

TRANSMITTAL SLIP		DATE 25 July 59
TO: File		
ROOM NO.	BUILDING	
REMARKS: <u>Enclosure 1 herewith consists of:</u> a/ Houston ltr to Macomber, GSA dtd 27/3/59 b/ c/ d/ e/		
FR		
ROOM NO.	BUILDING	EXTENSION

STAT

FORM NO. 241
1 FEB 55

REPLACES FORM 36-8
WHICH MAY BE USED.

(47)

Approved For Release 2004/09/23 : CIA-RDP63T00245R000100150005-9



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27 March 1959

MEMORANDUM FOR THE RECORD

SUBJECT: GSA Legislation

The Acting Deputy Director (Support) and I discussed the attached 27 March 1959 letter with the Director on the evening of 26 March 1959, and he approved proceeding with this matter on the basis set forth therein.

s/ Lawrence R. Houston

**LAWRENCE R. HOUSTON
General Counsel**

Attachment

OGC: LRH:jeb

**cc: A-DD/S
Comptroller
D/L
C/EPS/OL
C/RE&CD/OL
Legislative Counsel
General Counsel**

**chron-no circ
subject-B&G 3 c. r. Leg. 1-1**

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EXECUTIVE OFFICE OF THE PRESIDENT
BUREAU OF THE BUDGET
WASHINGTON 25, D. C.

February 12, 1959

LEGISLATIVE REFERRAL MEMORANDUM

To: Legislative Liaison Officer:

Department of Agriculture
Department of Commerce
Department of Defense
Department of Health, Education, & Welfare
Department of the Interior
Department of Justice
Department of Labor
Post Office Department
Treasury Department

State Dept

U.S. Information Agency
Veterans' Administration

Atomic Energy Commission
✓ Central Intelligence Agency
Office of Civil & Defense Mobiliza.
Federal Aviation Agency
Housing & Home Finance Agency
National Aeronautics & Space Admin.
National Capital Planning Commis.
Smithsonian Institution
Tennessee Valley Authority

SUBJECT: Draft bill, "Amending the Act approved 5/25/26, 44 Stat. 630, to provide for the construction of certain public buildings, & for other purposes, indicating new matter by underscoring & repealed matter by deletion." (Submitted by GSA)

Special circumstances require that this be handled as a priority matter and that your views be received within two weeks.

Questions should be referred to Mr. C. E. Benton, Bureau of the Budget, Code 113, extension 2065.

Phillip D. Hughes
Assistant Director for
Legislative Reference *PH*

Enclosures

Copy draft material.

GENERAL SERVICES ADMINISTRATION

Washington 25, D. C.



Honorable Richard M. Nixon
President of the Senate
Washington 25, D. C.

My dear Mr. President:

There is enclosed a draft of a proposed Bill "To further amend the Act approved May 25, 1926, as amended, and for other purposes."

It is respectfully requested that appropriate steps be taken to secure consideration by the Congress of the proposal, which is a part of the legislative program of the General Services Administration for 1959.

Essentially, the draft would amend the Act of May 25, 1926 (44 Stat. 630), as amended, so as to (1) clarify the basic authority of General Services Administration to undertake and carry out a well-planned program to provide permanent accommodations for the activities of the Federal Government in and outside the District of Columbia through (a) construction of new buildings designed to meet the needs of the agencies, (b) the purchase of existing buildings to be remodeled where necessary to meet such needs, and (c) the remodeling, extension, renovation and repair of public buildings owned by the United States where necessary to house suitably the activities of agencies to be housed therein; (2) incorporate a method of major public building project approval patterned generally after the prospectus approval method provided for under the lease-purchase law; and (3) authorize necessary appropriations.

The scope of the bill is limited to those types and classes of public buildings in which are provided housing accommodations for Government activities not conducted on military or special service reservations.

With the enactment of the Independent Offices Appropriation Act, 1959, approved August 28, 1958 (72 Stat. 1063), the alternative method of providing Federal facilities on a so-called lease-purchase basis under the Public Buildings Purchase Contract Act of 1954, as amended, was brought to a halt. The buildings which will be provided under that program no more than scratch the surface of the total need for new Federal accommodations. The existing state of Federal office facilities throughout the United States is deplorable. Prior to enactment of the Independent Offices Appropriation Act, 1959, no funds had been provided for construction of new Federal buildings since the preparedness period preceding World War II, except for a few specific buildings.

Honorable Richard M. Nixon

Incident to carrying out the lease-purchase program, and in discharge of basic statutory authority vested in this agency by Section 7 of the Act of May 25, 1926, as amended, and Section 210(c) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended, this agency is currently making surveys and studies of those communities throughout the United States where the population exceeds approximately 5,000, to determine the space needs of the Federal Government and to ascertain what additional facilities are needed as a result of growth and change in the governmental establishment and because of obsolescence and deterioration of existing Federal facilities beyond the point of economic usefulness. These studies have been completed with respect to many localities and urgent need for substantial new construction and renovation and improvement of existing buildings has been determined.

Numerous individual bills which have and will be presented to the Congress would authorize new Federal construction in specific locations. This agency has consistently opposed the enactment of such measures on the grounds that construction and improvement of Federal buildings must be carried out on a well-planned, over-all program basis, determined through the survey procedure above-referred-to, and giving priority to the most urgent needs, whereas the individual bills would treat with the over-all problem only on a "hit or miss" basis with no regard for relative urgency of need.

A further deterrent to the accomplishment of public buildings construction on a well-planned program basis is the fact that, over the years, funds for the construction of public buildings of the classes which are clearly within the scope of the Act of May 25, 1926 have been appropriated by the Congress directly to the particular agency which is to use the public building rather than to GSA. It appears that no uniform policy or practice has been followed by executive agencies in requesting funds for the construction of public buildings nor by the Congress in providing such funds. For example, the Director of the Central Intelligence Agency was authorized in 1955, by an Act of Congress, to construct a new building; various appropriations were made to CIA to accomplish this purpose without any express requirement that the funds be transferred to GSA for construction of the building. In a similar situation, funds were appropriated to the Department of State for the construction of an addition to its present facilities, with a stipulation in the appropriations acts that the work should be done under the supervision of GSA and that the funds were to be transferred to GSA for this purpose. In other cases, funds for public building construction have been appropriated directly to and expended by the agency concerned, with no participation by GSA. Most notable among such cases is the recent construction by the Atomic Energy Commission of their headquarters office building in nearby Maryland. That building was constructed by the Atomic Energy Commission with funds

(Page substituted on February 11, 1959)

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appropriated to it, although it was originally planned as a GSA lease-purchase project. In many cases, Federal construction of public buildings has, historically, been carried on by other agencies independent of GSA. For example, the Veterans Administration for years has obtained the funds for and carried out a program of construction of its hospitals independent of GSA, although GSA has financed and provided the Veterans Administration with regional headquarters offices and out-patient clinics.

These situations prevent centralization of control over and the development and orderly implementation of an over-all building program. The Commission on Organization of the Executive Branch of the Government (The Hoover Commission) in its report to Congress in June 1955 on Real Property Management recognized that present laws touch on the subject of real property management, including public buildings acquisition and construction, but that no fundamental concept in this area has been developed; and that, although the Administrator of General Services appears to have far-reaching responsibilities in this area, his authority to accomplish those responsibilities was unclear and diffused. While the proposed amendment of the Act of May 25, 1926, will, in our opinion, clarify and modernize the existing laws governing GSA's construction responsibilities, it is believed that the inefficient and uneconomical practices which have prevailed in the past, as outlined in the preceding paragraphs of this letter, can and should be resolved by a policy statement in the proposed amendment in which Congress would definitively assign to the Administrator of General Services the Government's building construction responsibilities, provide for the coordination of these responsibilities with the program requirements of the interested executive agencies, authorize the delegation of the performance of such responsibilities and other authority under the amendment to the appropriate executive agency or agencies under certain conditions, and clearly define the term "public buildings" over which the Administrator has basic responsibility and jurisdiction.

The Act of May 25, 1926, as passed by the Congress and as amended from time to time over the years, contains a limitation of about \$620,000,000 upon the amount authorized to be appropriated thereunder. Some doubt exists as to whether certain sums authorized for appropriation and appropriated over the years should or should not have been charged against the authorization. Also, the repeal of a provision relating to income credits in the law as originally enacted renders almost impossible a determination of the exact amount authorized for appropriation. While, for the reasons stated, the matter is not free from doubt, it may well be that all sums authorized for appropriation under the Act of May 25, 1926, as amended, already have been appropriated.

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Enactment of the amendatory legislation submitted herewith would authorize appropriation of such funds, without dollar limitation, as may be necessary to carry out the purposes of the 1926 Act. Construction of facilities upon the basis of a sound determination of the relative urgency of need is not compatible with a rigid statutory requirement as to apportionment of expenditures between the District of Columbia and elsewhere throughout the United States. Therefore, the amendment also proposes to authorize expenditures of funds hereafter appropriated thereunder without regard to the present apportionment provisions of the 1926 Act.

The proposed amendment also would repeal the existing provisions of the law requiring submission to the Congress of a biennial report of approved public buildings projects. In lieu thereof, it is proposed to substitute a procedure requiring submission to the Senate and House Public Works Committees of prospectuses for individual projects involving expenditures in excess of \$250,000 for their consideration for a period of thirty days as a prerequisite to appropriation of funds therefor. This procedure is patterned generally after the method of project approval provided for under the lease-purchase program. It is to be noted that the method of project approval here proposed also is provided for in the amendments to the 1926 Act proposed by S. 2261, as passed by the Senate and as reported by the House Public Works Committee, and is similar to the method proposed in H. R. 4660, both as introduced in the 85th Congress. We believe the proposed method of project approval to be preferable to the method heretofore provided for under the 1926 Act since it affords the appropriate Congressional Committees with a more intimate knowledge of individual projects and a more immediate acquaintance with our public buildings program as a whole. The proposed amendment does not require prior consideration by the Committees of relatively small projects individually involving \$250,000 or less since it is believed that such projects are not of sufficient magnitude to warrant individual consideration by the Committees of Congress.

The amendment also would provide continuing and permanent authority for carrying out a program for repair, alteration, preservation, renovation, improvement, enlargement, and extension of Federally owned buildings of the classes under the control of this agency and authorize necessary appropriations therefor.

The proposed bill includes certain other technical amendments to the 1926 Act intended to improve its logical sequence, clarify the law, delete obsolete material, and certain language changes necessitated by the substantive changes discussed above, and to repeal certain obsolete provisions of other laws. For the convenience of the Members of Congress, the Committees, and their staffs we have prepared, in addition to the draft bill, a draft showing the additions and deletions which the proposed bill would make in the basic statute proposed to be amended thereby.

(Page substituted on February 11, 1959)

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The appropriation of funds over the past several years, to numerous departments and establishments of the Government for construction of public buildings of the classes generally under the control of this agency, has rendered extremely difficult the task of this agency in providing for the space needs of the Federal establishment as a whole on a program basis with proper regard for relative urgency of need.

We believe that enactment of the proposed bill is necessary to enable the effective discharge of the general responsibilities of the General Services Administration for the construction of the classes of public buildings here involved and to assure that the public buildings program will be carried out on a regular and continuing basis to maintain the building accommodations of the Federal establishment at their highest level of economic usefulness. Accordingly, we urge that steps be taken to assure prompt Congressional consideration.

When enacted, this legislation will not, in itself, involve the expenditure of public funds; but will constitute a legislative mandate expressing the substantive and procedural basis for accomplishment of the public buildings program, as outlined therein. There will be no expenditure of public funds under this legislation until appropriations are made by Congress in the customary manner.

The Bureau of the Budget has advised that there is no objection to the submission of this proposed legislation to the Congress.

Sincerely yours

Enclosures

AN ACT

An Act to further amend the Act approved May 25, 1926, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the Act to provide for the construction of certain public buildings, and for other purposes, approved May 25, 1926, 44 Stat. 630, as amended, is hereby further amended to provide as follows:

"Sec. 1 (a). It is the intent of Congress that the Administrator of General Services shall be responsible for constructing all public buildings required to suitably house and accommodate all executive agencies, as defined in section 3(a) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 378), as amended, (except as hereinafter otherwise provided) and mixed-ownership corporations, as defined in the Government Corporation Control Act. This responsibility includes concurring in the need, obtaining the necessary funds, acquiring sites, preparing plans, design, working drawings and specifications, and construction of the buildings, as more specifically provided hereafter.

(b) In the discharge of the foregoing responsibilities, the Administrator shall have due regard for the program requirements of the

(Page substituted on February 11, 1959)

executive agencies and shall participate, advise, and consult with affected executive agencies to obtain their cooperation, advice and assistance in carrying out such responsibilities. Affected executive agencies shall participate, consult, cooperate, advise with and assist the Administrator in determining the need and justifying appropriations for public buildings and in carrying out his responsibilities under this Act.

(c) The performance, in accordance with standards established by the Administrator of General Services, of the responsibilities and authorities of the Administrator of General Services and the General Services Administration under this Act shall be delegated to the appropriate executive agency or agencies where (1) the estimated cost of the project does not exceed \$75,000, or (2) the Administrator determines that such agency or agencies are properly staffed and otherwise equipped to discharge such responsibilities and authorities and that such delegation is in the public interest.

(d) The terms "public buildings" or "buildings", as used in this Act, shall include Federal office buildings, post offices, custom houses, court houses, and appraisers stores, whether for single or multi-tenant occupancy; border inspection and similar facilities; warehouses, record centers, garages, stores depots, tank farms, and similar storage facilities; penal and correctional facilities; quarantine stations; hospitals; laboratories; research centers; schools; libraries; museums; shop buildings; relocation facilities; air traffic control centers; and all

similar Federal facilities, but shall not include buildings and construction projects on the public domain (including that reserved for national parks, national forests and other purposes); on properties of the United States in foreign countries; on Indian and native Eskimo properties held in trust by the United States; and on Federal lands used for agricultural, recreational and conservation purposes; and river, harbor, flood control, reclamation and power projects; housing and residential projects; military installations (any fort, camp, post, naval training station, airfield, proving ground, military supply depot, military school, or any similar facility of the Department of Defense); and any further buildings or construction projects the exclusion of which the President may deem, from time to time hereafter, to be justified in the public interest.

"Sec. 2. To enable the Administrator of General Services to provide, where not otherwise authorized, suitable public buildings in the District of Columbia and in the States, Territories and possessions of the United States for the executive agencies;

(a)(1) The Administrator of General Services is authorized to acquire, by purchase, condemnation, or otherwise, such sites and additions to sites as he may deem necessary, and to cause to be constructed thereon, and upon lands belonging to the Government conveniently located and available for the purpose (but exclusive of

military or naval reservations), adequate and suitable buildings for any of the foregoing purposes, giving preference, where he considers conditions justify such action, to cases where sites for public buildings have heretofore been acquired or authorized to be acquired, and to purchase buildings, if found to be adequate, adaptable, and suitable for the purposes of this Act, together with the sites thereof, and to remodel, enlarge, or extend such buildings and provide proper approaches and other necessary improvements to the sites thereof. In carrying into effect the provisions of this Act, in so far as relates to buildings to be used in whole or in part for post-office purposes, the Administrator of General Services, under regulations to be prescribed by him, shall act jointly with the Postmaster General in the selection of towns or cities in which buildings are to be constructed and the selection of sites therein.

(2) The Administrator of General Services is authorized to carry on the construction work herein authorized by contract, or otherwise, as he deems most advantageous to the United States.

(3) In all cases where the construction of buildings in the District of Columbia, under the provisions of this Act, requires the utilization, in the opinion of the Administrator of General Services, of contiguous squares as sites thereof, authority is hereby given for closing and

vacating such portions of streets as lie between such squares and such alleys as intersect such squares, and the portions of such streets and alleys so closed and vacated shall thereupon become parts of such sites.

(b)(1) Except as authorized in Section 7 of this Act, no appropriation shall be made to carry out the responsibilities and purposes set forth in sections 1(a) and 2(a) of this Act for any project involving an expenditure in excess of \$250,000 (1) until the expiration of thirty calendar days of continuous session of the Congress following the date on which the Administrator of General Services has submitted to the Committees on Public Works of the Senate and House of Representatives a prospectus of the proposed project, or (2) where a resolution has been adopted by either committee, during such period, stating in substance that such committee does not approve of such a project. For the purposes of this subsection continuity of session shall be considered as broken only by an adjournment of the Congress sine die, but in the computation of the thirty-day period there shall be excluded the days on which either House is not in session because of an adjournment of more than three days to a day certain.

(2) The prospectus of the proposed project shall include (but not be limited to)--

- (A) a brief description of the building located or to be erected at a given location;
- (B) an estimate of the maximum cost of the site and building;
- (C) a comprehensive plan for providing space for all Government employees in the locality of the proposed project, having due regard for suitable space which may continue to be available in existing Government-owned buildings and in rented buildings;
- (D) a statement by the Administrator of General Services that space owned by the Government is not suitable to meet the need which the proposed construction is intended to accommodate; and
- (E) a statement of rents and other housing costs currently being paid by the Government for agencies to be housed in the building to be constructed, enlarged, remodeled, extended, or purchased.

(3) The estimated maximum cost set forth in any prospectus for any project may be exceeded by an amount equal to the percentage increase, if any, as determined by the Administrator of General Services, in construction costs dating from the date of transmittal of such

prospectus to such committees, but in no event shall such increase exceed 10 per centum of the estimated maximum cost set forth in the prospectus without approval of such committee.

(4) Each project approved prior to the date of enactment of this Act by the Committees on Public Works of the Senate, and of the House of Representatives, respectively, in accordance with subsection 411(e) of the Public Buildings Act of 1949, as amended, shall be considered as approved within the meaning of subsection (b) of this section: Pro-
vided, That the estimated maximum cost set forth in the approved prospectus for any such project may be exceeded by an amount equal to the percentage increase, if any, as determined by the Administrator of General Services, in construction costs dating from the date of transmittal of such prospectus to such committees or by such other amount as may be authorized by the Congress in approving funds therefor.

(5) The Administrator of General Services shall submit to the Congress promptly after the convening of each new Congress, a report showing the location, space, cost, and status of each project approved under this Act and uncompleted as of the date of any prior report under this Act.

(c) The Administrator of General Services is authorized to formulate, undertake and carry out a program for the repair, alteration, preservation, renovation, improvement, enlargement and extension of Federally-owned buildings, of the classes under the control of the Administrator of General Services, including grounds, appurtenances and approaches, and to acquire by purchase, condemnation or otherwise, additional land necessary to accommodate building extensions, appurtenances or equipment.

"Sec. 3. (a) The work of preparing designs and other drawings, estimates, specifications, and awarding of contracts, as well as the supervision of the work authorized under the provisions of this Act, shall be performed under the direction of the Administrator of General Services, except as otherwise provided in this Act.

(b) When deemed by him advantageous the Administrator of General Services is authorized to procure by contract the floor plans and designs of buildings developed sufficiently to serve as guides for the preparation of working drawings and specifications, or to employ advisory assistance involving design or engineering features.

"Sec. 4. The Administrator of General Services shall allocate the amounts of his appropriation requests hereunder to the different States where buildings are found by him to be necessary, in such

a manner as to distribute the same fairly on the basis of area and population: Provided, That unless specifically provided for in the Act making appropriations for public buildings, which provision is hereby authorized, no contract for the construction, enlarging, remodeling, or extension of any building or for the purchase of land authorized by this Act shall be entered into until monies in the Treasury shall be made available for the payment of all obligations arising out of such contract, and unless the said Act making appropriations for public buildings shall otherwise specifically provide, which is hereby authorized, appropriations shall be made, and expended by the Administrator of General Services, in accordance with the estimates set forth in the prospectuses provided for in section 1(b) of this Act except as otherwise authorized in this Act.

"Sec. 5. (a) When a site is to be acquired under the provisions of this Act, the Administrator of General Services may solicit by public advertisement proposals for the sale, donation, or exchange of such site to the United States. The Administrator of General Services shall cause any sites offered, and such others as may be found to be suitable or desirable for the purpose, to be examined in person by an agent employed or detailed for the purpose, who shall make written report to said Administrator of the results of said examination and of his recommendation thereon and the reasons

therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites. The Administrator of General Services shall select the site determined by him, with the concurrence of the Postmaster General where the building to be constructed thereon is to be used in whole or in part for post-office purposes, to be most advantageous to the Government, price and other factors including, but not limited to, location, topography, and suitability considered, and may acquire the site so selected without regard to the provisions of Title III of the Federal Property and Administrative Services Act of 1949, as amended.

(b) In carrying into effect the provisions of this Act, if the Administrator of General Services deems it to be to the best interests of the Government to construct Federal buildings to take the place of existing Federal buildings, he is authorized to cause the present buildings to be demolished, in order that the sites may be utilized in whole or in part for such buildings, or where in his judgment it is more advantageous to construct a Federal building on a different site in the same city, to sell any such building or buildings and the site or sites thereof, under the provisions of the Federal Property and Administrative Services Act of 1949, as amended.

(c) When a site heretofore acquired for the construction of a public building is found by the Administrator of General Services to be unsuitable for its intended purpose, he is authorized to acquire under the provisions of this Act a new site in lieu thereof, and except in the case of exchange, to dispose, under the provisions of the Federal Property and Administrative Services Act of 1949, as amended, of the site theretofore acquired.

(d) Funds appropriated hereunder for sites for public buildings projects in the District of Columbia shall be used by the Administrator of General Services for the purpose of acquiring sites, additions to sites, approaches thereto or for areas needed for beautifying and embellishing surroundings of public buildings, including, with the approval of the National Capital Planning Commission, areas for parks and open spaces necessary for the proper grouping of public buildings, exclusively within (1) the area bounded by E Street, New York Avenue and Pennsylvania Avenue, Northwest, on the north; Delaware Avenue, Southwest, on the east; Virginia Avenue and Maryland Avenue projected in a straight line to the Tidal Basin, Southwest, on the south; and the Potomac River on the west (including properties within said area belonging to the District of Columbia; but excluding those portions of Squares 267, 268, and 298 not belonging to the District of Columbia, the Square known as South of 463, all of Square 493, Lots 16, 17, 20 and 21, and 808 in Square 536, and Lots 16 and 45 in Square 635); (2) the area

bounded by Constitution Avenue on the north; the Anacostia River on the east; Independence Avenue on the south; and 2nd Street, Southeast and Northeast, on the west; and the contiguous area bounded by C Street, Northeast, on the north; 21st Street, Northeast, on the east; Constitution Avenue on the south; and North Carolina Avenue on the west; and (3) the areas designated as Squares 11, 19, 20, 32, 33, 44, 59, 167 and 170, all of said areas being within the District of Columbia. The purposes of this Act shall be carried out in the District of Columbia as nearly in harmony with the plan of Peter Charles L'Enfant as may be practicable and buildings shall be so constructed as to combine high standards of architectural beauty and practical utility.

"Sec. 6. That the Administrator of General Services is hereby further authorized and empowered to cause such survey and investigations of public building conditions to be made, and such data obtained as he deems necessary properly to carry into effect the provisions of this Act.

"Sec. 7. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act: Provided, That appropriations for planning, for the acquisition of sites, and for the design of buildings are authorized prior to approval of projects as required by section 2(b) of this Act, but any funds so appropriated for the

acquisition of sites or the design of buildings may not be obligated with respect to any project not so approved.

"Sec. 8. This Act may be cited as the Public Buildings Act Amendments of 1958."

Sec. 2(a) Section 409 of the Public Buildings Act of 1949, 63 Stat. 200; 40 U. S. C. 355, as amended, is hereby repealed.

(b) The provision in the Act approved December 22, 1927, C. 5, Sec. 1, 45 Stat. 32, providing: "Provided, That in all cases where contracts have heretofore been entered into or may hereafter be entered into under the provisions of section 2 of the Public Buildings Act approved May 25, 1926, for outside professional services, wherein the period of performance extends beyond the fiscal year in which such contract or contracts were entered into, payments thereunder shall be made from the appropriation 'Outside professional services, public buildings , available at the time payment is due for the particular services rendered." is hereby repealed.

DRAFT BILL amending the Act approved May 25, 1926, 44 Stat. 630, to provide for the construction of certain public buildings, and for other purposes, indicating new matter by underscoring and repealed matter by deletion. Explanation of additions and deletions

AN ACT

An Act to further amend the Act approved May 25, 1926, as amended, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, that the Act to provide for the construction of certain public buildings, and for other purposes, approved May 25, 1926, 44 Stat. 630, as amended, is hereby further amended to provide as follows:

Added to show the purpose of the amendment.

"Sec. 1(a). It is the intent of Congress that the Administrator of General Services shall be responsible for constructing all public buildings required to suitably house and accommodate all executive agencies, as defined in section 3(a) of the Federal Property and Administrative Services Act of 1949 (63 Stat. 378), as amended, (except as hereinafter otherwise provided) and mixed-ownership

Added to express the policy of Congress with respect to the enumerated responsibilities for the construction of public buildings.

corporations, as defined in the Government Corporation Control Act. This responsibility includes concurring in the need, obtaining the necessary funds, acquiring sites, preparing plans, design, working drawings and specifications, and construction of the buildings, as more specifically provided hereafter.

(b) In the discharge of the foregoing responsibilities, the Administrator shall have due regard for the program requirements of the executive agencies and shall participate, advise, and consult with affected executive agencies to obtain their cooperation, advice and assistance in carrying out such responsibilities. Affected executive agencies shall participate, consult, cooperate, advise with and assist the Administrator in determining the need and justifying appropriations for public buildings and in carrying out his responsibilities under this Act.

Added to provide coordination with affected agencies.

(c) The performance, in accordance with standards established by the Administrator of General Services, of the responsibilities and

Added to permit delegations, where expedient.

(Page substituted on February 11, 1959)

authorities of the Administrator of General Services and the General Services Administration under this Act shall be delegated to the appropriate executive agency or agencies where (1) the estimated cost of the project does not exceed \$75,000, or (2) the Administrator determines that such agency or agencies are properly staffed and otherwise equipped to discharge such responsibilities and authorities and that such delegation is in the public interest.

(d) The terms "public buildings" or "buildings", as used in this Act, shall include Federal office buildings, post offices, custom houses, court houses, and appraisers stores, whether for single or multi-tenant occupancy; border inspection and similar facilities; warehouses, record centers, garages, stores depots, tank farms, and similar storage facilities; penal and correctional facilities; quarantine stations; hospitals; laboratories; research centers; schools; libraries; museums; shop buildings; relocation facilities; air traffic control centers; and all similar Federal facilities, but shall not include buildings and construction projects on the public domain (including that reserved for national parks, national forests and other purposes); on properties of the United States in foreign countries; on Indian and native

Added to clearly define the types of buildings covered by the Act.

Eskimo properties held in trust by the United States; and on Federal lands used for agricultural, recreational and conservation purposes; and river, harbor, flood control, reclamation and power projects; housing and residential projects; military installations (any fort, camp, post, naval training station, airfield, proving ground, military supply depot, military school, or any similar facility of the Department of Defense); any further buildings or construction projects the exclusion of which the President may deem, from time to time hereafter, to be justified in the public interest.

"Sec. 1r 2. That, + To enable the Administrator of General Services to provide, where not otherwise authorized, suitable accommodations public buildings in the District of Columbia for the executive departments, - and independent establishments of the Government not under any executive department, - and for court houses, - post offices, - immigration stations, - custom houses, - marine hospitals, - quarantine stations, - and other public buildings of the

Rearrangement to improve logical sequence.

Addition to make it clear that this amendment will not pre-empt or supersede any authority vested by other law.

~~classes under the control of the General Services Administration and~~
in the States, Territories, and possessions of the United States, for
the executive agencies: he is hereby authorized and directed

(a)(1) The Administrator of General Services is authorized to
acquire, by purchase, condemnation, or otherwise, such sites and
additions to sites as he may deem necessary, and to cause to be
constructed thereon, and upon lands belonging to the Government
conveniently located and available for the purpose (but exclusive of
military or naval reservations), adequate and suitable buildings for
any of the foregoing purposes, giving preference, where he considers
conditions justify such action, to cases where sites for public build-
ings have heretofore been acquired or authorized to be acquired, ~~and~~
~~to enlarge, remodel, and extend existing public buildings under the~~
~~control of the Treasury Department,~~ and to purchase buildings, if
found to be adequate, adaptable, and suitable for the purposes of this
Act, together with the sites thereof, and to remodel, enlarge, or ex-
tend such buildings and provide proper approaches and other necessary

Replaces immediately preceding
deletion.

Deleted due to rearrangement--
substance inserted as new Sec. 2
(c).

improvement to the sites thereof. ~~When a building is about to be constructed on a site heretofore acquired and such site is found by the Administrator of General Services to be unsuitable for its intended purpose, he is hereby further authorized and empowered to acquire a new site in lieu thereof, by purchase, condemnation, exchange, or otherwise, and except in case of exchange to dispose of the present site by public sale and to execute the necessary quitclaim deed of conveyance: -Provided, however, - That the Administrator of General Services is also authorized to acquire a site for a building for the Supreme Court of the United States: - Provided further, - That aside from land that may be acquired for a site for a building for the Supreme Court of the United States, - and for enlarging the site of the Government Printing Office, - or erecting a storage warehouse or warehouses, - the sum of \$50,000,000 herein- after authorized for projects in the District of Columbia, - shall be used exclusively for the purpose of acquiring by purchase, condemnation, or otherwise, - south of Pennsylvania Avenue and west~~

Deleted due to rearrangement-- substance inserted as new Sec. 5 (d).

