

105TH CONGRESS
2D SESSION

S. 2481

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

IN THE SENATE OF THE UNITED STATES

SEPTEMBER 16, 1998

Mr. BAUCUS (for himself, Mr. CHAFEE, and Mr. WARNER) 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, 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 1998”.

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, or acquire a public build-
3 ing, or to lease office or any other type of space, under
4 this Act, the Administrator shall consider the impact of
5 the selection of a particular site on the cost and space
6 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 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 ‘triennial plan’) for the first
14 3 fiscal years that begin after the date of sub-
15 mission. The triennial plan shall specify such
16 projects for which approval is required under
17 paragraph (2)(B) relating to the construction,
18 alteration, or acquisition of public buildings, or
19 the lease of office or any other type of space,
20 as the Administrator determines are necessary
21 to carry out the duties of the Administrator
22 under this Act or any other law.

23 “(B) CONTENTS.—The triennial plan shall
24 include—

1 “(i) a 5-year strategic management
2 plan for capital assets under the control of
3 the Administrator that—

4 “(I) provides for accommodating
5 the office space and other public
6 building needs of the Federal Govern-
7 ment; and

8 “(II) is based on procurement
9 mechanisms that allow the Adminis-
10 trator to take advantage of fluctua-
11 tions in market forces affecting build-
12 ing construction and availability;

13 “(ii) a list—

14 “(I) in order of priority, of each
15 construction or acquisition (excluding
16 lease) project described in subpara-
17 graph (A) for which an authorization
18 of appropriations is—

19 “(aa) requested for the first
20 of the 3 fiscal years of the tri-
21 ennial plan referred to in sub-
22 paragraph (A) (referred to in this
23 paragraph as the ‘first year’);

24 “(bb) expected to be re-
25 quested for the second of the 3

1 fiscal years of the triennial plan
2 referred to in subparagraph (A)
3 (referred to in this paragraph as
4 the ‘second year’); or

5 “(cc) expected to be re-
6 quested for the third of the 3 fis-
7 cal years of the triennial plan re-
8 ferred to in subparagraph (A)
9 (referred to in this paragraph as
10 the ‘third year’); and

11 “(II) that includes a description
12 of each such project and the number
13 of square feet of space planned for
14 each such project;

15 “(iii) a list of each lease or lease re-
16 newal described in subparagraph (A) for
17 which an authorization of appropriations
18 is—

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

21 “(II) expected to be requested for
22 the second year or third year;

23 “(iv) a list, in order of priority, of
24 each planned repair or alteration project

1 described in subparagraph (A) for which an authorization
2 of appropriations is—

3 “(I) requested for the first year;

4 or

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

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

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

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

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

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

24 “(i) FIRST YEAR.—In the case of a
25 project for which the Administrator has re-

1 requested an authorization of appropriations
2 for the first year, information required to
3 be included in the triennial plan under
4 subparagraph (B) shall be presented in the
5 form of a prospectus that meets the re-
6 quirements of paragraph (2)(C).

7 “(ii) SECOND YEAR AND THIRD
8 YEAR.—

9 “(I) IN GENERAL.—In the case
10 of a project for which the Adminis-
11 trator expects to request an authoriza-
12 tion of appropriations for the second
13 year or third year, information re-
14 quired to be included in the triennial
15 plan under subparagraph (B) shall be
16 presented in the form of a project de-
17 scription.

18 “(II) GOOD FAITH ESTIMATES.—

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

1 “(bb) EFFECT.—A good
2 faith estimate referred to in item
3 (aa) shall not bind the Adminis-
4 trator with respect to a request
5 for appropriation of funds for a
6 fiscal year other than a fiscal
7 year for which an authorization
8 of appropriations for the project
9 is requested in the triennial plan.

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

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

1 clude the project in a subsequent triennial plan
2 submitted under this subsection.”;

3 (F) in paragraph (2) (as designated by
4 subparagraph (B))—

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

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

13 “(i) the project was included in the
14 triennial plan for the fiscal year; and

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

18 (ii) by adding at the end the follow-
19 ing:

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
4 this 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 pub-
16 lic building consisting solely of general
17 purpose office space, the cost benchmark
18 for the project determined under sub-
19 section (d); 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
7 Federal judges and courtrooms to be
8 accommodated by the project at the
9 end of the 10-year period beginning
10 on the 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 accom-
16 modated);

17 “(IV) the year in which the
18 courthouse in use as of the date of
19 submission of the prospectus reached
20 maximum capacity by housing only
21 courts and court-related agencies;

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

1 administrative Office of the United
2 States Courts; and

3 “(VI) the termination date of any
4 lease, in effect as of the date of sub-
5 mission of the prospectus, of space to
6 carry out a court-related activity that
7 will be 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
20 the authority to the Committee on Environment
21 and Public Works of the Senate and the Com-
22 mittee on Transportation and Infrastructure of
23 the House of Representatives. The Adminis-
24 trator may carry out the project for which au-
25 thority was requested under the preceding sen-

1 tence if the project is approved in the manner
2 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
17 triennial plan, the Administrator shall de-
18 scribe any emergency lease for which a
19 prospectus is required under paragraph (2)
20 that was entered into by the Administrator
21 under clause (i) during the preceding fiscal
22 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”; and

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 (c), by striking “(c) In the
16 case” and inserting the following:

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

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, and such other factors
 10 as the Administrator considers appropriate.”.

