

Public Law 100-678
100th Congress

An Act

To improve the efficiency and effectiveness of management of public buildings.

Nov. 17, 1988

[S. 2186]

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

Public Buildings
Amendments
of 1988.

40 USC 601 note.

SECTION 1. SHORT TITLE.

This Act may be cited as the "Public Buildings Amendments of 1988".

SEC. 2. INCREASED THRESHOLD FOR APPROVAL PROCESS.

Sections 4(b) and 7(a) of the Public Buildings Act of 1959 (40 U.S.C. 603(b) and 606(a)) are amended by striking out "\$500,000" each place it appears and inserting in lieu thereof "\$1,500,000".

SEC. 3. LIMITATIONS ON LEASING AUTHORITY.

(a) **LIMITATION ON APPROPRIATIONS FOR LEASING CERTAIN SPACE.**—Section 7(a) of the Public Buildings Act of 1959 (40 U.S.C. 606(a)) is amended by inserting after the second sentence the following new sentence: "No appropriation shall be made to alter any building, or part thereof, which is under lease by the United States for use for a public purpose if the cost of such alteration would exceed \$750,000 unless such alteration has been approved by resolutions adopted by the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives."

(b) **LIMITATION ON LEASING CERTAIN SPACE.**—Section 7 of such Act (40 U.S.C. 606) is amended by adding at the end thereof the following new subsection:

"(e) **LIMITATION ON LEASING CERTAIN SPACE.**—

"(1) **GENERAL RULE.**—The Administrator may not lease any space to accommodate—

"(A) computer and telecommunications operations;

"(B) secure or sensitive activities related to the national defense or security, except in any case in which it would be inappropriate to locate such activities in a public building or other facility identified with the United States Government; or

"(C) a permanent courtroom, judicial chamber, or administrative office for any United States court;

if the average rental cost of leasing such space would exceed \$1,500,000.

"(2) **EXCEPTION.**—The Administrator may lease any space with respect to which paragraph (1) applies if the Administrator first determines, for reasons set forth in writing, that leasing such space is necessary to meet requirements which cannot be met in public buildings and submits such reasons to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives."

SEC. 4. DOLLAR AMOUNT ADJUSTMENT.

Section 7 of the Public Buildings Act of 1959 (40 U.S.C. 606) is further amended by adding at the end the following new subsection:

“(f) **DOLLAR AMOUNT ADJUSTMENT.**—Any dollar amount referred to in this section and section 4(b) of this Act may be adjusted by the Administrator annually to reflect a percentage increase or decrease in construction costs during the preceding calendar year, as determined by the composite index of construction costs of the Department of Commerce. Any such adjustment shall be expeditiously reported to the Committee on Environment and Public Works of the Senate and the Committee on Public Works and Transportation of the House of Representatives.”.

SEC. 5. STATE ADMINISTRATION; SPECIAL RULES FOR LEASED BUILDINGS.

The Public Buildings Act of 1959 (40 U.S.C. 601-616) is amended by adding at the end thereof the following new sections:

40 USC 617.

“SEC. 19. STATE ADMINISTRATION OF CRIMINAL AND HEALTH AND SAFETY LAWS.

Public lands.

“Notwithstanding any other provision of law, the Administrator may, whenever the Administrator considers it desirable, assign to a State, or to a commonwealth, territory, or possession of the United States, all or part of the authority of the United States to administer criminal laws and health and safety laws with respect to lands or interests in lands under the control of the Administrator located in such State, commonwealth, territory, or possession. Assignment of authority under this section may be accomplished by filing with the chief executive officer of such State, commonwealth, territory, or possession a notice of assignment to take effect upon acceptance thereof, or in such other manner as may be prescribed by the laws of the State, commonwealth, territory, or possession in which such lands or interests in lands are located.

40 USC 618.

“SEC. 20. SPECIAL RULES FOR LEASED BUILDINGS.

“(a) **SPECIFICATIONS.**—Notwithstanding the provisions of section 210(h)(1) of the Federal Property and Administrative Services Act of 1949, the Administrator shall not make any agreement or undertake any commitment which will result in the construction of any building which is to be constructed for lease to, and for predominant use by, the United States until the Administrator has established detailed specification requirements for such building.

“(b) **COMPETITIVE PROCEDURES.**—The Administrator may acquire a leasehold interest in any building which is constructed for lease to, and for predominant use by, the United States only by the use of competitive procedures required by section 303 of the Federal Property and Administrative Services Act of 1949 (41 U.S.C. 253).

“(c) **INSPECTIONS.**—The Administrator shall inspect every building to be constructed for lease to, and for predominant use by, the United States during the construction of such building in order to determine that the specifications established for such building are complied with.