Deleted as obsolete.

Deleted as part of rearrangement - Taking area defined by existing law set out in new Section 5(d).

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~~of Maryland Avenue, projected in a straight line to Twining Lake, such sites or additions to sites as the Administrator of General Services may deem necessary to provide such suitable office accommodations in the District of Columbia as are hereinbefore mentioned, of construction adequate and suitable buildings for the furnishing of such office accommodations on said sites or additions to sites, or on sites already owned by the Government south of Pennsylvania Avenue and west of Maryland Avenue, as above mentioned, and of providing suitable approaches to said buildings, and beautifying and embellishing their surroundings as nearly in harmony with the plan of Peter Charles L'Enfant as may be practicable. Said buildings shall be so constructed as to combine high standards of architectural beauty and practical utility: - Provided, That -~~ In carrying into effect the provisions of this Act, in so far as relates to buildings to be used in whole or in part for post-office purposes, the Administrator of General Services, under regulations to be prescribed by him, shall act jointly with the Postmaster

This provision now stated in new Section 5(d)

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General in the selection of towns or cities in which buildings are to be constructed and the selection of sites therein. Provided further, ~~That all sketches, plans, and estimates for buildings shall be approved by the Administrator of General Services and the heads of the executive departments which are to be located in such buildings.~~

Deleted as obsolete. This provision superseded by Act of June 14, 1946, 60 Stat. 258; 40 U. S. C. A. 128.

(2) The Administrator of General Services is authorized to carry on the construction work herein authorized by contract, or otherwise, as he deems most advantageous to the United States.

(3) In all cases where the construction of buildings in the District of Columbia, under the provisions of this Act, requires the utilization, in the opinion of the Administrator of General Services of contiguous squares as sites thereof, authority is hereby given for closing and vacating such portions of streets as lie between such squares and such alleys as intersect such squares, and the portions of such streets and alleys so closed and vacated shall thereupon become parts of such sites.

(b)(1) Except as authorized in Section 7 of this Act, no appropriation shall be made to carry out the responsibilities and purposes set forth in sections 1(a) and 2(a) of this Act for any project involving an expenditure in excess of \$250,000 (1) until the expiration of thirty calendar days of continuous session of the Congress following the date on which the Administrator of General Services has submitted to the Committees on Public Works of the Senate and House of Representatives a prospectus of the proposed project, or (2) where a resolution has been adopted by either committee, during such period, stating in substance that such committee does not approve of such a project. For the purposes of this subsection continuity of session shall be considered as broken only by an adjournment of the Congress sine die, but in the computation of the thirty-day period there shall be excluded the days on which either House is not in session because of an adjournment of more than three days to a day certain.

Section 2(b) is new and substitutes for the method of obtaining public buildings project approval provided for in the 1926 Act, as amended, a method of approval patterned generally after the method provided for under the Public Buildings Purchase Contract Act of 1954, as amended. The method here proposed also is similar to that provided for in H. R. 4660, 85th Congress, 1st Session, and S. 2261 as passed by the Congress during the 85th Congress, 1st Session, as well as the method provided for in S. 2261 as reported by the House Public Works Committee. See also H. R. 12828 and Sec. 9 of S. 3450 85th Congress, 2nd Session. It is believed that the method of project approval here proposed affords the appropriate Congressional Committees with a more intimate acquaintance with the public buildings program than is achieved under the present method. This provision would not apply to relatively small projects individually involving \$250,000 or less since it is believed that such projects are not of sufficient magnitude to warrant individual consideration by Congressional Committees.

(2) The prospectus of the proposed project shall include (but not be limited to)--

(A) a brief description of the building located or to be erected at a given location;

(B) an estimate of the maximum cost of the site and building;

(C) a comprehensive plan for providing space for all Government employees in the locality of the proposed project, having due regard for suitable space which may continue to be available in existing Government-owned buildings and in rented buildings;

(D) a statement by the Administrator of General Services that space owned by the Government is not suitable to meet the need which the proposed construction is intended to accommodate; and

(E) a statement of rents and other housing costs currently being paid by the Government for agencies to be housed in the building to be constructed, enlarged, remodeled, extended, or purchased.

(3) The estimated maximum cost set forth in any prospectus for any project may be exceeded by an amount equal to the percentage increase, if any, as determined by the Administrator of General Services, in construction costs dating from the date of transmittal of such prospectus to such committees, but in no event shall such increase exceed 10 per centum of the estimated maximum cost set forth in the prospectus without approval of such committee.

(4) Each project approved prior to the date of enactment of this Act by the Committees on Public Works of the Senate, and of the House of Representatives, respectively, in accordance with subsection 411(e) of the Public Buildings Act of 1949, as amended, shall be considered as approved within the meaning of subsection

This section would validate under this Act the projects heretofore approved under the Public Buildings Purchase Contract Act of 1954, as amended, and provide for necessary increases in cost limitations.

(b) of this section: Provided, That the estimated maximum cost set forth in the approved prospectus for any such project may be exceeded by an amount equal to the percentage increase, if any, as determined by the Administrator of General Services, in construction costs dating from the date of transmittal of such prospectus to such committees or by such other amount as may be authorized by the Congress in approving funds therefor.

(5) The Administrator of General Services shall submit to the Congress promptly after the convening of each new Congress, a report showing the location, space, cost, and status of each project approved under this Act and uncompleted as of the date of any prior report under this Act.

This is a new subsection designed to keep the Congress currently informed as to the status of approved projects.

(c) The Administrator of General Services is authorized to formulate, undertake and carry out a program for the repair, alteration, preservation, renovation, improvement, enlargement and extension of Federally-owned buildings, of the classes under

This is a new section which would reenact the substance of the 1926 Act provision deleted from the first section of that law as indicated above. The authority proposed to be granted here is more clearly defined than under existing law and has been

the control of the Administrator of General Services, including grounds, appurtenances and approaches, and to acquire by purchase, condemnation or otherwise, additional land necessary to accommodate building extensions, appurtenances or equipment.

"Sec. ~~2~~, 3. (a) The work of preparing designs and other drawings, estimates, specifications, and awarding of contracts, as well as the supervision of the work authorized under the provisions of this Act, shall be performed ~~by the Public Buildings Service, General Services Administration,~~ under the direction of the Administrator of General Services, except as otherwise provided in this Act.

(b) When deemed by him advantageous the Administrator of General Services is authorized, ~~in special cases, (1)~~ to procure by contract the floor plans and designs of buildings developed sufficiently to serve as guides for the preparation of working drawings and specifications, or to employ advisory assistance involving

broadened expressly to include authority for repair, alteration, preservation, renovation, and improvement of public buildings. While these functions have been performed by GSA and its predecessor agency for many years, the authority for their performance has been dependent upon interpretations of more general statutory language or upon annual appropriation of funds therefor.

Changed to vest the statutory responsibility in the agency head in keeping with the policy of the Congress in enacting the Federal Property and Administrative Services Act of 1949, as amended. See Sections 102, 103, 104 and 105.

Deleted so that the authority can be exercised generally, if desirable.

design or engineering features, and ~~(2) to employ, to the extent deemed necessary by him in connection with the construction of buildings for the Departments of Commerce and Labor, the architects who were successful in competition heretofore held for a building for the then Department of Commerce and Labor, and to pay reasonable compensation for such services;~~

Deleted as obsolete.

~~(e) The Administrator of General Services is authorized to employ such additional technical, scientific, and clerical assistance in or under the Public Buildings Service, both in the District of Columbia and in the field, as he deems necessary, and to fix such rates of compensation therefor as he deems proper, not, however, in excess of the maximum rates paid for the same or similar service in other departments, such employment to be made in accordance with the civil service laws, rules, and regulations, and to submit to Congress through customary channels, estimates for appropriations for compensation for such personal services, and for~~

Deleted as this provision has been superseded by section 401 of the Public Buildings Act of 1949, 63 Stat. 198; 40 U.S.C.A. 298. The superseding law is deemed to constitute the basic statutory authority of GSA in this regard.

~~travel, subsistence, and other expenses involved in making any investigation or survey of building conditions or in the examination of sites which he may find to be necessary.~~

~~Sec. 3. - The Administrator of General Services is hereby authorized to carry into effect the provisions of existing law authorizing the acquisition of land for sites or enlargements thereof, and the erection, enlargement, extension, and remodeling of public buildings thereon in the following cities: - Juneau, - Alaska; Globe, Arizona; Prescott, - Arkansas; Red Bluff and San Pedro, - California; Durango, - Colorado; Branford and Putnam, - Connecticut; Marianna, - Florida; - West Point, - Georgia; Geor-d'Alene and Sandpoint, - Idaho; - Batavia, - Metropolis, - Mount Carmel, - and Paxton, - Illinois; - Des Moines, - Iowa; Shelbyville, - Kentucky; Caribou and Fort Fairfield, - Maine; Leominster, - Malden, - Newburyport, - Southbridge, - Waltham, - and Winchester, - Massachusetts; Wyandotte, Michigan; Montevideo, - Minnesota; Central City, - Nebraska;~~

Deleted as obsolete.

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Fallon and Goldfield, -Nevada; Bayonne, - East Orange, - Millville, -
and Montclair, - New Jersey; East Las Vegas, - New Mexico;
Fort Plain, - Long Island City, - Syracuse, - and Yonkers, - New York; -
Wilson, - North Carolina; Jamestown, - North Dakota; Akron,
Frement, - and Wilmington, - Ohio; Donora, - Lewistown, - McKees
Rocks, - Olyphant, - Sayre, - Tamaqua, - Tarentum, - and Waynesburg,
Pennsylvania; Lancaster, - South Carolina; Chamberlain, - South
Dakota; Athens, - Tennessee; Seattle, - Washington; Williamson, -
West Virginia; Madison and Tomah, - Wisconsin; Buffalo and
Cody, - Wyoming; Saint Louis, - Missouri; Newark, - New Jersey;
Utica, - New York; Missoula, - Montana; additional buildings for
the marine hospital at Chicago, - Illinois; medical officers' -
quarters at the marine hospital at Savannah, - Georgia; con-
struction of marine hospital facilities at Detroit, - Michigan.

The Administrator of General Services is hereby authorized
to disregard the limit of cost fixed by Congress for each of said

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~~projects; to purchase additional land for enlargement of sites; and
for such purposes to expend in addition to the amounts heretofore
appropriated such additional sums of money for each of said proj-
ects as he shall deem advisable; not exceeding in the aggregate
\$15,000,000: Provided, That in constructing the buildings em-
braaed herein the Administrator of General Services is authorized,
in his discretion, to provide space in such buildings for other
activities or branches of the public service not specifically enu-
merated in the Act or Acts authorizing the acquisition of the sites,
or the construction of the buildings, or both: Provided further,
That in carrying into effect the provisions of this section, the Ad-
ministrator of General Services is authorized and empowered to
enter into contracts for all or so many of said buildings as may
be possible within the total additional limit of \$15,000,000 here-
inbefore authorized.~~

~~"Sec. 4. The Administrator of General Services shall~~

Deleted as unnecessary. Funds

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~~submit annually and from time to time as may be required estimates to the Bureau of the Budget, in accordance with the provisions of the Budget and Accounting Act, 1921, showing in complete detail the various amounts it is proposed to expend under the authority of this Act during the fiscal year for which said estimates are submitted, which shall include a statement of the location of the buildings proposed to be erected, together with a limit of cost for the same: Provided, That in submitting such estimates t~~ The Administrator of General Services shall allocate the amounts of his appropriation requests hereunder ~~expended~~ to the different States where buildings are found by him to be necessary, in such a manner as to distribute the same fairly on the basis of area, and population; ~~and postal receipts:~~ Provided, further, That unless specifically provided for in the Act making appropriations for public buildings, which provision is hereby authorized, no contract for

may only be requested in accordance with the Budget and Accounting Act of 1921. Also, the data required to be included in the estimate by this provision will be set forth in the prospectuses required by new section 1(b) of this Act, and the added provisions of this Act explained below requires expenditure of appropriated funds in accordance with estimates contained in the prospectuses except as otherwise authorized.

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the construction, enlarging, remodeling, or extension of any building or for the purchase of land authorized by this Act shall be entered into until monies in the Treasury shall be made available for the payment of all obligations arising out of such contract, and unless the said Act making appropriations for public buildings shall otherwise specifically provide, which is hereby as hereinafter authorized, appropriations shall be made, and expended by the Administrator of General Services in accordance with the estimates ~~submitted by the Bureau of the Budget~~ set forth in the prospectuses provided for in section 1(b) of this Act except as otherwise authorized in this Act:
~~Provided further, That the Act making said appropriations may provide for any other buildings contained in the annual report of the Administrator of General Services hereinafter provided for:~~
~~Provided further, That the Secretary of the Treasury shall also, in addition to submitting estimates to the Bureau of the Budget as herein provided, make an annual report to Congress containing~~

Language clarification necessitated by rearrangement.

Deleted. Not compatible with other provisions. Prospectus estimates controlling.

Under this addition the prospectus estimates are controlling.

Deleted as Section 7 authorizes appropriations for any project approved under Section 2(b).

This provision was superseded by Section 409 of the Public Buildings Act of 1949, 63 Stat. 200; 40 U. S. C. A. 355.

~~a statement of the location of all public buildings which he and the Postmaster General (where his department is involved) deem necessary to be constructed under the provisions of this Act together with a limit of cost for the same: -Provided further, -That the foregoing provisions shall not apply to buildings or their modification heretofore provided for by Act of Congress: -Provided further, -That at least two buildings shall be estimated for during the period covered by this Act in each State for post offices with receipts of more than \$10,000 during the last preceding year, for which post offices no public buildings have been provided.~~

Deleted as incompatible with a public buildings program based upon relative urgency of need. See, however, new section 4, above.

~~"Sec. 5. For the purpose of carrying out the provisions of this Act the sum of \$620,000,000, in addition to the amount authorized in section 3 hereof, is hereby authorized to be appropriated, but under this authorization, and from appropriations (exclusive of appropriations made for "remodeling and enlarging public buildings"), heretofore made for the acquisition of sites for, or the construction,~~

Deleted as obsolete. While not entirely free from doubt, the better view is that all sums authorized for appropriation under the 1926 Act, as amended, will have been appropriated upon passage by the 85th Congress, 2nd Session of H. R. 11574. Also, rigid statutory specification of amounts which may be expended annually and allocation of such amounts in and outside of

~~enlarging, remodeling, or extension of public buildings under the control of the General Services Administration, not more than \$50,000,000 in the aggregate shall be expended annually. Provided, That such amount as is necessary, not to exceed \$190,000,000 of the total amount authorized to be expended under the provisions of this Act shall be available for projects in the District of Columbia, and not more than \$25,000,000 or so much thereof as may be necessary to carry out the provisions of this Act shall be expended annually. Provided, That at least one-third of the expenditures outside of the District of Columbia during the fiscal year 1927 shall be for the buildings heretofore authorized and at least one-third of the expenditures for the fiscal year 1928, and at least one-third of the expenditures for the fiscal year 1929, shall be for a like purpose unless a lesser amount shall be necessary to complete all such buildings. Provided further, That expenditures outside the District of Columbia under the provisions of this section shall not exceed the sum of \$5,000,000 annually in any one of the States, Territories, or possessions of the United States.~~

the District of Columbia is not compatible with carrying out a public building program based upon a sound determination of relative urgency of need. It is to be noted, however, that the Congress nevertheless would remain in a position to control such matters under this proposed Act through disapproval by the Public Works Committees of projects submitted under section 2(b) and through the refusal of funds requested for appropriation for particular approved projects and the addition of funds for other approved projects. An authorization for appropriations necessary to carry out the purposes of the proposed Act has been added as new section 7, below.

(a) ~~When in each of the cities in which~~ a site is to be acquired under the provisions of this Act, the Administrator of General Services ~~may shall~~ solicit ~~proposals~~ by public advertisement, proposals for the sale, donation, or exchange of such site to the United States. ~~Such advertisement shall be published for a period of twenty days in one of the newspapers in said city having the largest circulation, for the sale of lands suitable for the purpose.~~ The Administrator of General Services shall cause any ~~the~~ sites offered, and such others as may be found to be suitable or desirable for the purpose, to be examined in person by an agent employed or detailed for the purpose, who shall make written report to said Administrator of the results of said examination and of his recommendation thereon and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites. The Administrator of General Services shall

Language clarification.

Language clarification.

Deleted as obsolete. Under the Act approved Feb. 6, 1931, 46 Stat. 1063, the Administrator is vested with discretionary authority as to the number of days for site proposal advertising.

select the site determined by him, with the concurrence of the Postmaster General where the building to be constructed thereon is to be used in whole or in part for post-office purposes, to be most advantageous to the Government, price and other factors including, but not limited to, location, topography, and suitability considered, and may acquire the site so selected without regard to the provisions of Title III of the Federal Property and Administrative Services Act of 1949, as amended.

~~With respect to sites or additions to sites acquired under this Act, the Commissioner of Public Buildings is hereby authorized, in his discretion to rent, until they are needed for construction purposes, such sites or additions to sites and any improvements located thereon not reserved by the vendors, at a fair rental value and upon such terms and conditions as he may deem to be in the public interest. - Such rentals may~~

This new provision retains provisions of the 1926 Act in requiring joint action by the Administrator of General Services and the Postmaster General where the building is to be used in whole or in part for post office purposes. After advertising publicly for site proposals, site selection upon the basis of general suitability is authorized. Acquisition of the selected site is authorized without regard for the competitive bidding requirements of the Federal Property and Administrative Services Act since experience over the years has demonstrated that it is impractical to acquire building sites on a competitive bid basis.

Public Law 85-886, approved September 2, 1958, repealed this provision and substituted therefor authority in the Federal Property and Administrative Services Act of 1949, as amended, for interim leasing of Federal building sites until needed for construction purposes.

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~~be deposited into a common fund account or accounts in the Treasury, and notwithstanding the provisions of the Act of June 30, 1932 (40 U. S. C. 303b), shall be available to pay the cost of such maintenance, repair, and alterations of any improvements located on such sites or additions to sites as is necessary to keep them in rentable condition and for the establishment of necessary reserves therefor. Provided, That except for such necessary reserves, as determined by the Commissioner, the unobligated balances of rentals so deposited into the Treasury shall be covered at the end of each fiscal year into miscellaneous receipts. Provided further, That with respect to improvements on such sites or additions to sites which are suitable for residential purposes only and the estimated annual rentals of which will not exceed \$1,200, the Commissioner may enter into leases without regard to the provisions of section 3709 of the Revised Statutes, as amended.~~

~~That, so far as practicable, all buildings constructed,~~

Deleted as obsolete and unnecessary

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~~enlarged, or extended under the provisions of this Act shall be unexposed to danger of fire from adjacent buildings by an open space of at least forty feet on each side, including streets and alleys: Provided, That the Administrator of General Services may, in his discretion, acquire sites on which an open space of the extent hereinbefore specified cannot be reserved, and he is likewise authorized, whenever in his judgment such action is necessary and warranted, to reduce the open space about any Federal building heretofore constructed and under the custody and control of said department.~~

(b) In carrying into effect the provisions of this Act, if the Administrator of General Services deems it to be to the best interests of the Government to construct Federal buildings to take the place of existing Federal buildings, he is hereby authorized to cause the present buildings to be demolished, in order that the sites may be utilized in whole or in part for such buildings, or where in his judgment it is more advantageous to

in view of modern construction methods relating to fireproofing. Also, although a standard was set by the provision, it also vested absolute discretion in this regard in the responsible official in the executive branch. As this is where such administrative responsibility properly should lie, it is not considered necessary to include express statutory language.

Deleted as unnecessary.

construct a Federal building on a different site in the same city, to sell any such building or buildings and the site or sites thereof, under the provisions of the Federal Property and Administrative Services Act of 1949, as amended. ~~at such time and on such terms as he deems proper, and to convey the same to the respective purchasers thereof by the usual quitclaim deed, and to deposit the proceeds of the sales thereof in the Treasury as miscellaneous receipts.~~

(c) When a site heretofore acquired for the construction of a public building is found by the Administrator of General Services to be unsuitable for its intended purpose, he is authorized to acquire under the provisions of this Act a new site in lieu thereof, and except in the case of exchange, to dispose, under the provisions of the Federal Property and Administrative Services Act of 1949, as amended, of the site theretofore acquired.

(d) Funds appropriated hereunder for sites for public

This addition and deletions would expressly make the provisions of the Federal Property and Administrative Services Act of 1949, as amended, applicable to utilization and disposal of excess and surplus public buildings and sites as such provisions already have become applicable and superseded the language here proposed for deletion, by virtue of Section 602(c) of that Act.

This subsection re-enacts the substance of the provision of the 1926 Act deleted from the first section thereof as explained above as a part of the rearrangement of the law to improve its logical sequence.

See note under new section 5(b) above.

This section re-enacts the substance of the provision of the 1926

buildings projects in the District of Columbia shall be used by the Administrator of General Services for the purpose of acquiring sites, additions to sites, approaches thereto or for areas needed for beautifying and embellishing surroundings of public buildings, including, with the approval of the National Capital Planning Commission, areas for parks and open spaces necessary for the proper grouping of public buildings, exclusively within (1) the area bounded by E Street, New York Avenue and Pennsylvania Avenue, Northwest, on the north; Delaware Avenue, Southwest, on the east; Virginia Avenue and Maryland Avenue projected in a straight line to the Tidal Basin, Southwest, on the south; and the Potomac River on the west (including properties within said area belonging to the District of Columbia; but excluding those portions of Squares 267, 268 and 298 not belonging to the District of Columbia, the Square known as South of 463, all of Square 493, Lots 16, 17, 20 and 21, and 808 in Square 536, and Lots 16 and 45 in Square 635); (2) the area bounded by Constitution Avenue on the north; the

Act, as amended, deleted from the first section thereof as noted above. Under this section location of public buildings in the District of Columbia would be confined to the area defined by the Congress. Such area as herein defined conforms to the area as defined by existing law (Act of May 25, 1926, 44 Stat. 630, as amended by the Act of March 31, 1930, 46 Stat. 136, and the Act of March 31, 1938, 52 Stat. 149, the Independent Offices Appropriation Act, 1942, 55 Stat. 107, and the Public Buildings Act of 1949, 63 Stat. 176) with three exceptions: (1) the whole of square 167 has been included since it has been acquired under the Public Buildings Purchase Contract Act of 1954; (2) the area defined under (e)(2) of this subsection has been added in accordance with recent recommendations of the National Capital Planning Commission; and (3) square 170 is included because GSA is seeking authorization for acquisition of this square as one of its legislative proposals to the 86th Congress.

Anacostia River on the east; Independence Avenue on the south; and
2nd Street, Southeast and Northeast, on the west; and the contiguous
area bounded by C Street, Northeast, on the north; 21st Street, North-
east, on the east; Constitution Avenue on the south; and North Carolina
Avenue on the west; and (3) the areas designated as Squares 11, 19, 20,
32, 33, 44, 59, 167 and 170, all of said areas being within the District
of Columbia. The purposes of this Act shall be carried out in the
District of Columbia as nearly in harmony with the plan of Peter
Charles L'Enfant as may be practicable and buildings shall be so con-
structed as to combine high standards of architectural beauty and
practical utility.

~~Sec. 6.--The provisions of section 10 of the Legislative, Ex-
ecutive and Judicial Appropriation Act for the fiscal year ended
June 30, 1920, approved March 1, 1919, relating to the assign-
ment of space in public buildings in the District of Columbia,
shall apply to all buildings constructed, extended, or enlarged~~

This section is now unnecessary since the authority under the Act there cited now is vested in the Administrator of General Services in whom the authority of this Act is also vested.

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~~under the provisions of this Act in the District of Columbia, and no land for sites or enlargement of sites therefor shall be acquired or land belonging to the United States be taken for sites or enlargement of sites therefor, without prior approval of the Administrator of General Services; no contract shall be let for any building or the enlargement or extension of any building in the District of Columbia, under the provisions of this Act without the approval of said Administrator as to the assignment and general arrangement of space therein; and said Administrator shall determine the order in which buildings or enlargement of buildings in the District of Columbia, under the provisions of this Act shall be constructed.~~

"Sec. 7r 6. That the Administrator of General Services is hereby further authorized and empowered to cause such survey and investigations of public building conditions to be made, and such data obtained as he deems necessary properly to carry into effect the provisions of this Act.

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~~"Sec. 8. - That in the event local interests in the city of New Orleans, Louisiana, shall offer to advance funds for the acquisition of a site for a quarantine station in or near said city, the Administrator of General Services may, in his discretion, receive such funds and expend the same in the immediate acquisition of such site, and the Administrator of General Services is hereby authorized and directed to repay without interest, from appropriations available for the acquisition of such site, the amounts so advanced or expended.~~

Deleted as obsolete.

"Sec. 7. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act: Provided, That appropriations for planning, for the acquisition of sites and for the design of buildings are authorized prior to approval of projects as required by section 2 (b) of this Act, but any funds so appropriated for the acquisition of sites or the design of buildings may not be obligated with respect to any project not so approved.

This is a new general authorization for appropriations proposed as a substitute for section 5 of the 1926 Act deleted as explained above. A general authorization as distinguished from a specific dollar authorization is consistent with the usual policy of the Congress and avoids the need for amendment of the authorizing statute annually as Congress appropriates funds in excess of any specified dollar authorization. The proviso would permit appropriations for sites and planning

prior to project approval but would prohibit obligation of any such appropriations prior to such approval except with respect to program planning expenses.

This section provides a new title for the proposed Act.

"Sec. 8. This Act may be cited as the Public Buildings Act Amendments of 1958."

Sec. 2(a) Section 409 of the Public Buildings Act of 1949, 63 Stat. 200; 40 U.S.C. 355, as amended, is hereby repealed.

This section repeals the provisions of the Act requiring submission of biennial reports of approved projects since the provisions of section 2(b)(1) and 2(b)(5) of the proposed Act would afford the Congress the information previously covered by the report.

(b) The provision in the Act approved December 22, 1927, C. 5, Sec. 1, 45 Stat. 32, providing: "Provided, That in all cases where contracts have heretofore been entered into or may hereafter be entered into under the provisions of section 2 of the Public Buildings Act approved May 25, 1926, for outside professional services, wherein the period of performance extends beyond the fiscal year in which such contract or contracts were entered into, payments thereunder shall be made from the appropriation 'Outside Professional services, public buildings,' available at the time payment is due for the particular services rendered." is hereby repealed.

Repealed as obsolete.

TAB

PUBLIC BUILDINGS AND GROUNDS

(No. 86-5)

HEARINGS
BEFORE THE
SUBCOMMITTEE ON
PUBLIC BUILDINGS AND GROUNDS
OF THE
COMMITTEE ON PUBLIC WORKS,
HOUSE OF REPRESENTATIVES

EIGHTY-SIXTH CONGRESS
FIRST SESSION

ON

H.R. 5404 and H.R. 5453

TO PROVIDE FOR THE CONSTRUCTION, ALTERATION, AND
ACQUISITION OF PUBLIC BUILDINGS OF THE FEDERAL
GOVERNMENT, AND FOR OTHER PURPOSES

APRIL 30 AND MAY 1, 1959

Printed for the use of the Committee on Public Works



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PUBLIC BUILDINGS AND GROUNDS

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JIM WRIGHT, Texas	EDWIN B. DOOLEY, New York
ED EDMONDSON, Oklahoma	WILLIAM S. BROOMFIELD, Michigan
JOHN J. McFALL, California	DEAN P. TAYLOR, New York
CHARLES H. (CHARLIE) BROWN, Missouri	
GRACIE PFOST, Idaho	
JOHN YOUNG, Texas	
FRANK W. BURKE, Kentucky	
ROBERT E. COOK, Ohio	

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PUBLIC BUILDINGS AND GROUNDS

THURSDAY, APRIL 30, 1959

HOUSE OF REPRESENTATIVES,
COMMITTEE ON PUBLIC WORKS,
SUBCOMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
Washington, D.C.

The subcommittee met, pursuant to call, in room 1302, New House Office Building, at 10 a.m., Hon. John C. Kluczynski presiding.

Mr. KLUCZYNSKI. The meeting will come to order.

As you all know, we are taking up H.R. 5404 and similar bill H.R. 5453 this morning, and the House meets at 11 o'clock, and all Members must be present on the House floor at 11 o'clock. I am sure everybody here is familiar with the Public Buildings Act of 1959, and copies have been made available to all members of the press of a summary which outlines the bill's objectives.

(H.R. 5404 follows:)

[H.R. 5404, 86th Cong., 1st sess.]

A BILL To provide for the construction, alteration, and acquisition of public buildings of the Federal Government, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Buildings Act of 1959".

SEC. 2. No public building shall be constructed except by the Administrator, who shall construct such public building in accordance with this Act.

SEC. 3. The Administrator is authorized to acquire, by purchase, condemnation, donation, exchange, or otherwise, any building and its site which he determines to be necessary to carry out his duties under this Act.

SEC. 4. (a) The Administrator is authorized to alter any public building under his control, and to acquire in accordance with section 5 of this Act such land as may be necessary to carry out such alteration.

(b) No approval under section 7 shall be required for any alteration and acquisition authorized by this section the estimated maximum cost of which does not exceed \$250,000.

