respect to a request for ap-
7 propriation of funds for a fiscal
8 year other than a fiscal year for
9 which an authorization of appro-
10 priations for the project is re-
11 quested in the triennial plan.

12 “(cc) *EXPLANATION OF DEVI-*
13 *ATION FROM ESTIMATE.*—If the
14 request for an authorization of
15 appropriations contained in the
16 prospectus for a project submitted
17 under paragraph (2)(C) is dif-
18 ferent from a good faith estimate
19 for the project referred to in item
20 (aa), the prospectus shall include
21 an explanation of the difference.

22 “(D) *REINCLUSION OF PROJECTS IN*
23 *PLANS.*—If a project included in a triennial
24 plan is not approved in accordance with this
25 subsection, or if funds are not made available to

1 *carry out a project, the Administrator may in-*
2 *clude the project in a subsequent triennial plan*
3 *submitted under this subsection.”;*

4 *(F) in paragraph (2) (as designated by sub-*
5 *paragraph (B))—*

6 *(i) by inserting after “(2) PREREQ-*
7 *UISITES TO OBLIGATION OF FUNDS.—” the*
8 *following:*

9 *“(A) IN GENERAL.—Notwithstanding any*
10 *other provision of law, the Administrator may*
11 *not obligate funds that are made available for*
12 *any project for which approval is required under*
13 *subparagraph (B) unless—*

14 *“(i) the project was included in the tri-*
15 *ennial plan for the fiscal year; and*

16 *“(ii) a prospectus for the project was*
17 *submitted to Congress and approved in ac-*
18 *cordance with this paragraph.”; and*

19 *(ii) by adding at the end the following:*

20 *“(C) PROSPECTUSES.—For the purpose of*
21 *obtaining approval of a proposed project de-*
22 *scribed in the triennial plan, the Administrator*
23 *shall submit to Congress a prospectus for the*
24 *project that includes—*

1 “(i) a brief description of the public
2 building to be constructed, altered, or ac-
3 quired, or the space to be leased, under this
4 Act;

5 “(ii) the location of the building to be
6 constructed, altered, or acquired, or the
7 space to be leased, and an estimate of the
8 maximum cost, based on the predominant
9 local office space measurement system (as
10 determined by the Administrator), to the
11 United States of the construction, alter-
12 ation, or acquisition of the building, or
13 lease of the space;

14 “(iii) in the case of a project for the
15 construction of a courthouse or other public
16 building consisting solely of general purpose
17 office space, the cost benchmark for the
18 project determined under subsection (d);
19 and

20 “(iv) in the case of a project relating
21 to a courthouse—

22 “(I) as of the date of submission
23 of the prospectus, the number of—

1 “(aa) *Federal judges for*
2 *whom the project is to be carried*
3 *out; and*

4 “(bb) *courtrooms available*
5 *for the judges;*

6 “(II) *the projected number of Fed-*
7 *eral judges and courtrooms to be ac-*
8 *commodated by the project at the end*
9 *of the 10-year period beginning on the*
10 *date;*

11 “(III) *a justification for the pro-*
12 *jection under subclause (II) (including*
13 *a specification of the number of au-*
14 *thorized positions, and the number of*
15 *judges in senior status, to be accommo-*
16 *dated);*

17 “(IV) *the year in which the court-*
18 *house in use as of the date of submis-*
19 *sion of the prospectus reached maxi-*
20 *imum capacity by housing only courts*
21 *and court-related agencies;*

22 “(V) *the level of security risk at*
23 *the courthouse in use as of the date of*
24 *submission of the prospectus, as deter-*
25 *mined by the Director of the Adminis-*

1 *trative Office of the United States*
2 *Courts; and*

3 *“(VI) the termination date of any*
4 *lease, in effect as of the date of submis-*
5 *sion of the prospectus, of space to carry*
6 *out a court-related activity that will be*
7 *affected by the project.”; and*

8 *(G) by adding at the end the following:*

9 *“(3) EMERGENCY AUTHORITY.—*

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

1 *project is approved in the manner described in*
 2 *paragraph (2)(B).*

3 “(B) *DECLARED EMERGENCIES.*—

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

15 “(ii) *REPORTING.*—*As part of each tri-*
 16 *ennial plan, the Administrator shall de-*
 17 *scribe any emergency lease for which a pro-*
 18 *spectus is required under paragraph (2)*
 19 *that was entered into by the Administrator*
 20 *under clause (i) during the preceding fiscal*
 21 *year.”;*

22 (2) *in subsection (b)*—

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

25 “(b) *INCREASES IN COSTS OF PROJECTS.*—

1 “(1) *INCREASE OF 10 PERCENT OR LESS.—The*”;
2 *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 Transpor-*
11 *tation and Infrastructure of the House of Representa-*
12 *tives of the amount of, and reasons for, the increase.”;*

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

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

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

18 “(d) *DEVELOPMENT OF COST BENCHMARKS.—*

19 *“(1) IN GENERAL.—The Administrator shall de-*
20 *velop standard cost benchmarks for projects for the*
21 *construction of courthouses, and other public build-*
22 *ings consisting solely of general purpose office space,*
23 *for which a prospectus is required under subsection*
24 *(a)(2). The benchmarks shall consist of the appro-*
25 *prate cost per square foot for low-rise, mid-rise, and*

1 *high-rise projects subject to the various factors deter-*
 2 *mined under paragraph (2).*

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

9 (b) *REPORTS TO CONGRESS.*—*Section 11 of the Public*
 10 *Buildings Act of 1959 (40 U.S.C. 610) is amended—*