“(d) **ENFORCEMENT.**—

“(1) **POST-CONSTRUCTION EVALUATION.**—Upon completion of a building constructed for lease to, and for predominant use by, the United States, the Administrator shall evaluate such build-

ing for the purpose of determining the extent, if any, of failure to comply with the specifications referred to in subsection (a).

“(2) **CONTRACT CLAUSE.**—The Administrator shall ensure that any contract entered into for a building described in paragraph (1) shall contain provisions permitting a reduction of rent during any period when such building is not in compliance with such specifications.”.

SEC. 6. COMPLIANCE WITH NATIONALLY RECOGNIZED CODES.

(a) **IN GENERAL.**—The Public Buildings Act of 1959 (40 U.S.C. 601-616) is further amended by adding at the end the following new section:

“SEC. 21. COMPLIANCE WITH NATIONALLY RECOGNIZED CODES.

Safety.
40 USC 619.

“(a) **BUILDING CODES.**—Each building constructed or altered by the General Services Administration or any other Federal agency shall be constructed or altered, to the maximum extent feasible as determined by the Administrator or the head of such Federal agency, in compliance with one of the nationally recognized model building codes and with other applicable nationally recognized codes. Such other codes shall include, but not be limited to, electrical codes, fire and life safety codes, and plumbing codes, as determined appropriate by the Administrator. In carrying out this subsection, the Administrator or the head of the Federal agency authorized to construct or alter the building shall use the latest edition of the nationally recognized codes referred to in this subsection.

“(b) **ZONING LAWS.**—Each building constructed or altered by the General Services Administration or any other Federal agency shall be constructed or altered only after consideration of all requirements (other than procedural requirements) of—

State and local
governments.

“(1) zoning laws, and

“(2) laws relating to landscaping, open space, minimum distance of a building from the property line, maximum height of a building, historic preservation, and esthetic qualities of a building, and other similar laws,

of a State or a political subdivision of a State which would apply to the building if it were not a building constructed or altered by a Federal agency.

“(c) **SPECIAL RULES.**—

“(1) **STATE AND LOCAL GOVERNMENT CONSULTATION, REVIEW, AND INSPECTIONS.**—For purposes of meeting the requirements of subsections (a) and (b) with respect to a building, the Administrator or the head of the Federal agency authorized to construct or alter the building shall—

“(A) in preparing plans for the building, consult with appropriate officials of the State or political subdivision, or both, in which the building will be located;

“(B) upon request, submit such plans in a timely manner to such officials for review by such officials for a reasonable period of time not exceeding 30 days; and

“(C) permit inspection by such officials during construction or alteration of the building, in accordance with the customary schedule of inspections for construction or alteration of buildings in the locality, if such officials provide to the Administrator or the head of the Federal agency, as the case may be—

"(i) a copy of such schedule before construction of the building is begun; and

"(ii) reasonable notice of their intention to conduct any inspection before conducting such inspection.

"(2) **LIMITATION ON STATE RESPONSIBILITIES.**—Nothing in this section shall impose an obligation on any State or political subdivision to take any action under paragraph (1).

"(d) **STATE AND LOCAL GOVERNMENT RECOMMENDATIONS.**—Appropriate officials of a State or a political subdivision of a State may make recommendations to the Administrator or the head of the Federal agency authorized to construct or alter a building concerning measures necessary to meet the requirements of subsections (a) and (b). Such officials may also make recommendations to the Administrator or the head of the Federal agency concerning measures which should be taken in the construction or alteration of the building to take into account local conditions. The Administrator or the head of the Federal agency shall give due consideration to any such recommendations.

"(e) **EFFECT OF NONCOMPLIANCE.**—No action may be brought against the United States and no fine or penalty may be imposed against the United States for failure to meet the requirements of subsection (a), (b), or (c) of this section or for failure to carry out any recommendation under subsection (d).

"(f) **LIMITATION ON LIABILITY.**—The United States and its contractors shall not be required to pay any amount for any action taken by a State or a political subdivision of a State to carry out this section (including reviewing plans, carrying out on-site inspections, issuing building permits, and making recommendations).

"(g) **APPLICABILITY TO CERTAIN BUILDINGS.**—This section applies to any project for construction or alteration of a building for which funds are first appropriated for a fiscal year beginning after September 30, 1989.

"(h) **NATIONAL SECURITY WAIVER.**—This section shall not apply with respect to any building if the Administrator or the head of the Federal agency authorized to construct or alter the building determines that the application of this section to the building would adversely affect national security. A determination under this subsection shall not be subject to administrative or judicial review."

40 USC 619 note.

(b) **NOTIFICATION OF FEDERAL AGENCIES.**—Not later than 180 days after the date of the enactment of this section, the Administrator of General Services shall notify the heads of all Federal agencies of the requirements of section 21 of the Public Buildings Act of 1959.