SEC. 5. (a) The Administrator is authorized to acquire, by purchase, condemnation, donation, exchange, or otherwise, such lands or interests in lands as he deems necessary for use as sites, or additions to sites, for public buildings authorized to be constructed or altered under this Act.

(b) Whenever a public building is to be used in whole or in part for post office purposes the Administrator shall act jointly with the Postmaster General in selecting the town or city wherein such building is to be constructed, and in selecting the site in such town or city for such building.

(c) Whenever the Administrator is to acquire a site under this section, he may, if he deems it necessary, solicit by public advertisement, proposals for the sale, donation, or exchange of real property to the United States to be used as such site. In selecting a site under this section the Administrator (with the concurrence of the Postmaster General if the public building to be constructed thereon is to be used in whole or in part for post office purposes) is authorized to select such site as in his estimation is the most advantageous to the United States, all factors considered, and to acquire such site without regard to title III of the Federal Property and Administrative Services Act of 1949, as amended.

SEC. 6. (a) Whenever the Administrator deems it to be in the best interest of the United States to construct a new public building to take the place of an existing public building, he is authorized to demolish the existing building and to use the site on which it is located for the site of the proposed public building, or, if in his judgment it is more advantageous to construct such public building on a different site in the same city, he is authorized to exchange such building and site, or such site, for another site, or to sell such building and site in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended.

(b) Whenever the Administrator determines that a site acquired for the construction of a public building is not suitable for that purpose, he is authorized to exchange such site for another, or to sell it in accordance with the provisions of the Federal Property and Administrative Services Act of 1949, as amended.

(c) Nothing in this section shall be deemed to permit the Administrator to use any land as a site for a public building if such site has not been approved for such purpose in accordance with section 7.

SEC. 7. (a) In order to insure the equitable distribution of public buildings throughout the United States with due regard for the comparative urgency of need for such buildings, except as provided in section 4, no appropriation shall be made to construct or alter any public building, or to acquire any building to be used as a public building, if such construction, alteration, or acquisition has not been approved by resolutions adopted by the Committee on Public Works of the Senate and House of Representatives, respectively, and such approval has not been rescinded as provided in subsection (c) of this section. For the purpose of securing consideration of such approval the Administrator shall transmit to each such committee a prospectus of the proposed public building, including (but not limited to)—

(1) a brief description of the building to be constructed, altered, or acquired under this Act;

(2) the location of the site and the reasons for its selection, and an estimate of the maximum cost of site and building;

(3) a certificate of need for space signed by the head of the Federal agency or agencies which will use the facility;

(4) a comprehensive plan for providing space for all Government officers and employees in the locality of the proposed project, having due regard for suitable space which may continue to be available in existing Government-owned buildings and in rented buildings;

(5) a statement by the Administrator that suitable space owned by the Government is not available and that suitable rental space is not available at a price commensurate with that to be afforded through the proposed action; and

(6) a statement of rents and other housing costs currently being paid by the Government for Federal agencies to be housed in the building to be constructed, altered, or acquired.

(b) The estimated maximum cost of any construction or alteration approved under this section as set forth in any prospectus may be increased by an amount equal to the percentage increase, if any, as determined by the Administrator, in construction or alteration costs, as the case may be, from the date of transmittal of such prospectus to the Committees on Public Works of Congress, but in no event shall the increase authorized by this subsection exceed 10 per centum of such estimated maximum cost.

(c) In the case of any project approved for construction, alteration, or acquisition by the Committees on Public Works of the Senate and of the House of Representatives, respectively, in accordance with subsection (a) of this section, for which an appropriation has not been made within one year after the date of such approval, either the Committee on Public Works of the Senate or the Committee on Public Works of the House of Representatives, may rescind, by resolution, its approval of such project at any time thereafter before such an appropriation has been made.

(d) The Committees on Public Works of the Senate and of the House of Representatives, respectively, shall not approve any project for construction, alteration, or acquisition under subsection (a) of this section whenever there are fifteen or more projects which have been approved for more than one year under subsection (a) but for which appropriations have not been made, until there has been a rescission of approval under subsection (c) or appropriations are made which result in there being less than fifteen such projects.

SEC. 8 (a) In carrying out his duties under this Act, the Administrator shall acquire real property within the District of Columbia exclusively within (1) the area bounded by E. Street, New York Avenue, and Pennsylvania Avenue, Northwest, on the north; Delaware Avenue, Southwest, on the east; Virginia Avenue and Maryland Avenue projected in a straight line to the Tidal Basin, Southwest, on the south; and the Potomac River on the west (including properties within said area belonging to the District of Columbia; but excluding those portions of squares 267, 268, and 298 not belonging to the District of Columbia, the square known as South of 463, all of square 493, lots 16, 17, 20, and 21, and 808 in square 536, and lots 16 and 45 in square 635); (2) the area bounded by Constitution Avenue on the north; the Anacostia River on the east; Independence Avenue on the south; and Second Street, Southeast and Northeast, on the west; and the contiguous area bounded by C Street, Northeast, on the north; Twenty-first Street, Northeast, on the east; Constitution Avenue on the south; and North Carolina Avenue on the west; and (3) the areas designated as squares 11, 19, 20, 32, 33, 44, 59, 167, and 170, all of said areas being within the District of Columbia.

(b) The purposes of this Act shall be carried out in the District of Columbia as nearly as may be practicable in harmony with the plan of Peter Charles L'Enfant and such public buildings shall be so constructed or altered as to combine architectural beauty with practical utility.

(c) Whenever in constructing or altering a public building under this Act in the District of Columbia the Administrator determines that such construction or alteration requires the utilization of contiguous squares as a site for such building, such portions of streets as lie between such squares and such alleys as intersect such squares are authorized to be closed and vacated if such closing and vacating is mutually agreed to by the Administrator, the Board of Commissioners of the District of Columbia, and the National Capital Planning Commission. The portions of such streets and alleys so closed and vacated shall thereupon become part of such site.

SEC. 9. The Administrator is authorized to carry out any construction authorized by this Act by contract, if he deems it to be most advantageous to the United States.

SEC. 10. (a) The Administrator whenever he determines it to be necessary, is authorized to employ, by contract or otherwise, and without regard to the Classification Act of 1949, as amended, or to the civil service laws, rules, and regulations, or to section 3709 of the Revised Statutes, the services of established architectural or engineering corporations, firms, or individuals, to the extent he may require such services for any public building authorized to be constructed under this Act.

(b) No corporation, firm, or individual shall be employed under authority of subsection (a) on a permanent basis.

(c) Notwithstanding any other provision of this section the Administrator shall be responsible for all construction authorized by this Act, including the interpretation of construction contracts, the approval of materials and workmanship supplied pursuant to a construction contract, approval of changes in the construction contract, certification of vouchers for payments due the contractor, and final settlement of the contract.

SEC. 11. The Administrator shall submit to Congress each January, promptly after the convening of Congress, a report showing the location, space, cost, and status, of each public building the construction, alteration, or acquisition of which has been approved under this Act and which was uncompleted as of the date of the last preceding report made under this Act.

SEC. 12. (a) The Administrator is authorized and directed to make a continuing investigation and survey of the public buildings needs of the Federal Government in order that he may carry out his duties under this Act.

(b) In carrying out his duties under this Act the Administrator shall cooperate with all executive agencies in order to keep informed of their needs, shall advise each such agency of his program with respect to such agency, and may request the cooperation and assistance of each executive agency in carrying out his duties under this Act. Each executive agency shall cooperate with, advise, and assist the Administrator in carrying out his duties under this Act.

(c) The Administrator in carrying out his duties under this Act shall provide for the construction and acquisition of public buildings equitably throughout the United States with due regard to the comparative urgency of the need for each particular building.

PUBLIC BUILDINGS AND GROUNDS

SEC. 13. As used in this Act—

(1) The term "public building" means any building, whether for single or multitenant occupancy, its grounds, approaches, and appurtenances, which is necessary for the functioning of a Federal agency; but shall not include buildings (A) on the public domain (including that reserved for national forests and other purposes), (B) on properties of the United States in foreign countries, (C) on Indian and native Eskimo properties held in trust by the United States, (D) on Federal lands used for agricultural, recreational, and conservation purposes, (E) on river, harbor, flood control, reclamation, and power projects; housing and residential projects (F) on military installations (including any fort, camp, post, naval training station, airfield, proving ground, military supply depot, military school, or any similar facility of the Department of Defense) and (G) used as hospitals under the jurisdiction of the Veterans' Administration; and shall not include any other building the exclusion of which the President may deem, from time to time hereafter, to be justified in the public interest.

(2) The term "Administrator" means the Administrator of General Services.

(3) The term "Federal agency" means any executive agency or any establishment in the legislative or judicial branch of the Government (except the Senate, the House of Representatives, and the Architect of the Capitol and any activities under his direction).

(4) The term "executive agency" means any executive department or independent establishment in the executive branch of the Government including any wholly owned Government corporation and including (A) the Central Bank for Cooperatives and the regional banks for cooperatives, (B) Federal land banks, (C) Federal intermediate credit banks, (D) Federal home loan banks, (E) Federal Deposit Insurance Corporations, and (F) the Federal National Mortgage Association.

(5) The term "alter" includes repairing, remodeling, improving, or extending or other changes in a public building.

(6) The terms "construct" and "alter" include preliminary planning, engineering, architectural, legal, fiscal, and economic investigations and studies, surveys, designs, plans, working drawings, specifications, procedures, and other similar actions necessary for the construction or alteration, as the case may be, of a public building.

(7) The term "United States" includes the several States, the District of Columbia, the Territory of Hawaii, and the Commonwealth of Puerto Rico.

SEC. 14. This Act shall not apply to the construction of any public building—

(1) for which an appropriation for construction is made out of the \$500,000 made available for construction of small public building projects outside the District of Columbia pursuant to the Public Buildings Act of May 25, 1926, as amended, in the third paragraph, or for which an appropriation is made in the fourth, sixth, seventh, and eighth paragraphs, under the heading "GENERAL SERVICES ADMINISTRATION" in title I of the Independent Offices Appropriation Act, 1959,

(2) which is a project referred to in the first proviso of the fifth paragraph under the heading "GENERAL SERVICES ADMINISTRATION" in title I of the Independent Offices Appropriation Act, 1959,

(3) for which an appropriation for direct construction by an executive agency other than the General Services Administration of a specified public building has been made before the date of enactment of this Act.

SEC. 15. The following provisions of law are repealed except as to their application to any project referred to in section 14:

- (1) Section 6 of the Act of September 1, 1916, as amended (40 U.S.C. 23).
- (2) The first section of the Act of March 4, 1911, as amended (40 U.S.C. 24).
- (3) The first section of the Act of July 15, 1870, as amended (40 U.S.C. 32).
- (4) Section 9 of the Act of March 4, 1907, as amended (40 U.S.C. 33).
- (5) The Act of March 3, 1883, as amended (40 U.S.C. 59).
- (6) Section 2 of the Act of June 23, 1874, as amended (40 U.S.C. 254).
- (7) The first section of the Act of March 2, 1889, as amended (40 U.S.C. 260).
- (8) The first section of the Act of March 4, 1909, as amended (40 U.S.C. 262).
- (9) The first section of the Act of August 7, 1882, as amended (40 U.S.C. 263).
- (10) Section 5 of the Act of March 4, 1913, as amended (40 U.S.C. 264).
- (11) Section 35 of the Act of June 25, 1910, as amended (40 U.S.C. 265).
- (12) Section 3734 of the Revised Statutes of the United States (40 U.S.C. 267).
- (13) The first section of the Act of March 2, 1880, as amended (40 U.S.C. 268).
- (14) The first section of the Act of March 2, 1895, as amended (40 U.S.C. 274).

- (15) The first section of the Act of July 1, 1916, as amended (40 U.S.C. 275).
- (16) The first section of the Act of June 6, 1900, as amended (40 U.S.C. 276).
- (17) The first section of the Act of August 5, 1892, as amended (40 U.S.C. 277).
- (18) The Act of March 3, 1887, as amended (40 U.S.C. 278).
- (19) The first section of the Act of July 1, 1916, as amended (40 U.S.C. 282).
- (20) Section 301 of the Act of June 16, 1949, as amended (40 U.S.C. 297).
- (21) Section 302 of the Act of June 16, 1949, as amended (40 U.S.C. 297a).
- (22) Section 401 of the Act of June 16, 1949, as amended (40 U.S.C. 298).
- (23) Section 406 of the Act of June 16, 1949, as amended (40 U.S.C. 298e).
- (24) The Act of May 25, 1926, as amended (40 U.S.C. 341 and the following).
- (25) The first section of the Act of December 22, 1927, as amended (40 U.S.C. 342a).
- (26) Section 3 of the Act of January 13, 1928, as amended (40 U.S.C. 348).
- (27) The Act of March 31, 1930, as amended (40 U.S.C. 349).
- (28) The Act of June 27, 1930, as amended (40 U.S.C. 350).
- (29) Section 101 of the Act of June 16, 1949, as amended (40 U.S.C. 352).
- (30) Section 102 of the Act of June 16, 1949, as amended (40 U.S.C. 353).
- (31) Section 103 of the Act of June 16, 1949, as amended (40 U.S.C. 354).
- (32) Subsection (c) of the first section of the Act of March 31, 1930, as amended (40 U.S.C. 350a).

Mr. KLUCZYNSKI. For the benefit of those who may be interested in section 8, which relates to the proposed East Mall, I want to announce that the committee will amend the bill to delete this proposal. The matter of the East Mall will be handled in separate legislation later.

Because of other commitments, our chairman, Robert E. Jones of the Subcommittee on Public Buildings and Grounds, is unable to be here for the opening of this hearing, although he is the author of the Public Buildings Act of 1959. He has asked me to read this statement with two objectives: to expedite this hearing and to explain in simple terms what this proposed legislation hopes to accomplish.

I am happy to report that our distinguished colleague, the Honorable Gardner R. Withrow of Wisconsin, has introduced a similar bill, making this legislation bipartisan.

Briefly, the main purposes of the Public Buildings Act of 1959 are to facilitate the construction quickly, at the least possible cost, of Federal buildings in communities around the country where an urgent need for them has been apparent for some years. Legislation relating to public buildings under the Federal jurisdiction is a patchwork of measures going back to June 6, 1902, when the first overall act was passed by the Congress. Basic authority for direct construction through appropriation for Federal buildings dates from the Public Buildings Act of 1926. A thorough study of the various pieces of legislation enacted in the past 55 years has been made by this committee, and the proposal before us today is a studied attempt to clarify what is good in existing legislation and incorporate it into a new measure which takes into account current practices and conditions.

Before proceeding with a more detailed explanation of the act, I believe I should pause here to make an announcement which I am sure is of more than passing interest to the District of Columbia, and especially residents and real estate operators in the area just east of the Capitol Building.

The majority and minority on the committee have agreed that the section in the Public Buildings Act of 1959 which provided a taking area of buildings and sites for development of an East Mall from the Capitol Plaza to the Anacostia River will be deleted. It was con-

ceded that the East Mall proposal is not truly germane to the legislation before us.

In the future, if development of an East Mall is advanced again, it will be given separate consideration with adequate opportunity for local District of Columbia residents to be heard. Committee members have agreed also that any proposals about an East Mall shall be drafted by majority and minority members. Consequently, the East Mall proposal will not be advanced for consideration before the committee at this time.

The salient feature of this legislation we are to consider is that it repeals the Public Buildings Act of 1926, but would retain all provisions of the older measure which have proven workable and necessary for public buildings construction. The 1926 act had hardly begun to function when the great depression came and lasted until the advent of World War II in 1939. During the depression, it will be recalled, all Federal building was done under emergency conditions and legislation and most of it was supervised by the Public Works Administration. Then during the war period, from 1939 to 1949, construction of Federal buildings was almost suspended.

During these periods of national stress and emergency the functions of the Federal Government expanded enormously. Growth of Government paralleled the expansion of the national business and industrial complex, coupled with an unprecedented population increase. We witnessed the paradox of a growing Federal Government with a declining, obsolescent physical plant in which to house it.

It is true that Congress did take steps to remedy these conditions. We got the Public Buildings Act of 1949, which authorized \$40 million for planning and site acquisition outside of the District of Columbia and \$30 million for improvement of existing Federal buildings.

Public Law 152 created the General Services Administration, which wisely consolidated scattered functions relating to Federal construction and maintenance of buildings. The last significant change in public buildings construction law came in 1954, with enactment of the so-called lease-purchase program. For all practical purposes this expired in July of 1957, when Congress failed to renew it.

So, this necessarily brief outline reveals that for a 30-year span there has been no concerted, direct action taken by the Congress to examine existing legislation relating to Federal buildings, or to establish efficient procedures to bring about a badly needed building program to benefit the Federal Government and the Nation at large, where so many Federal functions are housed and in operation.

The Public Buildings Act of 1959 grants to the Administrator of General Services the needed authority to construct, alter, repair and improve public buildings, including the authority to acquire sites and buildings. This provision is merely a restatement of the authority given in the act of 1926 and subsequent legislation.

Section 7 of the legislation represents a major change in the laws governing direct appropriation construction of public buildings. Its general provisions are that no appropriation be made for construction, alteration or improvement of buildings or acquisition of buildings or sites, until approval has been given by the Public Works Committee of the Senate and House.

The Administrator would be obligated to submit to the committees of both Chambers detailed prospectuses for approval. He would be

permitted to increase the cost of a project above the approved cost when necessary, but not to exceed 10 percent. The Public Works Committees would be empowered to rescind their approval if no appropriation had been made for an approved project after a year from the date of authorization. The committees would be prohibited from approving further projects when there are more than 15 projects which have been pending for more than 1 year for which appropriations have not been made.

Also required under this legislation would be an annual report to Congress on uncompleted public buildings. The Administrator of General Services would be empowered to hire temporary services of architects and engineers, either in firms or as individuals, to complete construction. A closer liaison between General Services and the Congress would result.

Public buildings for which appropriations were made in the Independent Offices Appropriations Act of 1959 and the lease-purchase projects specified in that act would not be subject to provisions of the Public Buildings Act of 1959, but are to be completed in accordance with the laws applicable to them.

The last part of the legislation before us now repeals a number of older laws which are obsolete, or are in duplication or in conflict with the provisions of this new measure. Some amendments are necessary to this section which will be offered in executive session.

This proposed legislation has been carefully drawn and we believe that it is not only necessary, but that it will meet with the approval of this committee and the Congress. We all desire efficiency and practicality in our Federal Government functions, and giving our Government suitable and adequate housing can contribute greatly to this desired goal. Passage of the Public Buildings Act of 1959 can have the tonic effect on our Federal construction program that it has needed for some years.

Our first witness is the distinguished Mr. Floete, who is Administrator of the General Services Administration.

We are glad to have you here this morning, Mr. Floete.

Mr. WITHROW. Mr. Chairman, I would like to make just a brief statement I have here.

H.R. 5404 introduced by Mr. Jones, is intended to provide a coordinated public buildings program, and thereby provide a new procedure for remedying a troublesome situation. This is an objective in which the Members of both sides generally concur. As evidence of my agreement with this objective, I have introduced an identical bill, H.R. 5453.

The bills before the committee will serve as an excellent starting point for the development of a Public Buildings Act that will be a bipartisan approach and be reported from the Committee on Public Works with the united approval of the committee.

It is my hope that all members of the committee will actively participate in the consideration of the proposed legislation to the end that the final committee version will be the best bill possible of enactment. Each member will have an opportunity to discuss his views in the committee and suggest any improvement he thinks desirable. My consultations with Mr. Jones regarding this legislation indicate that he shares this viewpoint.

This should result in the kind of public buildings law that we all earnestly seek.

Mr. KLUCZYNSKI. Thank you, Mr. Withrow.

As I stated earlier on behalf of Mr. Jonas, we are happy to report that our distinguished colleague, the Honorable Gardner R. Withrow, of Wisconsin, has introduced a similar bill, making this legislation bipartisan.

Our first witness will be Mr. Floete, Administrator of the General Services Administration.

STATEMENT OF FRANKLIN G. FLOETE, ADMINISTRATOR, GENERAL SERVICES ADMINISTRATION; ACCOMPANIED BY LAWSON B. KNOTT, DEPUTY COMMISSIONER, PUBLIC BUILDINGS SERVICE; JOE E. MOODY, ASSISTANT COMMISSIONER FOR ACQUISITION AND DISPOSAL, PUBLIC BUILDINGS SERVICE; AND J. H. MACOMBER, GENERAL COUNSEL

Mr. FLOETE. Mr. Chairman and gentlemen of the committee, I have no formal statement, but we have our comments here on this bill which we would like to submit to the committee at this time.

Mr. KLUCZYNSKI. Are they favorable?

Mr. FLOETE. Well, with some suggestions that I think would improve the act.

With your permission, I would like just a moment to review the public buildings program that was really initiated before this committee as much as 4 years ago under the Lease-Purchase Act. It will take but a moment and I think it will give you a picture of what has gone on during that period.

You will recall that under the Lease-Purchase Act, approximately 97 projects were authorized. Then there were added through other means some seven or eight more. So over the last 2 or 3 years we have been working on a program of approximately 105 projects. Of those 105, 28 were placed under the lease-purchase program. Those are all under construction, or have been completed. Seventeen are now under contract under direct appropriations made last year. Thirty-three more are not under contract, but 25 of them will be placed under contract between now and July 1, and the remaining 8, because of delay largely in completing the plans, will be completed and put under contract early in fiscal year 1960.

In addition to that, there are 21 of those projects which were approved under the Lease-Purchase Act which have not yet been funded. So, of course, on those in most instances we have acquired the sites and we have employed the architects, so that progress is being made as to those 21, but as yet we have no funding for them.

Then there were four or five smaller projects, some of which we will not complete.

The total program of those 105 projects amounted to \$802,992,704. Of that amount, \$253,225,000 has been funded, leaving a balance unfunded of \$549,767,704.

Looking ahead, we anticipate that there is a very reasonable necessity for new construction during the period from 1960 through 1965—that would be 5 years—of about \$1¾ to \$2 billion, to keep the Federal

plan in good shape and to take care of the growing needs. That would be at the rate of approximately \$350 million a year.

Looking ahead still further up to 1975, which is a long time, we think that the program could well be justified on the basis of about \$4 billion.

Looking ahead for the balance of this year, if the bill before this committee this morning or some similar bill should become law, we believe that there are a considerable number of well-justified projects which we could immediately submit for your consideration. This list is not firm, but we are certain that we might have as many as 100 projects to submit at once after the bill became law.

Mr. KLUCZYNSKI. You mean projects now authorized coming before this committee?

Mr. FLOETE. No. They would come before this committee for authorization—projects that are not now authorized at all. The general trend of construction in the last 12 months has been quite satisfactory as to price. We have rather consistently run under our estimates of cost, or under the authorized cost given us by the Congress; not very much, but the trend has been quite satisfactory as far as we are concerned. We have been able to place, I think, every project under contract on which we have taken bids. The cost of the projects to date, I think, has also been quite satisfactory. I am just speaking in averages here, but I think all of these projects we now service, of them some 45 are under contract, which gives a pretty good picture, and they have averaged just about \$20 a square foot—some of them a little less and some of them a little more. However, that has been about the average, and I think that is a very reasonable price.

Mr. Chairman, that is the general picture.

Turning to the bill itself, we have submitted what we have to say embodied largely in this letter.

I would like to say at the beginning that we think it is highly necessary a bill such as this be made law. In addition to the very excellent statement made by the chairman and Mr. Jones' published statement in the 9th of March Congressional Record, there are two points that I think are important. One is that a bill such as this would eliminate any question as to whether the authorization under the old 1926 act still carries any dollars in it. There was in that act a specified amount which was authorized to be appropriated. It is our best judgment that the amount has been exceeded slightly. So that makes, of course, any appropriation subject to a point of order, as I understand it.

Secondly, the bill sets up an orderly procedure for authorizing construction programs based on the highest need, rather than the present method of introduction of separate bills, which do not always have a direct relation to the actual need.

So we feel strongly that a bill such as this is necessary. The details of the bill we have commented on in this letter, which I will proceed to read at this time. This is dated April 29, 1959, and it is addressed to the Honorable Charles A. Buckley, chairman, Committee on Public Works, House of Representatives, Washington, D.C., and states:

DEAR MR. CHAIRMAN: Your letter dated March 13, 1959, requested the views of this agency on H.R. 5404, 86th Congress, a bill to provide for the construction, alteration, and acquisition of public buildings of the Federal Government, and for other purposes.

This bill would authorize a broad basis and procedure for meeting the space needs of the Federal Government through purchase, construction and alteration of buildings. The bill would repeal the Public Buildings Act of May 25, 1926, as amended, portions of the Public Buildings Act of June 16, 1949, as amended, and other miscellaneous acts giving authority to the General Services Administration with respect to the design, construction, extension, operation, and repair of Federal public buildings. It would authorize the purchase of buildings, new construction and alteration of existing buildings to accommodate Federal space requirements under an overall program in accordance with the greatest need. It would also provide for congressional approval of such projects.

We believe that there is a need for enactment of general legislation which would provide for a basis for the development and implementation of future building construction programs composed of individual construction projects determined to be required to house the activities of the executive branch.

However, we believe the bill should be amended in certain respects in order that its objectives may be accomplished most satisfactorily and permit GSA to deal expeditiously with the problem of constructing, altering, or acquiring space for Federal agencies.

Adoption of the amendments hereinafter recommended would substantially conform H.R. 5404 to a proposed bill which we have had under consideration for some months.

As drafted, sections 4 and 7 of H.R. 5404, would require, as a prerequisite to appropriation of funds, House and Senate Public Works Committee approval of all proposed new construction projects, regardless of amount, and of all proposed projects for "repairing, remodeling, improving, or extending or other changes in a public building," involving expenditures in excess of \$250,000.

These requirements would involve the Congress in a myriad of administrative detail affecting literally thousands of construction, extension and repair projects. We believe that such a requirement would unnecessarily burden the Congress with administrative responsibility, and, unavoidably, delay performance of the purposes for which the proposed legislation is intended. On the other hand, we recognize that it is entirely appropriate for the Congress to require current reports to it of significant accomplishments by the executive branch in the discharge of major responsibilities vested in it by the Congress.

Accordingly, we recommend that section 7 of the bill be revised so as to require a report to the Congress of proposed major accomplishments under the bill as a prerequisite to appropriation of funds thereunder, in lieu of the present requirement of section 7 that each project be made the subject of an approval resolution adopted by the Senate and House Committees on Public Works.

In any event we recommend the following changes in the bill so as to exclude from its present project approval requirements or from the proposed reporting requirements (1) the relatively small new construction projects, and (2) the more routine repairing, remodeling, improving and extending projects and other changes in existing public buildings, proposed to be accomplished under the bill.

On page 4, line 13, after the words "public building," add "involving an expenditure in excess of \$250,000,"; on page 2, line 3, delete "(a)" and delete lines 7, 8 and 9; on page 4, line 11, delete "except as provided in section 4,"; on page 4, line 12, delete "or alter"; on page 4, line 14, delete ", alteration,"; on page 4, lines 20 and 21, "public building" and substitute "project"; on page 4, line 23, delete ", altered,"; on page 5, lines 18 and 19, delete altered,"; on page 5, line 21, delete "or alteration" and substitute "project"; on page 5, line 24, delete "or alteration" and "as the case may"; on page 6, line 1, delete "be,"; on page 6, lines 6 and 17, delete ", alteration,"; on page 9, line 17, delete ", alteration,".

Subsection 7(a)(2) requires that the prospectus which is submitted to the Committee on Public Works of the Senate and House of Representatives include "the location of the site and the reasons for its selection, and an estimate of the maximum cost of site and building;". This might be construed to require that a particular parcel of land be selected in advance and identified specifically in the prospectus submitted. Such a requirement undoubtedly would work adversely to the interest of the United States by giving rise to speculation and driving up land costs before the project is approved and funds made available for the land purchase. To obviate this possibility, on page 4, line 24, delete the words "the location of the site and the reasons for"; on page 5, line 1, delete the words "its selection, and"; and on page 5, line 2, delete the words "site and building" and insert "the project."

Subsection 7 (a) (3) on page 5 requires "a certificate of need for space signed by the head of the Federal agency or agencies which will use the facility." This requirement duplicates the requirement under subsection 7 (a) (4) for inclusion in the prospectus of a comprehensive space plan for the community. It is recommended therefore that subsection 7 (a) (3) be deleted and subsequent subsections be renumbered accordingly.

There are certain projects which have heretofore been approved under subsection 411 (e) of the Public Buildings Act of 1949, as amended, and the Independent Offices Appropriation Act of 1950, for which funds have been provided for sites and design but not for construction. Enactment of this bill without expressly exempting such projects from its scope might jeopardize the authorization for an appropriation of construction funds for these projects. To remove this possibility it is recommended that there be added to section 7 the following new subsection (e); "This section shall not apply to public building projects for which approval was given prior to the date of enactment of this Act by the Committees on Public Works of the Senate, and the House of Representatives, respectively, in accordance with subsection 411 (e) of the Public Buildings Act of 1949, as amended."

Subsection (1) of section 13 of the bill defines the term "public buildings" so as to encompass all buildings "necessary for the functioning of a Federal agency" except certain buildings and construction projects specified at items (A) through (G). The definition also authorizes additional exclusions as the President deems in the public interest.