11 (b) REPORTS TO CONGRESS.—Section 11 of the Pub-
 12 lic Buildings Act of 1959 (40 U.S.C. 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 TRIENNIAL 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 triennial public buildings
12 plan required under section 7(a)(1).”.

13 (c) TECHNICAL AND CONFORMING AMENDMENTS.—

14 (1) Section 7 of the Public Buildings Act of
15 1959 (40 U.S.C. 606) is amended by striking “Com-
16 mittee on Public Works and Transportation” each
17 place it appears and inserting “Committee on Trans-
18 portation and Infrastructure”.

19 (2) Section 11(b)(1) of the Public Buildings
20 Act of 1959 (as amended by subsection (b)(2)) is
21 further amended by striking “Committee on Public
22 Works and Transportation” and inserting “Commit-
23 tee on Transportation and Infrastructure”.

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 REAL PROPERTY.—

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

5 “(i) identify real property that is or
6 will become unneeded, obsolete, or under-
7 utilized during the 5-year period beginning
8 on the date of the identification; and

9 “(ii) annually report the information
10 on the real property described in clause (i)
11 to the Administrator.

12 “(B) DISPOSITION.—The Administrator
13 shall analyze more cost-effective uses for the
14 real property identified under subparagraph (A)
15 and make recommendations to the Federal
16 agency concerning the more cost-effective
17 uses.”;

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

20 “(c) IDENTIFICATION OF BUILDINGS OF HISTORIC,
21 ARCHITECTURAL, AND CULTURAL SIGNIFICANCE.—

22 Whenever”;

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

1 “(d) REGARD TO COMPARATIVE URGENCY OF
2 NEED.—The Administrator”.

3 **SEC. 5. ADDRESSING LONG-TERM GOVERNMENT HOUSING**
4 **NEEDS.**

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

6 (1) IN GENERAL.—Not later than 1 year after
7 the date of enactment of this Act and the end of
8 each 2-year period thereafter, the head of each Fed-
9 eral agency (as defined in section 13(3) of the Pub-
10 lic Buildings Act of 1959 (40 U.S.C. 612(3))) shall
11 review and report to the Administrator of General
12 Services (referred to in this Act as the “Adminis-
13 trator”) on the long-term housing needs of the agen-
14 cy. The Administrator shall consolidate the agency
15 reports and submit a consolidated report to Con-
16 gress.

17 (2) ASSISTANCE AND UNIFORM STANDARDS.—

18 The Administrator shall—

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

21 (B) prepare uniform standards for housing
22 needs for—

23 (i) executive agencies (as defined in
24 section 13(4) of the Public Buildings Act
25 of 1959 (40 U.S.C. 612(4))); and

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

3 (b) REDUCTION IN AGGREGATE OFFICE AND STOR-
4 AGE SPACE.—By the end of the third fiscal year that be-
5 gins after the date of enactment of this Act, the Federal
6 agencies referred to in subsection (a)(1) shall, to the maxi-
7 mum extent practicable, collectively reduce by not less
8 than 10 percent the aggregate office and storage space
9 used by the agencies (regardless of whether the space is
10 leased or owned) on the date of enactment of this Act.

11 **SEC. 6. DESIGN GUIDES AND STANDARDS FOR COURT AC-**
12 **COMMODATIONS.**

13 (a) REPORT.—Not later than 60 days after the date
14 of enactment of this Act, the Administrator, in consulta-
15 tion with the Director of the Administrative Office of the
16 United States Courts, shall submit a report to the Com-
17 mittee on Environment and Public Works of the Senate
18 and the Committee on Transportation and Infrastructure
19 of the House of Representatives that specifies the charac-
20 teristics of court accommodations that are essential to the
21 provision of due process of law and the safe, fair, and effi-
22 cient administration of justice by the Federal court sys-
23 tem.

24 (b) DESIGN GUIDES AND STANDARDS.—

1 (1) DEVELOPMENT.—Not later than 180 days
2 after the date of enactment of this Act, the Adminis-
3 trator, in consultation with the Director of the Ad-
4 ministrative Office of the United States Courts and
5 after notice and opportunity for comment, shall de-
6 velop design guides and standards for Federal court
7 accommodations based on the report submitted
8 under subsection (a). In developing the design
9 guides and standards, the Administrator shall con-
10 sider space efficiency and the appropriate standards
11 for furnishings.

12 (2) USE.—Notwithstanding section 462 of title
13 28, United States Code, the design guides and
14 standards developed under paragraph (1) shall be
15 used in the design of court accommodations.

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

17 The Act entitled “An Act establishing a Commission
18 on Fine Arts”, approved May 17, 1910 (36 Stat. 371,
19 chapter 243; 40 U.S.C. 104), is amended by inserting
20 after the second sentence the following: “It shall be the
21 duty of the commission, not later than 60 days after sub-
22 mission of a conceptual design to the commission for a
23 Federal courthouse at any place in the United States, to
24 provide advice on the design, including an evaluation of
25 the ability of the design to express the dignity, enterprise,

1 vigor, and stability of the American Government appro-
2 priately and within the accepted standards of courthouse
3 design.”.

