

BAYLEE'S LAW

SEPTEMBER 19, 2000.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. SHUSTER, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 4519]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 4519) to amend the Public Buildings Act of 1959 concerning the safety and security of children enrolled in childcare facilities located in public buildings under the control of the General Services Administration, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

SUMMARY AND PURPOSE

H.R. 4519, "Baylee's Law," is a bill that amends the Public Buildings Act of 1959. It instructs the Administrator of the General Services Administration (GSA) to notify parents or guardians enrolling their children in a childcare center located in a GSA controlled building of the current Federal agencies occupying the building and the level of security of that particular Federal building. It also requires GSA to notify parents or guardians of any change of Federal tenants in the building. The designated level of security identification should be consistent with the Vulnerability Assessment and subsequent recommendations from that study made by the Department of Justice. The Administrator is also instructed to submit to Congress, not later than one year after the date of enactment, a comprehensive report identifying and describing each childcare facility under its control, a safety and security assessment of each facility with recommendations for increasing safety, and to include in the safety assessment, an examination of windows and the dangers of flying glass hazards.

BACKGROUND AND NEED FOR LEGISLATION

In 1985 the Federal government enacted legislation (PL 99–190) to increase the accessibility of childcare services for Federal employees in Federal buildings. This involved the allotment of space, conditions, and costs for services. Services, in addition to other factors, include security systems in the childcare centers. Amendments to the Act in 1992 (PL 102–393) provided that through GSA's licensing agreements, the Administrator shall provide guidance, assistance, and oversight to Federal agencies for the development of childcare centers to promote economical and effective child care for Federal workers. GSA has established a Child Care Center of Expertise and published a Child Care Center Design Guide as guidance in establishing childcare centers in GSA controlled facilities. Each region has a regional coordinator to facilitate policy guidance from the Child Care Center of Expertise to the region. There are currently 113 childcare centers in GSA controlled buildings throughout the United States.

In recent years there has been an increasing awareness to the threat and security of Federal buildings. This threat also applies to the safety and security of children enrolled in childcare facilities in GSA controlled buildings. On April 19, 1995, the most serious act of American terrorism took place in Oklahoma City, Oklahoma with the bombing of the Alfred P. Murrah Federal Building. 168 people lost their lives that day, including 15 children who were enrolled in the childcare center in the building.

After meeting with the mother of a 1-year old child who was enrolled in the Federal child care center, and died that day, the Committee began further investigating the safety and security policies of GSA with regard to childcare centers. The Committee learned that GSA is under no obligation to inform parents or guardians with children enrolled in a childcare center housed in a GSA controlled building of the other Federal agencies occupying space in that building. About 55% of the parents or guardians whose children are enrolled in childcare centers housed in GSA controlled buildings are not Federal workers, so those parents would not be aware of building occupants that may attract unwanted attention. GSA is not required to inform those parents and guardians of the level of security of that particular Federal facility. In correspondence between the Subcommittee Chairman and the Commissioner of the Public Buildings Service, the Chairman questioned if GSA notifies parents with children enrolled in a childcare facility of the other tenants in the building or of any threats to the facility. GSA indicated that they do not routinely inform parents of the particular occupants of the facility with a childcare center. The question was also posed to the Commissioner at a hearing held March 23, 2000 and he indicated that GSA does not inform parents of the other tenants in the same building as the childcare center.

In the interest of children's safety, and that of a parents ability to make an informed decision, H.R. 4519 will instruct GSA to inform parents or guardians enrolling their children in a childcare center in a Federal building or GSA controlled facility, of the Federal tenants in that building, and of the level of security of the building. The intent of H.R. 4519 is not to deter parents from enrolling their children in these particular childcare centers, but

rather to make them aware of the Federal agencies in the same building, and allow them to make informed decisions about their children.

DISCUSSION OF COMMITTEE BILL AND SECTION-BY-SECTION
ANALYSIS

Section 1. Short title

Provides that the Act may be cited as “Baylee’s Law.” Baylee Almon was a 1-year old killed while attending the childcare center located in the Alfred P. Murrah Federal Building in Oklahoma City, Oklahoma at the time of its bombing in 1995.

Section 2. Safety and security of children in childcare facilities

Amends the Public Buildings Act of 1959, by adding a new Section 22, “Safety and Security of Children in Childcare Facilities.”

This new section:

(a) Instructs the Administrator of the General Services Administration to provide written notification to the parents or guardians of children enrolling in a childcare facility in a public building controlled by GSA, of the current tenants and the designated level of security of that particular building. The Administrator is also required to inform those parents or guardians of any change of Federal agency tenants in that particular building.