This is a broad, sweeping definition which would bring within the scope of the bill many classes and types of Federal structures such as hospitals, laboratories, research centers, libraries, museums, penal and correctional institutions, air traffic control centers, and many other special purpose buildings which are an integral part of the program needs and responsibilities of the agencies charged with their occupancy, use or operation. Historically, the provision of such special purpose Federal facilities has not been the responsibility of General Services Administration or its predecessor agencies.

Accordingly, we recommend that the definition of the term "public building" as used in the bill be revised so as to limit the scope of the bill to buildings generally suitable for office and storage use of the classes normally within the control of General Services Administration. This may be accomplished by deleting lines 15 through 25 on page 10, and lines 1 through 8 on page 11, and inserting in lieu thereof the following:

"(1) (A) The term 'public building' means any building, whether for single or multitenant occupancy, its grounds, approaches, and appurtenances, which is generally suitable for office or storage space or both for the use of one or more executive agencies or mixed ownership corporations, and shall include: (i) Federal office buildings, (ii) post offices, (iii) customhouses, (iv) courthouses, (v) appraisers stores, (vi) border inspection facilities, (vii) warehouses, (viii) record centers, (ix) relocation facilities, and (x) similar Federal facilities; and also shall include any other buildings or construction projects which the President may, from time to time, designate.

"The term 'public building' shall not include buildings and construction projects: (i) on the public domain (including that reserved for national parks, national forests and other purposes), (ii) on properties of the United States in foreign countries, (iii) on Indian and native Eskimo properties held in trust by the United States, (iv) on Federal lands used for agricultural, recreational and conservation purposes, (v) on river, harbor, flood control, reclamation and power projects, (vi) housing and residential projects, (vii) on military installations (any fort, camp, post, naval training station, airfield, proving ground, military supply depot, military school, or any similar facility of the Department of Defense); and shall not include any other buildings or construction projects the exclusion of which the President may, from time to time, designate."

It is believed that the bill should contain provision for delegation to other agencies by the Administrator of General Services of the authorities therein vested in him with respect to minor construction projects, and where the Administrator determines that such delegation will promote economy and efficiency. To accomplish this we recommend addition of the following new section as new section 15 with appropriate renumbering of the remaining sections:

"Sec. 15. The performance, in accordance with standards established by the Administrator of General Services, of the responsibilities and authorities vested in him under this Act shall, upon request, be delegated to the appropriate executive agency where the estimated cost of the project does not exceed \$100,000,

and may be delegated to the appropriate executive agency where the Administrator of General Services determines that such delegation will promote efficiency and economy."

The bill does not contain an express authorization for the appropriation of funds to carry out its purposes. Accordingly, we recommend that the following new section be added as new section 16, with appropriate renumbering of the remaining sections:

"Sec. 16. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. Appropriations for sites and planning are authorized prior to approval of projects as required by section 7 of this Act, but any funds so appropriated for the acquisition of sites or the planning of buildings may not be obligated with respect to any project not so approved. The appropriation of funds for sites and planning or for construction and acquisition of buildings shall constitute the making of an appropriation for the projects included therein within the meaning of subsections 7(c) and 7(d) hereof."

In addition to the foregoing, the following minor clarifying and correctional amendments are recommended:

- (1) The word "this" in line 9, page 10, should be corrected to read "his."
- (2) In line 24, page 8, after the word "of" add the words "specialists and".
- (3) At the end of line 1, page 9, add the words "or altered".
- (4) On page 10, the word "executive" in lines 1, 5, and 6, should be replaced by the word "Federal" to achieve consistency with other provisions of the bill.
- (5) Page 12, line 3, after the word "include" add the words "site acquisition".
- (6) Page 4, line 6, delete the word "site" and substitute therefor "project".
- (7) Page 4, line 6, delete the words "for such purpose".
- (8) Page 10, line 8, after the word "Act" insert "as required by him".

Subject to the amendment of H.R. 5404 as herein recommended the General Services Administration favors its enactment.

The comments and recommendations contained herein concerning H.R. 5404 equally are applicable to H.R. 5453.

There will be no expenditure of public funds under this legislation until appropriations are made by Congress in the customary manner.

The Bureau of the Budget has advised that there is no objection to the submission of this report to your committee.

Sincerely yours,

FRANKLIN FLOETE, *Administrator, GSA.*

Now, Mr. Chairman, I can point out the specific items in which we depart from this particular bill, if that is the way you would like to have me proceed from here on.

Mr. KLUCZYNSKI. You make the comments on the bill and whether you are for or against them, or have any proposed amendments.

Mr. FLOETE. Yes, we do, sir.

If I may speak of the bill by sections, perhaps that would be best.

Mr. KLUCZYNSKI. You may explain it in any way you wish.

Mr. FLOETE. On page 2 of the bill we would propose the elimination of section 4(b).

Mr. KLUCZYNSKI. Is that on line 7?

Mr. FLOETE. Yes. Lines 7, 8, and 9. It reads:

No approval under section 7 shall be required for any alteration and acquisition authorized by this section the estimated maximum cost of which does not exceed \$250,000.

Our principal objection—and it is basic throughout this thing—is that we do not believe it is a good idea to have alterations included in a bill of this nature. We have a great many alterations, since we have some 4,600 buildings for which we have the responsibility of making repairs, and those 4,600 buildings have an area of some 17½ million square feet. So we have a very extensive program of repairs and alterations.

For instance, this present year we are spending \$75 million in that way. We think if the committee gets into all of those it is going to

find they are pretty much of a headache. For instance, this year we have 50 such projects that are in excess of \$250,000, and each one would have to come to this committee under this bill.

Last year we had 49. In addition to that, we cannot make this kind of a program absolutely precise because we may say this time that we should repair a building in Madison, Wis., for instance, and we may find later that is more necessary that we spend the money for repairing a building in Milwaukee. I am picking out Wisconsin because I used to go to school there. But I think it is just a practical objection which would involve this committee in a lot of unnecessary work. So we do suggest the elimination of the alterations from this bill.

We have no comments to make on the rest of pages 2 or 3 of the bill.

Mr. KLUCZYNSKI. Mr. Floete, before you continue, what is your main objection to section 4(b)? The amount of \$250,000?

Mr. FLOETE. We think the amount—we do not think that alterations should be in the bill.

Mr. KLUCZYNSKI. Oh, no alterations at all?

Mr. FLOETE. That is right.

Mr. KLUCZYNSKI. Even if it is unlimited?

Mr. FLOETE. Yes.

Mr. McFALL. What about acquisition? That is another phrase in there. What is your comment on that? If there is any alteration or acquisition?

Mr. FLOETE. We think that applies to alteration. We think it refers to the alteration.

Mr. KLUCZYNSKI. Mr. Floete, so that it is understood, we are very happy to have you here and have you call our attention to this section 4(b), but this was drafted after consultation with the General Services Administration lawyers and the General Accounting Office lawyers. If there are any changes or if there is anything wrong with the bill we will be happy to have them ironed out in executive session. However, we are very happy to have you here and have you give us your ideas of what should be done with the bill.

Mr. FLOETE. Yes. We know we did work with your staff and this matter was discussed, but I think our position has been right along that the alterations should not be in the general construction bill.

Mr. KLUCZYNSKI. We are very happy to have your ideas on that subject.

Mr. FLOETE. The next important comment we have to make relates to section 7 on page 4 of the bill. We covered this point in our letter by saying as follows, which expresses our position:

As drafted, sections 4 and 7 of H.R. 5404, would require, as a prerequisite to appropriation of funds, House and Senate Public Works Committee approval of all proposed new construction projects, regardless of amount, and of all proposed projects for "repairing, remodeling, improving, or extending or other changes in a public building," involving expenditures in excess of \$250,000.

I have already spoken of the alteration feature. We also believe it is somewhat questionable if this committee should be concerned about small projects. We regard as small any projects under \$250,000. I am speaking now of a complete building. So we would suggest as to buildings costing not in excess of \$250,000 that they be eliminated

from the committee's consideration, and that we be permitted to go ahead when such cases come up. There are very few of them, because with building costs even at \$20 a square foot that only means a building of 12,000 square feet, which is today a pretty small building.

Actually, out of these 105 projects that I referred to earlier, only one of them was under \$250,000. So we are just suggesting this. It is not a vital thing with us, but it seems to me if this bill were reformed to provide only for buildings in excess of \$250,000, that it might be a little more workable.

The next point, again relating to section 7, does bring up an important difference that we, representing the administration, have in this matter. We believe that such a requirement as is incorporated in the bill would unnecessarily burden the Congress with administrative responsibility and, unavoidably, delay performance of the purposes for which the proposed legislation is intended. On the other hand, we recognize that it is entirely appropriate for the Congress to require current reports to it of significant accomplishments by the executive branch in the discharge of major responsibilities vested in it by the Congress.

Accordingly, we recommend that section 7 of the bill be revised so as to require a report to the Congress of proposed major accomplishments under the bill as a prerequisite to appropriation of funds thereunder, in lieu of the present requirement of section 7 that each project be made the subject of an approval resolution adopted by the Senate and House Committees on Public Works.

Mr. McFALL. Where are you reading from in your letter, Mr. Floete?

Mr. FLOETE. On page 2 of the letter, I have just read the second and third paragraphs.

Then again referring to section 7, we believe that the bill as written unnecessarily and I believe inadvertently circumscribes us in selecting a site. That is, the bill says: "The location of the site and the reasons for its selecting. * * *" We do not think it is good business to divulge in advance just what particular site we have in mind, I mean, the location in a block, for instance, because it gives the speculators a chance to take advantage of the fact. It has never been done, so what we think the committee means is the town in which the project is to be built, rather than the location in the town.

Mr. KLUCZYNSKI. Mr. Floete, is that not the trouble we ran into in Chicago on that new Federal building, as to the site?

Mr. FLOETE. Well, there we had latitude. We could select it at any place in the city.

Mr. KLUCZYNSKI. That is right.

Mr. FLOETE. But under this language we think when we submit a project to you we would have to be saying that it is going to be located at 113 Adams Street. And we do not think that would be good.

Mr. KLUCZYNSKI. Yes.

Mr. FLOETE. So we merely suggest that that language on the bottom of page 4 of the bill, where it says, "the location of the site and the reasons for its selection * * *" be changed to an estimate of the maximum cost of the project.

Then, secondly, that in line 20 on page 4 we substitute the word "project" for the words "public building," which would mean we

would then say here is a project to be built at such-and-such a town in such a State without saying where it is going to be.

I think that is a rather minor thing, but still it is important.

We also suggest the elimination of subparagraph (3) at the top of page 5, which reads:

a certificate of need for space signed by the head of the Federal agency or agencies which will use the facility;

We suggest that, as I stated in my letter in the first full paragraph at the top of page 3:

Subsection 7(a) (3) on page 5 requires "a certificate of need for space signed by the head of the Federal agency or agencies which will use the facility." This requirement duplicates the requirement under subsection 7(a) (4) for inclusion in the prospectus of a comprehensive space plan for the community. It is recommended therefore that subsection 7(a) (3) be deleted and subsequent subsections be renumbered accordingly.

You see, we had this requirement originally in the Lease-Purchase Act. We found that it was very unworkable. In the first place, the need changes. So we may submit, as we did under the Lease-Purchase Act, these projects with certificates from agencies and several years went by and the needs changed, so the same agencies did not have the need for the occupancy of space in that building.

Two years ago we introduced legislation which would have extended the Lease-Purchase Act, and it did pass the Senate. In that version we eliminated the certificate and simply put in a statement, "a comprehensive plan for the need" as developed in subparagraph (4) on page 5.

There are some changes in numbering and some changes in minor language in the next few pages. Then the next major comment we have is at the bottom of page 6 in the bill. This does not go to the basic part of the act, but it is simply an improvement to take care of a situation. We cover that in the third full paragraph or the middle paragraph on page 3 of the letter, in which we say:

There are certain projects which have heretofore been approved under subsection 411(e) of the Public Buildings Act of 1949, as amended, and the Independent Office Appropriation Act of 1959, for which funds have been provided for sites and design but not for construction.

I referred to those 21.

Enactment of this bill without expressly exempting such projects from its scope might jeopardize the authorization for an appropriation of construction funds for these projects. To remove this possibility it is recommended that there be added to section 7 the following new subsection (e): "This section shall not apply to public building projects for which approval was given prior to the date of enactment of this Act by the Committee on Public Works of the Senate, and the House of Representatives, respectively, in accordance with subsection 411(e) of the Public Buildings Act of 1949, as amended."

This is simply to correct a situation which might otherwise cause us some complication.

We have no comments on page 7 and none on pages 8 or 9, except for very minor word changes. Then in section 13 on page 10 we do have a suggestion. We go along with the general language, but we feel that there are reasons why the change which we have suggested on page 3 in the third paragraph from the bottom should apply:

Subsection (1) of section 13 of the bill defines the term "public buildings." * * *

Your bill is very, very broad. It covers all of the buildings. I recognize that may be a desirable objective, but just as a practical matter, I think it would lead to a great deal of trouble, and I think a great deal of opposition from other agencies. Actually, I feel as to certain special-purpose type of construction, certain of the other agencies are better fitted to do it than the General Services Administration. We believe that our work should be confined to warehousing and general office space for all agencies. That is a very large field, and, therefore, we feel that there should be a change in this language. The net effect of it is that it would define General Services Administration buildings in the following terms:

Accordingly, we recommend that the definition of the term "public building" as used in the bill be revised so as to limit the scope of the bill to buildings generally suitable for office and storage use of the classes normally within the control of General Services Administration. This may be accomplished by deleting lines 15 through 25 on page 10, and lines 1 through 8 on page 11, and inserting in lieu thereof the following:

"(1) (A) The term 'public building' means any building, whether for single or multitenant occupancy, its grounds, approaches, and appurtenances, which is generally suitable for office or storage space or both for the use of one or more executive agencies or mixed ownership corporations, and shall include: (i) Federal office buildings, (ii) post offices, (iii) customhouses, (iv) courthouses, (v) appraisers stores, (vi) border inspection facilities, (vii) warehouses, (viii) record centers, (ix) relocation facilities, and (x) similar Federal facilities; and also shall include any other buildings or construction projects which the President may, from time to time, designate.

That somewhat restricts the buildings we have, gentlemen, but still it is a very, very large field, and I think the concluding sentence is a desirable one because of conditions changing always, and it is impossible to determine so far advanced just what might be advisable. Therefore we have added that clause which would give the President the right to designate other types of buildings.

Then we go and we follow the language exactly as you have it as to exempt properties. We follow that exactly and we merely add another clause at the end which would state—

and shall not include any other buildings or construction projects, the exclusion of which the President may, from time to time, designate.

This simply gives the President the right simply to add to or subtract from. We think it is a good, sensible provision.

Mr. McFALL. I understand, Mr. Floete, that one of the reasons for the drafting of this particular provision and the way that it has been drawn to bring buildings like the CIA has built, and the Atomic Energy Commission has built, and like the Space Agency would like to build, under this act, so that the Public Works Committees of both Houses of Congress can oversee their activities. Would your suggested language cover those specific cases?

Mr. FLOETE. Well, I think this: There have always been exceptions. For instance, we have nothing to do with construction on military posts, and I do not think we should have. That is a definite exclusion in here.

Mr. McFALL. That is excluded in the language of the bill too, is it not?

Mr. FLOETE. Yes, it is in the bill too. Really the only change we made here is to suggest that the President have some latitude in adding to or subtracting from. That is the net effect of this and I think it

is a good thing because I do not think you can determine for years in advance just how it ought to be.

Mr. McFALL. That is the only real difference in your language from the language of the bill?

Mr. FLOETE. I think we restricted it a little bit, but only a very, very minor way. When you give the General Services Administration authority to build Federal office buildings, post offices, customhouses, courthouses, appraisers stores and all of those things, you have covered the bulk of it. Once in a while a special thing comes up like the AEC. At that time when it came up the President would have to decide whether they would do it or not. That is about the size of it. Generally, this embraces a very broad field and to us it would be a very satisfactory method of handling it.

Mr. McFALL. You said one of the changes you have suggested is the right of the President to make certain withdrawals or changes. What are the others? Can you put it in kind of a nutshell for us? You said there are a couple of more.

Mr. FLOETE. This is Mr. Moody, my Assistant Commissioner for Acquisition and Disposal, who worked very extensively on this bill.

Mr. MOODY. General I would say that our change would put all buildings that are generally suitable for office, storage, and related uses, except those expressly excluded, under the General Services Administration, and leave the very special-purpose-type structures outside of the scope of this bill; but provide a method by which the President could put them under the bill if he felt that that was the best thing to do under the circumstances.

The specific type of building you asked a question about, Mr. McFall, I believe would fall under this bill if it were an office building such as the Atomic Energy Commission Building, or the office building for the Central Intelligence Agency.

Mr. McFALL. It would fall under your responsibility?

Mr. MOODY. Yes. While if it were a research laboratory, for example, conducted by the Atomic Energy Commission at some remote location, perhaps it would not come under our bill. That is the basic difference.

Mr. McFALL. And the CIA as well?

Mr. MOODY. The CIA as well. Their office building here will be built by us now even though the funds may not have been appropriated to it.

Mr. KLUCZYNSKI. You may continue, Mr. Floete.

Mr. FLOETE. We have no further comments on page 11, and only minor ones on page 12. Just word changes, actually. The only other comment we have is that we would add a new section 15, which would read as follows:

SEC. 15. The performance, in accordance with standards established by the Administrator of General Services, of the responsibilities and authorities vested in him under this Act shall, upon request, be delegated to the appropriate executive agency where the estimated cost of the project does not exceed \$100,000, and may be delegated to the appropriate executive agency where the Administrator of General Services determines that such delegation will promote efficiency and economy.

This is in there because there are a lot of small buildings that various agencies are well organized to take care of. For example, here in Washington you are all familiar with project 66 of the Interior

Department, in which they are improving the parks. Well, we think that is a good example of work they should do and we should not do. I notice they are building a stable down there in the park some place. I think they are able to do that. There are various other agencies that do have that capacity, and this wording which covers a request for delegation where the estimated cost does not exceed \$100,000 I think is a sensible provision, and we may delegate if we are convinced it will promote efficiency and economy.

It does not mean we would run off from our responsibility, but there could be cases in excess of \$100,000 where it might be advisable to do so.

The last change we suggest is again not a substantive change, but merely one as we see it, to perfect the bill. The bill does not contain an express authorization for the appropriation of funds to carry out its purposes. Accordingly, we recommend that the following new section be added as new section 16, with appropriate renumbering of the remaining sections.

Sec. 16. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act. Appropriations for sites and planning are authorized prior to approval of projects as required by section 7 of this Act, but any funds so appropriated for the acquisition of sites or the planning of buildings may not be obligated with respect to any project not so approved. The appropriation of funds for sites and planning or for construction and acquisition of buildings shall constitute the making of an appropriation for the projects included therein within the meaning of subsections 7(c) and 7(d) hereof.

Mr. Chairman, those are all the comments that we have upon the bill. We reiterate that we think it is very necessary we have a bill of this type, and we trust that it will be passed.

Mr. KLUCZYNSKI. Thank you, Mr. Floete.

Mr. DOOLEY. Mr. Floete, I would like to revert back to page 5, line 3, of the bill, where you say you would like to eliminate the certificate of need for space signed by the head of the Federal agency or agencies which will use the facility.

How do you plan to build a building without some indication of the need for which the floorspace will be used, unless you have a certificate of need?

Mr. FLOETE. We would get that, Congressman Dooley, if you read the next section, section (4).

Mr. DOOLEY. Yes.

Mr. FLOETE (reading):

a comprehensive plan for providing space for all Government officers and employees in the locality of the proposed project, having due regard for suitable space which may continue to be available in existing Government-owned buildings and in rented buildings.

That means we would make the study and determine what agencies should go in there, and then submit it in this plan. But we would not go, as we had to, to the Secretary of the Interior and get a certificate stating that he needed 100 square feet some place.

Mr. DOOLEY. Fine. Thank you.

Mr. KLUCZYNSKI. I was going to ask about the same question.

Mr. Floete, with all of your good lawyers in the General Services Administration, and also in the General Accounting Office, who have incorporated this language here, and with all their experience in the

Lease-Purchase Act, why did they put this subsection (3) in there, calling for the certificate of need, which you are now asking us to delete?

Mr. FLOETE. I do not know how they did it. I was not present. I thought we had it out 2 years ago.

Mr. KLUCZYNSKI. I mean, you consulted with your attorneys and they have had the experience on the Lease-Purchase Act, and yet they have incorporated it in this bill.

Mr. FLOETE. I think we merely performed the drafting service. I was not present at it. Some of you men were.

This is Mr. Macomber, our General Counsel.

Mr. MACOMBER. I did work with members of the staff in the drafting of this bill, but I think the simple answer to your question is, sir, to the best of my recollection the last draft of the bill that I saw did not contain this provision. I think that was something that was not suggested by us. I believe as the bill was drafted when we last saw it, it did not have this requirement in it.

Mr. KLUCZYNSKI. Then you are in accord with Mr. Floete to delete this from the bill?

Mr. MACOMBER. Yes, sir.

Mr. KLUCZYNSKI. Are there any questions?

Mr. BURKE. Mr. Chairman.

Mr. KLUCZYNSKI. Mr. Burke.

Mr. BURKE. Mr. Floete, I think there are two pretty fundamental changes that you have suggested. First, on page 2 in section 4(b), you have suggested that references to alterations be taken out. I want to be very clear about this. You would suggest, for example, that the General Services Administration without the authority of Congress would have the authority to decide whether to do a \$3 million alteration in one location rather than maybe the Congress deciding with the same money to build three \$1 million buildings in other places.

Mr. FLOETE. Well, you are talking about two things now, about buildings—

Mr. BURKE. We are talking about the same funds.

Mr. FLOETE. And as to repairs and alterations that is a separate item in our appropriation bill, you see. For instance, this year we have \$75 million appropriated by Congress specifically for repairs and alterations. When we submit our justification it includes a complete list of where we are going to do this, and how much, and that is passed on by the Appropriations Committee, and finally by the Congress as a whole.

Mr. BURKE. But this bill contemplates a completely different approach, Mr. Floete. If the overall appropriation of the General Services Administration for construction, acquisition, rehabilitation, repair, and so on, is considered as one, if the authority for alterations is left without limit and completely at the discretion of the agency it would simply change what this bill proposes, as regards alterations, at least. Now, a \$3 million alteration of a large building is not unheard of, is it?

Mr. FLOETE. That would be pretty large, but we do have some of \$1 million or so, particularly air-conditioning these buildings in Washington, or any other large cities.

Mr. BURKE. I am trying to be clear about this. This is a fundamental difference you have with the bill as drafted.

Mr. FLOETE. Yes. I think it is as to alterations. We do not feel so strong about the limits on new construction, but we have to go before the Appropriations Committee on every one of these alteration items, whether it is \$100 or \$1 million.

Mr. BURKE. I think that touches on the next thing I want to ask you.

You suggested during your statement that rather than a submission to the two Public Works Committees of both bodies on the individual projects, that there be a statement made of proposed major accomplishments. That, of course, would be a complete nullification of the procedure here. Then you would simply be going to the Appropriations Committee and asking for appropriations for the projects which the General Services Administration has approved of, rather than submitting the list of projects which the committees of the House and Senate have approved.

Mr. FLOETE. We would still submit a list of projects to this committee.

Mr. BURKE. But it would not require the approval of the committee.

Mr. FLOETE. That is the effect of what we have said in our letter. That is correct. And that departs from the present bill. We know that.

Mr. BURKE. The changes you are suggesting, in view of the fact that it completely deletes alterations and it changes the method by which projects would be approved, completely takes from this bill, I think, the procedures which the sponsors intended.

Mr. FLOETE. I can understand that you would feel that way about it, sir.

Mr. BURKE. Maybe I agree with you, but I am just asking you if that is not what your proposal is going to do.

Mr. FLOETE. That is the effect of it. Is that not right, Joe?

Mr. MOODY. That is right.

Mr. BURKE. What you are proposing there is a completely different bill.

Mr. MOODY. On this bill what we are proposing really—

Mr. BURKE. The point is, that the sponsors of this bill have suggested a means completely comparable, for example, to the other civil works of the Government. As you know, this is the way locks and dams and bridges, and so on, are built. I think there is an attempt by a proposed Public Buildings Act to bring the construction of public buildings in line with other civil works.

Now, in view of the fact that by changing the implementing language of the system the Administrator is suggesting that these be different, and that the proposal is that the projects for construction be approved by the agency and a report be made of it, then that simply means that the Administrator or the Department is asking for specific appropriations, and it does away with hearings and approval from the Public Works Committees, such as is done with every other type of public works.

Mr. FLOETE. Mr. Moody says it does follow the procedures set up under the old 1926 act, which has sort of been a model on which we have been going.

Mr. BURKE. I believe one of the sponsors of the bill says legislation relating to public buildings is a patchwork of measures going back to June 6, 1902. As I say, the whole purpose of the sponsors was—and I believe the Administrator in his letter said he felt the purpose was good—was to create a new and efficient means of getting at this problem paralleling other public works. I am not arguing with the Administrator, but I am just asking if that is what he is proposing to this committee?

Mr. FLOETE. That is the effect of this proposal. Yes, sir.

Mr. BURKE. Another minor question I have about your talk is this: You objected to the language at the bottom of page 4, which has a (2), because you object to talking about the location of the site and the reasons for its selection. I think we are all familiar with what happens in the speculation of land in view of a possible public work. There is no requirement in here that the site be set out by metes and bounds.

Would you be satisfied if the language were so amended as to be made more general?

Mr. FLOETE. Yes; surely. We just do not want to be tied down to a particular street location.

Mr. BURKE. I do not think anyone by statute intends to lay off a lot by metes and bounds.

Mr. FLOETE. We were afraid it might have that effect, so we were trying to make it general.

Mr. KLUCZYNSKI. Mr. Burke, we have only 10 minutes left. Mr. Floete has done a marvelous job as Administrator of the General Services Administration, and we are all happy to have him here, and have his comments; but we want to pass legislation of this kind and we can discuss this further in executive session. We have heard from Moody and Mr. Knott and Mr. Macomber. Is there anything that you wish to add to that?

Mr. KNOTT. No, sir.

Mr. KLUCZYNSKI. Are there any further questions of Mr. Floete? (No response.)

Mr. KLUCZYNSKI. All right. That will complete the hearings this morning.

Mr. Floete, it has been a pleasure to have you before this august body this morning. Thank you for your wonderful statement.

We will adjourn until tomorrow morning at 10 o'clock.

(Whereupon, at 11 a.m., the committee adjourned until 10 a.m. the following day, Friday, May 1, 1959.)

(The following was furnished for insertion:)

U.S. GENERAL ACCOUNTING OFFICE,
OFFICE OF GENERAL COUNSEL,
Washington, D.C., April 29, 1959.

B-103967.
B-1039991.

HON. CHARLES A. BUCKLEY,
Chairman, Committee on Public Works,
House of Representatives.

DEAR MR. CHAIRMAN: Your letter of March 25, 1959, acknowledged March 26, requests our comments on the identical bills H.R. 5404 and H.R. 5453.

The bill entitled "Public Buildings Act of 1959" would repeal the Public Buildings Act of 1926, as amended, title 40 United States Code section 341 et seq., and certain other laws considered to be obsolete, duplicative, conflicting, or other-

wise inconsistent with the present bill. A corresponding bill, S. 1654, has been referred to the Senate Committee on Public Works.

Section 2 of the bill would prohibit construction of public buildings except by the Administrator of General Services. The term "public building," as defined by section 13(1) of the bill, would include any building which is necessary for the functioning of a Federal agency with certain rather broad exceptions such as buildings on the public domain, in foreign countries, on Indian and Eskimo trust properties, on Federal land used for agricultural, recreational, or conservation purposes, on river, harbor, flood control, reclamation, and power projects, housing projects on military installations, and buildings used as hospitals under the jurisdiction of the Veterans' Administration. Also, the term would not include any other building excluded by the President. The bill would not apply to construction for which direct appropriations had already been made.

Such legislation would be a distinct departure from practices of the past. A further departure from past practices would be made by section 7 of the bill, which would require, as a prerequisite to any appropriation for the construction, alteration, or acquisition of a public building, resolutions of approval by the Public Works Committees of both the House and Senate. The enactment of legislation of this character is a matter of congressional policy on which we express no opinion.

However, we do wish to point out that the definition of public building contained in section 13(1) of the bill does not specifically exclude leased buildings and apparently would include buildings other than office buildings; the language used might be deemed to include specialized buildings needed by the National Aeronautics and Space Administration, the Atomic Energy Commission, the Department of Defense, and other agencies. We are doubtful that construction of a technical nature was intended to be included under the bill, and suggest clarification of the exceptions listed in section 13(1). For example, it is not clear whether all construction by the Tennessee Valley Authority would be excluded. In this connection, it may be noted that the Federal Deposit Insurance Corporation would not be required to submit a prospectus for approval to the Public Works Committees since it uses no appropriated funds in its operations. The same thing is true of the Federal Savings and Loan Insurance Corporation.

We note that under section 4 of the bill committee resolutions of approval would be necessary for alterations estimated to cost over \$250,000. In the event of an emergency arising from fire, flood, or other disaster, we believe alterations necessary to permit continued agency operation should be permitted without the necessity of committee approvals in advance.