SEC. 7. LIMITATION ON MAXIMUM RENTAL RATE.

Section 322 of the Act of June 30, 1932 (47 Stat. 412; 40 U.S.C. 278a), is repealed.

SEC. 8. PROTECTION OF FEDERAL PROPERTY.

(a) **REFERENCE TO GSA.**—The Act of June 1, 1948 (62 Stat. 281; 40 U.S.C. 318-318d) is amended—

(1) by striking out "Federal Works Agency" each place it appears and inserting in lieu thereof "General Services Administration"; and

(2) by striking out "Federal Works Administrator" each place it appears and inserting in lieu thereof "Administrator of General Services".

(b) **INCLUSION OF LEASED PROPERTY.**—The first section of such Act (40 U.S.C. 318) is amended to read as follows:

"SECTION 1. SPECIAL POLICE.

"(a) **APPOINTMENT.**—The Administrator of General Services, or officials of the General Services Administration duly authorized by the Administrator, may appoint uniformed guards of such Administration as special policemen without additional compensation for duty in connection with the policing of all buildings and areas owned or occupied by the United States and under the charge and control of the Administrator.

"(b) **POWERS.**—Special policemen appointed under this section shall have the same powers as sheriffs and constables upon property referred to in subsection (a) to enforce the laws enacted for the protection of persons and property, and to prevent breaches of the peace, to suppress affrays or unlawful assemblies, and to enforce any rules and regulations promulgated by the Administrator of General Services or such duly authorized officials of the General Services Administration for the property under their jurisdiction; except that the jurisdiction and policing powers of such special policemen shall not extend to the service of civil process."

(c) CONFORMING AMENDMENTS.—

(1) **SECTION 2.**—Section 2 of such Act (40 U.S.C. 318a) is amended by striking out "Federal property" each place it appears and inserting in lieu thereof "property".

(2) **SECTION 3.**—Section 3 of such Act (40 U.S.C. 318b) is amended by striking out "and over which the United States has acquired exclusive or concurrent criminal jurisdiction".

SEC. 9. CERTAIN OTHER AUTHORITIES.

40 USC 601 note.

Nothing in this Act (including any amendment made by this Act) shall be construed to affect the authorities granted in sections 5, 6, and 8 of the Central Intelligence Agency Act of 1949 (50 U.S.C. 403f, 403g, and 403j).

SEC. 10. TECHNICAL AMENDMENT.

The Act entitled "An Act to designate the United States Post Office and Courthouse in Pendleton, Oregon, as the 'John F. Kennedy United States Post Office and Courthouse'", approved October 17, 1984 (Public Law 98-492; 98 Stat. 2271), is amended by striking out "Dorian" and inserting in lieu thereof "Dorion".

SEC. 11. NAMINGS.

(a) LAWTON CHILES, JR. FEDERAL BUILDING, LAKELAND, FLORIDA.—

(1) **DESIGNATION.**—The Federal Building to be constructed in Lakeland, Florida, that will replace the existing Federal Building in Lakeland, Florida, shall be known and designated as the "Lawton Chiles, Jr. Federal Building".

(2) **LEGAL REFERENCES.**—Any reference in any law, regulation, document, record, map, or other paper of the United States to the building designated by paragraph (1) is deemed to be a reference to the "Lawton Chiles, Jr. Federal Building".

(3) **EFFECTIVE DATE.**—This subsection shall take effect on whichever of the following occurs later:

(A) The date of the enactment of this Act.

(B) January 3, 1989.

(b) ROBERT A. YOUNG FEDERAL BUILDING, ST. LOUIS, MISSOURI.—

(1) **DESIGNATION.**—The Federal building located at 405 South Tucker Boulevard, St. Louis, Missouri, shall be known and designated as the “Robert A. Young Federal Building”.

(2) **LEGAL REFERENCES.**—Any reference in a law, map, regulation, document, record, or other paper of the United States to the Federal building referred to in paragraph (1) shall be deemed to be a reference to the “Robert A. Young Federal Building”.

Approved November 17, 1988.

LEGISLATIVE HISTORY—S. 2186 (H.R. 2790):

HOUSE REPORTS: No. 100-474, Pt. 1, accompanying H.R. 2790 (Comm. on Public Works and Transportation).

SENATE REPORTS: No. 100-322 (Comm. on Environment and Public Works).

CONGRESSIONAL RECORD:

Vol. 133 (1987): Dec. 14, H.R. 2790 considered and passed House.

Vol. 134 (1988): May 18, S. 2186 considered and passed Senate.

Oct. 19, considered and passed House, amended.

Oct. 21, Senate concurred in House amendment.

WEEKLY COMPILATION OF PRESIDENTIAL DOCUMENTS, Vol. 24 (1988):

Nov. 17, Presidential statement.