(b) As soon as practicable the Administrator is required to inform the parents or guardians of children enrolled in a childcare center located in a building under the Administrator’s control of any serious threat that could affect the safety and security of children enrolled in that particular childcare center.

(c) Not later than one year after the date of enactment the Administrator is required to report to the Committee on Transportation and Infrastructure and the Congress a comprehensive report on childcare centers under the Administrator’s control. The report should identify and describe each childcare center located in a GSA controlled facility and assess the level of safety and security of children enrolled in each of those childcare centers. The report should also recommend methods for enhancing safety and security. The Administrator is further instructed to examine the windows and interior furnishings in each facility and determine whether sufficient protective measures have been implemented to protect against the dangers associated with interior furnishings and windows. Interior furnishings should be safely secured to the structure and windows should be equipped with adequate protective measures to mitigate the dangers of flying glass.

HEARINGS

On March 23, 2000, the Subcommittee on Economic Development, Public Buildings, Hazardous Materials and Pipeline Transportation of the Committee on Transportation and Infrastructure held a hearing on the General Services Administration FY 2001 Capital Investment Program. Testimony was given by Ms. Aren Almon-Kok, founder of the Protecting People First Foundation, the Commissioner of the Public Buildings Service of the General Services Administration, Members of Congress and Federal Judges. The hearing did not specifically address H.R. 4519, but addressed weak-

nesses in current policies regarding Federal childcare centers in GSA controlled buildings. H.R. 4519, corrects many concerns that were raised at the hearing.

COMMITTEE CONSIDERATION

On June 20, 2000 the Subcommittee on Economic Development, Public Buildings, Hazardous Materials and Pipeline Transportation marked up H.R. 4519 and favorably reported it to the Full Committee by unanimous voice vote with a quorum being present. On June 21, 2000, the Full Committee met in open session and reported the bill, H.R. 4519, by unanimous voice vote with a quorum being present.

ROLLCALL VOTES

Clause 3(b) of rule XIII of the House of Representatives requires each committee report to include the total number of votes cast for and against on each roll call vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no recorded votes taken in connection with ordering H.R. 4519 reported.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

COST OF LEGISLATION

Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included below.

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the Committee has received no report of oversight findings and recommendations from the Committee on Government Reform and Oversight on the subject of H.R. 4519.

3. With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 4519, from the Director of the Congressional Budget Office.

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

Summary: CBO estimates that the bill is unlikely to have a significant impact on the federal budget. While pay-go procedures

would apply, it is unlikely that there would be significant changes in such receipts under H.R. 4519. Further, the bill contains no intergovernmental mandates and would impose no costs on the budgets of state, local or tribal governments. While it creates a private sector mandate for reporting to Congress, the costs of this is minimal.

U.S. CONGRESS,
CONGRESSIONAL BUDGET OFFICE,
Washington, DC, June 22, 2000.

Hon. BUD SHUSTER,
*Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 4519, Baylee's Law.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contact is John R. Righter.

Sincerely,

ROBERT A. SUNSHINE
(For Dan L. Crippen, Director).

Enclosure.

H.R. 4519—Baylee's Law

H.R. 4519 would amend the Public Buildings Act of 1959 to require the General Services Administration (GSA) to provide certain information regarding the safety and security of childcare facilities operated in buildings under its administrative control. CBO estimates that implementing the bill would cost GSA a negligible amount each year. Because the bill would not affect direct spending or receipts, pay-as-you-go procedures would not apply. H.R. 4519 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local, or tribal governments.

H.R. 4519 would require GSA to provide a list of a building's tenants and its designated level of security to any parent or guardian who is considering enrolling a child in a childcare facility that is operated in a GSA building. In addition, the bill would direct GSA to notify parents or guardians of any new federal tenants and of any serious threat that it determines may exist to the safety and security of the children. Finally, H.R. 4519 would require the agency to identify and describe each childcare facility that is located in one of its buildings, assess the facility's level of safety and security, and recommend methods for enhancing such safety and security. GSA would have one year from enactment to submit that report to the Congress.

GSA buildings contain 113 childcare facilities with an aggregate enrollment of more than 7,000 children. According to the agency, it already regularly assesses the safety and security of each of its childcare facilities, and notifies each parent or guardian of any safety and security threat. Thus, because it would largely codify existing administrative policy, CBO estimates that implementing H.R. 4519 would cost a negligible amount each year. Any increase in costs would be subject to the availability of appropriated funds.