Section 5(c) would authorize the Administrator to acquire building sites without regard to title III of the Federal Property and Administrative Services Act of 1949. It is our feeling that the procurement safeguards provided in title III should be followed in most site acquisitions. We recognize, however, that greater flexibility may be desirable in some cases. We therefore suggest the desirability of revising section 5(c) to authorize the acquisition of building sites without regard to title III only upon a determination by the Administrator that by reason of the circumstances set forth in such determination the acquisition of the property without regard to title III is advantageous to the Government.

Section 7(a) of the bill prohibits the making of appropriations for the construction, alteration, or acquisition of public buildings without the approval, by resolution, of the Committees on Public Works. No provision is included in the bill affirmatively authorizing appropriations for construction, alteration, or acquisition which has been so approved by the committees, and we suggest the desirability of such a provision.

The information called for in the prospectus required by section 7(a) to be submitted to the committees is similar to that called for under the procedure applicable to the former lease-purchase program. The information called for deals primarily with new construction or the acquisition of additional space, and the section does not provide for furnishing pertinent information incident to alteration or improvement of existing facilities. In order to avoid the furnishing of inapplicable information and at the same time to permit pertinent description of proposed alterations under varying circumstances, we suggest the advisability of revising lines 20 through 23 on page 4 of the bill to read as follows:

"* * * to each such committee a prospectus of the proposed public building project, including as applicable (but not limited to)—

"(1) a brief description of the building to be constructed or acquired, or the alteration to be performed under this Act;"

Also, if the requirements of section 7(a) (2) are to be interpreted as meaning that a specific site for a proposed building must be described in the prospectus, this might furnish an opportunity for speculation in land values if the site is to be acquired after prospectus approval. To avoid the possibility of paying inflated prices for sites in such instances there is suggested for your consideration the advisability of revising section 7(a) (2) to provide for the furnishing of general information only concerning site location in situations where the site is to be acquired after prospectus approval and no firm commitment for the site acquisition exists.

Section 10 (a) and (b) of the bill would authorize the employment, on a nonpermanent basis, of corporations, firms, or individuals without regard to civil service laws. To the extent the employment of individuals is authorized, our experience under the similar language of section 15 of Public Law 600 (60 Stat. 810), indicates that question often arises as to whether such individuals should be considered employees or independent contractors. We suggest that any individual employed under the section be made an independent contractor. The following language is suggested as a substitute for the present sections 10(a) and 10(b) :

"SEC. 10. The Administrator, whenever he determines his existing facilities are not sufficient, is authorized to procure through contract, without regard to the advertising requirements of title III of the Federal Property and Administrative Services Act of 1949, as amended, architectural and engineering services from established corporations, firms, or individuals, in connection with the construction of any public building authorized under this Act."

Section 10(c) of the bill provides, among other things, that the Administrator shall be responsible for the interpretation of construction contracts. This may be construed as empowering the Administrator to determine finally any question arising under a contract. We believe this section should be amended to provide specifically that the determination of the Administrator shall not be conclusive in any case where the interpretation of the contract involves a question of law only. Compare the provisions of section 2 of Public Law 356, approved May 11, 1954 (68 Stat. 81).

Mention should be made of the fact that there are 22 GSA projects previously approved by the Committees on Public Works under the Public Buildings Purchase Contract Act of 1954 (68 Stat. 518), for which the appropriation of funds for payment of lease-purchase contracts is prohibited by title I of the Independent Offices Appropriation Act, 1959, Public Law 85-844, and for which no funds have been appropriated to date for direct construction. Since the approvals of these projects were given under procedures substantially the same as required under section 7(a) of the proposed legislation, its effect on these projects is not entirely clear. Since the method of financing is now different and since there may have been changes in cost estimates and project descriptions, we feel that if these projects are to be reactivated they should be subject to reapproval by the committees. We suggest that a provision be included in the bill indicating that approvals given under the Public Buildings Purchase Contract Act of 1954 do not constitute approvals within the meaning of the present bill.

As we have indicated above, the desirability of enactment of legislation of the type involved concerns matters of congressional policy on which we express no opinion. We do believe, however, that the possible areas of misunderstanding and uncertainty in the bill as now drafted should be clarified if it is to receive favorable consideration.

Sincerely yours,

JOSEPH CAMPBELL,
Comptroller General of the United States.

PUBLIC BUILDINGS AND GROUNDS

FRIDAY, MAY 1, 1959

HOUSE OF REPRESENTATIVES,
COMMITTEE ON PUBLIC WORKS,
SUBCOMMITTEE ON PUBLIC BUILDINGS AND GROUNDS,
Washington, D.C.

The subcommittee met, pursuant to adjournment, in room 1302, New House Office Building, at 10:05 a.m., Hon. Robert E. Jones, chairman of the subcommittee, presiding.

Mr. JONES. The subcommittee will come to order, on yesterday, at the commencement of the hearings on the public buildings bills before the committee, it was mutually agreed by the minority and the majority that the section with respect to the East Wall would be withdrawn from the bill and that we would not proceed with further discussion of that subject matter because we did not feel it was germane to the chief objectives sought by the various bills.

Therefore, this morning there has been scheduled witnesses who expect to testify on that section of the bill. Since it is withdrawn, I am quite sure it would be a saving of your time and our time not to go into it at this time. If it becomes necessary to have the matter brought to the attention of the committee then we will take it up and treat it separately and apart from any general legislation.

Mr. Bartholomew, therefore I think that we can wait to some other day before we go into this matter. With regard to the people who represent or are here in attendance from the citizens associations or committees we will likewise leave that testimony for a further time.

STATEMENT OF HARLAND BARTHOLOMEW, CHAIRMAN; ACCOMPANIED BY WILLIAM E. FINLEY, DIRECTOR, AND DONALD J. CHANEY, GENERAL COUNSEL, NATIONAL CAPITAL PLANNING COMMISSION

Mr. BARTHOLOMEW. Mr. Chairman, I would offer no objection whatsoever to that. We think this is a matter of very great and fundamental importance to the future of our whole public building program in Washington. The fact is that it is all part of a carefully worked out policy and we would very much like to have the opportunity to present the thing on its merits.

Mr. JONES. Yes, sir.

Mr. BARTHOLOMEW. Perhaps it could well be separate.

Mr. JONES. Probably I did not make myself clear. It was not lack of interest on the part of the committee in the subject matter being dealt with in that section. However, we felt it would be best to treat

it at some other time and give it a more complete examination than we would have at this time when we would have to give it a rather casual examination because the other sections of the bill are the ones in which we are most interested now, because we have no legislation on those subjects; or the legislation which we do have on our statutes is inarticulate and out of date.

So we have to bring up the whole building program before we can talk about the specifics of one aspect of—or a comprehensive building plan. I hope you appreciate the fact that we have some other buildings other than the buildings here in the District of Columbia.

I would say this also: I want to remind the people here in the District of Columbia and the officials of the District of Columbia that there has been no committee, as Mr. Auchincloss will agree, that has been more generous with suitable buildings in the District of Columbia than this committee has. I do not know any time that the District of Columbia has received more buildings than it has in the last 6 years from this committee.

Mr. AUCHINCLOSS. I agree with that most thoroughly, Mr. Chairman.

Mr. BARTHOLOMEW. We would be most happy to accept your judgment on the matter and be pleased to have the opportunity to present it as a separate bill.

Mr. JONES. We are not insisting, but we think it would be better because we definitely will not consider that section of the bill at this time with the overall bill that we hope to present to the House.

Mr. BARTHOLOMEW. Speaking for myself, personally, I concur in your judgment. I would like to see the matter of public building policy considered independently of any other consideration.

Mr. JONES. Thank you very much.

Mr. FINLEY. Mr. Chairman, my name is William E. Finley, Director of the Planning Commission. The Planning Commission recently adopted two minor suggested amendments to the remainder of the bill having to do with procedure in terms of building location in the District and in the region. If you are going to proceed this morning with hearings on the remainder of the bill, we would like to have our general counsel, Mr. Chaney, comment briefly on those matters for your information.

Mr. JONES. We will be glad to have him speak, Mr. Finley, if you will bring him forward. We will be pleased to receive his testimony.

Mr. FINLEY. Thank you, sir.

Mr. CHANEY. My name is Donald J. Chaney. I am General Counsel for the National Capital Planning Commission. As Mr. Finley indicated, there is at least one amendment to the other sections of the bill that we feel should be considered at this time.

Mr. JONES. What section is that?

Mr. CHANEY. It would not apply to any particular section, Mr. Chairman. The National Capital Planning Act gives the Planning Commission certain authority with respect to the construction of Federal buildings in the environs of Washington. Roughly, that includes Montgomery, Prince Georges, Alexandria, Arlington, and Fairfax and several other counties. The authority given to the Commission under the Planning Act of 1952 relates to the review and approval of plans and location of public buildings in that area.

In studying the bill I feel that it may be possible to construe that the bill as now written, H. R. 5404, would amend the planing act so as to eliminate this existing authority of the Commission with respect to that review. Our suggestion is that there be added somewhere in the bill, and probably toward the end, the following language:

"Nothing contained in this act shall be construed as repealing, in any way, the requirements of the National Capital Planning Act of 1952, with respect to the development of projects within the National Capital region as defined in that act."

Mr. JONES. Would you mind handing that suggested amendment to the clerk, Mr. Chaney?

Mr. CHANEY. I will be glad to, sir. I believe that is all. Mr. Finley mentioned two amendments. There is only one that applies outside of the District of Columbia.

Mr. JONES. Thank you very much. That amendment will be considered. Without objection the letter addressed to Mr. Buckley, bearing date of April 8, will be made a part of the record. The fourth paragraph contains the suggested amendment which Mr. Chaney has discussed. This letter is from Mr. Claude W. Owen, Sr., Acting Chairman, National Capital Planning Commission.

There will also be made a part of the record at this point a letter dated May 1, 1959, addressed to Mr. Buckley, the chairman of the Committee on Public Works, from Robert E. McLaughlin, President of the Board of Commissioners of the Government of the District of Columbia.

(The letters referred to are as follows:)

NATIONAL CAPITAL PLANNING COMMISSION,
Washington, D. C., April 8, 1959.

HON. CHARLES A. BUCKLEY,
Chairman, Committee on Public Works,
House of Representatives, Washington, D. C.

DEAR MR. BUCKLEY: Reference is made to your request of March 13, 1959, for the comments of the National Capital Planning Commission on H. R. 5404 and H. R. 5453, identical bills, "To provide for the construction, alteration, and acquisition of public buildings of the Federal Government, and for other purposes."

The National Capital Planning Commission would have no objection to the enactment of the legislation provided it is amended to the extent indicated herein so as to carry out the objectives of the National Capital Planning Commission Act of 1952.

The proposed legislation appears to be an updating of the act of May 25, 1926, which contains the basic authority of the General Services Administration for the construction of public buildings. Insofar as the act applies to the District of Columbia and the National Capital region, as defined in the planning act of 1952 the Commission is vitally interested in those provisions pertaining to the selection and utilization of sites for Federal buildings. The planning act of 1952 outlined certain procedures to be followed by any construction agency intending to develop projects within the National Capital region, and unless these procedures are recognized in the proposed legislation, it very well may be that the proposed legislation may be construed as repealing; by implication at least, the provisions of the 1952 act.

It is suggested that there be added to the proposed legislation immediately preceding the repeal provisions of section 15 the following: "Nothing contained in this act shall be construed as repealing, in any way, the requirements of the National Capital Planning Act of 1952, with respect to the development of projects within the National Capital region as defined in that act."

Section 8(a) contains general authority for the acquisition of sites for public buildings within specified areas in the District of Columbia. At the end of paragraph (b) it is provided that the purposes of the act shall be carried out

as nearly as possible in accordance with the L'Enfant Plan for the District of Columbia. Since the National Capital Planning Commission is the agency directly responsible for the planning of the District of Columbia and the National Capital region, it is recommended that there be added at the end of the section the words "and in accordance with the provisions of the National Capital Planning Act of 1952" (40 U.S.C. 71).

Section 8 of the draft legislation also contains descriptions of certain areas within which public building and other sites may be acquired in the District of Columbia. The first area description sets out certain exceptions by reference to square and lot numbers. It would appear that all of square 635 should be excluded from the taking since that square has been acquired by the Architect of the Capitol for the House Office Building. The third described area designates certain squares for acquisition, namely, 11, 19, 20, 32, 33, 44, 59, 167, and 170. It is recommended that there be added to these squares square 640, which would be in accordance with the plans of the Commission and with the land-use plan for the Southwest urban renewal area.

The designation of a specific area in the District of Columbia within which the United States will acquire lands at some indefinite time in the future creates a number of serious problems for the present owners pending acquisition by the United States, and, in turn, may aggravate blight already existing in the area. While there is no simple formula to overcome this situation, it is recommended that careful consideration be given to the inclusion of provisions in the proposed legislation or in the subsequent appropriation acts which would outline and insure a definite programing of acquisition. This, in itself, would tend to avoid many of the problems generally inherent in proposals of the nature set out in the legislation.

The Bureau of the Budget has advised that it has no objection to the submission of this report to your committee.

Sincerely yours,

(Signed) Claude W. Owen,
CLAUDE W. OWEN, SR.,
Acting Chairman.

GOVERNMENT OF THE DISTRICT OF COLUMBIA,
EXECUTIVE OFFICE,
Washington, D.C., May 1, 1959.

Hon. Charles A. Buckley,
Chairman, Committee on Public Works,
U.S. House of Representatives, Washington, D.C.

MY DEAR MR. BUCKLEY: The Commissioners of the District of Columbia have for report H.R. 5404 and H.R. 5453, identical bills, "To provide for the construction, alteration, and acquisition of public buildings of the Federal Government, and for other purposes."

The purpose of the proposed legislation is to provide for acquisition of sites for Federal public buildings, and the alteration and construction of Federal public buildings throughout the United States.

The particular portion of the bill with which the Commissioners are concerned is section 8.

Section 8(a) provides that the Administrator in carrying out his duties under the act shall acquire real property within the District of Columbia exclusively within the following areas:

"(1) The area bounded by E Street, New York Avenue, and Pennsylvania Avenue, Northwest, on the north; Delaware Avenue, Southwest, on the east; Virginia Avenue and Maryland Avenue projected in a straight line to the Tidal Basin, Southwest, on the south; and the Potomac River on the west (including properties within said area belonging to the District of Columbia; but excluding those portions of squares 267, 268, and 298 not belonging to the District of Columbia, the square known as south of 403, all of square 493, lots 16, 17, 20, 21, and 808 in square 536, and lots 16 and 45 in square 635); (2) the area bounded by Constitution Avenue on the north; the Anacostia River on the east; Independence Avenue on the south; and Second Street, Southeast and Northeast, on the west; and the contiguous area bounded by C Street Northeast, on the north; 21st Street, Northeast, on the east; Constitution Avenue on the south; and North Carolina Avenue on the west; and (3) the areas designated as squares 11, 19, 20, 32, 33, 44, 59, 167, and 170, all of said areas being within the District of Columbia."

Section 8(b) of the bill reads as follows:

"The purposes of this act shall be carried out in the District of Columbia as nearly as may be practicable in harmony with the plan of Peter Charles L'Enfant and such public buildings shall be so constructed or altered as to combine architectural beauty with practical utility."

The L'Enfant plan does not call for open space in the taking area set out in section 8(a) (2), known as the East Mall. The Commissioners are of the view that provision should be made to assure that the East Mall be developed with open space similar to that of the Mall west of the Capitol.

With reference to the three areas heretofore described, upon acquisition of the property by the Federal Government, the annual loss to the District of real estate taxes in area (1) will be \$83,650; and in area (2) will be \$564,333; and in area (3) will be \$146,933.

The total annual real estate tax loss to the District, if all the property is taken by the Federal Government will be \$784,916.

The Commissioners would also like to call attention to the fact that parts of the property in the taking areas are owned by the Government of the District of Columbia. The Commissioners therefore assume, since the Administrator is authorized to acquire by purchase or condemnation any property in the taking area, that the District will be compensated for any property belonging to it which is acquired by the Administrator.

While the Commissioners are understandably concerned by the considerable loss of tax revenues which would be occasioned by the enactment of H.R. 5404 or 5453, they nevertheless realize that enactment of such legislation would further a program to develop nationwide interest in the beauty of the Nation's Capital, and accordingly, the Commissioners have no objection to the enactment of either bill.

Time does not permit ascertaining the views of the Bureau of the Budget as to the relationship of this report to the program of the President.

Yours very sincerely,

ROBERT E. McLAUGHLIN,
President, Board of Commissioners, D.C.

Mr. JONES. Are there any further witnesses?

(No response.)

Mr. JONES. If not the committee will stand adjourned.

(Whereupon, at 10:15 a.m., the subcommittee adjourned.)

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TAB

MR ON call

Union Calendar No. 214

86TH CONGRESS
1ST SESSION

H. R. 7645

[Report No. 557]

IN THE HOUSE OF REPRESENTATIVES

JUNE 10, 1959

Mr. JONES of Alabama introduced the following bill; which was referred to the Committee on Public Works

JUNE 17, 1959

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Omit the part struck through and insert the part printed in *italic*]

A BILL

To provide for the construction, alteration, and acquisition of public buildings of the Federal Government, 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 That this Act may be cited as the "Public Buildings Act of
4 1959".

5 SEC. 2. No public building shall be constructed except
6 by the Administrator, who shall construct such public build-
7 ing in accordance with this Act.

8 SEC. 3. The Administrator is authorized to acquire, by
9 purchase, condemnation, donation, exchange, or otherwise,

★I

1 any building and its site which he determines to be neces-
2 sary to carry out his duties under this Act.

3 SEC. 4. (a) The Administrator is authorized to alter
4 any public building under his control, and to acquire in ac-
5 cordance with section 5 of this Act such land as may be
6 necessary to carry out such alteration.

7 (b) No approval under section 7 shall be required for
8 any alteration and acquisition authorized by this section the
9 estimated maximum cost of which does not exceed \$200,000.

10 SEC. 5. (a) The Administrator is authorized to acquire,
11 by purchase, condemnation, donation, exchange, or other-
12 wise, such lands or interests in lands as he deems necessary
13 for use as sites, or additions to sites, for public buildings
14 authorized to be constructed or altered under this Act.

15 (b) Whenever a public building is to be used in whole
16 or in part for post office purposes the Administrator shall
17 act jointly with the Postmaster General in selecting the
18 town or city wherein such building is to be constructed, and
19 in selecting the site in such town or city for such building.

20 (c) Whenever the Administrator is to acquire a site
21 under this section, he may, if he deems it necessary, solicit
22 by public advertisement, proposals for the sale, donation, or
23 exchange of real property to the United States to be used
24 as such site. In selecting a site under this section the
25 Administrator (with the concurrence of the Postmaster

1 General if the public building to be constructed thereon is to
2 be used in whole or in part for post office purposes) is
3 authorized to select such site as in his estimation is the most
4 advantageous to the United States, all factors considered, and
5 to acquire such site without regard to title III of the Federal
6 Property and Administrative Services Act of 1949, as
7 amended.

8 SEC. 6. (a) Whenever the Administrator deems it to
9 be in the best interest of the United States to construct a
10 new public building to take the place of an existing public
11 building, he is authorized to demolish the existing building
12 and to use the site on which it is located for the site of the
13 proposed public building, or, if in his judgment it is more
14 advantageous to construct such public building on a different
15 site in the same city, he is authorized to exchange such
16 building and site, or such site, for another site, or to sell
17 such building and site in accordance with the provisions of
18 the Federal Property and Administrative Services Act of
19 1949, as amended.

20 (b) Whenever the Administrator determines that a site
21 acquired for the construction of a public building is not suit-
22 able for that purpose, he is authorized to exchange such
23 site for another, or to sell it in accordance with the pro-
24 visions of the Federal Property and Administrative Services
25 Act of 1949, as amended.

1 (c) Nothing in this section shall be deemed to permit
2 the Administrator to use any land as a site for a public build-
3 ing if such project has not been approved in accordance with
4 section 7.

5 SEC. 7. (a) In order to insure the equitable distribu-
6 tion of public buildings throughout the United States with
7 due regard for the comparative urgency of need for such
8 buildings, except as provided in section 4, no appropriation
9 shall be made to construct any public building or to acquire
10 any building to be used as a public building involving an ex-
11 penditure in excess of \$100,000, and no appropriation shall
12 be made to alter any public building involving an expendi-
13 ture in excess of \$200,000, if such construction, alteration,
14 or acquisition has not been approved by resolutions
15 adopted by the Committee on Public Works of the Senate
16 and House of Representatives, respectively, and such
17 approval has not been rescinded as provided in subsec-
18 tion (c) of this section. For the purpose of securing con-
19 sideration of such approval the Administrator shall transmit
20 to Congress a prospectus of the proposed project, including
21 (but not limited to) —

22 (1) a brief description of the building to be con-
23 structed, altered, or acquired under this Act;

24 (2) the location of the project, and an estimate of
25 the maximum cost of the project;

1 (3) a comprehensive plan for providing space for
2 all Government officers and employees in the locality of
3 the proposed project, having due regard for suitable
4 space which may continue to be available in existing
5 Government-owned buildings and in rented buildings;

6 (4) a statement by the Administrator that suit-
7 able space owned by the Government is not available
8 and that suitable rental space is not available at a price
9 commensurate with that to be afforded through the pro-
10 posed action; and

11 (5) a statement of rents and other housing costs
12 currently being paid by the Government for Federal
13 agencies to be housed in the building to be constructed,
14 altered, or acquired.

15 (b) The estimated maximum cost of any project ap-
16 proved under this section as set forth in any prospectus may
17 be increased by an amount equal to the percentage increase,
18 if any, as determined by the Administrator, in construction
19 or alteration costs, as the case may be, from the date of
20 transmittal of such prospectus to Congress, but in no event
21 shall the increase authorized by this subsection exceed 10
22 per centum of such estimated maximum cost.

23 (c) In the case of any project approved for construc-
24 tion, alteration, or acquisition by the Committees on Public
25 Works of the Senate and of the House of Representatives,

1 respectively, in accordance with subsection (a) of this sec-
2 tion, for which an appropriation has not been made within
3 one year after the date of such approval, either the Com-
4 mittee on Public Works of the Senate or the Committee on
5 Public Works of the House of Representatives, may rescind,
6 by resolution, its approval of such project at any time there-
7 after before such an appropriation has been made.

8 (d) The Committees on Public Works of the Senate
9 and of the House of Representatives, respectively, shall not
10 approve any project for construction, alteration, or acqui-
11 sition under subsection (a) of this section whenever there
12 are thirty or more projects the estimated maximum cost
13 of each of which is in excess of ~~\$200,000~~ \$100,000 which
14 have been approved for more than one year under sub-
15 section (a) but for which appropriations have not been
16 made, until there has been a rescission of approval under
17 subsection (c) or appropriations are made which result
18 in there being less than thirty such projects.

19 SEC. 8. (a) In carrying out his duties under this Act,
20 the Administrator shall acquire real property within the
21 District of Columbia exclusively within (1) the area bounded
22 by E Street, New York Avenue, and Pennsylvania Avenue,
23 Northwest, on the north; Delaware Avenue, Southwest, on
24 the east; Virginia Avenue and Maryland Avenue projected

1 in a straight line to the Tidal Basin, Southwest, on the south;
2 and the Potomac River on the west (including properties
3 within said area belonging to the District of Columbia; but
4 excluding those portions of squares 267, 268, and 298 not
5 belonging to the District of Columbia, the square known as
6 South of 463, all of square 493, lots 16, 17, 20, and 21,
7 and 808 in square 536, and lots 16 and 45 in square 635);
8 and (2) the areas designated as squares 11, 19, 20, 32, 33,
9 44, 59, and 167, all of said areas being within the District
10 of Columbia.

11 (b) The purposes of this Act shall be carried out in the
12 District of Columbia as nearly as may be practicable in
13 harmony with the plan of Peter Charles L'Enfant and such
14 public buildings shall be so constructed or altered as to com-
15 bine architectural beauty with practical utility.

16 (c) Whenever in constructing or altering a public build-
17 ing under this Act in the District of Columbia the Adminis-
18 trator determines that such construction or alteration requires
19 the utilization of contiguous squares as a site for such build-
20 ing, such portions of streets as lie between such squares and
21 such alleys as intersect such squares are authorized to be
22 closed and vacated if such closing and vacating is mutually
23 agreed to by the Administrator, the Board of Commissioners
24 of the District of Columbia, and the National Capital Plan-

1 ning Commission. The portions of such streets and alleys so
2 closed and vacated shall thereupon become part of such
3 site.

4 SEC. 9. The Administrator is authorized to carry out
5 any construction or alteration authorized by this Act by con-
6 tract, if he deems it to be most advantageous to the United
7 States.

8 SEC. 10. (a) The Administrator whenever he determines
9 it to be necessary, is authorized to employ, by contract or
10 otherwise, and without regard to the Classification Act of
11 1949, as amended, or to the civil service laws, rules, and
12 regulations, or to section 3709 of the Revised Statutes, the
13 services of established architectural or engineering corpora-
14 tions, firms, or individuals, to the extent he may require such
15 services for any public building authorized to be constructed
16 or altered under this Act.

17 (b) No corporation, firm, or individual shall be em-
18 ployed under authority of subsection (a) on a permanent
19 basis.

20 (c) Notwithstanding any other provision of this section
21 the Administrator shall be responsible for all construction
22 authorized by this Act, including the interpretation of con-
23 struction contracts, the approval of materials and workman-
24 ship supplied pursuant to a construction contract, approval

1 of changes in the construction contract, certification of
2 vouchers for payments due the contractor, and final settle-
3 ment of the contract.

4 SEC. 11. (a) The Administrator shall submit to Con-
5 gress each January, promptly after the convening of Con-
6 gress, a report showing the location, space, cost, and status,
7 of each public building the construction, alteration, or
8 acquisition of which is to be under authority of this Act and
9 which was uncompleted as of the date of the last preceding
10 report made under this Act.

11 (b) The Administrator and the Postmaster General are
12 hereby authorized and directed to make such building project
13 surveys as may be requested by resolution by either the
14 Committee on Public Works of the Senate or the Committee
15 on Public Works of the House of Representatives, and with-
16 in a reasonable time shall make a report thereon to the
17 Congress. Such report shall contain all other information
18 required to be included in a prospectus of the proposed pub-
19 lic building project under section 7 (a) of this Act.

20 SEC. 12. (a) The Administrator is authorized and di-
21 rected to make a continuing investigation and survey of
22 the public buildings needs of the Federal Government in
23 order that he may carry out his duties under this Act, and,

1 as he determines necessary, to submit to Congress pro-
2 pectuses of proposed projects in accordance with section
3 7 (a) of this Act.

4 (b) In carrying out his duties under this Act the
5 Administrator shall cooperate with all Federal agencies
6 in order to keep informed of their needs, shall advise each
7 such agency of his program with respect to such agency,
8 and may request the cooperation and assistance of each
9 Federal agency in carrying out his duties under this Act.
10 Each Federal agency shall cooperate with, advise, and
11 assist the Administrator in carrying out his duties under
12 this Act as determined necessary by the Administrator to
13 carry out the purposes of this Act.

14 (c) The Administrator in carrying out his duties
15 under this Act shall provide for the construction and acquisi-
16 tion of public buildings equitably throughout the United
17 States with due regard to the comparative urgency of the
18 need for each particular building.

19 SEC. 13. As used in this Act—

20 ~~(1)~~ The term "public building" means any building,
21 whether for single or multitenant occupancy, its grounds,
22 approaches, and appurtenances, which is necessary for the
23 functioning of a Federal agency; but shall not include build-
24 ings ~~(A)~~ on the public domain (including that reserved for
25 national forests and other purposes); ~~(B)~~ on properties

11

1 of the United States in foreign countries, ~~(C)~~ on Indian
2 and native Eskimo properties held in trust by the United
3 States, ~~(D)~~ used as a part of Federal programs for agri-
4 cultural, recreational, and conservation purposes, including
5 research in connection therewith, ~~(E)~~ on or used in con-
6 nection with river, harbor, flood control, reclamation, power,
7 and chemical manufacturing or developing projects, ~~(F)~~
8 housing and residential projects, ~~(G)~~ on military installa-
9 tions (including any fort, camp, post, naval training station,
10 airfield, proving ground, military supply depot, military
11 school, or any similar facility of the Department of Defense);
12 and ~~(H)~~ used by the Veterans' Administration for hos-
13 pital or domiciliary purposes on installations under its juris-
14 diction, or to other buildings on such installations; and shall
15 not include any other building the exclusion of which the
16 President may deem, from time to time hereafter, to be
17 justified in the public interest.

18 (1) *The term "public building" means any building,*
19 *whether for single or multitenant occupancy, its grounds,*
20 *approaches, and appurtenances, which is generally suitable*
21 *for office or storage space or both for the use of one or more*
22 *executive agencies or mixed ownership corporations, and shall*
23 *include: (i) Federal office buildings, (ii) post offices, (iii)*
24 *customhouses, (iv) courthouses, (v) appraisers stores, (vi)*
25 *border inspection facilities, (vii) warehouses, (viii) record*

1 centers, (ix) relocation facilities, and (x) similar Federal
2 facilities, and (xi) any other buildings or construction proj-
3 ects the inclusion of which the President may deem, from time
4 to time hereafter, to be justified in the public interest; but
5 shall not include any such buildings and construction proj-
6 ects: (A) on the public domain (including that reserved
7 for national forests and other purposes), (B) on properties
8 of the United States in foreign countries, (C) on Indian
9 and native Eskimo properties held in trust by the United
10 States, (D) on lands used in connection with Federal pro-
11 grams for agricultural, recreational, and conservation pur-
12 poses, including research in connection therewith, (E) on or
13 used in connection with river, harbor, flood control, reclama-
14 tion, power, chemical manufacturing or development proj-
15 ects, (F) on or used in connection with housing and resi-
16 dential projects, (G) on military installations (including
17 any fort, camp, post, naval training station, airfield, prov-
18 ing ground, military supply depot, military school, or any
19 similar facility of the Department of Defense), (H) on Vet-
20 erans' Administration installations used for hospital or
21 domiciliary purposes, and (I) the exclusion of which the
22 President may deem, from time to time hereafter, to be justi-
23 fied in the public interest.