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

13 ***“SEC. 11. REPORTS TO CONGRESS.***

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

16 (2) *in subsection (b)—*

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

19 *“(b) BUILDING PROJECT SURVEYS AND REPORTS.—*

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

21 (B) *in the second sentence of paragraph (1)*
 22 *(as so designated), by inserting before the period*
 23 *at the end the following: “, and shall specify*
 24 *whether the project is included in a 5-year stra-*
 25 *tegic capital asset management plan required*

1 under section 7(a)(1)(B)(i) or a prioritized list
2 required under section 7(a)(1)(B)”; and

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

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

10 (c) *TECHNICAL AND CONFORMING AMENDMENTS.*—

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

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

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

22 *Section 12 of the Public Buildings Act of 1959 (40*
23 *U.S.C. 611) is amended—*

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

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

2 “(a) *DUTIES OF ADMINISTRATOR.*—

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

4 (2) *in subsection (a), by adding at the end the*
5 *following:*

6 “(2) *REPOSITORY FOR ASSET MANAGEMENT IN-*
7 *FORMATION.*—*The Administrator shall use the results*
8 *of the continuing investigation and survey required*
9 *under paragraph (1) to establish a central repository*
10 *for the asset management information of the Federal*
11 *Government.*”;

12 (3) *in subsection (b)*—

13 (A) *by striking “(b) In carrying” and in-*
14 *serting the following:*

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

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

17 (B) *by striking “Each Federal” and insert-*
18 *ing the following:*

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

20 (C) *by adding at the end the following:*

21 “(3) *IDENTIFICATION AND DISPOSITION OF*
22 *UNNEEDED REAL PROPERTY.*—

23 “(A) *IDENTIFICATION.*—*Each Federal agen-*
24 *cy shall*—

25 “(i) *identify real property that is or*
26 *will become unneeded, obsolete, or*

1 *2-year period thereafter, the head of each Federal*
 2 *agency (as defined in section 13(3) of the Public*
 3 *Buildings Act of 1959 (40 U.S.C. 612(3))) shall re-*
 4 *view and report to the Administrator of General*
 5 *Services (referred to in this Act as the “Adminis-*
 6 *trator”)* on the long-term housing needs of the agency.
 7 *The Administrator shall consolidate the agency re-*
 8 *ports and submit a consolidated report to Congress.*

9 (2) *ASSISTANCE AND UNIFORM STANDARDS.—*

10 *The Administrator shall—*

11 (A) *assist each agency in carrying out the*
 12 *review required under paragraph (1); and*

13 (B) *prepare uniform standards for housing*
 14 *needs for—*

15 (i) *executive agencies (as defined in*
 16 *section 13(4) of the Public Buildings Act of*
 17 *1959 (40 U.S.C. 612(4))); and*

18 (ii) *establishments in the judicial*
 19 *branch of the Federal Government.*

20 (b) *REDUCTION IN AGGREGATE OFFICE AND STORAGE*

21 *SPACE.—By the end of the third fiscal year that begins after*
 22 *the date of enactment of this Act, the Federal agencies re-*
 23 *ferred to in subsection (a)(1) shall, to the maximum extent*
 24 *practicable, collectively reduce by not less than 10 percent*
 25 *the aggregate office and storage space used by the agencies*

1 *(regardless of whether the space is leased or owned) on the*
2 *date of enactment of this Act.*

3 **SEC. 6. DESIGN GUIDES AND STANDARDS FOR COURT AC-**
4 **COMMODATIONS.**

5 *(a) REPORT.—Not later than 60 days after the date*
6 *of enactment of this Act, the Administrator, in consultation*
7 *with the Director of the Administrative Office of the United*
8 *States Courts, shall submit a report to the Committee on*
9 *Environment and Public Works of the Senate and the Com-*
10 *mittee on Transportation and Infrastructure of the House*
11 *of Representatives that specifies the characteristics of court*
12 *accommodations that are essential to the provision of due*
13 *process of law and the safe, fair, and efficient administra-*
14 *tion of justice by the Federal court system.*

15 *(b) DESIGN GUIDES AND STANDARDS.—*

16 *(1) DEVELOPMENT.—Not later than 180 days*
17 *after the date of enactment of this Act, the Adminis-*
18 *trator, in consultation with the Director of the Ad-*
19 *ministrative Office of the United States Courts and*
20 *after notice and opportunity for comment, shall de-*
21 *velop design guides and standards for Federal court*
22 *accommodations based on the report submitted under*
23 *subsection (a). In developing the design guides and*
24 *standards, the Administrator shall consider space effi-*
25 *ciency and the appropriate standards for furnishings.*

1 (2) *USE.*—Notwithstanding section 462 of title
 2 28, *United States Code*, the design guides and stand-
 3 ards developed under paragraph (1) shall be used in
 4 the design of court accommodations.

5 **SEC. 7. DESIGN OF FEDERAL COURTHOUSES.**

6 The Act entitled “An Act establishing a Commission
 7 on Fine Arts”, approved May 17, 1910 (36 Stat. 371, chap-
 8 ter 243; 40 U.S.C. 104), is amended by inserting after the
 9 second sentence the following: “It shall be the duty of the
 10 commission, not later than 60 days after submission of a
 11 conceptual design to the commission for a Federal court-
 12 house at any place in the United States, to provide advice
 13 on the design, including an evaluation of the ability of the
 14 design to express the dignity, enterprise, vigor, and stability
 15 of the American Government appropriately and within the
 16 accepted standards of courthouse design.”.

Amend the title so as to read: “A bill to amend the
 Public Buildings Act of 1959 to improve the process of
 constructing, altering, and acquiring public buildings,
 and for other purposes.”.

S 1005 RS—2

S 1005 RS—3

S 1005 RS—4