The CBO staff contact for this estimate is John R. Rigther. The estimate was approved by Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause (3)(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act. (Public Law 104–4.)

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act. (Public Law 104–1.)

HOUSE OF REPRESENTATIVES,
COMMITTEE ON GOVERNMENT REFORM,
Washington, DC, September 19, 2000.

Hon. BUD SHUSTER,
*Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.*

DEAR MR. CHAIRMAN: In response to your request and in the interest of expediting Floor consideration of the bill, the Committee will not exercise its jurisdiction over H.R. 4519—Baylee’s Law. The bill amends the Public Buildings Act of 1959 concerning public safety and security of children enrolled in childcare facilities located in public buildings under the control of the General Services Administration.

As you know, House Rules grant the Committee on Government Reform wide jurisdiction regarding the overall economy, efficiency and management of government operations and activities. This action should not, however, be construed as waiving the Committee’s jurisdiction over future legislation of a similar nature. I would also request that members of the Government Reform Committee be appointed as conferees if a conference committee is appointed.

I look forward to working with you on this and other issues throughout the remainder of the 106th Congress.

Sincerely,

DAN BURTON, *Chairman.*

COMMITTEE ON TRANSPORTATION
AND INFRASTRUCTURE,
Washington, DC, September 19, 2000.

Hon. DAN BURTON,
*Chairman, Committee on Government Reform,
Washington, DC.*

DEAR MR. CHAIRMAN: Next week the House may consider H.R. 4519, "Baylee's Law." While H.R. 4519 primarily contains provisions related to matters solely in the jurisdiction of the Committee on Transportation and Infrastructure, I recognize that certain provisions in the bill regarding the General Services Administration's policies concerning childcare facilities located in public buildings are under the jurisdiction of the Committee on Government Reform.

I agree that allowing this bill to go forward in no way impairs upon your jurisdiction over these provisions, and I would be pleased to place this letter and any response you may have in the Congressional Record during our deliberations on this bill. In addition, if a conference is necessary on this bill, I would support any request to have the Committee on Government Reform be represented on the conference with respect to the matters in question.

I look forward to passing this bill on the Floor soon and thank you for your assistance.

Sincerely,

BUD SHUSTER, *Chairman.*

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (new matter is printed in italic and existing law in which no change is proposed is shown in roman):

SECTION 22 OF THE PUBLIC BUILDINGS ACT OF 1959

SEC. 22. SAFETY AND SECURITY OF CHILDREN IN CHILDCARE FACILITIES.

(a) *WRITTEN NOTICE TO PARENTS OR GUARDIANS.*—

(1) *INITIAL NOTIFICATION.*—*Before the enrollment of any child in a childcare facility located in a public building under the control of the Administrator, the Administrator shall provide to the parents or guardians of the child a written notification containing—*

(A) an identification of the current tenants in the public building; and

(B) the designation of the level of security of the public building.

(2) *NOTIFICATION OF NEW TENANTS.*—*After providing a written notification to the parents or guardians of a child under*

paragraph (1), the Administrator shall provide to the parents or guardians a written notification if any new Federal tenant is scheduled to take occupancy in the public building.

(b) NOTIFICATION OF SERIOUS THREATS TO SAFETY OR SECURITY.—As soon as practicable after being informed of a serious threat, as determined by the Administrator, that could affect the safety and security of children enrolled in a childcare facility in a public building under the control of the Administrator, the Administrator shall provide notice of the threat to the parents or guardians of each child in the facility.

(c) REPORT TO CONGRESS.—

(1) IN GENERAL.—Not later than 1 year after the date of enactment of this section, the Administrator shall transmit to Congress a comprehensive report on childcare facilities in public buildings under the control of the Administrator.

(2) CONTENTS.—The report to be transmitted under paragraph (1) shall include—

(A) an identification and description of each childcare facility located in a public building under the control of the Administrator; and

(B) an assessment of the level of safety and security of children enrolled in the childcare facility and recommendations on methods for enhancing that safety and security.

(3) WINDOWS AND INTERIOR FURNISHINGS.—In conducting an assessment of a childcare facility under paragraph (2)(B), the Administrator shall examine the windows and interior furnishings of the facility to determine whether adequate protective measures have been implemented to protect children in the facility against the dangers associated with windows and interior furnishings in the event of a natural disaster or terrorist attack, including the deadly effect of flying glass.