24 (2) The term "Administrator" means the Administra-
25 tor of General Services.

1 (3) The term "Federal agency" means any executive
2 agency or any establishment in the legislative or judicial
3 branch of the Government (except the Senate, the House of
4 Representatives, and the Architect of the Capitol and any
5 activities under his direction).

6 (4) The term "executive agency" means any executive
7 department or independent establishment in the executive
8 branch of the Government including any wholly owned
9 Government corporation and including (A) the Central
10 Bank for Cooperatives and the regional banks for coopera-
11 tives, (B) Federal land banks, (C) Federal intermediate
12 credit banks, (D) Federal home loan banks, (E) Federal
13 Deposit Insurance Corporations, and (F) the Federal Na-
14 tional Mortgage Association.

15 (5) The term "alter" includes repairing, remodeling,
16 improving, or extending or other changes in a public
17 building.

18 (6) The terms "construct" and "alter" include prelimi-
19 nary planning, engineering, architectural, legal, fiscal, and
20 economic investigations and studies, surveys, designs, plans,
21 working drawings, specifications, procedures, and other sim-
22 ilar actions necessary for the construction or alteration, as
23 the case may be, of a public building.

24 (7) The term "United States" includes the several

1 States, the District of Columbia, the Territory of Hawaii,
2 and the Commonwealth of Puerto Rico.

3 SEC. 14. This Act shall not apply to the construction of
4 any public building—

5 (1) for which an appropriation for construction is
6 made out of the \$500,000 made available for construc-
7 tion of small public building projects outside the District
8 of Columbia pursuant to the Public Buildings Act of
9 May 25, 1926, as amended, in the third paragraph, or
10 for which an appropriation is made in the fourth, sixth,
11 seventh, and eighth paragraphs, under the heading
12 "GENERAL SERVICES ADMINISTRATION" in title I of the
13 Independent Offices Appropriation Act, 1959,

14 (2) which is a project referred to in the first pro-
15 viso of the fifth paragraph under the heading "GENERAL
16 SERVICES ADMINISTRATION" in title I of the Inde-
17 pendent Offices Appropriation Act, 1959,

18 (3) for which an appropriation for direct construc-
19 tion by an executive agency other than the General
20 Services Administration of a specified public building
21 has been made before the date of enactment of this Act.

22 SEC. 15. The performance, in accordance with stand-
23 ards established by the Administrator of General Services,
24 of the responsibilities and authorities vested in him under
25 this Act shall, *except for the authority contained in section 4,*

1 upon request, be delegated to the appropriate executive
2 agency where the estimated cost of the project does not ex-
3 ceed ~~\$200,000~~ \$100,000, and may be delegated to the ap-
4 propriate executive agency where the Administrator deter-
5 mines that such delegation will promote efficiency and
6 economy. No delegation of responsibility or authority made
7 under this section shall exempt the person to whom such
8 delegation is made, or the exercise of such responsibility or
9 authority, from any other provision of this Act.

10 SEC. 16. Nothing contained in this Act shall be con-
11 strued to limit or repeal—

12 (1) existing authorizations for the leasing of build-
13 ings by and for the use of the General Services Adminis-
14 tration or the Post Office Department, or

15 (2) the authorization for the improvement of public
16 buildings contained in title III of the Act entitled "An
17 Act to establish a postal policy, to adjust postal rates,
18 to adjust the compensation of postal employees, and for
19 other purposes", approved May 27, 1958 (72 Stat. 134;
20 39 U.S.C., secs. 1071, 1075).

21 SEC. 17. The following provisions of law are repealed
22 except as to their application to any project referred to in
23 section 14:

24 (1) The first sentence of section 6 of the Act entitled
25 "An Act making appropriations to provide for the expenses

1 of the government of the District of Columbia for the fiscal
2 year ending June thirtieth, nineteen hundred and seventeen,
3 and for other purposes", approved September 1, 1916 (40
4 U.S.C. 23).

5 (2) The first sentence of the last paragraph under the
6 side heading "LIGHTING AND HEATING FOR THE PUBLIC
7 GROUNDS" under the subheading "UNDER ENGINEER DE-
8 PARTMENT" under the heading "UNDER THE WAR
9 DEPARTMENT" in the Act entitled "An Act making ap-
10 propriations for sundry civil expenses of the Government for
11 the fiscal year ending June thirtieth, nineteen hundred and
12 twelve, and for other purposes", approved March 4, 1911
13 (40 U.S.C. 24).

14 (3) The proviso in the sixth paragraph under the side
15 heading "In the Office of the Comptroller of the Currency"
16 under the heading "TREASURY DEPARTMENT" in
17 the Act entitled "An Act making additional Appropriations
18 and to supply the Deficiencies in the Appropriations for the
19 Service of the Government for the fiscal Years ending June
20 thirty, eighteen hundred and seventy, and June thirty,
21 eighteen hundred and seventy-one, and for other Purposes",
22 approved July 15, 1870 (40 U.S.C. 32).

23 (4) Section 9 of the Act entitled "An Act making
24 appropriations for sundry civil expenses of the Government
25 for the fiscal year ending June thirtieth, nineteen hundred

1 and eight, and for other purposes", approved March 4,
2 1907, as amended (40 U.S.C. 33).

3 (5) That part of the fourth from last paragraph under
4 the subheading "BUILDINGS AND GROUNDS IN AND AROUND
5 WASHINGTON" under the heading "UNDER THE WAR
6 DEPARTMENT" in the Act entitled "An Act making
7 appropriations for sundry civil expenses of the government
8 for the fiscal year ending June thirtieth, eighteen hundred
9 and eighty-four, and for other purposes", approved March
10 3, 1883 (40 U.S.C. 59), as reads "; and all officers in
11 charge of public buildings in the District of Columbia shall
12 cause the flow of water in the buildings under their charge
13 to be shut off from five o'clock postmeridian to eight o'clock
14 antemeridian: *Provided*, That the water in said public
15 buildings is not necessarily in use for public business".

16 (6) Section 2 of the Act entitled "An Act to authorize
17 the Secretary of the Treasury to suspend work upon the
18 public buildings", approved June 23, 1874, as amended
19 (40 U.S.C. 254).

20 (7) The thirty-first and thirty-second paragraphs under
21 the subheading "PUBLIC BUILDINGS" under the heading
22 "UNDER THE TREASURY DEPARTMENT" in
23 the Act entitled "An Act making appropriations for sundry
24 civil expenses of the Government for the fiscal year ending
25 June thirtieth, eighteen hundred and ninety, and for other

1 purposes", approved March 2, 1889, as amended (40 U.S.C.
2 260 and 268).

3 (8) The fifth from the last paragraph under the sub-
4 heading "PUBLIC BUILDINGS" under the heading "UNDER
5 THE TREASURY DEPARTMENT" in the Act en-
6 titled "An Act making appropriations for sundry civil ex-
7 penses of the Government for the fiscal year ending June
8 thirtieth, nineteen hundred and ten, and for other purposes",
9 approved March 4, 1909, as amended (40 U.S.C. 262).

10 (9) The proviso in the fortieth paragraph under the
11 subheading "PUBLIC BUILDINGS" under the heading
12 "UNDER THE TREASURY DEPARTMENT" in the
13 Act entitled "An Act making appropriations for sundry
14 civil expenses of the government for the fiscal year ending
15 June thirtieth, eighteen hundred and eighty-three, and for
16 other purposes", approved August 7, 1882, as amended (40
17 U.S.C. 263).

18 (10) The proviso in the last paragraph of section 5 of
19 the Act entitled "An Act to increase the limit of cost of cer-
20 tain public buildings, to authorize the enlargement, exten-
21 sion, remodeling, or improvement of certain public buildings,
22 to authorize the erection and completion of public buildings,
23 to authorize the purchase of sites for public buildings, and
24 for other purposes", approved March 4, 1913 (40 U.S.C.
25 264).

1 (11) Section 35 of the Act entitled "An Act to increase
2 the limit of cost of certain public buildings, to authorize the
3 enlargement, extension, remodeling, or improvement of cer-
4 tain public buildings, to authorize the erection and comple-
5 tion of public buildings, to authorize the purchase of sites for
6 public buildings, and for other purposes", approved June
7 25, 1910, as amended (40 U.S.C. 265).

8 (12) Section 3734 of the Revised Statutes of the United
9 States, as amended (40 U.S.C. 267).

10 (13) The last paragraph under the subheading "PUB-
11 LIC BUILDINGS" under the heading "UNDER THE TREAS-
12 URY DEPARTMENT" in the Act entitled "An Act mak-
13 ing appropriations for sundry civil expenses of the Gov-
14 ernment for the fiscal year ending June thirtieth, eighteen
15 hundred and ninety six, and for other purposes", approved
16 March 2, 1895, as amended (40 U.S.C. 274).

17 (14) The second and fourth provisos in the paragraph
18 with the side heading "Furniture and repairs of furniture"
19 under the subheading "PUBLIC BUILDINGS, OPERATING EX-
20 PENSES" under the heading "TREASURY DEPART-
21 MENT" in the Act entitled "An Act making appropriations
22 for sundry civil expenses of the Government for the fiscal
23 year ending June thirtieth, nineteen hundred and seventeen,
24 and for other purposes", approved July 1, 1916, as amended
25 (40 U.S.C. 275 and 282).

1 (15) The fourth from the last paragraph under the sub-
2 heading "PUBLIC BUILDINGS" under the heading "UNDER
3 THE TREASURY DEPARTMENT" in the Act entitled
4 "An Act making appropriations for sundry civil expenses of
5 the Government for the fiscal year ending June thirtieth,
6 nineteen hundred and one, and for other purposes", approved
7 June 6, 1900, as amended (40 U.S.C. 276).

8 (16) That part of the proviso in the last paragraph
9 under the subheading "PUBLIC BUILDINGS" under the head-
10 ing "UNDER THE TREASURY DEPARTMENT" in
11 the Act entitled "An Act making appropriations for sundry
12 civil exepenses of the Government for the fiscal year ending
13 June thirtieth, eighteen hundred and ninety-three, and for
14 other purposes", approved August 5, 1892, as amended (40
15 U.S.C. 277), which reads ": nor shall there hereafter be paid
16 more than six dollars per day to any person employed out-
17 side of the District of Columbia, in any capacity what-
18 ever, whose compensation is paid from appropriations for
19 public buildings in course of construction, but the Secretary
20 of the Treasury may, in his discretion, authorize payment in
21 cities of eighty thousand or more inhabitants of a sum not ex-
22 ceeding eight dollars per day for such purposes".

23 (17) So much of the eighth from the last paragraph
24 under the subheading "PUBLIC BUILDINGS" under the head-
25 ing "UNDER THE TREASURY DEPARTMENT" in

1 the Act entitled "An Act making appropriations for sundry
2 civil expenses of the Government for the fiscal year ending
3 June thirtieth, eighteen hundred and eighty-eight, and for
4 other purposes", approved March 3, 1887, as amended (40
5 U.S.C. 278) as reads ", and hereafter where public buildings
6 shall be completed with the exception of heating apparatus
7 and approaches but one person shall be employed by the
8 Government for the supervision and care of such building".

9 (18) Titles I and III and sections 401 and 406 of
10 the Public Buildings Act of 1949 (40 U.S.C. 352, 353,
11 354, 297, 297a, 298, and 298c).

12 (19) Except for sections 3 and 8, all of the Act en-
13 titled "An Act to provide for the construction of certain
14 public buildings, and for other purposes", approved May 25,
15 1926, as amended (40 U.S.C. 341 and the following).

16 (20) The proviso in the next to last paragraph under
17 the subheading "MISCELLANEOUS PUBLIC BUILDING PROJ-
18 ECTS" under the heading "TREASURY DEPARTMENT"
19 in the Act entitled "An Act making appropriations to supply
20 deficiencies in certain appropriations for the fiscal year end-
21 ing June 30, 1928, and prior fiscal years, to provide supple-
22 mental appropriations for the fiscal year ending June 30,
23 1928, and for other purposes", approved December 22,
24 1927 (40 U.S.C. 342a).

25 (21) Section 3 of the Act entitled "An Act authorizing

1 the Secretary of the Treasury to acquire certain lands
2 within the District of Columbia to be used as sites for public
3 buildings", approved January 13, 1928, as amended (40
4 U.S.C. 348).

5 (22) Subsections (c) and (e) of the Act entitled "An
6 Act To amend the Act entitled 'An Act to provide for the
7 construction of certain public buildings, and for other pur-
8 poses,' approved May 25, 1926 (Forty-fourth Statutes,
9 page 630) ; the Act entitled 'An Act to amend section 5 of
10 the Act entitled "An Act to provide for the construction of
11 certain public buildings, and for other purposes," approved
12 May 25, 1926,' dated February 24, 1928 (Forty-fifth Stat-
13 utes, page 137) ; and the Act entitled 'An Act authorizing the
14 Secretary of the Treasury to acquire certain land within the
15 District of Columbia to be used as space for public buildings,'
16 approved January 13, 1928 (Forty-fifth Statutes, page 51) ",
17 approved March 31, 1930, as amended (40 U.S.C. 349 and
18 350a).

19 (23) The Act entitled "An Act To authorize the Secre-
20 tary of the Treasury to accept donations of sites for public
21 buildings", approved June 27, 1930, as amended (40
22 U.S.C. 350).

Union Calendar No. 214

86TH CONGRESS
1ST SESSION

H. R. 7645

[Report No. 557]

A BILL

To provide for the construction, alteration, and acquisition of public buildings of the Federal Government, and for other purposes.

By Mr. JONES of Alabama

JUNE 10, 1959

Referred to the Committee on Public Works

JUNE 17, 1959

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

TAB

86TH CONGRESS } HOUSE OF REPRESENTATIVES } REPORT
1st Session } } No. 557

PUBLIC BUILDINGS ACT OF 1959

JUNE 17, 1959.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. JONES of Alabama, from the Committee on Public Works, submitted the following

REPORT

[To accompany H.R. 7645]

The Committee on Public Works, to whom was referred the bill (H.R. 7645) to provide for the construction, alteration, and acquisition of public buildings of the Federal Government, and for other purposes, having considered the same, report favorably thereon with amendments and recommend that the bill as amended do pass.

The amendments are as follows:

Page 6, line 13, strike out "\$200,000" and insert in lieu thereof "\$100,000".

Page 10, strike out line 20 and all that follows down through and including line 17 on page 11 and insert the following:

(1) The term "public building" means any building, whether for single or multitenant occupancy, its grounds, approaches, and appurtenances, which is generally suitable for office or storage space or both for the use of one or more executive agencies or mixed ownership corporations, and shall include: (i) Federal office buildings, (ii) post offices, (iii) customhouses, (iv) courthouses, (v) appraisers stores, (vi) border inspection facilities, (vii) warehouses, (viii) record centers, (ix) relocation facilities, (x) similar Federal facilities, and (xi) any other buildings or construction projects the inclusion of which the President may deem, from time to time hereafter, to be justified in the public interest; but shall not include any such buildings and construction projects: (A) on the public domain (including that reserved for national forests and other purposes), (B) on properties of the United States in foreign countries, (C) on Indian and native Eskimo properties held in trust by the

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United States, (D) on lands used in connection with Federal programs for agricultural, recreational, and conservation purposes, including research in connection therewith, (E) on or used in connection with river, harbor, flood control, reclamation, power, chemical manufacturing or development projects, (F) on or used in connection with housing and residential projects, (G) on military installations (including any fort, camp, post, naval training station, airfield, proving ground, military supply depot, military school, or any similar facility of the Department of Defense), (H) on Veterans' Administration installations used for hospital or domiciliary purposes, and (I) the exclusion of which the President may deem, from time to time hereafter, to be justified in the public interest.

Page 13, line 18, immediately after "shall," insert "except for the authority contained in section 4,".

Page 13, line 20, strike out "\$200,000." and insert in lieu thereof the following:

\$100,000, and may be delegated to the appropriate executive agency where the Administrator determines that such delegation will promote efficiency and economy. No delegation of responsibility or authority made under this section shall exempt the person to whom such delegation is made, or the exercise of such responsibility or authority, from any other provision of this Act.

COMMITTEE ACTION

This report represents the unanimous views of the Committee on Public Works, and the committee urges the immediate enactment of this much-needed legislation.

PURPOSE OF THE BILL

The primary purpose of H.R. 7645 is to provide the basic statute which would vest in the Administrator of General Services authority and responsibility for acquiring, constructing, altering, repairing, remodeling, improving, or extending public buildings and acquiring the necessary sites or additions to sites in connection therewith. The bill provides authority needed by the Administrator of General Services to carry out his responsibilities with respect to public buildings in an economical and efficient manner.

GENERAL STATEMENT

The committee has made a thorough study of the various laws on the subject of public buildings which have been enacted in the past 55 years as discussed in detail hereafter in the report. Existing legislation relating to the acquisition and construction of public buildings is a patchwork of measures dating back to June 6, 1902, when the first overall act was passed by the Congress. However, the present basic authority for the appropriation of funds for direct construction of public buildings stems largely from the Public Buildings Act of 1926 and its many amendments.

The committee recognizes that present laws touch on the subject of real property management, including public buildings acquisitions and construction, but that no fundamental concept in this area has been developed; and that, although the Administrator of General Services appears to have far-reaching responsibilities in this connection, his authority to accomplish these responsibilities is unclear and diffused. At the present time all of the authorizations for appropriations for public buildings which were contained in the Public Buildings Act of 1926 and its amendments have been exhausted. Therefore, no further public building construction can take place until Congress enacts necessary authorization for that construction.

In recent years, authorizations for the construction of several public buildings of the classes and types which were clearly the responsibility of the Administrator of General Services have been granted by Congress to the agencies concerned, bypassing the Administrator of General Services. As a result, there has been no orderly or systematic approach to the provision of general purpose public buildings. Enactment of H.R. 7645 would return to the jurisdiction of the Administrator of General Services responsibility for authorizing general purpose and related classes of public buildings required to accommodate the various activities of the Government. The bill provides continuing and permanent authority for carrying out a program for the repair, remodeling, improving, and extending of public buildings of the classes under the control of the General Services Administration. Special purpose facilities closely related to the program activities of the various departments and agencies of the Federal Government are not encompassed by the bill. The committee has studiously avoided infringing or trespassing on the jurisdiction of any other legislative committee in this bill.

Enactment of H.R. 7645 would in the estimation of the committee facilitate the construction, at the least possible cost, of public buildings in communities throughout the Nation where an urgent need has been apparent for some years.

HISTORY OF PUBLIC BUILDING CONSTRUCTION LAWS

The committee believes a history of public buildings construction in the United States will serve to round out this report.

For many years after the founding of the Nation, no steps were taken to establish, by law, a department or bureau responsible for providing public buildings. As the need for public buildings developed, the Secretary of the Treasury was made legally responsible from time to time for the construction of customhouses, Marine hospitals, mints, assay offices, appraisers stores, and courthouses. Until about 1853, no uniform method was observed in the design and construction of public buildings. By that time the United States owned 23 customhouses and 18 Marine hospitals while 15 customhouses were in the course of construction. The problem had reached the point where centralized control over the construction and maintenance of such structures was desirable.

That year the Secretary of the Treasury established a unit in the Treasury Department that was called the Construction Branch. Its duties included the selection of sites for all buildings under the Treasury Department; procuring of release of jurisdiction from States in which sites were situated; the making of plans and estimates for

customhouses, mints and Marine hospitals; and the general supervision of their construction. The Construction Branch existed without appropriate legal status, but received indirect recognition by legislation authorizing the employment of certain officers and clerks. Prior to 1853 and up to 1891, there were a number of salient legislative enactments affecting acquisition of sites and construction of buildings. These included the acts of September 11, 1841; July 25, 1868; July 15, 1870; June 10, 1872; June 23, 1874; March 3, 1875; March 3, 1879; August 7, 1882; March 3, 1883; March 3, 1887; March 2, 1889; and March 3, 1891.

In 1885 the supervising architect recommended the establishment of a Board of Public Buildings of the Treasury Department to consist of, or include, technical experts and suggested, also, competitions for the design and construction of buildings. In 1891, the supervising architect made further recommendations relative to the advertisements for sites, personal inspection of property and agents, and the permanent employment of construction superintendents to supervise construction of public buildings. Previously, local superintendents had been engaged on a per diem basis. At the same time the complaint was made that the Congress failed to use the supervising architect's data as the basis for authorizations and appropriations for public buildings and that, instead, it haphazardly passed bills for public buildings whether needed or not.

OMNIBUS BUILDING ACTS

On June 6, 1902, the first of the so-called Omnibus Buildings Act was approved. Previous to that time, usually a separate bill had been cast into the legislative hopper for each new project; rarely did the bill include more than three projects. The act of 1902 provided for increased limits for cost on more than 60 buildings and authorized approximately 150 new projects.

The last of the omnibus bills was passed on March 4, 1913. It provided for a program of \$41,797,350. It authorized an increase in limits of costs of many projects and a substantial number of new projects. It provided for 399 buildings in all categories. The final section of the last omnibus bill of March 4, 1913, is significant; the Congress was beginning to have a forward-looking conception of the design and construction of Federal buildings.

The section provided for the creation of a Commission composed of the Secretary of the Treasury, the Postmaster General and the Attorney General, two members of the Committee on Public Buildings and Grounds of the Senate and two members of the Committee on Public Buildings and Grounds of the House of Representatives. This Commission, with the aid of the supervising architect of the Treasury, was directed to present to Congress a plan of annual appropriations for the construction and completion of public buildings. Within a reasonable time the Commission was to establish standards for the size and costs of public buildings. It was to report on the size and accommodations and costs of buildings required in the various communities and recommend whether existing appropriations for such buildings should be increased or decreased. The creation of this commission was extremely significant for it was the first attempt by Congress to set up actual standards in dealing with the overall construction of public buildings.

WORLD WAR I AND 1926 ACT

The entire building construction program was suspended for all practical purposes as a result of World War I. For a number of years after World War I repeated requests for space were made by the departments and other governmental agencies throughout the country. The housing situation for Federal agencies became acute. In a message to Congress, dated December 9, 1925, President Coolidge dealt with the need for new public buildings to help in economical and efficient conduct in the Nation's business. He pointed out that: "No public buildings bill has been enacted since before the war." The bill enacted as the result of the concentrated interest during the years from 1920 to 1926 was the Public Buildings Act of May 25, 1926. This is the basic authority for direct appropriation construction today.

This act carried a total authorization of \$115 million, for buildings outside the District of Columbia and \$50 million, for buildings inside the District of Columbia. It assembled much of the worthwhile legislation that had been enacted from time to time in the past for the construction of public buildings. The Secretary of the Treasury was directed to submit annually to the Bureau of the Budget and from time to time as might be required, detailed estimates of the amount to be expended during the fiscal year. These estimates were to state the location and the limits of costs of the buildings proposed. The Secretary of the Treasury was directed to allocate the amount to be expended in the different States on the basis of area, population, and postal receipts. He was required, also, to submit an annual report to Congress showing the location and limits of costs of all public buildings which he, and the Postmaster General (when his Department was involved) deemed necessary.

The Public Buildings Act of May 25, 1926, is based on sound fundamental principles. The successful operations of the Public Buildings Administration under its provisions and under the number of amendatory acts approved within the next few years are ample proof of its basic soundness.

EMERGENCY BUILDING LEGISLATION

In the latter part of 1929 the Nation was plunged into a period of depression, and, as a result, an emergency construction program was set up by the Congress. The 1st session of the 72d Congress met on December 7, 1931, in the midst of this depression. To effect economies in Government expenditures, President Hoover did not transmit to Congress any estimates for further Federal construction, and the entire building program came to a halt.

The first congressional enactment for the relief of unemployment, at that time, was to provide for the expansion of the public works program by Public Law 302, 72d Congress, 1st session, approved July 21, 1932. Under title III, public works, section 301(a), item 10, this provision was made:

For emergency construction of public building projects outside the District of Columbia (including the acquisition where necessary, by purchase, condemnation, or otherwise, of sites and additional land for such buildings, the demolition of old buildings where necessary, and the construction, re-

modeling, or extension of buildings), such projects to be selected by the Secretary of the Treasury and the Postmaster General from public building projects specified in House Document No. 788, 71st Congress, 3d session, \$100,000.

In section (4) of the act entitled "An act for the relief of unemployment through the performance of useful public works and for other purposes," approved March 31, 1933, Public Law 5, 73d Congress, the President was authorized to expend, out of any unobligated moneys previously appropriated for public works, such sums as might be necessary to carry out the so-called Reforestation Act. Under this authority the President transferred from the predecessor of the Public Buildings Administration to PWA all but approximately \$7 million of the \$100 million appropriated in the act of July 21, 1932.

After the passage of the National Industrial Recovery Act (June 16, 1933) all agencies requiring funds for public works were directed to secure such funds from the Administrator of the Federal Emergency Administration for Public Works. From that source a total of \$70,366,275 was allotted for Federal building construction, substantially all of which was obligated and expended.

On June 19, 1934, Congress appropriated \$65 million for acquisition of sites and construction of buildings and stipulated that \$2,500,000 should be made available by the Public Works Administration to the Treasury Department. This latter fund was to be used at the discretion of the Secretary of the Treasury as an available fund from which the original limit of cost could be increased to an amount not exceeding 10 percent for any one building, in order to make it possible to enter into a contract for the construction of a building.

The first emergency program was followed by a second of \$60 million on August 12, 1935, and a third of \$60 million on June 22, 1936. On August 25, 1937, a further legislative authorization of \$70 million was granted, the expenditures under this act to extend over a period of 3 years. This authorization was expanded on June 21, 1938, to \$130 million. Due to changes in space requirements and costs, a number of projects included in previous reports required increases in limits of costs and this was taken care of by the Second Deficiency Appropriation Act of 1940. Increased limits of costs were authorized for 34 projects and the total authorization of \$130 million in the Federal Buildings Appropriations Act of 1938, was increased to \$133,500,000.

In total, during this period, Congress directly authorized the sum of \$318,500,000 to the Public Buildings Administration, or its predecessors, under the several emergency construction acts. The Public Buildings Administration, or that organization under its previous title, Public Buildings Branch, Procurement Division, was always careful to live within the scope of the act of May 25, 1926, except as the authority of that act was broadened in the emergency appropriations acts.

LEGISLATION AFTER WORLD WAR II

With the advent of World War II in 1939, the entire building program came to a halt. Practically no construction outside of an emergency program was entered into during the period following the year 1939. By the year 1949, the building construction program insofar as Federal work was concerned had produced nothing of importance

during the previous 10-year period. At the same time, from 1939 to 1949, the activities of the Government expanded by leaps and bounds, paralleling the tremendous increase in the Nation's business activities, complete with an above normal increase in population during the war and postwar years. As a result, the Federal Government found itself with a highly inadequate physical establishment to carry on its multitude of activities in an efficient and businesslike manner. In 1949, the Congress enacted the Public Buildings Act of 1949, known as Public Law 105 of the 81st Congress, and it further enacted Public Law 152 of the 81st Congress. Public Law 105, in essence, provided as follows: An authorization of \$40 million for acquisition of sites and preparation of plans for Federal public buildings outside the District of Columbia, and \$30 million for improvement of existing federally owned buildings.

Public Law 152 created the General Services Administration headed by an Administrator, appointed by the President with the advice and consent of the Senate. The Federal Works Agency, the Public Buildings Administration, and the Office of Commissioner of Public Buildings, among others, were abolished and their functions were transferred to the General Services Administration.

The last significant change in public buildings construction law came about in 1954, when the Congress enacted the so-called lease-purchase program (Public Law 519, 83d Cong.). That law authorized a program for the construction of public buildings financed by private capital on a 10- to 25-year deferred payment basis, title to the improvement remaining in the private owner during the deferred payment period. At the end of this period, title passed to the Government. Under this act, 29 public buildings have been or are being constructed. The Lease Purchase Act expired July 22, 1957. The program was brought to a further halt with the enactment of the Independent Offices Appropriation Act, 1959 (Public Law 85-844, 72 Stat. 1063), which contained a provision prohibiting execution of any further purchase contracts.

SECTION-BY-SECTION EXPLANATION OF H.R. 7645

First section

The first section provides the short title for the bill of the "Public Buildings Act of 1959".

Section 2

The second section provides that the Administrator of General Services shall be the officer of the Government who shall construct public buildings, prohibits the construction of public buildings except by the Administrator, and further directs that he shall construct such buildings in accordance with the provisions of this bill.

Section 3

The third section authorizes the Administrator to acquire any building and its site which he determines to be necessary to carry out his duties under the bill. The Administrator is authorized to acquire any such building by purchase, condemnation, donation, exchange, or any other fashion which would result in the United States becoming the owner of the property.

Section 4

Subsection (a) of the fourth section grants the Administrator the authority to alter any public building which is under his control. He is also authorized to acquire any land which may be necessary to carry out this alteration.

Subsection (b) of this section exempts from the committee approval required in section 7 of the bill any alteration, including any necessary acquisition of land needed to carry out the alteration, the total estimated maximum cost of which does not exceed \$200,000.

Section 5

The fifth section deals generally with site acquisition.

Subsection (a) of this section authorizes the Administrator to acquire necessary lands or interests therein for use as sites or addition to sites for public buildings to be constructed or altered under this bill. He can acquire these lands by purchase, condemnation, donation, exchange, or otherwise.

Subsection (b) requires the Administrator and the Postmaster General to act jointly in selecting both the general location (that is the city or town) and the specific location (within the particular city or town) of the site for a public building to be used in whole or in part for post office purposes.

Subsection (c) permits the Administrator, when he deems it necessary, to solicit by public advertisement, proposals for sale or donation or exchange of real property to the United States for use as a site for a public building. He is also authorized to select the site most advantageous to the United States, considering all of the factors involved (acting in concurrence with the Postmaster General in the case of a public building to be used in whole or in part for postal purposes), and to acquire this site without regard to title III of the Federal Property and Administrative Services Act of 1949, as amended.

Section 6

Subsection (a) of section 6 gives the Administrator authority, whenever he deems it to be in the best interest of the United States to construct a new public building to replace an existing one, to demolish the existing public building and to use the site thereof as the site for the new public building, or to exchange the existing building and site, or just the site, for another site, or to sell the existing building and site in accordance with the Federal Property and Administrative Services Act of 1949, as amended. Whether in any given instance he will demolish, exchange, or sell depends on his judgment as to which is the most advantageous procedure for the United States.

Subsection (b) of this section permits the Administrator to exchange for another, or to sell, in accordance with the Federal Property and Administrative Services Act of 1949, as amended, any site which he has acquired for the construction of a public building but which he determines no longer suitable for that purpose.

Subsection (c) prohibits the Administrator from using any land as a site for a public building if the project has not received the approval required by section 7 of the bill, notwithstanding any other provision of this section 6.

Section 7

Section 7 generally prohibits an appropriation to construct, alter, or acquire any public building under this act if this work has not first been approved by the Committees on Public Works of the Senate and the House of Representatives, respectively.

Subsection (a) of this section provides that, except in the case of alterations costing less than \$200,000 as specified in section 4, in order to insure equitable distribution of public buildings throughout the United States with due regard for the comparative urgency of need for these buildings, no appropriation shall be made to alter any public building involving an expenditure of more than \$200,000, or to construct or acquire any building to be used as a public building involving an expenditure of more than \$100,000, if the construction, alteration, or acquisition has not first been approved by the Committees on Public Works of the Senate and House of Representatives, respectively, and if the approval has not been rescinded as provided in subsection (c) of the section. For the purpose of securing consideration of approval of the committees the Administrator is required to transmit to Congress a prospectus of the proposed project. This prospectus must include the following information (but is not limited to such information):

- (1) A brief description of the building to be constructed or acquired, or of the alterations, as the case may be;
- (2) The project's location, and an estimate of the maximum cost of the project;
- (3) A comprehensive plan for providing space for all Federal Government officers and employees in the locality of the proposed project, having due regard for other suitable space available in existing U.S. buildings and in rented buildings;
- (4) A statement by the Administrator that neither federally owned space is available nor rental space is available at a price commensurate with that to be afforded by the proposed action; and
- (5) A statement of rents and other housing costs being paid at that time by agencies to be housed in the proposed project.

Subsection (b) of section 7 permits the Administrator to proceed with an approved project without further approval from the congressional committees if the estimated maximum cost of the construction or alteration, as the case may be, is increased by reason of increased construction or alteration costs from the date of transmittal of the prospectus to the committees of Congress so long as the increase is not in excess of 10 percent of the estimated maximum cost.

Subsection (c) of this section provides that when a project has been approved by both the Committees on Public Works of the Senate and House of Representatives for more than 1 year and no appropriation has been made within this 1-year period, thereafter, but before an appropriation is actually made, either of the committees may rescind its approval.

Subsection (d) of this section prohibits the Committees on Public Works of the Senate and the House of Representatives from approving any new projects whenever there are 30 or more projects, the estimated maximum cost of each is in excess of \$100,000, which have been approved for more than 1 year and for which no appropriations have

been made until there has either been appropriations or rescissions of approval which result in the number of such approved projects dropping to less than 30.

Section 8

The eighth section of the bill is a restatement of the existing law with respect to public buildings and their sites in the District of Columbia.

Subsection (a) of this section sets out the area in the District of Columbia within which the Administrator may acquire real property for the purposes of this bill. It is the same area within which he is presently permitted to take land for these purposes, so that what this subsection does is to bring existing law together in one place.

Subsection (b) is also a reenactment of existing law and requires that in the District of Columbia the purposes of this act shall be carried out as nearly as may be practicable with the plan of Peter Charles L'Enfant.

Subsection (c) provides for the closing and vacating of streets where necessary in the course of constructing or altering a public building under this act. The Administrator of General Services, the Board of Commissioners of the District of Columbia, and the National Capital Planning Commission must all agree before a street can be closed. This section is also a reenactment of existing law on this subject.

Section 9

Section 9 authorizes the Administrator to carry out construction or alteration of public buildings by contract whenever he deems it to be most advantageous to the United States.

Section 10

Subsection (a) authorizes the Administrator to employ, by contract or otherwise, the services of established architectural or engineering corporations, firms, or individuals to the extent he requires their services to construct or alter a public building under this act. This employment is to be without regard to the Classification Act of 1949, as amended, or to the civil service laws, rules, and regulations or to section 3709 of the Revised Statutes. Persons employed under this section are intended to be considered for the purposes of the laws of the United States as independent contractors and not as employees of the United States.

Subsection (b) prohibits the employment of any corporation, firm, or individual on a permanent basis.

Subsection (c) reenacts what is substantially a provision of existing law. This subsection provides that notwithstanding any other provision of this section 10, the Administrator shall be responsible for all construction, the interpretation of construction contracts, the approval of materials and workmanship, of changes in construction contracts, certification of vouchers for payments due the contractor, and final settlement of the contract. This subsection is intended to insure that the Administrator shall not be able to contract away any of his basic responsibility, and it is not intended that the determination of the Administrator under this subsection be conclusive where the interpretation of a contract involves a question of law only.

Section 11

Subsection (a) requires the Administrator to submit to Congress an annual report in January of each year on the location, space, cost, and status of each public building to be constructed, altered, or acquired under this act, the construction or alteration of which was not completed, or which had not been acquired at the time of the last preceding report.

Subsection (b) provides that upon resolution of either of the Committees on Public Works of the Senate or of the House of Representatives the Administrator and the Postmaster General shall make building project surveys and make a report thereon to Congress. This report shall contain all the information required to be included in a prospectus submitted to Congress under section 7(a) as well as any other information which may be requested by the resolution or which the Administrator and Postmaster General deem appropriate.

Section 12

Subsection (a) provides that the Administrator shall make a continuing investigation survey of need for public buildings of the Federal Government in order that he carry out his duties under this act. The Administrator is authorized to submit prospectuses for public buildings to Congress in accordance with section 7(a) of this act.

Subsection (b) requires the Administrator and the various Federal agencies to cooperate with each other so that the purposes of the act will be achieved.

Subsection (c) provides that the Administrator shall provide for the construction and acquisition of public buildings throughout the United States with due regard to the comparative urgency of the need for each particular building.

Section 13

This section defines seven terms which are used throughout the bill in order to insure that they will have the same meaning throughout the bill. One of the most important of the defined terms is that of "public buildings." The definition of this term is substantially that which the Congress has established in the Public Buildings Act of 1926 and in the various acts which amend it and which supplement it. The definition is explicit in stating those buildings which are included within the scope of the bill, as well as those which are excluded. This is compatible with the Legislative Reorganization Act of 1946 and the Federal Property and Administrative Services Act of 1949.

Section 14

Section 14 exempts from the application of the bill certain small public buildings projects for which appropriations were made in the Independent Offices Appropriation Act, 1959, and certain lease-purchase projects which are already under construction and for which appropriations were also made in such act of 1959. In addition, it exempts public buildings for which appropriations for direct construction by an executive agency other than General Services Administration have been made prior to the date of enactment of this bill.

Section 15

This section provides that the Administrator of General Services shall, upon request, delegate the performance of the responsibilities

and authorities vested in him under this act to the appropriate executive agency where the estimated cost of the project does not exceed \$100,000, and such performance may be delegated to the appropriate executive agency where the Administrator determines that it will promote efficiency and economy. The section further provides that no delegation made under this section shall exempt either the person to whom the delegation is made, or the exercise of the delegated responsibility or authority, from any other provision of this act.

Section 16

Section 16 explicitly preserves the leasing authority of both General Services Administration and the Post Office Department and the authority for improvement of public buildings through the postal modernization fund.

Section 17

Section 17 repeals certain laws or parts thereof which have become obsolete over the years or would be made so by virtue of the enactment of this legislation, including the Public Buildings Act of 1926, as amended, and portions of the Public Buildings Act of 1949, as amended.

CHANGES IN EXISTING LAW

In compliance with clause 3 of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as introduced, are shown as follows (existing law proposed to be omitted is enclosed in black brackets, existing law in which no change is proposed is shown in roman):

NOTE.—For the information of the Members of the House, Part 3 of 1939 Reorganization Plan No. 1 (effective July 1, 1939), section 103 of the Act of June 30, 1949, and 1950 Reorganization Plan No. 18 (effective July 1, 1950) are included in the Appendix of this report. Such Plans and section 103 of such Act transferred certain functions from the Treasury Department to the Federal Works Agency, and, subsequently, transferred such functions from the Federal Works Agency to the Administrator of General Services.

Section 6 of the Act approved September 1, 1916 (39 Stat. 716; 40 U.S.C. 23)

SEC. 6. [That hereafter no part of any money appropriated by this or any other Act shall be used for the payment to the Washington Gas Light Company or the Georgetown Gas Light Company for any gas furnished by said companies for use in any of the public buildings of the United States or the District of Columbia at a rate in excess of 70 cents per one thousand cubic feet.] On and after the first day of October, nineteen hundred and sixteen, the Washington Gas Light Company shall not charge or collect for gas furnished a private consumer in any part of the District of Columbia a rate in excess of 75 cents per one thousand cubic feet of gas so furnished: *Provided*, That if a consumer of gas other than the Government or the District of Columbia shall not pay monthly any gas bill within ten days after the same shall have been presented, said gas company may charge and collect from any such consumer so failing to pay said gas bill as aforesaid 10 cents additional for each one thousand cubic feet of gas represented by said bill: *And provided further*, That nothing herein contained shall be construed as limiting or taking away any of the powers now vested by law in the Public Utilities Commission of the District of Columbia.

That from and after October first, nineteen hundred and sixteen, the Georgetown Gas Light Company shall not be permitted to charge or collect more than 85 cents per one thousand cubic feet for gas for cooking, illuminating, or other purposes.

First sentence of last paragraph under the side heading "Lighting and Heating for the Public Grounds" under the subheading "UNDER ENGINEER DEPARTMENT" under the heading "UNDER THE WAR DEPARTMENT" in the Act approved March 4, 1911 (36 Stat. 1404; 40 U.S.C. 24)

【Hereafter no greater sum shall be paid any company for lighting any gas or electric lamp in the public grounds, or for installing or moving the same, than is paid by the District of Columbia for similar services, and no contract shall be required to be entered into for lighting the public grounds.】 Any settlement for arc lighting under the existing contract with the Potomac Electric Power Company effected by the Commissioners of the District of Columbia shall apply to the contract with the same company for arc lights for the public grounds and highway bridge.

Proviso in sixth paragraph under the side heading "*In the Office of the Comptroller of the Currency*" under the heading "TREASURY DEPARTMENT" in the Act approved July 15, 1870 (16 Stat. 311; 40 U.S.C. 32)

TREASURY DEPARTMENT.

In the Office of the Comptroller of the Currency.—For one clerk of class four, one clerk of class three, two clerks of class two, and three clerks of class one, nine thousand eight hundred dollars.

For ventilating the attic rooms in the west wing of the Treasury Department building, twelve thousand dollars.

For ventilating the attic rooms in the east wing, thirteen thousand two hundred dollars.

For annual repairs of the treasury building, fifteen thousand dollars.

For file cases, shelving for vaults, permanent counters, desks, tables, and other necessary fixtures, and for renovation of walls and floors, for the proper arrangement and preservation of the records and files of the Treasury Department, twenty-three thousand eight hundred and twenty-five dollars and thirty-two cents.

For fitting, putting up, and casing old vaults, for casing, and shelving, and for book-cases for records in the offices of the Secretary of the Treasury, and others, fourteen thousand and thirty-five dollars【: *Provided*, That hereafter no alteration shall be made, or work done upon the treasury building, except for ordinary repairs, except upon authorization of and in accordance with specific appropriations therefor】.

Section 9 of the [Act approved March 4, 1907 (34 Stat. 1371; 40 U.S.C. 33)

【Sec. 9. No appropriation heretofore or hereafter made for the construction or equipment of any executive or municipal building in the District of Columbia shall be expended for the production of electricity for light or power, unless, in the judgment of the Secretary of the Treasury¹, such necessary electric current for light and power cannot be obtained at a less cost.】

¹ Functions transferred to the Administrator of General Services. See Note supra, and Appendix.

Fourth from last paragraph under the subheading "BUILDINGS AND GROUNDS IN AND AROUND WASHINGTON" under the heading "UNDER THE WAR DEPARTMENT" in the Act approved March 3, 1883 (22 Stat. 615; 40 U.S.C. 59)

For repair of water-pipes and fire-plugs: For repairing and extending water-pipes, purchase of apparatus to clean them, and cleaning the springs and repairing and renewing the pipes to the same that supply the Capitol, the Executive Mansion, and the building for the State, War, and Navy Departments, two thousand five hundred dollars; and all officers in charge of public buildings in the District of Columbia shall cause the flow of water in the buildings under their charge to be shut off from five o'clock post meridian to eight o'clock ante meridian: *Provided*, That the water in said public buildings is not necessarily in use for public business].

Section 2 of the Act approved June 23, 1874 (18 Stat. 276; 40 U.S.C. 254)

[**SEC. 2.** That in the selection of a site for any public building not yet commenced, reference shall be had to the interest and convenience of the public, as well as to the best interests of the Government; and the Secretary of the Treasury¹ shall have power, and it shall be his duty, to set aside any selection which in his opinion has not been made solely with reference thereto. No expenditure shall be made upon any building, a site for which has been selected, and work upon which has not been commenced, until such of the persons who acted as commissioners in selecting such site shall make and file with the Secretary of the Treasury¹ an oath or affirmation that he is not at the time of making the affidavit, and was not at the date of making the selection of such site, directly or indirectly interested in the property selected for the same, and a similar affidavit shall be made and filed by each and every person hereafter appointed as such commissioner, before any site shall be finally adopted. In either case a failure on the part of any commissioner to make and file such an affidavit shall render the selection void.]

Thirty-first and thirty-second paragraphs under the subheading "PUBLIC BUILDINGS" under the heading "UNDER THE TREASURY DEPARTMENT" in the Act approved March 2, 1889 (25 Stat. 941; 40 U.S.C. 260, 268)

[That hereafter no plan shall be approved by the Secretary of the Treasury¹ for any public building authorized by Congress to be erected, until after the site therefor shall have been finally selected; and he shall not authorize or approve of any plan for any such building which shall involve a greater expenditure in the completion of such building, including heating apparatus, elevators, and approaches thereto, than the amount that shall remain of the sum specified in the law authorizing the erection of such building excluding cost of site.

¹ Functions transferred to the Administrator of General Services. See Note supra, and Appendix.

[That hereafter commissions shall not be paid for disbursements on account of sites for public buildings; nor on account of construction of public buildings except for moneys actually handled and paid out by disbursing agents; and payments for sites for public buildings under the control of the Treasury Department shall be made by the Treasury Department, at Washington, District of Columbia, by drafts or checks payable to the grantors of such sites or their legal representatives.]

Fifth from last paragraph under the subheading "PUBLIC BUILDINGS" under the heading "UNDER THE TREASURY DEPARTMENT" in the Act approved March 4, 1909, as amended (35 Stat. 959; 45 Stat. 987; 40 U.S.C. 262)

[The Secretary of the Treasury¹ is authorized, until their removal becomes necessary, to rent any building or buildings not reserved by the vendors on lands heretofore or hereafter acquired for building sites or for the enlargement of building sites, the proceeds to be deposited in the Treasury.]

Fortieth paragraph under the subheading "PUBLIC BUILDINGS" under the heading "UNDER THE TREASURY DEPARTMENT" in the Act approved August 7, 1882 (22 Stat. 305; 40 U.S.C. 263)

To enable the Secretary of the Treasury¹ to purchase a site and cause to be commenced thereon the erection of a building for the uses of the government offices at the city of Rochester, New York, one hundred and fifty thousand dollars [: *Provided*, That no act passed authorizing the Secretary of the Treasury¹ to purchase a site and erect a public building thereon shall be held or construed to appropriate money unless the act in express language makes such appropriations].

Last paragraph of section 5 of the Act approved March 4, 1913 (37 Stat. 879; 40 U.S.C. 264)

United States post office at Newcastle, Wyoming, \$5,000 [: *Provided*, That hereafter no authorization shall be made for the construction of a building to be used exclusively for post office purposes at any town or city where the postal receipts have not reached the sum of \$10,000 annually, nor shall any authorization for the purchase of a site for post office purposes only be made at any town or city where the postal receipts have not reached the sum of \$6,000 annually].

Section 35 of the Act approved June 25, 1910, as Amended (36 Stat. 699; 52 Stat. 683; 40 U.S.C. 265)

[SEC. 35. The Secretary of the Treasury¹ may, in his discretion, upon the request of the head of any other executive department, independent establishment, or other Federal agency, cause the Pro-

¹ Functions transferred to the Administrator of General Services. See Note supra, and Appendix.

urement Division, Treasury Department,² to carry out the construction of any building or buildings for governmental purposes which any such executive department, establishment, or agency may be authorized to have constructed, including the preparation of plans, drawings, designs, specifications, and estimates, the acquisition of land necessary for sites, the execution of contracts, and supervision of construction: *Provided*, That funds appropriated to other executive departments, independent establishments, or other Federal agencies for the foregoing purposes shall be available for transfer to and expenditure by the Procurement Division, Treasury Department,¹ in whole or in part, either in reimbursement of the proper appropriations of the Procurement Division,³ for the cost of such work, or as advances to special accounts for the purpose of providing for the prosecution of said work.】

Section 3734 of the Revised Statutes of the United States, as Amended
(36 Stat. 699; 40 U.S.C. 267)

【Sec. 3734. And hereafter no money shall be paid nor contracts made for payment for any site for a public building in excess of the amount specifically appropriated therefor; and no money shall be expended upon any public building until after sketch plans showing the tentative design and arrangement of such building, together with outline description and detailed estimates of the cost thereof shall have been made by the Supervising Architect of the Treasury Department¹ (except when otherwise authorized by law) and said sketch plans and estimates shall have been approved by the Secretary of the Treasury¹ and the head of each executive department who will have officials located in such building; but such approval shall not prevent subsequent changes in the design, arrangement, materials, or methods of construction or cost which may be found necessary or advantageous: *Provided*, That no such changes shall be made involving an expense in excess of the limit of cost fixed or extended by Congress, and all appropriations made for the construction of such building shall be expended within the limit of cost so fixed or extended.】

Last paragraph under the subheading "PUBLIC BUILDINGS" under the heading "UNDER THE TREASURY DEPARTMENT" in the Act approved March 2, 1895 (28 Stat. 914; 40 U.S.C. 274)

【The Secretary of the Treasury¹ is hereby directed, if in his judgment such work should be performed, to pay for the wiring for electric lighting of all buildings in process of erection or hereafter to be erected under the control of the Treasury Department¹ from the construction funds of such buildings.】

¹ Functions transferred to the Administrator of General Services. See Note supra, and Appendix.

² Functions of Procurement Division, Treasury Department, ultimately vested in Administrator of General Services. See Note supra.

³ Should read "General Services Administration".

Paragraph with side heading "Furniture and repairs of furniture" under the subheading "PUBLIC BUILDINGS, OPERATING EXPENSES" under the heading "TREASURY DEPARTMENT" in the Act approved July 1, 1916 (39 Stat. 273; 40 U.S.C. 275, 282)

Furniture and repairs of furniture: For furniture, carpets, and repairs of same, for completed and occupied public buildings under the control of the Treasury Department,¹ exclusive of marine hospitals, quarantine stations, mints, branch mints, and assay offices, and for gas and electric lighting fixtures for completed and occupied public buildings under the control of the Treasury Department,¹ including marine hospitals and quarantine stations, but exclusive of mints, branch mints, and assay offices, and for furniture and carpets for public buildings and extensions of public buildings in course of construction which are to remain under the custody and control of the Treasury Department,¹ exclusive of marine hospitals, quarantine stations, mints, branch mints, and assay offices, and buildings constructed for other executive departments or establishments of the Government, \$775,000: *Provided*, That the foregoing appropriations shall not be used for personal services except for work done under contract or for temporary job labor under exigency, and not exceeding at one time the sum of \$100 at any one building [*And provided further*, That hereafter gas and electric lighting fixtures for the equipment of public buildings and extensions in course of construction under the control of the Treasury Department,¹ except such gas and electric lighting fixtures as are under contract or may be otherwise provided for by law, shall be paid for from the respective appropriations provided for the construction of such public buildings or extensions]: *And provided further*, That all furniture now owned by the United States in other public buildings or in buildings rented by the United States shall be used, so far as practicable, whether it corresponds with the present regulation plan for furniture or not [*And provided further*, That hereafter the annual appropriations for the care, maintenance, and repair of Federal buildings and their mechanical and vault and safe equipments, shall be available in the same manner and to the same extent for assay offices assigned quarters in Federal buildings under the authority contained in chapter five hundred and forty-six of the Act approved July first, eighteen hundred and ninety-eight (Thirtieth Statutes, page six hundred and fourteen), as such appropriations are available for other branches of the Government service quartered in such buildings].

Fourth from the last paragraph under the subheading "PUBLIC BUILDINGS" under the heading "UNDER THE TREASURY DEPARTMENT" in the Act approved June 6, 1900 (31 Stat. 591; 40 U.S.C. 276)

[Hereafter, the Secretary of the Treasury¹ is authorized, whenever in his judgment such work should be performed, to pay for the installation of engineering and electric-light plants in all buildings in process of erection, or hereafter to be erected, under the control of the Treasury Department¹, from the construction funds of such buildings.]

¹ Functions transferred to the Administrator of General Services. See Note supra, and Appendix.

Last paragraph under the subheading "PUBLIC BUILDINGS" under the heading "UNDER THE TREASURY DEPARTMENT" in the Act approved August 5, 1892 (27 Stat. 351; 40 U.S.C. 277)

For repairs and preservation of public buildings: Repairs and preservation of custom-houses, court-houses, post-offices, marine-hospitals, quarantine stations and other public buildings under control of Treasury Department,¹ two hundred and forty thousand dollars; of which amount the sum of thirty thousand dollars to be used for the marine hospitals and quarantine stations: *Provided*, That of the sum hereby appropriated, not exceeding ten thousand dollars may be used in the discretion of the Secretary of the Treasury¹ in the employment of superintendents and others at a rate of compensation not exceeding, for any one person, six dollars per day: nor shall there hereafter be paid more than six dollars per day to any person employed outside of the District of Columbia, in any capacity whatever, whose compensation is paid from appropriations for public buildings in course of construction, but the Secretary of the Treasury¹ may, in his discretion, authorize payment in cities of eighty thousand or more inhabitants of a sum not exceeding eight dollars per day for such purposes].

Eighth from the last paragraph under the subheading "PUBLIC BUILDINGS" under the heading "UNDER THE TREASURY DEPARTMENT" in the Act approved March 3, 1887 (24 Stat. 512; 40 U.S.C. 278)

That the Secretary of the Treasury¹ shall for the fiscal year eighteen hundred and eighty-seven, and for each fiscal year thereafter in the annual estimates, report to Congress the number of persons employed outside of the District of Columbia, as superintendents, clerks, watchmen and otherwise, and paid from appropriations for the construction of public buildings showing where said persons are employed, in what capacity, the length of time and at what rate of compensation, and hereafter where public buildings shall be completed with the exception of heating apparatus and approaches but one person shall be employed by the Government for the supervision and care of such building].

Titles I and III, and sections 401 and 406 of the Public Buildings Act of 1949 (63 Stat. 176; 40 U.S.C. 352, 353, 354, 297, 297a, 298, and 298c)

AN ACT To provide for comprehensive planning, for site acquisition in and outside of the District of Columbia, and for the design of Federal building projects outside of the District of Columbia; to authorize the transfer of jurisdiction over certain lands between certain departments and agencies of the United States; and to provide certain additional authority needed in connection with the construction, management, and operation of Federal public buildings; and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Public Buildings Act of 1949".

¹ Functions transferred to the Administrator of General Services. See Note supra, and Appendix.

**[TITLE I--COMPREHENSIVE PLANNING OF FEDERAL
PUBLIC BUILDINGS OUTSIDE OF THE DISTRICT OF
COLUMBIA**

[SEC. 101. The Federal Works Administrator¹ is authorized to acquire, by purchase, condemnation, donation, exchange, or otherwise, lands or interests in lands as sites or additions to sites for Federal public building projects previously authorized and for such new projects as may be selected in the manner designated in this section, to make investigations and studies and to prepare plans, sketches, working drawings, and specifications for such projects. Whenever the Federal Works Administrator¹ shall determine such action to be necessary, such investigations, studies, preparation of plans, sketches, working drawings, and specifications, may be undertaken prior to the approval of title to the sites by the Attorney General. When buildings to be used in whole or in part for post-office purposes are involved, the Federal Works Administrator¹ shall act jointly with the Postmaster General in the selection of towns or cities in which buildings are to be constructed, and in the choice of sites therein for such projects. The Federal Works Administrator¹ and the Postmaster General shall submit to the Congress a comprehensive report of all eligible projects and their limits of cost when in excess of \$200,000, without regard to the time in which they may be undertaken, which report shall be printed as a public document. When the estimated cost of a project does not exceed \$200,000 the limit of cost shall be determined by the Commissioner of Public Buildings.¹ Selection of projects for the purposes of this title shall be made by the Federal Works Administrator¹ and the Postmaster General from such report and they may also select such other projects not included in such report which in their judgment are economically sound and advantageous to the public service: *Provided*, That in making such selections they shall distribute the selected projects equitably throughout the country with due regard to the comparative urgency of projects in various sections of the country.

[SEC. 102. It is the intent of the Congress that the equitable distribution of selected projects required by section 101 of this title shall provide for the participation by each congressional district in the benefits that will accrue from the future construction of one or more of such selected projects. It is the further intent of the Congress that those congressional districts in which are located projects previously authorized and selected for construction (including those for which sites have been acquired), but which have been deferred, shall be entitled to such project or projects, or the equivalent thereof, in addition to the projects authorized and selected under this title.

[SEC. 103. For carrying out the purposes of this title, including administrative, supervisory, traveling, and other expenses in connection therewith, there is hereby authorized to be appropriated the sum of \$40,000,000 to remain available until expended.]

¹ Functions transferred to the Administrator of General Services. See Note supra, and Appendix.

TITLE II—ACQUISITION OF SITES AND TRANSFER OF
JURISDICTION OVER SITES BY VARIOUS AGENCIES
AND DEPARTMENTS OF THE GOVERNMENT

* * * * *
TITLE III—IMPROVEMENT OF EXISTING BUILDINGS

【SEC. 301. The Commissioner of Public Buildings¹ is authorized to formulate, undertake and prosecute a program for the renovation and improvement of federally owned buildings outside the District of Columbia for which funds are not otherwise available, including appurtenances and approaches thereto, that are under the control of the Public Buildings Administration¹ for repair and preservation: *Provided*, That where necessary or desirable in carrying out the program herein authorized, additional land may be acquired to accommodate equipment or special appliances and devices proposed to be installed or to provide working areas to accomplish the objectives sought in this title: *Provided further*, That no project, the estimated cost of which is less than \$25,000, shall be deemed to be eligible for the program authorized by this title.

【SEC. 302. For carrying out the purposes of this title, including administrative, supervisory, traveling, and other expenses in connection therewith, there is hereby authorized to be appropriated the sum of \$30,000,000 to remain available until expended.】

TITLE IV—MISCELLANEOUS AND GENERAL PROVISIONS

【SEC. 401. (a) In addition to the authority conferred upon him by any other law the Commissioner of Public Buildings,¹ whenever he deems it desirable or advantageous, is authorized to employ, by contract or otherwise and without regard to the Classification Act of 1949, as amended, or to the civil-service laws, rules, and regulations or to section 3709 of the Revised Statutes, the services of established architectural or other professional or technical corporations, firms, or individuals, to such extent as he may require for any public building project which the Public Buildings Administration¹ is authorized by Congress to construct, or for any such project, funds for which are transferred by another agency to the Public Buildings Administration¹ for construction of the project, regardless of specific legislation governing such other agency: *Provided*, That this authorization shall not apply to the employment of such corporations, firms, or individuals on a permanent basis, but their services shall be limited to the individual project for which employed: *Provided further*, That nothing contained in this section shall relieve the Commissioner of Public Buildings¹ or any other duly authorized contracting officer of the Public Buildings Administration¹ who shall execute a construction contract from the responsibility of interpreting such contract, of passing on the acceptability of materials and workmanship supplied pursuant to

¹ Functions transferred to the Administrator of General Services. See Note supra, and Appendix.

such contract, of approving changes in such contract during the construction period, of certifying vouchers for payments becoming due the contractor, or of effecting final settlement of the contract.

[(b) The Commissioner of Public Buildings¹ is hereby authorized, whenever he deems it to be in the public interest, to hold a competition for the design of any project, to stipulate the terms, scope, and the conditions of each such competition and to make awards in pursuance thereof.]

* * * * *
[SEC. 406. The Commissioner of Public Buildings¹ is authorized to contract for seeding, planting, or landscaping the grounds of any public building constructed or acquired by the Public Buildings Administration¹ in an amount not exceeding \$1,800, without reference to section 3709 of the Revised Statutes.]

Act approved May 25, 1926, as amended (44 Stat. 630; 40 U.S.C. 341 and the following)

AN ACT To provide for the construction of certain public buildings, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, [That, to enable the Secretary of the Treasury¹ to provide suitable accommodations in the District of Columbia for the executive departments, and independent establishments of the Government not under any executive department, and for courthouses, postoffices, immigration stations, customhouses, marine hospitals, quarantine stations, and other public buildings of the classes under the control of the Treasury Department¹ in the States, Territories, and possessions of the United States, he is hereby authorized and directed to acquire, by purchase, condemnation, or otherwise, such sites and additions to sites as he may deem necessary, and to cause to be constructed thereon, and upon lands belonging to the Government conveniently located and available for the purpose (but exclusive of military or naval reservations), adequate and suitable buildings for any of the foregoing purposes, giving preference, where he considers conditions justify such action, to cases where sites for public buildings have heretofore been acquired or authorized to be acquired, and to enlarge, remodel, and extend existing public buildings under the control of the Treasury Department,¹ and to purchase buildings, if found to be adequate, adaptable, and suitable for the purposes of this Act, together with the sites thereof, and to remodel, enlarge, or extend such buildings and provide proper approaches and other necessary improvements to the sites thereof. When a building is about to be constructed on a site heretofore acquired and such site is found by the Secretary of the Treasury¹ to be unsuitable for its intended purpose, he is hereby further authorized and empowered to acquire a new site in lieu thereof by purchase, condemnation, exchange, or otherwise, and except in case of exchange to dispose of the present site by public sale and to execute the necessary quitclaim deed of conveyance: *Provided, however,* That the Secretary of the Treasury¹ is also authorized to acquire a site for a building for the Supreme

¹ Functions transferred to the Administrator of General Services. See Note supra, and Appendix.

COURT OF THE UNITED STATES ACT OF 1904

Court of the United States: *Provided further*, That aside from land that may be acquired for a site for a building for the Supreme Court of the United States, and for enlarging the site of the Government Printing Office, or erecting a storage warehouse or warehouses, the sum of \$50,000,000, hereinafter authorized for projects in the District of Columbia, shall be used exclusively for the purpose of acquiring by purchase, condemnation, or otherwise, south of Pennsylvania Avenue and west of Maryland Avenue, projected in a straight line to Twining Lake, such sites or additions to sites as the Secretary of the Treasury¹ may deem necessary to provide such suitable office accommodations in the District of Columbia as are hereinbefore mentioned, of constructing adequate and suitable buildings for the furnishing of such office accommodations on said sites or additions to sites, or on sites already owned by the Government south of Pennsylvania Avenue and west of Maryland Avenue, as above mentioned, and of providing suitable approaches to said buildings, and beautifying and embellishing their surroundings as nearly in harmony with the plan of Peter Charles L'Enfant as may be practicable. Said buildings shall be so constructed as to combine high standards of architectural beauty and practical utility: *Provided*, That in carrying into effect the provisions of this Act, in so far as relates to buildings to be used in whole or in part for post-office purposes, the Secretary of the Treasury,¹ under regulations to be prescribed by him, shall act jointly with the Postmaster General in the selection of towns or cities in which buildings are to be constructed and the selection of sites therein: *Provided further*, That all sketches, plans, and estimates for buildings shall be approved by the Secretary of the Treasury¹ and the heads of the executive departments which are to be located in such building.

¶The Secretary of the Treasury¹ is authorized to carry on the construction work herein authorized by contract, or otherwise, as he deems most advantageous to the United States.

¶In all cases where the construction of buildings in the District of Columbia, under the provisions of this Act, requires the utilization, in the opinion of the Secretary of the Treasury,¹ of contiguous squares as sites thereof, authority is hereby given for closing and vacating such portions of streets as lie between such squares and such alleys as intersect such squares, and the portions of such streets and alleys so closed and vacated shall thereupon become parts of such sites.

¶SEC. 2. (a) The work of preparing designs and other drawings, estimates, specifications, and awarding of contracts, as well as the supervision of the work authorized under the provisions of this Act, shall be performed by the Office of the Supervising Architect, Treasury Department,¹ under the direction of the Secretary of the Treasury,¹ except as otherwise provided in this Act.

¶(b) When deemed by him advantageous the Secretary of the Treasury¹ is authorized, in special cases, (1) to procure by contract the floor plans and designs of buildings developed sufficiently to serve as guides for the preparation of working drawings and specifications, or to employ advisory assistance involving design or engineering features, and (2) to employ, to the extent deemed necessary by him in connection with the construction of buildings for the Departments of Commerce and Labor, the architects who were successful in competition heretofore held for a building for the then Department of Com-

¹ Functions transferred to the Administrator of General Services. See Note supra, and Appendix.

merce and Labor, and to pay reasonable compensation for such services.

[(c) The Secretary of the Treasury¹ is authorized to employ such additional technical, scientific, and clerical assistance in or under the Office of the Supervising Architect,¹ both in the District of Columbia and in the field, as he deems necessary, and to fix such rates of compensation therefor as he deems proper, not, however, in excess of the maximum rates paid for the same or similar service in other departments, such employment to be made in accordance with the civil service laws, rules, and regulations, and to submit to Congress through customary channels, estimates for appropriations for compensation for such personal services, and for travel, subsistence, and other expenses involved in making any investigation or survey of building conditions or in the examination of sites which he may find to be necessary.]

SEC. 3. The Secretary of the Treasury¹ is hereby authorized to carry into effect the provisions of existing law authorizing the acquisition of land for sites or enlargements thereof, and the erection, enlargement, extension, and remodeling of public buildings thereon in the following cities: Juneau, Alaska; Globe, Arizona; Prescott, Arkansas; Red Bluff and San Pedro, California; Durango, Colorado; Branford and Putnam, Connecticut; Marianna, Florida; West Point, Georgia; Coeur d'Alene and Sandpoint, Idaho; Batavia, Metropolis, Mount Carmel, and Paxton, Illinois; Des Moines, Iowa; Shelbyville, Kentucky; Caribou and Fort Fairfield, Maine; Leominster, Malden, Newburyport, Southbridge, Waltham, and Winchester, Massachusetts; Wyandotte, Michigan; Montevideo, Minnesota; Central City, Nebraska; Fallon and Goldfield, Nevada; Bayonne, East Orange, Millville, and Montclair, New Jersey; East Las Vegas, New Mexico; Fort Plain, Long Island City, Syracuse, and Yonkers, New York; Wilson, North Carolina; Jamestown, North Dakota; Akron, Fremont, and Wilmington, Ohio; Donora, Lewistown, McKees Rocks, Olyphant, Sayre, Tamaqua, Tarentum, and Waynesburg, Pennsylvania; Lancaster, South Carolina; Chamberlain, South Dakota; Athens, Tennessee; Seattle, Washington; Williamson, West Virginia; Madison and Tomah, Wisconsin; Buffalo and Cody, Wyoming; Saint Louis, Missouri; Newark, New Jersey; Utica, New York; Missoula, Montana; additional buildings for the marine hospital at Chicago, Illinois; medical officers' quarters at the marine hospital at Savannah, Georgia; construction of marine hospital facilities at Detroit, Michigan. The Secretary of the Treasury¹ is hereby authorized to disregard the limit of cost fixed by Congress for each of said projects, to purchase additional land for enlargement of sites, and for such purposes to expend in addition to the amounts heretofore appropriated such additional sums of money for each of said projects as he shall deem advisable, not exceeding in the aggregate \$15,000,000: *Provided*, That in constructing the buildings embraced herein the Secretary of the Treasury¹ is authorized, in his discretion, to provide space in such buildings for other activities or branches of the public service not specifically enumerated in the Act or Acts authorizing the acquisition of the sites, or the construction of the buildings, or both: *Provided further*, That in carrying into effect the provisions of this section, the Secretary of the

¹ Functions transferred to the Administrator of General Services. See Note supra, and Appendix.

Treasury¹ is authorized and empowered to enter into contracts for all or so many of said buildings as may be possible within the total additional limit of \$15,000,000 hereinbefore authorized.

[SEC. 4. The Secretary of the Treasury¹ shall submit annually and from time to time as may be required estimates to the Bureau of the Budget, in accordance with the provisions of the Budget and Accounting Act, 1921, showing in complete detail the various amounts it is proposed to expend under the authority of this Act during the fiscal year for which said estimates are submitted, which shall include a statement of the location of the buildings proposed to be erected, together with a limit of cost for the same: *Provided*, That in submitting such estimates the Secretary of the Treasury¹ shall allocate the amounts proposed to be expended to the different States where buildings are found by him to be necessary, in such a manner as to distribute the same fairly on the basis of area, population, and postal receipts: *Provided further*, That unless specifically provided for in the Act making appropriations for public buildings, which provision is hereby authorized, no contract for the construction, enlarging, remodeling, or extension of any building or for the purchase of land authorized by this Act shall be entered into until monies in the Treasury shall be made available for the payment of all obligations arising out of such contract, and unless the said Act making appropriations for public buildings shall otherwise specifically provide, as hereinafter authorized, appropriations shall be made, and expended by the Secretary of the Treasury,¹ in accordance with the estimates submitted by the Bureau of the Budget: *Provided further*, That the Act making said appropriations may provide for any other buildings contained in the annual report of the Secretary of the Treasury¹ hereinafter provided for: *Provided further*, That the Secretary of the Treasury¹ shall also, in addition to submitting estimates to the Bureau of the Budget as herein provided, make an annual report to Congress containing a statement of the location of all public buildings which he and the Postmaster General (where his department is involved) deem necessary to be constructed under the provisions of this Act together with a limit of cost for the same; *Provided further*, That the foregoing provisions shall not apply to buildings or their modification heretofore provided for by Act of Congress: *Provided further*, That at least two buildings shall be estimated for during the period covered by this Act in each State for post offices with receipts of more than \$10,000 during the last preceding year, for which post offices no public buildings have been provided.

[SEC. 5. For the purpose of carrying out the provisions of this Act the sum of \$150,000,000, in addition to the amount authorized in section 3 hereof, is hereby authorized to be appropriated, but under this authorization, and from appropriations (exclusive of appropriations made for "remodeling and enlarging public buildings"), heretofore made for the acquisition of sites for, or the construction, enlarging, remodeling, or extension of, public buildings under the control of the Treasury Department¹, not more than \$25,000,000, in the aggregate shall be expended annually: *Provided*, That such amount as is necessary, not to exceed \$50,000,000 of the total amount authorized to be expended under the provisions of this Act shall be available for projects in the District of Columbia, and not more

¹ Functions transferred to the Administrator of General Services. See Note supra, and Appendix.

than \$10,000,000 thereof shall be expended annually: *Provided*, That at least one-third of the expenditures outside of the District of Columbia during the fiscal year 1927 shall be for the buildings heretofore authorized and at least one-third of the expenditures for the fiscal year 1928, and at least one-third of the expenditures for the fiscal year 1929, shall be for a like purpose unless a less amount shall be necessary to complete all of such buildings: *Provided further*, That expenditures outside the District of Columbia under the provisions of this section shall not exceed the sum of \$5,000,000 annually in any one of the States, Territories, or possessions of the United States.

[In each of the cities in which a site is to be acquired under the provisions of this Act, the Secretary of the Treasury¹ shall solicit proposals by public advertisement. Such advertisement shall be published for a period of twenty days in one of the newspapers in said city having the largest circulation, for the sale of lands suitable for the purpose. The Secretary of the Treasury¹ shall cause the sites offered, and such others as may be found to be suitable or desirable for the purpose, to be examined in person by an agent employed or detailed for the purpose, who shall make written report to said Secretary¹ of the results of said examination and of his recommendation thereon and the reasons therefor, which shall be accompanied by the original proposals and all maps, plats, and statements which shall have come into his possession relating to the said proposed sites.

[That, so far as practicable, all buildings constructed, enlarged, or extended under the provisions of this Act shall be unexposed to danger of fire from adjacent buildings by an open space of at least forty feet on each side, including streets and alleys: *Provided*, That the Secretary of the Treasury¹ may, in his discretion, acquire sites on which an open space of the extent hereinbefore specified can not be reserved, and he is likewise authorized, whenever in his judgment such action is necessary and warranted, to reduce the open space about any Federal building heretofore constructed and under the custody and control of said department.

[In carrying into effect the provisions of this Act, if the Secretary of the Treasury¹ deems it to be to the best interests of the Government to construct Federal buildings to take the place of existing Federal buildings, he is hereby authorized to cause the present buildings to be demolished, in order that the sites may be utilized in whole or in part for such buildings, or where in his judgment it is more advantageous to construct a Federal building on a different site in the same city, to sell any such building or buildings and the site or sites thereof, at such time and on such terms as he deems proper, and to convey the same to the respective purchasers thereof by the usual quitclaim deed, and to deposit the proceeds of the sales thereof in the Treasury as miscellaneous receipts.

[SEC. 6. The provisions of section 10 of the Legislative, Executive, and Judicial Appropriation Act for the fiscal year ended June 30, 1920, approved March 1, 1919, relating to the assignment of space in public buildings in the District of Columbia, shall apply to all buildings constructed, extended, or enlarged under the provisions of this Act in the District of Columbia, and no land for sites or enlargement of sites therefor shall be acquired or land belonging to the

¹ Functions transferred to the Administrator of General Services. See Note supra, and Appendix.

United States be taken for sites or enlargement of sites therefor, without prior approval of the commission created by said Act of March 1, 1919; no contract shall be let for any building or the enlargement or extension of any building in the District of Columbia, under the provisions of this Act without the approval of said commission as to the assignment and general arrangement of space therein; and said commission shall determine the order in which buildings or enlargement of buildings in the District of Columbia, under the provisions of this Act shall be constructed.

[SEC. 7. That the Secretary of the Treasury¹ is hereby further authorized and empowered to cause such survey and investigations of public building conditions to be made, and such data obtained as he deems necessary properly to carry into effect the provisions of this Act.]

SEC. 8. That in the event local interests in the city of New Orleans, Louisiana, shall offer to advance funds for the acquisition of a site for a quarantine station in or near said city, the Secretary of the Treasury¹ may, in his discretion, receive such funds and expend the same in the immediate acquisition of such site, and the Secretary of the Treasury¹ is hereby authorized and directed to repay without interest, from appropriations available for the acquisition of such site, the amounts so advanced or expended.

Next to last paragraph under the subheading "MISCELLANEOUS PUBLIC BUILDING PROJECTS" under the heading "TREASURY DEPARTMENT" in the Act approved December 22, 1927 (45 Stat. 32; 40 U.S.C. 342a)

Outside professional services: For an additional amount required for outside professional services, including the same objects of expenditure specified under this head in the Act making appropriations for the Treasury Department¹ for the fiscal year 1928, \$350,000 [Provided, That in all cases where contracts have heretofore been entered into or may hereafter be entered into under the provisions of section 2 of the Public Buildings Act approved May 25, 1926, for outside professional services, wherein the period of performance extends beyond the fiscal year in which such contract or contracts were entered into, payments thereunder shall be made from the appropriation "Outside professional services, public buildings," available at the time payment is due for the particular services rendered].

Section 3 of the Act approved January 13, 1928
(45 Stat. 52; 40 U.S.C. 348)

[SEC. 3. The buildings constructed under said Act approved May 25, 1926, when completed and ready for occupancy shall be turned over to the Office of Public Buildings and Public Parks¹ for care, maintenance, and protection, including the furnishing of heat, gas, and electricity therein, together with all machinery, tools, equipments, and supplies to be used in connection therewith.]

¹ Functions transferred to the Administrator of General Services. See Note supra, and Appendix.

Subsections (c) and (e) of the Act approved March 31, 1930, as amended (46 Stat. 137; 63 Stat. 972; 40 U.S.C. 349, 350a)

[(c) When deemed by him desirable or advantageous, the Secretary of the Treasury¹ is authorized to employ, by contract or otherwise, outside professional or technical services of persons, firms, or corporations, to such extent as he may require, without reference to the Classification Act of 1949 as amended, or to section 3709 of the Revised Statutes of the United States.]

* * * * *

[(e) That the provisions of the Act of May 25, 1926 (Forty-fourth Statutes, page 630), and all amendments thereto, shall apply to the Territories in the same manner and to the same extent that they apply to the several States.]

Act approved June 27, 1930 (46 Stat. 823; 40 U.S.C. 350)

[AN ACT To authorize the Secretary of the Treasury¹ to accept donations of sites for public buildings.

[Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury¹ may, in his discretion, accept on behalf of the United States the donation of sites for public buildings, in cases when allocation of funds have been or may hereafter be reported to Congress under the provisions of the Public Buildings Act, approved May 25, 1926, and Acts amendatory thereof, notwithstanding that specific authorization for the acquisition of sites in such cases may not yet have been made by Congress.]

¹ Functions transferred to the Administrator of General Services. See Note supra, and Appendix.

APPENDIX

Part 3 of 1939 Reorganization Plan No. I (effective July 1, 1939)

PART 3.—FEDERAL WORKS AGENCY

SECTION 301. *Federal Works Agency.*—(a) The Bureau of Public Roads in the Department of Agriculture and its functions and personnel (including the Chief thereof) are transferred from the Department of Agriculture; the Public Buildings Branch of the Procurement Division in the Treasury Department and its functions and personnel are transferred from the Treasury Department; the Branch of Buildings Management of the National Park Service in the Department of the Interior and its functions and personnel (except those relating to monuments and memorials), and the functions of the National Park Service in the District of Columbia in connection with the general assignment of space, the selection of sites for public buildings, and the determination of the priority in which the construction or enlargement of public buildings shall be undertaken, and the personnel engaged exclusively in the administration of such functions, and the United States Housing Authority in the Department of the Interior and its functions and personnel (including the Administrator) are transferred from the Department of the Interior; and all of these agencies and functions, together with the Federal Emergency Administration of Public Works and its functions, and all of the Works Progress Administration and its functions (except the National Youth Administration and its functions) are hereby consolidated into one agency to be known as the Federal Works Agency, with a Federal Works Administrator at the head thereof. The Federal Works Administrator shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive a salary at the rate of \$12,000 per annum. He shall have general direction and supervision over the administration of the several agencies consolidated into the Federal Works Agency by this section and shall be responsible for the coordination of their functions.

(b) The Federal Works Administrator shall appoint an Assistant Federal Works Administrator, who shall receive a salary at the rate of \$9,000 per annum, and he may also appoint such other personnel and make such expenditures as may be necessary.

(c) The Assistant Administrator shall act as Administrator during the absence or disability of the Administrator, or in the event of a vacancy in that office, and shall perform such other duties as the Administrator shall direct.

(d) The several agencies and functions consolidated by this section in the Federal Works Agency shall carry with them their personnel.

SECTION 302. *Public Roads Administration.*—(a) The Bureau of Public Roads and its functions shall be administered as the Public Roads Administration at the head of which shall be the Chief of the Bureau of Public Roads whose title shall be changed to Commissioner of Public Roads. Hereafter the Commissioner of Public Roads shall be appointed by the Federal Works Administrator.

(b) All functions of the Secretary of Agriculture relating to the administration of the Bureau of Public Roads are hereby transferred to, and shall be exercised by, the Federal Works Administrator.

SECTION 303. *Public Buildings Administration.*—(a) The Public Buildings Branch of the Procurement Division and its functions, the Branch of Buildings Management of the National Park Service and its functions (except those relating to monuments and memorials) and the functions of the National Park Service in the District of Columbia in connection with the general assignment of space, the selection of sites for public buildings, and the determination of the priority in which the construction or enlargement of public buildings shall be undertaken, are hereby consolidated and shall be administered as the Public Buildings Administration, with a Commissioner of Public Buildings at the head thereof. The Commissioner of Public Buildings shall be appointed by the Federal Works Administrator and shall receive a salary at the rate of \$9,000 per annum. The Commissioner of Public Buildings shall act under the direction and supervision of the Federal Works Administrator.

(b) All functions of the Secretary of the Treasury and the Director of Procurement relating to the administration of the Public Buildings Branch of the Procurement Division and to the selection of location and sites for public buildings, and all functions of the Secretary of the Interior and the Director of the National Park Service relating to the administration of the functions of the Branch of Buildings Management and the functions of the National Park Service in the District of Columbia in connection with the general assignment of space, the selection of sites for public buildings, and the determination of the priority in which the construction or enlargement of public buildings shall be undertaken, are hereby transferred to, and shall be exercised by, the Federal Works Administrator.

SECTION 304. *United States Housing Authority.*—(a) The United States Housing Authority and its functions shall be administered by the United States Housing Administrator under the direction and supervision of the Federal Works Administrator.

(b) All functions of the Secretary of the Interior relating to the administration of the United States Housing Authority are hereby transferred to, and shall be exercised by, the Federal Works Administrator.

SECTION 305. *Public Works Administration.*—The Federal Emergency Administration of Public Works and its functions shall be administered as the Public Works Administration with a Commissioner of Public Works at the head thereof. The Commissioner of Public Works shall be appointed by the Federal Works Administrator and shall receive a salary at the rate of \$10,000 per annum. The Commissioner of Public Works shall act under the direction and supervision of the Federal Works Administrator.

SECTION 306. *Work Projects Administration.*—The Works Progress Administration and its functions (except the National Youth Administration and its functions) shall be administered as the Work Projects Administration, with a Commissioner of Work Projects at the head thereof. The Commissioner shall be appointed by the Federal Works Administrator and shall receive a salary at the rate of \$10,000 per annum. The Commissioner shall act under the direction and supervision of the Federal Works Administrator.

SECTION 307. *Transfer of Records and Property.*—All records and property (including office equipment) of the several agencies which, with their functions, are consolidated by section 301 into the Federal Works Agency are hereby transferred to the jurisdiction and control of the Federal Works Agency for use in the administration of the agencies and functions consolidated by that section.

SECTION 308. *Transfer of Funds.*—(a) So much of the unexpended balances of appropriations, allocations, or other funds available (including those available for the fiscal year ending June 30, 1940) for the use of any agency (except the United States Housing Authority) in the exercise of any functions transferred by this Part, or for the use of the head of any department or agency in the exercise of any functions so transferred, and so much of such balances available to the United States Housing Authority for administrative expenses, as the Director of the Bureau of the Budget shall determine, shall be transferred for use in connection with the exercise of the functions transferred by this Part. In determining the amount to be transferred the Director of the Bureau of the Budget may include an amount to provide for the liquidation of obligations incurred against such appropriations, allocations, or other funds prior to the transfer: *Provided*, That the use of the unexpended balances of appropriations, allocations, or other funds transferred by this section shall be subject to the provisions of section 4(d)(3) and section 9 of the Reorganization Act of 1939.

(b) All unexpended balances of appropriations, allocations, or other funds available (including those available for the fiscal year ending June 30, 1940) for the use of the United States Housing Authority, other than those transferred by subsection (a) of this section, are hereby transferred with the United States Housing Authority and shall remain available to it for the exercise of its functions.

SECTION 309. *Administrative Funds.*—The Director of the Bureau of the Budget shall allocate to the Federal Works Agency, from appropriations, allocations, or other funds available (including those available for the fiscal year ending June 30, 1940) for the administrative expenses of the agencies and functions consolidated by section 301, such sums, and in such proportions, as he may find necessary for the administrative expenses of the Federal Works Agency.

SECTION 310. *Personnel.*—Any of the personnel transferred by this Part found to be in excess of the personnel necessary for the efficient administration of the functions transferred by this Part shall be re-transferred under existing law to other positions in the Government service, or separated from the service subject to the provisions of section 10(a) of the Reorganization Act of 1939.

Section 103 of the Act of June 30, 1949

TRANSFER OF AFFAIRS OF THE FEDERAL WORKS AGENCY

SEC. 103. (a) All functions of the Federal Works Agency and of all agencies thereof, together with all functions of the Federal Works Administrator, of the Commissioner of Public Buildings, and of the Commissioner of Public Roads, are hereby transferred to the Administrator of General Services. There are hereby transferred to the General Services Administration the Public Roads Administration, which shall hereafter be known as the Bureau of Public Roads, and all records, property, personnel, obligations, and commitments of the Federal Works Agency, including those of all agencies of the Federal Works Agency.

(b) There are hereby abolished the Federal Works Agency, the Public Buildings Administration, the office of Federal Works Administrator, the office of Commissioner of Public Buildings, and the office of Assistant Federal Works Administrator.

1950 Reorganization Plan No. 18 (effective July 1, 1950)

Prepared by the President and transmitted to the Senate and the House of Representatives in Congress assembled, March 13, 1950, pursuant to the provisions of the Reorganization Act of 1949, approved June 20, 1949.

BUILDING AND SPACE MANAGEMENT FUNCTIONS

SECTION 1. *Transfer of space assignment and leasing functions.*—All functions with respect to acquiring space in buildings by lease, and all functions with respect to assigning and reassigning space in buildings for use by agencies (including both space acquired by lease and space in Government-owned buildings), are hereby transferred from the respective agencies in which such functions are now vested to the Administrator of General Services, exclusive, however, of all such functions with respect to

- (a) space in buildings located in any foreign country;
- (b) space in buildings which are located on the grounds of any fort, camp, post, arsenal, Navy yard, naval training station, air field, proving ground, military supply depot, or school, or of any similar facility, of the Department of Defense, unless and to such extent as a permit for its use shall have been issued by the Secretary of Defense or his duly authorized representative;
- (c) space occupied by the Post Office Department in post office buildings and space acquired by lease for post office purposes; and
- (d) space in other Government-owned buildings which the Administrator of General Services finds are wholly or predominantly utilized for the special purposes of the agency having the custody thereof and are not generally suitable for the use of other agencies (including but not limited to hospitals, housing,

laboratories, mints, manufacturing plants, and penal institutions), and space acquired by lease for any such purpose: *Provided*, That the space needs of the Post Office Department shall be given priority in the assignment and reassignment of space in post office buildings.

SEC. 2. *Transfer of office building management functions.*—All functions with respect to the operation, maintenance, and custody of office buildings owned by the Government and of office buildings or parts thereof acquired by lease, including those post office buildings which, as determined by the Director of the Bureau of the Budget, are not used predominantly for post office purposes, are hereby transferred from the respective agencies in which now vested to the Administrator of General Services, exclusive, however, of all such functions with respect to

- (a) any building located in any foreign country;
- (b) any building located on the grounds of any fort, camp, post, arsenal, Navy yard, naval training station, air field, proving ground, military supply depot, or school, or of any similar facility, of the Department of Defense, unless and to such extent as a permit for its use by another agency or agencies shall have been issued by the Secretary of Defense or his duly authorized representative;
- (c) any building which the Administrator of General Services finds to be a part of a group of buildings which are (1) located in the same vicinity, (2) are utilized wholly or predominantly for the special purposes of the agency having custody thereof, and (3) are not generally suitable for the use of other agencies; and
- (d) The Treasury Building, the Bureau of Engraving and Printing Building, the buildings occupied by the National Bureau of Standards, and the buildings under the jurisdiction of the Regents of the Smithsonian Institution.

SEC. 3. *Performance of transferred functions.*—(a) The Administrator of General Services may from time to time make such provisions as he shall deem appropriate authorizing the performance by any other officer, or by any agency or employee, of the General Services Administration of any function transferred to such Administrator by the provisions of this reorganization plan.

(b) When authorized by the Administrator of General Services, any function transferred to him by the provisions of this reorganization plan may be performed by the head of any agency of the Executive Branch of the Government or, subject to the direction and control of any such agency head, by such officers, employees, and organizational units under the jurisdiction of such agency head as such agency head may designate: *Provided*, That functions with respect to post office buildings shall not be delegated under the authority of this subsection to the head of any agency other than the Postmaster General.

(c) The Administrator of General Services shall prescribe such regulations as he deems desirable for the economical and effective performance of the functions transferred by the provisions of this reorganization plan.

SEC. 4. *Transfer of personnel, property, records, and funds.*—There shall be transferred from time to time, between the agencies concerned and for use in connection with the functions transferred by the provisions of this reorganization plan, so much of the personnel, property, records, and unexpended balances (available or to be made available) of appropriations, allocations, and other funds, relating to such functions, as may be necessary for the performance of said functions. Such further measures and dispositions as the Director of the Bureau of the Budget shall determine to be necessary in order to effectuate the transfers provided for in this section shall be carried out in such manner as the Director shall direct and by such agencies as he shall designate.

SEC. 5. *Effective date.*—The provisions of this reorganization plan shall take effect on the first day of July, 1950.

